

Planning Department
Hinckley & Bosworth Borough Council,
Hinckley Hub,
Rugby Road,
Hinckley,
Leicestershire,
LE10 0FR

Our ref: 2521641.2
Your ref: PP-13898817

16th May 2025

Dear Planning,

**The Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2015 (as amended)
Statutory Instrument 2015 No. 596**

APPLICATION UNDER PART 3, CLASS R PRIOR APPROVAL FOR THE CHANGE OF USE OF AGRICULTURAL BARNs TO STORAGE AND DISTRIBUTION (USE CLASS B8)

Trout Ponds Farm, Twycross Road, Sheepy Magna, Atherstone, CV9 3RT

Introduction

1. We write on behalf of Rhodri and Rebecca Davies ("the applicants") and can confirm submission of the above application for prior approval under Class R of the General Permitted Development (Amendment and Consequential Provisions) Order 2015 ("the Order") to Hinckley & Bosworth Borough Council ("The Council") electronically via the Planning Portal today (ref: PP-13898817).
2. The submission is supported by the following drawings and documents, prepared by Hardwick Studio Architects unless otherwise stated:

- Location Plan Drawing No. 2024-1043-CR-001C
 - Existing Plans (Barns) Drawing No. 2024-1043-B-101A
 - Proposed Floor Plan Drawing No. 2024-1043-CR-201
 - Existing and Proposed Elevations 1 (Barns) Drawing No. 2024-1043-B-102
 - Existing and Proposed Elevations 2 (Barns) Drawing No. 2024-1043-B-103
 - Existing Site Plan Drawing No. 2024-1043-CR-100B
 - Proposed Site Plan Drawing No. 2024-1043-CR-200B
3. This application is accompanied by a BACS payment of £240.00, plus the £85.00 admin fee, which is the correct fee for an application of this type.

Background and Site Description

4. The site is located at Trout Ponds Farm and covers an area of approximately 70 Hectares. The application site comprises of a cluster of agricultural buildings, sub-divided into 7no. units, alongside 2no. sheds, the site also contains a farmstead, arable fields, paddocks and ponds which are centrally located with orchards and extensive woodlands to the north.
5. The barns are arranged around a track, with further existing hardstanding to the eastern side of the agricultural buildings. The farmyard is comprised of modern barn buildings at the east, constructed of breeze block walls and metal and profile cladding and profile sheeting for the roof material. The buildings which were formally used as agricultural buildings and there are several traditional barns and lean-to shed structures constructed with bricks and metal cladding at the west, surrounding a central yard area. The modern barns are constructed with concrete bases while the traditional barns and lean-to structures have bare earth bases.
6. The buildings are part of a farm complex accessed from a lawful existing access from Rodney Gardens to the east, which is accessed from Twycross Road (B4116), as identified on the attached Location Plan. Footpath T13 is located to the south-east of the site and travels north-west past the wider site to the south of Orton-on-the-Hill.

7. The buildings subject of this application is sited centrally to the landholding. To the immediate south of the buildings is an existing farmhouse, to all other aspects is forestry and agricultural land.
8. The application site is designated as countryside, with it being located outside of a settlement boundary. The application site itself does not lie within a Conservation Area, nor is it subject to any other formal designations. The buildings are not listed.
9. The application proposes storage in connection with the applicant's arboriculture business. The business conducts tree works and is an arboriculture contracting business. There will be no operations conducted from the site in association with the business. The applicant is proposing to use the buildings for storage of equipment such as:
 - Chippers
 - Chainsaws
 - Hedge cutters
 - Strimmers
 - Blowers
 - General gardening equipment e.g. shovels, forks, spades, rakes
 - Chain oil
 - Oil cans
 - Cabinets to store spare parts
 - Helmets
 - Robot mowers
 - PPE - clothing
 - Drills general tools
10. The application proposes to convert the buildings **UNDER PART 3, CLASS R PRIOR APPROVAL FOR THE CHANGE OF USE OF AGRICULTURAL BARNs TO STORAGE AND DISTRIBUTION (USE CLASS B8)**
11. The business operates with contractors carrying out works off-site and then returning to the site with the relevant equipment following the completion of the works. The business will not carry out any operations from the site.

12. The last use of the buildings associated with this application were agricultural.

i. Relevant Planning History

13. The planning history of direct relevance is summarised in Table 1 below.

Ref No.	Description	Date of Decision	Decision
02/00853/COU	Change of use of agricultural building to livery stables with alterations (Not building associated with this application).	13 Sept 2002	Permitted
77/01156/4	Retention of caravan	11 Aug 1977	Refused
75/01123/4	Standing caravan for agricultural worker	17 Jul 1975	Approved

Table 1 – Planning history of the barns in question, as available on the public access page.

The Proposal

14. The proposed development is for the change of use of 995m² of floorspace of the existing agricultural barns to Class B8 storage units. The internal layout has been designed to make use of the existing apertures within the structure of the buildings and no new openings are proposed. The buildings are enclosed on three sides.
15. Internally, as shown on the Proposed Plans – Barns drawing no. 2024-1043-CR-201, no internal alterations have been proposed, utilising the existing structure and only seeking to change to use from agricultural to Class B8 use.
16. Parking provision for the employees can be accommodated within the existing yard area, which benefits from existing hardstanding as shown on the site layout plan.

Part 3, Class R Assessment

17. Having regard to Part 3, Class R of the Order, permitted development under Class R consists of:

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.*

Section R.1 Assessment

18. It is considered that the development, which aims to convert the existing agricultural buildings to Class B8 storage forms Class R development, and the Council is asked to give a determination as to whether prior approval is required, having regard to the following factors:
 - a. The buildings have historically been used for agricultural purposes since their construction and were still in use for such activities on the date stated within the legislation (3rd July 2012), exceeding a 10-year period, in accordance with R.1(a);
 - b. The submitted Location Plan outlines the land owned by the Applicant in blue. No previous buildings have undergone a change of use under Class R within the Applicant's agricultural unit and this proposal concerns 995m² of floorspace (below the 1,000m² threshold), in accordance with R.1(b).
 - c. The site does not form part of a military explosives storage area, in accordance with R.1(c);
 - d. The site does not form part of a safety hazard area, in accordance with R.1(d); *and*
 - e. The buildings are not listed buildings, nor are they a scheduled ancient monument.

Section R.3 Assessment

19. Section R.3(1) (b) sets out the details which must be applied for as part of the determination of a Class R application where the cumulative floorspace exceeds 150m². It is considered that the proposed development demonstrably meets the conditions set out here, for the following reasons:

a) transport and highways impacts of the development

20. The site is located outside of the settlement boundary of Sheepy Magna, and currently functions as an agricultural farm. The existing access to the site currently provided via Rodney Gardens is proposed to be retained as part of the development proposals.
21. The existing access is lawful and has been operational for the farm and surrounding land for several years and, as shown within the accompanying Transport Note, there have been no recorded PIA's at the junction with Rodney Gardens and Twycross Road.
22. Given the lawful, unrestricted use of agricultural activities from these buildings, it is considered that the development would not lead to a significant uplift in trips accessing and egressing the site. The details of the trip rates and traffic generation information can be found within the Transport Note.
23. The proposed development therefore can be comfortably accommodated within the local area, and as such there should be no reasons why the application cannot be recommended for approval in terms of highways and transportation; as confirmed within the accompanying Transport Note, prepared by TTC Transportation Consultancy.
24. The Highways & Transport Technical Note has been prepared by The Transportation Consultancy Ltd ('ttc') on behalf of Rhodri and Rebecca Davies (the applicant) to support a Class R planning application for the conversion of existing agricultural units into c.995m² of commercial space (Use Class B8 Storage and Distribution), on land at Holly Lodge Farm, Sheepy Magna, Leicestershire.

25. The evidence presented within the report demonstrates that, the development proposals are in line with both national and local policy. The site benefits from an existing access point off Rodney Gardens, of which is proposed to be retained as part of the development proposals, there are no outstanding highway safety issues on the surrounding local highway network, which the proposed development site would be expected to exacerbate, and that the proposed development traffic generation is not considered to be significant and is not likely to be discernible on the local highway network.
26. Based on the information presented within the report it is considered that the proposed development can be comfortably accommodated within the local area. As such there should be no reason why the application cannot be recommended for approval in terms of highways and transportation. It is therefore considered that the proposed development is acceptable from a highway perspective, and is compliant with Paragraph 116 of the NPPF, which states that *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.”*

b) noise impacts of the development

27. The development will not suffer adverse impacts as a consequence of noise generated from development when considering the existing agricultural operations on site, nor will it give rise to unacceptable noise impacts. There are no residential properties in the immediate vicinity of the application site, bar for the associated Farmhouse which is occupied by the applicant. The properties located within Rodney Gardens are significantly distanced from the units subject to this application and will not be subject to any increased noise impacts.
28. The application has been accompanied by a Noise Impact Assessment, conducted by NoiseAir. The assessment included analysing background sound levels which were established on site through an acoustic survey, and the likely noise levels incident on the nearest noise sensitive receptors has been determined through the use of a 3D sound model, based upon similar sites to the proposed.
29. The assessment confirms that the development would not lead to any issues regarding noise, and the noise levels experienced by vehicular movements would be of low impact.

c) contamination risks on the site

30. The accompanying Contaminated Land Phase 1 Assessment and subsequent Contaminated Land Phase 2 Assessment confirms that the site represents a moderate risk to residential end users, a moderate risk to flora and low to moderate risk to the secondary A superficial aquifer and the on-site ponds. However, it should be noted that no exceedances of commercial land use screening values were identified, therefore, the risk to commercial site users and visitors is low – as such the proposal under this application would be acceptable.
31. To analyse potential remediation options to address contamination risk at the site, a Phase 3 Remediation Options Appraisal & Strategy should be carried out, however, a proposed development plan should be confirmed in advance.
32. If visible or olfactory evidence of contamination is identified during excavations at the site, work should cease to allow further investigation to be carried out. In addition, to ensure regulatory compliance, Waste Classification & Waste Acceptance Criteria (WAC) testing of excavated material from the site may be required prior to off-site disposal.

d) flooding risks on the site

33. According to the Environment Agency's Flood Map the site is located within Flood Zone 1, meaning that the site is at the lowest risk of flooding. A site-specific Flood Risk Assessment is therefore not required in this instance.

Conclusions

34. In light of the foregoing, it is considered that the proposals accord with Part 3, Class R of the Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2015 ("the Order") and that permission should be granted. The proposals provide a clear and legible layout, which demonstrates unequivocally that the 995sqm of agricultural barns can undergo a change of use to Class

B8 storage and distribution units without any adverse impacts arising with regards to highways, contaminated land, noise impacts and flood risk.

35. If you require any clarification on the submissions, please do not hesitate to contact Charlotte El. Hakiem or Joe Fleetwood using the details below.

Yours sincerely

MARRONS

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