

08 March 2023

Planning Department  
London Borough of Hillingdon  
Civic Centre  
High Street  
Uxbridge  
UB8 1UW

Dear Sir or Madam,

**TOWN AND COUNTRY PLANNING ACT 1990**  
**BARN AT JOEL STREET FARM, JOEL STREET, NORTHWOOD, LONDON**

Pursuant to Schedule 3, Part 3, Class R of the Town and Country Planning (General Permitted Development) (England) Order 2015, I write enclosing an application to determine if prior approval is required for a proposed Change of Use ("**CoU**") of the agricultural building at Joel Street Farm to a Flexible Commercial Use falling within Class E(g)(iii).

In support of this application for prior approval I enclose: -

- (i) Application Form;
- (ii) Site Location Plan (Dwg. No. CHSL-OT-002);
- (iii) Existing Floor Plan (Dwg. No. 22/5783CH-FP); and
- (iv) Existing Elevations Plan (Dwg. No. 22/5783CH-ELE).

An application fee of £96 is applicable for this application and has been paid via the Planning Portal website.

Schedule 3, Part 3, Class R of the Town and Country Planning (General Permitted Development) (England) Order 2015 ("the **Order**") grants express planning permission for the CoU of an agricultural building to a flexible commercial use falling within a specific range of use classes. Schedule 3, Part 3, Class R states: -

**Permitted development**

***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 Class A1 (shops), Class A2 (financial and professional services), Class A3 (restaurants and cafes), Class B1 (business), Class B8 (storage or distribution), Class C1 (hotels) or Class D2 (assembly and leisure) of the Schedule to the Use Classes Order.***

The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 amends the Town and Country Planning (Use Classes) Order 1987 to create a new Use Class E. Commercial, Business and Service to replace the former Class A, Class B1 and Class D use classes. As such, Class R

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of the Order grants an express planning permission for the CoU of an agricultural building to Class E(g)(iii) - Commercial, Business and Service.

It is acknowledged that this express grant of planning permission provides for the CoU only (my emphasis) and that Class R does not grant planning permission for any 'operational development' to convert the building. As such, it is duly acknowledged that a specific grant of planning permission for the 'operational development' to convert the building will also be required. A full planning application will be submitted shortly following expiry of the 56 day notice period, or following receipt of the local planning authorities decision that Prior Approval is Not Required.

Further, it is acknowledged that the express grant of planning permission for the CoU to Class E(g)(iii) - Commercial, Business and Service is subject to various conditions and limitations. Accordingly, I set out below how the proposed CoU satisfies these conditions/ limitations.

#### **Development not permitted**

**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 3<sup>rd</sup> 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 3<sup>rd</sup> July 2012, for a period of at least 10 years before the date development under Class R begins;
- (b) the cumulative floor space of the building which have changed use under Class R within an established agricultural unit exceeds 500 square metres;
- (c) the site is, or forms part of, a military explosive storage area;
- (d) the site is, or forms part of, a safety hazard area; or

#### **Application's Comment/Response**

The subject building was in agricultural use on the 3<sup>rd</sup> July 2012, and has remained in agricultural use ever since. The agricultural building currently houses farming equipment/ machinery and hay. There are no motorised agricultural machinery housed within the building.

There are no other existing building within the agricultural unit that have changed use under Class R. The subject building is the only agricultural building on-site and would therefore be the first and only building to do so. The subject building has a total gross internal floorspace of approximately 410 square metre, and as such is less than the 500 square metre limitation.

The site is not subject to any such designation.

The site is not subject to any such designation.

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

The agricultural building is not listed, and the site is not, nor does it contain a Scheduled Monument.

The conditions set out at R.2 are duly noted by the applicant and will be adhered to accordingly.

Condition R.3 (1)(a)((i) - (iii)) are not relevant to this application as the agricultural building exceeds 150 square metres, however, Condition R.3 (1)(b)(i) - (iv)) are relevant and matters of transport/highway and noise impacts of the development; and contamination risk and flood risk on-site are considered below.

### Conditions

**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 on the use classes comprising the flexible use, the developer must –

(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;

### Application's Comment/Response

The subject building is presently served by an access across the open field fronting Joel Street. Full planning permission (planning reference 8856/APP/2022/3754) grants planning permission for the relocation of the existing field access on Joel Street; lifting of existing area of hardstanding; and formation of a vehicular track to the existing farm building on site. Accordingly, once this planning permission has been implemented and the new access and vehicular track have been constructed there will be a suitable highway access to and from Joel Street.

It is submitted that the proposed CoU will be unlikely to generate significant amounts of traffic by virtue of the limited building curtilage. Accordingly, it is submitted that any increase above

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(ii) noise impacts of the development;

that of the existing agricultural use will likely be lost in the day-to-day fluctuations you may expect along Joel Street.

In granting planning permission for the formation of the relocated vehicular access condition 2 states that the *“development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 22236-MA-XX-XX-DR-C-0100 Rev P05...”* Drawing 22236-MA-XX-XX-DR-C-0100 Rev P05 confirms that the new access will have suitable visibility splays. It should be duly noted that in granting planning permission the Planning Officer had regard to the comments of the Highways Officer who had *“no objection in terms of exacerbating congestion or parking stress on highway safety concerns”*.

Accordingly, Condition R.3 – (1)(b)(i) is satisfied.

The building is situated immediately adjacent to the Blossom Tree Montessori child day-care nursery with its associated outdoor private amenity running alongside the agricultural building. During the summer months in particular there will be noise generated by the children playing in this area, but it is not thought to be of such a level that it would constitute a nuisance.

The proposed use [Class E(g)(iii)] is subject to the requirement that the industrial process being undertaken is a use which can be carried out in any residential area

(iii) contamination risks on the site; and

without detriment to the amenity of surrounding area by reason of noise. Accordingly, the proposed use of the building will have acceptable levels of noise.

Condition R.3 – (1)(b)(ii) is satisfied.

The agricultural building is thought to have been constructed in the 1980s and the roof sheeting has the potential for being an asbestos material. In respect of this application no works to the roof are necessary. It will be necessary to apply for full planning permission to undertake 'operational development' after the expiry of the 56 day period [or receipt of the local planning authorities decision] and if the 'operational development' affects the roof a Refurbishment/ Demolition Asbestos Survey will be commissioned and submitted alongside this planning application so the local planning authority can properly consider the strategy for its removal and appropriate disposal.

There is no other evidence of any environmental issues associated with the building or within its curtilage. As such, this is no significant potential sources of contamination associated with the site.

Accordingly, Condition R.3 – (1)(b)(iii) is satisfied.

(iv) flood risk on the site

According to the Environment Agency's online Flood Map for Planning, the building and its curtilage are located in Flood Zone 1 and has a low probability of

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flooding from rivers and sea. For the purposes of this application there will be no material changes to the current surface water drainage regime and as such, the proposed CoU will not give rise to an increase in flood risk.

Condition R.3 – (1)(b)(vi) is satisfied.

Having regard to the above assessment, I consider the proposed CoU constitutes 'permitted development' under Class R of the Order. Accordingly, I look forward to receiving the local planning authority's confirmation that **Prior Approval is Not Required** within the statutory 56 day timeframe of receiving this application.

I trust the enclosed material is sufficient for the local planning authority to consider this application, but please do not hesitate to contact me should any further information be required.

Yours faithfully,

Signature redacted

**Oliver Taylor**

*On behalf of the Joel Street Ltd*

Enc. As listed above