

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H12-0623-25 **Applicant:** Mrs J Williamson
Proposal: Change of Use of Agricultural Buildings to 5 Dwellings
Location: Villa Farm Lutton Garnsgate Spalding
Terminal Date: 27th August 2025

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
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

The proposal seeks consent to establish if a prior approval application is required for the conversion of three buildings into five dwellings. 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 three agricultural buildings located to the north-west of Lutton Garnsgate. The site is located to the east of Long Sutton. Garnsgate Villa is located to the south-west of the site. The site is otherwise mostly surrounded by agricultural land.

Relevant Planning History

H12-0295-99: (Full Application) Erect bulk potato store - approved 12 May 1999

Garnsgate Villa (Land to the South-West):

H12-0883-24: (Full Application) Demolish existing sun lounge and conservatory and erect new sun lounge and extend kitchen - approved 28 October 1994

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.

Whaplode Parish Council: No comments

Lincolnshire County Council - Historic Environment Team: The proposal is unlikely to have an impact on significant archaeological remains. Consequently, no further archaeological input is necessary for this application.

South Holland Internal Drainage Board: I cannot see that the applicant has identified a drainage strategy for the site. 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 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): 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 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 watercourses within or adjacent to the site boundary therefore Byelaw 10 does not apply.

Lincolnshire County Council - Highways and SUDS: The access is to be 4.1m for the first 10m and thereafter 3.7m - needs to be detailed on plan.

Environment Agency: The proposed development will only meet the National Planning Policy Framework's requirements in relation to flood risk if a planning condition is included requiring compliance with the submitted Flood Risk Assessment.

National Grid: Please contact NGED on Tel: 105 regarding the O/H LV cable running across the drive entrance and the LV O/H cable running along the drive to the building in situ (Pole numbers 58968294 & 58968289).

Environmental Protection:

First Response (01 August 2025): I request a screening assessment form for this location be completed and submitted with photographs.

Second Response (21 August 2025): I have reviewed the screening assessment form with accompanying photographs. I request a standard land contamination condition be applied at this location.

Lutton Parish Council: No response received.

Cllr A C Tennant: No response received.

Cllr J Tyrell: No response received.

Cllr D J Wilkinson: No response received.

Tree Officer: 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 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.

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

The building was originally converted from an outbuilding to an 'office and store' under permission H05-0950-08 which was granted consent on 24 October 2008. The submission set out that the building was intended to be used to support the horticultural use of the wider site, however, its approved use is considered to fall under Use Classes B1 and B8 as these were the uses that were set out on the application form that was submitted for H05-0950-08. The newer Class Q legislation allows for the conversion of buildings within an agricultural unit to residential use. The building does not have to be used for agriculture. The proposed building is therefore eligible for conversion under Class Q.

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

"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"

- Barns 1 and 2 each feature approximately 138sqm of floorspace, Barns 3 and 4 each feature approximately 147sqm of floorspace and Barn 5 features approximately 123sqm of floorspace.

"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"

- Development under Class A(a) or Class B(a) has not taken place within the 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, 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 development would not result in the external dimensions of the building extending beyond the

external dimensions of the existing building. No extensions are proposed.

"j) 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'. It is proposed to demolish the building between dwellings 3, 4 and 5, the building to the south of dwelling 5 and the buildings near the eastern edge of the site. It is considered that the proposed demolition is reasonably necessary to facilitate the development. New doors and windows are proposed, including large areas of glazing on the eastern and western elevations. The external appearance of the buildings would not change significantly. The proposed works are therefore considered to comprise permitted development.

"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"

- None of the buildings within the site are 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 dwellings 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 Lutton Garnsgate, to the south-west of the site. The access is already in place.

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.

a. Transport and Highways Impact

The proposed access to the site is from Lutton Garnsgate, which is to the south-west of the site. Lincolnshire County Council's (LCC) highways team requested that the access measures 4.1m for the first 10m and 3.7m thereafter. The site plan has been updated accordingly. Parking is shown for each of the dwellings. There is considered to be adequate room for parking and turning within the site for each of the dwellings.

b. Noise Impacts

The site is mostly surrounded by agricultural land, however, there are two dwellings located to the north-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 standard contamination condition requiring a contamination assessment to be submitted and agreed. The applicant's agent has agreed to this condition. Any potential contamination risks can therefore be suitably identified and mitigated.

d. Flood Risk

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

The site is identified within a 'Danger for Some' hazard area, as identified by the South East Lincolnshire Strategic Flood Risk Assessment (SFRA). For proposal for more vulnerable uses within these areas, the SFRA recommends that a Flood Risk Assessment (FRA) is submitted confirming appropriate mitigation. The Environment agency typically objects to self-contained ground floor residential accommodation within such areas. However, in this case the Environment Agency has not raised objections to the proposals as it is considered that the proposed mitigation outlined within the submitted FRA is acceptable. A condition requiring compliance with the FRA is recommended.

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 near to a road and as such, there is an existing access to the site.

Separation distances and the degree of overlooking between dwellings is not a specific assessment factor in Class Q applications, however, it is considered necessary to assess the relationship between the buildings in this case as they are relatively close to one another. For example, the distance between dwellings 1 and 2, and dwellings 3 and 4 is approximately 2m. Notwithstanding this, the windows on the relevant elevations are positioned to not directly overlook one another. There is only approximately 6.2m between the southern elevation of dwellings three and four and dwelling 5. There is a window proposed for the kitchen / dining area within dwelling five that would look onto two of the bedrooms within dwelling four. It is considered that with a suitable boundary treatment between the dwellings, there would not be an unacceptable degree of overlooking. This can be secured via a condition.

Overall, it is not considered that the proposed conversion would be impractical or undesirable.

f. External Appearance

It is proposed to demolish the building between dwellings 3, 4 and 5, the building to the south of dwelling 5 and the buildings near the eastern edge of the site. The visual impact of the proposed demolition would be acceptable.

Various alterations are proposed to the existing buildings such as the insertion of new windows and doors on various elevations. For example, large areas of glazing are proposed on the eastern and western elevations.

On dwellings 1, 2, 3 and 4, the proposed materials include grey profile metal sheeting and a grey standing seam roof. On dwellings 3 and 4, it is proposed to retain the existing grain walling on the bottom half of the building. For dwelling 5, it is proposed to remove the existing white paint from the brickwork facades. The existing tiled roof is proposed to be reclaimed to match the existing. Black aluminium windows and doors and black metal rainwater goods are proposed for all of the dwellings.

The conversion to residential use is therefore not considered to have an acceptable impact on the character and appearance of the building and the surrounding area.

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. There is only approximately 2m between the building that is proposed to contain dwellings 1 and 2, and the building that is proposed to accommodate dwellings 3 and 4. Various bedrooms are proposed within the southern part of dwellings 1 and 2 and two windows are proposed on the northern elevation of dwellings 3 and 4. It is likely that all of these windows would experience reduced levels of light due to the proximity of the buildings to one another. Notwithstanding this, it is considered that there would be adequate levels of light for these rooms.

Other Matters

Part Q3 sets out the following:

"Q3.Ã¢??(1) For the purposes of Class Q, "curtilage" means the lesser ofÃ¢??

(a) the piece of land, whether enclosed or unenclosed, immediately beside or around the building on an established agricultural unit or former agricultural building (as the case may be), closely associated with and serving the purposes of that building, and

(b) an area of land immediately beside or around the building on an established agricultural unit or former agricultural building (as the case may be) no larger than the land area occupied by that building."

It is considered that the proposed garden areas would not exceed the above referenced curtilage

allowances.

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 proposed development has been assessed against the relevant prior approval criteria, and it is considered that the proposed conversion would have an acceptable impact.

Recommendation

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