

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H14-0922-22 **Applicant:** J W E Banks & Partners

Proposal: Change of use of agricultural buildings to form 3 dwellings and associated works

Location: Wisteria Farm North Gate West Pinchbeck

Terminal Date: 21st November 2022

Planning Policies**South East Lincolnshire Local Plan - Adopted: March 2019****National Guidance****National Planning Policy Framework 2021****Planning Practice Guidance Town & Country Planning (GPDO) Order 2020 (as amended)****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
BLACK SLUICE INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT**PROPOSAL**

The application at Wisteria Farm, North Gate, Pinchbeck is for a change of use of agricultural buildings to form 3 dwellings under Class Q of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2020 (as amended). The site will be accessed via

an existing access to the south-west of the existing Wisteria Farm dwelling.

The proposed dwelling at Plot 1 will be single storey and will contain a cycle / garden store, three bedrooms, an en-suite, bathroom, utility and a combined kitchen / living area. The existing common brick will remain with the roof replaced with zinc cladding. Windows and doors will be powder coated aluminium anthracite. Two parking spaces are sited adjacent to this plot.

Plots 2 and 3 will be sited within an existing grain store building. Plots 2 and 3 will be mirror images of each other and will contain three bedrooms, a bathroom, utility and a combined kitchen / living area. Two parking spaces will be sited to the side of each plot. The existing fibre cement cladding will be treated with sealant. The roof will be recovered using raised seam zinc cladding. Windows and doors are to be powder coated aluminium anthracite.

SITE DESCRIPTION

The site is located in open countryside on the northern side of North Gate. It is occupied by the Wisteria House dwelling to the east, with the agricultural buildings served off a separate access.

A dwelling known as Alicern Cottage is located approximately 130 metres to the east of the site. Arable fields are located to the north, east, south and west with dwellings located 500 metres to the west. The site is partially in Environment Agency Flood Zone 3, and is subject to A "Danger for Some" hazard with a maximum flood depth of 0.5 metres on the 2115 South Holland Strategic Flood Risk Mapping.

PLANNING HISTORY

H14-1053-91

Full - Erection of bungalow in connection with business use - Refused - 24 January 1992.

CONSULTATION RESPONSES

Lincolnshire Parish Council - Highways & SUDS Officer

No objections - *"This proposal is for the change of use of agricultural buildings to form 3no. dwellings and associated works and will utilise the existing access which meets the guidelines set out in Manual for Streets. Adequate provision for car parking and turning space has been provided within the limits of the site to allow vehicles to enter and leave in a forward gear and therefore, it is considered that this proposal would not result in an unacceptable impact upon highway safety."*

"As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to drainage and surface water flood risk on all Major applications. This application is classified as a Minor Application and it is therefore the duty of the Local Planning Authority to consider the surface water flood risk and drainage proposals for this planning application."

Pinchbeck Parish Council

"Recommend refusal as the site is within open countryside and is outside of the settlement boundary as defined in the SELLP." - This application is a Class Q Prior Approval application so the dwelling being outside of defined settlement limits carries no material weight in the assessment criteria for the conversion of the agricultural buildings.

Black Sluice Internal Drainage Board

Requests further drainage details. This matter can be addressed via condition.

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.

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.

It is considered that the structure is suitable for conversion into living accommodation without any 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 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;
- (g) The provision of adequate natural light in all habitable rooms of the dwellinghouses.

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 - Adequate parking would be provided within the site (at least 2 spaces). LCC Highways does not wish to restrict the grant of permission.

Noise Impacts - A dwelling known as Alicern Cottage is located approximately 130 metres to the east of the site. Arable fields are located to the north, east, south and west with dwellings located 500 metres to the west. The general relationship to nearby dwellings, is considered to be such that the proposed use would not harm the amenity of neighbouring residents to a significantly greater degree than at present, including noise impacts.

Contamination - There is no known contamination present on site. An unexpected contamination informative will be added to the decision notice.

Flood Risk - The site is partially in Environment Agency Flood Zone 3, and is subject to a "Danger for Some" hazard with a maximum flood depth of 0.5 metres on the 2115 South Holland Strategic Flood Risk Mapping. However, the proposal is a conversion so, in accordance with Paragraph 167 of the National Planning Policy Framework, 2021, it should not be subject to the sequential or exception tests. However, it should still meet the requirements for a site-specific flood risk assessment and be as safe as possible.

The submitted Flood Risk Assessment proposes a finished floor level of 3.65mAOD. This level within each building would satisfactorily address flood risk. A ramped access is provided to the main

entrance door on each plot.

Location and Siting - The site is presently part of an existing disused farmyard. Issues concerning potential noise have already been addressed. The site is relatively isolated. However, it has previously been established that applications such as this cannot be resisted on these grounds.

Design/external appearance - The scheme largely retains the existing character/appearance of the building and maintains the agricultural aesthetics of the site. It is considered acceptable on balance.

Adequate natural light - There are not large buildings or trees adjacent to the proposed dwellings and it is considered that each Plot received adequate natural light.

This proposal accords with all of the above criteria.

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.