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TOWN AND COUNTRY PLANNING ACT 1990

PRIOR NOTIFICATION

Reference: H14-0308-25 **Date of Decision:** 22nd May 2025

Applicant: Mr Smith
C/O Swann Edwards Architecture Limited
Black Barn
Fen Road
Guyhirn
PE13 4AA

Location: Adj 4 Clay Drove Spalding Lincolnshire

Description: Proposed Barn Conversion

South Holland District Council hereby give notice that the details have been REFUSED for the proposal referred to above, for the following reason(s):-

1 Paragraph 9A of Part 3 "Permitted Development" of the General Permitted Development Order, 2015 states that:

"Schedule 2 does not grant permission for, or authorise any development of, any new dwellinghouse
(a) where the gross internal floor area is less than 37 square metres in size; or
(b) that does not comply with the nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015"

This is expanded upon by 9B, which states:
"The reference in paragraph (9A) to the nationally described space standard is to that standard read together with the notes dated 19th May 2016 which apply to it"

Bedroom three has a floor area of 6.2sqm, measuring 3.1m by 2m which falls below the 7.5sqm required for a room to be considered a single bedroom. The submitted details therefore do not conform to the requirements of the nationally described space standards.

The proposal therefore fails to adhere to the provisions of Part 3, Paragraph 9A and 9B of the General Permitted Development Order, 2015; and therefore, permission cannot be granted under the provisions of Schedule 2 of the General Permitted Development Order, 2015.

2 Notwithstanding the above reasons for refusal, Schedule 2, Part 3, Class Q, Paragraph Q.1(p) of the General Permitted Development Order, 2015, requires buildings to have a suitable existing access to the highway. It has been stated that access will be via an existing access for 4 Clay Drove; however, no provisions to extend the access, which terminates to the front of 4 Clay Drove, have been provided. As such, occupants could not reasonably access the building, as they would have to drive over a grassed area, and/ or cross land outside of their ownership.

Should this be rectified via the creation of a new access to lead to the Class Q site, this access would have to be located outside of the defined curtilage of the building, development that would require assessment outside of a Class Q proposal.

As such, the proposal fails to conform to the conditions outlined under Paragraph Q.1(p) of Schedule 2, Part 3, Class Q of the General Permitted Development Order, 2015.

3 Within the South East Lincolnshire Strategic Flood Risk Assessment, 2017, the site is categorised as "danger for all" with flood depths expected to reach between 1-2 metres. It is proposed that finished floor levels are raised internally by 0.3 metres, whilst flood resilient construction is utilised 1m above this finished floor level. No safe refuge has been provided.

As such, in a flood event, the dwellinghouse may be inundated with water, causing severe and unacceptable harm to the property and the wellbeing of the occupants. Accordingly, the proposal would be unacceptable on flood risk grounds.

In any event, the level of works required to achieve the necessary flood resilience construction may exceed the limitations placed upon Class Q in terms of rebuild vs conversions. Furthermore, even if the proposal could be amended to raise finished floor levels above flood depths, then the resultant floor to ceiling height would be below the 2.3 metres required under the nationally described space standards, thus preventing the conversion from occurring under Part 3, Paragraph 9A of the General Permitted Development Order, 2015.

Notes:

The Local Planning Authority has acted positively and proactively in determining this application by assessing it against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise. However, the issues are so fundamental to the proposal, due to the harm which has been clearly identified within the reason(s) for the refusal, that approval has not been possible.

This decision notice, the relevant accompanying report and the determined plans can be viewed online at http://planning.sholland.gov.uk/OcellaWeb/planningSearch

The determined plans are:

PP1000 - Location Plan, Proposed Site Plan, Proposed Elevations, Proposed Floor Plan and Section A-A
Design and Access Statement, prepared by Swann Edwards, dated November 2024 Flood Risk Assessment, prepared by Ellingham Consulting Ltd, dated January 2025 Structural Survey, prepared by Anthony-Johnson Consulting Engineer Ltd



Phil Norman
Assistant Director - Planning and Strategic Infrastructure
South Holland District Council

RIGHTS OF APPEAL

Appeals to the Secretary of State

If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or grant consent subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990 or Section 20 of the Planning (Listed Building and Conservation Areas) Act 1990.

Timescales for appealing

The deadlines for appeals are calculated from the **date of decision** and are as follows for the types of applications below:

12 Weeks	6 Months	8 Weeks
Householder Applications	Planning Permission	Consent to Display Adverts
Minor Commercial Development	Listed Building Consent	
Agricultural Determinations	Other Prior Approval Applications	
Householder Prior Approval Applications		

https://www.gov.uk/appeal-householder-planning-decision

https://www.gov.uk/appeal-planning-decision

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planning inspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

Enforcement Notices

If an enforcement notice was served prior to the planning application being determined then the deadline for appealing is 28 days from the date of the **planning refusal**.

If an enforcement notice is served after the planning application is determined then the deadline for appealing is 28 days from the date of the **enforcement notice** OR **the timescales stated above for each application type** from the date of the planning refusal - whichever is sooner.

Appeals can be made online at: https://www.gov.uk/planning-inspectorate. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in

giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under the order.

Purchase Notices

If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grant it subject to conditions the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of the Part VI of the Town and Country Planning Act 1990 or Section 32 of the Planning (Listed Building and Conservation Areas) Act 1990.

Compensation

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.

These circumstances are set out in Section 114 and related provisions of the Town and Country Planning Act 1990 and Section 27 of the Planning (Listed Building and Conservation Areas) Act 1990.