DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H13-1094-19**	**Applicant:**	**Mr W Ravell**
Proposal:	Change of use of agricultural building into dwelling		
Location:	Agricultural Barn Eaugate Road Moulton Chapel		
Terminal Date:	7th January 2020		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework 2019

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
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.

Site Description

The site is located on the western side of Eaugate Road and is currently occupied by an agricultural building. A drain runs along the frontage and trees are situated along the northern boundary. A dwelling (Rose Cottage) is situated opposite.

Planning History

H13-0446-15 - Change of use of agricultural building into dwelling - Refused 19 June 2015.

Consultation Responses

Moulton Parish Council - No comments received.

LCC Highways/SUDS - Does not wish to restrict the grant of permission.

South Holland IDB - Request drainage strategy.

SHDC Environmental Protection - Request full contaminated land condition or screening. assessment.

Material 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 its upper section would be re-clad in in metal profiled sheeting. Insulation works would be necessary. However, only minor changes are proposed to the barns existing elevations, which includes modifications of the existing entrance, a new entrance at the left flank, and the addition of windows. It has now been sufficiently demonstrated that the proposal doesn'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 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;
(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 - LCC Highways does not wish to restrict the grant of permission.

Noise Impacts - The nearest dwelling is situated opposite. It is considered that use of the building as a dwelling would not materially harm the amenity of neighbouring residents, including noise impacts.

Contamination - SHDC Environmental Protection have requested the full contaminated land condition in this case.

Flood Risk - The building to which the application relates is within Flood Zone 1 and within an area designed as "no hazard" within the Strategic Flood Risk Assessment. Consequently, the proposal satisfies the sequential test.

Location and Siting - The proposal is considered acceptable in terms of location and siting.

Design/external appearance - The proposed external works would enhance the character/appearance of the building, subject to full details.

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.