

Planning Statement for a Prior Notification

To convert an agricultural building to a flexible commercial use  
Under Schedule 2, Part 3 of the General Permitted Development Order 2015

AT

Brisco Bank Farm,  
Bransty,  
Whitehaven, CA28 6NG



Prepared By:  
Rural Regeneration  
Gaups Mill  
Moniaive  
Thornhill DG3 4HF

## **Introduction**

We act on behalf Trevor Day, owner of Brisco Bank Farm, Bransty, Whitehaven, CA28 6NG in submitting this prior approval for the change of use of an agricultural building into a light commercial use.

## **Disclaimer**

This report is for the sole use of the named client. While it may be shown to other professionals acting for them, the contents are not to be disclosed to nor made use of by any third party without our express prior written consent. Without such consent we can accept no responsibility to any third party.

## **Location**

The application site is located on the eastern side of the A595 and is accessed by means of an existing driveway. The farm consists of a number of buildings varying in scale and appearance.

The applicant has recently acquired the farm however the previous owner and occupant lived on the farm for many years and operated the agricultural holding as a livestock unit. The new owner will still farm the land but has bought a reduced area.



## National Planning Policy Framework 2020

The NPPF provides a presumption in favour of sustainable development, defined as development that meets the terms of the NPPF. The document seeks to balance the economic, environmental and social aspects of the planning system.

The NPPF supports economic growth in rural areas and as part of this Councils are encouraged to promote the development and diversification of agricultural and other land-based rural businesses.

### The General Permitted Development Order 2015, Schedule 2, Part 3

**Class R** is found within Schedule 2, Part 3 of the General Permitted Development Order 2015 (as amended) (GPDO), and allows for change of use from an agricultural building (and land within its curtilage) in England to flexible commercial use – i.e. uses falling within the following **use classes**:

**Class A1** (shops)

**Class A2** (financial and professional services)

**Class A3** (restaurants and cafes)

**Class B1** (business)

Class B1(c) (light Industrial in a residential area)

**Class B8** (storage or distribution)

**Class C1** (hotels)

**Class D2** (assembly and leisure)

### Permitted development

***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 B1(c) Light Industrial in a residential area, 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

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

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.

(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 (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

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.

The legislation raises four main areas which we will address:

Transport and highway – traffic movement from the site will reduce dramatically because there is no need for the agricultural traffic will be minimised. The nature of the business and use will expect a maximum of 14 to 18 movements a week as people will not be visiting the site on a daily basis and in some instances could possibly be just one a month.

Noise – using a site for a light commercial minimises any noise issues. The site already has the day to day noise of tractors and machinery, feed wagon (HGV’s) and other types of vehicles associated with a farming business.

Contamination – there has been no records of contamination on the site neither is it expected that any uses will cause contamination.

Flood Risk Assessment – the site is in flood zone 1 and therefore not applicable.

#### **Conclusion**

The proposed change of use of the agricultural barn at Brisco Bank farm meets the criteria set out in the General Permitted Development Order 2015. Farm diversification and the reuse of agricultural buildings is fundamental to the rural economy and local inward investment.

Projects of this nature provide an important economic asset for farm businesses or, where they have become redundant, a high quality environment for new light industrial premises allowing places for local people to operate a business from.