DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H07-0617-22**	**Applicant:**	**Mr J DePear**
Proposal:	Change of use of barn to residential dwelling		
Location:	The Poplars North Road Gedney Hill		
Terminal Date:	29th August 2022		

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

Site Description

The building is within the curtilage of Poplar House and is of brick construction with a metal frame and semi-circular roof. It is accessed off Mole Drove to the south. A brick and asbestos building is located to the north, which has prior approval for conversion to a dwelling (ref. H07-0604-22).

The nearest residential dwelling, other than The Poplars, is Northolme some 140 metres to the north.

Planning History

H07-1259-07 - Full - Two 2-storey extensions, alteration and renovations to dwelling - Granted 14 November 2007.

H07-0035-08 - C/C - Details of landscaping scheme (Condition 7 of H07/1259/07) - Approved 21 January 2008.

H07-0050-08 - C/C - Details of windows (Condition 4 of H07/1259/07) - Refused 6 February 2008.

H07-0140-08 - C/C - Details of external doors (Condition 3 of H07/1259/07) - Approved 19 February 2008.

H07-0190-08 - C/C - Details of external doors (Condition 3 of H07/1259/07) - Approved 21 February 2008.

H07-0081-15 - Full - Extension & Alterations - Granted 1 April 2015

H07-0055-21 - Full - Proposed extension and alterations - Granted 15 March 2021.

H07-0908-21 - PAA - Change of use of barn to residential dwelling - Approved 25 October 2021.

H07-0604-22 - PAA - Change of use of barn to residential dwelling - re-submission of H07-0908-21 - Approved 3 August 2022.

Consultation Responses

Gedney Hill Parish Council

No comments received.

LCC Highways/SUDs

No objections.

South Holland IDB

If 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).

Public

No response.

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 building has brick gable ends and a metal frame. It would be re-clad in Tata Steel Colourcote Urban Raised Seam Sheeting (Light Grey) with Aluminium windows and doors (Anthracite Grey). It is considered 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;
(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;

Transport/Highways - The proposal includes a parking/turning area and an existing vehicular access off Mole Drove would be utilised. LCC Highways consider that the proposal would not have an unacceptable impact upon highway safety.

Noise Impacts - The nearest dwelling is "The Poplars", which is presently associated with the barn. Northolme is located some 140 metres to the north. A residential as opposed to agricultural use would have no significant noise impacts.

Contamination - The application is accompanied by a Geo-Environmental Desk Study which indicates that there are no readily identifiable sources of contamination. Made ground was not noted to be present. A Phase 2 intrusive investigation is therefore considered unwarranted. Adopting the precautionary approach it is nevertheless recommended that an unexpected contamination condition be attached to any consent.

Flood Risk - The building to which the application relates is within Flood Zone 3. However, it is within an area of "no hazard" within the Strategic Flood Risk Assessment. Moreover, the proposal is a conversion so, in accordance with Paragraph 164 of the national Planning Policy Framework, 2019, the proposal 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 300mm above existing ground level and that floor resistant/resilient construction be incorporated.

Location and Siting - The proposal is in open countryside and divorced from the village of Gedney Hill. However, case law has established that applications such as this cannot be resisted for this reason.

Design/external appearance - The building presently has a utilitarian appearance. The proposed external works would enhance its appearance.

It is noted that an extension is currently being erected on the eastern side of "The Poplars" (ref. H07-0055-21). Nevertheless, it is considered that use of the building as a dwelling would not materially harm the amenity of neighbouring residents, subject to boundary screening.

Natural Light - The main living areas (lounge, dining, kitchen and bedrooms) will have adequate levels of natural light.

Conclusion

That the Class Q prior notification application be approved.