

DELEGATED OFFICER REPORT:**Application Ref:** PN/24/98380**Site Address:** Barn at Stroudwood Lane, Lower Upham SO32 1HG**Case Officer:** Clare Martin**Description:** Prior Notification Application Under Schedule 2, Part 3, Class R for a Change of Use of a Former Agricultural Building to a Flexible Use within Class B8 (Storage and Distribution).

Particular Site Constraints?	Yes ☒	No ☐
Outside Urban Edge – Countryside		

Planning History?	Yes ☒	No ☐
<u>PD/24/98242</u> - A permitted development enquiry has confirmed that under Class R up to 150m² of the barn could be covered to an office without requiring either a planning application or prior notification application.		

Publicity:	Letters ☒	Site Notice ☒	Newspaper ☐
Representations:	<u>1 letter of objection (Homestead)</u> Conversion would involve more large vehicles using Stroudwood Lane, which is a single lane road with few passing places. Lane is already busy as a cut through.		
Highways:	<u>No objection</u>		
Environmental Health:	<u>Noise – No objection</u> There are no nearby noise sensitive receptors. There are no hours of operation given but the covering letter says the impact will be nothing greater than existing. <u>Contaminated Land – No objection</u> The geology of the site comprises London Clay (unproductive aquifer). The site is not located within an identified contaminative land use, and the proposed development does not seem to involve any ground disturbance. Additionally, the application is accompanied by a Groundsure screening report, which indicates that no former/ current industrial land use has been identified within the site boundary.		
Parish Council:	The Parish Council has reservations over this prior notification in that:- - There doesn't appear to be a plan of the building alternations as currently it is an open sided barn. - We disagree with the developer's assessment of traffic being low. - The lane has two very unsuitable bends at the end of a single track, and if this is to be storage with large lorries accessing the lane would not be safe given that there is an equestrian centre almost opposite with horses using the lane to get to the bridleway.		

Site Visit:	Yes ☒	No ☐
Details: Carried out 15/11/24		

Pre-commencement Conditions:	Yes ☐	No ☒
Details:		

Legislation:

The Town & Country Planning (General Permitted Development) (England) Order 2015 (Amendment) Part 3 of Schedule 2, Class R grants planning permission for a change of use from agricultural to a flexible use. In this case the applicant has applied for a B8 (storage or distribution use). The prior notification regulations only covers the use of the building, with operational development requiring separate planning permission.

Under this act the developer must apply to the Local Planning Authority, before starting development, to determine whether the prior approval of the authority will be required, and if so whether this is granted by the LPA. The matters to be considered under the prior approval are:

- 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.

Policy:

**National Planning Policy Framework
Planning Practice Guidance**

Paragraph W(10) of Schedule 2 Part 3 of the GPDO requires that in assessing this Prior Approval application, the LPA must take into account any representations made to it on the proposals by neighbours or by relevant consultees and must have regard to the NPPF where relevant to the subject matter of the Prior Approval. The NPPF re-iterates that planning law requires that applications for planning permission be determined in accordance with the development plan, and consequently those policies of the adopted Local Plans that are relevant to the subject matter of the Prior Approval are cited here and have been taken into consideration in the assessment of the application.

Development Plan:

The Eastleigh Borough Local Plan 2016-2036 The most relevant policies are:

- Strategic Policies S1 and S5;
- Development Management Policies DM1, DM5, DM8 and DM13;

Supplementary Planning Documents:

None

Proposal and Eligibility:

The proposal consists of the change of use of the whole building from an agricultural use to a flexible use falling with Class R of the General Permitted Development Order, specifically a Class B8 (Storage) use. The prior approval application only covers the use of the building, with external changes being subject to a future planning application.

The building is eligible for a Class R prior notification application as:

- The barn has the appearance of an agricultural building and the covering letter confirms that it was in an agricultural use on the 3rd July 2012 and there have been no lawful intervening uses since that time.
- The change of use will cover a floorspace of 425 square metres, which is under the total permissible threshold of 1,000 square metres.

- The site is not and does not form part of a military explosives storage area or safety hazard area. The buildings are not listed, nor are they part of a scheduled monument.

Assessment:

Transport and Highways impacts of the development

The site comprises a 425m², single storey, open sided, agricultural barn used to store hay bales with a hard standing at the front. The barn is accessed off Stroudwood Lane, which is a single lane road with few passing places, no pedestrian footpath nor street lighting. The site is within a rural area with nearby uses being predominantly agricultural, horticultural, equestrian and there are some residential properties nearby.

The building's current agricultural use would likely generate a relatively small number of vehicular trips using large farm vehicles and trailers. The vehicular trips would likely be concentrated at key times of the year (e.g. after the hay is harvested and later when it is sold or used) and there may be periods when the building is not accessed at all.

The change of use application is supported by a highway technical note, which uses the TRICS database to provide the average traffic generation for a industrial unit of a comparable size. This estimates that the proposed B8 use could generate 5 traffic movements in the AM peak period, 2 movements in the PM peak period and a total of some 42 daily traffic movements throughout the day.

Therefore, for most of the year the proposed B8 storage use would likely generate significantly more traffic movements than the current agricultural storage use. Concern has been raised by the Parish Council, and a local resident, as to the suitability of Stroudwood Lane to accommodate the increased number and larger vehicles associated with the proposed B8 storage use.

The Applicant has indicated that they intend to use part of the building as a Class E Office, if the current application is unsuccessful. Under Class R, 150m² of the building can be used as an office without requiring formal approval from the Local Planning Authority, and this has been confirmed through a permitted development enquiry (PD/24/98242). While it is questionable whether this office use would take place (given the amount of work required to convert the open sided building, the suitability of the site and the likely demand for office accommodation in the locality), it would nevertheless be a possibility.

The Court of Appeal Judgement *Mansell v Tonbridge and Malling Borough Council* [2017] EWCA Civ 1314 established the legal considerations when determining the materiality of a 'fallback' position. It confirmed for the fallback position to be a real prospect, it does not have to be probable or likely, a possibility will suffice. Therefore, the prospect of a 150m² office at the site is considered to be a fallback position.

The supporting highway note provides the average trip rates for a 150m² office. This shows that the proposed B8 storage (compared to the office fallback use) would likely result in less trips travelling to and from the site, with 42 trips in a 12 hour period associated with B8 storage use as opposed to 46 trips in a 12 hour period associated with the fallback office use. Similarly, peak hour trips would be anticipated to fall from a predicted 7 to 5 in the AM peak and 7 to 2 in the PM peak. No objection has been raised by the Transport Officer to the number of vehicular trips along Stroudwood Lane associated with the proposed storage use.

In terms of vehicle sizes, it would be anticipated that a percentage of the trips associated with the proposed B8 storage use would be in vehicles larger than an average car associated with an office use. However, the Transport Officer considered that the impact of these larger vehicles on Stroudwood Lane would not be severe, given:

1. The existing agricultural use requires larger than average vehicle movements to be made;
2. The maximum sized vehicle outlined to be accessing the site is a 10m long rigid chassis HGV;
3. There are other uses along Stroudwood Lane that currently utilise larger than average vehicles without known issues (i.e. equestrian use opposite the site); and
4. The site visit identified several passing points that look adequate for the passing of such vehicles to be achieved, particularly whilst utilising the route to and from the site to the south onto the B3037 Mortimers Lane. A condition would be imposed to ensure that large vehicles take the southern route to the site, given the shorter distance to the site and it being less constrained in both width, availability of passing places, and tree canopy height.

No changes are proposed to the existing site access point, which is acceptable in principle although it is recommended that the area is resurfaced and entrance gates left open during operating hours or moved further into the site to prevent vehicles waiting on Stroudwood Lane. It has been shown through a vehicle tracking exercise contained within the Transport Note that the geometry is suitable, and also visibility splays are appropriate for the site-specific location.

In conclusion, the proposed change of use to B8 storage is not considered to have an unacceptable impact upon transport or highways and no objection has been raised by the Transport Officer.

Noise impacts of the development

While there are some residential properties within Stroudwood, there are none immediately adjacent to the site. The proposed B8 storage use is not considered to have a material impact on any noise sensitive uses and no objection has been raised by the Environmental Health Officer.

Contamination risks on the site

The application is accompanied by a Groundsure screening report. This indicates that no former industrial land use or contamination risk has been identified within the site boundary.

Flooding risks on the site

The site is within flood zone 1 and the proposed change of use is not considered to impact upon flood risk.

Equalities Act:

Section 149 of the Equalities Act 2010 created the public sector equality duty.

Section 149 (1) states:

A public authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

When making policy decisions, the Council must take account of the equality duty and in particular any potential impact on protected groups.

It is considered that this application does not raise any equality implications.

Climate Change:

In July 2019, the Council declared a Climate Change and Environmental Emergency. In doing so it agreed, among other things, to: (a) put in place measures to ensure the Council's own operations and functions achieve carbon neutrality by 2025; (b) work with

partners to aim for all projects and services delivered in the Borough to achieve carbon neutrality by 2030; (c) ensure that the Council's procurement policy recognises carbon neutrality as one of its primary considerations; and (d) recognise the urgency of action to mitigate and adapt to climate change in every decision taken by the Council. This is underpinned by the Climate and Environment Emergency Strategy 2020–2030 and the supporting Climate and Environmental Emergency Action Plan – Update June 2020.

The declaration of the Climate Change and Environmental Emergency demonstrates a strong commitment from the Council to achieve net zero. The NPPF, development plan and plan policy do not set this as a specific target, but it is a material consideration to be considered alongside all other material considerations. In any case addressing climate change is a core part of the NPPF and plan policy. The need to support the economy is part of the Strategic Environmental Assessment for the Local Plan, as is an assessment of climate impacts.

The NPPF aims for the need for housing to be met, and Policy S2 of the Adopted Local Plan sets a target for 14,580 dwellings to be provided by 2036. The NPPF, Policies S1, DM2 and DM3 of the Adopted Local Plan and energy and water elements of the adopted Environmentally Sustainable Development SPD require development to be sustainable in terms of resource use, climate change and energy use. When considering the impact of climate change, the proposed development is expected to be resilient to the potential effects of climate change and is expected to reduce/limit impacts on climate emissions as a result of the development or its use.

Conclusion:		
Recommendation:	CONSENT ☒	REFUSE ☐
Comments ...		