

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H08-0536-22 **Applicant:** Mr R Hart
Proposal: Conversion of Barn into Dwelling
Location: Fossils Farm Northgate Gosberton
Terminal Date: 9th August 2022

Planning Policies**South East Lincolnshire Local Plan - Adopted: March 2019****National Guidance****National Planning Policy Framework 2021****T & CP (GPD) Order 2015 (as amended)**

Class Q

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
WARD MEMBER	0	1	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT**Proposal**

The application is for the conversion of an agricultural barn into a 3 bed dwelling, including an

integral garage. The barn is a pole barn constructed using timber poles and clad in dark green sheeting.

Site Description

Site is located to the south of Northgate, accessed via a long track.

History

H08-0559-15 Erection of pole barn and extension of existing pole barn - Approved 10-08-15

H08-0158-15 Proposed agricultural machinery and produce store - Agric Determination Refused 12-03-15

H08-0546-09 Proposed barn for storage of hay and agricultural machinery - Approved 28-09-09

Consultation Responses

Gosberton Parish Council

"Barn conversion is normally retaining the outward appearance of an old building. The pole barn in question had planning permission granted in 2009 and its extension in 2015. If approved it would set a bad precedent."

Cllr HJW Bingham

"Unlike some conversions I have received no negativity regarding this proposal from local residents and if executed in the right way this could be a positive addition to the area."

LCC Local Highway and Lead Local Flood Authority

No objection but comment to take note of the comments made by Welland and Deepings Internal Drainage Board, should the site go past prior approval application stage, they will require confirmation of both the existing and proposed surface water and foul water proposed disposal methods.

SHDC Environmental Protection

No comments or objections.

Welland & Deepings IDB

If this proposed scheme progresses beyond the prior approval application stage, would require confirmation of both the existing and proposed surface water disposal methods as well as the proposed foul water disposal method.

Depending upon the answers to these, may have further questions at the time and/or the prior written consent of the Board may be required in advance of any site works. If applicable, then any consent may be subject to the agreement of technical details and payment of any relevant fees and development contributions.

Public

None.

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.

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 is supported by timber poles and is suitable for the formation of the residential unit internal to the existing frame. 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) Flooding 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 is for the conversion of an agricultural building into a single dwelling, which will utilise the existing access from Northgate that serves the current agricultural use. LCC Highways have been consulted and have no objection.

Noise Impacts - There would be no significant noise impacts resulting from the development. The nearest dwelling is around 350m away. As such it is considered that the proposed use would not materially harm the amenity of neighbouring residents, including noise impacts.

Contamination - Environmental Protection have made no comments.

Flood Risk - The building is within Flood Zone 3, but within an area designed as no hazard within the Strategic Flood Risk Assessment. 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 information accompanying the application recognises that the proposal is a more vulnerable development. Consequently, it recommends that floor levels be raised by 500mm above existing.

Location and Siting - The site is 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 - The scheme indicates that the outer skin of the building would largely be retained with the introduction of new openings/joinery. It is considered that there is not sufficient reason to resist the scheme on design grounds given that planning regulations produced by Central Government generally support agricultural conversions such as this.

Natural Light - windows are proposed to all rooms and these are would allow sufficient light and natural ventilation.

Ecology - Whilst not technically a consideration for Class Q it is a material consideration under the Wildlife and Countryside Act, 1981. Given the above, any approval should be subject to bio-diversity measures. This could be addressed by means of a condition.

Conclusion

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

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.