DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H02-0637-19**	**Applicant:**	**Mr Darren Speechley**
Proposal:	Conversion of existing agricultural barns to living accommodation - Re-submission of H02-0581-18		
Location:	Common Farm Common Drove Crowland		
Terminal Date:	20th August 2019		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019
National Guidance **National Planning Policy Framework 2019** **T & CP (GPD) Order 2015** Permitted Development Rights - Class Q

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	1	0
WARD MEMBER	0	0	0	0
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	1	0
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Prior approval is sought to convert existing agricultural buildings to living accommodation.

Site Description

The site forms part of a farm yard located on the south-western side of Common Drove. A house (Jamity Lodge) is situated to the north-west and residential properties further to the south-east and north/north-west.

Previous Decisions

H02-0581-18 - Prior Approval - Conversion of agricultural barns into dwelling - Refused 7 August 2018.

Representations

Crowland Parish Council - We await the full application.

LCC Highways/SUDs - Does not wish to restrict the grant of permission.

Welland & Deepings IDB - The site is bounded on the south by the Board's No.5 Drain which is afforded the protection of a 9 metre byelaw which prevents new fences, buildings, structures, landscaping etc being installed within this distance without the prior written consent of the Board. Any site layout should take this into account.

Environmental Protection - Request screening assessment or contamination condition.

Environment Agency - No objections subject to the development proceeding in accordance with the submitted information, particularly finished floor levels.

Planning Considerations

Class Q of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 indicates that the following is permitted development:
a) a change of use of a building and any land within its curtilage from a use as an agricultural building to use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order; and
b) building operations reasonably necessary to convert the building referred to in paragraph a) to a use falling within Class C3 (dwellinghouses) of that schedule.

Paragraph Q.1 sets out the circumstances where development is not permitted. Concerning criterion (a), part of the building currently appears to be used for equestrian purposes. However, this appears to be a recent use and there is no significant evidence to demonstrate that it was not in agricultural use on 20 March 2013. The previous application was not refused on these grounds.

However, the proposal fails to meet criterion (g) of paragraph Q.1 because the height is to be increased. Consequently, the external dimensions would extend beyond the external dimensions of the original building. As such, the development is not permitted by Class Q.

In respect of Class Q(a), it indicates that the following is permitted development; namely, "a change of use of a building and any land within its curtilage". The definition of "curtilage" for the purposes of Class Q is defined as "an area of land immediately beside or around the agricultural building no larger than the land occupied by the agricultural building". The curtilage shown is larger. As such, the development is not permitted by Class Q.

In respect of Class Q(b), paragraph Q.1(i) states that development is not permitted if the development under Class Q(b) would consist of building operations other than i) the installation or replacement of windows, doors, roofs, or exterior walls, or water, drainage, electricity, gas or other

services, to the extent reasonably necessary for the building to function as a dwelling house; and ii) partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1(i)(i).

Planning Practice Guidance (PPG) provides advice on the interpretation of Class Q(b). It advises that Class Q assumes that the agricultural building is capable of functioning as a dwelling. It recognises that for the building to function as a dwelling "some" building operations which would affect the external appearance of the building, which would otherwise require planning permission, should be permitted. Also, that the right allows for the installation or replacement of windows, doors, roofs, exterior walls, water, drainage, electricity, gas or other services to the extent reasonably necessary for the building to function as a dwelling house. It is not the intention of the permitted development right to include the construction of new structural elements for the building.

It is considered that new structural elements would be required; for example, to construct the new roof. The proposed building operations are considered extensive and go well beyond the scope of works that could be considered reasonably necessary for the building to function as a dwellinghouse. This is consistent with a recent High Court decision (Hibbitt v Secretary of State for Communities and Local Government).

In conclusion, it is considered that the proposed works fail to satisfy the requirements of paragraphs Q(a), Q.1(g) and Q.1(i) and the PPG. As a consequence, the proposal is not permitted development under Class Q.

Paragraph Q.2 indicates that where a proposal is permitted development, it is subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the Authority will be required as to such matters as contamination. In this case, prior approval would be required in respect of contamination. This could be addressed by virtue of a condition if the proposal satisfied all other matters.