

Our Ref: P19-0392
Your ref: 241707/PAC

2nd October 2024

Connie Davis
Principal Planning Officer
Development Management and Enforcement
Wokingham Borough Council

Dear Connie,

RE: Submission of an application for a Certificate of Lawfulness for the Change of Use from B2 (General Industrial) to B8 (Storage and Distribution) use at Unit 10, Newlands Farm, Loddon Drive, New Bath Road, Charvil, RG10 8HL

Introduction

Pegasus Group are instructed by our client, Belcher Farms, to submit an application for a Certificate of Lawfulness at Unit 10, Newlands Farm. By way of background, Newlands Farm consists of 11 separate units that were allowed for B2 (General Industrial) use on appeal following the refusal of planning application 191788.

Following recent discussions between you and ourselves, which included the submission of pre-application enquiry reference 241707/PAC, it has been determined that three of the units at Newlands Farm, including Unit 10, are operating as Class B8 Storage and Distribution uses, in breach of what was allowed under appeal. It has also been determined that there are further breaches concerning the outdoor areas however these shall be dealt with separately.

In terms of Unit 10, we have reviewed the situation following the response and consider that the change of use of this Permitted Development, thereby not requiring planning permission. It is therefore considered that the submission of a Certificate of Lawfulness for the change of use of Unit 10 is considered an appropriate way to regularise the situation in respect of this unit.

Site Description

The part of Newlands Farm that is relevant to this proposal is a complex of three former agricultural buildings that have lawful use as B2 General Industrial units, a use that was granted on appeal following the refusal of application 191788. The buildings have been converted to 11 units in total with the remainder of the site not taken up by buildings consisting of areas of hardstanding for parking and ancillary outdoor storage.

Unit 10 is located within the easternmost of the three buildings and takes up a 145sqm area to the centre of the building. The wider site beyond the building and hardstanding remains in its original agricultural use.

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The Proposed Development

The unit is used by an online fashion retailer known as Black Ginger Ltd who use Unit 10 for the storage of items prior to their distribution following online sales. No paying customers visit the unit, and the day-to-day functions of the unit are warehousing, packing and distribution. This has been agreed via the pre-application process to constitute a B8 (Storage and Distribution) use.

Relevant Legislation

Class I of Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) refers to Industrial Conversions. Development permitted under Class I is:

“Development consisting of a change of use of a building from any use falling within Class B2 (general industrial) of Schedule 1 to the Use Class Order, to a use for any purpose falling within Class B8 (storage and distribution) of that Schedule.”

Development is not permitted under Class I if the change of use relates to more than 500 square metres of floor space in the building.

In respect of Unit 10, the building was permitted under appeal as a Class B2 (General Industrial) use but has since changed to Class B8 (storage and distribution). Unit 10 has a floorspace of 145 square metres and as such is substantially under the threshold allowed under Class I. It therefore falls under Class I of Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and as such the change of use is Permitted Development, thereby not requiring planning permission.

Conclusions

The change of use of Unit 10, Newlands Farm from Class B2 to Class B8 use complies with the relevant legislation and as such is Permitted Development, thereby not requiring planning permission. It is therefore respectfully requested that a Certificate of Lawfulness is issued in respect of Unit 10.

Yours sincerely,

Michael Ruddock
Associate Planner
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