

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H05-1078-24 **Applicant:** Mr Baker
Proposal: Conversion of an existing agricultural building to residential dwelling
Location: Harrington Hall Farm Little Marsh Lane Fleet
Terminal Date: 17th February 2025

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework December 2024

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	1	0

CASE OFFICER ASSESSMENT

Proposal

The proposal seeks consent to establish if a prior approval application is required for the conversion of an building within an agricultural unit into one dwelling. Consent is sought under Schedule 2, Part 3, Class Q Town and Country Planning (General Permitted Development) (England) Order (GPDO) 2015 (as amended). It has been established that prior approval is required, and as such it is necessary to assess whether prior approval should be granted.

Site Description

The application site comprises an existing building located on land at Harrington Hall Farm, Fleet. The site is located approximately 600m to the south-west of Fleet. The site features an L-shaped building and an existing vehicular access from Little Marsh Lane, which is to the east of the site. There is an existing dwelling to the east of the site.

Relevant Planning History

H05-0444-99: (Full Application) Extension to bungalow and alteration to vehicular access - approved 25 June 1999

H05-0490-02: (Full Application) Erect glasshouse to replace polytunnel - approved 02 July 2002

H05-0165-03: (Full Application) Erect glasshouse to replace polytunnels - approved 11 April 2003

H05-0609-04: (Full Application) Erect glasshouse to replace polytunnels - approved 22 June 2004

H05-0592-04: (Full Application) Erection of glasshouses to replace existing polytunnels - approved 22 June 2004

H05-0948-06: (Full Application) Erect glasshouse to replace polytunnels - approved 15 August 2006

H05-1038-06: (Full Application) Erect glasshouse to replace polytunnels - approved 22 September 2006

H05-1161-06: (Full Application) Erect glasshouse to replace polytunnels, install oil storage tanks, dwarf wall and concrete apron - approved 11 October 2006

H05-0754-07: (Full Application) Erect glasshouse to replace polytunnels, install heating oil storage tanks - approved 01 August 2007

H05-0950-08: (Full Application) Conversion of outbuilding to office and store - approved 24 October 2008

Consultation Responses

Responses have been received from the below referenced consultees. The responses are summarised below, however, the responses can be viewed in their entirety on South Holland District Council's website.

Lincolnshire County Council - Highways and SUDS: No objections. 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 or increase surface water flood risk.

South Holland Internal Drainage Board: No comments. The Board would like to take this opportunity to remind the applicant of the presence of a Board arterial watercourse which finishes just short of the site boundary (DRAINID: DRN201G1303, K13 Hockles Gate) and that any works proposed within 9 metres of this watercourse will require consent in accordance with the Board's Byelaw 10 (works within 9 metres of Board arterial drainage / flood risk management infrastructure).

Environmental Protection: No comments regarding land contamination and environmental protection.

Fleet Parish Council: No response received.

Clr P S Barnes: No response received.

Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, no letters of representation have been received.

Planning Assessment

Whether the Proposal Comprises Permitted Development

It is first necessary to consider whether the proposed works comprise permitted development.

Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), allows for the conversion of agricultural buildings to residential dwellings. This is however subject to certain conditions and restrictions, including the requirement for applicants to apply to the local planning authority to determine if a prior approval application is necessary.

The Class Q permitted development right was updated on 21 May 2024. There is however a transitional period in place which allows applicants to submit Class Q prior notification until 20 May 2025 if they choose to do so. The application form indicates that the applicant wishes for the application to be determined based on the newer legislation. The application has therefore been determined based on the newer legislation.

Class Q permits development consisting of a change of use of a building and any land within its curtilage within an agricultural unit to residential use (Use Class C3). Class Q allows for any building operations 'reasonably necessary' to convert the building and now allows for extensions.

The building was originally converted from an outbuilding to an 'office and store' under permission H05-0950-08 which was granted consent on 24 October 2008. The submission set out that the building was intended to be used to support the horticultural use of the wider site, however, its approved use is considered to fall under Use Classes B1 and B8 as these were the uses that were set out on the application form that was submitted for H05-0950-08. The newer Class Q legislation allows for the conversion of buildings within an agricultural unit to residential use. The building does not have to be used for agriculture. The proposed building is therefore eligible for conversion under Class Q.

Paragraphs a) to p) of Class Q specify the circumstances under which development is not permitted. It is considered that the existing building, the site and the proposed dwellings as converted, would not fail any of these limitations as set out below:

"a) in the case of a site that is part of an established agricultural unit, the site was not part of the established agricultural unitâ??

(i) on 24th July 2023, or

(ii) where the site became part of the established agricultural unit after 24th July 2023, for a period of at least 10 years before the date development under Class Q begins"

- According to the application form, the site was part of an agricultural unit on 24 July 2023.

"b) in the case of a site that was (but is no longer) part of an established agricultural unitâ??

(i) the site was part of an established agricultural unit on 24th July 2023,

(ii) where the site ceased to be part of an established agricultural unit after 24th July 2023, the site has not been part of the established agricultural unit for a period of at least 10 years before the date development under Class Q begins, or

(iii) since ceasing to be part of an established agricultural unit, the site has been used for any non-agricultural purpose"

- According to the application form, the site is part of an agricultural unit.

"c) the floor space of any dwellinghouse developed under Class Q having a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order exceeds 150 square metres"

- The proposed dwellings features approximately 139sqm of floorspace.

"d) The development under Class Q, together with any previous development under Class Q, within the original limits of an established agricultural unit (see paragraph Q.3(2) of this Part) would result inâ??

(i) the cumulative number of separate dwellinghouses having a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order exceeding 10, or

(ii) the cumulative floor space of dwellinghouses having a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order exceeding 1,000 square metres"

- According to the submitted application form, no work under the permitted development rights for the erection, extension or alteration of a building reasonably necessary for the purposes of agricultural has been carried out on the agricultural unit during the 10 year period before development begins. The proposed number of dwellings would not exceed 10, nor would the floorspace exceed 1,000sqm.

"e) the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained"

- According to the application form, the site is not occupied under any agricultural tenancy agreements.

"f) less than 1 year before the date development begins"

(i) an agricultural tenancy over the site has been terminated, and

(ii) the termination was for the purpose of carrying out development under Class Q, unless both the landlord and the tenant have agreed in writing that the site is no longer required for agricultural use"

- According to the application form, no agricultural tenancies relating to the site have been terminated in the last year.

"g) Development under Class A(a) or Class B(a) of Part 6 of this Schedule (agricultural buildings and operations) has been carried out on the established agricultural unit during the period which is 10 years before the date development under Class Q begins"

- Development under Class A(a) or Class B(a) has not taken place within the unit.

"h) the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point, other than"

(i) extension of the building allowed by paragraph Q.1(i);

(ii) protrusions of up to 0.2 metres to accommodate building operations allowed by paragraph Q.1(j)(i)

- The development would not result in the external dimensions of the building extending beyond the external dimensions of the existing building. No extensions are proposed.

"i) the development under Class Q(b) would result in an extension that"

(i) has more than one storey,

(ii) is sited anywhere other than to the rear of the existing building,

(iii) extends beyond the rear wall of the existing building by more than 4 metres,

(iv) has eaves the height of which exceed the height of the eaves of the existing building,

(v) is higher than whichever is the lower of"

(aa) the highest part of the roof of the existing building, or

(bb) a height of 4 metres above the ground,

(vi) extends beyond a wall that forms a side or principal elevation of the existing building, or

(vii) would be sited on land that, before the development under Class Q(b), is not covered by a hard surface that was provided on the land by virtue of any development, and"

(aa) the hard surface was not provided on the land on or before 24th July 2023, or

(bb) where the hard surface was provided on the land after 24th July 2023, the hard surface has not been situated on the land for a period of at least 10 years before the date development under Class Q(b) begins"

- No extensions are proposed.

"j) the development under Class Q(c) would consist of building operations other than"

(i) the installation or replacement of"

(aa) windows, doors, roofs, or exterior walls, or

(bb) water, drainage, electricity, gas or other services, to the extent reasonably necessary for the building to function as a dwellinghouse, and

(ii) partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1(j)(i)"

- National Planning Practice Guidance and case law make it clear that development under Class Q should not be so extensive as to amount to a 're-build'. Minimal external changes are proposed. A door is proposed on the southern elevation and two windows are proposed on the northern elevation. No changes to the brickwork or roof tiles are proposed and as such the external appearance of the building will remain largely unchanged. The proposed works are therefore considered to comprise permitted development.

"k) the site is on article 2(3) land"

- The site is not on article 2(3) land.

l) the site is, or forms part ofâ??

(i) a site of special scientific interest;

(ii) a safety hazard area;

(iii) a military explosives storage area"

- The site is not within a site of special scientific interest, a safety hazard area or a military explosives area.

"m) the site is, or contains, a scheduled monument"

- The site is not, nor does it contain a scheduled monument.

"(n) the building is a listed building"

- None of the buildings within the site are listed.

"(o) the existing building, excluding any proposed extension under Class Q(b) but including any proposed building operations under Class Q(c), would not be capable of complying with the nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015 as read with the notes dated 19th May 2016 which apply to it"

- The proposed dwelling would comply with the nationally described space standard.

"(p)the building does not have suitable existing access to a public highway"

- Access to the site is proposed from Little Marsh Lane, to the east of the site. The access is already in place and does not need upgrading.

As the proposed development is considered to comprise permitted development, it is subsequently necessary to assess the application against the requirements of the conditions of Class Q, as specified within paragraph Q.2.

Paragraph Q.2 (1) states that where the development proposed is permitted under class Q(a) together with development under Class Q(b), development is permitted 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 of the development,
- b. noise impacts of the development,
- c. contamination risks on the site,
- d. flooding risks on the site,
- e. whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order,
- f. the design or external appearance of the building, and
- g. the provision of adequate natural light in all habitable rooms of the dwellinghouses.

These matters are therefore assessed in turn below. As set out below, it was considered that prior approval would be required due to the site's location within Flood Zone 3, and the need to ensure contamination risks are appropriately mitigated.

- a. Transport and Highways Impact

The proposed access to the site is from Little Marsh Lane, to the east of the site. There is an existing access to the site which would continue to be used and there is room for parking within the site. Lincolnshire County Council's (LCC's) highways team have set out that the proposed development is not expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network. The proposed development is therefore acceptable in terms of highway safety.

b. Noise Impacts

The site is mostly surrounded by agricultural land, however, there is an existing dwelling located to the east of the site. The council's environmental health team have not set out any objections to the proposals on the basis of noise disturbance. The site is not located in an area that is likely to be subject to adverse levels of noise. It is therefore considered that future occupants would not be subject to an unacceptable degree of noise disturbance.

c. Contamination

The council's environmental health team have not requested any contamination conditions. The proposed conversion is not considered likely to pose any significant risks in terms of contamination.

d. Flood Risk

The site lies within Flood Zone 3, as does most of the district of South Holland. The site is not however within a hazard area as identified by the South East Lincolnshire Strategic Flood Risk Assessment (SFRA).

The application is accompanied by a Flood Risk Assessment (FRA). The FRA concludes that the probability of this development flooding from localised drainage systems is low. Failure of Luton Leam Tidal Sluice could lead to an increased level of risk at the site. The site is within an area benefitting from defences. The flood embankments to the Wash and the River Nene and River Welland tidal defences provide protection during a 0.5% annual probability (1 in 200 chance each year) event. The flood risk from the Wash is lowered further by second line defences and various informal banks constructed during the reclamation of Holbeach Marsh.

The FRA sets out recommendations to help mitigate the risk of flooding within the site such as setting the finished ground floor levels at a minimum of 0.3m above surrounding ground levels and that 0.3m of flood resilient construction is included above the finished floor level. It is considered appropriate to include a condition requiring compliance with the recommended mitigation outlined within the submitted FRA.

It is therefore considered that the proposed development would have an acceptable impact in terms of flood risk. It is recommended that a condition be included to require the development to accord with the recommendations of the submitted FRA.

e. Whether the Conversion is Impractical / Undesirable

This consideration is not specifically defined, however Planning Practice Guidance sets out at Paragraph 109 (reference ID: 13-109-20150305) that impractical reflects that the location and siting would "not be sensible or realistic", and undesirable reflects that it would be "harmful or objectionable".

Although the site is relatively isolated as it is not within walking distance of key services and facilities, the site is near to a road and as such there is an existing access to the site. It is not considered that the proposed conversion would be impractical or undesirable.

f. External Appearance

Minimal external changes are proposed. A door is proposed on the southern elevation and two windows are proposed on the northern elevation. No changes to the brickwork or roof tiles are proposed and as such the external appearance of the building will remain largely unchanged. The conversion to residential use is therefore not considered to have an adverse impact on the character and appearance of the rural landscape.

g. Natural Light Provision in Habitable Rooms

The proposed plans show that all habitable rooms are provided with natural light and ventilation given the location of windows on the building.

Conclusion

Taking the above considerations into account, it is considered that prior approval should be approved with recommended conditions. The proposed development has been assessed against the relevant prior approval criteria, and it is considered that the proposed conversion would have an acceptable impact on the area.

Recommendation

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

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.