

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H13-0218-19 **Applicant:** Mr Matthew Naylor
Proposal: Conversion of agricultural building to residential
Location: Vickers Farm Washway Road Moulton Marsh
Terminal Date: 1st May 2019

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework 2019

Permitted Development Rights
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	1	0
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

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.

Representations

Environmental Protection - Recommend a full land contamination condition.

SUDs - Does not wish to restrict the grant of permission.

SHIDB - I note that the applicant intends to dispose of surface water via infiltration, however I cannot see that the viability of the proposed drainage strategy has been evidenced. The proposed strategy should be supported by ground investigation to determine the infiltration potential of the site and the depth to groundwater.

Environment Agency - Recommend that finished floor levels be set 300mm above ground level and that future occupants register with the Floodline Warnings Direct Service.

Material Considerations

Class Q of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) Order 2015 allows development involving a change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouse) (Class Q(a) development). In addition, Class Q(b) permits building operations that are reasonably necessary to convert the dwelling to a Class C3 use (Class Q(b) development. Paragraph Q1 identifies the specific circumstances under which development is not permitted and Paragraph Q2 lists the conditions applying to Q(a) and Q(b) development.

The conditions in paragraph Q.2 set out where development proposed is development under Class Q(a) only, 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 the items referred to in sub- paragraphs Q.2 (1) (a)-(e). 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 considering whether the proposal meets the requirements set out in Paragraph Q1 for the development to be permitted under Class Q(a) consideration of the criteria (a)-(m) in paragraph Q.1 is required.

With regards to Q.1, information provided by the applicant appears to 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.

The building comprises concrete slab and brick walls with timber roof trusses above. The timber trusses appear to be in good condition. The scope of works proposed are considered reasonably necessary for the building to function as a dwellinghouse and consistent with a recent High Court

decision (Hibbitt v Secretary of State for Communities and Local Government).

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 is 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.

Transport/Highways - LCC Highways has raised no objections.

Noise Impacts - The proposal would not materially harm the amenity of neighbouring residents. The application indicates that the building would be insulated to comply with Approved Document Part E - Resistance to the passage of Sound. Windows have not been provided to the West elevation, so as to reduce road noise from affecting the property.

Contamination - Environmental Protection has requested that a contaminated land condition be imposed.

Flood Risk - The site is located within Flood Zone 3 of the Environment Agency's Flood Maps. A sequential test therefore needs to be undertaken. The Sequential Test is a decision making tool designed to ensure that areas at little or no risk of flooding are developed in preference to areas of higher risk. The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. For development to pass the sequential test it has to be demonstrated that there are no reasonably available alternative sites appropriate for the proposed development located in areas with a lower risk of flooding.

The Environment Agency's Flood Maps have been created as a tool to raise awareness of flood risk with the public and partner organisations, such as Local Authorities, Emergency Services and Drainage Authorities. The Maps do not take into account any flood defences. Also, large parts of the South Holland District lie within Flood Zone 3. It is therefore necessary to use the refined flood risk information (Hazard and Depth maps) within the South East Lincolnshire Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test

The SFRA indicates that the site is within an area identified as "no hazard". The proposal therefore satisfies the sequential test. In terms of the exceptions test, the Environment Agency recommends 300mm finished floor levels.

Recommendation

That the Class Q prior notification application be approved.