

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H20-0239-26 **Applicant:** Mitch-Tech Group Ltd
Proposal: Change of Use of Barn to Flexible Commercial Use
Location: Lynn House Mill Lane Sutton St James
Terminal Date: 25th May 2026

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework December 2024

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

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	1	0

CASE OFFICER ASSESSMENT

Description of Proposal

This application is made under Schedule 2, Part 3, Class R of the General Permitted Development Order, 2015, for the change of use of an agricultural barn to a flexible commercial use. From the

information provided, the principal use of the site would be for pipe fabrication, with ancillary activities thereto (such as administrative facilities) also falling within this primary use.

Site Description

The site is located outside of any of the settlement boundaries outlined within the South East Lincolnshire Local Plan, 2019, and can therefore be considered to be within the Countryside. The site is approximately 350m south of Sutton St James, along the narrow Mill Lane.

The development site is located at the point where Mill Lane leads into Taylor Drove, a narrow access track. Lynn House is currently comprised of a red-brick dwelling to the north of the site, and an agricultural yard.

Relevant History

H20-1148-25 - Full - Erection of an oak framed double garage and a single storey gym / training building. Demolition of existing outbuilding structures to replace with two single storey, storage units for business use and the repurposing of the existing barn structure to create a dedicated workshop building for business use - Retrospective - Refused 23/01/26

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:

North Level Internal Drainage Board

Please note that North Level District Internal Drainage Board have no objections to the above planning application.

Highway and Lead Local Flood Authority

Requests additional information - Will the proposal result in any increase to vehicle movements to and from the site and if so what sort of vehicles will be making these movements?

Environmental Protection

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

Schedule 2, Part 3, Class R

Schedule 2, Part 3, Class R of the General Permitted Development Order, 2015, enables development consisting of a change of use of a building and any land within its curtilage from a use as an agricultural building to a flexible use. These flexible uses are listed as:

"(a) falling within one of the following provisions of the Use Classes Order

(i) Class B2 (general industrial) of Schedule 1;

(ii) Class B8 (storage or distribution) of Schedule 1;

(iii) Class C1 (hotels) of Schedule 1;

(iv) Class E (commercial, business or service) of Schedule 2; or

(v) Class F.2(c) (outdoor sport or recreation) of Schedule 2; or

(b) for the provision of agricultural training"

R.2(d) of the Order elaborates on this, stating that:

"where the site is to be used for general industrial purposes within Class B2, it must only be used for the processing of

*(i)raw goods, excluding livestock, which are produced on the site and are to be sold on the site, or
(ii)raw goods mentioned in paragraph (i) together with goods ancillary to the processing of those raw goods"*

The existing use of the land is considered to be agricultural. The evidence submitted as part of this application demonstrates that the site was previously occupied by an agricultural contractor. The previous use of the site, on the evidence provided, is considered to conform to the definition of agricultural found within the Town and Country Planning Act, 1990.

It has been stated by the Agent of the Applicant that the principal activity of the proposed use would be the fabrication of pipe work, from bare steel imported from a mill. Ancillary processes, such as the storage of raw goods and the maintenance of pipework for other businesses are also included in this use. It should be noted that the permitted development rights within Class R relate to a singular use and do not extend to a mix of uses between those specified. As such, any additional uses (such as the maintenance of pipe works which the Applicant's Agent has mooted may be Class E) would have to be ancillary to the primary use on the site and form a functional part of this primary use.

The supporting statement supplied as part of this application has elaborated on the use of the site further, stating the following: "The developer operates a small engineering company specialising in the installation, repair and maintenance of high pressure mechanical systems within various specialised industries such as power stations. A large part of that work includes the replacement and service of equipment at customer sites throughout the country. However, he also fabricates specific components, currently carried out at a workshop located in Fleet Road industrial estate on the outskirts of Holbeach".

On the balance of probabilities, based on the information provided, it is considered that the proposed use would be B2 in nature. A previously refused application made on the site (H20-1148-25), for the same finished use, stated that the proposed use would be B2. There is nothing before the Council to conclude differently.

As previously stated, R.2(d) limits the scope of which B2 uses are permissible under Class R to those involving the processing of "raw goods, excluding livestock, which are produced on the site and are to be sold on the site". There is no planning definition of "raw good". However, conventional business definitions would place it as a largely unprocessed base good (e.g., base metals, timber, stone, unprocessed crops etc). An email by the Agent of the Applicant clarified the use of the site, stating "The principal activity is fabrication of pipe work, from bare steel from the mill." Whilst it is debatable whether steel is in itself a raw good, as it requires smelting to form, the implication of the description given is that this material is imported to the site from a steel mill. Therefore, the raw good would not be produced on site in any case; thereby exceeding the requirements of Order.

On the information provide, the proposal would appear to exceed the limitations placed on Schedule, Part 3, Class R of the Order. The proposed use of the site would, on the information provided, be B2 in nature; however, it would not involve the processing of raw goods produced on the site.

Prior Approval Considerations

Notwithstanding the above assessment, in which it was concluded that the proposed change of use would exceed that permitted under Class R, as the proposed use would be a non-permitted B2 use, for the sake of completeness, the remaining requirements of Class R are discussed below.

Class R.1 states:

"R.1 Development is not permitted by Class R if

- (a)the building was not used solely for an agricultural use as part of an established agricultural unit
- (i)on 3rd July 2012;
- (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 building which was brought into use after 3rd July 2012, for a period of at least 10 years before the date development under Class R begins;
- (b)the cumulative floor space of buildings which have changed use under Class R within an established agricultural unit exceeds 1,000 square metres;
- (c)the site is, or forms part of, a military explosives storage area;
- (d)the site is, or forms part of, a safety hazard area; or
- (e)the building is a listed building or a scheduled monument."

The site would conform the above criteria. The site is not a military storage area, nor is a safety hazard area, nor a listed building. The cumulative floor space within the unit would not exceed 1000sqm.

It has been evidenced that, on the balance of probabilities, that the building was used for agricultural purposes as of 3rd of June 2012. The site was previously occupied by an agricultural contractor, where the building appears to have been used for agricultural storage.

Prior Approval Conditions

Class R.3(1)(b) outlines that:

"Before changing the use of the site under Class R, and before any subsequent change of use to another use falling within one of the use classes comprising the flexible use, the developer must where the cumulative floor space of the building or buildings which have changed use under Class R within an established agricultural unit exceeds 150 square metres, apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to (i)transport and highways impacts of the development; (ii)noise impacts of the development; (iii)contamination risks on the site; and (iv)floodings risks on the site, and the provisions of paragraph W (prior approval) apply in relation to that application."

As the floor space would be over 150sqm, assessment of the four criteria above would be required. As previously outlined the proposed use, for pipe fabrication, would appear to exceed the limitations of Class R. On that basis, there would be no requirement to assess the proposed use against the relevant criteria.

However, in the interest of completeness, the below provides a brief assessment of the proposal in that regard, and also goes on to provide an assessment against a generic "flexible use".

In respect of the pipe fabrication use, the following is considered:

i)No details of the highway implications have been provided. The Highway Authority have requested information on this to be provided. That being said, Mill Lane is a narrow, single track road. However, the majority of this road serves only Lynn House. On this basis, and given the previous agricultural use of the site, it is not considered that the proposal would have a significant or detrimental impact upon highway safety.

ii)No noise impact assessment has been provided. Bar Lynn House, which is in the same ownership as the applicant, the nearest dwelling is over 300m away. Whilst this distance would reduce the impact of noise to a certain extent, the openness of the landscape (which means sound would be unobstructed) and the lack of alternative noise sources creates an increased sensitivity. Conditions relating to hours of operation could control this factor, to a certain extent; however, without evidence to the contrary it cannot be comprehensively stated that the works would not have an unacceptable impact in this regard.

iii)Given the historic and proposed uses, it is not considered that there would be a harmful implication arising from the change of use of the land, particularly given the lack of operational development approved under Class R.

iv)The site is within Flood Zone 3 of the Environment Agency's Flood Maps for Planning. However, due to the extent of land within the District in this flood zone, it is considered appropriate to use the refined data within the South East Lincolnshire Strategic Flood Risk Assessment. Within this data set, the site is outside of any hazard zone within the 2015 and 2115 maps. On this basis, the tangible flood risk on the site is considered to be low.

The application form provided by the Applicant states simply a "flexible commercial use". It is not explicitly stated in the relevant area of Class R that a use must be specified for the change of use. That being said, without a specific use class being proposed, then a proper assessment against criteria (i) and (ii) cannot be undertaken. The uses available under Class R give rise to such vastly different implications, that an assessment on all bases cannot be undertaken. Moreover, the implications of each cannot be reasonably conditioned for, as a subsequent decision notice would contain irrelevant conditions, thereby conflicting with the guidance of the PPG.

On that basis, it cannot be said that a "flexible commercial use", which could fall under B2, B8, C1, E, or F2 would not have an unacceptable impact upon highway safety or noise impacts.

As a result, even if one was to discount the manufacturing use referenced within the submitted documents, the proposal would still not meet the requirements of Class R.

Operational Development

Class R relates only to change of use and does not permit any operational development. As such, the need for any associated works to facilitate a change of use, even if substantial, would not prohibit the change of use from falling under Class R. Therefore, any consideration of the amount of building operations that may be required are beyond the scope of this application.

It is considered that the recladding shown on the submitted drawings would constitute operational development. The building is an open fronted barn. The proposal would enclose the structure and also raise the roof slightly. This is considered to materially effect the appearance of the building, and would therefore constitute development.

That being said, as previously outlined, operational development does not form a part of the considerations of this application and would require separate permission. Application reference H20-0372-26 has sought to address this need. The proposed elevations forming part of this application can therefore be considered as indicative only.

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

The proposal is considered to exceed the requirements of Class R, as the proposed use would fall within use Class B2, and would not relate to the processing of raw goods produced on the site. The proposal therefore cannot be completed under this Class.

In any event, when the change of use is assessed as a generic "flexible use", then the proposal would exceed the requirements of Class R, as no assessment on the highway or noise impacts could be reasonably made by the LPA.

Recommendation

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