DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H06-0178-20**	**Applicant:**	**Mr & Mrs Doubleday**
Proposal:	Conversion of agricultural building into dwelling		
Location:	Farmyard South Of Pawlett Barn, Off Bullock'S Short Gate, Gedney Broadgate		
Terminal Date:	10th November 2020		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework 2019

Class Q of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015.

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
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	0	0	0	1
RESIDENTS	1	0	0	3

CASE OFFICER ASSESSMENT

Proposal

The application is for the conversion of an agricultural building into a single 4-bed dwelling under Class Q of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015.

Site Description

The building, which is of fibre cement/asbestos construction with a metal frame, is located on the western side of Broadgate close to the junction with Cade Drove. It is one of two agricultural buildings within the yard, both of which are served by an existing access.

Converted farm buildings (Pawlett Barn) are situated to the north east beyond a landscaped boundary. The Coach House and Pulvertoft Hall (grade II listed) are located beyond that. A dwelling (Haverhil House) is situated to the north east off Cade Drove.

Planning History

No recent history relating to the site.

Barns/farm buildings to the north

H06-0558-13 - Full - Conversion of two redundant farm buildings to provide a single residential dwelling, farm office and holiday let - Granted 30 August 2013

H06-0559-13 - LBC - Conversion of two redundant farm buildings to provide a single residential dwelling, farm office and holiday let - Consent 30 August 2013

Consultation Responses

Gedney Parish Council - Council would request that a restrictive covenant be put on this site to allow only one dwelling and that the cladding of the building be sympathetic to neighbouring dwellings.

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

South Holland Internal Drainage Board - Request drainage strategy

Environmental Protection (Contamination) - Request condition/note concerning unexpected contamination.

Public - Objections/comments received (summarised):
Out of keeping with traditional architectural styles of adjacent grade II listed buildings (Pulvertoft Hall and Pawlett Barn) and also a Victorian farmhouse (Haverhil House); Detrimental effect upon the street scene of this rural locality; Request restrictive covenant restricting development to one dwelling; External cladding should be natural and sympathetic to neighbouring listed buildings (not cement cladding or similar); Existing store was erected from a previous location and had the benefit of an agricultural concession; How will asbestos be disposed of or amended to prevent contamination of the local area.

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 Design and Access Statement indicates that the provisions of criteria (a) - (h) and (j) to (m) have been satisfactorily met. This is accepted in good faith.

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.

The structural report indicates that the building has a steel frame and is suitable for the formation of a residential dwelling unit internal to the existing frame. The proposal will include the upgrade of the floor, walls and roof, installation of doors, windows and services. It is considered, on balance, that the extent of the works proposed are reasonably necessary for the building to function as a dwellinghouse.

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 - The existing access would utilised. Satisfactory parking facilities would be available on site. LCC Highways does not wish to restrict the grant of permission on highway safety grounds.

Noise Impacts - There would be no significant noise impacts resulting from the development. Use of the building as a dwelling would potentially have less of an impact upon neighbouring residents than its use as a farmyard, which could involve the use of noisy machinery, including at anti-social hours. It is considered that the proposed use would not materially harm the amenity of neighbouring residents, including noise impacts.

Contamination - An Initial Contamination Report was submitted with the application, which indicated no evidence of contamination. Environmental Protection have assessed the report and requested a condition/note relating to unexpected contamination.

Flood Risk - The building to which the application relates is within Flood Zone 3 and within an area designed as "Danger for Some" within the Strategic Flood Risk Assessment. However, the proposal is a conversion so, in accordance with Paragraph 164 of the National Planning Policy Framework, 2019, 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 floor levels be raised by 300mm above existing ground level and that floor resistant/resilient construction be incorporated.

Location and Siting - The site is part of a farmyard divorced from a defined settlement limit. However, it has previously been established that applications such as this cannot be resisted on locational grounds.

Design/External appearance - Converted farm buildings (Pawlett Barn) are situated to the north east beyond a landscaped boundary. The Coach House and Pulvertoft Hall (grade II listed) are located beyond that. The former (ie, Pawlett Barn and The Coach House) are within the historical curtilage of Pulvertoft Hall. A dwelling (Haverhil House) is situated to the north east off Cade Drove.

The scheme indicates that the outer skin of the building would consist of corrugated cladding, with new windows and doors. The external materials/finish should be of a suitable standard to protect the setting of nearby listed buildings and the general character and appearance of the rural locality.

It is considered, on balance, that there is not sufficient reason to resist the scheme on these grounds subject to the aforementioned and given that planning regulations produced by Central Government generally support agricultural conversions such as this.

Other Matters - the application is accompanied by an ecological appraisal, which makes species-specific recommendations in relation to protected species such as nesting birds, bats and badgers. This can be made the subject of a condition.

It has been suggested that a restrictive covenant be imposed to restrict the number of dwellings within the site to one, in keeping with other properties nearby. This application is for a single dwelling and further permission would be required to increase the number of units. Any application for conversion of the remaining building would be assessed on its own merits.

Disposal of asbestos falls within the separate remit of the Health and Safety Executive.

Conclusion

That the Class Q prior notification application be approved.

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.