

DECISION DELEGATED TO DEVELOPMENT MANAGER
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Application No:	H12-0776-21	Applicant:	S Anderson & J Dewsberry
Proposal:	Change of Use of barn to residential - re-submission of H12-0666-20		
Location:	Lutton Garnsgate Long Sutton Spalding		
Terminal Date:	13th September 2021		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework 2021
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Planning Practice Guidance T & CP (GPD) Order 2015

Permitted Development Rights Class Q

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

<u>CASE OFFICER ASSESSMENT</u>

Proposal

The application is for a change of use of an existing agricultural building under Class Q of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015.

It is a re-submission of H12-0666-20 and involves a change of external materials, plus revised windows and doors.

Site Description

The building, which is part brickwork and part fibre cement/asbestos, is located on the western side of Lutton Garnsgate some 130 metres north of the junction with the A17. A similar building is located to the rear. The nearest dwelling is "Treetops" located some 100 metres to the north-east.

Planning History

H12-0666-20- PAA - Change of use of barn to residential - Approved 9 October 2020.

Consultation Responses

Long Sutton Parish Council

No comments received.

SUDs

Does not wish to restrict the grant of permission

South Holland IDB

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

No objections.

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 building has a metal frame and if the fibre cement/asbestos panels would be replaced with Cedral Horizontal Cladding (Anthracite Grey) as opposed to the Standing Seam Zinc previously approved. Windows would be uPVC & powder coated aluminium (dark grey). It is considered, on balance, that the proposal wouldn't include significant new structural elements and that the extent of the works proposed are reasonably necessary for the building 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 - Parking facilities are available on site and LCC Highways does not wish to restrict the grant of permission.

Noise Impacts - The nearest dwelling is "Treetops" located some 100 metres to the north-east. It is considered that use of the building as a dwelling would not materially harm the amenity of neighbouring residents, including noise impacts.

Contamination - Environmental Protection have reviewed the Goldfinch Environmental Limited report and agree with the findings. They therefore make no further comments with respect to land contamination.

Flood Risk - The building to which the application relates is within Flood Zone 3 and within an area designed as "Danger for Most" 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 floor levels be raised by 400mm above existing ground level and that floor resistant/resilient construction 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 proposal is relatively close to Long Sutton and not in immediate proximity to the A17. It is considered acceptable in terms of location and siting.

Design/external appearance - The lower sections of the walls are brickwork with Cedral Horizontal Cladding (Anthracite Grey) above as opposed to Standing Seam Zinc previously. The roof would be Standing Seam Zinc, including additional rooflights. The proposed external works would enhance the character/appearance of 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

That the Class Q prior notification application be approved.