

Perry Manor Farm, Perry Hill, Edgcott, Aylesbury HP18 0TS

Application under Schedule 2, Part 3, Class R of the Town and Country Planning, General (Permitted Development) Order 2015 as amended, for a change of use of a building and any land within its curtilage from a use as an agricultural building to a flexible use falling within Class A1 (shops), Class A2 (financial and professional services), Class A3 (restaurants and cafes), Class B1 (business), Class B8 (storage or distribution), Class C1 (hotels) or Class D2 (assembly and leisure) of the Schedule to the Use Classes Order at Top Farm West End Road, Kempston, Bedford MK43 8RU.

CONTENTS

SECTION 1 Introduction

SECTION 2 The Application Site and its Location

SECTION 3 Relevant Planning History

SECTION 4 The Planning Application

SECTION 5 Planning Considerations

SECTION 6 Conclusions

Introduction

- 1.1 This Planning Statement is prepared on behalf of Mr John Howlett for an application for Prior Approval for a proposed development under Schedule 2, Part 3, Class R of the Town and Country Planning, General (Permitted Development) Order 2015 as amended, consisting of a change of use of a building and any land within its curtilage from a use as an agricultural building to a flexible use falling within Class A1 (shops), Class A2 (financial and professional services), Class A3 (restaurants and cafes), Class B1 (business), Class B8 (storage or distribution), Class C1 (hotels) or Class D2 (assembly and leisure) of the Schedule to the Use Classes Order at Perry Manor Farm, Perry Hill, Edgcott, Aylesbury HP18 0TS.
- 1.2 The application package comprises the following:
 - Application Form
 - Location & Site Plan -Drawing Number 49924 – 01A
 - Existing Site Plan -Drawing Number 49924-02A
 - Existing Elevations -Drawing Number 49924 – 03
 - Planning Statement

2.0 The site and its location

2.1 Perry Manor Farm is located to the west side of Perry Hill and to the north of Edgcott and comprises a farmhouse, industrial units, agricultural buildings and the associated agricultural land. The application site is part of a vast farm accessed directly from Perry Hill.

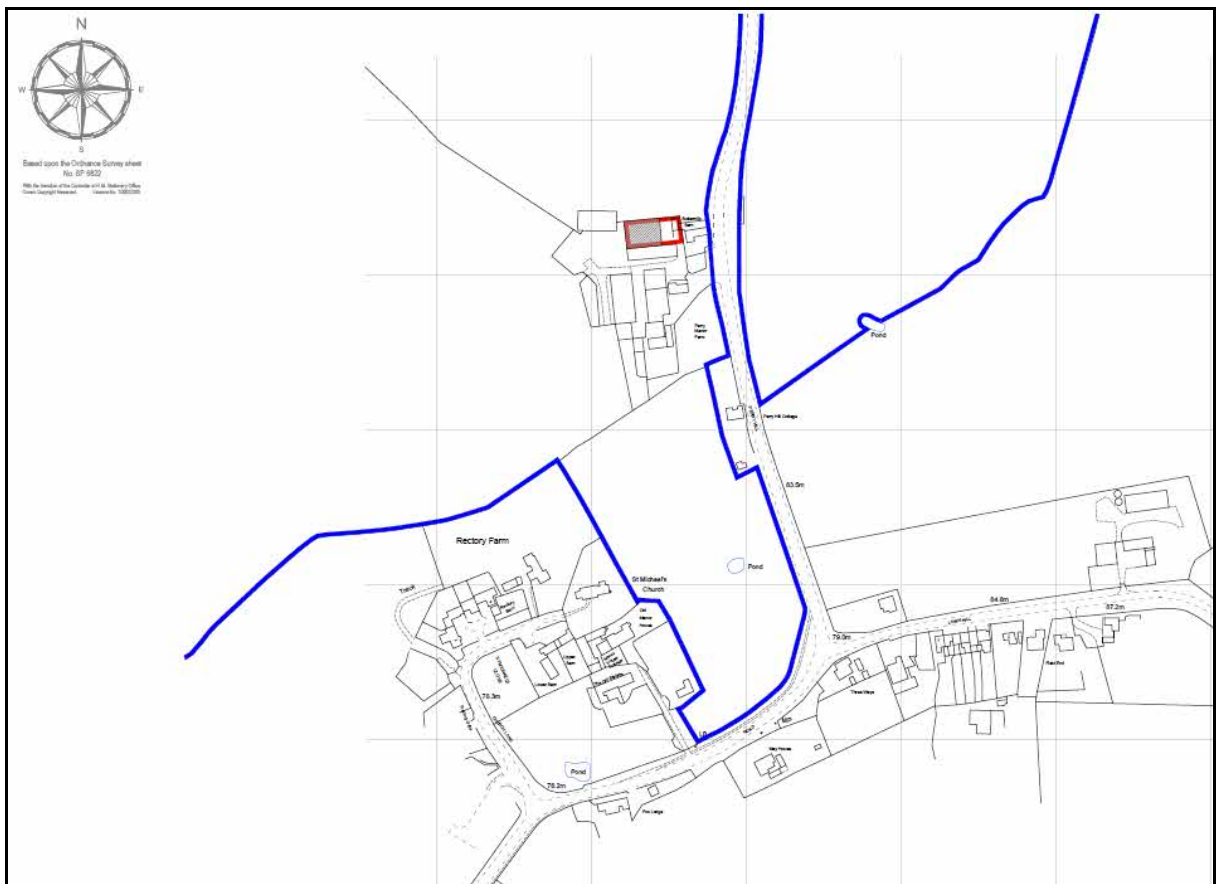


Figure 1: Site Location Plan

3.0 The Planning Application

- 3.1 The application is for Prior Approval for the change of use of an agricultural building to a flexible commercial use in Use Class B8 (Storage or Distribution).
- 3.2 The subject barn has a floor area of approximately 418.72m² and its curtilage as defined under Paragraph X of the GPDO, measures approximately 265.40m².

4.0 Relevant History

19/03436/APP: Conversion of an agricultural building to a vehicle restoration / workshop with ancillary storage (B2 use) [Retrospective]. Granted. 10 April 2020.

19/03834/APP: Change of use of part of an agricultural barn to a commercial log business with external wood storage (retrospective). Granted. 10 April 2020.

07/03422/APP: Conversion of barn to two dwellings (resubmission of 06/02282/APP). Granted. (26 March 2008).

06/02282/APP: Conversion and raising of roof of milking parlour to form two holiday lets. Granted.

94/02295/APP : Extension. Granted.

84/00695/AV: Erection of a farmhouse. Granted.

5.0 Planning Considerations

5.1 Relevant legislation:

The Town and Country Planning Act 1990 (as amended)

Schedule 2, Part 3, Class R of the Town and Country Planning, General (Permitted Development) Order 2015 as amended.

5.2 The application relates to an existing building which, according to the definition in Section 336(1) of the TCPA 1990 as amended includes “any structure or erection, and any part of a building, as so defined...” A wide definition of a “building” has been adopted by the courts over the years (see *Cardiff Rating Authority v Guest Keen Baldwin* [1949] 1 KB 385, *Skerritts of Nottingham v SSETR (No.2)* [2000] 2 P.L.R 102; [2000] J.P.L. 1025 and *R (Save Woolley Valley Action Group Ltd) v Bath and Northeast Somerset Council* [2012] EWHC 2161 (Admin)).

5.3 Paragraph R.3— (1) (b) of Class R of the GPDO permits development subject to the condition that before changing the use of the site under Class R, and before any subsequent change of use to another use falling within one of the use classes comprising the flexible use, the developer must, where the cumulative floor space of the building or buildings which have changed use under Class R within an established agricultural unit exceeds 150 square metres, apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

(i) transport and highways impacts of the development;

(ii) noise impacts of the development;

(iii) contamination risks on the site; and

(iv) flooding risks on the site,

and the provisions of paragraph W (prior approval) apply in relation to that application.

5.4 In this case, no part of the building has previously changed use under Class R and the floor area of the building proposed to change use would be approximately 418.72 m².

5.5 Assessment

Paragraph	Criteria	
R.1(a)(i)	the building was not used solely for an agricultural use as part of an established agricultural unit on 3rd July 2012;	No
R.1(a)(ii)	in the case of a building which was in use before that date but was not in use on that date, when it was last in use, or	N/A
R.1(a)(iii)	in the case of a building which was brought into use after 3rd July 2012, for a period of at least 10 years before the date development under Class R begins;	N/A
R.1(b)	the cumulative floor space of buildings which have changed use under Class R within an established agricultural unit exceeds 500 square metres;	No
R.1(c)	the site is, or forms part of, a military explosives storage area;	No
R.1(d)	the site is, or forms part of, a safety hazard area; or	No
R.1(e)	(e) the building is a listed building or a scheduled	No

	monument.	
	Conditions, limitations, or restrictions	
R.3— (1)(b)(i)	<p>Transport and highways impacts of the development</p> <p>The site is served by an existing access that comes off Perry Hill. The proposed change of use of the barn to office use would not result in a material intensification in the use of the access. Based on the operation of the existing industrial units on the site, it is anticipated that the proposed use would generate moderate traffic movements and would remain low key as is the case now. The barn benefits from a large concrete hardstanding area within the ownership of the Applicant which could be used for parking and turning of vehicles.</p> <p>Taking these factors into account, the development would not be prejudicial to highway safety.</p> <p>Furthermore, national advice within the NPPF states, at Paragraph 111 that, 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'</p>	
R.3— (1)(b)(ii)	Noise impacts of the development	

	There are no residential buildings close to the subject building that could be affected by noise and general disturbance.	
R.3— (1)(b)(iii)	<p>Contamination risks on the site</p> <p>There is no record of previous contamination on the site and the proposed use is not particularly vulnerable to risk of contamination. Given the nature of the application, which excludes operational development, only a precautionary approach could be considered which involves inserting an informative to ensure that if contamination is discovered at any stage, work should cease, and the local authority informed immediately.</p>	
R.3— (1)(b)(iv)	<p>Flooding risks on the site</p> <p>As shown on the flood map for planning, the site is located within Flood Zone 1 which means there is a low probability of flooding. Furthermore, the proposal is for a change of use and as such, there would be no increase in the built up area or hard surfaces on the site.</p>	

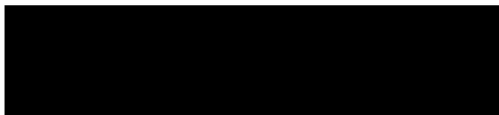
5.6 The provisions of section 57(1) of the TCPA 1990 as amended which state that planning permission is required for the carrying out of any development of land are therefore not applicable.

6.0 Conclusions

- 6.1 The proposed change of use of the building and any land within its curtilage from agricultural to flexible commercial use is development within the meaning of section 55 of the TCPA 1990 as amended.
- 6.2 However, the proposed development benefits from deemed permission granted by Article 3.— (1) of the General (Permitted Development) Order 2015 as amended, (GPDO).
- 6.3 The proposed development would satisfy all the conditions under Paragraph R.3— (1)(b)(i)-(iv).
- 6.4 The proposed change of use is permitted development and hence, planning permission is not required.

Should any further information be required we invite the Council to contact Robinson and Hall LLP.

Signed :



On behalf of Robinson & Hall LLP

Neither the whole nor any part of any work produced, or any reference thereto may be included in any document, circular or statement or published in any way without our prior written approval of the form and context in which it may appear.