DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H18-1034-21**	**Applicant:**	**Mr & Mrs Farley**
Proposal:	Conversion of barn into dwelling		
Location:	Fenacre Farm 92 Peters Point Road Sutton Bridge		
Terminal Date:	30th November 2021		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework 2021

T & CP (GPD) Order 2015

Class Q

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
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	0	0	1

CASE OFFICER ASSESSMENT

Proposal

The application is for a change of use of an existing agricultural building to a 2-bed dwelling under Class Q of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015.

Site Description

The building is located to the rear (south-east) of no. 92 Peters Point Road, Sutton Bridge. It is an agricultural barn which dates from the 1940s or 50s. It has timber frame and the walls are clad with corrugated metal sheets. The roof is asbestos cement sheets.

A dwelling and associated buildings are situated to the east of the site. Heather Cottage is located approximately 200 metres to the west.

Planning History

H18-0383-11 - Full - Proposed two-storey extension - Granted 21 July 2011.

H18-1182-19 - Full - Proposed extension and alterations - Granted 11 March 2020.

Consultation Responses

Sutton Bridge Parish Council

Residents neighbouring the development's location should be consulted.

LCC Highways/SUDs

Does not wish to restrict the grant of permission

South Holland IDB

If a surface water discharge is proposed to a watercourse, then the proposed development will require land drainage consent in line with the Board's byelaws (specifically byelaw 3).

Environmental Protection

Request note relating to unexpected contamination.

Environment Agency

The proposed flood risk mitigation is not in accordance with the flood risk standing advice.

Public

Comments received (summarised):
Request Swift boxes.

Planning Considerations

Class Q of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 indicates that the following is permitted development:
a)a change of use of a building and any land within its curtilage from a use as an agricultural building to use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order; and
b)building operations reasonably necessary to convert the building referred to in paragraph a) to a use falling within Class C3 (dwellinghouses) of that schedule.

Paragraph Q.1 sets out the circumstances where development is not permitted. The information

provided by the applicant appears to satisfactorily demonstrate that the provisions of criteria (a) - (h) and (j) to (m) have been met.

Paragraph Q.1(i) states that 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). It advises that Class Q assumes that the agricultural building is capable of functioning as a dwelling. It recognises that for the building to function as a dwelling some building operations which would affect the external appearance of the building, which would otherwise require planning permission, should be permitted. Also, that the right allows for the installation or replacement of windows, doors, roofs, exterior walls, water, drainage, electricity, gas or other services to the extent reasonably necessary for the building to function as a dwelling house. It is not the intention of the permitted development right to include the construction of new structural elements for the building.

The timber structure of the barn takes the form of main frames consisting of timber columns and scissor trusses at regular centres along the length of the building with purlins spanning between these truss frames. The 4 No. frames are spaced at approximately 4.5m. The width of the structure is just over 10m which the scissor trusses clear span over. The structural survey accompanying the application indicates that "having analysed a number of structures of this style in the past we can say from experience that the timber frame structure will not be adequate to carry the required domestic loads, of cladding, services, ceiling and minimum roof imposed loads with the desired factors of safety required by current design codes." In addition, it goes on to stress that "the timber frame post exposed at foundation was showing significant signs of decay at ground level and just above. This can be seen in a number of the timber posts."

As indicated above, therefore, the existing timber structure has deteriorated over the years and is not considered capable of carrying the required domestic loads without new structural elements. As such, it is considered that the proposed works fail to satisfy the requirements of paragraph Q.1(i) and the PPG. As a consequence, the proposal is not permitted development under Class Q(b) of the GPDO.

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.

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;

Transport/Highways - The proposal would have 2 bedrooms. Parking spaces are available on site, plus turning facilities. LCC Highways consider that the proposal would not have an unacceptable impact upon highway safety.

Noise Impacts - The building is located to the rear (south-east) of no. 92 Peters Point Road. A dwelling and associated buildings are situated to the east of the site. Heather Cottage is located approximately 200 metres to the west. It is considered that use of the building as a dwelling would not materially harm the amenity of neighbouring residents, including noise impacts. This is subject to satisfactory boundary screening. Whilst there may be some noise and general disturbance during the construction phase this would only be temporary.

Contamination - Due to the former agricultural use of the land and buildings Environmental

Protection have been consulted and raise no objections subject to a contaminated land informative relating to unexpected contamination.

Flood Risk - The building to which the application relates is within Flood Zone 3 on the Environment Agency Maps. The South East Lincolnshire Strategic Flood Risk Assessment (SFRA) indicates that it is within an area categorised as "Danger for All".

This proposal is for a change of use to a dwelling with ground floor sleeping accommodation. The South East Lincolnshire SFRA standing advice states that "the proposal should be referred to the Environment Agency with a supporting Flood Risk Assessment (FRA), which demonstrates that the proposal will be safe for its lifetime. The Environment Agency is likely to object to proposals including ground floor habitable accommodation. The FRA should aim to identify mitigation measures in line with those required for new build development of the same type, as far as this is practicable ".

The submitted FRA acknowledges the hazard mapping depths of 0.5 metres and 1.0 metres and proposes that the "finished floor level is 0.4 metres above ground level with 0.6 metres of flood resistant construction above. An easily accessible loft space with velux window will be incorporated into the design". However, the flood risk standing advice for new residential properties with hazard depths of 0.5 metres to 1 metres is "FFL must be set 1m above ground level, with flood resilient construction to a height of 300mm above the predicted flood depth." Therefore, the proposed flood risk mitigation is not in accordance with the flood risk standing advice.

Location and Siting - The proposal is relatively close to Sutton Bridge. It has previously been established that applications such as this cannot be resisted on grounds that a site is divorced from a settlement.

Design/external appearance - No objections are raised on these grounds.

Conclusion

It has not been satisfactorily demonstrated that the proposal would not involve new structural elements. As such, it is considered that the proposed works fail to satisfy the requirements of paragraph Q.1(i). As a consequence, the proposal is not permitted development under Class Q(b) of Part 3 of Schedule 2 of The Town & Country Planning (General Permitted Development) Order, 2015.

Moreover, the building to which the application relates is within an area classified as Flood Zone 3 on the Environment Agency Maps and within an area categorised as "Danger for All" in The South East Lincolnshire Strategic Flood Risk Assessment (SFRA).

This proposal is for a change of use to a dwelling with ground floor sleeping accommodation. The South East Lincolnshire SFRA standing advice states that "the proposal should be referred to the Environment Agency with a supporting Flood Risk Assessment (FRA), which demonstrates that the proposal will be safe for its lifetime. The Environment Agency is likely to object to proposals including ground floor habitable accommodation. The FRA should aim to identify mitigation measures in line with those required for new build development of the same type, as far as this is practicable ".

The submitted FRA acknowledges the hazard mapping depths of 0.5 metres and 1.0 metre and proposes that the "finished floor level (FFL) is 0.4 metres above ground level with 0.6 metres of flood resistant construction above. An easily accessible loft space with velux window will be incorporated into the design". However, the flood risk standing advice for new residential properties with hazard depths of 0.5 metres to 1 metre is "FFL must be set 1m above ground level, with flood resilient construction to a height of 300mm above the predicted flood depth." Therefore, the proposed flood risk mitigation is not in accordance with the flood risk standing advice.