OFFICER REPORT

Case No: 25/00688/P3MPA Prior Approval Agri to Offices or Shops

Proposal: Change of use from agricultural buildings to storage (B8)

Location: Broadpool Farm Fenside Road Warboys

Applicant: Mr Matthew England

Grid Ref: 533631 281835

DESCRIPTION OF SITE AND APPLICATION

This application site comprises a hard-surfaced area, rubble and standing wooden posts in the southeastern corner of the site. Officers visited the site to find the building subject to this application had been demolished apart from the wooden posts and hard standing. The curtilage indicated on the submitted site location plan extends 2,314sqm.

The application seeks prior approval for the 'Change of use from agricultural buildings to storage (B8)' under Class R, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

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

02/00845/FUL-Erection of stable-Permitted 24.05.2002

0102467FUL-Change of use of agricultural building to office-Permitted 19.12.2001

98/01689/REM- Approval of siting, design, layout & access for agricultural dwelling-Details approved 18.03.1999

98/00193/OUT-Erection of agricultural dwelling-Permitted 23.07.1998

CONSULTATIONS

Parish Council- Object. The Parish Council object on the grounds of insufficient clarity and supporting information, including a lack of detail on the number of storage units and traffic impact; serious highway safety concerns due to inadequate access and poor visibility; the unsuitability of the industrial-style proposal in a rural location, which conflicts with Policy LP10; a misleading description of the site as involving a "change of use of building" when no building exists; failure to address landscape and design standards due to the absence of a design statement; and an overall lack of evidence and justification to meet policy expectations for sustainable and well-considered development.

HDC Environmental Health - No objection to this proposal with regard to environmental health matters. The most concerning matter would be odour, however, the storage product has not been specified. The site is located well away from any odour sensitive receptors.

CCC Highways (Summarised)- Objection. The site access is located on the western radius of First Broadpool Drove and, although previously used for agricultural purposes, its current layout is unsuitable for the increased vehicle movements associated with unrestricted commercial use. The access lacks appropriate dimensions and visibility splays and does not meet Cambridgeshire County Council's specifications. Specifically, commercial accesses should have 10-15m radii and a width of 6.5-7.3m for 20m from the highway boundary to safely accommodate simultaneous use by HGVs and smaller vehicles. The existing access fails to meet these standards, raising safety concerns.

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 a former agricultural building and associated land (2,314sqm) to the north and west 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: As detailed above, Officers visited the site on 24 July 2025 and observed that the agricultural building subject to this application had been demolished, with only wooden posts and hardstanding remaining. This concern was also raised by Warboys Parish Council, who noted that no building currently exists on the site.

The accompanying application form states that the proposal seeks to repurpose a site with derelict farm buildings, formerly part of a piggery, into a secure storage facility. The buildings have collapsed, leaving only a concrete footprint and a few telegraph poles. The proposal involves changing the land use from agricultural to storage, installing new, uniformly coloured shipping containers, and fencing the site for security.

The application also asserts that the building formed part of the established agricultural unit as of 3 July 2012 and remained in agricultural use for the 10 years preceding this Prior Notification.

However, based on the submitted information and site inspection, Officers are of the opinion that while the site is part of an agricultural holding and retains its agricultural character due to its former piggery use, the absence of any standing building means there is no "agricultural building" to convert.

Under Class R of the General Permitted Development Order (GPDO), the change of use must apply to an existing building and any land within its curtilage. As there is no building present, the associated land cannot be considered curtilage. It is also important to note that Class R does not allow for a change of use of land independently of an agricultural building.

Based on the submitted information and site inspection, Officers acknowledge that the site forms part of an agricultural holding and retains its agricultural character due to its former use as a piggery. However, the building subject to this application has been demolished, leaving no standing structure. As such, there is no existing "agricultural building" to convert, which is a fundamental requirement under Class R of the Town and Country Planning (General Permitted Development) (England) Order. Class R permits the change of use of an agricultural building and any land within its curtilage to a flexible commercial use. In this case, the absence of a building means the associated land cannot be considered curtilage, and the proposal cannot be considered permitted development under Class R. The proposal also fails to 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 been demolished. The proposal cannot be considered permitted development under Class R of the GDPO. The proposal fails to accord with paragraph R.1 part 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: As outlined above, the building subject to this application has been demolished. The proposal cannot be considered permitted development under Class R of the GDPO. The proposal fails to accord with paragraph R.1 part b.

(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.

As outlined above, the building subject to this application has been demolished. The proposal cannot be considered permitted development under Class R of the GDPO. The proposal fails to accord with paragraph R.1 parts a and b and therefore is not considered permitted development.

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: As outlined above, the building subject to this application has been demolished. The proposal cannot be considered permitted development under Class R of the GDPO. The proposal fails to accord with paragraph R.3 part (1) b.

(i) Transport and highways impacts
Officer note: The Highway Authority at Cambridgeshire County Council has been consulted on the application. Highways Officers object to the application and recommend refusal for the following reasoning:

The site access is located on the western radius of First Broadpool Drove and, although previously used for agricultural purposes, its current layout is unsuitable for the increased vehicle movements associated with unrestricted commercial use. The access lacks appropriate dimensions and visibility splays and does not meet Cambridgeshire County Council's specifications. Specifically, commercial accesses should have 10-15m radii and a width of 6.5-7.3m for 20m from the highway boundary to safely accommodate simultaneous use by HGVs and smaller vehicles. The existing access fails to meet these standards, raising safety concerns.

In light of the above the proposal is considered contrary to Schedule 2, Part 3, Class R, Paraph R.3 (i) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

(ii) Noise impacts of the development
Officer note: The nearest residential property to the application site is Broadpool Farm Farmhouse, located approximately 600m to the east. The Environmental Health Officer has raised no objection to the proposal. It is considered that any potential noise arising from the proposed use can be effectively managed and mitigated through the imposition of appropriate planning conditions. As such, the development is not expected to result in unacceptable harm to residential amenity.

(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 northern portion of the application site is at high risk from fluvial flooding as it is located within Flood Zone 3. The remaining portion of the site and the area formerly comprising of the agricultural building is in Flood Zone 1 and therefore at lowest risk from fluvial flooding according to the Council's Strategic Flood Risk Assessment (2024).

As detailed above the curtilage indicated on the submitted site location plan extends 2,314sqm and is rectangular in shape. Whilst the southern section of the site is considered to be at low risk from all sources of flooding, the northern section of the curtilage proposed is at high risk from flooding. The application is not accompanied with a site-specific flood risk assessment and therefore the application does not address flood risks associated with the proposed development.

In the absence of a suitable Flood Risk Assessment, the Local Planning Authority cannot be satisfied that flooding risks on site would be acceptable. The proposal is therefore contrary to Schedule 2, Part 3, Class R, Paraph R.3 (iv) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

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.

The interpretation of Part 3 in paragraph X. defines curtilage as "(a) the piece of land, whether enclosed or unenclosed, immediately beside or around the agricultural building, closely associated with and serving the purposes of the agricultural building, or (b) an area of land immediately beside or around the agricultural building no larger than the land area occupied by the agricultural building"

In this case the building subject to this application has been demolished. The change of use of the building and its associated curtilage cannot be considered permitted development under Class R of the GDPO.

Conclusion:

It is considered that the proposal is contrary to Class R of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and the proposed development is not considered permitted development for the reasons set out below. Planning permission is required for the proposed development.

1. Based on the submitted information and site inspection, the building subject to this application has been demolished, leaving no standing agricultural structure. As such, there is no existing "agricultural building" to convert, which is a fundamental requirement under Class R of the Town and Country Planning (General Permitted Development) (England) Order. The proposal, therefore, cannot be considered permitted development under Class R and the proposal fails to accord with the meaning of 'agricultural building', as outlined in Part 3 'X' (Interpretation of Part 3).

2. The access lacks appropriate dimensions and visibility splays and is considered unsuitable for the increased vehicle movements associated with the unrestricted commercial use proposed. Therefore, it has not been sufficiently demonstrated that the proposal would have acceptable transport and highways impacts. The application fails to satisfy R.3(1)(b) part (i) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

3. In the absence of a suitable Flood Risk Assessment, the Local Planning Authority cannot be satisfied that flooding risks on site would be acceptable. The proposal is therefore contrary to Schedule 2, Part 3, Class R, Paraph R.3 (iv) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

CONTACT OFFICER:
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