DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H17-0629-25**	**Applicant:**	**Mr J Tidswell**
Proposal:	Proposed development of existing barn into 1 dwelling		
Location:	Ferndale Farm Birds Drove Surfleet		
Terminal Date:	22nd September 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	1	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	0	1
OTHER STATUTORY BODIES	0	0	0	2

CASE OFFICER ASSESSMENT

Description of Proposal

The application is for a change of use of an existing building into a three bedroom residential dwelling, under Schedule 2, Part 3, Class Q, of the Town and Country Planning (General Permitted

Development) Order 2015.

Site Description

The site is outside of any of the settlement boundaries outlined within the South East Lincolnshire Local Plan, 2019, and as such, can be considered to be within the open countryside. To the immediate west of the site is a residential dwelling, with a further residential property beyond it. To the north, is a strip of equestrian land. To the south and west is an agricultural yard, with fields beyond it. Along Birds Drove, agricultural fields are interspersed with a limited number of residential dwellings.

The building itself is a relatively large structure fronting onto the south of Birds Drove. It is constructed of grey blockwork (seemingly concrete) with a metal sheet roof.

Relevant History

No relevant history

Consultation Responses

The responses received from consultees during the initial consultation exercises, which can be viewed in their entirety through the South Holland website, can be summarised as follows:

Senior Ecologist

"Having reviewed this application, I believe that this application will require a Preliminary Ecological Assessment with a protected species survey (primarily Barn owl and Bat)to be provided pre-determination. This development site is located in between 2 local wildlife sites >2km away - one of which is a SSSI as observed on the Greater Lincolnshire Nature Partnerships biodiversity opportunity map. The results from this PEA may reveal the need for more detailed species surveys.

Local Planning Authorities have a statutory duty to consider the conservation, protection, and enhancement of biodiversity when determining planning applications. In addition, the presence of certain habitats, species, and designated sites protected by UK and European law on or near to a development site is a material consideration within the planning process. For these reasons, it is important that a Preliminary Ecological Appraisal is provided to help identify and evaluate any features of ecological interest on/adjacent to a proposed development site, and identify any potential mitigation measures required in line with the exiting wildlife legislation and planning policies. This assessment is often requested prior to planning applications being determined as it helps ensure that any mitigation methods to protect specific species are feasible implemented before the proposed development can be signed off."

Environmental Protection

"I request a screening assessment form be completed and submitted with photographs for this location."

Lincolnshire County Council Historic Places

"Thank you for consulting us on this. Having reviewed the application documents and the updated available Historic Environment information for this application, the proposal is unlikely to have an impact on significant archaeological remains. 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"

Highway and Lead Local Flood Authority

"No objections - The application is for prior approval for the proposed development of converting an existing barn into 1 dwelling. The dwelling will have 3 Bedrooms, 2 Parking spaces along with turning is demonstrated. There is a note on the proposed site plan confirming that the access will be upgraded to Lincolnshire County Council specification. The proposal will not have an adverse impact on the public highway"

Welland and Deepings Internal Drainage Board

"The existing and proposed provisions for both surface and foul water disposal should be confirmed to the Board."

Surfleet Parish Council

Support - no comments

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.

Key Planning Considerations

The Town and Country Planning (General Permitted Development) (England) Order 2015, Part 3 Permitted Development

The introductory text of the Permitted Development Order outlines generic provisions, applicable to the Order. Paragraph 9A of Part 3 "Permitted Development" reads as follows:

" Schedule 2 does not grant permission for, or authorise any development of, any new dwellinghouse (a) where the gross internal floor area is less than 37 square metres in size; or (b) that does not comply with the nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015"

This is expanded upon by 9B, which states:

"The reference in paragraph (9A) to the nationally described space standard is to that standard read together with the notes dated 19th May 2016 which apply to it"

The Nationally Described Space Standards outlines that for a two storey dwelling, with three bedrooms and four bedspaces, a minimum floor space of 84sqm is required. In order to provide 1 bedspace, a single bedroom must have a floor area of at least 7.5sqm and must be at least 2.15m wide. To provide 2 bedspaces, a room must have a floor area of at least 11.5sqm. 1 double (or twin bedroom) must be at least 2.75m wide and every other double (or twin) bedroom must be at least 2.55m wide. The Space Standards require a minimum floor to ceiling height of 2.3m for 75% of the Gross Internal Area.

The dwellings itself, and all bedrooms shown, conform to the requirements of the National Space Standards with respect to floor area.

No details of floor to ceiling height have been provided. That being said, assuming the first floor partition to be located within the break in fenestration shown on the elevation drawings and that a minimum finished floor level of 0.3m is maintained throughout the ground floor (as recommended within the submitted flood risk assessment), and estimation of floor to ceiling height can be produced. This crates a minimum height of 2.3m on the ground floor. On the first floor, using comparable estimation techniques, a 24sqm of the floor has a ceiling height of 2.3m or above. This gives a total area of 100sqm or 80% of the total area with a floor to ceiling height of 2.3m.

The proposal therefore would adhere to the provisions of Part 3, Paragraph 9A and 9B of the General Permitted Development Order. As such, the application can proceed to be assessed under the provisions of Class Q of the Order.

Schedule 2, Part 3, Class Q

Part 3, Class Q of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), seeks to permit "buildings on agricultural units and former agricultural buildings to dwellinghouses". Class Q details that the following is permitted development:

"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".

Paragraph Q.1 sets out the circumstances where development is not permitted. The relevant section of legislation is detailed below:

"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 2015 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."

The definition of agriculture relevant to the assessment under the relevant sub-paragraph is found within Section 336 of the Town and Country Planning Act (1990) which states the following:

""agriculture" includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and "agricultural" shall be construed accordingly;"

The information provided by the applicant appears to satisfactorily demonstrate that the provisions of criteria (a) - (h) and (k) to (p) have been met. The proposal does not seek to extend the built form and therefore, the proposal would not be at conflict with criteria (i).

An assessment against criterion j can be found below.

Schedule 2, Part 3, Class Q - Conversion vs Rebuild

Development is not permitted if the development under Class Q(c) 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.

Planning Practice Guidance (PPG) provides advice on the interpretation of Class Q(c). Paragraph 105 indicates that "it is not the intention of the permitted development right to allow rebuilding work which would go beyond what is reasonably necessary for the conversion of the building to

residential use. Therefore, it is only where the existing building is already suitable for conversion to residential use that the building would be considered to have the permitted development right".

The guidance of the PPG is therefore clear and accords with the High Court judgement Hibbitt v Secretary of State for Communities and Local Government, and Rushcliffe Borough Council. The latter concludes that Part 3 Class Q of the GPDO allows a "conversion" but does not allow a "re-build" or "fresh build".

A structural survey demonstrating that the building would be capable of conversion has been submitted as part of this application. The findings of this survey appear sound, and there is no evidence in front of the Planning Authority to dispute this.

The works proposed would not be tantamount to that of a rebuild. The works fall within the limitations placed on Class Q applications, and would therefore be acceptable in this regard.

Schedule 2, Part 3, Class Q - Prior Approval Considerations

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.

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:

(a)Transport and highways impact - Due to the small scale of the proposal, it is unlikely that the works would have a significant detrimental impact upon the existing highway infrastructure of the area. This has been confirmed by the response from the Highway Authority.

Suitable access to the site has been provided, via a shared access with the nearby agricultural yard.

(b)Noise Impacts - The conversion to a residential property would have no greater impact with regards to noise as opposed to an agricultural use. While the proposed site is located in close proximity to the neighbouring dwelling, it is considered that the change of use would not significantly increase noise levels when compared to the existing use, which may see farm machinery regularly moving through the site.

(c) Contamination - Due to the former agricultural use of the land and buildings a precautionary contaminated land condition is recommended. Subject to these precautionary conditions, the proposal is considered acceptable in this regard.

The Environmental Protection department has requested a screening assessment; however, the applicant has agreed to a standard condition being placed in lieu of this. Seeing as this would be a more thorough approach than simply a screening assessment, it is considered appropriate to place a condition requiring the submission of a contamination report instead.

d) Flood Risk - The site is within Flood Zone 3. Within the South East Lincolnshire Strategic Flood Risk Assessment, 2017 (SFRA), the site is within the "low hazard" hazard classification. A maximum depth of 0.25m is shown in the SFRA.

The submitted flood risk assessment proposes a finished floor level of 0.3m above average ground levels or road levels, whichever is greater. This is above estimated flood depths, ensuring the safety of residents and their property. As such, the proposed dwelling would be safe for its lifetime and can be considered to be in accordance with the provisions of the Order on this matter.

The comments of the IDB are noted, and a condition could be placed upon any potential approval requiring the submission of the requested information.

(e) Location and Siting - The site is outside of any defined settlement. However, the PPG is clear that location outside of settlement boundaries cannot be considered inappropriate in the case of a Class Q conversion.

The site would be no more impractical than neighbouring dwellings, and is considered to be acceptable in this regard.

(f) Design/external appearance - No details of the finished materials have been provided at this stage. That being said, such information could reasonably be requested via condition.

The proposal would result in a relatively substantial alteration to the existing building, including the introduction of heavily glazed elements within the northern and southern elevations. That being said, the proposal would not result in a fundamental change to the character of the building, in that the overarching appearance of a barn is maintained. The glazing would jar somewhat with the rustic nature of development in the wider area; however, not to such an extent as to be harmful to the area. The fenestration would be more representative of modern design practices, and in line with the provisions of the National Design Guide, the gradual evolution of areas in a non-harmful way, should not be resisted for the sake of keeping an area's appearance in stasis.

(g) The provision of adequate natural light in all habitable rooms - The proposal is satisfactory in this respect.

Other Matters

A preliminary ecological appraisal (PEA) has been requested by the Partnership's Ecologist. Protected species matters are not an element of Class Q. However, in consideration of wildlife matters, every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity. This duty arises from Regulation 9 of the Conservation of Habitats and Species Regulations, amongst others. As such, the LPA must consider the potential impacts upon wildlife as part of this application.

The site, as outlined in the ecologist's comments, has significant potential to house protected species, and the proposal by extension has significant potential to impact upon wildlife. The LPA have to consider the potential impact of the development on the basis of information provided. A PEA has been submitted. This concluded that there was no presence of bats or protected species within the barns. As such, the impact upon wildlife is considered to be negligible.

Conclusion

The proposal constitutes permitted development and complies with the relevant conditions under Class Q of Part 3 of Schedule 2 of The Town and Country Planning (General Permitted Development) Order, 2015.

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.

Recommendation

Based on the assessment detailed above, it is recommended that the proposal should be approved under Delegated Authority.