DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H06-0481-22**	**Applicant:**	**Mr S Barker**
Proposal:	Change of use of existing agricultural building to 4 bed dwelling		
Location:	Bullocks Short Gate Gedney Broadgate Spalding		
Terminal Date:	13th July 2022		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework 2021

National Guidance

T & CP (GPD) Order 2015 - Class Q

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

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

It is essentially a modification of a previous consent (ref. H06-0178-20) approved 10 November 2020, including alterations to the fenestration and details of external materials.

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

H06-0178-20 - PAA - Conversion of agricultural building into dwelling - Approved 10 November 2020.

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

Supported.

LCC Highways/SUDs

Does not wish to restrict the grant of permission.

South Holland Internal Drainage Board

Note that the applicant has not identified or provided a drainage strategy for the site within their application. If a surface water discharge is proposed to a watercourse, then the proposed development will require land drainage consent in line with the Board's byelaws (specifically byelaw 3).

Environmental Protection (Contamination)

Request condition/note concerning unexpected contamination.

Public

Comments received concerning the naming of the property.

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.

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). Paragraph 105 indicates that "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 guidance of the PPG is therefore clear and accords with the High Court judgement Hibbitt v Secretary of State for Communities and Local Government, and Rushcliffe Borough Council. The latter concludes that Part 3 Class Q of the GPDO allows a "conversion" but does not allow a "re-build" or "fresh build".

The structural report accompanying the application indicates that the building has a steel frame and is suitable for the formation of a residential dwelling unit internal to the existing frame. There is also a fallback position because the building has prior approval for conversion to residential (ref. H06-0178-20). It is considered, on balance, that the extent of the works proposed are reasonably necessary for the building to function as a dwellinghouse and that the conversion would not involve building operations beyond those permitted under Class Q.

As such, it is considered that the proposed works satisfy the requirements of paragraph Q.1(i) and PPG. Consequently, the proposal is permitted development under Class Q(b) of the GPDO.

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 access arrangements remain unchanged and off road parking and turning have been provided. LCC Highways consider that there would not be an unacceptable impact on highway safety.

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 previously 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 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 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 plastisol coated steel (black) with new powder coated aluminium windows (black). It is considered that the proposal would not harm the setting of nearby listed buildings and the general character and appearance of the rural locality.

In summary, therefore, it is considered that there is not sufficient reason to resist the scheme on the above grounds 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 addressed by means of a condition.

Comments have been raised concerning naming of the property. This matter falls outside the remit of this application.

Conclusion

The proposal constitutes permitted development and complies with the relevant conditions under Class Q.