

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H14-1146-21 **Applicant:** Mr & Mrs Cassidy
Proposal: Change of use of agricultural building to a single dwelling
Location: Money Bridge Lane West Pinchbeck Spalding
Terminal Date: 26th January 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 2015 (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
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

PROPOSAL

The application is for a change of use of an existing agricultural building at Money Bridge Lane,

West Pinchbeck into a four bedroom, single storey dwelling under Class Q of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). The proposed dwelling would contain four bedrooms, two en-suites, two carports, a snug, study, dressing room, bathroom, utility, wc, kitchen, dining area and a lounge. Existing brickwork will be used wherever possible, with black fibre cement sheet replacing the existing corrugated cladding. Terracotta pantiles are to be reused for the lounge area. Windows, doors and rainwater goods are to be black UPVC. The dwelling will utilise an existing agricultural access off Money Bridge Lane. The submitted Design & Access Statement states that landscaping is to remain as existing.

SITE DESCRIPTION

The site is located in open countryside on the eastern side of Money Bridge Lane. It is occupied by the existing agricultural building to be converted, with an additional corrugated steel agricultural building 10 metres to the north. A dwelling known as Peartree House is located to the south west of the site on the opposite side of the road. Arable fields are located to the east, with dwellings located 180 metres to the north, and 205 metres to the south. The site is partially in Environment Agency Flood Zone 3, and is subject to "low hazard" with a maximum flood depth of 0.25 metres on the 2115 South Holland Strategic Flood Risk Mapping.

PLANNING HISTORY

None relevant.

CONSULTATION RESPONSES

SHDC - County Highways & SUDS Officer

No objection - "The building presumably already has some form of surface water management system so similarly, the proposed conversion would not be expected to increase surface water flood risk. The existing vehicle access crossing is really only appropriate for an agricultural use and therefore needs to be made up to the County Councils specification appropriate for its proposed residential use."

The Officer requests standard access and utility informatives.

SHDC - Environmental Protection Officer

Requests an unexpected contamination informative.

Black Sluice Internal Drainage Board

Requests details of surface and foul water disposal. This matter can be addressed by condition. They also remind the applicant that if at any time they wish to culvert a watercourse, they must contact the Board in the first instance.

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 - An upgraded access would be constructed in accordance with LCC specification and 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 pair of semi-detached houses (nos. 2 & 3) are located 180 metres to the north and there is a detached dwelling to the south-west, Peartree House, with a property named The Old Chapel 205 metres to the south. 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.

An agricultural building is located to the north of the building, but this does not currently appear to be in use.

Contamination - Following the assessment of further additional information submitted, the Environmental Protection Officer has requested an unexpected contamination informatics.

Flood Risk - The site is partially in Environment Agency Flood Zone 3, and is subject to "low hazard" with a maximum flood depth of 0.25 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 Design & Access Statement shows the building almost entirely in Flood Zone 1, with the remainder of the site to the west in Flood Zones 2 & 3. In this instance a Flood Risk Assessment would add little information beyond the Strategic Flood Risk Mapping and therefore one has not been requested.

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 - Windows would be installed on the southern principal elevation as well as windows on the western, eastern and northern elevations. Being southern facing, this fenestration arrangement should assist in allowing adequate light in to the building.

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.