DELEGATED DECISION REPORT

DET/2016/0070 **Valid 27/12/2016**	**PLANT HOUSE JACKSONS NURSERIES UK LTD THORNYEDGE ROAD BAGNALL**	**CHANGE OF USE OF AGRICULTURAL BUILDING TO FARM SHOP** **(NOTIFICATION - CHANGE OF USE PRIOR APPROVAL)**

MAIN ISSUES

Proposal:

The applicant provides the following information in support of the proposal for change of use of agricultural (horticultural) building to farm shop:-

The change of use of plant house to farm shop is to enable the sale of produce which is already made on site in our own tea room, including homemade cakes, puddings, biscuits, pies, sandwiches, chutneys, jams etc; fruit & vegetables from fruit trees & bush fruit grown on our nurseries and a selection of meat, mince, burgers, sausage, steaks, joints etc, from our own Red Deer & Highland Cattle farm stock which we will produce on the farm side of the business next year, giving both our tea room and farm shop excellent provenance.

The footprint of the requested change of use from agricultural building (horticulture/plants) to farm shop will remain exactly the same. There are no anticipated impacts on highways, transport or parking arrangements. Noise, contamination or flooding risks are minimal & would remain unchanged as the farm shop will not generate additional waste or vehicles. Our business plan allows for the full time employment of 2 more staff should our farm shop be approved (we currently employ 38 throughout our nurseries and tea room all of whom live within approximately 3 miles of Bagnall).

The applicant has sought both advice at the Council Planning Duty Surgery and also advice from County Highways prior to the submission of the notification of prior approval.

Consultations:

Bagnall Parish Council – Whilst the Council supports the application in principle we do have reservations regarding the side of the premises which the change of use relates to. We have concerns relating the potential for future growth into other area of the plant house if the application is granted without restrictions. We are concerned over the potential growth in vehicle traffic using specifically Springbank, narrow county road. Traffic issues in the village were highlighted by several parishioners in the recent Parish Council meeting with the Local Police Commander attended.

Staffs County Highways – No objection, the proposed farm shop appears to be already open to public access is adjacent to the existing café and will form part of an existing commercial enterprise.

Class R – agricultural buildings to a flexible commercial use

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 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.

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; **Horticultural Plant House**
(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**
(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**
(b) the cumulative floor space of buildings which have changed use under Class R within an established agricultural unit exceeds 500 square metres; **Proposed Floorspace: 295sqm**
(c) the site is, or forms part of, a military explosives storage area; **N/A**
(d) the site is, or forms part of, a safety hazard area; or **N/A**
(e) the building is a listed building or a scheduled monument. **N/A**

Conditions
R.2 Development is permitted by Class R subject to the following conditions—
(a) a site which has changed use under Class R may, subject to paragraph R.3, subsequently change use to another use falling within one of the use classes comprising the flexible use;
(b) for the purposes of the Use Classes Order and this Order, after a site has changed use under Class R the site is to be treated as having a sui generis use;
(c) after a site has changed use under Class R, the planning permissions granted by Class G of Part 7 of this Schedule apply to the building, subject to the following modifications—
(i) "curtilage" has the meaning given in paragraph X (interpretation) of this Part;
(ii) any reference to "office building" is to be read as a reference to the building which has changed use under Class R.

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—

(a) where the cumulative floor space of the building or buildings which have changed use under Class R within an established agricultural unit does not exceed 150 square metres, provide the following information to the local planning authority—
(i) the date the site will begin to be used for any of the flexible uses; **N/A**
(ii) the nature of the use or uses; and **N/A**
(iii) a plan indicating the site and which buildings have changed use; **N/A**

(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; **No objections raised by County Highways**
(ii) noise impacts of the development; **it is not expected that adverse noise impacts will result from the proposed farm shop (A1 use) on an established garden centre site;**
(iii) contamination risks on the site; **(as above)** and
(iv) flooding risks on the site (**the site is not located within any Environment Agency flood zone)**,

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

CONCLUSION / PLANNING BALANCE

Despite the concerns raised by the Parish Council, the highway authority raises no objection to the proposals. The proposal (prior notification) provides for rural diversification by presenting an ancillary use, which is appropriate at the Jacksons Nurseries site.

OFFICER RECOMMENDATION : APPROVE

Case Officer: Rachael Simpkin
Recommendation Date: 20/02/2017

X

Signed by: Jane Colley

On behalf of Staffordshire Moorlands District Council