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Date: 11th February 2022

Planning and Development
South Holland District Council
Priory Road
Spalding
PE11 2XE

Dear Sirs

CHANGE OF USE OF AGRICULTURAL BARN TO 1NO. DWELLING HOUSE UNDER PART 3 CLASS Q OF THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015 (AS AMENDED) AT WILLOW TREE FARM, LAPWATER LANE, HOLBEACH ST MARKS, SPALDING PE12 8EX

We enclose a Prior Notification under Part 3 Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 for the change of use of a building and land within its curtilage from use as agricultural building to 1no. dwelling house.

1 The Established Agricultural Unit

The agricultural building subject of this proposal is located at Willow Tree Farm on Lapwater Lane and forms part of an Established Agricultural Unit. The Established Agricultural Unit extends to 5.85 hectares (14.45 acres), or thereabouts and has been farmed by a tenant of the Applicant for many years. The building subject to this proposal is no longer contained within the wider farm tenancy, due to it being redundant and not required. The tenant is a large and well-known grower of high value root vegetable, cereals and brassica crops.

The Established Agricultural Unit is high quality Grade One silt, which is some of the best agricultural land in the country for growing crops. It consistently produces high yields and high-quality produce. The tenant follows a six-year rotation, which includes, oilseed rape, spring beans, potatoes, cereals, sugar beet and a final winter cereal. This is a diversified and successful modern farming rotation.

By varying crop year-to-year, this helps to reduce invasive weeds and pests, such as blackgrass and Cabbage stem flea beetle. It also helps to increase yields across all crops. This means that the tenant has a diversified set of high yielding crops, which in turn result in an economically resilient business.

2 The Building

The proposed dwelling will be formed by converting the existing traditional agricultural building which is no longer required or suitable for modern agricultural purposes. Historically the building has been used for general agricultural storage in association with Willow Tree Farm.

The building is formed of three sections, as shown on the survey plan. Section 1 is a two-storey brick structure with timber roof trusses, slate roof and timber floor. Section 2 is a covered yard of steel portal frame construction which will be removed. Section 3 is a single storey brick structure with timber roof trusses, fibre asbestos sheet roof and concrete floor.

The building is situated to the north-west of the farmland, adjacent to the public highway and set back from the road approximately 70m. The building to be converted will form a natural L-shaped south-facing courtyard as shown on the plans.

A detailed appraisal of the structural condition of the building, is set out under heading 5 of this document. It shows that the portions of building due to be retained for conversion are suitable for, and structurally capable of, conversion to a dwelling.

3 Class Q Criteria

We confirm that the proposal accords with the requirements of Class Q, as demonstrated in the table below:

DEVELOPMENT NOT PERMITTED. Q.1 DEVELOPMENT IS NOT PERMITTED BY CLASS Q WHERE—	
(a) the site was not used solely for an agricultural use, as part of an established agricultural unit— (i) on 20th March 2013; (ii) if the site was not in use on that date, when it was last in use; or (iii) if the site was brought into use after that date, for ten years before the date the development begins;	The site has been used solely for agricultural use as part of an established agricultural unit (Willow Tree Farm) for many years and was in agricultural use on the 20th March 2013 and was last used for agricultural purposes.
(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;	This application only proposes a single larger dwellinghouse and the cumulative floor space of the existing building changing use to a larger dwellinghouse is 260 sqm.
(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;	This application does not propose the creation of any smaller dwellinghouses.
(d) the development under Class Q (together with any previous development under Class Q) within an established agricultural	The cumulative development under Class Q within the established agricultural unit, including this proposal, will comprise a single

DEVELOPMENT NOT PERMITTED. Q.1 DEVELOPMENT IS NOT PERMITTED BY CLASS Q WHERE—	
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;	larger dwellinghouses with a floor space of 260 sqm. The cumulative number of separate dwellinghouses will be one.
(e) the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained;	The site is not subject to an agricultural tenancy.
(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;	The termination of the previous tenancy at this site was not for the purpose of carrying out development under Class Q. The tenancy was terminated over 1 year before the date of submission of the Class Q Prior Approval. The buildings were removed from the tenancy, but the agricultural land which forms part of the Established Agricultural Unit remain in a tenancy and in agricultural use.
(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;	Development under Class A(a) or Class B(a) of Part 6 has not been carried out on the established agricultural unit since 20th March 2013.
(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 proposed dwelling will not result in external dimensions of the building extending beyond the existing dimensions of the building.
(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);	The development will not comprise building operations other than those allowed by Class Q. The existing building is structurally strong enough to take the loading of conversion works required to provide for the proposed residential use. A further description of the structural condition and quality of the buildings is enclosed under heading 5 of this document.
(j) the site is on article 2(3) land;	The site is not on article 2(3) land.

DEVELOPMENT NOT PERMITTED. Q.1 DEVELOPMENT IS NOT PERMITTED BY CLASS Q WHERE—	
(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 and does not form part of a site of special scientific interest, a safety hazard or a military explosives storage area.
(l) the site is, or contains, a scheduled monument;	The site is not and does not contain a scheduled monument.
(m) the building is a listed building.	The building is not listed.

4 Prior Notification

Prior Notification is sought to enact the provisions of Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Q.2 – (1) Class Q development is permitted subject to the condition that before beginning the development, the developer shall apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to –

CONDITIONS	
(a) transport and highways impacts of the development,	Highways – The site is served by an existing access from the public highway, Lapwater Lane. The conversion of the building to residential use will not result in a material increase in vehicular movements to and from the site. The removal of the building from agricultural use will reduce the number of vehicle movements to and from the site. There is adequate space within the curtilage to allow vehicles to safely manoeuvre, park and exit the site. The NPPF states that development should only be prevented or refused on highways grounds where the cumulative impact is “severe”. This proposal is for the creation of a single within an existing building, that already generates vehicle movements for agricultural purposes. As such, there variation is vehicle movements will be negligible and certainly not severe. The local highways network has the capacity to accommodate one additional dwelling, which will not result in an intensification in use of the site. On this basis, the development is considered to be acceptable in highways terms. Public Transport – The nearest bus stop is located in Holbeach St Marks, approximately 1.5 miles away, which is within appropriate cycling desistance. There is an hourly service that stops in the village, the 505H. This service provides access to Holbeach, Gedney and the surrounding villages. There is a mainline train station at Spalding which provides access to Peterborough and London.

CONDITIONS	
	Pedestrian – There is a network of footpaths within close proximity of the site and a nearby Public Footpath provides direct access from Lapwater Lane, to Holbeach St Marks.
(b) noise impacts of the development,	There will be no significant noise impacts on the local area as a result of the change of use of the buildings during the development or after completion. There will be no impact on the amenity of future residential occupants as a result of the established agricultural unit. The building is a sufficient distance from any nearby buildings to ensure there will be no impact.
(c) contamination risks on the site,	The applicant is not aware of any contamination risks at the site. If required, a Phase I Contamination Survey can be carried out as a condition of the Prior Approval.
(d) flooding risks on the site,	The Environment Agency Flood Map for Planning (Rivers and Seas) indicates that the site is within Flood Zone 3. A Flood Risk Assessment has confirmed that the proposed dwelling will be constructed in a manner which is safe and appropriate. A below excerpt confirms this. • <i>“To mitigate the risk of a breach in the tidal defences it is proposed that there is flood resilient construction to a level of +5.0m OD and 0.6m of flood resistant construction (demountable defences) above finished floor level. The risk is mitigated further by the dwelling having two storeys.</i> • <i>The development passes the Sequential Test and Exception Test and is therefore suitable for the proposed location.”</i> The dwelling has been appropriately designed so that safe refuge exists for all occupants above the flood risk level, in the very unlikely event of a flood taking place. No bedrooms exist on the ground floor. It is not proposed to increase the level of hard standing on the site and it is not considered that there will be any impact on potential flooding risks from the proposal. There have been no flood events at the site in living history.

CONDITIONS	
(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, and the provisions of paragraph N of this Part shall apply in relation to any such application, and	We consider that the location of the building is desirable for a dwelling, with close links to public transport and footpaths. The village of Holbeach St Marks is well served by a range of amenities including a primary school, a church, a gym and a village hall. The site is currently underused. The conversion of the building for residential use will result in the area being well maintained, and ultimately deliver a more attractive site. The Planning Practice Guidance, specifically states that <i>"The permitted development right does not apply a test in relation to sustainability of location. This is deliberate as the right recognises that many agricultural buildings will not be in village settlements and may not be able to rely on public transport for their daily needs. Instead, the local planning authority can consider whether the location and siting of the building would make it impractical or undesirable to change use to a house."</i> The sustainability of the location is therefore not applicable. This was confirmed in the case of East Herts DC v. SSCLG [2017] EWHC 465 (Admin).
(f) the design or external appearance of the building.	The proposed plans and elevations of the building are enclosed with this prior notification. The design is in keeping with the character of the building and its surroundings. It is considered that the proposed conversion will enhance the Site and the surrounding countryside. The building form, layout and materials have been designed and chosen to optimise sustainability and the desirability of the proposal. The building is of a traditional agricultural appearance and contributes positively to the rural character of the area.
(2) Where the development is proposed under Class Q(a) only, development is permitted subject to the condition that before beginning the development, the developer must apply to the local authority for a determination as to whether prior approval of the authority will be required as to the items referred to in sub-paragraphs (1)(a) to € and the provisions of paragraph W (prior	The applicant hereby applies to the Local Authority for a determination as to whether prior approval of the authority will be required.

CONDITIONS	
approval) of this Part in relation to that application.	
(3) Development under Class Q is permitted subject to the condition that development under Class Q(a), and under Class Q(b), if any, must be completed within a period of 3 years starting with the prior approval date.	The development will be completed within 3 years of prior approval being granted.

5 Structural integrity

The applicant has engaged the support of a structural engineer to assess the building's capacity for conversion. The three sections of building are as follows.

- 1) Two storey masonry structure with timber truss roof and timber floors
- 2) Single storey steel portal frame shed **(note – to be demolished as part of proposal)**
- 3) Single storey masonry structure with timber roof.

Section 1



The general condition of Section 1 is considered good for its age. The timber first floor seems in good condition and appears newer than the rest of the building. The photo below shows the underside of the timber joist first floor.



The roof structure also appears in good condition and again newer than the external envelope. The photo above shows the underside of the trussed rafter roof.

Section 2 (to be demolished)



Section 2 is of poorer quality when compared to the other areas of the building. It is steel portal frame, but with limited roof integrity due to degradation over time. As this section is due to be demolished, its structural condition should not form part of the determination for this proposal.

Section 3



Section 3 is formed of a timber portal frame with masonry infill walls. Its roof is in reasonable condition, although some limited repair works are required. There is also some minor re-pointing required to some areas of the external walls, although again, this does not impact the structural condition of the section. A photo of the re-pointing required is included below.



As shown above, the sections of building proposed for conversion are structurally capable of conversion. Whilst minor repair works are required, this is reasonable and not unexpected in a building of its age and historic use. This does not make them unsuitable or inappropriate for residential conversion and does by no means amount to rebuilding. Section 2 is due for removal and demolition. Its structural condition should not impact on the determination of this proposal.

The building has been assessed as sound and capable of conversion, within the parameters of Class Q.

6 Ecology

An initial Preliminary Ecological Appraisal was undertaken by Applied Ecology, a copy of which accompanies this application. Additional bat surveys were required and undertaken within the appropriate survey window, again enclosed for reference.

These surveys and subsequent ecology report have identified that two bat boxes and two owl boxes are required at the property. The proposed design of the conversion includes the two bat boxes. The applicant is willing to accept a condition to ensure these are installed prior to occupation of the building.

The applicant is also happy to accept a condition that owl boxes must be installed nearby to the dwelling to mitigate for the loss of habitat. All land in the immediate vicinity is owned by the applicant and so this can be conditioned appropriately. Subject to compliance with the proposed mitigation measures, the proposal is acceptable in ecology terms.

7 Summary

As demonstrated above, we believe the proposal to convert an existing agricultural building at Willow Tree Farm into a single residential dwelling accords with the requirements of Class Q and meets the prior notification criteria.

The location and siting of the proposed dwelling are both practical and desirable. No contamination issues have been identified and any flood risk can be appropriately managed. The site will use existing access arrangements.

The conversion will not exceed the external dimensions of the existing building, nor will it comprise building operations other than those permitted under Class Q. The existing structure is capable to take the loading which carries the proposed external works, as stated in the enclosed report from Conisbee Structural Engineers. The existing covered yard, comprising a covered steel portal structure will be removed (with partial demolition being permitted under Class Q legislation). The removal of this structure will improve the visual amenity of the site.

The proposed change of use is in keeping with the immediate vicinity and will not be detrimental to the character of the local area or current access arrangements; moreover, it is considered that the proposal will enhance the character and appearance of the site. The location is both desirable and sustainable for a residential property.

We consider that this proposal presents an opportunity to re-use this existing building in order to provide a residential dwelling which will contribute towards the stock of rural housing in the South Holland District.

8 Prior Notification Documents

The prior notification comprises the following documents:

REFERENCE	DOCUMENT TITLE	PAGE SIZE
Application Form	Application Form	A4
Willow Tree Farm Covering Letter	Covering Letter and Statement	A4
	Site Location Plan	A4
Site Plan	Site Plan	A4
Existing and Proposed Elevations	Elevation Drawings	A3
	Flood Risk Assessment and Flood Plan	A4
	Schedule of Photographs	A4
AEL1965 Willow Tree Ecology Report	Ecology Report	A4

We enclose all of the above documents along with a cheque for £206.00, being the requisite planning fee.

If you require any further information or if you would like to arrange a site visit, please do not hesitate to contact me by either telephone or email.

Yours faithfully



Louise Newton MRICS
Associate, Rural

Enclosures