

DELEGATED DECISION REPORT

DET/2021/0047
Valid 13/12/2021

CROSSWAYS FARM
MORRIDGE TOP ROAD
ONECOTE

**APPLICATION TO DETERMINE
IF PRIOR APPROVAL IS
REQUIRED FOR A PROPOSED
CHANGE OF USE OF
EXISTING AGRICULTURAL
BUILDINGS AND YARD AREA
TO COMMERCIAL USE (B2)**

**(NOTIFICATION - CHANGE OF
USE PRIOR APPROVAL)**

MAIN ISSUES

The applicant seeks a determination as to whether prior approval is required for a proposed: Change of Use of Agricultural Buildings to a flexible use within Storage or Distribution (Class B8), Hotels (Class C1), Commercial/Business/Service (Class E), or until the end of July 2022, uses previously classified as Assembly and Leisure (Class D2).

DESCRIPTION OF SITE

The site is positioned in an open countryside location beyond the settlement of Onecote. The Crossways Farm is a cluster form of development consisting of a cladding building together with ancillary buildings. It sits within on the edge of the Peak Park.

PROPOSAL

Change of use of several agricultural buildings for flexible use.

SITE HISTORY

04/00113/BOC	Breach of planning control	Upheld enforcement 19/07/10
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CONSULTATIONS

Publicity

Site Notice expiry date: 7/01/22

Neighbour consultation period ends: 06/01/22

Press Advert: N/A

Public Comments

32 objections

- Concerns of the potential use of the buildings for the storage of meat.

- Affect living conditions of neighbours due to potential odour
- Use of the site other than agricultural use will affect local businesses due to odour
- Potential impact to nearest watercourse
- Lack of information in the application form
- Increase noise
- Increase traffic within an AOB

Bradnop Parish Council Comments

Lack of information

Environmental Health

Further information is required

Staffordshire County Council Highways

No objection subject to 'conditions' requiring hardstanding

Staffordshire Wildlife Trust

Further information is required on works to the buildings and other land including any additional drainage or lighting, and the proposed site use, as these could impact on surrounding habitats.

Peak Park Authority

Further information

EVIDENCE IN SUPPORT OF THE APPLICATION

- Application Form
- Drawing no: P266-202 PP01 Proposed Ground and First Floor Plans
- Drawing no: P266-202 PP02 Proposed Elevations
- Drawing no: P266-202 PP03 Existing and Proposed Block Plans
- Drawing no: P266-205 LP01 Location Plan

OFFICER COMMENTS

Class R, Part 3, Schedule 2 of the GPDO permits, subject to conditions and limitations, the change of use of buildings from a use as an agricultural building to Flexible use under *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*. The limitations are as follows:

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

According to the Council's records, it shows that the site has been historically used for the construction, maintenance and repair of stock racing cars and other vehicles and, use of the building used as a residential flat. This was a matter that was breached and enforcement action was taken. The inspector upheld the enforcement and this took effect on 19/06/10. Subsequently, the records does not appear to show that the breach had ceased while after July 2013. On this basis of historic enforcement records, it shows that the site and the buildings cannot have been used for agricultural use as part of an agricultural enterprise for the required ten years period from 3rd July 2012.

Therefore, the development fails meet the limitations under Class R.1 A in which the building was solely used for an agricultural use as part of an established agricultural unit on 3rd July 2012.

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;

(ii) the nature of the use or uses; and

(iii) a plan indicating the site and which buildings have changed use;

(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;

Staffordshire County Council Highways raised no objection subject to hardstanding along the access of the site following revised plans.

(ii) noise impacts of the development;

Environmental Health requires additional information to consider the impact of on noise and hours in terms of the use of the buildings. This site is in a rural area with low background noise levels and it is essential that prior to permission being granted there is clarity about what is being proposed.

(iii) contamination risks on the site; and

Contamination risks of the site could be conditioned however due to lack of clarity to the use of the site to enable further consideration, no conditions have been provided by Environmental Health.

(iv) flooding risks on the site,

The site is located within Flood Zone 1.

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

(2) Subject to sub-paragraph (3), development under Class R of the type described in paragraph R.3(1)(b) must begin within a period of 3 years starting with the prior approval date.

(3) Where, in relation to a particular development under Class R of the type described in paragraph R.3(1)(b), planning permission is granted on an application in

respect of associated operational development before the end of the period referred to in sub-paragraph (2), then development under Class R must begin within the period of 3 years starting with the date that planning permission is granted.

(4) For the purposes of sub-paragraph (3), “associated operational development” means building or other operations in relation to the same building or land which are reasonably necessary to use the building or land for the use proposed under Class R.

CONCLUSION

Due to lack of clarity around the proposed use, prior approval is required in order to fully consider matters of noise and contamination risks. Under the provisions of paragraph W(3) The local planning authority may refuse an application where, in the opinion of the authority—

- (a) the proposed development does not comply with , or
- (b) the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with, any conditions limitations or restrictions specified in this Part as being applicable to the development in question.

Furthermore, the proposal does not meet the above permitted development requirements and therefore Prior Approval is required and refused.

OFFICER RECOMMENDATION : Refusal

Case Officer: Lisa Li

Recommendation Date: 04/02/22

X 

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council