

**THE TOWN AND COUNTRY PLANNING (USE CLASSES) ORDER 1987:
PROPOSAL FOR A NEW BUSINESS USE CLASS - CONSULTATION PAPER**

We have made our comments under the various headings as laid out in the consultation document. We trust this is helpful.

INTRODUCTION

We have no comments to make on this section, given that it is context setting.

PRESENT PLANNING CONTROLS OVER BUSINESS INTENSIFICATION

This is a straightforward explanation of the current system and the issues related to intensification. We therefore have no comments to make on this.

THE CASE FOR FURTHER CONTROLS

Paragraph 10 refers to the implications for traffic growth from uncontrolled intensification. We agree with the line of argument presented here, and would suggest that the view that:

"...road improvements...attract other traffic onto what had hitherto been a minor, rural route." is helpful in indicating the potential impact of road improvements without specifying a distinction between existing traffic displaced from elsewhere and new traffic.

In paragraph 12 the rationale behind introducing the new rural business use class is outlined, and we support the purpose as outlined here.

PROPOSED STRUCTURE OF THE NEW RURAL BUSINESS USE CLASS

a) The test for intensity of use

Our comments on the various approaches to determining intensification are as follows.

Site area or floorspace. We agree that this is already covered by existing planning control measures.

Number of employees. We would agree that this is an inappropriate measure. All, or the majority, of employees could, for instance, walk to work or use public transport or 'car sharing'. Application of such a measure would therefore penalise 'sustainable' approaches to the operation of a business.

The weight or cubic capacity of goods or materials entering or leaving the site. This measure is likely to be difficult to apply in practice and so we would not support such a measure.

A general percentage limit on any increase in traffic entering or leaving a site above the level at the time the use commences. From the points raised in paragraph 15, it is not clear if this measure is the one proposed or whether the measure is to be based on absolute volume of traffic. This may be something of a red herring, however, as the concepts may, in practice, be used interchangeably.

Thus, if the proposed definition of the new rural business class outlined in paragraph 15 is adopted, a local planning authority may take the view for a specific application that an additional, say, 10 vehicles is the limit to increased intensification, and would be the trigger for a new planning application. However, this additional absolute traffic increase may also be a 10% increase on current traffic levels attracted to the area or site in question. It may be a matter of semantics, therefore, as to which term is more suitable.

However, there may be merit in using an absolute measure if there are problems in determining the 'baseline' traffic levels. This situation is more likely to apply to an 'area' rather than an individual site. Accordingly, we would support the definition outlined in paragraph 15 of the proposed new rural business use class.

We also endorse the inclusion of the distinction made in paragraph 16 between the 'particular area concerned', as proposed for the new rural business use class, and the 'type of area in general' as currently used for Class B1.

Paragraph 17 outlines how local planning authorities may apply the new rural business use class. We are unclear about the example used in the last sentence. The example is given of a proposal for change of use which is felt to be detrimental to the amenity of the rural area. It is suggested that the local planning authority could then either refuse permission for this change of use, or 'grant permission for change of use to the existing, unrestricted B1 or B2 classes'.

Whilst this latter option may be a potential outcome, it does read a little strange after the preceding points. If the change of use is detrimental, what would be the benefit of granting permission for the existing, unrestricted B1 or B2 use class? It may relate to the nature of conditions that can be attached to such a use class, but if this is so it is unclear from the proposal, and in any case the same conditions would presumably be available for application to the proposed rural business use class.

b) The definition of 'rural area'

Paragraph 22 provides the definition of 'rural area'. We would accept this is as a working definition. However, we have two particular concerns. The first relates to 'rural' land that is neither agricultural or forestry. In particular, we are concerned that certain heath and moorland, as well as other rural areas, may slip through this definition.

The second relates to the definition of 'Forestry'. This may be dealt with adequately in existing legislation and guidance but we are uncertain as to the application of the term 'utilisable crop of timber'. Would, for example, 'urban forests' and woodland that is not used for crop fall within the definition of rural area as outlined in paragraph 22? If they do not then we consider this to be a shortcoming with the definition.

In relation to the 100 metre limit discussed in paragraph 24 we are unable to provide any informed comment. However, on the face of it the use of a 100 metre limit does not appear unreasonable.

c) The need for two new classes

We support the distinction made here under paragraph 26.

d) Effect of the new use classes on existing users

We have no comments on this section.

e) Freedom to move between classes

We have no comments on this section.