

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AN	28/04/2022
Planning Development Manager authorisation:	JJ	28/04/2022
Admin checks / despatch completed	DB	28.04.2022
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	28.04.2022

Application: 22/00636/COUNOT **Town / Parish:** Ardleigh Parish Council

Applicant: Mr Wood

Address: Moze Hall Farm Fox Street Ardleigh

Development: Proposed change of use of part of former agricultural buildings into a dental laboratory (Class B1/E) pursuant to Class R.

1. Town / Parish Council

n/a

2. Consultation Responses

n/a

3. Planning History

00/00659/FUL	Change of use to DIY livery yard with cross country course. Conversion of 3 buildings to house 10 horses including exterior changes of 2.	Approved	25.10.2000
00/02058/TELCO M	Proposed development of a 15m column supporting one dual omni antennae, one 600mm dish together with an equipment cabin near the base within a fenced compound	Determinati on	12.12.2000
02/02068/TELCO M	Proposed Orange PCS telecom installation (15 metre mast with antennae)	Determinati on	19.12.2002
05/00748/LBC	Erection of extension at the rear and minor internal alterations. Insertion of new door and window.	Approved	21.06.2005
05/00749/FUL	Erection of rear extension	Approved	25.08.2005
80/01002/LBC	Tipping of surplus excavated material and temp stock piling of top soil from A.120 Colchester eastern by-pass including	Approved	30.09.1980

	restoration to agricultural use		
82/00145/LBC	(as TEN/1002/80) Without complying with conditions 6 and 12	Approved	08.09.1982
79/00873/LBC	11.K.V Overhead line	Approved	09.08.1979
81/00229/OUT	One forage tower structure for grain storage	Approved	24.03.1981
19/01491/COUNO T	Proposed conversion of agricultural buildings into two dwellings.	Determinati on	26.11.2019
20/00263/COUNO T	Proposed conversion of agricultural buildings into three dwellings.	Determinati on	15.04.2020
21/01791/LBC	Proposed repair of crack damage at the rear right corner of the house.	Approved	04.01.2022
21/01977/LBC	Retention of the replacement of a number of windows	Approved	04.01.2022
22/00636/COUNO T	Proposed change of use of part of former agricultural buildings into a dental laboratory (Class B1/E) pursuant to Class R.	Current	

4. Relevant Policies / Government Guidance

Status of the Local Plan

Planning law requires that decisions on applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework (the Framework). The 'development plan' for Tendring comprises, in part, Sections 1 and 2 of the Tendring District Council 2013-33 and Beyond Local Plan (adopted January 2021 and January 2022, respectively), together with any neighbourhood plans that have been brought into force.

5. Officer Appraisal (including Site Description and Proposal)

Proposal

This application is submitted under Class R, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for change of use of part of former agricultural building into a dental laboratory (Class E).

Because it falls below the 150 sq m threshold it does not require prior approval, only notification to the Local Planning Authority. The assessment below confirms that it meets the criteria under Class R.

Assessment under Class R

Class R - agricultural buildings to a flexible commercial use

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 falling within one of the following provisions of the Use Classes Order—

- (a) Class B8 (storage or distribution) of Schedule 1;
- (b) Class C1 (hotels) of Schedule 1; or
- (c) Class E (commercial, business or service) of Schedule 2.

The existing use is agricultural and the proposed use as a dental laboratory falls within Class E. The proposal complies.

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 applicant has stated in their supporting statement that the building was used for agricultural purposes prior to 3rd July 2012 and there has been no other use. The proposal complies.

- (b) the cumulative floor space of buildings which have changed use under Class R within an established agricultural unit exceeds 500 square metres;

The floor space is 125 sq m and no other buildings have changed use under Class R. The proposal complies.

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

The site is not or forms any part of a military explosives storage area, therefore the proposal complies.

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

The site is not or forms any part of a safety hazard area, therefore the proposal complies.

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

The building is not listed or a scheduled monument and has been previously confirmed by the Council to not be curtilage listed to the Grade II listed Moze Hall. The proposal complies.

Conditions

R.2 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 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;
 - (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—

(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; **Provided (this week).**
- (ii) the nature of the use or uses; and **Dental laboratory with details provided.**
- (iii) a plan indicating the site and which buildings have changed use; **Provided.**

(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.

Not applicable as under 150 sq m.

(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.

Not applicable as not R.3(1)(b) development.

(3) Where, in relation to a particular development under Class R of the type described in paragraph R.3(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.

Not applicable as not R.3(1)(b) development.

(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.

Not applicable as not sub-paragraph (3) development.

Interpretation of Class R

R.4 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.

Conclusion

The proposal meets the criteria under Class R, subject to the conditions under R2 and R3, with no requirement for prior approval as it is below the 150 sq m threshold.

6. Recommendation

Deemed consent

7. Conditions

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- (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 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;
- (ii)any reference to "office building" is to be read as a reference to the building which has changed use under Class R.

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- (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.

8. Informatives

None

Are there any letters to be sent to applicant / agent with the decision? If so please specify:		NO
Are there any third parties to be informed of the decision? If so, please specify:		NO