DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H17-0376-24**	**Applicant:**	**The Executor of D W Machin (Deceased)**
Proposal:	Conversion of agricultural building into 5 dwellings with associated works		
Location:	Pells Yard Coney Garth Farm Surfleet		
Terminal Date:	19th June 2024		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework 2023

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Schedule 2, Part 3, Class Q

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
RUBEN LOPEZ, HISTORIC ENVIRONMENT OFFICER	0	0	0	1
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1

RESIDENTS	4	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This application is to determine if prior approval is required for a change of use of an existing agricultural building to form 5 number dwellings.
The proposal is for a mix of 3 larger dwellinghouses (more than 100sqm of internal floor space) and 2 smaller dwellinghouses (no more than 100sqm of internal floor space).
The proposed site plan shows that a residential amenity space is afforded to each property as well as two number parking spaces, the parking provision is located to the north of the building. An access path which starts near the parking provision area provides access to these plots, the path leads to the west of the building and terminates at the residential amenity space of Plot 5.

Site Description

The site is in the open countryside and the surrounding area is predominately rural, characterised by linear development of varying ages and designs. The A16 is sited beyond agricultural fields to the west of the site. Coney Garth Lane and agricultural fields are located to the north of the site. Agricultural fields area located to the west of the site, with a dilapidated dwelling named Coney Garth Farm to the south of the site. A property named Pavilions is located further to the south.

The site is in Environment Agency Flood Zone 3 and is in a "Danger for Most" hazard area, with a maximum predicted flood depth of 1 metre on the 2115 South Holland Strategic Flood Risk Mapping. The submitted Flood Risk Assessment proposes a finished floor level of 1 metre with a further 300mm of flood resilient construction.

History

H17-0769-01 Agricultural Determination - Proposed canopy and lean-to - Approved - 20 July 2001.
H17-1078-23 Conversion of agricultural building into 5 dwellings and associated operational development. Refused 24-01-24.

Consultation Responses

IDB
Foul and surface water provisions should be confirmed to the Board prior to works commencing on site.

EA
The development shall be carried out in accordance with the submitted flood risk assessment dated October 2023, ref: 'J2018- Revision A01', prepared by Origin Design Studio Ltd and the following mitigation measures it details:

· Finished floor levels of all habitable accommodation shall be set no lower than 1.0 metre above the existing ground level
· Flood resilient construction to a height of 300mm above the predicted flood depth

These mitigation measures shall be fully implemented prior to occupation and subsequently shall be retained and maintained thereafter throughout the lifetime of the development.

Highways & SuDs

The proposal is for the conversion of an agricultural building into 5 dwellings with associated works. There needs to be clear delineation from the public highway and private landboundary treatments/details are to be conditioned. Each plot has two parking spaces which is acceptable. Surfleet Public Bridleway No. 1077 runs along Peter Seadyke Lane which is not adopted highway -

this will not be used as access for the residents and is outside of the red development boundary. Therefore the public bridleway will not be affected. The access to the site will be constructed to Lincolnshire County Council specification and a note has been added to the proposed site plan detailing this.

In the event that permission is to be given, the following planning conditions should be attached:
HP00 - No development shall take place until details are submitted of how the private land and public highway will be delineated. A written statement of proposed boundary treatments shall be submitted to the Local Planning Authority for approval.
Reason - to ensure development is on private land and adequately maintained in perpetuity.

Natural England
NO OBJECTION - Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

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

Historic Environment Officer
The proposed development will comprise: Conversion of agricultural building into 5 dwellings with associated works. Please note that the agricultural building is adjacent to an extant 19th century farmstead included within the red line site application and recorded within the HER: Building record MLI122576 - Coney Garth House. The farmstead is a non-designated heritage asset and holds architectonic interest. In addition, it is included in the 'Building the Evidence Base for Historic Farmsteads in Lincolnshire'.

This project mapped Lincolnshire's historic farmsteads (defined as those that pre-date the 2nd edition Ordnance Survey mapping of the early 1900s). Drawing ref. J2018a-PL-02 marks the farmstead as "Two buildings to be demolished, works not part of this application" We have reservations in relation to this. Recommendation: Having reviewed the application documents and the available Historic Environment information for this application, the current proposal is unlikely to have an impact on significant archaeological remains. Consequently, no further archaeological input is necessary for this application. However, due to the farmstead significance, I recommend consulting this LPA and the Conservation officer about any potential future demolition proposals of the farmstead (MLI122576).

Conservation Officer
Verbal comments from the conservation officer recommend a condition that would record the buildings prior to any demolition.

Representations
Four number objections have been received from local residents. The material points are summarised as:

-Highway safety issues
-Ecology concerns
-Road unsuitable to support the development.
-Waste collection does not come past the property.
-Concerns in relation to the tenure type on offer and whether the parking provision is acceptable.
-A drainage strategy is not provided.
-Limited access for refuse and fire services

Planning Considerations

Class Q allows for *buildings on agricultural units and former agricultural buildings to dwellinghouses*

Permitted development

Q. Development consisting of
(a) a change of use of
(i) a building that is part of an established agricultural unit and any land within that building's curtilage, or
(ii) a former agricultural building that was (but is no longer) part of an established agricultural unit

and any land within that building's curtilage, to a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order,
(b) development referred to in sub-paragraph (a) together with the extension of the building referred to in sub-paragraph (a), or
(c) development referred to in sub-paragraph (a) together with building operations reasonably necessary to convert the building referred to in sub-paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule or to extend that building.

Development not permitted

Q.1. Development is not permitted by Class Q if-
(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,

(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,

(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,

(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,

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

(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,

(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,

(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),
(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

(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),

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

(l) 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,

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

(n) the building is a listed building,

(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 201564 as read with the notes dated 19th May 2016 which apply to it, or

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

Assessment of Permitted Development

Since the application has been received a new statutory instrument (SI) came into force on 21st May 2024. The SI made changes to class q introducing 11 changes (or inserts) to that class. They are included above but can be summarised as:

1) This Class now also allows a change of use from a former agricultural building to C3.
2) This Class now also allows a single storey rear extension.
3) There are various requirements relating to the dates on which the site was (or wasn't) part of the established agricultural unit (EAU). In addition, for a site that's no longer part of an EAU, the site must not have been used for any non-agricultural purposes since ceasing to be part of the EAU.
4) No more than 10 separate dwellinghouses can be developed under this Class.
5) The floor space of any dwellinghouse can not exceed 150m2.
6) The cumulative floor space of dwellinghouses developed under this Class can not exceed 1,000m2.
7) This Class now allows protrusions of up to 0.2m to accommodate certain building operations.
8) Any single storey rear extension is subject to various requirements, including that it must be situated on land that's covered by an existing hard surface that was provided on the land on or before 24/07/2023, or (if provided on the land after that date) for at least 10 years.
9) The existing building must be capable of complying with the "the nationally described space standard".
10) The building must have "suitable existing access to a public highway".
11) In the case of a single storey rear extension, the developer needs to apply to the LPA

The proposal which is for 5 number dwellings (3 larger, all below 150sqm) and 2 smaller conform with the limitations set out above. The application form works through the questions which relate to the suitability of a development to be considered as class Q and adequately reflect permitted development, furthermore, no extensions are proposed.
The proposal then is considered to conform to the parameters and limitations Set out under Class Q, Q. & Q.1.

Conditions

Conditions are set out under Section Q.2. of Class Q; they state:

(1) Where the development proposed is development under Class Q(a) together with development under Class Q(c), development is permitted 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 of the development,
(b) noise impacts of the development,
(c) contamination risks on the site,
(d) flooding risks on the site,
(e) whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order,
(f) the design or external appearance of the building, and
(g) the provision of adequate natural light in all habitable rooms of the dwellinghouses, and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

(2) Where the development proposed is development under Class Q(a) only, development is permitted 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 the items referred to in sub-paragraphs (1)(a) to (e) and (g), and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

Assessment

Weight in this assessment needs to be given to a previous prior approval application H17-1078-23, which was refused solely on the premise that a structural report was not provided with the application. The application was not refused on any other grounds.

This application is accompanied by a structural appraisal report by JC Consultancy, issues March 2024.
Key points from the report are:

The proposed conversion will involve retaining all existing structural elements of the main building and complementing them with the introduction of further independent walls, of either blockwork or timber frame type systems, located internally, to form the partitions and internal layout. As such additional load placed upon the existing steel frame will be minimal, and of no concern from a structural perspective. Furthermore, all elements that provide overall lateral stability including diagonal steel cross bracing members present between rafters and columns, are being retained, and as such overall stability will not be compromised as a result of the conversion. (paragraph 5.5)

And

Should prospective layouts dictate the installation of a first-floor structure we are satisfied that this could be achieved using a suitably designed independent mezzanine floor system constructed off the ground floor slab, or alternatively a mezzanine could be part supported by the existing steel column arrangement where location and arrangements allow. Indeed, the installation of a mezzanine floor part supported by opposing columns could enhance the performance of the existing steel frame by essentially providing a tie between columns. Either type of installation would be possible in this building, and neither would have a negative impact on the structural stability of the existing frame. (paragraph 5.6)

And

The ground floor slab appears to have been adequately serviceable to accommodate and distribute loadings from agricultural storage type use. Proposed loadings from a change of use to residential will be significantly less onerous than that previously applied. Therefore, we envisage that the existing floor slab can be retained, and supplemented with damp proof systems, screeds, insulations and finishes as applicable. Current ground floor levels will need to be increased to accommodate flood risk requirements, and this could be achieved via a number of methods. Consideration could be made for the installation of a suspended floor system off plinth walls for instance, or alternatively additional floor build up using infill slabs could be adopted. (Paragraph 5.8)

And

Similar to the floor slab, the foundations appear to be adequate to accommodate and distribute loadings from agricultural storage type use. Again, additional loadings applied within a change of use to residential are likely to be minimal if any, and as such we do not feel that any strengthening to the foundation system is deemed necessary. (Paragraph 5.9)

On the basis of the structural report there appears to be no reason to refute that it can be adequately adapted with this parameters of Class Q. This document provides a solid evidence basis that the building is capable (with limited adaptation) of absorbing the structural requirements of the proposed development.

Transport and highways impacts of the development

Highways have been consulted and have no objections to the proposal subject to a condition that requires details of how private land and the public highway are delineated. As well as a written statement of any proposed boundary treatments.

Given this mitigation it is considered that the proposal in relation to transport and highways impacts is acceptable.

Noise impacts of the development

Environmental Protection have no issues in relation to noise. A dwelling (farmstead) is located to the south of this agricultural building and there are other dwellings in close vicinity. The noise environment is therefore considered acceptable.

It is considered that the proposal in relation to noise impacts of the development is acceptable.

Contamination risks on the site
Environmental Protection have requested that conditioned information is conditioned. Limited information has been provided on this point and therefore a condition is appropriate to apply.

Given this mitigation it is considered that the proposal in relation to contamination is acceptable.

Topics for assessment under prior approval are:

Flooding risks on the site

The EA have been consulted and have recommended a condition that the development is carried out in accordance with the submitted FRA. The FRA includes details the finished floor levels at round at 1m above external ground levels.
The applicant has shown on plan that this can be achieved within the parameters of the building frame including the first floor. The floor plans show that following entry to through the access door steps lead up into the main living area and these are set at 1m above outside ground levels.

Given the EAs comments and that the applicant has demonstrated that this can be achieved the proposal is considered acceptable in terms of flood risk.

whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order,

The applicant has stated that part of the outbuildings are to be demolished and that the works are not part of this application. That said these buildings are in part located within the redline boundary of the application site (or at least in part). LCC Historic places officer has recommended that the conservation officer is consulted as the farmstead which these buildings relate to are considered to be a non-designated heritage asset. Subsequently the conservation officer has made an assessment and considers that a recording condition would suffice.

In terms of the area there is a dwelling to the south and limited amount of agricultural practice takes place within the immediate vicinity, it would therefore not be unpractical or undesirable for this

conversion to form 5 dwellings to occur.

The design or external appearance of the building

The proposed elevations show that the agricultural aesthetic of the building would be retained. The proposal would include openings but largely the wider effect upon the areas character would be negligible, given the retention of form as well as continuation of similar external materials.

There is a requirement to condition boundary treatments, however the majority of these would be located to the rear and so not carry wider impacts. Each dwelling only has one access/egress, and this is not ideal, especially for the middle dwellings where entry is through their allocated amenity space. That said this is not sufficient in its own to resist the design, especially as it was not considered an issue previously. The boundaries for both plots 1 and 5 (north and south of the building) would need careful consideration, typical solid fencing would not be appropriate, more like a post and rail with added planting for privacy would be a more appropriate approach.

The provision of adequate natural light in all habitable rooms of the dwellinghouses, and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

All rooms are served with adequate natural lighting and NDSS are met.

Conditions

Class W sets out the procedure for prior approvals and section 13 allows LPAs to attach conditions to any permission. It states:

The local planning authority may grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval.

Therefore conditions in relation to the recording of demolished buildings (though not part of this application, are at least in part located within the red line boundary), a condition in relation to boundary treatments, condition ensuring that FFLs are 1m above existing ground levels, highways related conditions, condition in relation to the location and method of domestic waste and a condition relating to an evacuation plan prior to occupation will all be attached.

Conclusion

The proposal is considered to meet with the parameters and limitations set out underclass Q. An assessment has been made, minded of the sole reason for refusal on previous application which related to the omission of a structural survey, and the proposal is considered to be acceptable.

Therefore, prior approval is granted conditionally.

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.