

Supplementary Planning Information

In support of

Notification for prior approval for the change of use of an
agricultural building to storage or distribution (Class B8)
under The Town & Country Planning (General Permitted
Development) (England) Order 2015, Schedule 2 Part 3 Class R

at

Ivy House Farm,
Bilstone Road,
Congerstone
CV13 6LW

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Document title	Supplementary Planning Information
Proposal	Notification for prior approval for the change of use of an agricultural building to storage and distribution (B8) under The Town & Country Planning (General Permitted Development) (England) Order 2015, Schedule 2 Part 3 Class R
Planning portal reference	PP-12110900
Applicant details	Mr T Sinnott
Site details	Ivy House Farm, Bilstone Road, Congerstone CV13 6LW
Prepared by	Justin Stevenson BSc MRICS FAAV
Checked by	Alastair Kent MSc MRICS
Agent details	The Rural Planning Co Millridge Farm Parsons Lane Nr Kidderminster DY11 7YQ

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1.0 Introduction

- 1.1 This statement is submitted to accompany an application for prior notification in respect of the change of use of part of an agricultural building to a use falling within Class B8 (storage or distribution) of the Use Town and Country Planning (Use Classes) Order 1987 (as amended).
- 1.2 The application is made under Schedule 2, Part 3, Class R of the Town & Country Planning (General Permitted Development) Order 2015 (as amended) that relates to the change of use of agricultural buildings to flexible commercial uses – hereafter referred to as 'Class R'.
- 1.3 Class B8 (storage or distribution) is one of three commercial uses permissible under Class R, the others being Class C1 (hotels) 1; or Class E (commercial, business or service).

2.0 Site and Surrounding

Agricultural Landholding

- 2.1 The application site comprises part of an existing agricultural building (known as Building 5) at Ivy House Farm, Bilstone Road, Congerstone, CV13 6LW. The applicant's agricultural land holding at Ivy House Farm extends to circa 161 hectares (398 acres).
- 2.2 In winter 2021 the farm's dairy herd was sold. Although the applicant is proposing to continue with arable farming on the landholding, many of the buildings and land on the farm are now either surplus to agricultural requirements or are no longer used to capacity. The applicant is therefore seeking to diversify and repurpose these (in full or part) for alternative uses that can generate an additional commercial revenue stream for the farm.



Figure 1: Extract from submitted block plan, with the part of Building 5 subject of this prior notification application shown shaded red.

Building 5

- 2.3 The application site comprises part of Building 5 which is located on the northern edge of the existing farmstead building cluster at Ivy House Farm. We understand from the applicant that Building 5 was erected in the 1990s and has been used for farming operations thereafter. As shown by the block plan at Figure 1, Building 5 is adjoined by two other agricultural buildings – to the west by Building 3, and to the north by Building 4 which was constructed more recently.
- 2.4 The part of Building 5 that is the subject of this prior notification application extends to circa 420 sqm and has most recently been used for general covered storage to support farming operations, including for hay. The balance of Building 5 is an open-sided lean-to with a footprint of circa 295 sqm that is used principally as a covered parking and storage area for farm vehicles and machinery.



Figure 2: Facing west towards Building 5, showing open-sided lean-to to be retained in agricultural use



Figure 3: Eastern elevation of Building 5 showing interior of floorspace subject of change of use to Class B8.

3.0 Planning History

- 3.1 The majority of records for Ivy House Farm on the Local Planning Authority's online register relate to a range of agricultural development and engineering operations prior to the sale of the dairy herd.
- 3.2 Most recently, full planning permission was granted in July 2021 for the siting of storage containers (Use Class B8) on land to the south-east of Building 5 (reference 20/00997/FUL). This proposal required, amongst other things, access arrangements to be amended, including the widening of the existing access road to 3.5m and laying out of a passing bay to increase the width to 5.5m at that point. The storage facility has been constructed and is now operational, and the works to the access road have been completed.
- 3.3 Consent has recently been granted by the Local Planning Authority (reference 22/01174/FUL) for the change of use of an existing barn to a holiday let (Class C1) including partial reconstruction, refurbishment, and provision of ancillary hardstanding. This barn is to the south of the principal building cluster at Ivy House Farm.

- 3.4 For avoidance of doubt, the online planning records identify that no buildings in the agricultural landholding have been converted under Class R permitted development rights.

4.0 Class R Qualifying Criteria

- 4.1 Class R establishes the principle of the change of use of the building to commercial providing the use is within the use classes as set out under Class R. There are a number of criteria under Class R that the decision maker must consider, and these are highlighted below, together with an explanation as to how the proposal complies with the relevant provisions in each case.

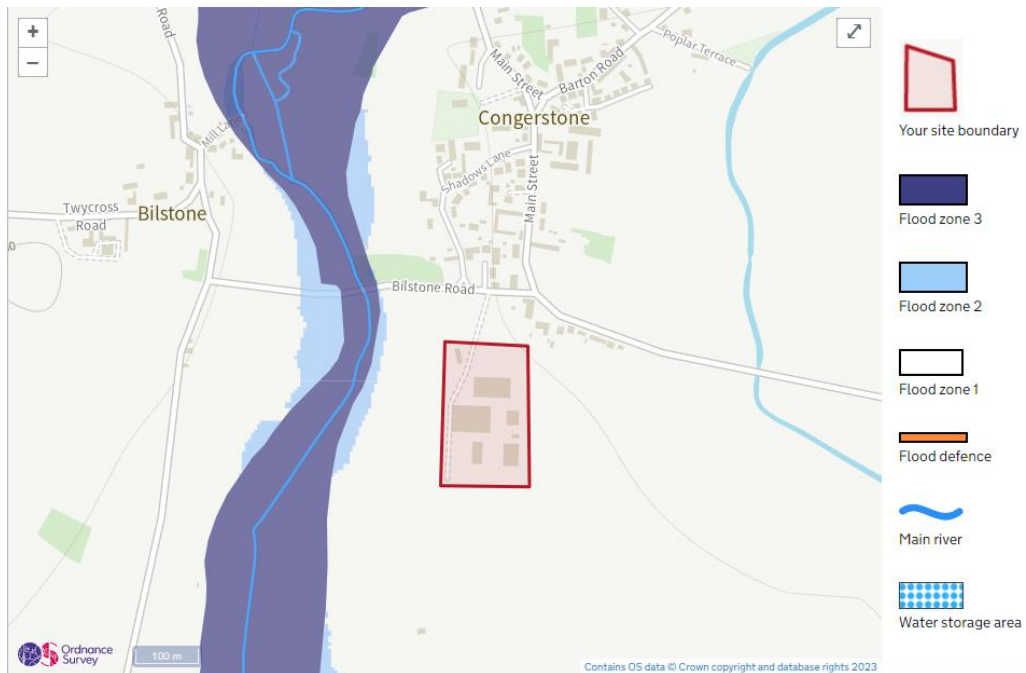
R.1 Development is not permitted by Class R if—	Compliance
(a) the building was not used solely for an agricultural use as part of an established agricultural unit— (i) on 3rd July 2012; (ii) in the case of a building which was in use before that date but was not in use on that date, when it was last 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 building was constructed prior to 3rd July 2012 and has remained in agricultural use as part of the agricultural unit (Ivy House Farm) since construction. The proposal therefore complies with criteria (a)(i)
b) the cumulative floor space of buildings which have changed use under Class R within an established agricultural unit exceeds 500 square metres;	This is the first building within the agricultural unit that is to be converted under Class R. Moreover, the floorspace of the building proposed to change use to Class B8 is 420 sqm. The proposal therefore complies with criteria (b)
(c) the site is, or forms part of, a military explosives storage area;	The site does not form part of a military explosives storage area. The proposal therefore complies with criteria (c)
(d) the site is, or forms part of, a safety hazard area; or	The site does not form part of a safety hazard area. The proposal therefore complies with criteria (d)
(e) the building is a listed building or a scheduled monument.	The building is not a listed building nor a scheduled monument. The proposal therefore complies with criteria (e)

5.0 Conditions under R.3

- 5.1 R.3.1(1)(b) addresses proposals 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.
- 5.2 It states that in such cases, 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 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.
- 5.3 Compliance with each of these conditions is set out below, having regard to the relevant policies of the Site Allocations and Development Management Policies DPD - adopted July 2016 ('the SADMP') and requirements of the National Planning Policy Framework ('NPPF').

Conditions under R.3.1(1)(b)	Compliance
a) Transport and highways impacts of the development	<u>Highway Safety</u> As part of the full planning permission for the Class B8 open storage use on land to the south-east of Building 5 (20/00997/FUL), the width of the access road that serves existing development at Ivy House Farm has recently been increased to 3.5 metres and a passing bay has been created which increases the width to 5.5 metres at that point. It is considered that these increases in width already implemented are sufficient to safely accommodate all road users, including existing vehicles, those vehicles associated with the proposed Class B8 use of Building 5, and pedestrians utilising the PROW which runs the entire length of the access road. It is also considered that the vehicle movements associated with the proposed Class B8 use of Building 5 would not generate a requirement for the existing visibility splays of 43.0m to the east and west at the junction with Bilstone Road to be increased. Access arrangements would remain as existing and are considered to be suitable for the proposed Class B8 use. Vehicle access/loading would be via the existing opening on Building 5's eastern elevation (shown at Figure 3) which has been used continually by existing large farm vehicles to load and unload items for storage.

	<u>Road Network Impacts</u> When considered cumulatively with other developments, the trips associated with a Class B8 use of the existing agricultural building is unlikely to lead to a severe impact on the road network, having regard to the tests in the NPPF. The proposal therefore complies with Policies DM17 and DM18 of the SADMP and the associated requirements of the NPPF with regards to highway safety and network impacts.
b) Noise impacts of the development	Building 5, together with surrounding barns and structures in the farm building cluster, have been used for agricultural purposes for many years, and as such there is already noise generated by farm operations, including the use and manoeuvring of large farm vehicles and machinery. The commercial operations associated with the use of the adjacent container storage facility also form part of the baseline noise level. When assessed in this context, it is not considered that the change of use of Building 5 from agricultural to a Class B8 storage would lead to a detrimental noise impact. The proposal therefore complies with Policies DM7 and DM10 of the adopted SADMP with regards to noise impact.
c) Contamination risks on the site	There are no contamination risks identified on the site. It is understood from the applicant that the building has not been used to store pesticides, herbicides, fungicides, bactericides, sewage sludge, farm waste, hydrocarbons from farm machinery or for asbestos disposal. The building has been used for the storage of general items and the building has an existing hard surface floor. There are no known cases of spills or leaks which would give rise to contamination concerns. The proposal therefore complies with Policy DM7 of the adopted SADMP with regards to contamination of land.
d) Flood risks on the site	The site is outside any areas at risk of flooding from rivers and seas, reservoirs or surface water as designated by the Environment Agency, and no known flooding issues have occurred on the site. The proposal therefore complies with Policy DM7 of the adopted SADMP with regards to flood risk.



Extract of flood risk map for planning

6.0 Conclusion

- 6.1 The prior notification application is for the conversion of part of an agricultural building for use as Class B8 use (storage or distribution). The consideration for this application is under Class R of Schedule 2, Part 3 of the GPDO. This establishes the principle of the proposal and sets out a number of criteria under which such an application is to be considered.
- 6.2 It has been demonstrated at Section 5 of this statement that the proposals comply with the Class R qualifying criteria, and the consequent conditions under R.3.1(1)(b).
- 6.3 Given this, it is considered that the proposal satisfies all relevant Class R requirements and therefore the Local Planning Authority is encouraged to approve this prior notification application.

Justin Stevenson BSc MRICS FAAV
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The Rural Planning Co
Millridge Farm
Parsons Lane
Hartlebury
Worcestershire, DY11 7YQ
01299 667344
team@theruralplanningco.co.uk
theruralplanningco.co.uk