

**Foxbury Farm
Stone Street
TN15 0LW**

**Class R Change of Use
Planning Statement
0217**

Contents

3 Introduction

4 Regulations

Copyright Notice

© 2024 Work By Here Ltd, all rights reserved.

Material published by Work By Here Ltd is copyright of Work By Here Ltd and may not be reproduced without permission.

1. Introduction

1.1 This statement supports the proposed change of use of and agricultural building under Class R of the The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (*'the GPDO'*). The site address is Foxbury Farm, Stone Street, Seal, TN15 0LW (*'the Site'*).

1.2 Decision notice 23/00811/PAC (*'the 2023 PN'*) granted by notice dated 02 May 2023 allowed for the following development:

"Prior notification for a change of use from two agricultural buildings to flexible use within Storage or Distribution (Class B8), and Commercial/Business/Service (Class E). This application is made under Class R of The Town and Country Planning (General Permitted Development) (England) Order 2015."

1.3 The 2023 PN allowed for the mix of uses (*'the 2023 Proposal'*) as follows:

- Washroom (83m²) to Class E(g)(i) Offices to carry out any operational or administrative functions.
- Atcost Barn (186.5m²) to Class E(d) Indoor sport, recreation or fitness (not involving motorised vehicles or firearms or use as a swimming pool or skating rink).
- Atcost Barn (186.5m²) to B8 Storage or distribution - This class includes open air storage.

1.3 The total floorspace changed from agriculture amounted to 456m². Paragraph R.1 (b) restricts changes of use to a maximum cap of 500m². 44m² of allowance remains deployable within the unit.

1.4 The Council will also be aware of other recent development within the Site, notably Certificate of Lawful Proposed Use or Development ref. 23/02683/LDCPR granted by notice dated 09 November 2023 that allowed for the creation of a new access into the Site to avoid conflict between users of the Public Right of Way on the original access. The access is now in place and the conflict avoided.

1.5 This prior notification relates to 44m² of floorspace within the last remaining agricultural building on site. The proposed uses to be applied flexibly are:

- Class E(g)(i) Offices to carry out any operational or administrative functions.
- Class E(d) Indoor sport, recreation or fitness (not involving motorised vehicles or

firearms or use as a swimming pool or skating rink).

2. Regulations

2.1 Commentary on the regulations set out is provided below.

Permitted development

R. 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; or

(c) Class E (commercial, business or service) of Schedule 2.

The proposal complies with paragraph R (a) and R(c)

Development not permitted

R.1 Development is not permitted by Class R if—

(a) the building was not used solely for an agricultural use as part of an established agricultural unit—

(i) on 3rd July 2012;

(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

The agricultural use took place up to 2018 and complies with R.1 (a) (i).

(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;

The buildings have been on site for a period exceeding 10 years

(b) the cumulative floor space of buildings which have changed use under Class R within an established agricultural unit exceeds 500 square metres;

Class R has been used in the unit up to 456m² of floorspace. This submission relates to 44m². The amount of floorspace changed under Class R would be 500m² and no more.

(c) the site is, or forms part of, a military explosives storage area;

(d) the site is, or forms part of, a safety hazard area; or

(e) the building is a listed building or a scheduled monument.

None of the requirements within R1 c, d or e comply.

Conditions

[...]

R.3— (1) 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—

[...]

(b) 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;

Earlier submissions included TRICS assessment considering the largest highway impact feasible. This building is small enough that any additional he impact would be negligible and not materially harmful.

(ii) noise impacts of the development;

The combined uses will take place inside the structures on site and are not individually or cumulatively likely to lead to noise impacts.

(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.

- 2.3 The Proposal is simply to establish the principle of the uses. A later application for operational development will be made. The Proposal complies with Class R.