

Delegated Report

Planning Ref: 25/00871/P3CR

Applicant: Mr Jaz Sahota

Ward: Twycross, Sheepy & Witherley



Hinckley & Bosworth
Borough Council

**Site: 8 Wood Lane, Norton Juxta, Twycross, Atherstone,
Leicestershire CV9 3QB**

**Proposal: Notification to determine if prior approval is required for the change of use
of two agricultural buildings to two office units (Class E)**

1. Recommendations

1.1. Prior approval required and granted subject to:

- Conditions outlined at the end of this report

2. Planning application description

2.1. This application relates to a change of use of existing agricultural buildings to 2x office units (Class E – Commercial, business or service) under Schedule 2, Part 3, Class R of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

2.2. The application comprises the following documents:

- Location Plan, drawing no. A-A10-001-A
- Existing Site Plan, drawing no. A-E10-002-A
- Existing Floor Plan, drawing no. A-E11-001
- Existing Elevations, drawing no. A-E12-001
- Proposed Site Plan, drawing no. A-P10-001-A
- Proposed Floor Plan, drawing no. A-P11-002
- Proposed Elevations, drawing no. A-P12-001
- Transport Note
- Phase 1 Contaminated Land Assessment

2.3. A noise impact assessment was subsequently submitted by the applicant after a request from the Council's Environmental Health Team.

3. Description of the site and surrounding area

3.1. The application site is located within open countryside, to the east of the Norton Juxta which is a rural hamlet as defined by the Site Allocations and Development Management DPD 2016.

3.2. The site comprises 2x existing agricultural buildings sited adjacent to one another that are connected. The buildings have individual Gross Internal Areas (GIA) of 464 m² and 526 m² respectively, with a cumulative GIA of 990m². The remainder of the site comprises concrete hardstanding.

3.3. Access is taken from the existing entrance into the site from Wood Lane to the north which is an unclassified road subject to a 30mph speed limit.

4. Relevant planning history

4.1 25/00223/DGDO

Prior approval for demolition of barn - APPROVED

4.2 25/00688/NMA

Non material amendment to planning permission 78/00014/4M for replacement of existing asbestos corrugated sheeting with metal corrugated cladding (dark grey) and the insertion of roller shutter doors to the existing openings on the gable elevation - APPROVED

5. Publicity

5.1. The application has been publicised by posting a site notice within the vicinity of the site and sending letters to neighbours.

13 letters of objection have been received and are summarised as follows:

- The commercial traffic to the offices will cause too much noise, not in keeping with the feel of the village and what residents expect. Increased volume of traffic, starting cars, revving of engines, doors slamming etc.
- The increase in traffic will not be suitable for the small lanes serving the village. The existing commercial traffic already have little regard for the residents and nearly cause accidents on a daily basis as they rush down the lanes to conduct their business. The main lanes will need widening and new junctions at both entrances to the village from the A444 would need addressing. For the potential 40 + cars coming and going at rush hour.
- The proposed offices will be next to high quality residential homes and that will change the whole feel of them, de-value them and make them potentially unsaleable. Unless they are drastically reduced in price. That's not fair on the present owners.
- The general infrastructure is not in place to serve people working in the proposed new offices.
- If the proposed development takes place the council tax on the existing homes will need to be drastically reduced as they will no longer have the same value and the living conditions and enjoyment will be destroyed.
- I believe this application to be what is known as an 'enabling' or 'ghost' application, a scare tactic used by developers in order to seek planning permission for something that might be deemed more acceptable to nearby residents. No doubt a replacement application for dwellings will follow shortly.
- Under existing planning documents Norton Juxta, Twycross is listed as a rural hamlet and thus should be kept and continuously protected as such.
- Documentation in support of the application is questionable
- Our home has a large balcony on the outside of an East facing bedroom with enough room for seating. The position of this is such that if the proposed offices were built, we would be able to see into both offices when seated on the balcony, and vice versa. We would therefore be unable to use this balcony during the day, which is precisely the time we would wish to use it.
- There are many established and young trees that are very close to the barns, some of which are Ash, which is an endangered species. These are home to much wildlife. Whilst the barns could be demolished leaving these trees intact, it is likely they would need to be removed to carry out the office development, thus further destroying flora and fauna.

6. Consultation

6.1. **HBBC Drainage Officer** – According to the Environment Agency (EA) website, the application site is located within Flood Zone 1, designated as low probability of flooding from rivers and sea, and the principle of development in low flood risk areas is acceptable. Please note that for developments exceeding 1 Hectare, a site specific Flood Risk Assessment will be required. The EA Surface Water mapping indicates a high risk of surface water flooding towards the south east of the application site. The Drainage Strategy for the development should include suitable measures to mitigate the risk of flooding from surface water. The surface water drainage system for the

proposed development should incorporate sustainable drainage principles (SuDS) to mitigate the risk of flooding on the site, and ensure that surface water runoff does not increase flood risk elsewhere. The proposals should also include measures to address issues of water quality in accordance with current SuDS guidance. The proposed outfall for the discharge of surface water runoff from the development should be in accordance with the hierarchical approach outlined in Building Regulations Part H. The use of infiltration drainage is preferred, subject to the site being free from a contaminated ground legacy. The suitability of the ground strata for soakaway drainage should be ascertained by means of the test described in BRE Digest 365, and the results approved by the Building Control Surveyor before development is commenced. If the ground strata are insufficiently permeable to avoid discharging some surface water off-site, flow attenuation methods should be employed, either alone or in combination with infiltration systems and/or rainwater harvesting systems.

- 6.2. **HBBC Environmental Services (Pollution)** - With regard to noise is any external plant/equipment proposed (e.g. AC units, ASHPs). The development is close to an industrial site and noise from this use should be considered. A noise impact assessment is required.

Further response received from Environmental Services – Conditions requested in respect of contaminated land and noise.

- 6.3. **The Local Highway Authority (LHA)** - The Local Highway Authority advice is that, in its view, the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with paragraph 116 of the National Planning Policy Framework (2024), subject to the conditions outlined in this report.

7. Policy

- 7.1. Town and Country Planning (General Permitted Development) (England) Order 2015 Schedule 2 Part 3 Class R

- 7.2. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2024)
- Planning Practice Guidance (PPG)

8. Appraisal

- 8.1. It is necessary to determine whether the proposed change of use meets the criteria for permitted development under Class R of the Town and Country Planning (General Permitted Development) Order 2015.

- 8.2. Class R relates to development that consists of the change of use of a building and any land within its curtilage from an agricultural use to a flexible use falling within one of the following provisions of the Use Classes order:

- Class B2 (general industrial) of Schedule 1;
- Class B8 (storage or distribution) of Schedule 1;
- Class C1 (hotels) of Schedule 1;
- Class E (commercial, business or service) of Schedule 2; or
- Class F.2(c) (outdoor sport or recreation) of Schedule 2; or to a use for the provision of agricultural training.

R.1. – (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*
 - (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 were constructed prior to 3rd July 2012 and the Applicant states that they were in agricultural use as part of an agricultural unit at that time and have been since. The information available to the Local Planning Authority (LPA) does not dispute this and therefore it is accepted that the buildings satisfy R.1(a).

- (b) *the cumulative floor space of buildings which have changed use under Class R within an established agricultural unit exceeds 1,000 square metres;*

The cumulative floor space of the application buildings is 990 square metres and there are no other buildings within the agricultural unit which have changed use under Class R.

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

The site is not, and does not form part of, a military explosives storage area.

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

The site is not, and does not form part of, a safety hazard area.

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

The buildings are not listed buildings and the site is not, nor does it form part of, a scheduled monument.

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 E 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.*

Note to Applicant.

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;*

The cumulative floor space of the buildings exceed 150 square metres. This information has been provided to the Local Planning Authority.

- (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;*
 - (ii) noise impacts of the development;*
 - (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.

The cumulative floor space of the proposal does exceed 150 square metres and so this application is to be considered against transport and highways impacts, noise impacts, contamination risks and flooding risks.

- (i) Transport and highways impacts of the development*

Access to the site would be via the existing access on to Wood Lane. An unclassified road subject to a 30mph speed limit. This application details show a 5.0m wide access road with 2.4 x 43m visibility splays in each direction. The access is considered to be sub-standard in width and the LHA would usually require a Minor Road Industrial Access to be constructed. However, under the site specific circumstances, given the existing trip generation of the site as detailed further below, it is considered the LHA would not be able to insist on improvements to the access.

Based on available records to the LHA, there have been no recorded Personal Injury Collisions along the length of Wood Lane within the last five years up to July 2025. There are therefore no pre-existing highway safety concerns along the road.

The Applicant has outlined the existing trip generation for the site to be approximately 788 agricultural vehicles arriving / departing the site i.e. 1,576 two-way agricultural vehicle trips on an annual basis, or up to five two-way HGV trips per day, including weekends. In addition to this, there were six staff members employed on ancillary duties, which would have generated up to eight two-way car trips. Overall, the agricultural barns would have generated a combined 17 two-way vehicular trips daily, including weekends – which on a 10-hour basis equates to approximately two vehicular trips per hour. The Applicant has utilised the TRICs database to ascertain the likely number of trips the proposed

development would generate. Whilst the development would result in an increase in the level of traffic travelling to and from the site, frequent tractor-trailer combinations and articulated lorries associated with the agricultural use, would be replaced instead by predominantly car and light van movements. The LHA considers that overall, given the reduction in large, slow moving vehicles from the site, it would not be able to demonstrate the proposals would result in a severe impact on the surrounding highway network. On this basis, the LHA consider it would not be possible to justify improvements to the access, given the current use and vehicles accessing the site, which would also typically require an access width of a Minor Road Industrial Access.

The Applicant has stated a total of 40 car parking spaces will be provided within the site. This will include four electric car charging points. In addition, there would be four motorcycle spaces and three Sheffield stands for cyclists. Details of the car parking arrangements have been provided. Based on Figure 29(c) of the LHDG, for 990sqm E(g)(i) (Offices for operational or admin functions) use, one car parking space per 25sqm floorspace would be required. The LHA therefore consider the proposed level of car parking provision to be acceptable. This is also the case for cycle and motorcycle provision. Whilst details of cycle parking have not been provided, the LHA advise this could be secured by a condition. Cycle parking will need to be secure and undercover.

Subject to conditions the transport and highways matters are considered to be acceptable.

ii) Noise impacts of the development

The application buildings are located to the rear of recently built dwellings and existing dwellings are also located to the west of the site.

HBBC Environmental Services Pollution have reviewed the proposed development and have sought further information with respect to external plant/equipment proposed (e.g. AC units, ASHPs). They have also noted that the proposal is close to an industrial site and noise from this use should be considered.

In summary, it is considered that any detrimental noise impacts arising from the proposal can be adequately managed via a suitably worded condition.

iii) Contamination risks on the site

A contaminated land report has been submitted as part of the application details. The Environmental Health team has not flagged any concerns with respect to contamination risks to the site for a use of this type. A condition is recommended.

iv) Flooding risks on the site

The site is located within Flood Zone 1 and is therefore considered at low risk of flooding from fluvial sources. However the Drainage Officer has flagged that there is a surface water flooding risk in close proximity to the site. However, as the risk does not encroach on the red line boundary it is considered that this proposal which is classified as less vulnerable development in this location is acceptable in this instance. The Drainage Officer has not requested conditions.

The proposed use is considered to be less vulnerable in terms of

(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.

Note for Applicant.

(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.

Note for Applicant.

(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.

Note for Applicant.

9. Equality implications

9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states: -

- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

9.2 Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.

9.3 There are no known equality implications arising directly from this development.

9.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Conclusion

10.1. The proposal meets the criteria of Class R of Part 3 of Schedule 2 of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). It is considered that the application is acceptable and is in accordance

with the conditions and the provision of Paragraph W of R.3 of Part 3 of Schedule 3 of Article 3 of the General Permitted Development Order (2015) (as amended).

- 10.2. In light of the Prior Approval matters to be considered under R.3(1)(b) for Class R, it is considered that the proposal has adequately addressed these matters subject to the relevant conditions. The proposal is therefore considered reasonable with regard to transport and highways impacts, noise impacts, contamination risks on the site, and flooding risks on the site. It has been determined that prior approval is required and should be granted.

11. Recommendation

11.2 Prior approval required and granted subject to:

- Conditions outlined at the end of this report

11.3 Conditions and Reasons

1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:

- Application Form
- Location Plan, drawing no. A-A10-001-A
- Existing Site Plan, drawing no. A-E10-002-A
- Existing Floor Plan, drawing no. A-E11-001
- Existing Elevations, drawing no. A-E12-001
- Proposed Site Plan, drawing no. A-P10-001-A
- Proposed Floor Plan, drawing no. A-P11-002
- Proposed Elevations, drawing no. A-P12-001
- Transport Note
- Noise Assessment
- Phase 1 Contaminated Land Assessment

Reason: To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

2. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with MAGNA drawing number 25-740-SK02. Thereafter the onsite parking and turning provision shall be kept available for such uses in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally and to enable vehicles to enter and leave the site in a forward direction in the interests of highway safety and in accordance with the National Planning Policy Framework.

3. The development hereby permitted shall not be occupied until such time as secure cycle parking shall be provided in accordance with details first submitted to and agreed in writing by the Local Planning Authority. Thereafter the onsite cycle parking provision shall be kept available for such use(s) in perpetuity.

Reason: To promote travel by sustainable modes in accordance with the National Planning Policy Framework.

4. The rating level of the noise emitted from Fixed plant and equipment (mechanical and electrical) located at the site shall not exceed the existing background level at any premises used for residential purposes surrounding the site when assessed in accordance with BS 4142:2014+A1(2019).

Reason: To ensure that the amenities of occupiers of other premises/dwellings in the vicinity are protected in accordance with Policy DM7 and Policy DM10 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

5. Notwithstanding the recommendations within the Phase I risk assessment carried out by Castledine Environmental dated 27.07.2025 ref: 4034D P1 LonXThree – Norton-Juxta-Twycross no development approved by this permission shall be commenced until a scheme for the investigation of any potential land contamination on the site has been submitted to and agreed in writing by the Local Planning Authority which shall include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to the site first being occupied.

Reason: To ensure that risks from contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

6. If during development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted to and approved in writing by the Local Planning Authority which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to the site first being occupied.

Reason: To ensure that risks from contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

Notes

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at building.control@blaby.gov.uk or call 0116 272 7533.
2. For the purposes of the Use Classes Order and the General Permitted Development Order (2015), after a site has changed use under Class R the site is to be treated as having a sui generis use (GPDO, Schedule 2, Part 3, Class R, Condition R.2(b)).
3. The applicant is reminded of the following Schedule 2, Part 3, Class R, R.3 Conditions which apply to the development:

(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.