DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H08-0861-21**	**Applicant:**	**Mr & Mrs B Tidswell**
Proposal:	Conversion of agricultural building into dwelling		
Location:	Cheal Road Gosberton Spalding		
Terminal Date:	7th October 2021		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework 2021

Planning Practice Guidance Town & Country Planning (GPDO) Order 2015

Permitted Development Rights - 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
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

PROPOSAL

The application is for a change of use of an existing agricultural building into a single bedroom, two-storey dwelling under Class Q of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). At ground floor level the dwelling would contain a wc and an open plan kitchen, dining, living area. At first floor level a bedroom and a bathroom will be provided. The existing brickwork of the building is to be retained. Batten profile timber cladding is to replace existing timber slats. Three rooflights are proposed in the replacement corrugated

roofing. The exact roofing details would be addressed by condition.

SITE DESCRIPTION

The site is located in open countryside on the northern side of Cheal Road. It is occupied by the proposal barn and an additional dwelling to the south-west. A pair of semi-detached houses known as Cheal Farm Cottages are located to the east, on the eastern side of Saltfleet Lane. The site is in Environment Agency Flood Zone 3, and not subject to increased hazard or flood depth on the 2115 South Holland Strategic Flood Risk Mapping.

PLANNING HISTORY

None relevant.

CONSULTATION RESPONSES

LCC - County Highways & SUDS Officer

No objection - Requests standard access and utility informatives.

SHDC - Environmental Protection Officer

Requests standard land contamination condition.

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.

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.

It is considered that the structure is suitable for conversion into living accommodation without any significant new structural elements and that the extent of the works proposed are reasonably necessary for the building to function as a dwellinghouse.

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 of the dwellinghouses.

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 - An upgraded access would be constructed in accordance with LCC specification and adequate parking would be provided within the site (at least 2 spaces). LCC Highways does not wish to restrict the grant of permission.

Noise Impacts - A pair of semi-detached houses (nos. 1 & 2) are located to the east and there is a detached dwelling to the south-west (Cheal House). The general relationship to nearby dwellings, approx. 52 metres to the east and 60m to the west, is considered to be such that the proposed use would not harm the amenity of neighbouring residents to a significantly greater degree than at present, including noise impacts.

An agricultural building is located to the south-west of the building, but this does not currently appear to be in use and is in a poor state of repair.

Contamination - Environmental Protection have requested that an assessment be carried out due to the former use of the site. This can be addressed by means of a condition.

Flood Risk - The site is in Environment Agency Flood Zone 3, and not subject to increased hazard or flood depth on the 2115 South Holland Strategic Flood Risk Mapping. However, 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 and be as safe as possible.

The flood risk assessment accompanying the application recognises that the proposal is a more vulnerable development. The Flood Risk Assessment accompanying the application recommends a finished floor level of 300mm above existing floor levels. This is not considered to materially impact the appearance or functionality of the building.

Location and Siting - The site is presently part of an existing disused farmyard. Issues concerning potential noise have already been addressed. The site is relatively isolated. However, it has previously been established that applications such as this cannot be resisted on these grounds.

Design/external appearance - The scheme largely retains the existing character/appearance of the buildings and maintains the agricultural aesthetics of the site. It is considered acceptable on balance.

Adequate natural light - At ground floor, two new windows would be installed on the southern elevation to the kitchen and living area as well as a window on the western elevation. Being southern facing, this should assist in allowing adequate light in to the building at ground floor. At first floor, 3 roof lights would be installed as well as a window to the western elevation of the bedroom. This is considered satisfactory.

CONCLUSION

That the Class Q prior notification application be approved.

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.