

Proposed change of use from a use falling within Class B8 (storage or distribution centre) to a single dwelling (C3 Use class)

Land to the rear of The Flint Barn Yapton Road Barnham PO22 0AZ

The site is to the rear of The Flint barn and consists of a parcel of land to the rear of the Flint Barn which consists of approximately 10 caravans stored on the site.

In addition there is a storage building on the site with a footprint of approximately 34.4m² as well as a small storage unit at the entrance to the site.

It is an enclosed piece of land enclosed by fencing and some mature trees.

Application BN/3/14/CLE granted a Lawful Development Certificate for “existing use for the storage of caravans and undercover and open air ground storage.”

This lawful development certificate states clearly in its first schedule “The extent of the use is for caravan storage and general storage (B8) use only.” It is therefore unquestionable that both the site and the building have a lawful use of B8 of the use classes order 1987.

Assessment against Prior Notification criteria

The Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2015 came into force on 15th April 2014.

These changes of use include the current proposal:

Permitted development

P. Development consisting of a change of use of a building and any land within its curtilage from a use falling within Class B8 (storage or distribution centre) of the Schedule to the Use Classes Order to a use falling within Class C3 (dwellinghouses) of that Schedule.

Development not permitted

P.1 Development is not permitted by Class P if—

(a) the building was not used solely for a storage or distribution centre use on 19th March 2014 or 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; [Criteria met, the lawful development certificate clarifies this point.](#)

(b) the building was not used solely for a storage or distribution centre use for a period of at least 4 years before the date development under Class P begins; [Criteria met, the lawful development certificate clarifies this point.](#)

(c) the use of the building falling within Class C3 (dwellinghouses) of that Schedule was begun after 15th April 2018; [not applicable](#)

(d) the gross floor space of the existing building exceeds 500 square metres; [Criteria met the footprint is 34.4m²](#)

(e) the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained; [not applicable](#)

(f) less than 1 year before the date the development begins—

(i) an agricultural tenancy over the site has been terminated, [not applicable](#) and

(ii) the termination was for the purpose of carrying out development under this Class, [not applicable](#) unless both the landlord and the tenant have agreed in writing that the site is no longer required for agricultural purposes;

(g) the building is within—

(i) an area of outstanding natural beauty; [Not applicable](#)

(ii) an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981; [Not applicable](#)

(iii) the Broads; [Not applicable](#)

(iv) a National Park; [Not applicable](#)

(v) a World Heritage Site; [Not applicable](#)

(h) the site is, or forms part of—

(i) a site of special scientific interest; [Not applicable](#)

- (ii) a safety hazard area; [Not applicable](#)
- (iii) a military explosives storage area; [Not applicable](#)
- (i) the building is a listed building or is within the curtilage of a listed building; [Not Applicable](#)
- (j) the site is, or contains, a scheduled monument. [Not applicable](#)

Conditions

P.2 Development is permitted by Class P subject to the condition that before beginning the development, the developer must—

(a) submit a statement, which must accompany the application referred to in paragraph (b), to the local planning authority setting out the evidence the developer relies upon to demonstrate that the building was used solely for a storage or distribution centre use on the date referred to in paragraph P.1(a) and for the period referred to in paragraph P.1(b); [See above](#)

(b) apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

(i) impacts of air quality on the intended occupiers of the development;
[Air quality Statement - The proposed development is well related to existing surrounding residential dwellings. There are no known uses in the vicinity that would cause adverse air quality. No remediation measures proposed or required.](#)

(ii) transport and highways impacts of the development,
[Transport Statement – as regards transport implications / assessment the proposed development is likely to lead to a net reduction in vehicle movements when comparing the existing use to the proposed use. No transport mitigation impacts required.](#)

(iii) contamination risks in relation to the building,
[Contamination Statement – On the basis that the building has only been used for storage there would be no contamination issues arising. No remediation measures proposed or required.](#)

(iv) flooding risks in relation to the building,
[Flood Risk Assessment - The proposed development lies outside any area subject to flood risk as such flooding would not be an issue. In any event the impacts in relation to flooding would be no greater than the existing use. No remediation measures proposed or required.](#)

(v) noise impacts of the development, and
[Noise Statement - The proposed development is well related to existing surrounding residential dwellings. In any event any noise impacts in relation to residential accommodation on the site would be less than the existing commercial activity with associated commercial vehicle movements. No remediation measures proposed or required.](#)

(vi) where the authority considers the building to which the development relates is located in an area that is important for providing storage or distribution services or industrial services or a mix of those services, whether the introduction of, or an increase in, a residential use of premises in the area would have an adverse impact on the sustainability of the provision of those services, and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

The building to which the development relates is **not** located in an area that is important for providing storage or distribution services or industrial services or a mix of those services. The introduction of, or an increase in, a residential use of premises in the area would **not** have an adverse impact on the sustainability of the provision of those services.

Conclusion

It is clear that the building is in B8 use and complies with all the requirements of the GPDO, as such it is considered that prior approval is not required and that the change of use should be allowed.