

**CHANGE OF USE OF BUILDING AND HARDSTANDING AREAS IN AGRICULTURAL  
USE TO MIXED USE CLASSES B1C, CLASS B8 and SUI GENERIS USE**

**FULL PLANNING APPLICATION (retrospective) [Buildings B & C]**

**RE-SUBMISSION**

**REPORT PREPARED FOR**

**MR L HAYWOOD  
ANCHOR FARM  
ELMHIRST LANE  
SILKSTONE  
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**Report Prepared By**

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## **1. INTRODUCTION**

This report has been prepared at the request of Mr Haywood to outline the facts considered relevant for the change of use of agricultural buildings and access hard standing areas to a mixed use classes B1c, B8 and Sui Generis business use.

The information within this report should enable the Local Authority to assess the application in the light of current Government guidelines contained the National Planning Policy Framework and Local Plan policy where appropriate. The agricultural holding is located between Hugget Wood and Silkstone Golf Club and within the Green Belt.

## **2. DATE AND EXTENT OF INSPECTION**

A site visit and an inspection were undertaken on 19<sup>th</sup> January 2017 when Mr Haywood was interviewed regarding the businesses in operation at Anchor Farm.

A subsequent site visit was undertaken on 28<sup>th</sup> July 2017 to assess what amendments the applicant had made to the site. It was noted on this visit that the majority of Land Rovers that were within the rear extension of Building B have been removed or sold.

Land Rovers that were previously in the field having been removed save for the applicants own off-road vehicle which is acceptable on private land. Three smaller vehicles owned by the applicant's son and business partner are within the right hand front section of Building B (moved from Building A) along with the agricultural forklifts and 'man cage' for safely working at heights.

Information within this report was as supplied during that visit supplemented with personal observations where appropriate.

## **3. BACKGROUND**

The subject buildings were permitted under applications B/99/0121/DO (Building B) for an agricultural storage building and 2006/0199 (Building C) and 2007/1871 (Building B extension) were permitted by Prior Notification as part of the applicant's agricultural and equestrian unit at that time. However, due to historic livestock illness, and horse thefts from the holding, the applicant sought to diversify part of his agricultural trade and business to provide additional income streams to support the farm in difficult times.

Historically, the applicant has operated a Land Rover sales business called Silkstone 4x4 for some 30 years and formerly had showrooms and vehicle storage facilities in Leeds and Barnsley, vehicle maintenance and repairs of a commercial nature has always been carried out in other locations. Building C is used for a vehicle 'showroom'

to prevent weather deterioration of the vehicles; all vehicles are secured inside the building. Building B is used for the storage of the applicant's agricultural machinery and vehicle valeting.

The applicants' personal collection of historic vehicles which were previously seen by the Council has mostly been removed.

The business is predominately operated via the internet, although customers are welcome to visit the site to view the vehicles (this would be by appointment as they are secured), this is not a conventional motor dealership retail operation.

The applicant has created employment opportunities for 1 full time, 1 part time and 1 apprentice at the businesses.

This is a resubmission application of previous application reference 2017/0219 and also subsequently a pre-application has been undertaken to liaise with the Council to try and ensure the reason for refusal and concerns previously raised are addressed in this current application.

#### **4. PERMITTED DEVELOPMENT**

Class R of the General Permitted Development Order 2015 allows agricultural buildings to be converted to a flexible use falling within either; 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.

Therefore the change of use of agricultural buildings to business use is supported by the change use of allowed by permitted development. It is only because the use has already occurred that the building doesn't benefit from permitted development rights to do this.

#### **5. PROPOSAL**

The change of use was commenced in January 2015 with Building B being used for agricultural machinery storage (JCB Forklifts, Man Cage, Fencing Equipment, Tools) and Class B1c/Sui Generis, Building C has been used for agricultural storage and as a vehicle showroom under Class B1c and B8.

Four marked parking bays are allocated before the entry point at the site. Passing spaces to the side of the single track lane have also been formed.

A large communal car park is sited at the top of the single track lane (owned by Silkstone Golf Club) and the only public movements operating past the entry gate on the holding are on foot in these circumstances.

There has been no intensification of Elmhirst Lane and CCTV Evidence is available  
TRAFFIC MOVEMENTS & VEHICLE TYPES:

The largest vehicle to frequent the site is the applicants 3.5t flatbed van (a light commercial vehicle), a transit/sprinter sized van or a 4x4/land rover with a trailer.

- Employee's in domestic vehicles
- The Postman/Couriers in vans
- The applicant's family/visitors in domestic vehicles

CUSTOMER VISITS TO THE SITE:

No visiting customers in the last 3+ months

POLLUTION:

No vehicle servicing or MOT type work occurs at this site, therefore there are no contamination or pollution issues.

Pollution Control offered no comments on the earlier application

SALES/ORDERS:

Products are advertised on the applicant's business website, with orders received by email or by telephone orders (this is a niche operation and not a typical car dealership/forecourt).

Only 11 vehicles sold in 2017, of which:

- 3-4 land rovers were sold to the USA in the last 12 months

(Only vehicles that are 25 years old minimum can be shipped to the USA as classics)

- 2 land rovers were sold to a customer in Mexico
- 1 land rover was sold to a customer in Spain

DELIVERIES:

Sold vehicles are driven from Anchor Farm to a pre-arranged trailer waiting at Dodworth Industrial Estate or a small 1.5t Mercedes sprinter flatbed van and car trailer collects from the farm and they are taken to a loading facility at Liverpool Docks or Southampton Docks for shipping abroad.

No HGV's deliver vehicles to the holding; the applicant only collects vehicles with a land rover/sprinter van and a car trailer. This is infrequent.

n.b. If HGVs (unrelated to the applicant and/or his business) do go down Elmhirst Lane, they are following out of date Satnav's. This is outside of the applicant's control.

It should also be noted that there is also no limit to access, size of vehicle or traffic movements for an agricultural unit. Had the applicant decided to intensify the agricultural unit, all manner of HGV's would be required to attend daily. The site is unsuitable for large heavy goods vehicles which is why this has never been proposed.

The external concrete hard standing areas in the immediate vicinity of Building C on the plans is being used for the applicants business stock, which is stacked neatly on pallets which are too large to fit within the yard area or Building A.

As the reclamation products are sited on hardstanding areas between existing buildings and the curtilage of buildings B and C, there is no encroachment on the openness of the Green Belt. There cannot be any sprawl either as no further land is owned by the applicant to 'sprawl' onto. Therefore there is no negative impact on the Green Belt.

An adequate width passageway allows the safe movement of the applicant's tele-handler and removal of vehicles from the barn/showroom as required.

The red line area for Building B and C is 808m<sup>2</sup>.

If the use hadn't already commenced then the building which hadn't changed from agriculture to B8 previously could have changed use under the prior notification procedure.

The appearance of the building will not change.

This is a small scale development to aid diversification of the local rural economy and offers employment locally.

The earlier refused application was supported by Enterprising Barnsley (Part of Barnsley Council) and Barnsley Council has been more than happy to take Business Rates from the applicant whilst contradicting themselves by refusing the earlier application.

If this small rural business is forced to close by the contradictory actions of Barnsley Council, it will create further unemployment in the area.

## **6. PLANNING POLICY**

Planning policy is contained in the NPPF as follows:-

Paragraph 28 – Supporting a Prosperous Rural Economy

*"Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:*

- \* *support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings;*
- \* *promote the development and diversification of agricultural and other land based rural enterprises.....*

Relevant local policy can be found within the Barnsley Metropolitan District Council Local Plan.

## **7. ACORUS COMMENTS**

The proposal is for the retrospective change of use to regularise the situation of an agricultural building to include a mixed use of B8 storage and Sui Generis business use.

The proposal is supported by both national and local policy which encourages new expansion of all types of business and enterprise in rural areas through the conversion and change of use of existing buildings. Paragraph 4.21 of the Barnsley Metropolitan District Council Core Strategy states that there is a need to strengthen the rural economy through appropriate diversification without compromising the Green Belt and the historic and natural environment.

Enterprising Barnsley supported the earlier application as it is offering employment and training opportunities that otherwise would not have been available. It is envisaged by the applicant to create additional apprenticeship opportunities with the support of Enterprising Barnsley within the businesses.

This is also seen through the introduction of the change of use of agricultural buildings through permitted development. It is only because the use has already commenced in this building that it wasn't permitted development and the prior approval process can't be utilised.

It must also be noted that if other agricultural buildings on the site were available the use could take place subject to following the correct procedure under permitted development.