

Application for Class MA

PREPARED FOR:

Mr Graham Gregory

Jockeys Hall
Jockeys Lane
Combs
Stowmarket
IP14 2NH

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PREPARED BY:

Madison Harding (BA Hons)
Planning Assistant

VERIFIED BY:

Henry Doble
MRICS
Associate Director

ADDRESS:

Acorus Rural Property Services Ltd,
The Old Market Office,
Risbygate street,
Bury St Edmunds,
Suffolk,
IP33 3AA

DIRECT LINE:

01284 753271

EMAIL:

henry.doble@acorus.co.uk

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1. INTRODUCTION

This report has been prepared at the request of Mr Gregory, to outline the facts relevant to the proposal for Class MA at Jockeys Hall, Jockeys Lane, Combs, Stowmarket, IP14 2NH.

2. BACKGROUND

Permission was granted for Class PA in 2018, however the development was not complete within the period of 3 years, therefore this application is being made for a proposal for Class MA.

These permitted development rights were granted for all the buildings within the area outlined in red on the site plan submitted. These buildings are old commercial buildings, in Class E use.

3. PROPOSAL

Proposal for Class MA permitted development rights at the site area outline in red, as seen in drawings.

4. PLANNING POLICY

4.1. The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2021.

“Insertion of Class MA in Part 3 of Schedule 2

6. After Class M (retail, takeaways and specified sui generis uses to dwellinghouses) of Part 3 of Schedule 2 insert—

“Class MA – commercial, business and service uses to dwellinghouses

Permitted development

MA. *Development consisting of a change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order to a use falling within Class C3 (dwellinghouses) of Schedule 1 to that Order.*

Development not permitted

MA.1.—(1) *Development is not permitted by Class MA—*

(a) unless the building has been vacant for a continuous period of at least 3 months immediately

prior to the date of the application for prior approval;

(b) unless the use of the building fell within one or more of the classes specified in sub-paragraph (2) for a continuous period of at least 2 years prior to the date of the application for prior approval;

(c) if the cumulative floor space of the existing building changing use under Class MA exceeds 1,500 square metres;

(d) if land covered by, or within the curtilage of, the building—

- (i) is or forms part of a site of special scientific interest;*
- (ii) is or forms part of a listed building or land within its curtilage;*
- (iii) is or forms part of a scheduled monument or land within its curtilage;*
- (iv) is or forms part of a safety hazard area; or*
- (v) is or forms part of a military explosives storage area;*

(e) if the building is within—

- (i) an area of outstanding natural beauty;*
- (ii) an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981(1);*
- (iii) the Broads;*
- (iv) a National Park; or*
- v) a World Heritage Site;*

(f) if the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained; or

g) before 1 August 2022, if—

- (i) the proposed development is of a description falling within Class O of this Part as that Class had effect immediately before 1st August 2021; and*
- (ii) the development would not have been permitted under Class O immediately before 1st August 2021 by virtue of the operation of a direction under article 4(1) of this Order which has not since been cancelled in accordance with the provisions of Schedule 3.*

(2) The classes mentioned in sub-paragraph (1)(b) are the following classes of the Use Classes Order—

(a) the following classes of the Schedule as it had effect before 1st September 2020—

- (i) Class A1 (shops);
- (ii) Class A2 (financial and professional services);
- (iii) Class A3 (food and drink);
- (iv) Class B1 (business);
- (v) Class D1(a) (non-residential institutions – medical or health services);
- (vi) Class D1(b) (non-residential institutions – crèche, day nursery or day centre);
- (vii) Class D2(e) (assembly and leisure – indoor and outdoor sports), other than use as an indoor swimming pool or skating rink;

(b) on or after 1st September 2020, Class E (commercial, business and service) of Schedule 2.

Conditions

MA.2.—(1) Development under Class MA is permitted subject to the following conditions.

(2) Before beginning development under Class MA, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

(a) transport impacts of the development, particularly to ensure safe site access;

(b) contamination risks in relation to the building;

(c) flooding risks in relation to the building;

(d) impacts of noise from commercial premises on the intended occupiers of the development;

(e) where—

(i) the building is located in a conservation area, and

(ii) the development involves a change of use of the whole or part of the ground floor, the impact of that change of use on the character or sustainability of the conservation area;

(f) the provision of adequate natural light in all habitable rooms of the dwellinghouses;

(g) the impact on intended occupiers of the development of the introduction of residential use in an

area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses; and

(h) where the development involves the loss of services provided by—

(i) a registered nursery, or

(ii) a health centre maintained under section 2 or 3 of the National Health Service Act 2006(2), the impact on the local provision of the type of services lost.

(3) An application for prior approval for development under Class MA may not be made before 1 August 2021.

(4) The provisions of paragraph W (prior approval) of this Part apply in relation to an application under this paragraph as if in the introductory words in sub-paragraph (5), for “and highways impacts of the development” there were substituted “impacts of the development, particularly to ensure safe site access”.

(5) Development must be completed within a period of 3 years starting with the prior approval date.

(6) Any building permitted to be used as a dwellinghouse by virtue of Class MA is to remain in use as a dwellinghouse within the meaning of Class C3 of Schedule 1 to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the use as a dwellinghouse.”

4.2. Amendments to legislation.

As of the 5th March 2024, there has been the removal of the floorspace upper limit for buildings change of use under Class MA. There has also been the removal of the requirement that a building must have been vacant for a continuous period of at least 3 months.

“Amendments to Part 3 (changes of use)

3.—(1) Part 3 is amended as follows.

(2) In Class MA (commercial, business and service uses to dwellinghouses), in sub-paragraph (1) of paragraph MA.1—

*(a) omit paragraph (a);
(b) omit paragraph (c)"*

5. PLANNING COMMENTS AND CONSIDERATIONS

In accordance with conditions for Class MA's, provision natural light, location and siting, access and highways, flood risk and noise, has been considered and commented on below for prior determination.

NATURAL LIGHT PROVISION

All buildings are detached, therefore each have four external walls in which windows could be installed to bring in natural light. Some of the buildings have existing windows. Other windows to bring in natural light will be subject to ongoing plans which will include details, and particular at a subsequent stage, noting Class MA only deals with the use. Provision of natural light will be adequate, in line with legislation.

LOCATION AND SITING

The building and existing business in a remote location. It is not in area that is important for providing industrial uses.

There will be no adverse impact from the introduction of a dwelling; there are already dwellings in close proximity.

ACCESS/HIGHWAYS

There is an existing access associated with Jockey's Hall which will be utilized.

Current vehicle usage will be replaced with domestic movements.

There will therefore be no impact on highways.

FLOOD RISK

The site is within flood zone 1, therefore has low flood risk.

NOISE

There are no noise issues for the development. There will be no adverse impact on any existing

residential amenity in the area.

CONTAMINATION

There has been no previous use of the site to the applicant's knowledge, which would lead to any contamination concerns or issues. Specifically, there has never been any known landfill or waste disposal on the site.

ADDITIONAL COMMENTS

It is important to add that the following criteria are also satisfied:

- The building will solely be used as a dwellinghouse.
- The building has solely been used for Class B1(c) (light industrial) on 19th March 2014.
- The site is not occupied under an agricultural tenancy.
- The site isn't, or does not form part of— a site of special scientific interest; a safety hazard area; a military explosives storage area.
- The building is not a listed building or is within the curtilage of a listed building; or the site is, or contains, a scheduled monument.
- The site is not within an area of outstanding natural beauty, an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981(1), the Broads, a Natural Park or a World Heritage Site.

6. CONCLUSIONS

The proposal for Class MA at the site at Jockeys Hall, Jockeys Lane, Combs, Stowmarket, IP14 2NH meets the criteria of the policy for Class MA's.

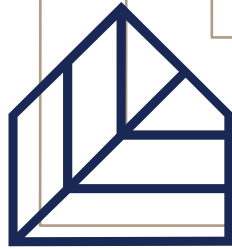
Considerations of noise, flood risk, contamination, access/highways, location and natural light provision for prior determination, should not be an issue. A summary follows:

- There is low flood risk.
- Noise should not be an issue.
- Access is as existing and vehicle usage will be replacing existing, therefore there will be no impact on highway.
- Provision of natural light will be adequate.
- The location is not in an area important for providing industrial uses.

- There will be no adverse impact from the introduction of dwellings as there are already dwellings in close proximity.
- No known previous use of the site which would lead to any contamination concerns.

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