DECISION DELEGATED TO HEAD OF PLANNING

Application No: H09-1185-25 **Applicant:** Mr Root

Proposal: Proposed change of use of agricultural building to dwelling

Location: Adj. Mill View Penny Hill Road Holbeach

Terminal Date: 2nd February 2026

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019
National Guidance National Planning Policy Framework December 2024

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
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	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 an agricultural building that features brickwork facades and a central sliding door on the front elevation. The site is located to the east of Penny Hill Road, which is to the north of Holbeach. There are two dwellings to the south of the site and three dwellings to the north. The site is otherwise mostly surrounded by agricultural land; however, there are other dwellings located further to the south and north.

Relevant Planning History

No planning 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.

Lincolnshire County Council - Highways and SUDS: This proposal is for change of use of agricultural building to dwelling, the access is existing and there has been no recorded accidents at this location, the tie in to the existing highway will need upgrading to current LCC spec. Adequate parking provision is proposed within the limits of the site and the proposal will not impact flood risk. Therefore, it is considered that the proposals would not result in an unacceptable impact of highway safety and flood risk. Highway informatives 03 and 08 are recommended.

Environmental Protection: I request a screening assessment form be completed and submitted with photographs for this location.

South Holland Internal Drainage Board:

Byelaw 3 (Surface Water): The applicant has indicated that they intend to dispose of surface water via infiltration, however I cannot see that the viability of this proposal has been evidenced. We recommend that ground investigation is carried out to determine infiltration potential, followed by testing in line with BRE Digest 365 if onsite material is considered favourable for infiltration. If infiltration is not feasible at this site, following the drainage hierarchy we would expect the applicant to propose to discharge surface water to a watercourse. In this case, 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 2/l/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): We 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 am not aware of any riparian owned/maintained watercourses within or adjacent to the site boundary, however this should be confirmed by the applicant. Should the applicant's proposals include works to alter a watercourse, or if works are proposed to alter a watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 (and Byelaw 4).

Byelaw 10: There are no Board maintained arterial watercourses within or adjacent to the site boundary therefore Byelaw 10 does not apply.

Holbeach Parish Council: No response received.

Cllr C N Worth: No response received.

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 representations have been received from members of the public.

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.

Class Q permits development comprising of a change of use of a building within an agricultural unit to residential use (Use Class C3), including any land within the curtilage of the building. Class Q allows for any building operations 'reasonably necessary' to convert the building and for small-scale extensions.

Paragraph Q.1 of Class Q includes parts a) to p), and these specify the circumstances under which development is and is not permitted. The proposed building conversion is assessed against these criteria below.

"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"

- According to the application form, the site is part of an agricultural unit.

"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"

- According to the application form, the site is part of an agricultural unit and as such, part b is not relevant.

"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"

- The dwelling is proposed to feature approximately 137sqm of internal floorspace, thereby not exceeding the maximum allowance.

"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"

- According to the submitted application form, no work under the permitted development rights for the erection, extension or alteration of a building reasonably necessary for the purposes of agricultural has been carried out on the agricultural unit during the 10 year period before development begins. The proposed number of dwellings would not exceed 10, nor would the

floorspace exceed 1,000sqm.

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

- It is not considered that development under Class A(a) or Class B(a) has not taken place within the unit in the past 10 years.

"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)

- The proposal would not result in protrusions over 0.2m.

"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"

- No extensions are proposed.

"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)"

- National Planning Practice Guidance and case law make it clear that development under Class Q should not be so extensive as to amount to a 're-build'. In this case, no extensions are proposed and the building would not be partially demolished. To facilitate the conversion, new windows and doors are proposed on the elevations of the building. It is not considered that any of these external alterations exceed the limitations of part j.

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

- The site is not 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"

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

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

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

"(n) the building is a listed building"

- The building within the site is not listed.

"(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"

- The proposed dwelling would comply with the nationally described space standard.

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

- Access to the site is proposed from Hurn Road, to the east of the site. The access is already in place and does not need upgrading given that the proposal is only for two dwellings.

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 assessed in turn below. It is considered that prior approval is required as the site is located within Flood Zone 3.

a. Transport and Highways Impact

There is an existing vehicular access to the site from Penny Hill Road, which is located to the east of the site. The access would continue to be used and there is room for parking within the site. Lincolnshire County Council's (LCC's) highways team have set out that the proposed development is not expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network. The team have set out that the existing access needs to be updated to LCC's specification. The team have not recommended any specific conditions, however, informatives are recommended. Therefore, the proposed development is acceptable in terms of highway safety.

b. Noise Impacts

There are dwellings to the north and south of the site. The site is not located in an area that is likely to be subject to adverse levels of noise. Therefore, it is considered that future occupants would not be subject to an unacceptable degree of noise disturbance. The LPA's environmental protection team have also not raised any concerns in terms of noise.

c. Contamination

The council's environmental health team have requested a screening assessment form; however, this has not been provided by the applicant. No demolition or extensions are proposed and as such, this reduces the potential for ground disturbance. It is considered appropriate to include a condition requiring the site to be monitored for signs of contamination and if so, a contamination assessment and remediation scheme will be required. This is considered reasonable and proportionate in this case as land immediately next to the building could be used for garden space in future, as allowed for under Class Q.

d. Flood Risk

The site is located within Flood Zone 3, as identified by the Environment Agency's flood risk maps.

The site is within a low hazard area, as identified by the South East Lincolnshire Strategic Flood Risk Assessment (SFRA). The SFRA recommends that appropriate mitigation is provided for proposals that seek to change the use of land from a 'less' vulnerable use to a 'more' vulnerable use. In this case, the submitted Flood Risk Assessment recommends that the finished floor level of the dwelling is not less than 0.3m above the surrounding ground level. As such, it is considered appropriate to secure the implementation of the recommended mitigation measures outlined within the submitted FRA via a condition.

No extensions are proposed, nor are changes proposed to the site surfacing. As such, the development should not result in an increase in the impermeable area within the site, which could otherwise result in an increased risk of flooding if not appropriately mitigated for. Therefore, the proposals are considered to be acceptable in terms of flood risk.

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

No extensions are proposed nor is any demolition work proposed. Various new windows and doors are proposed on all elevations of the building to ensure that adequate natural light is provided. The proposed external materials are set out within the supporting statement (4433-25) rather than on the submitted elevation plans. According to the statement, it is proposed to retain the existing brickwork and to install natural wood cladding on the side building. A zinc standing seam roof is proposed and grey aluminium windows and doors. It would be considered appropriate to include a condition to secure further details of the external materials in the interests of ensuring the materials are of a suitable quality and appearance.

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.

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

Taking the above considerations into account, it is considered that prior approval should be approved with conditions. The 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.