DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H08-0970-24**	**Applicant:**	**Mrs K M Baxter**
Proposal:	Change of use of agricultural building to dwelling & removal of timber lean to		
Location:	Beline House Farm Buildings (Barn Two) Belnie Lane Gosberton		
Terminal Date:	14th January 2025		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework December 2024

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

Schedule 2, Part 3, 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
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

The proposal seeks consent to establish if a prior approval application is required for the conversion of an agricultural building into a dwelling. Consent is sought under Schedule 2, Part 3, Class Q Town and Country Planning (General Permitted Development) (England) Order (GPDO) 2015 (as amended). It has been established that prior approval is required, and as such it is necessary to assess whether prior approval should be granted.

Site Description

The application site comprises land at Beline House Farm, which is located to the north of Belnie Lane. The site is referred to as Barn Two. Barn One is located to the south-west of the site and a separate prior approval application is pending determination for two dwellings under application H08-0972-24 within Barn One.

The site contains one agricultural building which is proposed for conversion. The site is mostly surrounded by agricultural fields. There are however dwellings located to the south-east and south-west of the site.

Relevant Planning History

No applications have previously been submitted within the site.

Consultation Responses

Responses have been received from the below referenced consultees. The responses are summarised below, however, the responses can be viewed in their entirety on South Holland District Council's website.

Historic Environment Officer: It is noted that the applicant has not provided an assessment of the archaeological or heritage potential of the site, as outlined in the NPPF (paragraph 200). The agricultural building is part of a partially extant 19th century farmstead, and a non-designated heritage asset (NDHA) included within the Historic Environment Record (MLI122559). If permission is granted, there should be a condition for a mitigation strategy to effectively deal with this site. This will comprise a phased programme of mitigation work including, but not limited to, a level 3 historic building recording of the agricultural building, in accordance with Historic England's document 'Understanding Historic Buildings: A Guide to Good Recording Practice'. This will enable the agricultural building to be recorded prior to conversion. This should be secured by South Holland District Council's standard conditions AR01, 02 and 03 and is in accordance with National Planning Policy Framework paragraphs 200 and 211 and the South East Lincolnshire Local Plan (Policy 29). Finally, considering the building significance and potential impacts to the setting, the SHDC Conservation officer must be consulted before a decision is made.

Lincolnshire County Council - Highways and SUDS Support: Parking is to be detailed on the site plan. The red outline should connect with the public highway. The access with the public highway should measure a minimum of 4.1m for the first 10m and thereafter it shall measure 3.7m it should also be upgraded to Lincolnshire County Council specification.

Environmental Protection:

First Response (16 December 2024): I request a screening assessment form be completed for this application to include photographs of the barn and timber lean to.

Second Response (13 January 2024): Following review of screening assessment with photos dated 18th December 2024, I request a precautionary land contamination condition be applied at this location.

Welland and Deepings Internal Drainage Board: No comments.

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.

Planning Assessment

Whether the Proposal Comprises Permitted Development

It is first necessary to consider whether the proposed works comprise permitted development.

Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), allows for the conversion of agricultural buildings to residential dwellings. This is however subject to certain conditions and restrictions, including the requirement for applicants to apply to the local planning authority to determine if a prior approval application is necessary.

The Class Q permitted development right was updated on 21 May 2024. There is however a transitional period in place which allows applicants to submit Class Q prior notification until 20 May 2025 if they choose to do so. The current application has been submitted on the basis of the pre-May legislation. The application has therefore been determined based on the older legislation.

Class Q permits development consisting of a change of use of a building and any land within its curtilage from use as an agricultural building to residential use (Use Class C3). Class Q allows for any building operations 'reasonably necessary' to convert the building.

Paragraphs a) to m) of Class Q specify the circumstances under which development is not permitted. It is considered that the existing agricultural building, the site and the proposed dwelling as converted, would not fail any of these limitations as set out below:

"a) the site was not used solely for an agricultural use as part of an established agricultural unit:
(i)on 20th March 2013, or
(ii)in the case of a building which was in use before that date but was not in use on that date, when it was last in use, or
(iii)in the case of a site which was brought into use after 20th March 2013, for a period of at least 10 years before the date development under Class Q begins"

- According to the application form, the site was used for agricultural purposes on 20 March 2013.

"b) in the case of:
(i) a larger dwellinghouse, within an established agricultural unit:
(aa) the cumulative number of separate larger dwellinghouses developed under Class Q exceeds 3; or
(bb) the cumulative floor space of the existing building or buildings changing use to a larger dwellinghouse or dwellinghouses under Class Q exceeds 465 square metres;
(ba) the floor space of any dwellinghouse developed under Class Q having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeds 465 square metres;

- The proposed dwelling would feature approximately 194qm of floorspace. The dwelling would therefore be a "larger dwellinghouse" however it would not exceed the above limitations. As set out previously, a separate prior approval application is pending determination under reference H08-0972-24. Under application H08-0972-24, two smaller dwellings are proposed, each measuring approximately 70sqm. The total proposed floorspace therefore does not exceed the above referenced allowances.

"c) in the case of:
(i) a smaller dwellinghouse, within an established agricultural unit:
(aa) the cumulative number of separate smaller dwellinghouses developed under Class Q exceeds 5; or
(bb) the floor space of any one separate smaller dwellinghouse having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeds 100 square metres"

- The proposed dwelling would be a larger dwellinghouse rather than a smaller dwellinghouse. Part c is therefore not relevant.

"d) the development under Class Q (together with any previous development under Class Q) within

an established agricultural unit would result in either or both of the following:
(i) a larger dwellinghouse or larger dwellinghouses having more than 465 square metres of floor space having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order;
(ii)the cumulative number of separate dwellinghouses having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeding 5"

- Only one dwelling is proposed and the dwelling would not exceed 465sqm. As referenced previously, under application H08-0972-24, two smaller dwellings are proposed, each measuring approximately 70sqm. The total proposed floorspace therefore does not exceed the above referenced allowances.

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

- According to the application form, the site is not occupied under any agricultural tenancy agreements.

"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"

- According to the application form, no agricultural tenancies relating to the site have been terminated in the last year.

"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 -
(i) since 20th March 2013; or
(ii) where development under Class Q begins after 20th March 2023, during the period which is 10 years before the date development under Class Q begins"

- According to the application form, no previous dwellings have been created using the Class Q permitted development right within the agricultural unit.

"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"

- The proposals would not result in the external dimensions increasing.

"i) the development under Class Q(b) 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(i)(i)

- It is proposed to demolish the north-eastern part of the building, which includes a metal clad part of the building. The part of the building which is proposed to be retained features mostly brickwork. The proposals would involve rebuilding and repairing part of the existing walls. New window and door openings are proposed on the northern and eastern elevations. Whilst National Planning Practice Guidance and case law make it clear that the development should not be so extensive as to amount to a 're-build', the works proposed would appear to retain the existing structural elements. It is therefore considered that the existing structure can cope with the proposed alterations and that the works are allowed under part i).

"j) the site is on article 2(3) land"

- The site is not on article 2(3) land.

k) 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"

- The site is not within a site of special scientific interest, a safety hazard area or a military explosives area.

"l) the site is, or contains, a scheduled monument"

- The site is not, nor does it contain a scheduled monument.

"(m) the building is a listed building"

- The building within the site is not listed.

As the proposed development is considered to comprise permitted development, it is subsequently necessary to assess the application against the requirements of the conditions of Class Q, as specified within paragraph Q.2.

Paragraph Q.2 (1) states that where the development proposed is permitted under class Q(a) together with development under Class Q(b), development is permitted 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 of the development,
b. noise impacts of the development,
c. contamination risks on the site,
d. flooding risks on the site,
e. whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order,
f. the design or external appearance of the building, and
g. the provision of adequate natural light in all habitable rooms of the dwellinghouses.

These matters are therefore assessed in turn below. As set out below, it was considered that prior approval would be required due to the site's location within Flood Zone 3, and the need to ensure contamination risks are appropriately mitigated.

a. Transport and Highways Impact

The proposed access to the site is from Belnie Lane to the south of the site. There is an existing access to the site which would continue to be used. The existing access is unsurfaced. Lincolnshire County Council's (LCC's) highways team have asked for the proposed parking to be detailed on the site plan and for it to be demonstrated that the access measures a minimum of 4.1m for the first 10m, and thereafter 3.7m. The team also asked for the access to be upgraded to Lincolnshire County Council's specification. A note has been added to the site plan to clarify that the access will be upgraded. This would likely entail installing a tarmac surface over the first few metres of the access next to Belnie Lane. The purpose of this is to ensure there is a sealed surface and to reduce the likelihood that loose material or mud would be brought onto the highway. The access measures 5m initially and this narrows down to approximately 3.1m. Although this is narrower than requested by highways, the access would only serve three dwellings and the width is considered to be acceptable on balance in this case. The proposed development is therefore acceptable in terms of highway safety.

b. Noise Impacts

The site is mostly surrounded by agricultural land, however, there are dwellings located to the south-east and the south-west of the site. The council's environmental health team have not set out any objections to the proposals on the basis of noise disturbance. The site is not located in an area that is likely to be subject to adverse levels of noise. It is therefore considered that future occupants would not be subject to an unacceptable degree of noise disturbance.

c. Contamination

The council's environmental health team have requested a condition which would require the site to

be monitored for signs of contamination during construction works. If any contamination risks are found, a contamination assessment would be required to be submitted and approved by the local planning authority. The condition is considered to be appropriate.

d. Flood Risk

The site lies within Flood Zone 3, as is most of the district of South Holland. The site is not within a hazard area as identified by the South East Lincolnshire Strategic Flood Risk Assessment (SFRA). The application is accompanied by a Flood Risk Assessment (FRA), which concludes that the probability of this development flooding from localised drainage systems is low. Failure of Risegate Eau Pumping Station could lead to an increased level of risk at the site. The FRA sets out recommendations to help mitigate the risk of flooding within the site such as setting the finished ground floor levels at a minimum of 300mm above the existing ground level. It is considered appropriate to include a condition requiring compliance with the recommended mitigation outlined within the submitted FRA.

The FRA sets out that the site already drains naturally through a soakaway. It is unclear how foul water is proposed to be discharged. It is presumed that the proposed conversion would either apply to connect to the public sewerage system or apply for a foul treatment plant. The applicant would need to apply separately to connect to the public sewerage system as this is not covered by the planning process.

It is therefore considered that the proposed development would have an acceptable impact in terms of flood risk. It is recommended that a condition be included to require the development to accord with the recommendations of the submitted FRA.

e. Whether the Conversion is Impractical / Undesirable

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".

Although the site is relatively isolated as it is not within walking distance of key services and facilities, the site is next to a road and as such there is an existing access to the site. It is not considered that the proposed conversion would be impractical or undesirable.

f. External Appearance

It is proposed to demolish the north-eastern part of the building, which includes a metal clad part of the building. The area which is proposed to be demolished comprises approximately half of the existing building. The part of the building which is proposed to be retained features mostly brickwork. The proposals would involve rebuilding and repairing part of the existing walls. New window and door openings are proposed on the northern and eastern elevations.

The proposed materials include reclaimed facing brickwork to match the existing, reclaimed natural slate to match the existing roof, grey aluminium window and door frames, and black metal rainwater goods. It is considered appropriate to include a condition to require the proposed materials to match the existing materials as closely as possible in the interests of visual amenity. The proposed external alterations would therefore not appear overly domestic, or out of character with the surrounding area. The conversion to residential use is therefore not considered to have an adverse impact on the character and appearance of the rural landscape.

g. Natural Light Provision in Habitable Rooms

The proposed plans show that all habitable rooms are provided with natural light and ventilation given the location of windows on the building.

Other Matters

It is noted that Lincolnshire County Council's historic environment team have asked for conditions to secure a historic building recording and a written scheme of investigation for archaeological investigation. These conditions are not considered to be necessary in this case as the application is for prior approval, rather than a full planning application. For prior approval applications, permission

has already been granted though the GPDO, and as such the prior approval application is effectively an application to discharge conditions pertaining to that permitted development right. The scope of issues which are material to the determination of prior approval applications are fixed exclusively by the terms of the order. In the case of Class Q, the matters set out within Paragraph Q.2 (1) are the relevant matters (for example, highway safety, noise, contamination etc.). Archaeology and heritage assets are not included.

Within the GPDO, under the 'procedure for applications for prior approval under Part 3' , Paragraph (W) sets out that the local planning authority must, when determining a planning application:

"(10) have regard to the National Planning Policy Framework issued by the Ministry of Housing, Communities and Local Government in July 2021, so far as relevant to the subject matter of the prior approval, as if the application were a planning application"

As it says 'so far as relevant', the impact of the proposals on potential heritage assets is not a relevant consideration in this case.

Conclusion

Taking the above considerations into account, it is considered that prior approval should be approved with recommended conditions. The proposed development has been assessed against the relevant prior approval criteria, and it is considered that the proposed conversion would have an acceptable impact on the area.

Recommendation

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

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.