

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	H19-0885-20	Applicant:	Mr & Mrs S Durston
Proposal:	Conversion of agricultural building into 4 bed dwelling		
Location:	Longlands 279 Broadgate Road Sutton St Edmund		
Terminal Date:	20th January 2021		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework 2019

National Planning Policy Framework 2019

Planning Practice Guidance

Permitted Development Rights

T & CP (GPD) Order 2015 (as amended) Class Q

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
NORTH LEVEL INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Prior Approval Application for the conversion of existing agricultural building to one four-bed dwelling. The submission is supported by a Survey Report, Design and Access Statement, Flood Risk Assessment and Protected Species Report.

History

H19-0677-18. Prior Approval App. Conversion of existing agricultural building to one four-bed dwelling. APPROVED. 28-08-18.

Consultation Responses

Sutton St Edmund Parish Council

No response received.

SHDC Environmental Protection

Should unexpected contamination be discovered on the site at any time, the applicant is advised to contact the District Council's Environmental Protection department immediately.

LCC Highways & SUDS Support

No objection.

This proposal for the conversion of an agricultural building in to four bedroom dwelling was previously approved under application H19-0677-18, where the highway authority had no objection.

This access and parking arrangements remain unchanged, therefore it is considered the proposal would not result in an unacceptable impact on highway safety.

North Level Internal Drainage Board

No objection.

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.

The building is largely timber in construction, with hit and miss walling. The building is in agricultural use.

The floorspace of the building is 146.3 sqm
The curtilage to be changed is 317.7 sqm.

A structural report has been submitted indication that the building could be converted to a dwelling without substantial alteration or structural change.

A Flood Risk Assessment was submitted with the application to deal with the location of the site within Flood Zone 3, and proposes the raising of the internal floor level by at least 300mm to a min of 1.3m AOD.

It is considered that no further information would be required regarding the transport and highways

impacts of the development, noise impacts of the development, contamination risks on the site, flooding risks on the site, 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, or the design or external appearance of the building.

Planning Balance

This application seeks prior approval, so is governed by the Town and Country Planning (General Permitted Development) Order 2015, rather than the policies of the SELLP or the broader planning considerations of the NPPF. As this is the case, the balance to be considered relates to the structural integrity of the building and the provisions of Part Q. of the Order. The application is supported by a structural condition report, which concludes that the works can be undertaken.

Conclusion

It is recommended that development under Class Q is permitted subject to the condition that development under Class Q(a), and under Class Q(b), if any, must be completed within a period of 3 years starting with the prior approval date.

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.