



**Foxes  
Rural**

# PLANNING STATEMENT

**LAWFUL DEVELOPMENT CERTIFICATE - EXTENSION OF  
COMMERCIAL BUILDING**

**Kingstons Farm,  
Matching Lane,  
White Roding,  
CM6 1RP**



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## **PARTICULARS**

<b>Document Title</b>	Lawful Development Certificate
<b>Proposal</b>	Extension of Commercial Building
<b>Applicant Details</b>	DJ and JE McGowan
<b>Site Details</b>	Kingstons Farm, Matching Lane, White Roding, CM6 1RP
<b>Prepared by</b>	Melanie Bingham-Wallis Planning Director
<b>Agent details</b>	Foxes Rural Bullbanks Farm Eight Ash Green Colchester Essex CO6 3PT



## **INTRODUCTION**

This application is submitted as a Lawful Development Certificate (LDC) for proposed development of extension to an existing commercial building. This LDC is submitted under Class H of the Town and Country Planning (General Permitted Development) Order 2015.

This lawful development certificate is submitted on behalf of the applicant DJ and JE McGowan of Kingston Farm Matching Lane, White Roding, CM6 1RP.

## **Enclosures**

The following documents are enclosed with this application.

<b>Reference</b>	<b>Description</b>
Floor and elevation plans	Refer to plans for scale
Location plan	Scale 1:35,000
Site plan	Scale 1:1,250
Block plan	Scale 1:500
Planning Statement	
Lawful Development Certificate Forms	Submitted via Planning Portal

## **STATEMENT OF EXPERIENCE**

This planning statement has been prepared by Melanie Bingham-Wallis. I am a farm planning director employed by Foxes Rural Limited which specialises in rural planning matters. The company regularly advises on agricultural related planning applications, justifications and proposals throughout Essex, Suffolk and Hertfordshire.

The company is registered with the Royal Institution of Chartered Surveyors and the Central Association of Agricultural Valuers.

## **BACKGROUND / PLANNING HISTORY**

Kingstons Farm has a long complex planning history. The wider site of Kingstons Farm is comprised of land and buildings, as well as commercial properties but owned by different businesses and people. The applicants own the yard area to the north west of the site, as well as the existing farmland surrounding the site. Please see accompanying farm plan and yard ownership plan.

The most relevant applications are that of UTT/0789/04/FUL - Proposed material change of use in building from agriculture to employment class B1 and B2, and UTT/1604/02/FUL - Change of use of parts of agricultural barns to B1 and B2 Use. The proposed extension relates to the building subject to those applications.

A Lawful Development Certificate (LDC) was granted under UTT/23/2920/CLP for a commercial extension extending to 154 sq.m on 16 January 2024. Since this application was submitted, the occupier's requirement for commercial space has increased based on their workload having increased. This application therefore applies for a total cumulative floor area for an extension of 408 sq.m, that adjoins the existing building of 830 sq.m.



## DESCRIPTION

The application relates to a commercial site located within the Green Belt, approximately 1 kilometre southwest of White Roding village. The site is occupied by a number of tenants within existing buildings. The wider yard site extends to 0.7 hectares and comprises a number of buildings, the largest of which extends to approximately 830sqm. The building which is the subject of this application is occupied by a company which repairs tail lifts and curtain sides known as Complete Tail Lift Solutions Limited. It is a B2 use and is located centrally to the site.

The site is accessed from Matching Lane and the existing access and parking areas are to be retained. The closest residential properties to the building are approximately 100m away to the east, set off Matching Lane.



Source: Google Maps

Fig 1: Kingstons Farm – yard area including indication of extension location.

## THE PROPOSAL

There is an existing commercial building that benefits from the commercial planning approval for B1 / B2 uses and extends to 830 sq.m.

This application is for a proposal is for a commercial extension to the B1/B2 approved building under applications UTT/1604/02/FUL and UTT/0789/04/FUL. The proposed floor area in accordance with Class H under the Town and Country Planning (General Permitted Development) Order 2015 is 408 sq.m.



## THE TENANT

Complete Tail Lift Solutions Ltd is a family-operated enterprise dedicated to providing exceptional repair and service solutions for tail lifts. The occupier has been on site since March 2019.

Renowned for their commitment to professionalism and timely service delivery, the company offers an extensive suite of services tailored to meet a broad spectrum of requirements, including the repair of tail lifts, provision of shutter services, response to 24-hour emergency breakdowns, and conducting curtain repairs.

The company works Nationwide, which stands as a testament to dedication and excellence in the field of tail lift maintenance and repair. The company has recently won a contract from large business, which is driving the requirement for business premises expansion.

## LEGISLATION

### Class H – Town and Country Planning (General Permitted Development) Order 2015

The Town and Country Planning (General Permitted Development) (England) Order 2015, commonly known as the GPDO, grants automatic planning permission for certain types of development, subject to conditions and limitations. This enables certain building works and changes of use to be carried out without having to make a planning application to the local planning authority. Class H specifically pertains to the extension or alteration of shops, financial and professional services establishments, restaurants and cafes, offices, light industrial premises, and certain community uses.

### Background

Class H was introduced to simplify the planning process for small-scale commercial developments, encouraging the efficient use of existing buildings and reducing the need for new construction. The aim is to support the vitality of commercial enterprises and service providers in both urban and rural areas. The legislation recognises the importance of flexibility for businesses to adapt and expand their premises without being unduly hampered by the planning system.

## PROPOSED BUILDING

Table 3 – Design of building extension

<b>Building Size</b>	The building measures 31.4 metres x 13 metres totalling 408.2 m <sup>2</sup>
<b>Walls</b>	The side and gable elevations of the building will be clad in juniper green 0.5mm single skin steel box profile sheeting to the eaves.
<b>Roof</b>	The roof of the building will be composite steel box profile sheeting
<b>Eaves Height</b>	The eaves height has been kept to a minimum practical height at 6.7 metres
<b>Roof Pitch</b>	15 degrees
<b>Ridge Height</b>	The ridge height is 9.0 metres



<b>Doors</b>	One roller shutter door and one personnel door on the southern gable end elevation.
<b>Floor</b>	The base inside the building will be a concrete power floated floor.

The applicant seeks a Lawful Development Certificate for the erection of an extension to the existing building and associated external works.

The scheme would extend the building to the northeast to occupy an area of hard standing. The proposed extension would be rectangular in shape in order to provide additional space for Complete Tail Lift Solutions Ltd. The extension will be used to extend the existing processes and repairs which are already undertaken in the existing building that this commercial extension will adjoin onto. (class use B2).

The existing building external footprint is approximately 830 sq.m and the proposed extension is 408 sq.m, which is less than 50% of the existing building and also less than 1,000 sq.m in total.

The extension is less than the height of the building being extended and is over 10m away from the site boundary.

The extension would be constructed of matching materials and would utilise the existing access and parking facilities. There is no requirement for the formation of hard standing landings.

### **POLICY CONTEXT**

The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) allows for the “erection, extension or alteration of an industrial building or a warehouse” under Class H, Part 7 where certain criteria are met.

#### **Class H – extensions etc of industrial and warehouse**

**Permitted development H - The erection, extension or alteration of an industrial building or a warehouse.**

#### **Development not permitted:**

##### **H.1 Development is not permitted by Class H if—**

**(a) the gross floor space of any new building erected would exceed—**

- (i) for a building on article 2(3) land or on a site of special scientific interest, 100 square metres;**
- (ii) in any other case, would exceed 200 square metres;**

- The building is not a new building and therefore, the extension is not subject to this limitation.

**(b) the gross floor space of the original building would be exceeded by more than—**

- (i) in respect of an original building or a development on article 2(3) land, 10% or 500 square metres (whichever is lesser);**
- (ii) in respect of an original building or a development on a site of special scientific interest, 25% or 1,000 square metres (whichever is the lesser);**
- (iii) in any other case, 50% or 1,000 square metres (whichever is the lesser);**



- The building extension is not on article 2(3) land, nor is it sited within a site of special scientific interest. The original building is 830m.sq and does not exceed 1000m.sq. The proposed development does not exceed 50% of the original building in compliance with this stipulation.

**(c) the height of any part of the new building erected would exceed—**

**(i) if within 10 metres of a boundary of the curtilage of the premises, 5 metres;**

**(ii) in all other cases, the height of the highest building within the curtilage of the premises or 15 metres, whichever is lower;**

- The proposal lies outside 10m of the boundary. The height of the proposed extension is 9.0m which is less than the highest building within the curtilage of the premises and lower than 15m in compliance with this stipulation.

**(d) the height of the building as extended or altered would exceed—**

**(i) if within 10 metres of a boundary of the curtilage of the premises, 5 metres;**

**(ii) in all other cases, the height of the building being extended or altered;**

- The proposed extension is not within 10m of the boundary of the curtilage of the premises. The proposed extension is not higher than the maximum height of the building to be extended in compliance with this stipulation.

**(e) any part of the development would be within 5 metres of any boundary of the curtilage of the premises;**

- The proposed building is not within 5m of any boundary of the curtilage of the premises in compliance with this stipulation.

**(f) the development would lead to a reduction in the space available for the parking or turning of vehicles;  
or**

- The development would not reduce the space available for parking or turning of vehicles in compliance with this stipulation.

**(g) the development would be within the curtilage of a listed building.**

- The development would not be within the curtilage of a listed building.

**Conditions**

**H.2 Development is permitted by Class H subject to the following conditions—**

**(a) the development is within the curtilage of an existing industrial building or warehouse;**

- The proposed extension is within the curtilage of the existing industrial building or warehouse.

**(b) any building as erected, extended or altered is only to be used—**

**(i) in the case of an industrial building, for the carrying out of an industrial process for the purposes of the undertaking, for research and development of products or processes, or the provision of employee facilities ancillary to the undertaking.**

- The proposed extension is to be used as additional area for the occupiers to undertake repairs and fabrication to tail lifts and curtain sides. It will not be used as general vehicle repairs or maintenance.



**(ii) in the case of a warehouse, for storage or distribution for the purposes of the undertaking or the provision of employee facilities ancillary to the undertaking;**

- The proposed extension will not be used for B8 storage use nor for the provision of employee facilities.

**(c) no building as erected, extended or altered is used to provide employee facilities—**

**(i) between 7.00pm and 6.30am, for employees other than those present at the premises of the undertaking for the purpose of their employment;**

- The proposed extension will not be used for the provision of employee facilities at any time.

**(ii) at all, if a quantity of a dangerous substance is present at the premises of the undertaking in a quantity equal to or exceeding the quantity listed in the entry for that substance in Parts 2 or 3 of Schedule 1 to the Control of Major Accident Hazards Regulations 199982;**

- No dangerous substances will be present at the premises.

**(d) any new building erected is, in the case of article 2(3) land, constructed using materials which have a similar external appearance to those used for the existing industrial building or warehouse; and**

- The building is not within article 2(3) land – this stipulation falls away.

**(e) any extension or alteration is, in the case of article 2(3) land, constructed using materials which have a similar external appearance to those used for the building being extended or altered.**

- The building extension is not within article 2(3) land – this stipulation falls away.

### **Interpretation of Class H**

**H.3** For the purposes of Class H, where 2 or more original buildings are within the same curtilage and are used for the same undertaking, they are to be treated as a single original building in making any measurement.

**H.4** For the purposes of Class H—

“dangerous substance” has the meaning given in regulation 2 of the Control of Major Accident Hazards Regulations 1999;

“employee facilities” means social, care or recreational facilities provided for employees of the undertaking, including crèche facilities provided for the children of such employees;

“original building” does not include any building erected at any time under Class H.

### **ASSESSMENT OF POLICY COMPLIANCE**

Permitted development rights allow the “erection, extension or alteration of an industrial building or a warehouse” under Class H, Part 7 where certain criteria are met as follows:-

b) The existing building external footprint is approximately 830sqm and the proposed external floorspace is 408sq.m, which is less than 50% of the existing building and is less than 1,000sqm.

d) and e) the extension is less than the height of the building being extended as over 10m away from the site boundary.

f) The extension does not reduce parking or turning space.

g) The extension is not located near a Listed Building.



In terms of the conditions the following are in compliance:-

The extension will only be used to extend the existing industrial processes which are already undertaken in the existing building (class use B1/ B2).

The extension will be constructed using materials which have a similar external appearance to those used for the building being extended being made from steel box profile cladding.

The design of the proposed extension observes the conditions outlined under Class H, ensuring:

- The height of the new structure will not surpass 15 metres, respecting boundary proximity regulations by avoiding any construction within 10 metres of the curtilage boundary that would exceed 5 metres in height.
- The positioning of the extension maintains a minimum 5-metre distance from any boundary of the premises' curtilage, safeguarding neighbouring amenities and adhering to spatial requirements.
- The development will not lead to a reduction in the space available for parking or turning of vehicles, acknowledging the importance of vehicular access and movement within the site – The building is an extension between two existing buildings and does not impact car parking and access throughout the site.
- It is confirmed that the development is not within the curtilage of a listed building, avoiding implications associated with heritage assets.

## **CONCLUSION**

In conclusion, the proposed extension beside Complete Tail Lift Solutions Limited for their industrial building, as detailed in this planning statement, has been carefully designed to fully comply with the provisions of Class H of the Town and Country Planning (General Permitted Development) (England) Order 2015.

The application adheres to the specific limitations and conditions set forth under Class H, ensuring that the scale, location, and nature of the proposed extension are harmonious with the existing building and surroundings, while also serving the operational needs of Complete Tail Lift Solutions Limited. The proposed development respects the gross floor space, height restrictions, and boundary proximity requirements of Class H.

By granting approval for this application, Uttlesford District Council will facilitate the continued success and growth of a key local business, reinforcing the council's commitment to supporting economic development while maintaining the balance with environmental and community considerations.

It is presented that this proposed extension would fall within permitted development rights and therefore the lawful development certificate should be granted.

*Melanie Bingham-Wallis*

**RURAL PLANNING DIRECTOR  
FOR AND ON BEHALF OF FOXES RURAL LIMITED**

**Date: 13.03.2024**