

DECISION DELEGATED TO HEAD OF PLANNING

Application No:	H09-0443-26	Applicant:	Mr R Philips
Proposal:	Proposed Change of Use of Agricultural Building to Dwelling		
Location:	Fur Cottage Further Old Gate Holbeach		
Terminal Date:	6th July 2026		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework December 2024

Town and Country Planning (General Permitted Development) Order 2015:

- Schedule 2, Part 3, Class Q - Agricultural buildings to dwellinghouses

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	1	0
WARD MEMBER	0	0	0	0
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	2

CASE OFFICER ASSESSMENT

Proposal

Consent is sought under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order (GPDO) 2015 (as amended) for the change of use of an agricultural barn at Fur Cottage, Further Old Gate to a dwelling.

Site Description

The application site is an agricultural building that lies south of Further Old Gate in Holbeach. The site is located within a rural location with open fields to the north, east, south and west, with existing dwellings to the north east. The site is outside any settlement boundary and within the countryside.

History

No relevant planning history.

Consultation Responses

Initial Responses Received (Consultation period between 13th May2026 - 04 June 2026)

The responses received from consultees during the initial consultation exercises, which can be viewed in their entirety through the South Holland website, can be summarised as follows:

Environment Agency

Thank you for consulting us on the above application. The site does not appear to lie within any hazard zone and, as per G7 of the standing advice matrix, the Environment Agency does not wish to make any comments.

The application does not meet any other criteria on our consultation checklist, 'When to consult the Environment Agency'.

BNG Ecologist

We have no significant concerns regarding the ecological impacts of this proposal. We recommend that the applicant remains ecologically mindful, and that all works cease if there is any risk of impacting nesting birds or protected species, with advice sought from a suitably qualified ecologist. We also recommend the inclusion of ecological enhancements on site, such as bird and/or bat boxes, either integrated into the building fabric or installed as wall-, pole-, or tree-mounted features.

LCC Highway and Lead Local Flood Authority

No Objections

Comments: As Highways and Lead Local Flood Authority we assess all Prior Approval applications as to whether or not Prior Approval is required for Transport/Highways impacts and flooding risks on the site. This proposal is for a change of use of an agricultural building to dwelling, the access location has fallback use, adequate parking provision is proposed within the limits of the site and the proposal will not impact flood risk. Subject to upgrading the access to current Lincolnshire County Council specification, it is considered that the proposals would not result in an unacceptable impact of highway safety and flood risk.

Historic Environment

Having reviewed the application documents and the updated available Historic Environment information for this application, the proposal is unlikely to have an impact on significant archaeological remains. Consequently, no further archaeological input is necessary for this application. It is not necessary to consult us on this application again, unless there are material changes to the proposals. However, if you would like advice from us, please contact us to explain

your request.

SHDC Environmental Protection Officer

I request a screening assessment form be completed and submitted with photographs for this location to the LA.

Holbeach Parish Council

No objections

South Holland Drainage Board

Byelaw 3 (Surface Water)

I cannot see that the applicant has identified a drainage strategy for the site within their application. We recommend a drainage strategy is provided for the site. If the applicant proposes to discharge surface water to a watercourse, consent would be required under Byelaw 3.

The Board recommend that any discharge is in line with the National standards for sustainable drainage systems (SuDS) published in June 2025. Further to the National Standards for SuDS, the Board's policy is to restrict discharges to 2l/s/ha or annual average flood flow rate (QBar or QMed), whichever is higher.

Please note that any consent granted for the discharge of surface water is likely to be subject to a Surface Water Development Contribution fee (SWDC) as outlined within our Development Control Charges and Fees.

Byelaw 3 (Treated Foul Water)

I note that the applicant has not indicated how they propose to dispose of foul water from the development. If the applicant proposes to discharge treated foul water to a watercourse, consent would be required under Byelaw 3. Please note that any consent granted for the discharge of treated foul water is likely to be subject to a Treated Foul Water Development Contribution fee (TFWDC) as outlined within our Development Control Charges and Fees.

Section 23, Land Drainage Act 1991

I note the presence of a Board arterial watercourse (DRN197P3501 - F35 Hither Old Farm Drain) adjacent to the western site boundary. Additionally I note the presence of watercourses which are not maintained by the Board (riparian watercourses) adjacent to the eastern and southern boundaries of the site. Whilst not currently proposed, should the applicant's proposals change to include works to alter the watercourses, or if works are proposed to alter the watercourses at any time in the future, consent would be required under the Land Drainage Act 1991 (and Byelaw 4).

Byelaw 10

Whilst not currently proposed, should the applicant's proposals change to include works within 9 metres of the aforementioned Board arterial watercourse, or if works within 9 metres of the watercourse are proposed at any time in the future, consent would be required under Byelaw 10.

Responses Received within Re-consultation (Consultation period between 11th June 2026 - 25th June 2026)

SHDC Environmental Protection Officer

I have reviewed the submitted completed screening assessment form dated 08/06/2026 with accompanying photographs. I request that a precautionary land contamination condition be applied at this location.

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.

Key Planning Considerations

Evaluation

Planning Considerations

The Town and Country Planning (General Permitted Development) (England) Order 2015, Part 3 Permitted Development

The introductory text of the Permitted Development Order outlines generic provisions, applicable to the Order as a whole, or to specific schedules within the Order.

Of particular note, Paragraph 9A of Article 3 "Permitted Development" reads as follows:

"Schedule 2 does not grant permission for, or authorise any development of, any new dwellinghouse (a) where the gross internal floor area is less than 37 square metres in size; or (b) that does not comply with the nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015".

This is expanded upon by 9B, which states:

"The reference in paragraph (9A) to the nationally described space standard is to that standard read together with the notes dated 19th May 2016 which apply to it".

The Nationally Described Space Standards outlines that for a single storey dwelling, with two bedrooms, a minimum gross internal floor area of 61sqm is required when viewed in regard to three persons (this would be extended to 70sqm in an instance of two bedrooms and four persons).

In order to provide 1 bedspace, a single bedroom must have a floor area of at least 7.5sqm and must be at least 2.15m wide. To provide 2 bedspaces, a room must have a floor area of at least 11.5sqm. 1 double (or twin bedroom) must be at least 2.75m wide and every other double (or twin) bedroom must be at least 2.55m wide.

Whilst the individual minimum bedroom sizes accord with the requirements of Nationally Described Space Standards, the submitted proposal comprises a gross internal floor area that would be notably below 50sqm in total.

As such, given that the proposal seeks a two bedroom dwelling and given that the Nationally Described Space Standards requires such a dwelling to comprise a minimum gross internal floor area of 61sqm for a two bedroom (three persons), the proposal clearly falls below the minimum requirements set out within the Nationally Described Space Standards.

The proposal therefore fails to adhere to the provisions of Article 3, Paragraph 9A and 9B of the General Permitted Development Order, 2015.

As such, regardless of any further assessment of the specific requirements of Part 3, Class Q, as set out below, permission cannot be granted under this Order for the change of use of the building to a dwellinghouse, as it fails to comply with the limits of Permitted Development outlined under the GPDO.

Overall, the development is therefore not permitted under Article 3 of the General Permitted Development Order.

Notwithstanding that the development cannot be permitted under the General Permitted Development Order by virtue of Article 3 of the Order, for the above reason, for the sake of completeness, the below assessment has been provided in any event, in relation to the requirements of Class Q specifically, and the criteria within.

For clarity, it is considered that the proposal goes beyond that which is reasonably considered to comprise a 'conversion', failing the requirements of Class Q(c) as a result; and additionally also fails to comply with criteria Q.1(j) and Q.1(o). These matters are addressed below in turn.

Schedule 2, Part 3, Class Q - Conversion vs Rebuild

Part 3, Class Q of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), seeks to permit "buildings on agricultural units and former agricultural buildings to dwellinghouses". Class Q details that the following is permitted development:

"a) a change of use of:

- (i) a building that is part of an established agricultural unit and any land within that building's curtilage, or
- (ii) a former agricultural building that was (but is no longer) part of an established agricultural unit and any land within that building's curtilage, to a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order,

(b) development referred to in sub-paragraph (a) together with the extension of the building referred to in sub-paragraph (a), or

(c) development referred to in sub-paragraph (a) together with building operations reasonably necessary to convert the building referred to in sub-paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule or to extend that building".

A key consideration under Schedule 2, Part 3, Class Q relates to the extent of works reasonably necessary to for the building to function as a dwellinghouse, and an assessment as to whether the resultant building operations would amount to such works as to go beyond the scope of the that which can be reasonably described as a 'conversion', and therefore amount to a 'rebuild'.

In this regard, development is not permitted under Schedule 2, part 3, Class Q where the development 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.

Planning Practice Guidance (PPG) provides advice on the interpretation of Class Q(c). 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 high court case, '*Hibbitt, and Another v Secretary of State for Communities and Local Government, and Rushcliffe Borough Council* ' also illustrates the 'concept of 'conversion' as the fundamental provision of Class Q'; indicating that if the development does not comprise a 'conversion', then this would fall at the first hurdle. This is clearly detailed within the 'analysis' section of the high court case, detailing that "the concept of "conversion" is found in the overarching provisions of Class Q (not in Q.1) and it thereby introduces a discrete threshold issue such that if a development does not amount to a "conversion" then it fails at the first hurdle and there is no need to delve into the exceptions in Q.1. It is thus a freestanding requirement that must be met irrespective of anything in Q.1".

In this case it is important to note that no structural survey has been provided. The existing structure appears to be somewhat dilapidated and comprises a form that appears to be lacking structural soundness, in that the building has areas of openness, is of a structure and material finish that lacks a likelihood of supporting a residential conversion, and appears visually unsuitable for direct conversion.

The use of the building as a dwellinghouse would require notable and, in the Local Planning Authority's opinion, excessive work, including the infilling of open areas along various elevations and would most likely require extensive work throughout in order to be suitable for a conversion to a dwellinghouse.

In this case, given the current state of the existing structure, the current finish and standard of the structure and the likelihood of a need to carry out extensive work, coupled with the lack of structural report or evidence to demonstrate the building is capable of being converted without unreasonable work being carried out, the Local Planning Authority remains unsatisfied that the development would constitute an appropriate 'conversion'.

It is the opinion of the Local Planning Authority that the building/structure is not capable of being converted to residential use without building operations that would be so extensive as to go beyond the scope of the operations permitted by Class Q, and would amount to 'rebuilding' or, in effect, the creation of a new building.

As such, it is considered that the proposed works fail to satisfy the requirements of Class Q.(c) and consequently would not be permitted development under Class Q of the GPDO, prior to an assessment of the criteria of this Class under Q.1. In a similar regard, it is considered that that proposal would fail to accord with criteria Q.1(j), with an assessment of this being provided below.

Furthermore, and notwithstanding the identified conflict with the principle provision of Class Q(c), nor that the proposal would fail to accord with Article 3 ('Permitted Development' of the Order as set out above, for the sake of completeness, the below assessment has been provided in any event, in relation to the requirements of Class Q.1.

Schedule 2, Part 3, Class Q - Criteria Assessment

Paragraph Q.1 sets out the circumstances and criteria, beyond the aforementioned requirements which must have been satisfied, where development is not permitted. The relevant section of legislation is detailed below:

"Development is not permitted by Class Q if:

(a) in the case of a site that is part of an established agricultural unit, the site was not part of the established agricultural unit -

(i) on 24th July 2023, or

(ii) where the site became part of the established agricultural unit after 24th July 2023, for a period of at least 10 years before the date development under Class Q begins,

(b) in the case of a site that was (but is no longer) part of an established agricultural unit

(i) the site was part of an established agricultural unit on 24th July 2023,

(ii) where the site ceased to be part of an established agricultural unit after 24th July 2023, the site has not been part of the established agricultural unit for a period of at least 10 years before the date development under Class Q begins, or

(iii) since ceasing to be part of an established agricultural unit, the site has been used for any non-agricultural purpose,

(c) the floor space of any dwellinghouse developed under Class Q having a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order exceeds 150 square metres,

(d) the development under Class Q, together with any previous development under Class Q, within the original limits of an established agricultural unit (see paragraph Q.3(2) of this Part) would result in

(i) the cumulative number of separate dwellinghouses having a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order exceeding 10, or

(ii) the cumulative floor space of dwellinghouses having a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order exceeding 1,000 square metres,

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

(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,

(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 during the period which is 10 years before the date development under Class Q begins,

(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, other than

(i) extension of the building allowed by paragraph Q.1(i);

(ii) protrusions of up to 0.2 metres to accommodate building operations allowed by paragraph Q.1(j)(i)

(i) the development under Class Q(b) would result in an extension that:

(i) has more than one storey,

(ii) is sited anywhere other than to the rear of the existing building,

(iii) extends beyond the rear wall of the existing building by more than 4 metres,

(iv) has eaves the height of which exceed the height of the eaves of the existing building,

(v) is higher than whichever is the lower of: (aa) the highest part of the roof of the existing building, or (bb) a height of 4 metres above the ground,

(vi) extends beyond a wall that forms a side or principal elevation of the existing building, or

(vii) would be sited on land that, before the development under Class Q(b), is not covered by a hard surface that was provided on the land by virtue of any development, and: (aa) the hard surface was not provided on the land on or before 24th July 2023, or (bb) where the hard surface was provided on the land after 24th July 2023, the hard surface has not been situated on the land for a period of at least 10 years before the date development under Class Q(b) begins,

(j) the development under Class Q(c) 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(j)(i),

(k) the site is on article 2(3) land,

(l) 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,

(m) the site is, or contains, a scheduled monument,

(n) the building is a listed building,

(o) the existing building, excluding any proposed extension under Class Q(b) but including any proposed building operations under Class Q(c), would not be capable of complying with the nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015 as read with the notes dated 19th May 2016 which apply to it, or

(p) the building does not have suitable existing access to a public highway."

The definition of agriculture relevant to the assessment under the relevant sub-paragraph is found within Section 336 of the Town and Country Planning Act (1990) which states the following:

"'agriculture" includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and "agricultural" shall be construed accordingly;"

The information provided by the applicant appears to satisfactorily demonstrate that the provisions of criteria (a) - (h) and (k) to (n), alongside criteria (p) of Schedule 2, Part 3, Class Q.1. have been met. Additionally, the proposal does not seek to extend the built form and therefore, the proposal would not be at conflict with criteria (i).

Notwithstanding this, the Local Planning Authority consider that the proposal would not accord with criteria Q.1(j) or Q.1(o), as discussed below.

Schedule 2, Part 3, Class Q - Assessment of Q.1(j)

Criteria (j) of Class Q.1 details that development would not be permitted if:

(j) the development under Class Q(c) 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(j)(i).

As set out above, the existing structure appears to lack clear stability, and appears to be of limited structural integrity. The application has not been supported by a structural survey, or an assessment carried out by a suitable structural engineer.

Whilst it is not considered necessary to regurgitate the matters raised above, to summarise, it is considered that the existing structure appears to be somewhat dilapidated and comprises a form that appears to be lacking structural soundness, in that the building has areas of openness, is of a structure and material finish that lacks a likelihood of supporting a residential conversion, and appears visually unsuitable for direct conversion. In this case, the Local Planning Authority remains unsatisfied that the development would constitute an appropriate 'conversion'.

It is the opinion of the Local Planning Authority that the building/structure is not capable of being converted to residential use without building operations that would be so extensive as to go beyond the scope of the operations permitted by Class Q, and would amount to 'rebuilding' or, in effect, the creation of a new building.

As such, it is considered that the proposed works fail to satisfy the requirements of Class Q.1(j).

Schedule 2, Part 3, Class Q - Assessment of Q.1(o)

Criteria (o) of Class Q.1 details that development would not be permitted if:

"the existing building, excluding any proposed extension under Class Q(b) but including any proposed building operations under Class Q(c), would not be capable of complying with the nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015 as read with the notes dated 19th May 2016 which apply to it".

The proposed dwelling, as assessed above, comprises two bedrooms (three persons) and the submitted floor plans indicate that the proposed gross internal floor area comprises less than 50sqm. The nationally described space standards require that a single storey, two bedroom dwelling must have a minimum gross internal floor area of 61sqm and therefore, the proposal fails to conform to the requirements of the nationally described space standards.

As such, the proposal fails to conform to the requirements of Schedule 2, Part 3, Class Q, Q.1(o) of the General Permitted Development Order, 2015.

Schedule 2, Part 3, Class Q - Prior Approval Considerations

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.

In this instance, given that it has been concluded that the proposal fails adhere to the provisions of Part 3, Paragraph 9A and 9B of the General Permitted Development Order, 2015, and also fails to adhere to Class Q.(c), along with criteria set out under Q.1(j) and Class Q.1(o), it is not deemed necessary to assess the aforementioned prior approval considerations.

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.

Conclusion

The proposal does not constitute permitted development under Schedule 2, Part 3 Class Q of The Town and Country Planning (General Permitted Development) Order, 2015.

The resultant building operations required are considered to amount to such works, as to go beyond the scope of the operations permitted by Class Q and as such would go beyond that which can be reasonably described as a 'conversion'. Therefore, the proposed works required would amount to 'rebuilding' of the existing structure or, in effect, the creation of a new building. Furthermore, the proposal would therefore fail to accord with the requirements set out within Q.1(j) of Class Q.

Additionally, the proposed dwellinghouse would comprise a gross internal floor area of less than 50sqm. As such, the proposed internal area falls notably under that outlined within the nationally described space standards for a single storey dwelling comprising two bedrooms (three persons), to

which conformity is required under Paragraph 9A of 3 (Permitted Development) of the Permitted Development Order; therefore, the proposal cannot be considered permitted development. With regard to the same matter and assessment, in that the proposed dwelling would fall below the nationally described space standards, the proposal also falls to accord with the criteria set out within Class Q.1(o).

For these reasons, the proposal is considered unacceptable and fails to meet the requirements of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Recommendation

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