

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H07-0329-26 **Applicant:** Mr N Hadingham
Proposal: Change of Use of Agricultural Building into Dwelling
Location: The Limes 56 Station Road Gedney Hill
Terminal Date: 10th June 2026

Planning Policies**South East Lincolnshire Local Plan - Adopted: March 2019****National Guidance****National Planning Policy Framework December 2024**

Town and Country Planning (General Permitted Development) Order 2015:

- Schedule 2, Part 3, Class Q - Agricultural buildings to dwellinghouses

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	1
OTHER STATUTORY BODIES	0	0	0	2

CASE OFFICER ASSESSMENT

Description of Proposal

Consent is sought under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order (GPDO) 2015 (as amended) for the change of use of an agricultural barn at The Limes, 56 Station Road to a dwelling.

Site Description

The site is located outside any defined settlement boundary and is therefore in the countryside in planning terms, as outlined by the South East Lincolnshire Local Plan 2019 (SELLP). It comprises an agricultural building of blockwork construction with a single opening in the form of a double timber door. There is a gravelled courtyard area to the north/north-west and further agricultural buildings to the north-west.

Relevant History

H07-0396-23 - PAA - Change of use of agricultural building into residential dwelling - Approved 21-06-23

Consultation Responses

The responses received from consultees during the initial consultation exercises, which can be viewed in their entirety through the South Holland website, can be summarised as follows:

SELCP Ecologist

We have no significant concerns regarding the ecological impacts of this proposal. We recommend that the applicant remains ecologically mindful, and that all works cease if there is any risk of impacting nesting birds or protected species, with advice sought from a suitably qualified ecologist. We also recommend the inclusion of ecological enhancements on site, such as bird and/or bat boxes, either integrated into the building fabric or installed as wall-, pole-, or tree-mounted features.

Highway and Lead Local Flood Authority

As Highways and Lead Local Flood Authority we assess all Prior Approval applications as to whether or not Prior Approval is required for Transport/Highways impacts and flooding risks on the site. This proposal is for a change of Use of Agricultural Building into Dwelling, the access meets the guidelines set out in Manual for Streets, adequate parking provision is proposed within the limits of the site and the proposal will not impact flood risk. Therefore, it is considered that the proposals would not result in an unacceptable impact of highway safety and flood risk.

South Holland Internal Drainage Board

Provide generic comments on when consent from the Board may be required

Historic Environment Officer

Having reviewed the application documents and the updated available Historic Environment information for this application, the proposal is unlikely to have an impact on significant archaeological remains. Consequently, no further archaeological input is necessary for this application. It is not necessary to consult us on this application again, unless there are material changes to the proposals. However, if you would like advice from us, please contact us to explain your request

Environmental Protection

no comments on noise

Land Contamination

I request a screening assessment form to be completed and submitted with photographs to the LA for this location. The screening assessment form is available at:
<https://www.sholland.gov.uk/article/11653/Planning-application-consultations>

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.

Key Planning Considerations

Evaluation

Planning Considerations

The Town and Country Planning (General Permitted Development) (England) Order 2015, Part 3 Permitted Development

The introductory text of the Permitted Development Order outlines generic provisions, applicable to the Order. Paragraph 9A of Part 3 "Permitted Development" reads as follows:

" Schedule 2 does not grant permission for, or authorise any development of, any new dwellinghouse (a) where the gross internal floor area is less than 37 square metres in size; or (b) that does not comply with the nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015"

This is expanded upon by 9B, which states:

"The reference in paragraph (9A) to the nationally described space standard is to that standard read together with the notes dated 19th May 2016 which apply to it"

The Nationally Described Space Standards outlines that for a two storey dwelling, with three bedrooms and four bedspaces, a minimum floor space of 84sqm is required. In order to provide 1 bedspace, a single bedroom must have a floor area of at least 7.5sqm and must be at least 2.15m wide. To provide 2 bedspaces, a room must have a floor area of at least 11.5sqm. 1 double (or twin bedroom) must be at least 2.75m wide and every other double (or twin) bedroom must be at least 2.55m wide. The Space Standards require a minimum floor to ceiling height of 2.3m for 75% of the Gross Internal Area.

The dwellings itself, and all bedrooms shown, conform to the requirements of the National Space Standards with respect to floor area.

No exact details of floor to ceiling height have been provided. However, the plans show an eaves height of 3.02m and a ridge 5.39m. Seeing as floor levels would not be raised, the floor to ceiling heights proposed are acceptable.

The proposal therefore would adhere to the provisions of Part 3, Paragraph 9A and 9B of the General Permitted Development Order. As such, the application can proceed to be assessed under the provisions of Class Q of the Order.

Schedule 2, Part 3, Class Q

Part 3, Class Q of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), seeks to permit "buildings on agricultural units and former agricultural buildings to dwellinghouses". Class Q details that the following is permitted development:

"a) a change of use of:

(i) a building that is part of an established agricultural unit and any land within that building's curtilage, or

(ii) a former agricultural building that was (but is no longer) part of an established agricultural unit and any land within that building's curtilage, to a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order,

(b) development referred to in sub-paragraph (a) together with the extension of the building referred to in sub-paragraph (a), or

(c) development referred to in sub-paragraph (a) together with building operations reasonably necessary to convert the building referred to in sub-paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule or to extend that building".

Paragraph Q.1 sets out the circumstances where development is not permitted. The relevant section of legislation is detailed below:

"Development is not permitted by Class Q if:

(a) in the case of a site that is part of an established agricultural unit, the site was not part of the established agricultural unit -

(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,

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

(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,

(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,

(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 in

(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,

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

(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,

(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,

(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)

(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,

(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),

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

(l) the site is, or forms part of:
(i) a site of special scientific interest;
(ii) a safety hazard area;
(iii) a military explosives storage area,

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

(n) the building is a listed building,

(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, or

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

The definition of agriculture relevant to the assessment under the relevant sub-paragraph is found within Section 336 of the Town and Country Planning Act (1990) which states the following:

"'agriculture" includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and "agricultural" shall be construed accordingly;"

The information provided by the applicant appears to satisfactorily demonstrate that the provisions of criteria (a) - (h) and (k) to (p) have been met. The proposal does not seek to extend the built form and therefore, the proposal would not be at conflict with criteria (i).

An assessment against criterion j can be found below.

Schedule 2, Part 3, Class Q - Conversion vs Rebuild

Development is not permitted if the development under Class Q(c) 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.

Planning Practice Guidance (PPG) provides advice on the interpretation of Class Q(c). 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".

No structural survey has been provided. However, the building of substantial blockwork construction and appears to be in good condition. There are no obvious defects with the structural integrity of the building.

In any event, the building was considered to be structurally sound under H07-0396-23. This permission is still extant at the time of writing. There does not appear to have been any significant or obvious degradation of the building in the interim.

The works proposed would not be tantamount to that of a rebuild. The works fall within the limitations placed on Class Q applications, and would therefore be acceptable in this regard.

Schedule 2, Part 3, Class Q - Prior Approval Considerations

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.
- (g) The provision of adequate natural light in all habitable rooms.

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:

(a) Transport and highways impact - Due to the small scale of the proposal, it is unlikely that the works would have a significant detrimental impact upon the existing highway infrastructure of the area. This has been confirmed by the response from the Highway Authority.

Suitable access to the site has been provided, via a shared access with the nearby agricultural yard.

(b) Noise Impacts - The conversion to a residential property would have no greater impact with regards to noise as the existing agricultural use.

(c) Contamination - Due to the former agricultural use of the land and buildings a precautionary contaminated land condition is recommended. Subject to these precautionary conditions, the proposal is considered acceptable in this regard.

(d) Flood Risk - The site is within Flood Zone 1, and is therefore acceptable with respect to flood risk.

(e) Location and Siting - 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".

The site is outside of any defined settlement. However, the PPG is clear that location outside of settlement boundaries cannot be considered inappropriate in the case of a Class Q conversion.

The site is within an active farmyard. This would provide some degree of awkwardness; however, not so much so as to render the resultant dwelling entirely inhabitable.

In any event, the conversion of the barn was consented under H07-0396-23. Within the interim, there has been no significant change in circumstances in this regard. On that basis, it would be

unreasonable to resist the proposal on this basis.

(f) Design/external appearance -

The alterations to the building are minimal. The resultant dwelling, whilst not of significant merit, would represent an enhancement, via the replacement of existing rendering etc, over the existing building.

(g) The provision of adequate natural light in all habitable rooms - Each habitable room has at least one window to ensure that adequate natural light be provided alongside suitable ventilation given the location of windows on the building.

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

The proposal constitutes permitted development and complies with the relevant conditions under Class Q of Part 3 of Schedule 2 of The Town and Country Planning (General Permitted Development) Order, 2015.

Recommendation

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