Application seeking prior approval to flexible commercial use per Class R GPDO 2015 - agricultural building at Lynn House Mill Lane Sutton St James PE12 0EJ

Introduction

An application was made for permission in case H20-1148-25 but it was refused being allegedly an unsustainable location, which on the particular facts that are akin to working from home, the applicant refutes. Consequently, in accordance with Schedule 2, Part 3, paragraph R.1a of the GPDO 2015 as amended, the applicant sought in case H20-0239-26 Class R approval for B2 use. That was refused. The applicant now seeks a different flexible use for the agricultural building ('Barn') that now has permission for extra cladding per H20-0372-26 (issued later).

The Barn will be put to flexible uses falling within Classes B8 and E(g) subject to specified limitations and conditions, primary use being E(g). The applicant's proposed activities will be fabrication of purged welded process pipework for surrounding food factories; fabrication of coded welded steam pipework for surrounding food factories and local power stations; fabrication and maintenance on various machines for local demolition companies; rebuilding demo shears and concrete crushers, maintenance works on roll on roll off skips, various welding and maintenance works to tracked construction machines; fabrication and maintenance works to industrial boilers and associated systems in local greenhouses; fabrication of flexi hoses for road vacuum tankers; maintenance to flower packer lines within the local area; engineering 24/7 support for local factories and farmers; all within a 25 mile radius of the Barn and are local businesses- some family run. It is anticipated 50% of the work will be at the Barn, the rest on customer sites.

As the LPA argued issuing raw steel would not fall within B2, then it must lie within classes E and B8. Class E(g) with ancillary B8.

Analysis

The typical steel is shown below


82673
45°


SECTION 6
SECTION 9
ALLERGENS ONLY








Mitchell
65x153 Beam
Group


PSL1/ASTM
EN10216-2 GR.

Below are typical hoses



Below is current unit showing steel stored ancillary to the class E(g) use and machinery for its processing



Below shows steel applied to agricultural bucket



Steel in sheet or pipe form is delivered then processed. The flexibility of Class R is manifest. The council's previous argument would mean that an agricultural building could never be put to compliant B2 use since it would need to be a blast furnace with the resultant steel sold on site. There is only one blast furnace in the country, which had

to be nationalised, impossible in a converted barn The R.2d condition is so restrictive the LPA knew it could not comply when questions were answered.

The Class R right has a statutory purpose, flexible uses for barns like this. There is no condition that restricts the use of B8/E, R.3b merely requires details to be supplied (also per para W), hence this submission.

The applicant selects Class E(g) use, though B8 will be an ancillary use. The LPA's putative reasoning viz Class E use in the last case were unfounded for these reasons:

- The agricultural use of the barn is the legal baseline. In this case, the barn was last used for parking large heavy equipment, transported to various farms year round. It is believe they were returned from each farm before then going out to other farm customers or returning to the same farm next day. The machinery included 5 tractors, JCB, drills, ploughs, harrows, trailers, cultivators. Those last transport and highway impacts are estimated as follows:

  given a minimum of 5 machines used on average 300 times annually, in and out traffic movements at least 600 times a year, probably more as that is based on just one driver, which given 5 tractors is highly unlikely, there were probably at least 2 and at harvest more.

  This is to be compared with the applicant's proposed traffic movement as follows:

  Delivery of steel just 20 times a year + 1 light van for deliveries 52 times a year.

  Consequently, there will be a decrease in traffic per W.5, no consultation with highways authority is justified

- In terms of noise implications, farm equipment has limited silencing compared to vans and cars, as farming is factories without roofs - noise is not a consideration. Such must be compared with the steel delivery lorry and a light van that fully comply with highway emissions legislation and are limited to noise output for public health reasons. The barn site has no noise sensitive receptor within 300m and in any event the Class R right is confined to the barn/building, which once clad, will not emit sound. This is to be compared to the baseline lawful use that had zero noise retardation.

- Although the date of the erection of the barn is unknown it gave limited shelter for farm machinery simply parked on the ground beneath a high roof. There is no evidence of any ground contamination. It is not considered that there is any reasonable basis to suspect any contamination. It is open to the council to

impose standard model conditions in respect of any investigatory steps, reporting, plus remediation subject to NPPG.

- A flood risk assessment is enclosed that demonstrates there is no risk.

Returning to the council's previous assertions, the contention transport and highway impacts "could vary so substantially between alternative uses permitted under class R that an assessment on all eventualities could not reasonably be undertaken" was fallacious. If that were the case then the Class R right would never have been granted by Parliament. There is a clear statutory purpose enshrined within the statutory instrument which any planning authority is required by law to apply objectively and reasonably, not make vague unsubstantiated assertions. Each case has to be assessed on its own particular facts.

The proposal will not have unacceptable impact with regard to the conditions listed in R.3(1)(b) and therefore prior approval is not required.