PLANNING STATEMENT

For

PROPOSED CHANGE OF USE OF AGRICULTURAL BUILDING TO C3 DWELLINGHOUSE

(Prior Approval, Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) Order 2015).

at

BLACK HOLE DROVE
WEST PINCHBECK
SPALDING
LINCOLNSHIRE
PE11 3QL

For

MR ANDREW OGLESBY

PRIOR APPROVAL SUBMISSION ISSUE

Oglesby & Limb Ltd

Chartered Architect

Suite 1
Market Chambers
12 Market Place
Spalding
Lincolnshire
PE11 1SL
Tel: 01775 761196

www.design@o-l-ltd.co.uk

Director
A.J. Oglesby RIBA

Associate
C.L. Silvester
MCIAT

Company Reg. No.
4419410

Index

Introduction

Location

Context

Site and Planning History

Architectural Appraisal

Permitted Development Statement of Case

Conclusion of Assessment of Compliance

Appendix A – Letter from site owner

Introduction

Proposal details
This application is a Prior Approval Notification for the proposed change of use of an agricultural building to a dwellinghouse under the Town and Country Planning (General Permitted Development)(England) Order 2015, Schedule 2, Part 3, Class Q. The application seeks to demonstrate that the proposal is complaint with all aspects of the regulations.

Location

Location:
The site is located on the south side of Black Hole Drove, approximately 1835m west of the junction of Black Hole Drove with Six House Bank, west of the settlement of Northgate.

Location references for the site are as follows:

Grid ref:	TF 17925 25281
Easting / northing:	517925, 325281
Long / Lat:	52.812191, -25182456
What3Words:	concerned. Stepping. Vintages
Postal address:	Black Hole Drove, West Pinchbeck, Spalding.
Postcode (nearest):	PE11 3QL

Refer to drawing A1531 – 01 for the location and extent of the site.


Fig. 1 Agricultural building viewed from north-west.


Fig. 2 Agricultural building interior.

Context

Site and surrounding area
The existing building is a single storey, modern agricultural shed. The shed comprises 4 structural bays, with a steel portal frame between each and with steel gable frames to either end. Between the main frames span steel cladding rails and substantial timber purlins. The building has solid brick walls to the east, part-north and part-south walls at low-level, with profiled cladding sheets above. The roof is finished with corrugated cladding sheets. The building has a substantial concrete floor slab throughout. The internal floor area is approximately 214m2. It is used for general agricultural storage. The building is in good overall condition with no significant damage.

The building is located on Black Hole Drove. There are a small number of dwellings, barn conversions and agricultural and commercial buildings scattered along its length. The site has two dwellings located to the west of it, but on all other sides it is surrounded by fields in agricultural use.

Access to the site:
Vehicular and pedestrian access to the site already exists and is directly from Black Hole Drove. Black Hole Drove serves several dwellings and other agricultural facilities along its length.

Use and development:
The site comprises an agricultural building together with a small area of land that runs up to the south edge of Black Hole Drove.

The building was constructed for agricultural use and is believed to date from the early 1970s. It remains in agricultural use in 2023 and has never been used for any other purpose.

Site and Planning History

Site History:

Historic map study:

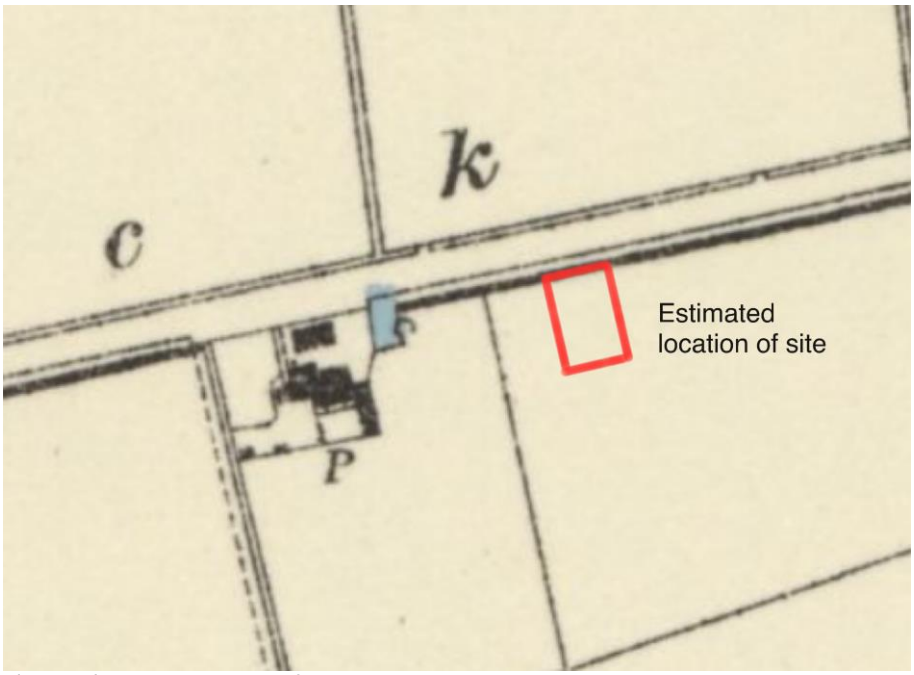


Fig. 3 Ordnance Survey map of 1887

The 1887 map shows the property known as Marriott Farm, but no development on the proposal site. The area is just part of a field in agricultural use.

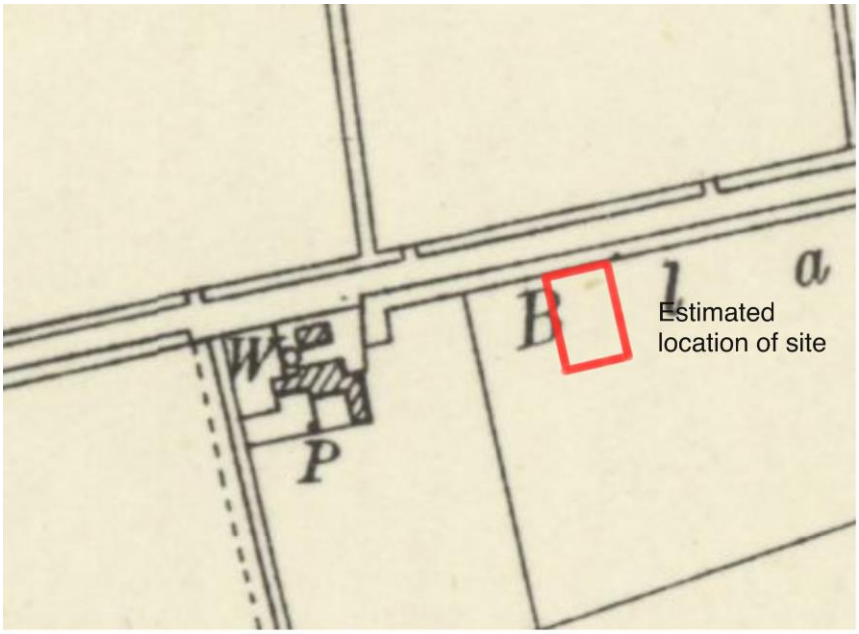


Fig. 4 Ordnance Survey map of 1906

The 1906 map shows no significant change from the 1887 map. Again, the proposal site is not developed, it is just part of a field in agricultural use.

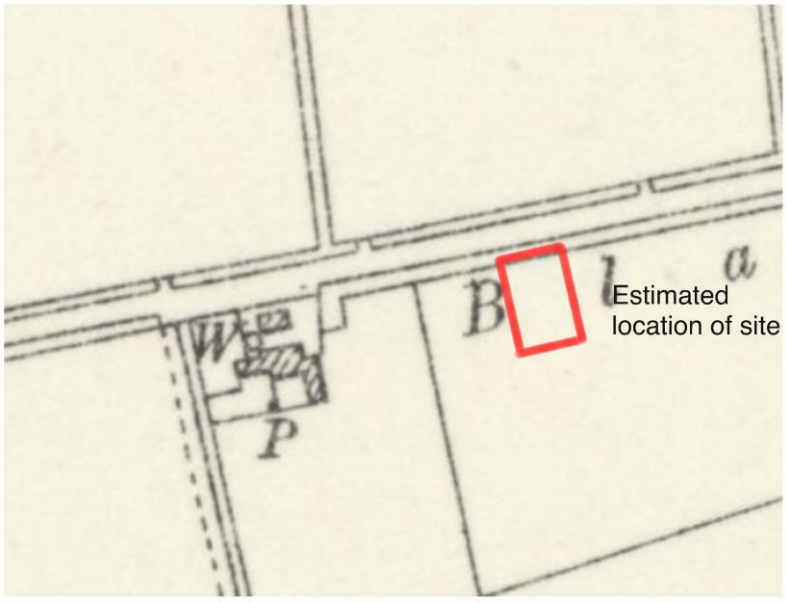


Fig. 5 Ordnance Survey map of 1931

The 1931 map again shows no significant change from the 1887 map. Again, the proposal site is not developed, it is just part of a field in agricultural use.

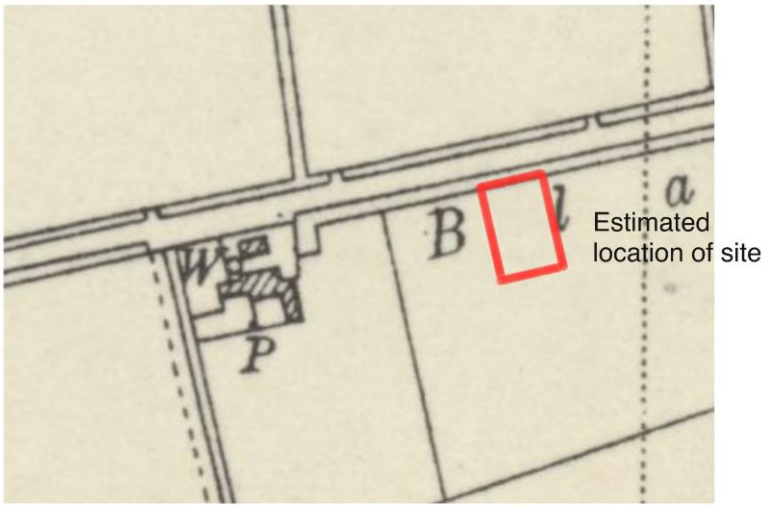


Fig. 6 Ordnance Survey map of 1948

The 1948 map again shows no significant change from the 1887 map. Again, the proposal site is not developed, it is just part of a field in agricultural use.

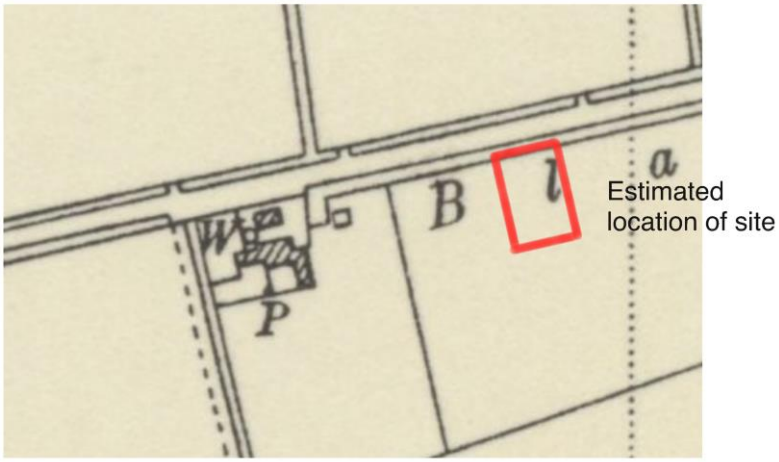


Fig. 7 Ordnance Survey map of 1951

The 1951 map shows a small new building immediately to the east of Marriott Farm, but again, the proposal site is not developed, it is just part of a field in agricultural use.



Fig. 8 Aerial photo from approximately 1999

The 1999 image shows the bungalow west of the site ‘Chesterton’ extant and the agricultural building on the site. This confirms that the agricultural building was constructed between 1951 and 1999.



Fig. 9 Aerial photo from approximately 2007

The 2007 image shows no change from the 1999 image.



Fig. 10 Aerial photo from approximately 2018

The 2018 image shows no change from the 1999 image, except for a water tank on land to the south.

The maps and images reviewed in this study confirm that the site was in use for agricultural purposes from at least as early as 1887. No development occurred on site until after 1951, the extant agricultural building is believed to date from the early 1970's and is the only development that has ever occurred on this site. The site has been in agricultural use, uninterrupted since at least the late 19th Century.

Planning History:
A search of the planning applications on the SHDC website revealed several applications nearby, though none on the site that forms the focus of this proposal. Nearby applications of note were as follows:

Ref:	-	H14-0246-22
Description	-	Extension and alterations connecting barn to dwelling.
Location	-	Marriotts Farm, Black Hole Drove, PE11 3QL
Decision	-	Conditional Approval
Decision date	-	05.05.22

Ref:	-	H14-0782-15
Description	-	Conversion of part of barn to dwelling (continuation).
Location	-	Marriotts Farm, Black Hole Drove, PE11 3QL
Decision	-	Conditional Approval
Decision date	-	16.10.15

Ref:	-	H14-0653-99
Description	-	Conversion of farm buildings to residential with garage.
Location	-	Marriotts Farm, Black Hole Drove, PE11 3QL
Decision	-	Conditional Approval
Decision date	-	27.08.99

Architectural Appraisal

The agricultural building is typical of the type erected by D A Green of Whaplode, throughout the second half of the 20th Century. It is substantial and robust, comprising a steel portal framed structure enclosed on all sides by corrugated wall and roof claddings. It has translucent rooflights along its length and has large sliding doors to the front and rear elevations, the front one of which also has a wicket door for pedestrian access. The building has a substantial concrete floor slab throughout. The building has a metered mains power supply.
The building is generally in very good order.
The land surrounding the building is generally grass covered, with small concrete aprons immediately abutting the north and south elevations of the building. The land between the building and Black Hole Drove, has some tarmac plannings and gravel on it which enable vehicular access. There is no evidence of ground staining nor other visible signs of pollutants. There is a neighbouring residential dwelling to the west, though views to this are partially screened by fencing and high vegetation.

Permitted Development – Assessment under Class Q – Statement of Case

The following text seeks to address each element of the Class Q assessment and sets out to provide evidence in support of the application. The Council is respectfully asked to consider the statute and accompanying case law in order to determine whether or not the proposal complies with the provisions of Class Q of Part 3 to Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development Order) 2015 (as amended).

The requirements of this legislation are set out below:

The Order

The Order defines the following:

Permitted development is as follows:

Q. Development consisting of:

a. 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 (dwellinghouses) of the Schedule to the Use Classes Order.
b. Development referred to in paragraph (a) together with building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouse) of that Schedule.

Development not permitted:

Q1. Development is not permitted by Class Q if:

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.

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 meters;

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

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 meters.

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 meters 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;

e. The site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained.

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;

g. Development under Class A(a) or Class B(b) 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;

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;

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);

j. The site is 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;

l. The site is, or contains, a scheduled ancient monument; or

m. The building is a listed building.

Conditions

Q2 – (1) Where the development proposed is development 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 of the site,
(d) Flooding risks of 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 under Class C3 (dwellinghouses) of the Schedule to the Use Classes Order,
(f) The design and external appearance of the building,
(g) The provision of adequate natural daylight in all habitable rooms of the dwellinghouse.

And the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

Q2 – (2) where the 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 (1)(a) to (e) and (g) and the provisions of paragraph W (prior approval) of the Part apply in relation to that application.

Q2 – (3) development under Class Q is permitted subject to the condition that development under Class Q(a) and under Class Q(b), if any, must be completed within a period of 3 years starting with the prior approval date.

Assessment of compliance with all parts of the requirements:

Development permitted (the order states that the following development is permitted):

Class Q (a)
The proposal is for the 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 (dwellinghouses) of the Schedule to the Use Classes Order.
The proposal is to change an established agricultural building to a dwellinghouse, and so is relevant and compliant.

Class Q (b)
The development referred to in paragraph (a) together with building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouse) of that Schedule.
The proposal accords with Q(a) and requires only building operations necessary to convert the building to a use falling within Class C3 (dwellinghouses) of the schedule, therefore this is again relevant and compliant with Q (b).

Development not permitted (the order states that the following development is not permitted)

Development is **not permitted** under Class Q if:

Q1 ai The site was not in use solely for an agricultural use as part of an established agricultural unit on 20th March 2013.
The site was solely in use as part of an established agricultural unit on 20th March 2013 and has been in the same continuous use since that date. This is evidenced by correspondence from David Matthews of G & D Matthews Limited a copy of which accompanies this application (see appendix A).
Q1 ai is therefore satisfied.
Q1 aii is not relevant because Q1 ai is satisfied.
Q1 aiii is not relevant because Q1 ai is satisfied.

Q1 bi (aa):
in the case of a larger dwellinghouse, within an established agricultural unit the cumulative number of separate larger dwellinghouses developed under Class Q exceeds 3;
The proposal results in only 1 dwellinghouse and therefore does not exceed the threshold of 3.
Q1 bi (aa) is therefore satisfied.

Q1 bi (bb):
In the case of a larger dwellinghouse, within an established agricultural unit the cumulative floor space of the existing building or buildings changing use to a larger dwellinghouse or dwellinghouses under Class Q exceeds 465 square meters;
The floor space of the existing agricultural building is 214 square meters and therefore the threshold of 465 square meters is not exceeded.
Q1 bi (bb) is therefore satisfied.

Q1 ba:

The floor space of any new dwellinghouse developed under Class Q having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeds 465 square meters;
The floor space of the existing building is 214 square meters, and the proposal does not extend beyond the existing floorspace. The proposal is for a single dwelling and is therefore less than the 465 square meter threshold.
Q1 ba is therefore satisfied.

Q1 c Smaller dwellinghouses
(aa) In the case of a smaller dwellinghouse, within an established agricultural unit the cumulative number of separate dwellinghouses developed under Class Q exceeds 5.
The proposal is not for smaller dwellinghouses, therefore clause Q1 c (aa) is not relevant in this case.
(bb) In the case of a smaller dwellinghouse, within an established agricultural unit 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 meters.
The proposal is not for smaller dwellinghouses, therefore clause Q1 c (bb) is not relevant in this case.

Q1 d i:
The development under Class Q (together with any previous development under Class Q) within an established agricultural unit would result in a larger dwellinghouse or larger dwellinghouses having more than 465 square meters of floor space having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order.
As previously indicated, the existing floorspace is 214 square meters and the proposal will not exceed this, therefore the 465 square meter threshold is not exceeded.
Q1 di is therefore satisfied.

Q1 d ii:
The development under Class Q (together with any previous development under Class Q) within an established agricultural unit would result in 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 proposal is for 1 dwellinghouse, therefore the threshold of 5 is not exceeded.
Q1 d ii is therefore satisfied.

Q1 e:
The site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained.
The site is not occupied under a tenancy agreement. This is evidenced by correspondence from David Matthews of G & D Matthews Limited a copy of which accompanies this application (see appendix A).
Q1 e is therefore satisfied.

Q1 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;

There has not been an agricultural tenancy over the site, and none has been terminated. This is evidenced by correspondence from David Matthews of G & D Matthews Limited a copy of which accompanies this application (see appendix A).

Q1 f is therefore satisfied.

Q1 g:
Development under Class A(a) or Class B(b) 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;

No development under Class A (a) or Class B(b) of Part 6 of this schedule has been carried out on this established agricultural unit. This is evidenced by correspondence from David Matthews of G & D Matthews Limited a copy of which accompanies this application (see appendix A).
Q1 g is therefore satisfied.

Q1 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 development would not result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point. The proposal drawings prove that this is the case, the external dimensions of the proposed building are the same as on the existing building.
Q1 h is therefore satisfied.

Q1 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);

Externally the conversion works will only require the installation / replacement of windows, doors, roofs and exterior walls. The structural report concludes that 'The structure is in sound condition and has robustly withstood the elements and farm use for many years.' It is considered likely that this agricultural building, constructed in accordance with BS5502, could accept additional loading to accommodate change of use to form suitable domestic occupation, without any significant improvements.'
The development would also require building operations to allow services necessary for the building to function as a dwellinghouse as allowed by this criterion.

Clearly the conversion works will require some building works internally, in this respect the website https://www.gov.uk/guidance/when-is-permission-required provides the following guidance:

'Internal works are not generally development. For the building to function as a dwelling it may be appropriate to undertake internal structural works, including to allow for a floor, the insertion of a mezzanine or upper floors within the overall residential floor space permitted, or internal walls, which are not prohibited by Class Q.'
Paragraph: 105 Reference ID: 13-105020180615

The above has been reinforced by approvals granted by SHDC for Class Q Prior Approval Notification applications where the works included internal partitions, mezzanine floor and internal intermediate floors. Examples are:

H16-0324-21 South Drove North, Spalding.
H12-0776-21 Lutton Garnsgate, Long Sutton.

The works proposed in this current application are therefore believed to accord entirely with the permitted list and in no way extend beyond it.
Q1 i is therefore satisfied.

Q1 j:
The site is on article 2(3) land.
The site is not on article 2 (3) land.
Q1 j is therefore satisfied.

Q1 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 proposal site is not a site of specialist scientific interest, nor a safety hazard area, nor a military explosives storage area.
Q1 k is therefore satisfied.

Q1 l:
The site is, or contains, a scheduled ancient monument;
The site is not a scheduled ancient monument, neither does it contain one.
Q1 l is therefore satisfied.

Q1 m:
The building is a listed building.
The building is not a listed building.
Q1 m is therefore satisfied.

<u>Conditions:</u>

Q2 – (1):
Where the development proposed is development 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,
The existing access to the site is via Black Hole Drove. This can be used without any changes to serve the dwelling. Appropriate parking provision for a single dwelling can be achieved on site.
The change in use from agricultural to residential will not result in any material issues regarding highways or transportation, given the existing use and the traffic generation associated with the agricultural use. The change of use will not require any alterations to Black Hole Drove and any traffic generated will not compromise highway safety. Visibility along Black Hole Drove from the site access point is very good in both directions.

(b) Noise impacts of the development,

The site does not sit within close proximity of any significant noise generating sources. As such there will be no issues of compatibility from the perspective of residential use. There are other residential properties along Black Hole Drove, the closest being to the west of the site. Therefore, the conversion of the building from agricultural to residential will be very compatible in this location.

(c) Contamination risks of the site,

The building is in agricultural use, and this has been the case since its construction which is believed to have been in the early 1970s. The site has not been used for the storage of fuel or any hazardous substances or materials and it has not been occupied for hazardous processes. This is evidenced by correspondence from David Matthews of G & D Matthews Limited a copy of which accompanies this application (see appendix A).

As indicated previously within this report in the site history section, prior to the construction of the building the site was in agricultural use as least as far back as the 19th Century. It has not previously been developed.

It was suspected that the building may be constructed of Asbestos Containing Materials (ACM) and so a Refurbish and Demolition Asbestos Survey has been undertaken. This confirms that the wall cladding, roof claddings and rainwater goods contain Chrysotile. The material risk scores contained within the Material Assessment record risk levels of 4 against both cladding types and the rainwater goods. A score of 4 is defined as 'very low risk'. It is noted that the material is generally in good condition and the surveyor has advised that its safe removal should pose no difficulties, with little risk of resulting contamination of the wider site.

A Phase 1 Desk Study prepared by Elemental GI Ltd is also provided as part of the application pack addressing the site generally.

(d) Flooding risks of the site,

The application documents include a site-specific flood risk assessment. This identifies that the site is within Flood Zone 3, but offers mitigations in respect of flood risk. The assessment also indicates that the proposal satisfies both the Sequential and Exceptions tests. SHDC has recently demonstrated how flood risk in Class Q conversions can be overcome and made acceptable following approval within the district. A recent example is:

H12-0776-21 Notification to determine if prior approval is required for Change of Use of agricultural building to a Dwellinghouse (Use Class C3) – Lutton Garnsgate, Long Sutton, Spalding, PE12 9JP.

(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 under Class C3 (dwellinghouses) of the Schedule to the Use Classes Order,

The Government's Planning Practice Guidance advises as follows:

The Permitted Development Right does not apply a test in relation to sustainability of location. This is deliberate as the right recognises that many agricultural buildings will not be in village settlements and may not be able to reply on public transport for their daily needs. Instead, the local Planning Authority can consider whether the location and siting of the building would make it impractical or undesirable to change use to a house. (Ref: ID 13-108-20150305)

Regarding the terms impractical or undesirable:
The NPPG advises that impractical or undesirable are not defined within the regulations, and the local planning authority should apply a reasonable ordinary dictionary meaning in making any judgement. Impractical reflects that the location and siting would 'not be sensible or realistic', and undesirable reflects that it would be 'harmful or objectionable'.

When considering whether it is appropriate for the change of use to take place in a particular location, a local planning authority should start from the premise that the permitted development right grants permission, subject to the prior approval requirements. That an agricultural building is in a location where the local authority would not normally grant planning permission for a new dwelling is not an adequate reason for refusing prior approval.

There may, however, be circumstances where the impact cannot be mitigated. Therefore, when looking at location, local planning authorities may, for example, consider that because an agricultural building on the top of a hill with no road access, power sources or other services its conversion is impractical. Additionally, the location of the building whose use would change may be undesirable if it is adjacent to other uses such as intensive poultry farming buildings, silage storage or buildings with dangerous machines or chemicals.

In this context, the site is in a suitable location for the proposed change of use and there is no evidence that a residential (C3) use would be impractical or undesirable in this location. The site is adjacent to existing residential properties along Black Hole Drove and consequently the use of the site for residential purposes would be compatible with this. There is an existing access which links the property to Black Hole Drove.

(f) The design and external appearance of the building,
Drawings produced by Oglesby and Limb Limited form part of this application and show the building as existing and as proposed. These demonstrate that the external appearance of the building will remain largely unaltered, other than for the inclusion of doors and windows to facilitate the conversion. The external cladding materials have been specified to carefully respect the agricultural nature of the setting. The Council is asked to note that the extent of the works proposed fall within what is permitted within the regulations.

(g) The provision of adequate natural daylight in all habitable rooms of the dwellinghouse.
A Daylight Assessment is provided as part of the application which is based on this specific design. This comprised a 3D computer model as the basis for a desk-based BRE Daylight and Sunlight Assessment. The report is produced by Elmstead Energy Assessments and Building Services. The report concludes that all habitable rooms will benefit from adequate natural light.

<u>Other considerations:</u>

<u>Curtilage</u>

Paragraph W highlights that for the purposes of Class Q, 'curtilage' means:

a) The piece of land, whether enclosed or unenclosed, immediately beside or around the agricultural building, closely associated with and serving the purposes of the agricultural building, or

b) An area of land immediately beside or around the agricultural building no larger than the land area occupied by the building.

The proposed curtilage is 213 square meters, as demonstrated by the site block plan that accompanies this application. This is less than the footprint of the agricultural building to be converted (214 square meters) and therefore this criterion is met.

Space Standards

The Department for Communities and Local Government publication 'Technical housing standards – nationally described space standards' (March 2015 – updated 19 May 2016) sets out area requirements for new dwellings. The table provided on drawing A1531-14 illustrates that all minimum standards are exceeded within the proposed design. Notably the following:
The gross internal floor area for a single storey, 3 bed property should be at least 95 square meters with an additional 2.5 square meters of storage space.
The proposed design achieves over 200 square meters and is therefore compliant.
In order to provide a two bedspaces, a double (or twin) bedroom has a floor area of at least 11.5square meters.
The three bedrooms in this design achieve areas of 21.52m2, 17.50m2 and 24.32m2 and are therefore compliant. Minimum dimensions (given on the drawing) are also compliant.

The design complies fully with the minimum space standards in every respect.

Conclusion of Assessment of Compliance

The procedure for consideration and determination of prior approval applications required under Class Q (and various other classes) is set out at section W of Schedule 2 Part 3, Paragraph W (3) states that:

'The local authority may refuse an application where, in the opinion of the authority –

(a) The proposed development does not comply with, or

(b) The developer has provided insufficient information to enable the authority to establish whether the proposed development complies with, any conditions, limitations or restrictions specified in this Part as being applicable to the development in question'.

The proposal makes clear the following:

1. The application refers to the change of use of a building in agricultural use, together with its curtilage, to a Class 3 dwellinghouse.
2. The proposal includes building works that all fall within the limits permitted by Class Q.
3. The site was solely in agricultural use on the 20th March 2013 and was in the same use for decades prior to this, and has been in the same use to this day.
4. The proposal concerns only 1 larger dwellinghouse.
5. The proposal is for a building where the floor area is less than the threshold of 465 square meters.
6. The proposal does not involve smaller dwellinghouses.
7. The site is not occupied under an agricultural tenancy.
8. No agricultural tenancies have been terminated in the last year.
9. No works have been undertaken to the site under Class A(a) or Class B(b) of Part 6 of this Schedule since 20th March 2013.

10. The development does not result in the external dimensions of the existing building being exceeded at any point.
11. The proposed building works required do not exceed those permitted under Class Q.
12. The site is not on article 2 (3) land.
13. The site is not a site of special scientific interest, nor a safety hazard area, nor a military explosives storage area.
14. The site is not a scheduled ancient monument, nor does it contain one.
15. The building is not a listed building.
16. All matters referred to as ‘Conditions’ are believed to be satisfied.

On the basis of the foregoing report and accompanying submission it is respectfully concluded that the proposed conversion of the agricultural building complies with all aspects of the Class Q requirements and on this basis does not require planning approval for its conversion to a dwelling.

Appendix A: Letter from site owner Mr. David Matthews

6th April 2023

Andrew Oglesby
Oglesby & Limb Limited
Suite 1 Market Chambers
12 Market Place
Spalding
Lincolnshire
PE11 1SL

Dear Andrew

Agricultural Building on Black Hole Drove, West Pinchbeck, Spalding, Lincolnshire, PE11 3QL

I write concerning the above site, for which you are making a Prior Approval Notification application to South Holland District Council. You have asked me some specific questions, and I now write to provide the answers below.

1. Was the site solely used as part of an agricultural unit on 20th March 2013?
   Yes, I can confirm that I purchased the site in 1992, it was already in use for agricultural purpose and it has been used only for agriculture ever since. The site has never been used for anything else. I grew up locally and I have childhood memories of the shed being constructed, I believe in about the early 1970s, it was always an agricultural shed.

2. Is the site occupied under a tenancy agreement?
   No, I own and use the site for my own agricultural operation, so there are no agricultural tenants.

3. If the site is occupied under an agricultural tenancy, has the express consent of both landlord and tenant been obtained to the proposed change of use?
   As stated previously, there is no agricultural tenancy for this site, neither has there been one since my ownership began in 1992.

4. Has any work of any kind been undertaken on this site since 20th March 2013?
   No, there has been no building work, alterations etc or anything else on this site since I purchased it in 1992.

5. Has the site been used for the storage of fuel or hazardous chemicals?
   No, this has not been the case for as long as the site has been in my ownership.

6. Are you aware of any pollution of the site?
   No, as far as I am aware nothing has occurred that would cause pollution since I have owned the site. I have not seen any signs of pollution of any kind since I have owned the site.

I hope that this letter provides the information that you need, however should you have any further questions please let me know.

Yours sincerely



David Matthews
G & D Matthews Limited