DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H14-0359-23**	**Applicant:**	**Mr A Oglesby**
Proposal:	Conversion of agricultural barn into residential dwelling		
Location:	Black Hole Drove West Pinchbeck Spalding		
Terminal Date:	9th June 2023		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019
National Guidance **National Planning Policy Framework 2021** **T & CP (GPD) Order 2015** Class Q

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
WARD MEMBER	0	0	0	0
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
BLACK SLUICE INTERNAL DRAINAGE BOARD	0	0	0	1
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

Proposal

The application is for a change of use of an existing agricultural building into a 3 bed dwelling under Class Q of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015.

Site Description

The site comprises an agricultural building together with a small area of land that runs up to the southern edge of Black Hole Drove. The building is believed to date from the early 1970s. It remains in agricultural use in 2023 and it is understood that it has never been used for any other purpose.

There are a small number of dwellings, barn conversions and agricultural and commercial buildings scattered along the length of Black Hole Drove. The site has two dwellings located to the west of it. Agricultural land is situated to the east and south.

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.

Planning History

None

Consultation Responses

Pinchbeck Parish Council

If this fits with planning guidelines, then, reluctantly, its ok with me. Wouldn't want to live in something like that myself.

I have read through all the supporting documents. It is next door to two existing dwellings. I do think it is an ugly looking thing and not sure who would want to live in it - but that isn't in itself grounds for refusal. My leanings towards approval would be in respect of improving the site/building visually and also because it is one individual dwelling only rather than a development of numerous identikit boxes. Additionally, if we need additional housing in the area, utilising existing but unused buildings could fulfil some of that need, without more land disappearing under development. I think a conditional approval from me which would include ensuring sufficient off-road parking and some site landscaping in keeping with it being residential.

The South East Lincolnshire Local Plan has a policy to control development in the countryside. This proposed development is within the open countryside. I see nothing about the design that is outstanding, and neither is this an exemplar of design. On that basis I would support refusal of this application.

I understand this is permitted development. It is a concern that we are seeing a number of these which are in open countryside.

LCC Highways/SUDs

No objection.

Black Sluice Internal Drainage Board

If the applicant proposes to discharge surface water or treated foul water to a watercourse, consent would be required under Byelaw 3.

Piped watercourse along frontage. This watercourse should not be affected in any way.

Environmental Agency

Request condition.

Public

Objection received (summarised):

Concerns regarding
- noise & disturbance during preparation & building.
- removal of asbestos & implications of such.
- issues of dust etc during construction.
- access to my property for oil tank & septic tank.
- privacy having chosen to live in a remote position.

Planning 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.

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). Paragraph 105 indicates that "it is not the intention of the permitted development right to allow rebuilding work which would go beyond what is reasonably necessary for the conversion of the building to residential use. Therefore, it is only where the existing building is already suitable for conversion to residential use that the building would be considered to have the permitted development right".

The guidance of the PPG is therefore clear and accords with the High Court judgement Hibbitt v Secretary of State for Communities and Local Government, and Rushcliffe Borough Council. The latter concludes that Part 3 Class Q of the GPDO allows a "conversion" but does not allow a "re-build" or "fresh build".

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 214sqm. It is used for general agricultural storage. The building is in good overall condition with no significant damage.

The structural report accompanying the application indicates that the building could accept additional loading to accommodate change of use to form suitable domestic occupation without significant improvements. Based on this advice, it is considered that the proposal constitutes a conversion, as opposed to a re-build or fresh build, since it does not involve a substantial rebuilding of the pre-existing structure. As such, it is considered that the proposal satisfies the requirements of paragraph Q.1(i) and PPG.

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 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;

(a) Transport/Highways - The existing access to the site is via Black Hole Drove. The change in use from agricultural to residential would not result in any material issues regarding highways or transportation, given the existing use and the traffic generation associated with the agricultural use. Visibility along Black Hole Drove from the site access point is very good in both directions. LCC Highways has stated that, subject to sufficient car parking space being provided within the curtilage of the site, for residents and visitors, the proposed use of this agricultural building, as a dwelling, would not be expected to have an unacceptable impact upon highway safety and therefore does not object to this application. In terms of parking, an area in front of the building is available for use.

(b) Noise Impacts - The site does not sit within close proximity of any significant noise generating sources. As such there would 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.

In terms of amenity generally, a bungalow (Chesterton) is situated to the west of the site. An entrance door and bathroom window are situated on the western elevation, plus high-level roof lights. Given the design of the dwelling and separation distances from nearby dwellings it is considered that the amenity of occupiers of neighbouring properties would not be materially harmed in terms of overlooking, lack of privacy, overshadowing, overbearing effect, noise and disturbance, etc, subject to a construction management condition.

(c) Contamination - 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 applicant has indicated that 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. Nevertheless, the Phase 1 Report concludes that further works will be necessary; namely,
1) Completion of a targeted / shallow Phase II geo-environmental intrusive site investigation to confirm the quality of near-surface soil; and
2) Confirmation of the deeper ground profile and strength to confirm foundation recommendations.

Due to the former agricultural use of the land and buildings and in light of the above a contaminated land condition is recommended.

Mention has been made of the presence of asbestos on site. This can be addressed as part of the contaminated land condition. Disposal of asbestos falls within the remit of the Health and Safety Executive.

(d) Flood Risk - The site to which the application relates is within Flood Zone 3. However, it is outside the area of risk within the South East Lincolnshire Strategic Flood Risk Assessment, 2017. Moreover, the proposal is a conversion so, in accordance with Paragraph 167 of the National Planning Policy Framework, 2021, the proposal should not be subject to the sequential or exception tests. However, it should still meet the requirements for a site-specific flood risk assessment.

The proposal is a "more vulnerable development". The flood risk assessment accompanying the application indicates that there is a residual risk during a breach of the fluvial defences with flood depths up to 1.0m on the agricultural land surrounding the site and flood depths up to 0.5m around the building. The estimated flood level is +3.1m OD. It is proposed that the floor level of the habitable rooms within the dwelling are +3.25m OD and there is 0.3m of flood resilient construction above finished floor level.

(e) Location and Siting - The site is relatively isolated. However, it has previously been established that applications such as this cannot be resisted on these grounds. The site has a satisfactory relationship with neighbouring dwellings/development.

(f) Design/external appearance - The submitted drawings 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 respect the agricultural nature of the setting. The extent of the works proposed fall within what is permitted within the regulations. The proposed external works are considered acceptable in terms of design/appearance.

(g) The provision of adequate natural light in all habitable rooms of the dwellinghouses - 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 concludes that all habitable rooms will benefit from adequate natural light.

Ecology - This is not technically a consideration under Class Q. Nevertheless, it is recommended that a note be attached advising of the applicant's obligations under the Wildlife and Countryside Act, 1981.

Other Matters - Reference has been made to "access to my property for oil tank & septic tank". This is a civil as opposed to planning matter.

Conclusion

The proposal constitutes permitted development and complies with the relevant conditions under Class Q of Part 3 of Schedule 2 of The Town and Country Planning (General Permitted Development) Order, 2015.