



CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/23/2159/0F1
2.	Proposed Development:	PRIOR NOTIFICATION APPLICATION FOR GENERAL AGRICULTURAL WORKSHOP AND GENERAL ENGINEERING
3.	Location:	BRISCO BANK, LOW MORESBY
4.	Parish:	Moresby
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change
6.	Publicity Representations &Policy	Neighbour Notification Letter: NO Site Notice: NO Press Notice: NO Consultation Responses: See report Relevant Planning Policies: See report
7.	Report:	<p>Site and Location: This application site relates to Brisco Bank, Low Moresby, a working farm which comprises a number of agricultural buildings.</p> <p>Proposal: This application comprises an application to determine if prior approval is required for the change of use of an existing agricultural building to a flexible commercial use under the provisions of Schedule 2, Part 3, Class R of The Town and Country Planning (General</p>

Permitted Development) (England) Order 2015 (as amended).

Relevant Legislation

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO 2015).

Permitted development

R. 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.

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 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 scheduled monument.

Conditions



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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 G 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.

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.

Assessment:

Based on the information within the application form, the proposal satisfies criteria A-E of R.1 of the legislation.

With respect to R.3 1b), the following has been considered.

(i)transport and highways impacts of the development;

The Agent has stated that the traffic movements to and from the site will be materially reduced to around 14-18 movements per week. As the access adjoins the trunk road – the A595, Highways England were consulted on the application. No objections were raised from them, nor from the local Highways Authority and therefore this point is considered to be acceptable.

(ii)noise impacts of the development;

Due to the existing use of the site, there is already a certain level of noise. The reduced



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	<p>traffic movements will reduce any noise impacts and due to the closest residential property being 60m from the site, there is unlikely to be a noise impact on the neighbouring properties.</p> <p>(iii)contamination risks on the site;</p> <p>There are no records of previous contamination on the site.</p> <p>(iv)flooding risks on the site,</p> <p>The site is located within Flood Zone 1, therefore not susceptible to flooding.</p> <p>Conclusion</p> <p>The requirements of the provisions of Schedule 2, Part 3, Class R of the GPDO 2015 are achieved.</p> <p>The proposed change of use is acceptable.</p> <p>Prior approval is not required.</p>
8.	<p>Recommendation: Prior Approval Not Required</p>
<p>Case Officer: Sarah Papaleo</p>	
<p>Date : 28/06/2023</p>	
<p>Authorising Officer: N.J. Hayhurst</p>	
<p>Date : 04/07/2023</p>	
<p>Dedicated responses to:- N/A</p>	