
2022/1251

Applicant: Pennine Country Store Ltd.

Proposal: Change of use of agricultural storage building to the retail of agricultural supplies
- Application to determine if prior approval is required for a change of use of agricultural buildings to a flexible commercial use (Use Classes B8, C1 or E)

Address: Agricultural Storage Building, Bagger Wood Hill, Hood Green, Barnsley, S75 3HP

History

B/04/1111/PR - Erection of general-purpose agricultural building to include housing for site electricity supply (Approved with conditions)

2007/0986 - Use of land as a composting facility including construction of lagoon and weighbridge (amended submission, previous submission withdrawn) (Refused)

2008/0175 - Use of land as a composting facility including construction of lagoon and weighbridge (Withdrawn)

2010/1393 - Erection of detached agricultural workers dwelling (Refused)

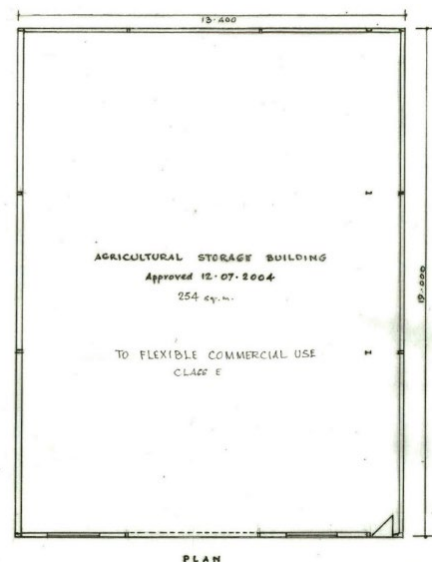
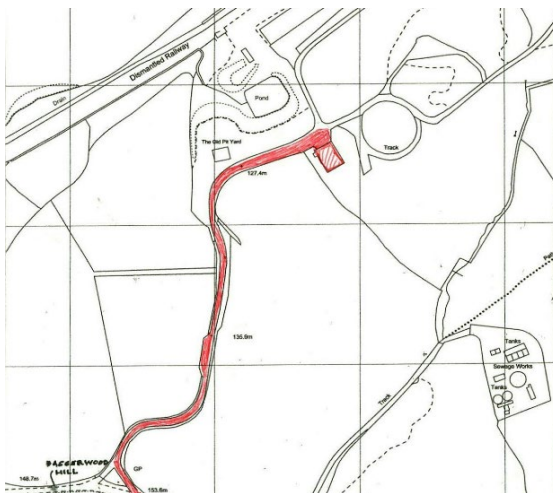
2011/0638 - Erection of a detached agricultural workers dwelling (Approved with conditions)

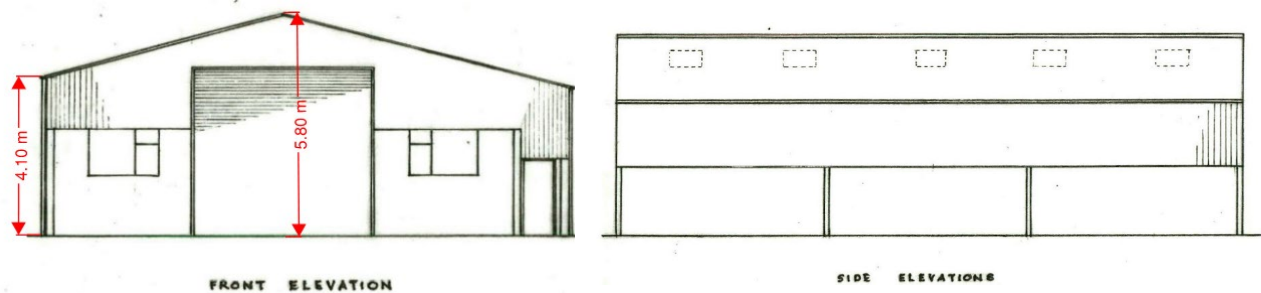
2013/0565 - Erection of a detached agricultural workers dwelling - Amendment to previously approved application 2011/0638 (Refused)

Site Location & Description

The Old Pit Yard is located approximately 300m to the north of the village of Hood Green. The land slopes steeply away from the village and a number of dwellings overlook the site at distance and at an elevated level. The site currently comprises a naturally re-vegetated former colliery and semi mature/mature woodland and agricultural buildings. To the south of these on higher land is a large agricultural building used as a grain store. The site is accessed via a track which runs from the junction with Bagger Wood Hill down to a cleared area which is used for the parking of vehicles.

The building which forms the main part of this application is an agricultural building (approved under B/04/1111/PR), rectangular in shape, measuring 19m x 13m, with a pitched roof with a height of 4.1m to the eaves and 5.8m to the roof ridge. The internal area has a floor space of 254sqm. Access into the site is from the South, from Baggerwood Hill.





Proposed Development

This application is to determine whether prior approval is required to change the use from an agricultural use to 'Commercial, business or service of the Schedule of the Use Classes Order to dwellinghouse (Use Class E) under Part 3, Class R of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

The applicant (Pennine Country Store Ltd.) has notified the Local Planning Authority of their intent to change the use of an agricultural building on the site to a retail use (Use Class E (a)). Specifically, the use has been described as selling agricultural supplies.

The applicant has supplied the following details regarding the business and use of the building (primarily in an email dated 16th January 2023):

- The applicant currently works on site and employs 3 x members of part-time staff, with only 2 on site at one time.
- Customer movements to the site vary, but there may be an average of 4 customers to the site per day.
- The majority of orders are fulfilled by deliveries, with 2-3 delivery days per week which go out on a morning using a 1.5t van and return mid-afternoon.
- The largest truck visiting the site is a 25ft articulated truck that delivers once a week. Other deliveries in larger vehicles, and the refuse collection are undertaken with 6-wheel HGV.
- The entrance into the access from Bagger Wood Road has a width of 5.3m, with the first 10m of the access being at least 5.2m in width.

Policy Context

Part 3, Class R of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) states development consisting of a change of use of an agricultural building to a flexible commercial use.

Part R reads that development consisting of a change of use of a building and any land within its curtilage from use as an agricultural building to a flexible use falling within one of the following provisions of Use Classes Order –

- (a) Class B8 (Storage or distribution) of schedule 1;
- (b) Class C1 (hotels) of schedule 1; or
- (c) Class E (Commercial, business or service) of schedule 2.

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, when it was last in use, or

- (iii) In the case of a building which brought into use after 3rd July 2012, for a period of at least 10 years before the date development under Class R begins;
- (b) The cumulative floor space of buildings which have changed use under Class R within an established agricultural unit exceeds 500 square metres;
- (c) The site is, or forms part of, a military explosives storage area;
- (d) The site is, or forms part of, a safety hazard area, or
- (e) The building is a listed building or a schedule monument.

Conditions

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 under Class R.

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 uses;
- (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 impact of the development;
 - (ii) noise impacts of the development;
 - (iii) Contamination risks on the site; and
 - (iv) Flooding risks on the site.

And the provision of paragraph W (prior approval) apply in relation to that application.

Representations

A site notice was erected publicising the development and neighbour notification letters were sent to surrounding properties, no representations were received.

Consultation Responses

Drainage – No objection raised.

Parish Council – Initially sought clarification on what type of delivery vehicles will use the access to the site, which will be assumed to be small vehicles. No concern regarding access from Hood Green Road onto Bagger Wood Hill, but the access from Baggerwood Road onto Bagger Wood Hill is very sharp with an area of grass. If there is difficulty making this turn, the houses on the site of the road junction may have issues (potential damage) with large vehicles attempting this turn. Likewise for traffic from the application site turning right towards Thurgoland. The Parish Council wish to ask the applicant to ensure that the main route used by large vehicles is via Hood Green Road and not to use Baggerwood Road or Falthwaite Green Lane.

Highways DC – Initially requested further information as to the vehicular activity in relation to customers and any employees – this information should be provided, alongside details in terms of the largest vehicle that is anticipated to visit the site and an assessment should be made of the access to serve the proposed site. The site access junction with Bagger Wood Hill would see an increase in vehicular movements and as such it should be demonstrated that the access is of a suitable width (a constant minimum of 4.5m for the first 10m) to allow two vehicles to pass, and that adequate sight lines can be achieved.

Second response – Upon receipt of the requested information, no objection was raised from Highways DC.

Public Rights of way – No comments.

Pollution Control – No objection raised.

Ward Members – Cllr Danforth raised support for the scheme.

Assessment

Class R states that 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 one of the following provisions of the Use Classes Order.

Paragraph R.3 (1) (b) sets out the criteria the prior notification application can be assessed against, which includes the following:

- (i) Transport and highways impact of the development;
- (ii) Noise impacts of the development
- (iii) Contamination risks on the site; and
- (iv) Flooding risks on the site.

The relevant criteria outlined above have been assessed as follows;

Transport and highways impact of the development

The building is accessed by an existing access into the site, with highways and the Parish Council requesting further information in relation to the vehicular movements/activity to the site alongside what types of delivery vehicles will be using the access, alongside width at various points and adequate sight lines. The applicant confirmed that the entrance to Bagger Wood Road has a width of 5.3m at the site entrance and is 5.2m for the first 10m. The majority of the applicant's customers have deliveries rather than visiting the site/shop, with 2-3 delivery days per week, in a 1.5t van. An average of 4 customers will visit the site per day, with 3 part time staff (alongside the applicant), with 2 being on site at any one time.

Upon receipt of the above information (in an email dated 16th January 2023), the Parish Council and Highways DC did not object, subject to conditions.

Contamination risks on the site

There is no increase in footprint size of the building and there are no contamination risks associated with the site.

Flooding risks on the site

The building is not located in a flood zone and is consequently at low risk of flooding therefore a flood risk assessment is not required.

Drainage Officers have been consulted on the application and raised no objections.

Impacts of noise from commercial premises on the intended occupiers of the development

The site is located in a very rural location with no immediate neighbours. Pollution Control have been consulted and have not raised any objection the proposal.

Conclusion

The proposal (with the amended information submitted by the applicant) meets the requirements of Class R of the Town and Country Planning General Permitted Development Order 2015 (as amended), as such, a prior notification application is appropriate. The application can only be assessed against the criteria set out in this report and as illustrated above there are no objections on these grounds, as such, prior approval is not required. The Prior Notification is recommended for approval subject to conditions, one of which will restrict future change of use into another section of Use Class E, as would be covered under this prior notification.

Recommendation

Prior Approval Granted subject to conditions: