

DECISION DELEGATED TO DEVELOPMENT MANAGER
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Application No:	H11-0751-21	Applicant:	Mr & Mrs Jeffs
Proposal:	Change of use of agricultural buildings into 3 dwellings		
Location:	Four Winds Tydd Low Road Long Sutton		
Terminal Date:	6th September 2021		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework 2021

T & CP (GPD) Order 2015 - Class Q

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	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
RESIDENTS	0	0	0	2

CASE OFFICER ASSESSMENT

Proposal

The application is for a change of use of two existing agricultural buildings into 3 dwellings under Class Q of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015. They would consist of a single storey detached 2 bed unit and a pair of two storey 2 bed and 3 bed semi-detached units.

Site Description

The buildings are of brick and asbestos/fibre cement construction and are farm buildings historically associated with "Four Winds". The nearest dwellings are "Highbury" some 200 metres to the north and "Lowgate House" and "Wheatfields" approximately 140 metres to the south and south-east respectively.

Planning History

H11-1145-20 - PAA - Change of Use from office to residential dwelling - Four Winds - Approved 9 February 2021

Consultation Responses

Long Sutton Parish Council

No response.

LCC Highways/SUDs

Request informatives.

SHIDB

If (following testing) a strategy wholly reliant on infiltration is not viable and a surface water discharge is proposed to a watercourse, then the proposed development will require land drainage consent in line with the Board's byelaws (specifically byelaw 3).

Environmental Protection

Request condition/note.

Environment Agency

Falls under Cell E8.

Public

Objections/comments received (summarised):

Protected because agricultural land/buildings in green belt; Request installation of Swift nesting boxes.

Planning Considerations

Class Q of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 indicates that the following is permitted development:

a) a change of use of a building and any land within its curtilage from a use as an agricultural building to use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order; and

b) building operations reasonably necessary to convert the building referred to in paragraph a) to a use falling within Class C3 (dwellinghouses) of that schedule.

Paragraph Q.1 sets out the circumstances where development is not permitted. The information provided by the applicant appears to satisfactorily demonstrate that the provisions of criteria (a) - (h) and (j) to (m) have been met.

Paragraph Q.1(i) states that development is not permitted if the development under Class Q(b) would consist of building operations other than i) the installation or replacement of windows, doors, roofs, or exterior walls, or water, drainage, electricity, gas or other services, to the extent reasonably necessary for the building to function as a dwelling house; and ii) partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1(i)(i).

Planning Practice Guidance (PPG) provides advice on the interpretation of Class Q(b). It advises that Class Q assumes that the agricultural building is capable of functioning as a dwelling. It recognises that for the building to function as a dwelling some building operations which would affect the external appearance of the building, which would otherwise require planning permission, should be permitted. Also, that the right allows for the installation or replacement of windows, doors, roofs, exterior walls, water, drainage, electricity, gas or other services to the extent reasonably necessary for the building to function as a dwelling house. It is not the intention of the permitted development right to include the construction of new structural elements for the building.

In this case the buildings have load bearing masonry external walls with steel roofing trusses. Structural reports accompanying the application indicate that with careful consideration of repair and strengthening that the structures are suitable for conversion into living accommodation. It is considered that the proposal wouldn't include significant new structural elements and that the extent of the works proposed are reasonably necessary for the buildings to function as a dwellinghouse.

Paragraph Q.2 indicates that where a proposal is permitted development, it is subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the Authority will be required as to:

- (a) Transport and highways impacts;
- (b) Noise impacts;
- (c) Contamination risks;
- (d) Flood risks on the site;
- (e) Location and siting;
- (f) Design/external appearance.

Paragraph W(3) of the GPDO states that an application for prior approval may be refused where it does not comply with any conditions or limitations applicable to Class Q or where there is insufficient information to establish such compliance.

Addressing the above;

Transport/Highways - A new access would be constructed in accordance with LCC specification and adequate parking would be provided within the site (total of 6 spaces). LCC Highways does not wish to restrict the grant of permission.

Noise Impacts - Other than "Four Winds", which is believed to be owned by the applicants', the nearest dwellings are "Highbury" some 200 metres to the north and "Lowgate House" and "Wheatfields" approximately 140 metres to the south and south-east respectively. A new access would be formed separate to "Four Winds". The general relationship to nearby dwellings is considered to be such that the proposed use would not harm the amenity of neighbouring residents to a significantly greater degree than at present, including noise impacts.

Contamination - A screening Assessment has been submitted. Environmental Protection have requested a condition/note relating to unexpected contamination.

Flood Risk - The building to which the application relates is within Flood Zone 3 and within an area designed as "Danger for Some" within the Strategic Flood Risk Assessment. However, the proposal is a conversion so, in accordance with Paragraph 167 of the National Planning Policy Framework, 2021, it should not be subject to the sequential or exception tests. However, it should still meet the requirements for a site-specific flood risk assessment.

The flood risk assessment accompanying the application recognises that the proposal is a more vulnerable development. Consequently, it recommends that finished floor levels be raised 300mm above the existing ground level set at 2.98mODN. Flood resistant/resilient construction should also be incorporated. This is considered acceptable given that the extent of raised floor levels is governed by the physical characteristics of the existing building.

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

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

Conclusion

That the Class Q prior notification application be approved.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:

A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act

B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).

C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.