

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H14-0889-25 **Applicant:** Mr J Carter
Proposal: Conversion of agricultural barn to residential dwelling
Location: Nunnerley House Farm Leaveslake Drove West Pinchbeck
Terminal Date: 12th December 2025

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework December 2024

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	2
OTHER STATUTORY BODIES	0	0	0	2

CASE OFFICER ASSESSMENT

Proposal

The proposal seeks consent to establish if a prior approval application is required for the conversion of an agricultural building into a dwelling. Consent is sought under Schedule 2, Part 3, Class Q

After conducting a site visit, it was apparent that the submitted plans did not accurately show the building within the site that is proposed for conversion. This was queried with the applicant's agent and amended plans were subsequently provided which were considered to be more accurate. A structural survey report was also provided.

Site Description

The application site comprises land at Nunnerley House Farm, including an agricultural building and a vehicular access from Leaveslake Drive, which is located to the north of the site. The site is located within a rural area, being surrounded mostly by agricultural fields and located approximately 2.2km to the west of West Pinchbeck. Nunnerley House, a grade II listed building is located to the west of the site.

Relevant Planning History

No planning applications have previously been submitted within the site.

Consultation Responses

Responses have been received from the below referenced consultees. The responses are summarised below, however, the responses can be viewed in their entirety on South Holland District Council's website.

Lincolnshire County Council - Historic Environment: The proposal is unlikely to have an impact on significant archaeological remains. Consequently, no further archaeological input is necessary for this application.

Black Sluice Internal Drainage Board: A guidance sheet is enclosed for reference which may apply to the site dependant on surface and treated water discharge.

Lincolnshire County Council - Highways and SUDS Support: The existing access meets the guidelines set out in Manual for Streets for visibility, adequate parking provision is proposed within the limits of the site, and the proposal will not impact flood risk. Therefore, it is considered that the proposals would not result in an unacceptable impact of highway safety and flood risk. That said, the existing vehicle access is not appropriate for this or current use as it is just an unbound material and therefore, it will need to be made up to the County Councils specification within the extent of the public highway appropriate for its proposed residential use. Highways Informatives 03 and 08 are recommended.

Environmental Protection: I request a standard land contamination condition be applied at this location.

Conservation Officer:

First Response (21 October 2025): Grade II listed Nunnerley House. It is the applicant's responsibility to demonstrate that the barn does not fall within its curtilage, which should be evidenced through the appropriate Heritage Statement. If the barn is deemed to be curtilage listed, the applicant will be required to obtain Listed Building Consent. However, if the barn is proven not to be within the curtilage, a Heritage Impact Assessment must still be submitted, outlining how the proposed alterations to the barn would affect the listed building. Section 1(5) of the Planning (Listed Buildings and Conservation Areas) Act 1990: (5)In this Act "listed building" means a building which is for the time being included in a list compiled or approved by the Secretary of State under this section; and for the purposes of this Act- (a)any object or structure fixed to the building; (b)any object or structure within the curtilage of the building which, although not fixed to the building, forms part of the land and has done so since before 1st July 1948, shall be treated as part of the building. Paragraph 207 of the National Planning Policy Framework (2024) states "In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting.

Second Response (08 December 2025): I have just looked through the amended information, and I do not believe that the building is curtilage listed. If the applicant is to come back with a full planning

application, then they need to better address the impact of the proposal to the listed building and its setting. Details regarding the landscaping, access, boundary treatments and external lighting have not been addressed and therefore, there impacts on the setting of the listed building are unknown. It is also advised that they look to The Greater Lincolnshire Farmstead Assessment Framework (The Greater Lincolnshire Farmstead Assessment Framework) for guidance on how to convert a barn within the setting of a listed building in a way that is sympathetic to both the barn itself and the wider farmstead context.

Pinchbeck Parish Council: No response received.

Cllr S A Slade: No response received.

Cllr J Avery: No response received.

Cllr E J Sneath: No response received.

Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, no letters of representation have been received.

Planning Assessment

Whether the Proposal Comprises Permitted Development

It is first necessary to consider whether the proposed works comprise permitted development.

Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), allows for the conversion of agricultural buildings and buildings within agricultural units to residential dwellings. This is subject to certain conditions and restrictions, including the requirement for applicants to apply to the local planning authority (LPA) to determine if a prior approval application is necessary.

Class Q permits development comprising of a change of use of a building within an agricultural unit to residential use (Use Class C3), including any land within the curtilage of the building. Class Q allows for any building operations 'reasonably necessary' to convert the building and now allows for extensions.

Paragraph Q.1 of Class Q includes parts a) to p), and these specify the circumstances under which development is and is not permitted. The proposed building conversion is assessed against these criteria below.

"a) in the case of a site that is part of an established agricultural unit, the site was not part of the established agricultural unit

(i) on 24th July 2023, or

(ii) where the site became part of the established agricultural unit after 24th July 2023, for a period of at least 10 years before the date development under Class Q begins"

- According to the application form, the site was part of an agricultural unit on 24 July 2023.

"b) in the case of a site that was (but is no longer) part of an established agricultural unit

(i) the site was part of an established agricultural unit on 24th July 2023,

(ii) where the site ceased to be part of an established agricultural unit after 24th July 2023, the site has not been part of the established agricultural unit for a period of at least 10 years before the date development under Class Q begins, or

(iii) since ceasing to be part of an established agricultural unit, the site has been used for any non-agricultural purpose"

- According to the application form, the site is part of an agricultural unit.

"c) the floor space of any dwellinghouse developed under Class Q having a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order exceeds 150 square metres"

- The proposed dwelling features approximately 97sqm of internal floorspace, thereby not exceeding the 150sqm allowance.

"d) The development under Class Q, together with any previous development under Class Q, within the original limits of an established agricultural unit (see paragraph Q.3(2) of this Part) would result in

*(i) the cumulative number of separate dwellinghouses having a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order exceeding 10, or
(ii) the cumulative floor space of dwellinghouses having a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order exceeding 1,000 square metres"*

- According to the submitted application form, no work under the permitted development rights for the erection, extension or alteration of a building reasonably necessary for the purposes of agricultural has been carried out on the agricultural unit during the 10 year period before development begins. The proposed number of dwellings would not exceed 10, nor would the floorspace exceed 1,000sqm.

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

- According to the application form, the site is not occupied under any agricultural tenancy agreements.

"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"*

- According to the application form, no agricultural tenancies relating to the site have been terminated in the last year.

"g) Development under Class A(a) or Class B(a) of Part 6 of this Schedule (agricultural buildings and operations) has been carried out on the established agricultural unit during the period which is 10 years before the date development under Class Q begins"

- It is not considered that development under Class A(a) or Class B(a) has not taken place within the unit in the past 10 years.

"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, other than

*(i) extension of the building allowed by paragraph Q.1(i);
(ii) protrusions of up to 0.2 metres to accommodate building operations allowed by paragraph Q.1(j)(i)*

- The proposal would not result in protrusions over 0.2m.

"i) the development under Class Q(b) would result in an extension that

*(i) has more than one storey,
(ii) is sited anywhere other than to the rear of the existing building,
(iii) extends beyond the rear wall of the existing building by more than 4 metres,
(iv) has eaves the height of which exceed the height of the eaves of the existing building,
(v) is higher than whichever is the lower of
(aa) the highest part of the roof of the existing building, or
(bb) a height of 4 metres above the ground,
(vi) extends beyond a wall that forms a side or principal elevation of the existing building, or
(vii) would be sited on land that, before the development under Class Q(b), is not covered by a hard surface that was provided on the land by virtue of any development, and
(aa) the hard surface was not provided on the land on or before 24th July 2023, or
(bb) where the hard surface was provided on the land after 24th July 2023, the hard surface has not been situated on the land for a period of at least 10 years before the date development under Class Q(b) begins"*

- No extensions are proposed.

"j) the development under Class Q(c) 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(j)(i)"

- National Planning Practice Guidance and case law make it clear that development under Class Q should not be so extensive as to amount to a 're-build'. As set out previously, initially the submitted plans were inaccurate, and this became evident after undertaking a site visit. Amended plans have been submitted to show the existing and proposed building more accurately.

In this case, no extensions are proposed, and the building would not be partially demolished. To facilitate the conversion, the proposal seeks to install external timber cladding and to install a zinc standing seam roof. Various windows and doors are proposed on the elevations of the building.

Concerns were raised with the applicant's agent regarding the structural stability and capability of the barn for conversion due to its seemingly poor condition. A structural survey report (SAL-25-077) was subsequently submitted. According to the report (Section 4.0):

"The building roof is significantly misaligned due to historical deflection of the roof structure.

The existing roof is in fair / poor condition. The existing roof trusses have been damaged in the past and some of the original diagonal members within the trusses are now missing.

Some of the bottom cord members in the trustees have been cut and additional timbers added to strengthen or repair the trusses. The damage to the original truss form would have released the internal forces present and contributed significantly to the deflection now present in the roof.

The principal vertical timber post members are in a fair condition. The vertical timbers along the exposed elevation are cracked and rotten in some local positions.

The type of foundation below the main principle vertical timbers was not visible during the inspection."

Section 5.0 of the report summarises the following:

"We recommend that the building has a new roof structure. This is required due to the deflected shape of the existing roof.

The existing timber principal posts and foundations can be reused. Any regions of the timber posts with splits or local rotten sections should be repaired in a manner allowing for retention of the existing timber posts. These timbers can be used to support the new roof structure either as existing or with strengthening measures added as required. The existing posts can be built into the new wall structure of the residential building.

The existing foundation should be exposed and ground conditions assessed as part of the building regulation phase.

The building is suitable for a class Q conversion structurally."

Whilst the report summarises that the building is suitable for a Class Q conversion, the LPA has concerns with the conclusions of the report. Class Q allows for the installation of new walls and roofs, which are proposed in this case. However, the building structure should be of a suitable condition to allow for conversion, rather than a re-build. The report sets out that the posts can be 'reused' and that some of the posts and vertical timbers are rotten. The full condition of the timber within the structure has not been through a comprehensive appraisal. As such, it is unclear how much of the existing structure is rotten or damaged and subsequently, the extent of the existing fabric of the building that would be retained or replaced. Given the condition of external elements of the building, which at least in some places appear to be rotten, damaged, or missing, it is probable that large areas will require replacement or significant repair if not replaced in their entirety.

The relevant legal principles relating to how to establish if a barn is capable of conversion using the

Class Q permitted development right were set out in *Hibbitt and Another v SSCLG & Rushcliffe Borough Council EWHC 2853 (Admin)*. Within the judgment, what represents a conversion or rebuild is not defined and as such, this is a matter of planning judgement on a case-by-case basis. The building should be capable of conversion to a residential use without works that would comprise a complete or substantial rebuild to the effect that it would result in the creation of a new building.

Notwithstanding the submitted structural report, it is considered that significant building works would be required to enable to re-use of the building for residential use. These would include a new roof, new external walls on all elevations, and potentially additional structural elements, as well as other works. Overall, the extent of the works required to facilitate the proposed residential use of the building goes beyond what could reasonably be described as a conversion, and would be so extensive as to comprise a rebuilding. As such, it is considered that the works required to facilitate the re-use of the building would exceed the limitations of part j.

"k) the site is on article 2(3) land"

- The site is not on article 2(3) land.

I) 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 site is not within a site of special scientific interest, a safety hazard area or a military explosives area.

"m) the site is, or contains, a scheduled monument"

- The site is not, nor does it contain a scheduled monument.

"n) the building is a listed building"

- There is a grade II listed building, Nunnerley House, located approximately 50m to the west of the building that is proposed for conservation. The LPA's conservation officer requested further information to clarify if the building is within the curtilage of the listed building. Further information was provided within a Design, Access and Heritage Statement. The information was subsequently reviewed by the conservation officer and they have set out that they do not consider that the building within the site is curtilage listed.

"o) the existing building, excluding any proposed extension under Class Q(b) but including any proposed building operations under Class Q(c), would not be capable of complying with the nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015 as read with the notes dated 19th May 2016 which apply to it"

- The proposed dwelling would comply with the nationally described space standard.

"p)the building does not have suitable existing access to a public highway"

- Access to the site is proposed from Leaveslake Drove, to the north of the site. Lincolnshire County Council's (LCC) highways team have set out that the exiting access meets the guidelines set out in Manual for Streets for visibility. The team have also set out that there would be adequate parking provision within the site. The team have recommended that as the existing access comprises unbound material, this should be upgraded to LCC's specification within the extent of the public highway.

To summarise, the proposed development is not considered to comprise permitted development as the building operations necessary to create a dwelling from the building would not fall within the scope that is permissible under Class Q.

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.

Conclusion

Taking the above considerations into account, it is considered that the proposed building operations necessary to create a dwelling from the building within the site would not fall within the scope of works permissible under Class Q. As such, the scheme would not be permitted under Schedule 2, Part 3, Class Q of the GPDO.

Recommendation

Based on the assessment detailed above, it is recommended that the proposal should be refused under delegated authority.