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South Downs National Park Authority
Planning
South Downs Centre
Midhurst
West Sussex
GU29 9DH

Our ref: 222468/CN/CC

15 March 2024

Dear Sir / Madam,

Place Farm West, Firle, BN8 6LP

Request for the determination as to whether a Prior Approval application is required for the change of use of an agricultural barn to a flexible Class E commercial use.

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

Planning Portal Reference Number: PP- 12863771

This statement has been prepared by Strutt & Parker on behalf of the Firle Estate, requesting for the determination as to whether Prior Approval is required for the change of use of an agricultural barn to flexible commercial use.

This application has been submitted under Planning Portal reference PP- 12863771. The requisite planning fee of £120.00 (plus £64.00 Planning Portal fee) has been paid via the online payment link through the planning portal.

This letter provides a written description of the proposed development in order to assist the Council in making its determination. It also includes a plan indicating the site and showing the location of the proposed change of use, as required under the provisions of paragraph W (2)(b) of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Site Description

The site is located at the end of The Street, to the western side of the road beyond the end of the adopted public highway. Access to the site can be gained from the north via The Street, which runs through Firle village. The site can also be accessed from the south via a well-used by (BOAT) FIR/10/1 which runs east to west connecting the Firle Bostal road to the southern part the village. Existing commercial traffic gains access to the business premises at the southern end of the village via the byway to limit the number of commercial vehicles passing through the centre of the village conservation area. The byway is 70m south of the site's access.

The building proposed for conversion is adjacent to a former agricultural building which has been previously converted into commercial use and which is attached to the application building to the east. The application building was approved as a grain store and has been used for a variety of agricultural purposes since.



To the north of the site access is a Grade II listed barn, however the site itself does not contain any listed buildings, nor is it within the curtilage of the listed barn. The application building is split by the boundary of the Firle Conservation area, but is not subject to any other planning designations.

Proposal

The proposal is for the change of use to a flexible commercial use within part of the existing agricultural building. It is proposed to divide the building in order to create two commercial units, whilst retaining a smaller element on the eastern side of the building for agricultural purposes. The change of use of 482.4sqm is proposed. Unit 1, to the west side of the building, will measure 243sqm. Unit 2, located centrally within the unit to the east of unit 1, will measure 239.4sqm. The area proposed for the change of use can be seen in drawing 8495/PF-P1-04 submitted with this application. Units 1 and 2 form the area proposed for the change of use under Part 3, Class R of the GPDO.

Suitable parking provision can be achieved on the existing area of hardstanding to the north of the units as indicated on the submitted block plan. This proposal does not rely on any external alterations to the building which would constitute development under Section 55 of the Town and Country Planning Act 1990.

Planning History

We believe that the building in question was originally approved under Lewes District Council application reference E/72/0067 in May 1972.

The building is referenced in the report on application SDNP/13/00597/FUL, which was for a set of stables and a tack room on land to the north. These stables replaced those existed within the adjacent barn when planning permission was granted for its use as a microbrewery.

Class R prior approval submissions have been made recently in relation to Estate buildings at Heighton Street and at Cobbe Place Farm. Neither of these proposed conversions have yet been implemented, but it is noteworthy that they form part of separate agricultural holdings within Firle Estate.

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

This application requests for the determination as to whether prior approval is required for the change of use of an agricultural barn to flexible commercial use.

Schedule 2, Part 3, Class R of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) permits the following on established agricultural units:

Development 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 one of the following provisions of the Use Classes Order—

- (a) Class B8 (storage or distribution) of Schedule 1;*
- (b) Class C1 (hotels) of Schedule 1;*
- (c) Class E (commercial, business or service) of Schedule 2.*

In this case, the proposal is for commercial floorspace within Use Class E (g)(ii) and (iii) – light industrial and/or research and development use.

The proposal complies and meets the criteria set out in paragraph R.1, as follows:

- a) The building was solely used for an agricultural use as part of an established agricultural unit on 3rd July 2012.
- b) The cumulative floor space proposed to change use under Class R measures 482.4sqm.
- c) The site is not, and does not form part of, a military explosives storage area;
- d) The site is not, and does not form part of, a safety hazard area; and
- e) The building is not a listed building or a scheduled monument.

As the total area of the building proposed for conversion is for 482.4sqm, the conditions set out within Paragraph R.3(1)(b) apply. This requires an application to be submitted to the local planning authority for a determination as to whether the prior approval is 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

These are addressed in turn below:

(i) Transport and highways impacts of the development

Steve Reeves Transport Planning have produced a transport technical note in support of the application. This concludes that the proposed development will not have a severe impact on highway capacity or an unacceptable impact on highway safety. The technical note has been submitted alongside this application. The note confirms that the existing hardstanding area has sufficient space to accommodate vehicle parking. The proposed parking configuration can be seen in drawing 8495/PF-P1-04.

(ii) Noise impacts of the development

The proposed use would not give rise to any unreasonable noise and disturbance to the surrounding area. By definition, Class E (g)(ii) uses can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit. Any noise that is created by the proposed use would be no more likely to cause disturbance than the present agricultural use. In addition, buildings to the north and the building attached to eastern boundary of the application building are in commercial use, such that the nearest residential property lies beyond the listed barn (occupied by Burning Sky brewery).

(iii) Contamination risks on the site

The barn has not been used to accommodate contaminated materials and there is no requirement to mitigate any contamination risk. No fuels have been stored within or near the building proposed for conversion.

(iv) Flooding risks on the site

The site falls within Flood Zone 1 and is not within an area at risk of flooding, as demonstrated on Environment Agency flood mapping in Figure 1.

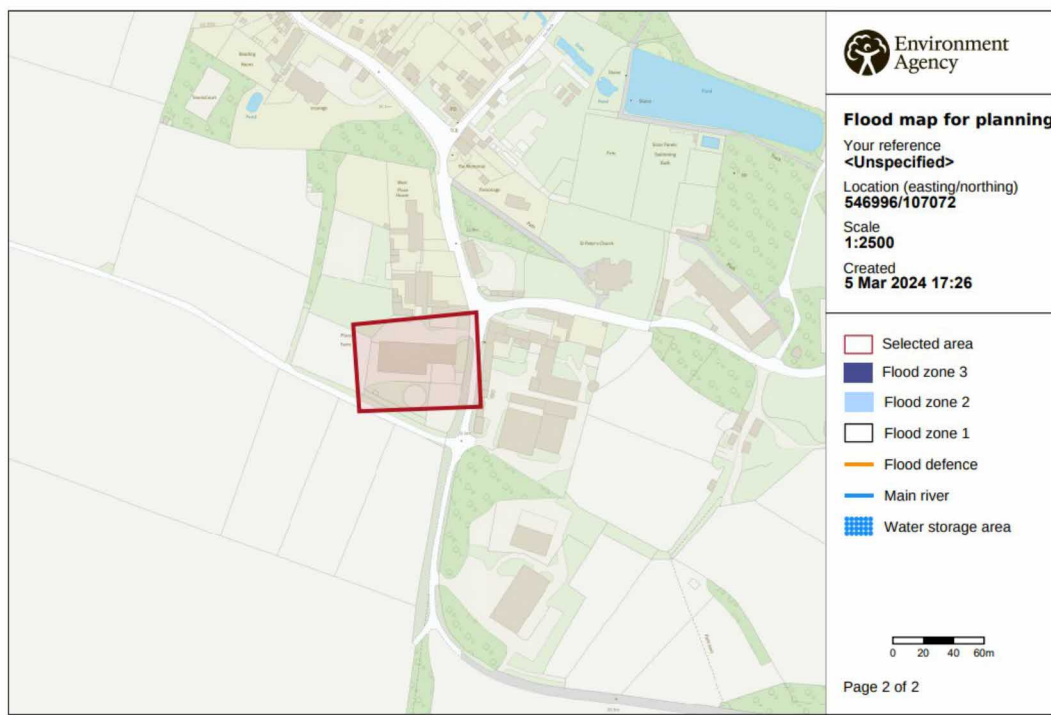


Figure 1 - Environment Agency flood map for planning

Additionally, a Preliminary Ecological Appraisal, a Bat Emergence Survey and a Reptiles Survey ecological survey (all produced between September and October 2023) have established that the conversion proposed would have no impact on roosting bats or owls, nor on reptile populations. Such information is not required to be produced as part of a prior approval submission, but has been prepared in order to mitigate against any harm to protected species in any case.

A structural survey produced in July 2023 has concluded that the building is suitable for commercial use and that the structural frame and foundations would not be subject to additional loading beyond built tolerances as a consequence.

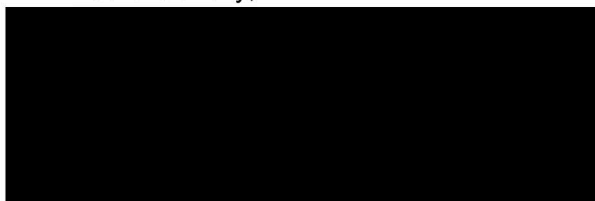
Summary

We are requesting a determination as to whether prior approval for the change of use of an agricultural barn to flexible Class E commercial use is required. The building is proposed for uses falling within Use Classes E (g) (ii) and (iii).

The site does not contain or impact any statutory listed buildings or scheduled monuments, or form part of a safety hazard or military explosives storage area. It has been demonstrated that the proposed change of use satisfies the criteria as set out in Schedule 2, Part 3, Class R of the General Permitted Development (England) Order (2015) (as amended).

We hope this letter, and the supporting documents, provide sufficient information for determining this application. However, please let the writer know if you require anything further.

Yours faithfully,



Director