
Existing planning use and planning position in relation to alternative uses

iMET Building, Alconbury Weald

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1. The originally approved use

- 1.1. Outline planning permission was granted in October 2014 under planning reference 1201158OUT at Alconbury Airfield (now Alconbury Weald) for:

**Up to 290,000 sqm of employment floor space, including data storage and a materials recovery demonstration centre and up to 5,000 dwellings, including sheltered/extra care accommodation; a mixed use hub and mixed use neighbourhood facilities, including retail, commercial, leisure, health, place of worship and community uses; non-residential institutions including primary schools, nurseries, a secondary school and land reserved for post 16 education provision; open spaces, woodlands and sports provision; retention of listed buildings; new vehicular access points from Ermine Street and the A141, with other new non-vehicular access points; associated infrastructure; reserve site for a railway station and ancillary uses; and associated demolition and groundworks.
at Alconbury Airfield Ermine Street Little Stukeley PE28 4WX**

- 1.2. A series of reserved matters applications were subsequently submitted and approved including approval in June 2016 under planning reference 16/00752/REM for:

Submission of reserved matters (appearance, layout, landscaping, scale and mass) in respect of the construction of a mixed use Innovation, Manufacturing, Engineering Building (iMET) including office, research and development and a training facility (Use Class B1(a)/B1(b))

- 1.3. Importantly, whilst the description of the development on the decision notice (above) includes reference to a training facility (which can be a former D1 Non-Residential Institutions use) as well as office and research & development, the description finishes the list of uses with "(Use Class B1(a)/B1(b))". An office use and a research & development use are explicitly the (former) B1(a) and B1(b) respectively. The inclusion of "(Use Class B1(a)/B1(b))" at the end of the description makes it clear that the overall use of the building was considered to be B1 in this instance. This is supported by a review of the approved Development Specification as part of the outline permission. To be a reserved matters application, the proposed use(s) must comply with that specification. The specification includes B1(a) and B1(b), but no other uses that a training facility might otherwise fall under. This is further confirmed by the description of the application in the Officer Report which states that "This submission is made pursuant to outline planning permission 1201158OUT and seeks approval of reserved matters for the erection of a building for uses within classes B1(a) and B1(b)".
- 1.4. Alternative uses can become lawful and replace an approved use if they are carried out in breach of a planning permission for a continuous period of 10 years. This cannot be applicable in this instance as the building has not been constructed for a 10 year period.

The approved use of the building was therefore considered to be Use Class B1(a)/B1(b).

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2. Changes to use classes in 2020

- 2.1. The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 which came into force on the 1st September 2020 consolidates a number of uses that were previously in different use classes into the same use class. This includes what was B1(a) and B1(b), and is now E(g)(i) and E(g)(ii), into a new, broader Use Class E. By virtue of the provisions in Section 55(2)(f) of the Town and Country Planning Act 1990 (as amended) the use of any part of a building or land for any other purpose within the same class does not constitute development and does not therefore require a planning application.

The building, or part of the building, can now be used for any of the uses listed within Class E below.

"SCHEDULE 2

Article 3

PART A Commercial, Business and Service

Class E. Commercial, Business and Service

Use, or part use, for all or any of the following purposes—

- (a) for the display or retail sale of goods, other than hot food, principally to visiting members of the public,
- (b) for the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises,
- (c) for the provision of the following kinds of services principally to visiting members of the public—
 - (i) financial services,
 - (ii) professional services (other than health or medical services), or
 - (iii) any other services which it is appropriate to provide in a commercial, business or service locality,
- (d) for indoor sport, recreation or fitness, not involving motorised vehicles or firearms, principally to visiting members of the public,
- (e) for the provision of medical or health services, principally to visiting members of the public, except the use of premises attached to the residence of the consultant or practitioner,
- (f) for a creche, day nursery or day centre, not including a residential use, principally to visiting members of the public,
- (g) for—
 - (i) an office to carry out any operational or administrative functions,
 - (ii) the research and development of products or processes, or
 - (iii) any industrial process,

being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

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3. Changes of use granted planning permission by the General Permitted Development Order

3.1. The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) also grants planning permission for some changes of use, including those listed below, without the need for a planning application:

- from a use within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order, to a mixed use for any purpose within that Class and as up to 2 flats subject to conditions including the need to apply to the local planning authority for a determination as to whether the prior approval of the authority will be required;
- a change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order to a use falling within Class C3 (dwellinghouses) of Schedule 1 to that Order subject to limitations and to conditions including the need to apply to the local planning authority for a determination as to whether the prior approval of the authority will be required; and
- a change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business or service) of Schedule 2, to use as a state-funded school falling within Class F.1(a) of Schedule 2 to that Order subject to conditions including the need to apply to the local planning authority for a determination as to whether the prior approval of the authority will be required.

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) also grants planning permission (so a planning application it is not required) for a change to other specified uses subject to limitations in some instances and to conditions including the need to apply to the local planning authority for a determination as to whether the prior approval of the authority will be required.

4. Other matters

4.1. The designation of the site as part of an Enterprise Zone does not change any of the above.

4.2. Any other proposed uses would require a planning application. Any such planning application would be considered against the development plan (and Huntingdonshire's Local Plan to 2036 in particular) and material considerations. The target determination period for such an application would depend on the site area – 8 weeks if the site area was 1 hectare or less, and 13 weeks if the site area was more than 1 hectare.

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- 4.3. For a formal determination of the existing lawful use, the Combined Authority could apply to the Local Planning Authority for a Certificate of lawfulness of existing use under Section 191 of the Town and Country Planning Act 1990 (as amended). For a formal determination as to the need for a planning application(s) for any proposed alternative uses, the Combined Authority could apply to the Local Planning Authority for a Certificate of lawfulness or proposed use under Section 192 of the Town and Country Planning Act 1990 (as amended). The target determination period for both is 8 weeks.