DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H03-1182-21**	**Applicant:**	**Mr J Wyer**
Proposal:	Conversion of barns to form 2 dwellings		
Location:	East Reach Farm Main Road Hop Pole		
Terminal Date:	20th January 2022		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework 2021

T & CP (GPD) Order 2015 - Class Q

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	0	0	2

CASE OFFICER ASSESSMENT

Proposal

Prior Approval Application. Conversion of barns to form 2 dwellings.

Site Description

Two agricultural buildings within the established holding of East Reach Farm.

History

None relevant to these buildings.

Consultation Responses

Deeping St Nicholas Parish Council

No response received.

Highways & SUDS Support

Does not wish to restrict the grant of permission.

The proposed dwellings would be accessed by the existing vehicle access that has, for many years, served the barns and the rest of the farmyard. It is presumed that the agricultural use of these barns has already ceased or will soon cease, so the vehicle movements associated with the proposed residential use will be offset by the removal of agricultural use of the access by large and slow-moving vehicles.

Therefore, having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed conversion of these barns to residential use would not be expected to have an unacceptable impact upon highway safety and does not wish to object to this planning application.

SHDC Environmental Protection

I have reviewed the submitted screening assessment form and accompanying photos, and recommend that the following condition be added to any permission granted:
In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported immediately to Environmental Health. An investigation and risk assessment must be undertaken in accordance with details to be agreed with Environmental Health. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by Environmental Health. Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved by Environmental Health.

SHDC Building Control

No comments from BC as a Structural Engineer has stated they will be suitable for conversion.

Third Parties

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. The information provided by the applicant appears to satisfactorily demonstrate that the provisions of criteria (a) - (h) and (j) to (m) have been met.

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.

In this case

Building A comprises a traditional brick barn range. The building comprises a principal two-storey (equivalent) building section, with a single storey addition, with a hipped roof, running off its eastern end. The two storey element incorporates a part-slated / part asbestos -sheeted roof. The single storey section has a concrete-tiled roof.

Building B which is set to the north of Building A comprises a modern streel portal framed barn structure. The main building element is finished in blockwork at lower level with fibre-cement sheeting to the supper wall sections and roof. It
incorporates metal sliding doors to its southern gable. Attached to the western and eastern sides of this principal building are some lean-to type elements that are to be removed.

The structural information accompanying the application indicate that with careful consideration of repair and strengthening that the structures are suitable for conversion into living accommodation. It is considered that the proposal would not include significant new structural elements and that the extent of the works proposed are reasonably necessary for the buildings to function as dwellinghouses.

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:
(a) Transport and highways impacts;
(b) Noise impacts;
(c) Contamination risks;
(d) Flood risks on the site;
(e) Location and siting;
(f) Design/external appearance.

Paragraph W(3) of the GPDO states that an application for prior approval may be refused where it does not comply with any conditions or limitations applicable to Class Q or where there is insufficient information to establish such compliance.

Addressing the above;

Transport/Highways - LCC Highways does not wish to restrict the grant of permission in terms of using the existing highway access to the site.

Noise Impacts - The general relationship to nearby dwellings is considered to be such that the proposed use would not harm the amenity of neighbouring residents to a significantly greater degree than at present, including noise impacts, given that residential use is proposed.

Contamination - A screening Assessment has been submitted. Environmental Protection have requested a condition/note relating to unexpected contamination.

Flood Risk - The building to which the application relates is within Flood Zone 3, with a low risk of flooding, being within a defended flood plain. However, the proposal is a conversion so, in accordance with Paragraph 167 of the National Planning Policy Framework, 2021, it should not be subject to the sequential or exception tests. However, it should still meet the requirements for a site-specific flood risk assessment.

The flood risk assessment accompanying the application recognises that the proposal is a more vulnerable development. Consequently, it recommends that finished floor levels be raised 300mm above the existing ground level. The FRA states that this could be achieved by lowering the level of the surrounding hardstandings to ensure that the proposed ground floor level is 300mm above the outside pavings or hardstandings, as long as the ground floor level is a minimum of
300mm above all of the area between the barns and the fields to the north of the barn.

Location and Siting - The site is presently part of an existing farmyard. Issues concerning potential noise have already been addressed. The site is relatively isolated. However, it has previously been established that applications such as this cannot be resisted on these grounds.

Design/external appearance - The scheme largely retains the existing agricultural character/appearance of the buildings and maintains the agricultural aesthetics of the site. It is considered acceptable on balance.

Conclusion

That the Class Q prior notification application be approved.

The condition request of the Environmental Health officer has been amended to accord with condition standards.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:
A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).
C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.