

P25-1839

8th April 2026

Hinckley and Bosworth Borough Council
Planning and Building Control
Hinckley Hub
Rugby Road
Hinckley
Leicestershire
LE10 0FR

Dear Sir/Madam

Application for a Certificate of Lawful Development Schedule 2, Part 3, Class R of the General Permitted Development Order (GPDO) 2015 (as amended)

Section 192 of the Town and Country Planning Act 1990: Planning and Compensation Act 1991 Town and Country Planning (Development Management Procedure) Order (England 2015)(as amended)

At Land South of Retreat Farm, Thornton Lane, Thornton, Leicestershire, LE67 1AL

Pegasus Group on behalf of our client, Cooks Midlands Ltd, have been instructed to submit an application for a Certificate of Lawful Development (Proposed Use) at Land South of Retreat Farm, Thornton Lane, Thornton, Leicestershire, LE67 1AL

The application is a Certificate of Lawfulness for a proposed use which would be lawful for planning purposes under Section 192 of the Town and Country Planning Act 1990.

The precise location of the agricultural building is identified on the submitted HSSP Architects Site Location Plan No. 9412-01-01.

Description of the Site and Building

The agricultural building subject to this submission forms part of a 4.75 acres agricultural unit within the open countryside approximately 1km to the northeast of Thornton village and 350m to the west of Thornton reservoir. The single storey, steel portal framed building is clad in steel profiled sheeting to the walls with a fibre cement profile sheeting to the roof.

Vehicular Access to the building is achieved directly off Thornton Lane via an existing agricultural access and track. The building sits approximately 140 meters back from the public highway and has been used for the storage of agricultural equipment.

Planning History

Offices throughout the UK.

Pegasus Group is a trading name of Pegasus Planning Group Limited (07277000) registered in England and Wales.
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24/01048/P3CQ	Notification to determine if Prior Approval is required for the change of use of an agricultural buildings to a dwellinghouses (Class C3).	Prior Approval Granted 20th May 2025. This change of use has not been implemented.
Class R Prior Notification Submission – 18 th July 2025	Prior Notification submission under the Town and Country Planning (Development Management Procedure) Order (England 2015) (as amended) Schedule 2, Part 3, Class R for the change of use of an agricultural building to a flexible commercial use	On 24.07.25 the Local Planning Authority Confirmed receipt of the Prior Notification but would not provide written confirmation that the change of use could proceed outside of the Certificate of Lawfulness Process.

The Proposed Development

Our client proposes to change the use of the agricultural building in compliance with the conditions and limitations of the legislation specific to Class R of Schedule 2, Part 3 of the General Permitted Development Order (GDPO).

The proposed use of the building will fall within the following provision under the Use Classes Order:

R. (a)(ii) Class B8 (storage or distribution)

The change of use will commence on 20th June 2026. The building will used for the storage of machinery.

There will be no external alterations to the building as part of this change of use.

This covering letter supports the submission together with the following drawings:

- Drawing No. 9412-01-01: HSSP Architects Site Location Plan
- Drawing No. 9412-01-02: HSSP Architects Existing Elevations

Relevant Legislation

The General Permitted Development Order (2015) as amended

Schedule 2, Part 3, Class R of the Town and Country Planning (General Permitted Development) (England) Order 2015 concerns the change of use of an agricultural building to a flexible commercial use:

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—

(a) falling within one of the following provisions of the Use Classes Order—



- (i) Class B2 (general industrial) of Schedule 1;*
- (ii) Class B8 (storage or distribution) of Schedule 1;*
- (iii) Class C1 (hotels) of Schedule 1;*
- (iv) Class E (commercial, business or service) of Schedule 2; or*
- (v) Class F.2(c) (outdoor sport or recreation) of Schedule 2; or*
- (b) for the provision of agricultural training.*

Conditions

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.*
- (d) where the site is to be used for general industrial purposes within Class B2, it must only be used for the processing of—*
 - (i) raw goods, excluding livestock, which are produced on the site and are to be sold on the site, or*
 - (ii) raw goods mentioned in paragraph (i) together with goods ancillary to the processing of those raw goods*

We can confirm that the proposed use of the building as set out above will be in full compliance of the conditions set in paragraph R. 2 of the legislation.

Analysis of Proposals against Part 3, Class R of the General Permitted Development Order

The legislation sets out a series of exceptions to Class R which the proposed operation is assessed against in the table below:



Exception	Assessment
<i>Development is not permitted by Class R if—</i> <i>(a)the building was not used solely for an agricultural use as part of an established agricultural unit—</i> <i>(i)on 3rd July 2012;</i> <i>(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</i> <i>(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;</i>	The last use of the building has been for agriculture as part of an established agricultural unit.
<i>(b)the cumulative floor space of buildings which have changed use under Class R within an established agricultural unit exceeds 1,000 square metres</i>	The cumulative floor space of the building is less than 1000 square meters.
<i>(c)the site is, or forms part of, a military explosives storage area</i>	The site is not part of a military explosives area.
<i>(d)the site is, or forms part of, a safety hazard area</i>	The site does not form part of a safety hazard area.
<i>(e)the building is a listed building or a scheduled monument</i>	The building is not a listed building or a scheduled monument

The proposed change of use therefore clearly meets with the requirements set out in the legislation at paragraph R.1.

The legislation at paragraph R.3 sets out the requirements before the implementation of change of use offered by the virtue of Class R. The legislation at paragraph R.3 is set out in the table below:

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;

(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.

(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.

The cumulative floor space of the agricultural building proposed to be converted is less than 150 square metres. Therefore, the provisions set out above in paragraph R.3 (1) (a) are applicable at this time and an application for prior approval is not required.

Conclusion

This Certificate of Lawful Development seeks confirmation that the change of use of the building to a flexible commercial use is lawful and can take place without express planning approval, under Schedule 2, Part 3, Class R of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

The information contained within this covering letter along with the accompanying plans pack clearly provides the required information.

The proposed change of use of the building set out above meets the conditions of Class R of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

We trust that the information contained within this letter and supporting documents are sufficient for the Council to conclude that proposed use can be carried out and would be lawful for planning purposes under Section 192 of the Town and County Planning Act 1990.

If there are any queries pursuant to this letter or the attached documentation, then please do not hesitate to contact me directly.

We respectfully request that a Certificate of Lawfulness is granted for the proposed use.



We look forward to confirmation of receipt and validation of the application. If there are any queries pursuant to this letter or the attached documentation, then please do not hesitate to contact me

Yours Sincerely,

[Redacted signature]

Louise Winson

Principal Planner

[Redacted contact information]

Enc.