DELEGATED DECISION REPORT

DET/2019/0003 **Valid 12/02/2019**	**OLD STABLES AT STILE HOUSE LANE BRADNOP**	**NOTIFICATION FOR PRIOR APPROVAL FOR A PROPOSED CHANGE OF USE OF AGRICULTURAL BUILDING TO A FLEXIBLE USE** **(NOTIFICATION - CHANGE OF USE PRIOR APPROVAL)**

MAIN ISSUES

Whether or not the proposal constitutes "Class R" development and can be achieved via the submission of a "Prior Approval" application rather than a full planning application and if so, the impacts of the proposal on highways, noise, contamination and flooding.

DESCRIPTION OF SITE

The site is in the open countryside between Bradnop to the south and Thorncliffe to the north. It comprises a modern farm storage building with four walls and pitched roof, facing Stilehouse Lane, a country road, to the west and which provides access to the site. There is a yard area between the building and access, next to a large roller shutter door, providing the entrance into the building. The site is surrounded by open land but Stile House Farm, which may have previously included the site in its ownership, is a short distance to the south. The application forms state the building is currently used for storing equipment for a tree surgery business.

PROPOSAL

This is a 'Notification of Prior Approval' application for the change of use of the farm building from agricultural usage into 'flexible' commercial uses which could include retail, financial/professional, restaurant/café, business, storage, hotel or leisure/assembly uses. Part 3 Class R of the Town and Country Planning (General Permitted Development) Order 2015 allows such a change of use of use of a farm building without requiring planning permission i.e. would be permitted development, providing it meets the criteria attached to that part. However, in the case of a building with more than 150 sq.m, a Notification of Prior Approval application would need to be submitted setting out details of the proposal and the Council must assess what the impact of the proposed use would be in terms of highway safety, noise creation, ground contamination levels and flood risk. If the impact is deemed to be acceptable, then the proposed use can proceed without any further applications needing to be submitted i.e. confirmation that the proposal is permitted development under the GPDO.

The application forms state the building has 450 sq.m of floorspace and that the building was purchased by the applicant in 2015 and tree surgery equipment started to be stored in the building in 2017. This includes two vans and some trailers. There are no changes proposed to the building or the access.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

N/A

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

None.

CONSULTATIONS

Publicity

Site Notice expiry date: 26.3.19
Neighbour letters expiry date: N/A
Press Notice: N/A

Public Comments

None.

Town / Parish Comments

No objection.

Local Highways Authority

No objection.

OFFICER COMMENTS

The change of use of agricultural buildings can be achieved under permitted development if they meet the criteria set out under Class R (1) of Part 3 of the GPDO. The first criterion states that the change of use is not permitted development if the most recent use of the building comprised any non-agricultural uses. However, the applications forms confirm that a non-agricultural use commenced in 2017 i.e. the use of the building for storage for a business (i.e. the tree surgery business). Therefore the "proposal" does not meet the tests in Class R(1) and is therefore not permitted development. Therefore, the use cannot be approved under the current Notification of Prior Approval application submitted (under Class R (3)). The use is therefore not permitted development and a full planning application would instead be required for the retrospective change of use of the building from agriculture to storage for a business.

It is also worth noting that if the 'proposed' change of use did meet the criteria of permitted development set out in Class R (1), the Notification of Prior Approval application is required to be submitted before the 'proposed' use commences.

CONCLUSION / PLANNING BALANCE

As the 'proposed' storage for the tree surgery business inside the agricultural building had commenced in 2017, the use is not deemed to be permitted development under the relevant planning legislation (Class R of Part 3 of the GPDO) and full planning permission is required to retain the unauthorised storage use of the building.

OFFICER RECOMMENDATION: REFUSE

Case Officer: Chris Johnston
Recommendation Date: 9.4.19

X B.J. Haywood

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council