

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H05-0807-23 **Applicant:** Mr & Mrs S Smith
Proposal: Proposed Barn Conversion (Barn Two)
Location: Adj Sycamore Grange Cross Drove Gedney Hill
Terminal Date: 16th January 2024

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
23	The Reuse of Buildings in the Countryside for Residential Use
28	The Natural Environment
29	The Historic Environment
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2023

Section 2 - Achieving sustainable development
Section 4 - Decision making
Section 5 - Delivering a sufficient supply of homes
Section 9 - Promoting sustainable transport
Section 12 - Achieving well-designed and beautiful places
Section 14 - Meeting the challenge of climate change, flooding and coastal change
Section 15 - Conserving and enhancing the natural environment
Section 16 - Conserving and enhancing the historic environment

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

SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	1	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This is a full application seeking permission for a barn conversion at Sycamore Grange, Barn Two.

Site Description

The site is located outside the defined settlement boundaries of Gedney Hill as outlined within the South East Lincolnshire Local Plan, 2019 (SELLP). On the land adjacent to Sycamore Grange there are four separate barns with the south west barn falling under this conversion application. The site appears mostly to be used for agriculture with the muddy terrain throughout the site. It is one of six properties along Cross Drove with agricultural land surrounding each site.

History

H05-0889-02 - Change of use of part of dwelling to 2 bed and breakfast rooms and a holiday flat, plus extensions/alterations - Approved

H05-1459-03 - Change of use from agriculture to livery and construction of sand arena - Approved

Consultation Responses

South Holland Internal Drainage Board

No objections, consent may be required under Byelaw 3, not currently required for Section 23 and Byelaw is not applicable in this instance.

Lincolnshire County Council Highways Authority

No objection -

Although the barn is outside the settlement boundary of Gedney Hill, the vehicular activity along both Cross Drove and New Fen Drove is very light, as these roads serve mainly agricultural land and just a few existing dwellings, and the absence of footways is not therefore considered to be sufficient cause to withhold the grant of Consent on highway safety grounds. The barn would presumably have created some vehicle activity on these roads, that may be offset against those that would be generated by the proposed residential use. The proposed dwelling is intended to be accessed by the existing farm entrance, which is considered to be suitable for such use.

In consideration of the above and 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 development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network and therefore does not wish to object to this planning application.

Informatives

Highway Informative 08

Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections, Section 50 licences and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works. For further guidance please visit the Highway Authority's website via the following link: Traffic Management - <https://www.lincolnshire.gov.uk/traffic-management>

As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to drainage and surface water flood risk on all Major applications. This application is classified as a Minor Application and it is therefore the duty of the Local Planning Authority to consider the surface water flood risk and drainage proposals for this planning application.

Lincolnshire Wildlife Trust

Register a holding objection, request conditions if approved to protect and enhance biodiversity.

South Holland District Council Environmental Protection

I request a standard land contamination condition be applied at this location.

Key Planning Considerations

The main issues and considerations in this case are (but are not limited to):

- Principle of Development and Sustainability
- Class Q and Betterment
- Layout, Design and Impact of the Character of the Area
- Impact on Neighbouring Residents/ Land Users/ Land Uses
- Highway Safety and Parking
- Flooding Risk Considerations
- Biodiversity

Planning Considerations

Evaluation

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

In this case, the adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019, forms the development plan for the District, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework (updated 2023) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Principle of Development and Sustainability

The South East Lincolnshire Local Plan sets out the settlement hierarchy in respect of delivering sustainable development that meets the social and economic needs of the area whilst protecting and enhancing the environment; in order to provide enough choice of land for housing to satisfy local housing need, whilst making more sustainable use of land and to minimise the loss of high-quality agricultural land by developing in sustainable locations and at appropriate densities.

Policy 1 of the South East Lincolnshire Local Plan sets out a spatial strategy for delivering sustainable development across South East Lincolnshire to 2036. Policy 1 (Spatial Strategy)

expresses this sustainable framework of settlements, ranking the settlements deemed to be most sustainable in descending order.

The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy in respect of sustainable development are areas of limited development opportunity including Minor Service Centres, with areas of development constraint comprising 'Other Service Centres and Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable. As such, development within these settlements, subject to the proposals compliance with other relevant national and Local Plan policies, may be considered acceptable in principle where they lie within the settlement boundaries of that settlement.

The National Planning Policy Framework, (NPPF) (December 2023) outlines, within para 60, that "to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay".

Para 70 of the NPPF (December 2023) also emphasises the importance that the contribution of small to medium sized sites can make in meeting the housing requirements. ("Small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly"). This policy seeks to ensure that there is a sufficient supply of homes and advises that sites of all sizes make a contribution to the housing requirement of an area.

The application site in this instance lies within a postal area of Gedney Hill, a settlement that is identified as a Minor Service Centre within Policy 1 of the South East Lincolnshire Local Plan. However, the site itself lies detached from the main built form or built-up area of Gedney Hill and lies beyond the clearly identified settlement boundaries for this settlement, as specified within Policy 1.

Policy 1 states that "the rest of the Local Plan area outside the defined settlement boundaries of the Sub-Regional Centres, Main Service Centres, Minor Service Centre and Other Service Centres and Settlements is designated as Countryside". The site is located outside the Gedney Hill Settlement Limits, as defined within the South East Lincolnshire local Plan. It is therefore regarded as being within the countryside in policy terms. As such, the application site falls to be assessed as a 'Countryside' location, as detailed by this spatial policy.

In this instance, the proposal has been submitted as a custom/self build. The Self-build and Custom Housebuilding Act 2015 indicates that authorities must give suitable development permission to enough suitable serviced plots of land to meet the demand for self-build and custom housebuilding in their area.

Explanatory text accompanying Policy 11 (Distribution of New Housing) of the South East Lincolnshire Local Plan specifically refers to self-build & custom build dwellings and indicates at paragraph 5.3.5 that "within the defined settlement boundaries there will be numerous opportunities for infill and larger-scale housing development that will be available to the local builder, self-builder, custom-builder and larger house-building companies. It is not practical to identify or anticipate all such opportunities; however, the positive tone of the Local Plan encourages such development *"provided that the material considerations of the Local Plan and particular sites can be met"*.

This latter point is particularly pertinent as it makes clear that permission should only be granted for such sites where there are no material considerations set out within the Local Plan that indicate otherwise. Similarly, an Inspector concluded in a recent appeal decision (APP/A2525/W/18/3218958), despite giving the statutory requirement regarding self-build and custom-build significant weight, that the appeal site was not a suitable location for that type of housing. This demonstrates the above point in practice. Furthermore, the site in this instance lies outside of the defined settlement boundaries and therefore also fails to accord with this, in that the text clearly refers to the anticipation of sites being 'within the defined settlement boundaries'.

The South East Lincolnshire Local Plan makes no exceptions to its spatial strategy for previously developed land, for existing plots of residential land being subdivided, or for self-build. Policy 17 outlines that the provision of new houses will seek to meet the long term needs of the plan area. However, with reference to custom and self-builders it suggests that the Local Plan will seek to meet these housing needs. It does not state that this should be done in a manner inconsistent with

the Plan's spatial strategy policies, including through granting permissions.

Development within the countryside is limited to that where it "is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits". Independent dwellings within the open countryside, which do not meet a specific housing need as illustrated within the supporting context of Policy 1, would therefore typically be resisted in principle.

The supporting text to Policy 1 states that "housing needs may also, by exception, be justified in the Countryside; for example, for Gypsy, Traveller and Travelling Showpeople accommodation (Policy 20: Accommodation for Gypsies, Travellers and Travelling Showpeople) or to meet the specific housing settlement needs of a settlement (see Policy 19: Rural Exceptions Sites)". The application site comprises a parcel of land that is not considered to meet the provisions of either of these policies. The proposal comprises a new residential dwelling located within the open countryside, located on developed land, however there are no dwellings within this site, and therefore does not fall under the provisions of Policy 22 (Replacement Dwellings in the Countryside) whilst needing to be assessed against Policy 23 (The Reuse of Buildings in the Countryside for Residential Use), this shall be discussed later in the report.

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However, open market housing, which this self-build house would be considered to be, is not a development type that specifically requires a countryside location. This is particularly the case in this instance where the Council has a development plan that has been relatively recently adopted, with a spatial strategy setting out how the housing needs for the area will be met. In addition, the Council has an identified 5-year housing land supply; as such, whilst windfall sites would contribute to the housing provision, there is no direct need for unsuitable development or development within the open countryside that conflicts with Local Plan Policies.

While the application has not been submitted as a Paragraph 84 dwelling due to it being located outside any defined settlement boundary it can still be assessed against this section of the NPPF.

Para 84 of the NPPF states that "planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply". Criteria a-d of para 84 do not apply to this proposal as it does not comprise a 'rural workers dwelling' whereby a property is required nearby to their place of work, the conversion or viable use of a heritage asset, the re-use of a redundant or disused building, or comprise the sub-division of an existing residential building.

Point e. of para 84 is clear in detailing that, for the development of new isolated home within the open countryside, the proposal must comprise a: "design of exceptional quality, in that it: - is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area".

It is also appreciated that Paragraph 139 of the NPPF does require decision makers to give "significant weight to outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings".

In this respect, whilst the adopted Local Plan does not permit new-build residential properties in the open countryside and therefore the proposal would be at conflict with Policy 1, the provisions of Paragraph 84 would be a material consideration in the determination of this planning application, with the revised NPPF having been adopted more recently, with the most recent variation being in December 2023.

It could be determined that the application site; although comprising an open countryside location, fails to be entirely isolated in nature. The site lies within close proximity to multiple dwellings/buildings to the east and west whilst immediately neighbouring and sharing land with Sycamore Grange amongst other buildings within this parcel of land. Therefore, as was also detailed within recent planning appeal H02-0608-20 which stated that "given the proximity of other dwellings, I do

not consider that the appeal site would be 'isolated' for the purposes of the National Planning Policy Framework (the Framework), since it cannot be said that it would be far away from other places, buildings or people, albeit the location is rural"; the proposal could be considered as not comprising an isolated location to comply with Para 84; therefore failing to comply with the initial fundamental requirement of para 84.

In any event, in considering the proposal under the further requirements of a 'paragraph 84 dwelling', the proposed barn conversion is not of a differing and bold design and it is therefore not considered to be particularly innovative or comprise a design that is 'truly outstanding' or of the 'highest standards in architecture', as specifically required by paragraph 84 of the National Planning policy Framework (December 2023). Furthermore, the submission fails to illustrate how the proposal meets the provisions of paragraph 84, however it could be seen to demonstrate that the development has been designed to reflect and sensitively coincide with the existing rural setting or characteristic that it would reside within.

The proposal therefore conflicts with Policies 1, 2 and 3 of the South East Lincolnshire Local Plan, 2019 and therefore is at conflict with the South East Lincolnshire Local Plan. The proposal, for a number of reasons as detailed above, fails to meet the criteria of Paragraph 84 or 139 of the National Planning Policy Framework (2023).

Policies 2 and 3 are concerned with protecting the character and appearance of the area, as well as consideration of the relationship with existing development and land uses. These policies are in accordance with advice within the National Planning Policy Framework, 2023. Paragraph 180 seeks to protect the character of the countryside. Paragraph 139 give the decision maker significant weight to outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

These are key considerations in matters relating to development within isolated locations and of particular interest for 'para 84' proposals. Further assessment of the proposals impact on the character of the area is detailed further within the report below.

The Reuse of Buildings in the Countryside for Residential Use

Policy 23 of the SELLP is concerned with The Reuse of Buildings in the Countryside for Residential Use. Proposals for the conversion of existing buildings which are located outside defined settlement boundaries to residential use will be permitted provided that -

- 1 - The building is structurally sound and capable of conversion without the need for significant extension, alteration or rebuilding
- 2 - The building is of architectural or historic merit or makes a positive contribution to the character of the landscape, to justify conversion to ensure retention
- 3 - The proposal is in keeping with its surroundings
- 4 - The design is sympathetic to the character and appearance of the building in terms of architectural detailing and materials of construction
- 5 - Development leads to an enhancement of the immediate setting of the building

When assessed against policy the following can be identified -

- 1 - Evidence within the Structural Appraisal Report suggests that the existing barn is in a reasonable structural condition considering its age and previous use, however the building has suffered from a degree of movement in the past and it is important to note whilst it may be possible to convert the barn a '*degree of structural repair and reinstatement works will be required and maybe exhaustive in parts*'. The foundations of the barn appear to be relatively shallow and have suffered throughout historic movement, with the west facing rear elevation subject to a small degree of lateral movement due to the masonry panel slipping. Both the rear wall of the main barn and the smaller barn does accommodate some 'localised cracks' this therefore suggests a degree of vertical movement has also been accommodated by the foundations supporting this wall. It is suggested that these cracks and movement are due to '*shallow depth of the foundation and associated variations of moisture within the clay based soils*'.

More weight is given to the significant works needed on the rear elevation walls, it features some localised defects as highlighted, and with the omission of any cross walls within this area of the main barn, results in a reasonably long, continuous, unrestrained masonry panel. These cracks have potentially been '*repaired/ infilled at some point and the former repair had not re-opened to*

any significant degree which does suggest that movement is not particularly progressive at this time'. Regardless of this, 'in order to protect the existing rear elevation wall of the main barn from further distortion it will need to be enhanced with a series of remedial works, including an improvement in its overall restraint', this therefore clearly outlines the fact that whilst the rear elevation is adequate as of now, significant work will be needed to make it suitable and sustainable for the future. REAR WALL

Significant work to the floor will be needed in order to convert this barn *'remedial works to foundations via the addition of engineer designed ground floor slabs will be required in order to prevent the building from accommodating further, progressive movement'*, alongside this, a recommendation has been suggested to outline that the existing ground floor system would need to be removed and replaced with a ground bearing, concrete ground floor slab. These points relating to the floor and foundations therefore suggests the proposed conversion cannot be carried out.
FLOOR AND FOUNDATIONS

Alongside the floor, works to the roof structures will be required *'The existing roof structure to the main barn was noted to be slender in construction and supported only a lightweight roof covering... it was noted that the roof timbers were exhibiting deflection and distortion. The existing roof structure is not deemed suitable to be incorporated within a conversion'*, further referencing the fact the existing roof structures will need to be replaced throughout various sections of the appraisal. Critically, the fact the conversion cannot be done with the existing roof structure means they will have to rebuild and replace the roof therefore meaning this is a significant rebuild. ROOF

In conclusion, from the information submitted to the LPA, it is apparent that significant rebuilding works will be required to convert the barn. Works to the rear wall, floor/ foundations and the roof, in all this will mean a conversion is not possible or suitable without these works being carried out. A whole new roof structure is required and it was noted that the conversion cannot be done with the existing roof structure the way it is, furthermore, it shall need a new floor also. Finally, works to the rear wall are needed to prevent it from further distortion in the future. The LPA therefore take the view that, whilst they believe that *'conversion of the building is possible'* the works outlined are too significant and the barn is not capable of conversion without significant need for rebuilding, conflicting with the first section of policy 23, this is further supported by a section in the structural report which states that *'for a conversion to be undertaken, structural repair and reinstatement works will be required, further supported by 'in order for a conversion to be undertaken, structural repair and reinstatement works will be required as described and maybe exhaustive in parts.*

Similarly, the conversion will need significant extensions and alterations to allow for the conversion to be carried out. An increase of around 126% for the internal floor space will take place, this is to allow for enough room for the proposed bedrooms and other habitable accommodation. It adds significant extra space to the front of the barn, in front of the existing stables whilst also bricking up the existing large open area to create an internal living area. Based on this, and the aforementioned rebuilding works, the proposal is incapable of conversion without the need for significant extension, alterations and rebuilding directly conflicting with one of the main sections of this policy.

2 - The building is not considered to be of architectural or historic merit, the site does not appear to feature an Article 4 and the barn is not listed. From information provided within the Structural Appraisal Report they state that *'The original construction date of the barns is unknown, but it is likely to be early to mid C20. The property is understood to be generally in its original format'*.

3 - The proposal will aim to be in keeping with its surroundings due to the use of materials that match the existing barn along the walls whilst maintaining uPVC windows, a common theme for the few houses at Cross Drove. The roof slates will be acceptable in this area as they are more common than tiles or other designs. The overall size of the barn would be of similar size to the existing houses however as mentioned above the significant increase involving the extension would not be acceptable.

4 - The materials used on the development will match closely to the existing barn and other existing properties on adjacent site, this ensures it is sympathetic to the character and locality through the materials used on the design. In terms of the size and bulk of the conversion following the development being carried out, the floor space features a significant increase and therefore the character and appearance in this sense will be drastically altered due to the works being carried out and as such it will not be sympathetic in this regard. The proposed design, size and scale of the extensions is not sympathetic

5 - The conversion would be of a good design however it would not retain and enhance the buildings intrinsic agricultural character and would unacceptably harm the architectural integrity of the form and composition of the existing buildings.

Assessment Against Class Q

Planning Practice Guidance clearly outlines the extent of works that can be carried out under Class Q development - *'It is not the intention of the permitted development right to allow rebuilding work which would go beyond what is reasonably necessary for the conversion of the building to residential use. Therefore it is only where the existing building is already suitable for conversion to residential use that the building would be considered to have the permitted development right.* The LPA take the view that the works being carried out under this application go beyond what is 'reasonably necessary' to carry out a conversion outlining that the building is unsuitable for conversion to residential use. This is further validated by the below case law.

The high court case, 'Hibbitt, and Another v Secretary of State for Communities and Local Government, and Rushcliffe Borough Council ' also illustrates the 'concept of 'conversion' as the fundamental provision of Class Q'; indicating that if the development does not comprise a 'conversion', then this would fall at the first hurdle. This is clearly detailed within the 'analysis' section of the high court case, detailing that "the concept of "conversion" is found in the overarching provisions of Class Q (not in Q.1) and it thereby introduces a discrete threshold issue such that if a development does not amount to a "conversion" then it fails at the first hurdle and there is no need to delve into the exceptions in Q.1. It is thus a freestanding requirement that must be met irrespective of anything in Q.1".

Furthermore, the conclusion of the above case was that the development went beyond what can be reasonably considered as a 'conversion', with the development "in all practical terms starting afresh, with only a modest amount of help from the original agricultural building". The case also details, within its fifth analysis point, that "the distinction between a conversion and a rebuild is implicit in paragraph 105 NPPG which states in relation to Class Q that it is not the "intention of the permitted development right to include the construction of new structural elements for a building". It can be said that one reason for this conclusion is that a development that includes "new structural elements" is one that involves a degree of rebuild and is not a conversion".

As detailed above when assessing against Policy 23, point 1, the proposal is in need of significant rebuilding/ replacement work to the roof, floor/ foundations and rear elevation, all the information gathered from the Structural Appraisal Report clearly outlines and details this information. However, it is noted that the report states *'We are satisfied that conversion of the building is possible, however it should be understood that in order for a conversion to be undertaken, structural repair and reinstatement works will be required as described and maybe exhaustive in parts'*, this shows that whilst the works could be possible the barn would need significant and 'exhaustive' rebuilding works therefore outlining the proposal would not be possible of conversion without drastic rebuild being carried out.

It is considered that the proposal, on balance of probability, would comprise the extent of works that would constitute rebuilding, going beyond the extent of works reasonable to be considered a 'conversion'. The proposal is therefore not considered to comply with Schedule 2 Part 3 Class Q. of the General Permitted Development Order due to the extent of the works being carried out within the proposal, it therefore does not have Class Q as a fall back option and therefore cannot use this scheme as a betterment to the site and barn than what could be offered following Class Q approval.

Layout, Design and Consideration of the Character and Appearance of the Area

Section 12 of the National Planning Policy Framework (December 2023) specifically relates to 'Achieving well-designed and beautiful places' and details that "The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.

Paragraph 135, contained within Section 12 of the National Planning Policy Framework (December 2023), states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture and appropriate landscaping. This goes on to establish that it is important that new development should be of the highest quality to enhance and reinforce good design characteristics, and that

decisions must have regard towards the impact that the proposed development would have on local character and history, including the surrounding built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing.

Development proposals should also ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, among other considerations.

Likewise, Policy 2 of the South East Lincolnshire Local Plan outlines sustainable development considerations for development proposals, providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 accords with the provisions of Section 12 of the National Planning Policy Framework, in that it requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically-designated or undesignated townscape or landscape surroundings.

These policies accord with the provisions of the National Planning Policy Framework and require that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable.

Proposals for new development would therefore require the aforementioned considerations to be adequately assessed and designed, including the siting, design and scale to be respectful of surrounding development and ensure that the character of the area is not compromised.

The walls of the proposed barn conversion shall be made from a material that matches the existing with the roof being made from a reclaimed slate. The windows shall be resin 9 uPVC and the door composite. By using a material that matches it ensures the development is in keeping with the existing dwelling whilst not appearing out of character or incongruous, there is a minute number of dwellings along Cross Drove with some made of bricks and two others made of a white render, therefore there is clearly no set design they should follow for their walls, windows and doors etc. This materials used for Barn One are there acceptable.

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The existing barn features a row of four separate stores with two large stables adjacent and an open front area sited forward of this area. A large open covered area is at the south side which has an overhang with the walls not fully coming down to ground level. The entrance hall is sited centrally within the conversion and provides access to the utility, boot room and WC to the north. Towards the south there is a large open plan kitchen. dining and lounge area which features two sets of bi-fold doors along the western elevation which leads out into the side amenity space, to the very south there are three bedrooms with a main shared bathroom and en-suite. The main bedroom on the east features a sot French doors as its main source of natural light. There are large open windows/ doors in every room to allow for natural light into the main habitable spaces. The layout allows the plot to flow well between each room. The roof design is a gable roof which will be the same as the existing whilst also matching what is on the site and other nearby neighbouring properties.

The main existing barn has a total length of 18600mm on the west and a length split into two on the east being 9500mm and 8700mm respectively which forms a total length of around 18200mm. The northern width of the site is around 3250mm and to the south is 7000mm. The larger covered area that is sited adjacent to the barn has a length of 13400mm and a width of 5400mm. The height to the eaves for this section is 2600mm with a total height of 5000mm, for this lower section this comes up to 2200mm eave height and 3500mm ridge. This makes up a total internal floor space of 73 metres squared.

The proposal aims to increase the internal floor space of the barn by extended the rear to make it a whole building attached to the main barn and also extending out from the sable area. The proposed length on the west will be around 25500mm and broken into three sections on the east side being

9500mm, 8900mm and 7000mm adding up to just under 25500mm. The northern width will be unchanged and has the same width as existing (3250mm) with the width to the south being extended to 10125mm. The most significant sections of this alterations/ extensions involve the change to large open covered area to the south by repositioning it forward whilst also bricking up the walls to make a closed off space and allow for suitable habitable accommodation internally. Secondly, it shall protrude from the stables by around an additional 2500mm. The height of the barn will remain relatively unaltered with a slight decrease in height on the lower section dropping around 100mm to the eaves, most likely due to potential rebuilding works. These changes make the internal floor space around 165 metres squared, an increase of 126%, this is a substantial increase on site of over half the existing floor space. As listed within the section outlining Policy 23, these works are classed as a significant increase and therefore shows the conversion cannot be done without this extension. Furthermore, the proposed size and scale of this extension is not sympathetic and would therefore make it appear out of character and conflicts with Policy 2 and 3 of the SELLP.

Taking account of the materials used in the development, as detailed above, the proposal in this sense is considered to be acceptable, it is however unacceptable due to the significant and substantial increase in floor space following the change in scale and bulk of the barn conversion. The proposal therefore causes and adverse impact on the character of the site and area due to its dramatic increase, this is in direct conflict to Policies 2 and 3 of the South East Lincolnshire Local Plan and Section 12 of the National Planning Policy Framework (December 2023).

Impact on Residential Amenity/ Land Users

Paragraph 135 of the National Planning Policy Framework (December 2023) states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Policies 2 and 3 of South East Lincolnshire Local Plan (2019) sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

There would be no overlooking following this conversion being carried out, mainly due to there being a 70m separation distance to the neighbouring property it shall be facing which is considered to be adequate in its ability to limit any potential issue, in addition to this, the dwelling it shall face will be covered by outbuildings that are not habitable areas and therefore protect the house itself. A post and rail fence will be situated along this curtilage, however due to its design would provide minimal protection. This post and rail fence is also featured on the southern side however, as there are no dwellings in this direction this would not cause any impact. To the eastern and northern curtilage there is a 1.8m high close boarded fence, this protects the dwelling adjacent to this site from any potential overlooking from two bedrooms and the lounge/ kitchen, the other rooms facing this direction are not considered to be habitable but any view that it could provide would of course be limited due to the placement of this fence. The amenity space for this bar is sited on the western side and will therefore be protected from a view by the nearest residential property by the separation distance and the fact the barn is sited in between the two, in a similar way to the aforementioned western property the distance of 70m plus the outbuildings means the residents will not lose privacy in their house and when in their amenity space.

The aforementioned distances between the site and other dwellings to the east and west are more than substantial enough to reduce the impact of a shadow being cast and reducing their light, in addition, this distance, plus relevant boundary treatments, also means the amenity space for the residents of the barn conversion wouldn't be impacted. Therefore, it is considered to be acceptable in terms of overshadowing.

As detailed above, the scale and design of the proposal is considered to be such that there would be no significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users, when also taking account of the conditions recommended. As such, the proposal is considered to accord with the provisions of the Section 12 of the National Planning Policy Framework (December 2023), and Policies 2 and 3 of the Local Plan.

Highway Safety and Parking

Section 9 of the National Planning Policy Framework (December 2023) specifically relates to

'Promoting sustainable transport'. Paragraph 115 of the National Planning Policy Framework (December 2023) advises that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".

In respect of highway matters, Policy 2 details that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation. Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal.

Further, Policy 36, to be read in conjunction with Appendix 6 of the South East Lincolnshire Local Plan, sets out minimum vehicle parking standards and requires at least two spaces for dwellings with up to three bedrooms and three spaces for dwellings with four or more bedrooms. Barn Two will feature a total of three bedrooms within the south side of the building, this therefore means they require two vehicle parking spaces to comply with policy. Based on the plans provided, most notably the site plan, it shows there is adequate room for three spaces allocated to the east of the site with room to turn around to ensure they can leave the site in a forward gear, furthermore, there would be additional room for more vehicles if necessary. Overall, the proposal conforms with Policy 36 and Appendix 6 of the SELLP by providing adequate vehicle parking.

During the consultation stage Lincolnshire County Council Highways Authority were consulted in regard to checking the safety and impact to the highway. Their comments raised no objections and stated that 'Although the barn is outside the settlement boundary of Gedney Hill, the vehicular activity along both Cross Drove and New Fen Drove is very light, as these roads serve mainly agricultural land and just a few existing dwellings, and the absence of footways is not therefore considered to be sufficient cause to withhold the grant of Consent on highway safety grounds', in regard to vehicular access they state that 'The proposed dwelling is intended to be accessed by the existing farm entrance, which is considered to be suitable for such use'. One highway informative has been suggested within this document. Overall, the conversion of the barn is not considered to impact the highway safety along Cross Drove and therefore conforms with Section 9 of the NPPF also.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Local Plan Policies 2, 3 and 36, and Section 9 of the National Planning Policy Framework (December 2023).

Flooding Considerations

Section 14 of the National Planning policy Framework (December 2023) requires development plans to "apply a sequential, risk-based approach to the location of development - taking into account all sources of flood risk and the current and future impacts of climate change - so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by: a) applying the sequential test and then, if necessary, the exception test as set out below".

Paragraph 168 details "The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding", with the sequential approach being required in areas known to be at risk now or in the future from any form of flooding, with the flood risk assessment being the tool to demonstrate this.

If, following the application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exceptions Test can be applied if appropriate.

The site lies within Flood Zones of the Environment Agency's Flood Maps. These have been created as a tool to raise awareness of flood risk with the public and partner organisations, such as Local Authorities, Emergency Services and Drainage Authorities. The Maps do not take into account any flood defences.

The South East Lincolnshire Strategic Flood Risk Assessment (SFRA) provides an overview of how flood risk has been considered in shaping the proposals of the Local Plan; including the spatial

strategy and the assessment of housing and employment sites. Policy 4 of the South East Lincolnshire Local Plan is clear in that "Development proposed within an area at risk of flooding (Flood Zones 2 and 3 of the Environment Agency's flood map or at risk during a breach or overtopping scenario as shown on the flood hazard and depths maps in the Strategic Flood Risk Assessment) will be permitted" in instances where specific criteria is met.

It is worth noting that large parts of the district of South Holland lie within Flood Zone 3. It is therefore necessary to use the refined flood risk information (Hazard and Depth maps) within the South East Lincolnshire Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test.

The site lies within Flood Zone 1 within the Environment Agency Flood Maps and an area of no hazard within the South Holland Strategic Flood Risk Assessment, as such, this application has not been accompanied with a flood risk assessment and is not required to pass the sequential and exception test. The site is therefore considered to be most suitable in this case, as such, there are no relevant mitigation measures that will need to be applied should the application be approved.

The proposal plans to dispose of surface water from the site through soakaways and foul sewage through a package treatment plant located at the front of the site whilst not proposing to connect to an existing drainage system. South Holland Internal Drainage Board were consulted on this application due to a drain being located to the front of the site, within their response they have stated that consent may be required under Byelaw 3, not currently required under Section 23 and not applicable under Byelaw 10.

For Byelaw 3 (Surface Water) their comments read as follows *'The applicant has intended that they intend to dispose of surface water via infiltration, however I cannot see that the viability of this proposal has been evidenced. We recommend that ground investigation is carried out to determine infiltration potential, followed by testing in line with BRE Digest 365 if onsite material is considered favourable for infiltration. If infiltration is not feasible at this site, following the drainage hierarchy we would expect the applicant to proposed to discharge surface water to a watercourse. In this case, consent would be required under Byelaw 3'*. This shows that consent may be required should the onsite material not be favourable for infiltration. It is important to note that any discharge must be in line with the standards the IDB set out to ensure consent can be granted.

Additionally, the following section outline Treated Foul Water under Byelaw 3 and states that *'I note that the applicant intends to treat foul waste using a package treatment plant and it appears that the treated foul water from this package treatment plant will be discharged to a soakaway. If the applicant proposes to discharge treated foul water to a watercourse, consent would be required under Byelaw 3'*. Section 23 of the Land Drainage Act 1991 states that *'I note the presence of multiple watercourses which are not maintained by the Board adjacent to the wider ownership boundary. Whilst not currently proposed, should the applicant's proposals change to include works to alter the riparian watercourse, or if works are proposed to alter the watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 (and Byelaw 4)'*. Finally, there are no board maintained watercourses within or adjacent to the site boundary therefore Byelaw 10 does not apply.

Overall, when considering the development on balance, it is considered that given the mitigation measures detailed and recommended by condition, it is considered that the proposal accords with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan and the intentions of the National Planning policy Framework in this regard.

Any Other Material Conditions

Lincolnshire Wildlife Trust wish to register a holding objection on this application due to Biodiversity Net Gain (BNG) not being incorporated in the design. They state that *'The documents do not include a Biodiversity Metric calculation for baseline setting, a proposed plan to meet the mandatory 10% gain or evidence of a management and monitoring plan for the 30-year period as required'*. Following an assessment of the site plans, they believe that BNG could be effectively satisfied within this development through the use of the conditions if permission is granted.

Therefore, if permission was to be granted on this scheme, these proposed conditions would ensure that 10% biodiversity is achieved on site and therefore accord to the Environment Bill.

Planning Balance

As detailed above, Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The proposal represents inappropriate development outside the defined settlement boundary. The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents, and provides adequate parking. However, it directly conflicts with Policy 1, 2, 3 and 23 of the South East Lincolnshire Local Plan due to it being outside of the defined settlement boundary and the size/ increase in the barn and due to it needing significant re-building and extensions amongst other things and is therefore not considered to be able to converted without this work taking place whilst also not having the Class Q fall back.

In this instance, these are significant material considerations that weigh against the proposal and as such, the planning balance is against the development.

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.

Conclusion

Taking into consideration these factors, the proposal is considered to conflict with Policies 1, 2, 3 and 23 of the South East Lincolnshire Local Plan (SELLP), 2019; in addition to the identified sections contained within the National Planning Policy Framework (NPPF) (December 2023). These are significant factors in this case that indicate against the proposal and outweigh the consideration

in favour of the proposal and the policies referred to above.

Recommendation

Based on the assessment detailed above, it is recommended that the proposal should be refused under Delegated Authority.