DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H18-0179-25**	**Applicant:**	**Mr D Wing**
Proposal:	Change of use of agricultural building to dwelling		
Location:	The Rookery 171 Rookery Road Sutton Bridge		
Terminal Date:	21st April 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
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1

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 one dwelling. Consent is sought under Schedule 2, Part 3, Class Q Town and Country Planning (General Permitted Development) (England) Order (GPDO) 2015 (as amended). It has been established that prior approval is required, and as such it is necessary to assess whether prior approval should be granted.

Site Description

The application site comprises an existing building located on land at The Rookery, 171 Rookery Road, Sutton Bridge. The site is located in a rural location which is approximately 2.4km to the north of Sutton Bridge. The site features an L-shaped building which is set back from the road frontage. There is an existing vehicular access from Rookery Road, which is to the west of the site. There is an existing dwelling, 171 Rookery Road, located approximately 22m to the south 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.

South Holland Internal Drainage Board: We would expect to see the applicant conduct ground investigations to determine the infiltration potential of the site, following percolation testing in line with BRE 365 Digest if onsite material is considered favourable for infiltration. If a drainage strategy reliant on infiltration proves unviable, and the applicant proposes to discharge surface water to a watercourse, consent would be required under Byelaw 3. If the applicant proposes to discharge treated foul water to a watercourse, consent would be required under Byelaw 3. I note the presence of a Board Maintained watercourse known as K38 Kings Creek Branch (DRN201G3801) adjacent to the western site boundary. Whilst not currently proposed, should the applicant's proposals change to include works to alter the watercourse, or if works are proposed to alter the watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 (and Byelaw 4)

Lincolnshire County Council - Highways and SUDS Support: No objections. The proposal is for the change of use of agricultural building to dwelling. There is sufficient space on site for parking and turning. The proposal will not have an adverse effect on the public highway. As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to drainage and surface water flood risk on all Major applications. This application is classified as a Minor Application and it is therefore the duty of the Local Planning Authority to consider the surface water flood risk and drainage proposals for this planning application. Highways informative 08 is recommended.

Environment Agency: In accordance with Policy 4 of the South East Lincolnshire Local Plan 2011-2036, we object in principle to this application, due to the proposed development posing an unacceptable risk to life and property from flooding. We therefore recommend that the prior approval application is refused.

Environmental Protection: I request a screening assessment form is completed and submitted with photographs.

Sutton Bridge Parish Council: No response received.

Cllr C J T H Brewis: No response received.

Cllr M D Booth: 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 to residential dwellings. This is however subject to certain conditions and restrictions, including the requirement for applicants to apply to the local planning authority to determine if a prior approval application is necessary.

The Class Q permitted development right was updated on 21 May 2024. There is however a transitional period in place which allows applicants to submit Class Q prior notification until 20 May 2025 if they choose to do so. The applicant's agent has submitted an old application form, however, an extension is proposed and as such it is considered that the applicant wishes for the application to be determined based on the newer legislation. As such, the application has been determined based on the newer legislation.

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 20 March 2013. As such this date is prior to 2023 and 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 88sqm of internal floorspace. An external stairway and raised platform are also proposed to enable access to the dwelling. The floorspace of the external area is approximately 25sqm.

"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"

- Development under Class A(a) or Class B(a) has not taken place within the unit in the past ten 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 proposals are assessed against part i) below.

"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"

- The front of the building which is considered to be the western elevation of the building as this faces towards Rookery Road. Initially, an extension was proposed on the western elevation. The extension comprised a raised platform area and stairs. This area was proposed to provide access to the building as raised floor levels are proposed within the building for flood risk mitigation purposes. As the proposed stairway and raised terrace would have been on the front of the building, this was not considered to comprise permitted development under part i). This was therefore discussed with the applicant's agent and they moved the terrace and stairs to the rear of the building, on the eastern elevation of the building. The amended location of the stairway and terrace would be located on land which is a mixture of some hard surfacing and soil. As such, the proposals would not accord with part vii. Furthermore, the amended location would extend from a side elevation of the building and this would not accord with part vi.

The proposals also seek to install a new roof on the existing rear extension on the building. The roof of the extension would measure approximately 4.2m from the ground level up to the ridgeline. As such, this exceeds the 4m allowance under part vi)bb).

The proposed external alterations therefore do not accord with part i).

"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'. On the western elevation, the existing doorway is proposed to be replaced with a window, and the existing window opening will be glazed. On the southern elevation, the existing door openings will be retained and one of the opening is proposed to be increased in size to provide access to the raised internal floor levels. On the eastern elevation, the existing window and door openings are proposed to be retained. One of the openings is proposed to be made larger and a dormer is proposed to accommodate this. The dormer is considered to accord with the allowance of Class Q as the height would not exceed 4m. On the northern elevation, no new doorways or windows are proposed and as such this elevation should remain largely unchanged. According to the submitted Planning Statement, no changes are proposed to the existing brickwork or roof tiles as these materials will be reclaimed to match the existing.

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

- The site is not 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"

- 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"

- The building within the site is not 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 Rookery Road, to the west of the site. The access is already in place and does not need upgrading given that the proposal is only for one dwelling.

The proposed development is not considered to comprise permitted development as the proposed external terrace and stairway is not considered to be allowed by part i) as set out above. Furthermore, the roof height of the extension would exceed 4m. Notwithstanding this, it is considered appropriate to assess the application against the requirements of the conditions of Class Q, as specified within paragraph Q.2. This is considered appropriate in case an appeal is submitted and in the event an inspector disagrees with the above assessment. It is considered useful for the local planning authority to set out its position in terms of whether the prior approval of the authority is necessary, and whether it would be granted.

Paragraph Q.2 (1) states that where the development proposed is permitted under class Q(a) together with development under Class Q(b), 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 the Schedule 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.

These matters are therefore assessed in turn below. It was considered that prior approval would be required due to the site's location within Flood Zone 3 and the site is within an area which is has a hazard rating of 'Danger to All', according to the South East Lincolnshire Strategic Flood Risk Assessment (SFRA) (2017). The SFRA requires proposals for residential development within this type of hazard area to consult the Environment Agency.

a. Transport and Highways Impact

The proposed access to the site is from Rookery Road, to the west of the site. There is an existing access to the site which would continue to be used and there is room for parking within the site. Lincolnshire County Council's (LCC's) highways team have set out that the proposed development is not expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network. The proposed development is therefore acceptable in terms of highway safety.

b. Noise Impacts

The site is mostly surrounded by agricultural land and there are agricultural buildings to the north and east of the site. There is also an existing dwelling located to the south of the site. The council's environmental health team have not set out any objections to the proposals on the basis of noise disturbance. The site is not located in an area that is likely to be subject to adverse levels of noise. It is therefore considered that future occupants would not be subject to an unacceptable degree of noise disturbance.

c. Contamination

The council's environmental health team have requested a contamination screening assessment form. This has not been provided. The application is not supported by an assessment regarding whether there are potential contamination sources or risks within the site. As such, it would be considered appropriate to include a contamination assessment planning condition to ensure that any potential contamination risks are identified, and if necessary mitigated.

d. Flood Risk

The site lies within Flood Zone 3, as identified by the Environment Agency's flood risk maps.

The site is also within a 'Danger to All' hazard area, as identified by the South East Lincolnshire Strategic Flood Risk Assessment (SFRA). The SFRA recommends that the Environment Agency are consulted on proposals for residential development within this type of hazard area. The Environment Agency has set out that they object to the proposed development in principle due to the proposed development posing an unacceptable risk to life and property from flooding.

The South East Lincolnshire flood risk advice matrix is contained within the SFRA and this sets out that mitigation for single storey dwellings must be informed by the 2115 0.1% breach maps. Based on the Environment Agency's breach maps, the site has a future hazard classification of 'Danger for All' and could experience flood depths of 1 - 1.6 metres arising from a breach in the defences during a flood that has a 0.1% chance of occurring in any one year up to 2115. The Environment Agency have set out that the risk to life and property from tidal inundation would be unacceptable if the development were to be permitted.

Although the Local Plan cannot be used to assess the current application, it should be noted that Policy 4 of the Local Plan is clear that a change of use that would result in self-contained ground floor residential accommodation in areas of hazard rating 'Danger for All' will not be supported.

It is therefore considered that the proposed development would be unacceptable in flood risk terms.

e. Whether the Conversion is Impractical / Undesirable

This consideration is not specifically defined, however Planning Practice Guidance sets out at Paragraph 109 (reference ID: 13-109-20150305) that impractical reflects that the location and siting would "not be sensible or realistic", and undesirable reflects that it would be "harmful or objectionable".

Although the site is relatively isolated as it is not within walking distance of key services and facilities, the site is near to a road and as such there is an existing access to the site. It is therefore not considered that the proposed conversion would be impractical or undesirable.

f. External Appearance

Minimal external changes are proposed. Most of the existing door and window openings are proposed to be retained and some of these openings are proposed to be made larger. The visual impact of this is acceptable. The existing materials are proposed to be retained and the visual impact of this is also acceptable. Replacement brickwork would be required on the rear of the building and this brickwork would need to match the existing brickwork as closely as possible in the interest of visual amenity. This area is however located on the rear of the building and would therefore not be highly visible from the street scene.

g. Natural Light Provision in Habitable Rooms

The proposed plans show that all habitable rooms are provided with natural light and ventilation given the location of windows on the building.

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

It is considered that the proposed development would not be permitted development under Class Q as the proposed external stairway and raised terrace would not accord with part i) of Q.1. For example, the terrace and stairway area would extend from a side elevation and this is not permitted. The height of the proposed extension roof would also exceed the 4m allowance and as such this is also not permitted by Class Q.

Notwithstanding this, the proposals have been assessed in terms of whether prior approval is necessary and whether prior approval can subsequently be approved. It is considered that prior approval is required due to the site's location within Flood Zone 3, and within a hazard rating area of 'Danger to All' within the SFRA. The proposed conversion is considered to pose an unacceptable risk to occupants due to flood risk concerns. As such, it is considered that prior approval should be refused.

Recommendation

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