| DECISION DELEGATED TO HEAD OF PLANNING |
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| **Application No:** | **H18-0452-24** | **Applicant:** | **S E King Building Contractors Ltd** |
| **Proposal:** | Conversion of agricultural building to single dwelling | | |
| **Location:** | Rear Of 210 New Road Sutton Bridge Spalding | | |
| **Terminal Date:** | 7th October 2024 | | |

**Planning Policies**

| South East Lincolnshire Local Plan - Adopted: March 2019 |
|---|
| **National Guidance**<br>**National Planning Policy Framework 2023**<br>Town and Country Planning (General Permitted Development) Order 2015 -<br>Class Q - Agricultural buildings to dwellinghouses |

**Representations:**

| | Object | Support | No Obj. | Comments |
|---|---|---|---|---|
| PARISH COUNCIL | 0 | 1 | 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 |
| RESIDENTS | 0 | 1 | 0 | 0 |

## CASE OFFICER ASSESSMENT

### Proposal

This is a prior approval application seeking permission for the conversion of an agricultural building to a single dwelling at the rear of 210 New Road, Sutton Bridge.

The proposal was amended during the lifetime of the application. These amendments removed the previously proposed balcony/raised platforms. The application is determined on the basis of these amended plans.

### Site Description

The site is located outside the defined settlement boundary of Sutton Bridge as outlined in the South East Lincolnshire Local Plan, 2019 (SELLP) and is therefore considered to be in the open countryside in planning terms. It is set to the rear of 210 New Road, a chalet style bungalow made from white render on the bottom half and cladding along the top. There are a minimal amount of properties within close proximity to this site due to the ruralness of the locality.

### History

No relevant planning history.

### Consultation Responses

Sutton Bridge Parish Council

Support.

Environment Agency

We have reviewed the additional information received by email dated 08 July 2024, ref: 'Note 240708 New Road Sutton Bridge Dyke', prepared by Ellingham Consulting Ltd and are satisfied with the justification provided.

We therefore wish to withdraw our previous objection, dated 12 June 2024, subject to the condition below.

Condition

The development shall be carried out in accordance with the submitted flood risk assessment dated May 2024, ref: 'ECL1276/G R MERCHANT', prepared by Ellingham Consulting Ltd and the following mitigation measures it details:
· Finished floor levels to be set no lower than 4.5 metres above Ordnance Datum (AOD)
· Flood resilience and resistance measures to be incorporated into the proposed development as stated, to a level of 0.3 metres above the finished floor level

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

Reason

To reduce the risk of flooding to the proposed development and future occupants.

Lincolnshire County Council Highways

Recommendation: No objection

This proposal is for the Conversion of agricultural building to single dwelling , that will utilise the

existing access from New Road.

Adequate provision for car parking and turning space can be provided within the limits of the site to enable vehicles to enter and leave in a forward gear and sufficient visibility is available to allow drivers intending entering the highway to judge if it is safe to complete the manoeuvre. Therefore, it is considered that this proposal would not result in an unacceptable impact upon highway safety.

That said, the existing vehicle access is only appropriate for the previous use as it is just an unbound gravel material and therefore it will need to be made up to the County Councils specification within the extent of the public highway appropriate for it's proposed residential use.

Highway Informative 03

The permitted development requires the formation of a new/amended vehicular access. These works will require approval from the Highway Authority in accordance with Section 184 of the Highways Act. Any traffic management required to undertake works within the highway will be subject to agreement. The access must be constructed in accordance with a current specification issued by the Highway Authority. Any requirement to relocate existing apparatus, underground services, or street furniture because of the installation of an access will be the responsibility, and cost, of the applicant and must be agreed prior to a vehicle access application. The application form, costs and guidance documentation can be found on the Highway Authority's website, accessible via the following link: https://www.lincolnshire.gov.uk/licences-permits/apply-dropped-kerb.

Highway Informative 08

Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections, Section 50 licences and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works. For further guidance please visit the Highway Authority's website via the following link: Traffic Management - https://www.lincolnshire.gov.uk/traffic-management

No Objections

Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application.

South Holland District Council Environmental Protection

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

South Holland Internal Drainage Board

Consent may be required under Byelaw 3, is not currently required under Section 23 and is not applicable under Byelaw 10.

Public Representation

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, one letter of representation has been received.

This can be summarised as:

- Very much this application based on its historic value and it can only improve on the impact of the area.

**Planning Considerations**

The Town and Country Planning (General Permitted Development) Order 2015 was amended, in respect of Part 3, Class Q, in May 2024. Amongst other matters, the amendments to the legislation included (in short) an increase in the number of dwellings permitted under Class Q, a reduction in the extent of floor space permitted per dwelling to a maximum of 150sqm, and an allowance for extensions, comprising specific scales, to be permitted.

However, Article 10 of the 'Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2024', which came into force on 21st May 2024, introduced a 'Transitional Period'.

This 'Transitional Period' allows the submission of Class Q proposals, until May 2025, under the amended legislation( i.e. that of 21st May 2024) and that of the prior legislative requirements (i.e. that as of 20th May 2024). As such, during this 'Transitional period', proposals can be submitted with a view to applying the amended or previous Class Q limitations.

It is worth noting that, the 'Transitional period' does not allow for a mix of both legislative criteria.

The remainder of the report will assess the proposal under the relevant Class Q limitations for that individual proposal. As the proposed dwelling would exceed a floor space of 150sqm, the application is to be assessed under the previous legislation.

Permitted development

Q. Development consisting of a
(a) a change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order; and or
(b) development referred to in paragraph (a) together with building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule.

Development is not permitted by Class Q if
(a) the site was not used solely for an agricultural use as part of an established agricultural unit
(i) on 20th March 2013, or
(ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use, or
(iii) in the case of a site which was brought into use after 20th March 2013, for a period of at least 10 years before the date development under Class Q begins;

(b) in the case of
(i) a larger dwellinghouse, within an established agricultural unit
(aa) the cumulative number of separate larger dwellinghouses developed under Class Q exceeds 3; or
(bb) the cumulative floor space of the existing building or buildings changing use to a larger dwellinghouse or dwellinghouses under Class Q exceeds 465 square metres;
(ba) the floor space of any dwellinghouse developed under Class Q having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeds 465 square metres;

(c) in the case of
(i) a smaller dwellinghouse, within an established agricultural unit
(aa) the cumulative number of separate smaller dwellinghouses developed under Class Q exceeds 5; or
(bb) the floor space of any one separate smaller dwellinghouse having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeds 100 square metres;

(d) the development under Class Q (together with any previous development under Class Q) within an established agricultural unit would result in either or both of the following
(i) a larger dwellinghouse or larger dwellinghouses having more than 465 square metres of floor space having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order;
(ii) the cumulative number of separate dwellinghouses having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeding 5;

(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
(i) since 20th March 2013; or
(ii) where development under Class Q begins after 20th March 2023, 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;

(i) the development under Class Q(b) 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(i)(i);

(j) the site is on article 2(3) land;

(k) 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;

(l) the site is, or contains, a scheduled monument; or

(m) the building is a listed building.

The covering letter accompanying the application states that the site was for agricultural/horticultural purposes prior to 20th March 2013. The building is not located within a Conservation Area, an SSI, safety hazard area, the site does not contain a scheduled monument nor relates to a listed building. The site is not subject to an agricultural tenancy agreement nor has one been terminated within the last 12 months, prior to this submission. The proposal is for one number larger dwellinghouse with a total floor space of 202sqm.

As such, the proposal is considered to comply with all of the above criteria and is able to be completed under Class Q.

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

Development is not permitted if the development under Class Q(b) 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 allowed by paragraph Q.1(i)(i).

Planning Practice Guidance (PPG) provides advice on the interpretation of Class Q(b). 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".

From the accompanying structural survey provided within this application it shows the barn can be split into three main elements. The first being the original single storey barn of concrete wall construction, currently supporting a timber flat roof. Later in its life, the second element was erected adjacent to and over the top of the original - this is constructed of timber and is formed using four, equally spaced, full height timber frames each consisting of space timber rafters, timber support columns, timber eaves braces and timber apex ties. The duo-pitched roof continues over the original single storey element as a mono-pitch arrangement. Finally, there is a third element that is detached from the main barn which forms a small single storey store which is located to the north of the main barn. It is a square shape that has two elevations of part height masonry and is complimented with timber rail and post walls, supporting a duo-pitched, timber roof structure. The building is considered to have been formerly used as a general smallholding use and agricultural store with the possibility of being used to store agricultural livestock at some point.

Overall, when having considered the existing structural arrangement, they are satisfied that the main existing building is deemed structurally stable and appears capable of conversion without the need for significant extension, alteration or rebuilding of elements and therefore conforms to the requirements of a Class Q conversion rather than a 're-build' since it does not involve a substantial rebuilding of the pre-existing structure. As such, it is considered that the proposal satisfies the requirements of paragraph Q.1(i) and PPG.

Conditions

(1) Where the development proposed is development 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, and
(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.

**Evaluation under Condition Q.2.**

Transport and Highways Impact of the Development

The application site is accessed from New Road, there are multiple existing dwellings along this road in the immediate vicinity which are served by this strip of road which also provides further access towards Sutton Bridge. Lincolnshire County Council were consulted on this application and raised no objection stating 'Adequate provision for car parking and turning space can be provided within the limits of the site to enable vehicles to enter and leave in a forward gear and sufficient visibility is available to allow drivers intending entering the highway to judge if it is safe to complete the manoeuvre. Therefore, it is considered that this proposal would not result in an unacceptable impact upon highway safety.

That said, the existing vehicle access is only appropriate for the previous use as it is just an unbound gravel material and therefore it will need to be made up to the County Councils specification within the extent of the public highway appropriate for it's proposed residential use'. They have also requested two informatives be attached to the decision notice should the application be approved.

Overall, this access has definitely been used by agricultural vehicles and more than likely by residential vehicles as well, the creation of a dwelling would therefore have a limited impact upon

the area. The use of the barn would not overly intensify the access to a point where mitigation is needed. Two vehicle parking spaces have been provided and these are considered acceptable as they will allow for adequate parking away from the highway. The proposal therefore in terms of the Transport and Highway Impacts of the Development are considered acceptable.

Noise Impacts of the Development

Including the property to the front, 210 New Road, there are two existing residential dwelling within close proximity to the barn conversion site. When broadening the area there is No. 220 150m to the north west and No. 194 195m to the south east. For the properties that are further away the noise impacts from the development are considered to be low although noise will occur when the works are being carried out, this should not be for a prolonged period of time. With respect to the two immediate neighbours they could be effected by the noise increase however as mentioned this should only be for a short time frame. In addition to this, Environmental Protection were consulted and raised no objections from a noise background. Therefore, in noise terms the proposal is considered acceptable.

Contamination Risks on the Site

Environmental Protection requested a standard land contamination condition be applied at this location should the application be approved.

Flooding Risks on the Site

The application site is located within Flood Zone 3 of the Environment Agencies flood maps and an area of Danger for All Hazard Zone of the Strategic Flood Risk Assessment. Due to the high flood risk, a flood risk assessment has been submitted within this application - this identified risks and mitigation measures. The summary of the risks are as follows, the probability of this development flooding from localised drainage systems is low, failure of Westmere Tidal Sluice could lead to an increased level of risk at the site. The probability of the site flooding from any EA system is less than 1% annual probability because of the standards of the existing flood defences. Over time there will be a gradual increase in risk to the site due to climate change. During the design life of the development, it is not anticipated that the site would flood. The SFRA considers residual risk associated with overtopping and a breach in the defences in 2115. The flood level is estimated to be +4.5m OD which is a depth of 0.8m to 1.1m around the building. There will be no increase in impermeable area associated with the development so there is no potential that flood risk will be increased elsewhere.

As such, the following mitigation measures have been suggested -

- It is recommended that the finished floor level of the dwelling is not less than +4.5m OD (0.8m - 1.1m above surrounding ground level), and;
- There is 0.3m of flood resilient construction above finished floor level

Due to its location in Flood Zone 3 and an area of Danger to All, the Environment Agency were consulted on this application and they initially objected to the application stating -

*'In accordance with Policy 4 of the South East Lincolnshire Local Plan 2011-2036, we 0object in principle to the proposed development due to an unacceptable risk to life and property from flooding and we therefore recommend that planning permission is refused.*

*Reasons*

*The site lies within Flood Zone 3a, which is land defined by the planning practice guidance as having a high probability of flooding. The site also has a future hazard classification of 'danger for all' (includes the emergency services) as shown on the Sutton Bridge Residual Flood Hazard 2115 0.1% annual exceedance probability (AEP) map, found in your Strategic Flood Risk Assessment (SFRA).*

*The Environment Agency hazard mapping shows the site could experience flood depths of up to 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. Notwithstanding the mitigation measures proposed, the risk to life and property from tidal inundation would be unacceptable if the development were to be permitted.*

*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. We therefore do not consider the proposed development to be acceptable on flood risk grounds as currently proposed'*

The Planning Agent sent further correspondence to the Environment Agency who then withdrew their objection were 'satisfied with the justification provided'. This was subject to a condition be imposed should the application be approved that enforces the mitigation measures suggested within the FRA.

The garden room will remain at ground floor level and is the only room that is not subject to the raising of finished floor level, this is important to note as this room will be the main/sole access into the property following a round of amendments to the scheme to remove previous extensions. Whilst this could be considered to raise some concerns, this room is not a habitable room as its sole purpose will be for a garden room and therefore the residents will have multiple other rooms to reside in should a flood occur and thus remain safe.

As such, the mitigation measures are considered to adequately allow the development to be acceptable in flood risk terms on site and the issues with the garden room remaining at ground level are not significant and do not warrant a refusal in this right.

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

For this section of the assessment, it is taken that Impractical means that the location and siting would "not be sensible or realistic", and undesirable reflects that it would be "harmful or objectionable".

The site is outside any defined settlement limit; however it has been previously established that applications such as this cannot be resisted on these grounds. The application site has access along New Road with the relevant infrastructure being provided or set to be added at a later date (such as a driveway etc). The works required to allow the building to be accessed by vehicles are limited and the availability of utilities means that it would not be impracticable to connect them to the building. Furthermore if approved the converted barn would be of a sufficient distance to retain sufficient amenity standards for both this property and existing neighbouring dwelling.

The Design or External Appearance of the Building

The proposal aims to use larch vertical cladding for the walls with zinc standing seam on the roof. The windows and doors will be constructed from grey aluminium and finally the rainwater goods will be black metal. From the planning statement provided it is considered that 'conversion scheme can easily be imported into the existing fabric with new walls and roofing sheets added within the existing framework using allowances under the GPDO'. These materials are typical to barn conversions and have a barn/agricultural feel to them whilst being of a good design. Overall, it is considered the design and external appearance of the building is acceptable in this instance; this can also be supported through the barn being located to the rear of the site and therefore not fully visible from the highway thus minimising any potential harm.

The Provision of Adequate Natural Light in all Habitable Rooms of the Dwellinghouses

All rooms that require it are served with adequate natural light. The open plan lounge, kitchen and dining area feature a large bi-fold door and French Door on two separate elevations which allows for natural light to pass in. Adjacent to this, there is a utility and WC, neither of these rooms are technically habitable and therefore do not necessarily require light however in this instance the utility benefits from this. Both bedrooms on this side also have windows which will allow for natural light to pass through - on the opposite side the master bedroom benefits from similar bi-fold doors to the lounge and therefore has similar light levels in this respect. The Garden Room to the rear also has windows across both elevations as well as a bi-fold door on the rear which is a more than adequate number of windows to provide acceptable light levels. The proposal in these terms is considered acceptable.

**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.