HUNTINGDONSHIRE DISTRICT COUNCIL

25/00794/P3MPA

OFFICER REPORT

Case No: **25/00794/P3MPA** **Prior Approval Agri to Offices or Shops**

Proposal: **Change of use of agricultural building to commercial use (B8 - Storage and Distribution).**

Location: **New Barns Farm St Neots Road Abbotsley**

Applicant: **Abbotsley Farms Ltd**

Grid Ref: **522160 256992**

DESCRIPTION OF SITE AND APPLICATION
The application site comprises a portion of a pitched roof agricultural barn with a hard-surfaced area to the east and south. Outside of the submitted red-line location plan is another pitched roof barn which is attached to the northwest elevation of the building subject to this application. To the south is another detached agricultural building, dwellinghouse and a commercial site Use Class E.

The application seeks prior approval for the 'Change of use of agricultural building to commercial use (B8 - Storage and Distribution).'

NATIONAL GUIDANCE
Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Schedule 2, Part 3, Class R.

The National Planning Policy Framework (12 December 2025)

For full details visit the government website: https://www.gov.uk

PLANNING HISTORY
25/00429/AGDET-Proposed new agricultural building-Details not required 02.04.2025

25/00376/CLED-Lawful development certificate existing for continued commercial use of site, demonstrating first permanent use, commencing in 1992 under former Use Class B1, and the continuous commercial use from 1992 to present day, specifically continuous use during previous 10 years under now Use Class E- Consent 16.07.2025

CONSULTATIONS
HDC Environmental Health - Initially the Environmental Health Officer (EHO) raised no objection to this proposal with regard to environmental health matters. The EHO was subsequently made aware the application boundary adjoins a house to the south and a residential garden to the south-east. As such the EHO noted that deliveries and loading/unloading activities could cause considerable disturbance to the residents with regard to noise, vibration and dust. As such the Officer recommended the imposition of the following conditions:
o Heavy Goods Vehicles (greater then 3.5 tonnes gross vehicle weight) shall be limited to 10 per day.
o Deliveries and collections shall be within the following hours: 0800 - 1800 Monday to Friday and 1000 - 1330 on Saturdays, with none on Sundays and bank holidays.

o Access roads and hardstanding must be kept free from potholes and loose material and must be swept regularly to remove mud, dust and debris. Water suppression shall be used to prevent dust entrainment during dry weather.

CCC Highways (Summarised)- Objection. Whilst the Local Highways Authority (LHA) has no objection in principle to a small B8 development at this location, concerns were raised about the suitability of the existing access. The submitted tracking plan only accounts for light goods vehicles and does not demonstrate safe access for larger vehicles, which could lead to highway safety issues, particularly if an HGV needs to stop on the highway due to limited junction capacity. Additionally, the presence of gates at the site entrance poses a risk unless they are removed or set back sufficiently to allow large vehicles to wait off the highway. Without measures to address these concerns, such as junction improvements or gate relocation, the Highway Authority would be unable to support the proposal.

Third-party representations:
No third-party representations received in support or objection to the application at the time of determination.

PLANNING ISSUES
The notification is for the change of use of an agricultural building to B8 use under Class R of the Town and Country Planning (General Permitted Development)(England) Order 2015. The issues for consideration are set out in the Order and the assessment undertaken is not the same as that for a planning application, therefore issues such as barriers separating the site amongst other issues including ability for the applicant to exceed the limits of Class R Permitted Development cannot be assessed as part of this prior approval application.

The issue for consideration is whether this proposal is considered to be permitted development under "Class R" of the GPDO.

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—
(a)falling within one of the following provisions of the Use Classes Order—
(i)Class B2 (general industrial) of Schedule 1;
(ii)Class B8 (storage or distribution) of Schedule1;
(iii)Class C1 (hotels) of Schedule 1;
(iv)Class E (commercial, business or service) of Schedule 2; or
(v)Class F.2(c) (outdoor sport or recreation) of Schedule 2; or
(b)for the provision of agricultural training.

In this case, the application is seeking the change of use of part of the larger agricultural building (951.3m2) and associated land to the east and south to a flexible Class B8 (Storage and distribution) under Class R a (ii) of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development)(England) Order 2015.

The interpretation of Part 3 in paragraph X. defines an agricultural building as "a building (excluding a dwellinghouse) used for agriculture and which is so used for the purposes of a trade or business".

Section 336 of the Town and Country Planning Act (1990) (the Act) outlines that 'agriculture' includes 'horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes'.

Officer note: The accompanying covering letter states, the agricultural building subject to this proposal is located at New Barns Farm, St Neots (PE19 6UU), and forms part of an Established

Agricultural Unit extending to approximately 277.2 hectares (677.56 acres). The letter continues to state, the farm has been operated in hand by the Applicant and his family for many years, primarily for arable farming, including wheat, barley, and a break crop across around 670 acres and this farmstead contains a range of agricultural buildings and silos. The letter also confirms the applicant is the freehold owner and has operational control of the buildings and land included in this proposal. The application is also accompanied with an agricultural holding plan detailing the extent of the holding in around the Abbottsley Area.

In addition, the letter also states the subject building formed part of the Established Agricultural Unit as of 3 July 2012 and has remained so for the 10 years preceding this Prior Notification, continuing to the present day.

In light of the submitted information, Officers are of the opinion that the site is agricultural in nature and so would accord with the meaning of 'agricultural building', as outlined in Part 3 'X' (Interpretation of Part 3).

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;

Officer note: As outlined above, the building subject to this application has formed part of an Established Agricultural Unit since 3 July 2012 and has remained so for the 10 years preceding this Prior Notification, as confirmed in the submitted covering letter and application form. It has therefore been demonstrated that the site has been used solely for agricultural purposes within an established unit, meeting the requirements of Class R.1(a).

(b) the cumulative floor space of buildings which have changed use under Class R within an established agricultural unit exceeds 1,000 square metres;

Officer note: Compliant. The submitted plans confirm that the cumulative floor space of the building proposed for change of use under Class R is 951.3 square metres, which is within the permitted threshold. The submitted application form confirms the total combined floor space in the building(s) (previously and in this proposal) changed in use under this permitted development right would not exceed 1000 square metres. There does not appear to be any planning history on the surrounding land which may form part of the 'established agricultural unit' for a change of use under Class R.

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

Officer note: Compliant.

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

Officer note: Compliant.

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

Officer note: Compliant.

Conditions
Paragraph R.3 (1) (b) states 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.

Officer note: The applicant has indicated on the application form that the proposed change of use involves more than 150 square metres of floorspace. In line with paragraph W of Part 3, when assessing transport, noise, contamination, and flooding impacts, due regard must be given to the provisions of the National Planning Policy Framework (NPPF).

(i) Transport and highways impacts
Officer note: The Highway Authority at Cambridgeshire County Council has been consulted on the application. The submitted tracking information did not adequately demonstrate safe access for larger vehicles, leading officers to raise concerns about the suitability of the existing access arrangements. In particular, there is a risk that heavy goods vehicles (HGVs) may be required to stop on the highway due to limited junction capacity, which poses a highway safety issue. Additionally, the presence of gates at the site entrance presents further concerns unless they are either removed or set back sufficiently to allow large vehicles to wait off the highway while gaining access. Without measures to address these concerns, such as junction improvements or gate relocation, the Highway Authority does not support the application.

Notwithstanding the above, an agreed extension of time between the LPA and the applicant expired the 29.08.2025. On the 01.09.2025 the agent emailed the LPA stating "the determination period for this prior notification has now expired without a decision being issued. On this basis, paragraph W(11)(c) of the GPDO applies and the site now benefits from a deemed permission."

the applicants have exercised their right to deemed permission under Paragraph W(11)(c) of the GDPO, as the application expired without a decision being issued. As a result, officers are unable to impose conditions in relation to highways.

(ii) Noise impacts of the development
Officer note: The Environmental Health Officer was consulted as part of the application. Whilst the Officer raised no initial objection to the proposal, it was noted that the application boundary adjoins a house to the south and a residential garden to the south-east, and as such, deliveries and loading/unloading activities could cause considerable disturbance to the residents with regard to noise, vibration and dust. The Officer recommended the imposition of the following conditions in the interests of protecting residential amenity of adjacent neighbours:
o Heavy Goods Vehicles (greater then 3.5 tonnes gross vehicle weight) shall be limited to 10 per day.
o Deliveries and collections shall be within the following hours: 0800 - 1800 Monday to Friday and 1000 - 1330 on Saturdays, with none on Sundays and bank holidays.
o Access roads and hardstanding must be kept free from potholes and loose material and must be swept regularly to remove mud, dust and debris. Water suppression shall be used to prevent dust entrainment during dry weather.

Notwithstanding the above, the applicants have exercised their right to deemed permission under Paragraph W(11)(c) of the GDPO, as the application expired without a decision being issued. As a result, officers are unable to impose conditions to protect residential amenity of adjacent neighbours from noise.

(iii) Contamination risks on the site
Officer note: The Environmental Health Officer has raised no concerns in relation to contamination risks.

(iv) Flooding risks on the site
Officer note: The application site is within Flood Zone 1 and therefore at lowest risk from fluvial flooding. The site is not susceptible to groundwater flooding. The existing hardstanding associated with the subject building is however a low risk (1 in 1000 year extent) from surface waterflooding according to the Council's Strategic Flood Risk Assessment (SFRA, 2024). Overall, the site is considered to be at low risk from all sources of flooding.

Other matters:
Class R only allows for the change of use of a building and its curtilage, it does not permit external alterations to the building, or any other operational development. "Associated operational development" is defined in paragraph R.3.(4) as "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."

Class R allows for change of use for a building and its curtilage, it does not only relate to undeveloped land.

Officers are unable to consider future / potential planning breaches on the site which would warrant determination based on the specific criteria exclusive to that case on its own merits.

Although the proposal does not involve the entire building, this does not preclude it from meeting the criteria set out under Class R of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The specific areas subject to the change of use are clearly identified within the red line location plan submitted with the application, and officers are satisfied that the proposal can be appropriately assessed against the provisions of Class R in this instance.

Conclusion:

For the reasons set out above, it is considered that the proposal accords with Class R of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The determination period for this prior notification expired the 29.09.2025 without a decision being issued. On this basis, paragraph W(11)(c) of the GPDO applies and the site now benefits from a deemed permission.

CONTACT OFFICER:
Enquiries about this report to **Charlotte Dew**