

DELEGATED FILE NOTE

CASE OFFICER: ...Andrew Hunter.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
25/00616/PNR	Change of use of an agricultural building to a flexible use within Class B8 (Storage or Distribution).	Lilley Hoo Farm Lilleyhoo Lane Lilley Luton Hertfordshire LU2 8NQ

Submitted Plan Nos

J0088591-24-04-01 - Location Plan J0088591-24-04-01 - Block Plan J0088591-24-04-01 - EAU Plan
J00XXXX-25-02-01 - Floor Plan and GIA

1.0 Policies

1.0 Site History

1.1 None.

2.0 **Policies**

- 2.1 Class R, Part 3, Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.

3.0 **Representations**

- 3.1 **Waste Officer** – Waste collection service provision is not outlined in this planning application. Without sufficient information I am not able to determine that the proposal can meet the requirements.
- 3.2 **Environmental Health** - Notwithstanding the farmhouse appears to be in the same ownership as the agricultural building subject to the application, there is a concern in relation to noise from deliveries/loading unloading etc.

Given the proposals, location and ownership, whilst I am minded not to object to the application, there appears to be no mention of hours of use on the building. It may be prudent to restrict the use (or at least deliveries) to daytime hours.

- 3.3 **Highways Officer** - that permission be refused for the following reasons:

No adequate passing areas.

The proposals are for Prior Approval Class R Agric to Flex Use: Change of use of an agricultural building to a flexible use within Class E(g)iii (Light industrial).

Context: Lilly Hoo Lane is an unclassified local access road and provides a local access function in the road hierarchy. Lilly Hoo Lane is highway maintainable at public expense. A 60mph speed limit applies. on HCC's Place and Movement network Lilly Hoo Lane is classed as P1/M1 (Eg. Rural Lane). No reportable highway accidents recorded within the immediate vicinity of the application site (5-year rolling). No Public Right of Way (as shown on the PRoW map) directly affects the site or would be affected by the proposal. The county council considers Lilly Hoo Lane not to be a traffic sensitive road. However, access to Lilly Hoo Lane is taken from Holly Bush Lane which is a Traffic Sensitive Road.

The Highway Authority is concerned about the narrow width of Lilly Hoo Lane and the lack of adequate passing areas for large vehicles like articulated HGVs (up to 16.5 meters in length). This poses a potential safety hazard at the junction with Holly Bush Lane. If an HGV turns into Lilly Hoo Lane while another vehicle is exiting, it might have to reverse onto Holly Bush Lane or become stationary to let the other vehicle pass, creating a safety risk. The applicant needs to demonstrate how they will address this issue.

CONCLUSION

The Highway Authority cannot approve the application at this time due to concerns about the narrow width of Lilly Hoo Lane and the lack of adequate passing areas for large vehicles.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 The site is an agricultural barn which is part of a large farmyard, in rural surroundings.

4.2 **Proposal**

4.2.1 Prior Approval is sought for the conversion of the existing barn into commercial use under Class R, Part 3, Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.

4.2.2 The proposal includes the change of use of the application building from agricultural use to a flexible use within Class B8 (Storage or Distribution).

4.3 **Key Issues**

4.3.1 The key issues are firstly whether the proposed works are permitted development as defined by The Town and Country Planning (General Development Order) 2015 as amended, Schedule 2, Part 3, Class 'R' and meets the limitations and conditions set out in R.1 and R.2 of the Order. Secondly, whether the prior approval of the LPA is required in relation to the conditions listed in paragraph R.3 of the same.

4.3.2 *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-*

(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.

The application proposes the change of use of the building. As above, Class R relates to the change of use of a building and any land within its curtilage. The existing building is considered to be in agricultural use, and the proposal relates to the whole building.

4.3.3 **Qualification as permitted development (Paragraph R.1)**

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;

The statement provided alongside the application confirms that the building has been solely used for agricultural purposes in association with an established agricultural unit since before 3rd July 2012. The proposal complies with this criterion.

(b) the cumulative floor space of buildings which have changed use under Class R within an established agricultural unit exceeds 1000 square metres;

The floor space would be under 1000 sqm. The proposal would comply with the above criterion.

(c) the site is, or forms part of, a military explosives storage area;

The site does not form part of a military explosives storage area and is therefore compliant with the above condition.

(d) the site is, or forms part of, a safety hazard area; or

The site is, and does not, form part of a safety hazard area. The proposal complies with the above criteria.

(e) the building is a listed building or a scheduled monument.

The building is not a listed building and is not a scheduled monument. The proposal complies with the above criterion.

4.3.3 Conditions (Paragraph R.2)

The change of use is permitted subject to the conditions in paragraph R.2. It should be noted that once changed the new 'flexible' use will be regarded as a '*sui generis*' meaning planning permission would be required to move away from the flexible use to any other use which amounts to development. A further application for prior approval will also be required to change to another of the flexible uses within Class R, should prior approval be given and the change of use implemented.

4.3.4 Prior approval (Paragraph R.3)

This section falls into two parts:

- (a) A building or buildings with a floor space under 150 square metres;
- (b) A building or buildings with a floor space that exceeds 150 square metres;

The building has a floor space of that exceeds 150sqm and as such, R3 (1b) is activated and therefore prior approval is required with relation 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.

4.3.5 Transport and Highways Impacts

HCC Highways have been consulted and have raised objections to the proposal, recommending that permission be refused for the following reasons:

No adequate passing areas.

The proposals are for Prior Approval Class R Agric to Flex Use: Change of use of an agricultural building to a flexible use within Class E(g)iii (Light industrial).

Context: Lilly Hoo Lane is an unclassified local access road and provides a local access function in the road hierarchy. Lilly Hoo Lane is highway maintainable at public expense. A 60mph speed limit applies. on HCC's Place and Movement network Lilly Hoo Lane is classed as P1/M1 (Eg. Rural Lane). No reportable highway accidents recorded within the immediate vicinity of the application site (5-year rolling). No Public Right of Way (as shown on the PRoW map) directly affects the site or would be affected by the proposal. The county council considers Lilly Hoo Lane not to be a traffic sensitive road. However, access to Lilly Hoo Lane is taken from Holly Bush Lane which is a Traffic Sensitive Road.

The Highway Authority is concerned about the narrow width of Lilly Hoo Lane and the lack of adequate passing areas for large vehicles like articulated HGVs (up to 16.5 meters in length). This poses a potential safety hazard at the junction with Holly Bush Lane. If an HGV turns into Lilly Hoo Lane while another vehicle is exiting, it might have to reverse onto Holly Bush Lane or become stationary to let the other vehicle pass, creating a safety risk. The applicant needs to demonstrate how they will address this issue.

CONCLUSION

The Highway Authority cannot approve the application at this time due to concerns about the narrow width of Lilly Hoo Lane and the lack of adequate passing areas for large vehicles.

The Highways Officer comments are considered accurate in respect of Lilley Hoo Lane, which lacks adequately large passing areas for large vehicles. The applicant has stated that vehicles using the site would be likely to be smaller than existing agricultural vehicles, however that can't be guaranteed or enforced over time.

Sufficient space for vehicles to manoeuvre and park outside the building and within the wider farmyard site would be available, however this is not considered to outweigh the objections from the highways authority.

In respect of the transport and highways impacts of the proposal, taking into account the above, it's considered that prior approval should be refused.

4.3.6 Noise Impacts of the Development

No objection has been raised by Environmental Health (Noise), although the EHO considers that hours of use could be restricted if the application was to be approved, due to the site being near a dwelling (the farmhouse). Overall it's not considered that noise impacts would be harmful.

4.3.7 Contamination risks on the site

No objections have been received from Environmental Health in relation to the contamination risks of the site. The supporting statement submitted alongside the application does not suggest any contamination risks.

4.3.8 Flood Risks

The applicant has stated that the site is situated wholly in Flood Zone 1, where there is less than 0.1% annual probability of river or sea flooding. In addition, the site has a very low risk of surface water flooding. As such, it is considered that there will be no unacceptable flood risks of the proposed change of use.

4.4 **Conclusion**

4.4.1 The proposed development would not comply with the criterion set out in Class R of the General Permitted Development Order. The prior approval of the local planning authority is therefore refused. The proposal is therefore not permitted development under Class R of the Order.

4.5 **Alternative Options**

4.5.1 None applicable

5.0 **Recommendation**

5.1 That prior approval is **REFUSED** for the following reason:

1. The proposed development would have unacceptable transport and highway impacts and therefore fails to comply with the criterion set out in R.3 (1)(b)(i) Class R of the General Permitted Development Order 2015 (as amended). Prior approval is refused and the proposal is therefore not permitted development under Class R of the Order.

Signed  Shaun Greaves Determining Officer	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Date: 28 April 2025	

