

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H13-0421-25 **Applicant:** Mr J Kirk
Proposal: Conversion of agricultural building to residential dwelling
Location: Broadwater Farmyard Broadwater Lane Moulton
Terminal Date: 1st July 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
HIGHWAYS & SUDS SUPPORT	0	0	0	1
HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	2
OTHER STATUTORY BODIES	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 existing building located on land approximately 70m to the south of Broadwater Lane, approximately halfway between Moulton and Moulton Chapel. There is a watercourse located to the west of the site, beyond which is Engine Bank, agricultural buildings and two dwellings. The site is otherwise mostly surrounded by agricultural land.

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 - 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.

Lincolnshire County Council - Highways and SUDS: Parking/turning needs to be detailed on the proposed site plan. The access needs upgrading to Lincolnshire County Council's Specification and a note should also be added to the proposed site plan.

National Grid: No objections however please be aware there is an UG 11kv cable and a LV cable running along the entry boundary in highways.

Environmental Protection: Following review of the Screening assessment form completed by Oglesby and Limb Ltd, Ref: A1623- Statement Rev P1, Dated September 2023. I request a standard land contamination condition be applied to this location.

Conservation Officer: No objections.

South Holland Internal Drainage Board: 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. 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. I note the presence of a Board owned and arterial watercourse (F49 Moulton River - DRN197P4901) adjacent to the western site boundary. Whilst not currently proposed, should the applicant's proposals change to include works to alter the watercourse, or if works are proposed to alter the watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 (and byelaw 4).

Following internal investigation, we note that the existing agricultural building currently sits approx. 9 metres from the brink of the Board owned arterial watercourse. We understand that the applicant proposes to construct the new dwelling on the footprint of the existing building and therefore we believe that the new dwelling will also be erected 9metres from the brink of the watercourse. Care should be taken when constructing the new dwelling to ensure that the 9metres distance from the brink of the watercourse is achieved. Please note, that the installation of any boundary features, surfacing, hedging, soakaway crates, treatment plants etc within 9metres of the brink of the Board watercourse requires prior consent from the Board. However, owing to the use of this access, the Board would be unlikely to approve any application for works within 9metres of the Board owned arterial watercourse. Additionally, we note that the applicant intends to utilise the existing access

track for the proposed dwelling. It should be noted that this track does lie within 9 metres of the Board owned arterial watercourse and as such, no works to this track nor any works within 9 metres should be undertaken without the Board's prior written consent under Byelaw 10. Finally, in order for the Board to carry out its statutory maintenance operations, the Board travel through this site to access the watercourse. There is an agreement in place with the landowner, in which the Board pay annually for an access adjacent to the watercourse. Therefore, we request that no works are undertaken on this access so that the Board may continue to access the watercourse freely to carry out our statutory maintenance operations.

Moulton Parish Council: No response received.

Cllr T E Sneath: No response received.

Cllr A Casson: No response received.

Cllr A R Woolf: 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.

The Class Q permitted development right was updated on 21 May 2024. There is however a transitional period in place which allows applicants to submit Class Q prior notification until 20 May 2025 if they choose to do so. The application has been determined based on the older legislation as the planning statement refers to the older legislation.

Paragraph Q.1, a) to m) of Class Q specifies the circumstances under which development is not permitted. It is considered that the proposal would not fail any of these limitations as set out below:

"a) the site was not used solely for an agricultural use as part of an established agricultural unit-
(i) on 20th March 2013, or
(ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use, or
(iii) in the case of a site which was brought into use after 20th March 2013, for a period of at least 10 years before the date development under Class Q begins"

- According to the application form, the site was used for agricultural use as part of an agricultural unit on 20 March 2013.

"b) in the case of:

(i) a larger dwellinghouse, within an established agricultural unit:

(aa) the cumulative number of separate larger dwellinghouses developed under Class Q exceeds 3;
or

(bb) the cumulative floor space of the existing building or buildings changing use to a larger dwellinghouse or dwellinghouses under Class Q exceeds 465 square metres;

(ba) the floor space of any dwellinghouse developed under Class Q having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeds 465 square metres;

- The proposed dwelling would feature approximately 276sqm of internal floorspace and would therefore not exceed the 465sqm allowance.

"c) in the case of

(i) a smaller dwellinghouse, within an established agricultural unit

(aa) the cumulative number of separate smaller dwellinghouses developed under Class Q exceeds 5; or

(bb) the floor space of any one separate smaller dwellinghouse having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeds 100 square metres"

- The proposed dwelling would be a "larger" dwelling as the proposed floorspace would exceed 100sqm. The dwelling would not however exceed any of the above limitations.

"d) the development under Class Q (together with any previous development under Class Q) within an established agricultural unit would result in either or both of the following-

(i) a larger dwellinghouse or larger dwellinghouses having more than 465 square metres of floor space having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order;

(ii) the cumulative number of separate dwellinghouses having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeding 5"

- The proposed dwelling would be classed as a larger dwelling. The local planning authority is not aware of any other dwellings that have been created under Class Q within the agricultural unit.

"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-

(i) since 20th March 2013; or

(ii) where development under Class Q begins after 20th March 2023, during the period which is 10 years before the date development under Class Q begins"

- According to the planning statement, no work has been undertaken using permitted development rights for the purposes of agriculture 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"

- The proposals would not result in the external dimensions increasing.

"i) the development under Class Q(b) 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(i)(i)

The submitted plans show that new windows and doors are proposed. The rooflights are proposed to be replaced with a new roof covering. The large door opening on the southern elevation is proposed to be filled in with metal cladding and a smaller set of sliding doors is proposed on this elevation instead. New dark grey metal cladding is proposed, and a mid-grey colour coated profiled metal cladding roof is proposed. It is considered that the proposed physical alterations would not go

beyond the scope of works permissible under paragraph Q.1.(i), which explicitly includes "installation and replacement of windows, doors, roofs, or exterior walls". Whilst national planning guidance and case law make it clear that the development should not be so extensive as to amount to a 're-build,' the works proposed would appear to retain the existing structural elements and there is little evidence to suggest that the existing structure cannot cope with the proposed alterations.

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

- The site is not on article 2(3) land.

k) 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.

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

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

"(m) the building is a listed building"

- The building within the site is not listed.

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 Broadwater Lane, which is to the north of the site. Lincolnshire County Council's (LCC) highways team requested that parking and turning arrangements are set out within the proposed site plan. The team also requested that a note is added to the site plan indicating that the access is updated to LCC's specification. A note has therefore been added and the purpose of this is to minimise the risk of mud and debris being brought onto the highway and to ensure vehicles can enter and exit the site safely. The parking and turning arrangements are not specifically set out within the site plan, however, there is considered to be room for parking and turning.

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 2, as identified by the Environment Agency's flood risk maps. The site is not however within an identified hazard area, as identified by the South East Lincolnshire Strategic Flood Risk Assessment (SFRA). As such, the SFRA does not recommend any specific mitigation for the proposals.

The application is accompanied by a Flood Risk Assessment, within which mitigation is recommended including raising the ground floor level of the dwelling by 300mm above the concrete floor of the existing building. Although not specifically required by the SFRA, this is considered to be a suitable level of mitigation and it is considered appropriate to secure the implementation of this mitigation via a condition.

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. It is not considered that the proposed conversion would be impractical or undesirable.

f. External Appearance

The submitted plans show that new windows and doors are proposed. The rooflights are proposed to be replaced with a new roof covering, and the large door opening on the southern elevation is proposed to be filled in with metal cladding and a smaller set of sliding doors is proposed on this elevation instead. New dark grey metal cladding is proposed, and a mid-grey colour coated profiled metal cladding roof is proposed. No extensions are proposed.

The proposed materials would therefore be similar to the existing materials and would retain a rural character. The conversion to residential use is therefore 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.

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 on the area.

Recommendation

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