DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H07-0396-23**	**Applicant:**	**Mr N Hadingham**
Proposal:	Change of use of agricultural building into residential dwelling		
Location:	The Limes 56 Station Road Gedney Hill		
Terminal Date:	22nd June 2023		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework 2021

T & CP (GPD) Order 2015

Class Q

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

CASE OFFICER ASSESSMENT

Proposal

The application is for a change of use of an existing agricultural building into a 2 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 is located off Station Road in Gedney Hill. The site is outside any defined settlement boundary and within the open countryside. 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.

Planning History

No relevant planning history.

Consultation Responses

LCC Highways/SUDs

No objections as the site would be accessed by an existing access and the scheme would provide sufficient parking.

South Holland Internal Drainage Board

No objections provided a ground investigation is carried out to determine infiltration potential, followed by testing in line with BRE Digest 365 if onsite material is considered favourable for infiltration.

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

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 existing building is a single storey, modern agricultural shed. It is of substantial blockwork construction and rendered externally with a single opening in the form of a double timber door. The internal floor area is approximately 94sqm. It is used for general agricultural storage. The building is in good overall condition with no significant damage.

Based on the submitted information it is considered that the proposal constitutes a conversion, as opposed to a re-build or fresh build, since it does not involve a substantial rebuilding of the pre-existing structure. As such, it is considered that the proposal satisfies the requirements of paragraph Q.1(i) and PPG.

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;

(a) Transport/Highways - The existing access to the site is via Station Road. The change in use from agricultural to residential would not result in any material issues regarding highways or transportation, given the existing use and the traffic generation associated with the agricultural use. LCC Highways has advised that the subject building sits within an established farmyard area and is accessed by means of an existing vehicular access that is wide enough for agricultural vehicles and has good visibility in both directions for safe egress from the site into the public highway. No alterations are proposed to be made to this existing access to serve the proposed dwelling. Its joint use by the occupiers of the proposed dwelling and the farm business would not be expected to adversely impact upon the safe use or the capacity of the local highway network. In terms of parking, an area in front of the building can accommodate 2no vehicles which meets the current parking standards for a 2 bed dwelling.

(b) Noise Impacts - The site does not sit within close proximity of any significant noise generating sources. As such there would be no issues of compatibility from the perspective of residential use. There are two other residential properties in the immediate vicinity, the closest being to the south-west of the site. Therefore, the conversion of the building from agricultural to residential will be compatible in this location.

In terms of amenity generally given the design of the dwelling and separation distances from nearby dwellings it is considered that the amenity of occupiers of neighbouring properties would not be materially harmed in terms of overlooking, lack of privacy, overshadowing, overbearing effect, noise and disturbance, etc, subject to a construction management condition.

(c) Contamination - The building is in agricultural use, and this has been the case since its construction which is believed to have been in the 1970s. The applicant has indicated that there has been no previous use of the barns to the applicant's knowledge, which would lead to any contamination concerns or issues. There has never been any landfill or waste disposal on or around the site and given historically the use of the site has been agricultural rather than industrial, the pollution and contamination risk is deemed to be low. However, due to the former agricultural use of the land and buildings a contaminated land condition is recommended.

(d) Flood Risk - The site to which the application relates is within Flood Zone 1 which means the site has a low probability of flooding from rivers and the sea therefore no site specific assessment or flood mitigation measures are required.

(e) Location and Siting - The site is relatively isolated. However, it has previously been established that applications such as this cannot be resisted on these grounds. The site has a satisfactory relationship with neighbouring dwellings/development.

(f) Design/external appearance - The submitted drawings demonstrate that the external appearance of the building will remain largely unaltered, other than for the inclusion of doors and windows to facilitate the conversion. The design will utilise the existing building with retention of the roof and existing walls and externally will look quite similar. The walls are substantially built in block rendered externally. There are some small areas of cracking which will be repaired, and the render would benefit from redoing in places. The existing roof will be insulated internally with repairs where necessary. Existing walls will be retained as per current materials with roof cladding replaced where necessary. No external walls will be constructed. The extent of the works proposed fall within what

is permitted within the regulations. The proposed external works are considered acceptable in terms of design/appearance.

(g) The provision of adequate natural light in all habitable rooms of the dwellinghouses - A Daylight Assessment has not been provided, however given the siting/orientation of the building it is considered all primary rooms would receive adequate natural light.

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.

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.

RECOMMENDATION

The application can be approved under delegated powers.