DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H06-1026-18**	**Applicant:**	**C R Cunnington & Son Ltd**
Proposal:	Change of use of agricultural building to dwelling		
Location:	Land Off Green Dyke Gedney Dyke Spalding		
Terminal Date:	10th December 2018		

Planning Policies

Local Plan July 2016:

National Guidance

National Planning Policy Framework 2018

Planning Practice Guidance T & CP (GPD) Order 2015
Permitted Development Rights - Class Q

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	1	0	0	0
WARD MEMBER	0	0	0	0
ENVIRONMENT AGENCY	1	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

Proposal

The application is for a change of use of an existing agricultural building under Class Q of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015.

Representations

Environmental Protection - Further consideration of land contamination issues is required at this location. It was once part of a larger complex of farmyard buildings, and images from google maps show skips and other onsite waste storage, although the images are not clear.
The applicant may wish to try the screening assessment form, however they are advised that in order for it to be successful a decent selection of photos of the site and surrounding area are required. Alternatively, they may wish to commission a desk study report.

Environment Agency - Requested Flood Risk Assessment. The Environment Agency will only support like-for-like vulnerability classification uses and may not support proposals, including ground floor habitable accommodation as is the case in this situation.

Public - Concerns raised by a nearby landowner (main points summarised):
Lodge a safeguarding plan due to protect current operating practises of nearby Wingland Airfield as advised by HMG and GAAC; Clause should be included in the title to prevent future occupiers from complaining regarding any noise issues re: the use of and the flying activities carried out at and around the airfield; Height should not be increased in the interests of safety; Should ideally be tied to the airfield.

Material Considerations

Class Q of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) Order 2015 allows development involving a change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouse) (Class Q(a) development). In addition, Class Q(b) permits building operations that are reasonably necessary to convert the dwelling to a Class C3 use (Class Q(b) development). Paragraph Q1 identifies the specific circumstances under which development is not permitted and Paragraph Q2 lists the conditions applying to Q(a) and Q(b) development.

The conditions in paragraph Q.2 set out where development proposed is development 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 the items referred to in sub- paragraphs Q.2 (1) (a)-(f). 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. In considering whether the proposal meets the requirements set out in Paragraph Q1 for the development to be permitted under Class Q(a) consideration of the criteria (a)-(m) in paragraph Q.1 is required.

With regards to Q.1, information provided by the applicant appears to demonstrate that the provisions of criteria (a) - (h) and (j) to (m) have been met.

Paragraph Q.1(i) states that development is not permitted if the development under Class Q(b) would consist of building operations other than i) the installation or replacement of windows, doors, roofs, or exterior walls, or water, drainage, electricity, gas or other services, to the extent reasonably necessary for the building to function as a dwelling house; and ii) partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1(i)(i).

Planning Practice Guidance (PPG) provides advice on the interpretation of Class Q(b). It advises that Class Q assumes that the agricultural building is capable of functioning as a dwelling. It recognises that for the building to function as a dwelling "some" building operations which would affect the external appearance of the building, which would otherwise require planning permission, should be permitted. Also, that the right allows for the installation or replacement of windows, doors, roofs, exterior walls, water, drainage, electricity, gas or other services to the extent reasonably necessary for the building to function as a dwelling house. It is not the intention of the permitted

development right to include the construction of new structural elements for the building.

The supporting statement indicates that the conversion scheme would utilise the existing building frame and walls with new clad walls where necessary as well as new windows and doors. The roof sheeting would also be replaced. However, it is considered that it has not been satisfactorily demonstrated that the development could be carried out without involving new structural elements. A residential conversion such as that proposed is likely to require additional loading. Even if this was not the case, the proposed building operations are considered extensive and tantamount to the construction of a new building within the confines of the present structure, rather than operations reasonably necessary for the building to function as a dwelling house. It is considered that the works go well beyond the scope of works that could be considered reasonably necessary for the building to function as a dwellinghouse. This is consistent with a recent High Court judgement (Hibbitt & Anr. v Secretary of State for Communities and Local Government & Anr).

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 is 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.

Transport/Highways - The site has access to a public highway, albeit via a long driveway. There are no highway issues relating to the proposed development.

Noise Impacts - The site is approximately 200 metres from Wingland Airfield to the east, which is used for the flying of microlight and model aircraft. Such activity has created noise issues within the locality. It is considered that the proximity of the site to the airfield is such that the amenity of future occupiers of the proposed dwelling would be adversely affected by means of noise and general disturbance. The proposal does not therefore comply with paragraph Q.2(1)(b) of the GDPO.

Contamination - Environmental Protection has indicated that further consideration of land contamination issues is required at this location. It was once part of a larger complex of farmyard buildings, and may in the past have been used for on site waste storage, although the images are not clear. There is therefore insufficient information to establish compliance with paragraph Q.2(1)(c).

Flood Risk - The site is located within Flood Zone 3 of the Environment Agency's Flood Maps. A sequential test therefore needs to be undertaken. The Sequential Test is a decision making tool designed to ensure that areas at little or no risk of flooding are developed in preference to areas of higher risk. The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. For development to pass the sequential test it has to be demonstrated that there are no reasonably available alternative sites appropriate for the proposed development located in areas with a lower risk of flooding.

The Environment Agency's Flood Maps 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. Also, large parts of the South Holland District 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 SFRA indicates that the site is within an area identified as "Danger for Some". The proposal includes bedrooms on the ground floor and is a vulnerable use. There are alternative sites within the district that are at a lower risk of flooding. Consequently, the proposal fails to satisfy the sequential test. The proposal does not therefore comply with paragraph Q.2(1)(d) of the GDPO; namely, that the development would not result in a risk of flooding. The proposal does not therefore comply with paragraph Q.2(1)(d) of the GDPO.

In conclusion, the proposal does not satisfy criterion Q.1(i) and Q.2(1)(b, c and d). Consequently the

development would not constitute permitted development and therefore prior approval for the proposed change of use cannot be granted.