

6 March 2025

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My Ref:0129WB

Dear Sir/Madam

LILLEY HOO FARM, LILLEY HOO LANE, LILLEY, LUTON LU2 8NQ

Please find enclosed an application submitted under Schedule 2, Part 3, Class R of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) to determine if prior approval is required for a proposed change of use of an agricultural building to a flexible use within Class B8 (Storage or Distribution).

1.0

The Established Agricultural Unit

Lilley Hoo Farm is located to the east of the village of Lilley. It is located to the north of the A505 (Luton to Hitchin) and forms part of an Established Agricultural Unit owned by The Crown Estate. The Established Agricultural Unit extends to 63 hectares (156 acres). The agricultural land is mainly in arable production for growing Winter wheat and oats. The land has been farmed under an agricultural tenancy since 1928 (three generations). The tenancy is ending in September 2025. There is also 4 hectares (11 acres) of permanent pasture near to the farmhouse for grazing horses at livery.

The prior approval building (two linked buildings side by side) comprises an "L" shaped concrete portal framed agricultural grain and machinery store located on the northeast side of the farmyard. The building has a Gross Internal Floorspace (GIA) of 719.38 sq m. It has corrugated and profiled steel-clad elevations (olive green colour) under a corrugated fibre cement/asbestos sheet roof. To the front and sides of the building are hardstanding yard areas which are surfaced in either concrete or compacted road-planings.

Vehicular access is via a tarmac single track unclassified roadway called Lilley Hoo Lane which connects to Hollybush Hill/Luton Road just south of the A505 where there is an access tunnel under the A505. Lilley Hoo Lane is a no through road and serves Lilley Hoo Farm and the nearby fields. There are passing spaces at one or two intervals and at either end of the lane.

2.0

Class R Criteria

The proposed change of use complies with the requirements of Class R, as shown in the table below:

R.1 DEVELOPMENT NOT PERMITTED	
(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;	Complies - The building has been used solely for agricultural purposes since it was built (well before 3 July 2012).
(b) the cumulative floor space of buildings which have changed use under Class R within an established agricultural unit exceeds 1000 square metres;	Complies – The building has a GIA of 719.38 sq m. There have been no other buildings converted on the agricultural holding by virtue of Class R.
(c) the site is, or forms part of, a military explosives storage area;	Complies - The site is not and does not form part of a military explosives storage area.
(d) the site is, or forms part of, a safety hazard area; or	Complies - The site is not and does not form part of a safety hazard area.
(e) the building is a listed building or a scheduled monument.	Complies - The building is not listed or a scheduled monument.

3.0

Conditions

R.2 – (1) Development is permitted by Class R subject to the following conditions –

R.2 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;	The proposal will comply with this condition.
(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;	The proposal will comply with this condition.
(c) after a site has changed use under Class R, the planning permissions granted by Class E 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;	The proposal will comply with these conditions.

(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 apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to transport and highway impacts; noise impacts; contamination risks on site and flood risk.

R.3 CONDITIONS – PRIOR APPROVAL

(a) 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, it is necessary to 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,

The floor space of the agricultural building is 719.38 square metres.

(i) the proposed change of use is unlikely to have an adverse impact on highway safety. The existing agricultural vehicle movements comprising tractors, trailers, farm machinery and including HGV's (grain lorries) associated with the building will be replaced by vehicles associated a new flexible use within Class B8.

The building has capacity to hold approximately 600 tonnes of wheat. On the basis the grain store is emptied via a 28-tonne capacity HGV lorry over the Autumn/Spring period then based on 600 tonnes, this equates to 22 x HGV lorry movements into and out of the farm. The building also has the capacity to store grain for grain merchants, with the volume and capacity of the building being filled and emptied dependent on demand for grain storage each year.

Whilst it is currently not known who the end users will be, low intensity storage uses are intended. This is because the Crown Estate wish to protect the amenity of their residential tenants at Lilley Hoo Farmhouse. There is ample space for commercial vehicles to park and turn around safely within the farmyard which is well away from the public highway and separated from the farmhouse.

	Vehicular access to the public highway will be directly from the existing tarmac surfaced roadway (Lilley Hoo Lane). There is a secure gated entrance to the farm. Lilley Hoo Lane accesses onto Hollybush Hill/Luton Road (C class road) and the access has good visibility in both directions. The tunnel under the A505 is of sufficient height (5.4m) to accommodate HGV's and presently allows access for HGV grain lorries. Please refer to the submitted photographs. The Crown Estate envisage that it is likely that the building will be served by commercial vehicles of smaller size than that of the tractors, trailers and HGV grain lorries currently serving the farm buildings. (ii) the intended uses will be low key operators within Class B8 (storage or distribution). There will be no adverse noise impact resulting from change of use. In fact, there may be less noise as currently tractors with trailers, agricultural machinery and HGV grain lorries operate within the yard. The Crown Estate intend to secure flexible commercial uses that have low intensity activity. This is to protect the amenity of their residential tenants at Lilley Hoo Farmhouse. In conclusion, there will be no increase in noise and therefore no adverse impact on the amenity of the residential tenants of the farmhouse. There are no other residential properties nearby. (iii) the site does not fall within any historic landfill zones. The building has been kept clean (by necessity) for storing grain. There are no building works involved. There is unlikely to be any risk to the proposed storage users from contamination. (iv) The farmyard is located within Flood Zone 1 – the lowest risk of flooding. Please see the attached Environment Agency Flood Risk Map. There will be no increase in hardstanding or hard surfaced area and therefore no increased risk of flooding caused by the proposal.
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4.0

Prior Approval documents

The Prior Approval comprises the following documents:

DOCUMENT TITLE	PAGE SIZE
Application Form	A4
Supporting Letter	A4

Site Location Plan (1:1250)	A4
Block Plan (1:500)	A4
Established Agricultural Unit (EAU) Plan	A4
Floor Plan and GIA (1:100)	A2
Environment Agency Flood Risk Map	A4
Streetmap Location Plan	A4
Historic Landfill Map	A4
Photographs 1-8	A4

I trust that you will find the proposal entirely acceptable and that the proposed change of use of the building from agriculture to a flexible use within Class B8 (Storage or Distribution) can proceed as permitted development by virtue of Schedule 2, Part 3, Class R of the GPDO 2015 (as amended).

Please contact me should you require any additional information or wish to meet on site to go through the proposal.

Yours sincerely,



Paul Atton MRTPI
Consultant Planner

Cc Emily Moore