

SUPPORTING STATEMENT

01st November 2021

A REQUEST AS TO WHETHER PRIOR APPROVAL IS REQUIRED IN RESPECT OF THE CHANGE OF USE OF AN AGRICULTURAL BUILDING TO CLASS B1 BUSINESS USE



Burrs View, Touch Road, Bury, BL9 5QS

Prepared by MacMarshalls Rural Chartered Surveyors & Planning Consultants
on behalf of Mr and Mrs J Allen



CONTENTS

1.	The Application Site	Page 3
2.	Site History	Page 3
3.	The Proposed Development	Page 4
4.	Planning Policy permitted development rights	Page 5
5.	Conclusion	Page 7

1. THE APPLICATION SITE

The site lies within the semi rural community of Walmsley, Bury and is situated within the Green Belt. The site lies adjacent to a number of privately owned properties which all previously formed part of a working farm.

The site comprises an existing agricultural building set within a holding of approximately 15 acres owned by the applicant and his wife.

The building is a pitched roof structure constructed in corrugated sheeting. The building is considered not to be suitable for modern agricultural operations.



Figure 1 - photograph of building

2. SITE HISTORY (INCLUDING PLANNING HISTORY)

A planning search of the subject property has been undertaken and no relevant planning decisions have been located. The building subject to the application was erected in 2003/2004.

3. THE PROPOSED DEVELOPMENT

The application is a prior notification of agricultural development submitted under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Schedule 2 Part 3 Class R. The proposal is for a change of use of the existing building into business use B1 for office/storage.

During the pandemic the applicant and his wife both started working from home and this has continued since, the applicant now wishes to utilise the existing building as his office and also for storage. The applicants have recently had a child and they have very little available space within the house for their business. It is for this reason they now seek consent to convert the agricultural building into an office use.

Existing and proposed elevation are included within the application submissions.

Although class B1 was revoked in September 2020 the permitted development rights have not been updated to reflect this, there have been a number of appeal cases which support the change of use to B1 as it is clear the intention of the act.

Class B

B1 Business was revoked from 1 September 2020. It is effectively replaced with the new Class E(g).

B1 Business – Uses which can be carried out in a residential area without detriment to its amenity. This class was formed of three parts:

- B1(a) Offices - Other than a use within Class A2 (see above)
- B1(b) Research and development of products or processes
- B1(c) Industrial processes

Use Classes B2 and B8 remain valid (see 'Current Use Classes' above). Use Classes B3 (revoked in 1992), and B4 to B7 (revoked in 1995) were used to call out specific industrial uses'

4. PLANNING POLICY -PERMITTED DEVELOPMENT RIGHTS

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Schedule 2 Part 3 Class R is 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 falling within Class A1 (shops), Class A2 (financial and professional services), Class A3 (restaurants and cafes), **Class B1 (business)**, Class B8 (storage or distribution), Class C1 (hotels) or Class D2 (assembly and leisure) of the Schedule to the Use Classes Order.

The proposal is for a change of use to Class B18 (Business). The proposal is permitted development under the Order for the following reasons:

- The building has been solely in agricultural use since 3rd July 2012.
- The floor space of this change of use will not exceed 500 Square metres and no other building in the agricultural unit has changed use under Class R.
- We have found no evidence to suggest the building forms part of a military explosive storage area, a safety hazard area or is a listed building or a scheduled monument (none shown on English Heritage website).

Analysis of Transport, Highways, Noise, Contamination and Flooding Issues.

The application is submitted for a determination as to whether the prior approval of the authority will be required as to:

- Transport and highways impacts of the development.
- Noise impacts of the development
- Contamination risks on the site
- Flooding risks on the site

Transport and highways impacts of the development.

The existing access to the building is suitable for the use as proposed, this access is also used to access the land which adjoins the holding.

In terms of usage, the applicant and his wife who live on site will use the office, they do not employ staff and therefore there will be no increase in traffic to and from the site. Therefore the highway impact of the proposal will be relatively light which is dictated by the modest footprint of the building and it will be served by an existing access track.

The proposal will therefore not have a harmful impact on highway safety.

Noise impacts of the development

The building is to be used as an office and also for storage purposes, also no machinery is going to be used within the building. The building is of a modest size, therefore the storage use will be on a limited scale. It is not anticipated that the use of the building will generate any significant noise.

The building is set back from the road by about 100 metres, so any noise generated by the proposal when viewed from a public vantage point would be extremely limited.

The nearest dwelling is located approximately 80 metres to the North west of the site. The elevations of the building will be changed so that there are windows and doors incorporated. Furthermore, the proposed use will be limited to normal working hours.

Overall the proposed noise impact from the development is not considered to be harmful to the living conditions of neighbouring residents.

Contamination risks on the site

The site has been used for agricultural purposes for many years and we are not aware there are any issues of contaminated land within the vicinity of the building.

Flooding risks on the site

The building is situated in Flood Zone 1 and there are no known issues with flooding within the site.

5. CONCLUSION

In light of the above information, it is concluded that, for the reasons stated, the proposed change of use of the agricultural building is permitted development under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Schedule 2, Part 3, Class R and will not result in unacceptable impacts on noise, flooding, contamination and highways safety.

Produced & signed by: Robert Mackenzie BSc (Hons) MICS FAAV

Overseen by: Sophie Marshall BSc (Hons) PGDipSurv MRICS MRTPI FAAV

MacMarshalls Rural Chartered Surveyors & Planning Consultants

Hamill House

112-116 Chorley New Road

Bolton

BL1 4DH

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