DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H15-0091-26**	**Applicant:**	**Ms Morter**
Proposal:	Proposed Barn Conversion into Residential including Extension - approved under H15-0216-24. Modification of Condition 2 to allow amendments to previously approved plans		
Location:	The Barn Adj. 182 Main Road Quadring		
Terminal Date:	31st March 2026		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
28	The Natural Environment
29	The Historic Environment
30	Pollution

National Guidance

National Planning Policy Framework December 2024

Section 2 - Achieving sustainable development
Section 4 - Decision-Making
Section 5 - Delivering a sufficient supply of homes
Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change
Section 16 - Conserving and enhancing the historic environment

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
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	0

OTHER STATUTORY BODIES	0	0	0	2

CASE OFFICER ASSESSMENT

Proposal

This is an application made under Section 73 of the Town and Country Planning Act 1990. Planning permission was achieved for a conversion of a barn to form a residential dwelling under H15-0216-24. This proposal seeks the modification of Condition 2 to allow amendments to previously approved plans. The changes include:

·The reduction in size of an approved rear extension.

This amendment would see that ground floor extension being reduced to 2775mm by 2663mm and include a W/C and potting shed. It would also include a timber framed covered walkway. The roof covering also appears to have changed to a seamed metal sheet, the reclaimed clay pantile roof is also shown to be retained.

Site Description

The application site relates to a disused barn associated with number 182 Mian Street, Quadring. The application site is located within the settlement boundary as identified by policies inset maps No 22. Whilst there are areas of flood zone 2 and 3 in the area (EA Flood Maps for planning) the application site is located within flood zone 1. The South East Lincolnshire SFRA shows Quadring to be in a low Hazard Area.

History

H15-0216-24- Proposed Barn Conversion into Residential including Extension. 12-09-24.

H15-0262-25 - Details of written scheme of archaeological investigation, full photographic building recording of site and schedule of external materials (Conditions 3, 4, 5, 6 & 7 of H15-0216-24). Approved 08-04-25.

H15-1214-25 - NMAT. Alterations to previously approved extension. Refused 7.01.26.

Consultation Responses

Welland and Deepings IDB

My previous comments made under both H15-0216-24, dated 24th May 2024 and H15-1214-25, dated 2nd January 2026 are still relevant and I attach them for ease of reference.

Highways & Suds Support

The proposal is for minor amendments to 2 that already has approval under H15-0216-24. The minor amendments proposed will not have an adverse impact upon the public highway or surface water flood risk.

Historic Places Team

A HBR was submitted as part of H15-0216-24. Consequently, no further archaeological input is necessary for this application. It is not necessary to consult us on this application again, unless there are material changes to the proposals. However, if you would like advice from us, please contact us to explain your request.

Environmental Protection

No comments regarding amendment to condition 2.

Evaluation - Section 73

The proposal relates to the variation of conditions attached of H15-0216-24, through seeking permission under Section 73 of the Act. The purpose of an application made under Section 73 of the Town and Country Planning Act 1990 is to vary or remove conditions associated with an existing planning permission. These applications are used to allow for amendments to an approved scheme and can be made both retrospectively and prior to a permission being implemented, as long as the permission is extant.

The Act is very clear that: "On such an application the Local Planning Authority shall consider only the question of the conditions subject to which planning permission should be granted." As such, the Local Planning Authority are not able to revisit the principle of development and only matters relevant to the specific conditions can be considered.

The effect of granting permission would be to issue a new permission with the relevant conditions amended, together with any other relevant conditions from the original permission, or subsequent relevant revisions since this permission.

Planning practice guidance highlights that where less substantial changes are proposed, amending a proposal can occur through 'Amending the conditions attached to the planning permission, including seeking to make minor material amendments'. The PPG clarifies that "Permission granted under Section 73 takes effect as a new, independent permission to carry out the same development as previously permitted subject to new or amended conditions.

The new permission sits alongside the original permission, which remains intact and unamended. It is open to the applicant to decide whether to implement the new permission or the one originally granted".

There is no statutory definition of a 'minor material amendment'; but this is likely to include any amendments where its scale and/or nature results "in a development which is not substantially different from the one which has been approved". In the case of R (Vue Entertainment Limited) v City of York Council, it was concluded that the decision gives clear support for use of s.73 in respect of changes to conditions which go beyond 'minor' amendments.

It places a clear emphasis on preserving the precise terms of the grant. If an amendment to a condition can be made which keeps the description of the development intact it may well be appropriate to make such an application under a s.73, even if the affect of the change will be significant".

Planning Considerations

The Key Topics for assessment are:

·Heritage and design
·Amenity
·Reattachment of conditions

Heritage and Design

The application building is a partially extant 19th-century farmstead, recorded within the Lincolnshire Historic Environment Record (Ref: MLI122482), and identified as a non-designated heritage asset.

Paragraph 216 of the National Planning Policy Framework (December 2024) relates to non-designated heritage assets and details that "the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset".

Policy 29 of the South East Lincolnshire Local Plan (SELLP) requires that development proposals conserve and enhance the character and appearance of both designated and non-designated heritage assets through high-quality, sensitive design. Policies 2 and 3 of the SELLP further require development to respond positively to local character, including considerations of scale, layout, and visual relationship with the surrounding area.

While the building retains historic interest, it has undergone significant alteration, including the addition of a two-storey brick extension in the mid-20th century and the loss of a substantial proportion of its original form (in excess of 50% of traditional buildings).

The principle of conversion has already been established under application H15-0216-24, where the Local Planning Authority accepted that the building could be brought back into viable use through a sensitive scheme of conversion and extension.

The current proposal seeks only to amend the approved scheme through a reduction in the scale of the rear extension and minor alterations to the internal layout. The amended extension is modest in scale and remains clearly subservient to the host building. The introduction of a covered walkway and potting shed is considered functional and domestic in nature, and does not detract from the agricultural character of the building.

In terms of materials, the proposal confirms the use of red facing brick and reclaimed clay pantiles to match the approved scheme, with limited use of larch cladding to the potting shed element. Given that materials have already been agreed and discharged under the original permission, and are to be retained or closely matched, this reinforces the visual continuity of the development.

Overall, the proposed amendments represent a reduction in built form and do not introduce any harmful design features. The development would therefore preserve the significance and setting of the non-designated heritage asset in accordance with Policy 29, and would comply with Policies 2 and 3 of the SELLP, in addition to Section 16 of the NPPF.

Amenity

Policy 2 of the SELLP requires that development proposals safeguard residential amenity, including considerations of overlooking, overbearing impact, and general disturbance. Policy 30 is also relevant in respect of potential environmental impacts.

The proposed amendments relate primarily to a reduction in the size of the approved extension and internal reconfiguration. No additional openings are proposed that would materially increase opportunities for overlooking or loss of privacy. Furthermore, the reduced scale of the extension would lessen any perceived massing or overbearing impact when compared to the extant permission.

Given the nature and scale of the changes, it is considered that the proposal would not give rise to any additional or unacceptable impacts on neighbouring amenity. The development therefore remains compliant with Policies 2 and 30 of the SELLP.

Reattachment of Conditions

A number of conditions attached to the original permission (H15-0216-24) have already been discharged under application H15-0262-25, including those relating to archaeological investigation, building recording, and materials (Conditions 3, 4, 5, 6 and 7).

Under this Section 73 application, these conditions will be reattached in the interests of clarity and enforceability but marked as 'compliance' conditions where appropriate.

Any conditions relating to Biodiversity Net Gain (BNG), particularly those requiring submission and approval prior to occupation, remain extant and will be reapplied to ensure the development continues to meet current policy requirements.

Planning Balance

The application seeks a minor material amendment under Section 73 to vary Condition 2 (approved plans) attached to permission H15-0216-24.

The proposed changes result in a reduction in the scale of the approved extension and minor internal alterations, with no material increase in built form or intensification of use. The development has been assessed against the relevant policies of the South East Lincolnshire Local Plan, and it is considered that the amendments would not give rise to any adverse impacts in respect of heritage significance, design, or residential amenity.

Importantly, the fallback position of the extant permission is a material consideration and carries significant weight. The proposed amendments represent a more restrained form of development when compared to the approved scheme.

Accordingly, the proposal is considered to accord with Policies 2, 3 and 29 of the South East Lincolnshire Local Plan (2019), and there are no material considerations that would indicate otherwise. The application is therefore recommended for approval, subject to the reattachment of relevant conditions.

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 into consideration these factors, the proposal is considered to accord with Policies 1, 2, 3, 28, 29, and 30 of the South East Lincolnshire Local Plan (SELLP), 2019; in addition to the identified sections contained within the National Planning Policy Framework (NPPF) (December 2024). On this basis the proposal is recommended for Approval