

DELEGATED DECISION REPORT

DET/2021/0046
Valid 13/12/2021

PARK HOUSE FARM
ASHBOURNE ROAD
BOTTOMHOUSE
LEEK

CHANGE OF USE OF PART OF
EXISTING AGRICULTURAL
BUILDINGS TO COMMERCIAL
USE (B8)

(NOTIFICATION - CHANGE OF
USE PRIOR APPROVAL)

MAIN ISSUES

- Whether or not the proposal can be determined under a “Class R” Prior Notification application and if so:
 - - The transport and highways impacts of the development
 - - The noise impacts of the development
 - - The contamination risks on the site
 - - flooding risks on the site

DESCRIPTION OF SITE

The site lies within the open countryside between Bradnop to the north-west and Bottomhouses to the south-east and comprises part of a farm on the north-side of the A523. Within the site is part of two adjoining livestock buildings on the northern edge of the farm building complex and which also includes part of the yard to the east of the buildings. The group of farm buildings is surrounded by open fields and is accessed via a farm access road connected to the main road to the south. There is a second access which leaves the yard towards the east connected to a longer farm access road.

PROPOSAL

The application is a “Notification of Prior Approval” application for the change of use of part of two adjoining modern livestock buildings, built under 2011 planning permissions, into a commercial use, in this case a “B8 Industrial” storage and distribution use. There would be no physical works involved to either the buildings, the site or access (which is existing) and there is access into both buildings from the yard.

There are no elevational or floor plan drawings. From the information provided, there would be 500 sq.m of floorspace within the building for the storage/distribution use and 492 sq.m of yard space.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

National Planning Policy Framework – Revised February 2019

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

The two adjoining buildings were built under permissions 11/00769 and 00/770 (full planning applications). There are no other planning applications relating to the farm.

CONSULTATIONS

Publicity

Site Notice expiry date: 26.1.22

Neighbour consultation period ends: 26.1.22

Press Advert: N/A

Public Comments

None.

Town / Parish Comments

No objection.

Local Highways Authority

No objection providing a condition is added requiring a bound surface be applied to the first 5m of the access adjacent to the road.

Environmental Health Section

No objection with regard to ground contamination and noise subject to standard conditions.

Staffs Wildlife Trust

A holding objection is issued as there is insufficient information to assess ecological impacts and notes there could be ponds within 250m away and there is a nearby SSSI. The building has no potential for bats. A Biodiversity Net Gain could be achieved by new planting/landscaping.

OFFICER COMMENTS

Changes to the GPDO in 2015 introduced into 'Part 3 – Changes of Use' a 'Class R' development which allows the conversion or change of use of agricultural buildings into flexible commercial uses (e.g. shops, eating places, offices, light industrial, storage/distribution warehouses, hotels, leisure uses) without the need to apply for full planning permission providing the criteria listed under Class R in the legislation are met. However, in the case of a building with more than 150 sq.m of floorspace to be changed, a "Notification of Prior Approval" application needs to be submitted instead (under Part 3 Class R(2)) and the Council must determine this against the material planning considerations listed above.

This proposal in this case is for the change of use to a storage/distribution commercial use. It meets all of the criteria/tests under Class R(1) for applying for the change of use under Class R of the GPDO i.e. the last use was agricultural and has been for at least ten years and the floorspace of the building does not exceed 500 sq.m.

The application must therefore be determined against the planning considerations listed under Class R(3) also listed in the “Main Issues” section of the report:

With regard to the transport and highways impacts of the development, the proposal would not lead any traffic or highway safety problems, given that vehicle movements from a B8 use would not be excessively more frequent than the current agricultural uses of those parts of the building, or involve larger vehicles. The access road and the junction of it with the main road (and the level of visibility at the junction) are also deemed to be safe for use by vehicles associated with the proposed new use. There are no objections from SCC Highways.

With regard to the noise impacts of the development, the Environmental Health section of the Council who were consulted on the application, commented as follows:

“The application contains no timings or noise advice other than that there will be no noise impacts. While we can agree with this during daytime hours dependant on how the when road traffic noise in this area will be loud and mask predictable noise from this type of activity. But as road traffic noise decreases, noise from trucks entering and leaving the site could be an issue for the nearest residential property which is opposite the site access. It would be advisable to confirm operation timings and condition these. Delivery timing condition advised. The site is relatively remote so if it operates during daytime hours and timings are imposed it is unlikely to cause adverse impacts to amenity.”

I consider that the proposal would, given the current agricultural workings in the area and the presence of the main road and the distance of the site from the nearest dwelling outside of the property, which lies on the opposite side of the main road, would not lead to any significant additional noise in relation to current noise levels during the day (when farm workings and the road would be at their noisiest). I also consider that due to the position of the nearest dwelling, which is adjacent to the farm access, a condition should be added to restrict deliveries and collections from large vehicles to particular times,. Which would avoid late evenings, early mornings and night.

With regard to the contamination risks on the site, the change of use would be in an existing building and no works are proposed which would make it more vulnerable to any ground contamination at the farm. The particular proposed use is not sensitive to any contamination (unlike say for example, offices or residential). No concern has been raised by EH on these grounds.

With regard to flooding risks on the site, the site is not in a flood plain and does not appear to be affected by any localised flooding.

The scheme also complies with the other parts of Part 3 of the GPDO (relating to

changes of use) and the guidance for Class R development in that the size of the “curtilage” i.e. the land around the building within the application site to be used in connection with proposed new use, in this case, the yard area for the parking and turning of vehicles for collections/deliveries, does not exceed the floorspace/footprint of the building proposed to be changed.

The holding objection from Staffs Wildlife Trust is noted. However, the ecological impact of the change of use is not a consideration listed under Class R(3). In any case, the buildings are already present and have been used intensively for agriculture, and no physical modifications are proposed and the site is not in an SSSI which is located a considerable distance away to the other side of the main road.

The Environmental Health section also recommended to further conditions, relating to construction hours and external lighting. However, lighting and its impacts are not a planning consideration to be determined under Class R DET applications and I also consider a construction hours condition is unnecessary as no significant works are proposed to the building in connection with the change of use.

CONCLUSION / PLANNING BALANCE

The proposal can be determined via a Notification of Prior Approval under Class R as it meets the test in R1 and in terms of the impacts listed under R3, the proposal would not lead to any harmful highway safety, flooding, noise or contamination impacts, with the safeguard of appropriate conditions and therefore the proposal meets all of the tests in R3. The application should therefore be approved i.e “Prior Approval” granted and the proposed change of use can occur as “permitted development” without requiring the submission of a full planning application under Part 3 Class R of the GPDO.

OFFICER RECOMMENDATION : APPROVE

Case Officer: Chris Johnston
Recommendation Date: 7.2.22

X 

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council