

**CHANGE OF USE OF BUILDING AND HARDSTANDING AREAS IN AGRICULTURAL  
USE TO A MIXED AGRICULTURAL, CLASS B8 AND A1 USE**

**FULL PLANNING APPLICATION (retrospective) [Building A]**

**RE-SUBMISSION**

**REPORT PREPARED FOR**

**MR L HAYWOOD  
ANCHOR FARM  
ELMHIRST LANE  
SILKSTONE  
BARNSELY  
SOUTH YORKSHIRE  
S75 4LD**

**Report Prepared By**

**TOM WARREN BSc (Hons) MBIAC  
Rural Planning Consultant  
Acorus Rural Property Services Ltd  
Oak House, Kingswood Business Park,  
Holyhead Road,  
Albrighton,  
Wolverhampton,  
WV7 3AU**

**Tel: 0113 347 0430**

**Email: [tom.warren@acorus.co.uk](mailto:tom.warren@acorus.co.uk)**

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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 to a mixed use class B8 and class A1 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 had been made by the applicant in terms of the relocation of product and removal of vehicles from barns.

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

## **3. BACKGROUND**

The subject building was permitted under application B/97/0815/DO and originally used as part of the applicant's agricultural and equestrian unit.

However, due to historic livestock illness, and horse thefts from the holding, the applicant has sought to diversify part of his agricultural trade and business to provide additional income streams to the farm business.

Following the construction of the stone clad barns, residential dwelling and livestock pens at the holding, the applicant had a large surplus of quarried stone and traditional roofing tiles that he was unable to return to the various suppliers.

The surplus of traditional building materials naturally led the applicant to a diversified income stream via his Silkstone Reclamation business at the site.

The business is predominately operated via the internet, although customers are welcome to visit the site, the visits are infrequent and usually take place in the spring and summer months. Although it should be noted, that this is not a conventional high footfall 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 2017/0221 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 currently doesn't benefit from permitted development rights to do this.

The building was in agricultural use on the key date of 3<sup>rd</sup> July 2012. Therefore regardless of what the subsequent use of the building is it would benefit from the permitted development right if it was returned to agricultural use.

This application is therefore intended to regularise a use which has already been implemented, and which would otherwise have benefited from permitted development rights under Class R. As it is less than 150 square metres the change of use could occur under the prior notification procedure, and so would not have to go through the prior approval process.

#### **5. PROPOSAL**

The change of use was commenced in July 2015 with the building being used for agricultural store, equestrian use and both B8 and A1 uses. On the 28<sup>th</sup> July 2017 at a site visit, it was clear that vehicles have been removed from Barn A and the barn has been filled with as much product from the yard area as would physically and safely fit within the barn.

The external concrete hard standing areas in the immediate vicinity of Building A on the plans is being used for the remainder of the applicants business stock, which is very neatly stacked on pallets (products, which are too large to fit within Building A).

As the reclamation products are sited on a hardstanding area between existing buildings, there is no encroachment on the openness of the Green Belt. Therefore there is no negative impact on the Green Belt.

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

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

Therefore, the only traffic movements to and from the site are limited (apart from residential visitors) to the applicants businesses for loading/unloading his stock and making deliveries to customers or onward freight couriers at Rotherham for the palletised weight loads.

There has been no intensification of Elmhirst Lane. 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 4 weeks (Nov 22<sup>nd</sup> 2017 onwards)

#### SALES/ORDERS:

Products are advertised on the applicant's business website, with orders received by email or by telephone orders (this is not like B&Q as Barnsley Council have made out)

I am advised that a Maximum of 6 – 8 customers a week visit in spring and summer (virtually nil in winter), not all visits produce a sale.

No products were sold in November 2017 or December 2017 to date.

#### DELIVERIES:

Due to the weight and bulk of some of the architectural salvage/reclamation items, they cannot be taken in domestic vehicles. In these instances, the applicant loads the items onto a 3.5t flatbed van (light commercial vehicle) with items such as stone troughs; these are then driven by the applicant to Pallet Track Couriers in Rotherham.

Pallet Track Couriers then load the items onto their own HGVs or other firms' haulage waggons as Palletised Freight and dispatch all over the UK to the applicant's clients.

No HGV's deliver stock to the holding; the applicant only collects stock with a 3.5t flatbed van.

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.

An adequate width passageway allows the safe movement of the applicant's small tele-handler to load/unload stock for delivery.

The red line area for Building A is 735m<sup>2</sup> of which the yard area encompasses 606m<sup>2</sup>.

If the use hadn't already commenced then part of the building which hadn't changed from agriculture to B8 previously could have changed use to B1 or A1 under the prior notification procedure.

The appearance of the building will not change.

This is a small scale development to aid rural diversification and provide employment in the local rural economy.

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. It is envisaged by the applicant to create additional apprenticeship opportunities with the support of Enterprising Barnsley within the businesses.

## **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

## **7. ACORUS COMMENTS**

The proposal is a resubmission for the retrospective change of use of an agricultural building to include a mixed use of B8 storage and A1 retail 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. A non-agricultural diversification is perfectly acceptable within the Green Belt and a diversification does not have to directly relate to its permitted former use.

Enterprising Barnsley supported the earlier application as it is offering employment and training opportunities that otherwise would not have been available.

Since the Pre-App was sought from the Council, the applicant has been approached by a local garden centre to relocate his architectural salvage pieces (these products are not construction industry materials), such as troughs and pieces ideally suited to garden and landscaping design which is mostly sourced from local buildings in south Yorkshire to sell at the garden centre. As of 19<sup>th</sup> December 2017, some 5 van loads had been transferred and it is aimed to relocate some 50% of the products by March 2018 (this is weather dependent).

This will present additional opportunities for employment and training in the locality.

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 cannot 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.

