

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
25/00267/PRA56	Hamish Rigg	14/05/2025

Address: The Barn, Doctor Fold Lane, Heywood, OL10 2QF

Proposal: Prior approval for change of use from barn to office building.

PUBLICITY	Weekly list expired?	Y	Site notice expired?	n/a
	Neighbour letters expired?	Y	Press Notice expired?	n/a

DELEGATION	Significant departure from local plan?	N	Contrary to national policy?	N
	Applicant a Council Member or officer?	N	Contrary to previous decision?	N
	Major with 10 or more objections and recommending approval?	N	Called in or Planning Panel objection?	N

COMMENTS	Planning Panel comments received?	N
	Neighbour comments received?	Y

EIA	Screening opinion completed and saved to Onbase?	n/a
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CONDITIONS	Pre-commencement conditions proposed?	n/a
	Pre-commencement conditions agreed (or notification period expired)?	n/a

RECOMMENDATION	
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CHECKED AND SIGNED OFF BY: RK

DATE: 20/05/2025

SITE

The application relates to a group of vacant barn buildings, situated approximately 25m south-east of nos. 1-4 Doctor Fold Lane. The site forms part of a wider farm complex which is surrounded by open farmland. It falls within the Green Belt, as per UDP policy G/D/1.

Doctor Fold Lane is a single track road, accessed off Manchester Road, to the north-west. The majority of buildings/ settlements located on Doctor Fold Lane have a residential, storage, or agricultural use.

The application site includes a large two-storey barn building with an adjoining single-storey side extension, as well as two separate single-storey outbuildings situated to the west. This application does not relate to the separate outbuildings.

PROPOSAL

The application is submitted for determination as to whether prior approval is required to change the use of the site from an agricultural premises to offices (Class E) as permitted under Schedule 2, Part 3, Class R of the Town and Country Planning (General Permitted Development) (England) Order 2015) as amended.

The conversion would see the ground floor of the barn converted into offices and associated WCs, kitchens, and meeting rooms. The plans indicate internal access to the first-floor but do not specify its use.

The proposal includes the installation of numerous windows on the front and rear elevations at both floor levels.

The plans also indicate a number of external developments, outside the barn building, including:

- New hard surfacing, including tarmac and block paving;
- 21no. parking spaces for staff and visitors;
- The installation of solar panels to the existing single-storey side extension;
- An automated gate and boundary fence to the front;
- A 'sensory garden' and pond;

RELEVANT PLANNING POLICY

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

National Guidance

National Planning Policy Framework (NPPF) – July 2021

National Planning Practice Guidance (NPPG)

RELEVANT SITE HISTORY

22/01051/FUL – Grant subject to conditions

Conversion and extension to existing barn and outbuilding to form 4 no. dwellinghouses; proposed link extension, and alterations proposed to all elevations of buildings; hardstanding to front yard with parking; creation of proposed passing places.

CONSULTATION RESPONSES

Environmental Control – 15th May 2025

If the application were to proceed, I would request the following condition:

“APAS CODE CW041 Preliminary Risk Assessment

Prior to commencement of the development a Phase 1 Report (Preliminary Risk Assessment) must be completed to assess the actual and/or potential contamination risks at the site. The Phase 1 Report must be submitted to, and approved in writing by, the Local Planning Authority and shall include a desk top study, site walk over, conceptual model, basic hazard assessment and recommendation regarding the need or otherwise for further investigation and risk assessment.

Where the Phase 1 Report has identified potential unacceptable risks, a suitable investigation, risk assessment and remedial action shall be carried out in accordance with details and within a timescale to have first been submitted to and approved in writing by the Local Planning Authority.

In the event that contamination is suspected or found at any time when carrying out the approved development that was not previously identified, or contamination is caused, the Local Planning Authority shall be notified immediately and development affected and potentially affected by the contamination must stop. An investigation and/or risk assessment and/or remediation shall be carried out in accordance with an agreed process and within agreed timescales to have first been submitted to and approved in writing by the Local Planning Authority. If contamination is not suspected, found or caused during development, this must be confirmed in a completion letter which is subject to the approval in writing of the Local Planning Authority.”

Highways – 2nd May 2025

We have no objections to this proposal which is well removed from the highway and unlikely to generate any significant volume of traffic.

Environmental Health (Noise) – 14th May 2025

No objections.

REPRESENTATIONS

Letters of notification were sent to surrounding properties 02/04/2025; no objections were raised.

ANALYSIS

The application is submitted for determination as to whether prior approval is required to change the use of the site from an agricultural premises to offices (Class E) as permitted under Schedule 2, Part 3, Class R of the Town and County Planning (General Permitted Development) (England) Order 2015) as amended.

For the avoidance of doubt, Class R relates solely to the *change of use of a building and any land within its curtilage from a use as an agricultural building to a flexible use (including under Class E)*. Class R does not allow for any additional development or alterations, either to the building or land within its curtilage. As such, a separate full application will need to be made in respect of any associated operational development. “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.

Furthermore, where Class R is used to convert a barn to a use within Use Class E (offices, shops etc.), then the legislation allows for a hard surface to be created as defined in Schedule 2, Part 7, Class E. Class E allows for up to 50sqm of hard surface within the curtilage. The plans indicate new hard surfacing in the form of tarmac, block paving, and car parking spaces. In total the proposed hard surfacing amounts to approximately 1700sqm, therefore substantially exceeding the limits of Part 7, Class E. A separate permission is therefore required for the proposed hard surfacing.

Notwithstanding the above, the following assessment is relative in respect of the proposed change of use:

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—

(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 Schedule 1;

(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.

The application confirms that the existing use of the building and land is agricultural and that the proposed use would be commercial (Class E).

Development not permitted

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 application form confirms that the use of the site on 3 July 2012 was solely for an agricultural use as part of an established agricultural unit.

(b) the cumulative floor space of buildings which have changed use under Class R within an established agricultural unit exceeds [F21,000 square metres];

The plans indicate that the cumulative floor space of the buildings is approximately 390 square metres.

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

The application confirms that this is not the case.

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

The application confirms that this is not the case.

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

The building is not listed or a scheduled monument.

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.*
- (d) where the site is to be used for general industrial purposes within Class B2, it must only be used for the processing of—*
 - (i) raw goods, excluding livestock, which are produced on the site and are to be sold on the site, or*
 - (ii) raw goods mentioned in paragraph (i) together with goods ancillary to the processing of those raw goods]*

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;*
 - (ii) the nature of the use or uses; and*
 - (iii) a plan indicating the site and which buildings have changed use;*
- (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—*

The cumulative floor space of the buildings is approximately 390 square metres, and therefore the following determination as to whether prior approval of the local planning authority will be required is relevant.

- (i) transport and highways impacts of the development;*

The Council’s Highways Officer was consulted and raised no objection to the application, deeming the site to be well removed from the highway and unlikely to generate a significant volume of traffic. Prior approval is therefore not required in relation to any transport and highways impacts.

- (ii) noise impacts of the development;*

The Council’s Environmental Health Officer was consulted and raised no objection to the application. Prior approval is therefore not required in relation to any noise impacts.

- (iii) contamination risks on the site; and*

The Council’s Environmental Control Officer was consulted and determined that there was a possible risk of on-site contamination. The Officer identified the presence of heavy machinery and an old sand pit, both of which present possible

contamination issues. As such, prior approval is required by the Local Planning Authority, in relation to any contamination risks on site.

The EC Officer has requested that any permission should include a condition requesting that, prior to any development, a Phase 1 Report (Preliminary Risk Assessment) is completed, assessing the actual and/or potential contamination risks at the site, and submitted to and approved in writing by, the Local Planning Authority.

Subject to the recommended condition, prior approval is therefore required and approved.

- (i) flooding risks on the site, and the provisions of paragraph W (prior approval) apply in relation to that application*

The site does not fall within Flood Zone 2 or 3. Prior approval is therefore not required in relation to any flooding risks.

(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.

(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.

(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.

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.

RECOMMENDATION

Schedule 2, Part 3, Class W refers to the necessary procedures for applications for Prior Approval under part 3:

'(Sub-paragraph 13) The local planning authority may grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval.

Prior approval granted subject to the following condition:

1. No development shall take place until a Phase 1 investigation and risk assessment has been submitted to and approved in writing by the Local Planning Authority. The assessment shall investigate the nature and extent of any contamination on the site (whether or not it originates on the site). The assessment shall be undertaken by competent persons.

The submitted report shall include:

- i) a survey of the extent, scale and nature of contamination
- ii) an assessment of the potential risks to:
 - o human health,
 - o property (existing or proposed) including buildings, crops, livestock, pets, woodland, and service lines and pipes,
 - o adjoining land,
 - o groundwaters and surface waters,
 - o ecological systems,
 - o archaeological sites and ancient monuments;
- iii) where unacceptable risks are identified, an appraisal of remedial options and proposal of the preferred option(s) to form a remediation strategy for the site.

The development shall be carried out in accordance with the approved remediation strategy thereafter.

No part of the development shall be occupied until a verification report demonstrating that the approved remediation has been implemented has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the safe development of the site in the interests of the amenity of future occupiers in accordance with Policy G9 of the adopted Rochdale Core Strategy, Policy JP-S1 of the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.

Reason for pre-commencement condition: Further investigation will be necessary prior to commencement of any building or engineering works on site.

Notes for Applicant:

For the avoidance of doubt, this decision relates to the following list of plans:

- Statement of operation; Thorp Design Services (dated March 2025)
- Proposed Parking/Landscaping Plan: TDS-24-196-18
- Location plan: TDS-25-196-00
- Proposed site plan: TDS-24-196-07
- Proposed barn plans: TDS-25-196-08
- Proposed barn plans 2: TDS-25-196-09
- Proposed barn elevations 1: TDS-25-196-09
- Proposed barn elevations 2: TDS-25-196-11