
2024/0435

Marsdens Farms

Prior approval application for change of use of agricultural building to offices (Class E)

Liley Barn, Liley Lane, Millhouse Green, Sheffield

Background

97/0525 - Conversion of existing barn to form dwellinghouse - Approved with an occupancy condition restricting its occupation to an agricultural worker; however this has not been implemented.

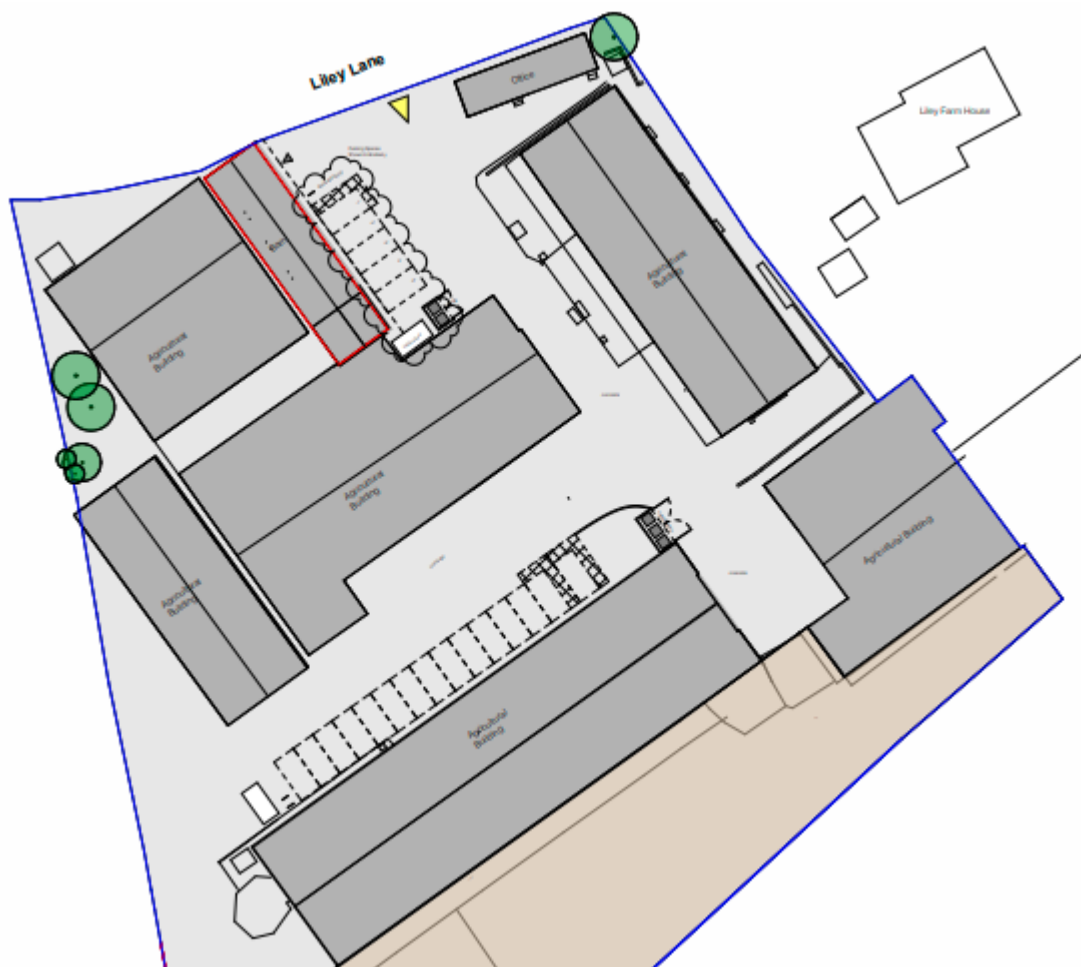
2002/0747 - Renewal of Planning Consent B/97/0525/PU - Conversion of existing barn into one dwellinghouse - Approved with an occupancy condition restricting its occupation to an agricultural worker; however this has not been implemented.

2003/1250 - Erection of agricultural workers dwelling – Approved and subject to an agricultural workers occupancy condition

2016/0607 – Change of use of barn to dwelling – Approved with an occupancy condition restricting its occupation to an agricultural worker; however this has not been implemented.

2019/1036 - Change of use from agricultural building to 3 no. residential units (C3) (Prior Notification) – Refused

2024/0422 - Change of use of agricultural building to water bottling facility (Use Class B2)
– Under consideration



Description

Marsdens Farm is a dairy farm located off Liley Lane, Millhouse Green. The Farm is surrounded by open fields in the Green Belt. Marsdens Farm currently consists of a number of modern agricultural buildings, a stone built barn and the stone built farm house – Liley Farm which was approved as an agricultural workers dwelling in 2003 under application 03/1250.

The proposed development is located within the broader ownership of Liley Farm which comprises of several modern and traditional agricultural buildings. The proposed office unit is a rectangular shaped agricultural building located towards the northern boundary of the site ownership. Agricultural operations are still taking place on the site.

Proposed Development

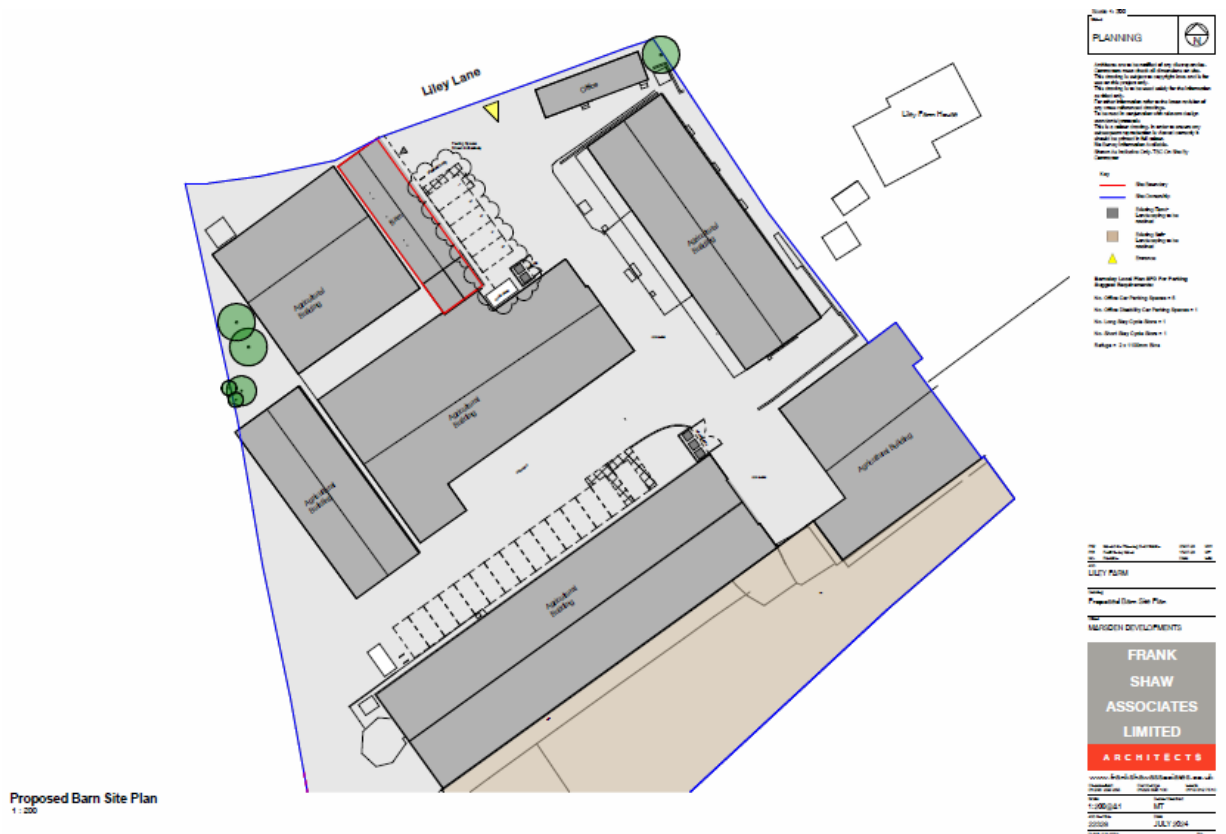
This application is a prior approval application for the change of use of an agricultural building to offices (Class E) A Planning application would be required for operational development associated with the building and this application relates purely to the change of use.

The agent states that Marsdens Farms Ltd and Marsdens Developments will operate from the proposed offices and therefore movements associated with the offices will be largely ancillary to the existing use.

The proposed office is a rectangular shaped stone built agricultural building located towards the northern boundary of the site. The Transport statement states that the office use would require (1 Space per 35m²) 5 parking spaces which have been demonstrated on a site plan.

Using the employment densities specified by the Local Planning Authority (LPA) for the Local Plan, it has been determined within the statement that the proposed development could possibly create 11 jobs. It is the intention that the internal arrangements within the site will allow the office and potential water bottling facility (under a separate planning application) and the retained agricultural elements to operation concurrently.

Given that the applicant has submitted a further application for a proposed water bottling facility use at the site, the agent has submitted an amended Transport Statement which details possible cumulative impacts, should both proposals be implemented.



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.

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.

Development not permitted

R.1 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 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;
- (b) the cumulative floor space of buildings which have changed use under Class R within an established agricultural unit exceeds **[F2]** 1,000 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 scheduled 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 **[F3]** 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.

[F4](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

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.

Interpretation of Class R

R.4 For the purposes of Class R, “flexible use” means use of any building or land for a use falling within the list of uses set out in Class R and change of use (in accordance with Class R) between any use in that list.

Consultations

Penistone Town Council – No comments received

Highways DC – No objections to additional detail and amended plans provided

Ecology – No objection subject to conditions

Ward Councillors – No comments received

Drainage – Details to be checked by Building Control

Regulatory Services – No objections

Representations

None received

Assessment

Part 3, Class R of the Town and Country Planning (General Permitted Development) (England) Order 2015 states 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. is permitted development, subject to conditions.

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 (but not more than

1000m²), the applicant 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,

Unlike Class Q, Class R does not allow for reasonable building operations reasonable necessary to convert the building, as such, a further planning application for building operations is required. The planning application would have to be submitted within 3 years of the prior notification decision and then works must begin within 3 years starting from the planning permission date.

Highways Impacts

Class R requires the transport and highways impacts of the development to be considered. The Highways Officer has been consulted and has no objections to the proposals. The supporting information indicates that the parking provision has been shown to be commensurate with the advice in the council's Parking SPD. Internal turning has been demonstrated by way of swept path analysis and it also has to be acknowledged that the site is used by large vehicles. The additional information submitted covers the points raised in the previous HDC comments (in particular in relation to the potential for cumulative highways impacts of the proposed water bottling facility proposed under a separate planning application) and the scheme is now deemed acceptable from the perspective of highway development control subject to conditions.

Given the nature of the mixed uses on site, it is considered that permitted development rights should be removed for other class E uses, so that a proper assessment can be made of any potential future impacts of other uses upon highway safety can be considered.

Contaminated land

The applicant has submitted a Prior Notification application inline with the conditions set out in class R. Those conditions outline a number of factors the LPA can consider when determining the Prior Notification and whether any further approval is required. One of the criteria relates to contamination risk on the site. Pollution Control have raised no concerns with regard to the application.

Noise Impacts

Given the previous use of the building for agriculture and farming, the conversion of the building to an office use would not generate significant amounts of noise. Furthermore, neighbouring residential units (outside the applicants ownership), or buildings of any kind, are located a significant distance from the site.

Flood Risk

The building and site are not located within a flood risk area. The Drainage Officer has no objections to the proposal.

Summary

The proposed development complies with the requirements and conditions set out in class R of the GPDO, as such, prior approval is not required. A Planning application would be required for operational development associated with the building and this application relates purely to the change of use.