DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H20-0574-26**	**Applicant:**	**Mitch-Tech Group Ltd.**
Proposal:	Change of use of agricultural building to flexible commercial use pursuant to Class R		
Location:	Lynn House Mill Lane Sutton St James		
Terminal Date:	13th August 2026		

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
NORTH LEVEL INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	0
OTHER STATUTORY BODIES	0	0	0	1

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. Whilst the description of development proposed by the Applicant has not confirmed a Use Class, the submitted supporting statement has stated the following:

"The Barn will be put to flexible uses falling within Classes B8 and E(g) subject to specified limitations and conditions, primary use being E(g). The applicant's proposed activities will be fabrication of purged welded process pipework for surrounding food factories; fabrication of coded welded steam pipework for surrounding food factories and local power stations; fabrication and maintenance on various machines for local demolition companies; rebuilding demo shears and concrete crushers, maintenance works on roll on roll off skips, various welding and maintenance works to tracked construction machines; fabrication and maintenance works to industrial boilers and associated systems in local greenhouses; fabrication of flexi hoses for road vacuum tankers; maintenance to flower packer lines within the local area; engineering 24/7 support for local factories and farmers; all within a 25 mile radius of the Barn and are local businesses- some family run. It is anticipated 50% of the work will be at the Barn, the rest on customer sites."

The proposal has been assessed on the basis of the provided information.

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

H20-0239-26 - PAA - Change of Use of Barn to Flexible Commercial Use - Refused 14/05/26

H20-0372-26 - Full - Extra cladding to barn - Approved 28/05/26

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.

Environment Agency

The Environment Agency does not wish to make any comments on this application.

Historic Environment Officer

Thank you for consulting us on this application. Having reviewed the application documents and the updated available Historic Environment information for this application, the proposal is unlikely to have an impact on significant archaeological remains. Consequently, no further archaeological input is necessary for this application. It is not necessary to consult us on this application again, unless there are material changes to the proposals. However, if you would like advice from us, please contact us to explain your request

Highway and Lead Local Flood Authority

As Highways and Lead Local Flood Authority we assess all Prior Approval applications as to whether or not Prior Approval is required for Transport/Highways impacts and flooding risks on the site. This proposal is for change of use of agricultural building to flexible commercial use pursuant to Class R, the access meets the guidelines set out in Manual for Streets, adequate parking provision is proposed within the limits of the site and the proposal will not impact flood risk. Therefore, it is considered that the proposals would not result in an unacceptable impact of highway safety and flood risk.

Environmental Protection

No observations

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

Evaluation

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 Schedule1;
(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.

The specific proposed use of the site has not been stated within the Application Form; however, a supporting statement has outlined the intended use for the site. The Applicant has outlined, in brief, that the primary use of the site would be for the fabrication and maintenance of pipe work and parts for commercial purposes. They have stated that this use would fall within Class E(g) and B8 of The Town and Country Planning (Use Classes) Order 1987.

The assessment of the intended use must therefore be broken down into two broad categories:
a)Would the Use Classes stated by the Applicant, taken in isolation of the minutia of the intended use, be permissible under Class R?
b)If the described use would fall within the proposed stated categories and if said use would be permissible under Class R?

Assessment of Proposed Use Classes

The Applicant, within the submitted supporting statement, has stated the following:
"The Barn will be put to flexible uses falling within Classes B8 **and** E(g)" (emphasis added).

The Applicant, therefore, in the opinion of the Local Planning Authority has explicitly applied for two separate uses on the site.

Class R states "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:
(a)falling within **one** of the following provisions of the Use Classes Order" (emphasis added)

The use of the word 'or' between the list of Use Classes in Schedule 2, Part 3, Class R of the GPDO, emphasises that the grant of planning permission permits the change of use of an agricultural building to one of those uses in the list.

Furthermore, Paragraph R.4. of Schedule 2, Part 3, Class R of the GPDO, which aids interpretation, states that a flexible use means use of any building or land for a use (singular) falling with the list of uses set out in Class R.

Planning appeal ref: 3303164 considers this matter, *"Schedule 2, Part 3, Class R of the GPDO grants planning permission for the change of use of a building and any land within its curtilage from an agricultural use to a flexible use falling within one (my emphasis) of the Use Classes listed.*

The use of the word 'or' between the list of Use Classes in Schedule 2, Part 3, Class R of the GPDO, emphasises that the grant of planning permission permits the change of use of an agricultural building to one of those uses in the list.

Furthermore, Paragraph R.4. of Schedule 2, Part 3, Class R of the GPDO, which aids interpretation, states that a flexible use means use of any building or land for a use (singular) falling with the list of uses set out in Class R."

Class R therefore is explicit that a mixed use is not permitted. The proposal must fall within a single Use Class listed. This application has put forward two use classes. The proposal is therefore not permissible under Class R.

It should be noted at this time that under R.2(b), once the use has been changed under Class R, the site is to be treated as having a 'sui generis' use rather than one falling within a use class. Paragraph R.3 requires notification to the local planning authority to determine whether prior approval would be required for any subsequent change of use to another use falling within one of the use classes comprising the flexible use. Therefore, whilst there is flexibility within Class R, a use must be specified for the purposes of the Class as per R.2(b)/R.3.

Assessment of Use Class of Intended Use

In any event, even if the Local Planning Authority was to determine that the proposal was for a single planning unit and a single use, which would be contrary to the Applicant's own submission, then an assessment would still have to be made whether the intended use is within the limitations of Class R.

The proposal is for the fabrication of pipework and machinery parts from raw steel, imported off site from a steel mill. The use appears to be identical to that proposed under the previously determined H20-0239-26 and H20-1148-25, wherein both applications, the Applicant indicated a B2 use.

It would appear, solely for the purpose that the previous submissions were refused by the LPA, that the applicant has changed the Use Class stated; although, the function itself has not altered.

The Town and Country Planning (Use Classes) Order 1987 defines a B2 use as:
"Use for the carrying on of an industrial process other than one falling within class B1 above".

Use Class B1 has now been revoked, and replaced, in part, by Use Class E(g). However, the definition of B2 still relies on the below definition of B1 and accordingly cannot be discounted as a result of the revocation of B1. The definition of B1 is as follows:
"Use for all or any of the following purposes:

(a)as an office other than a use within class A2 (financial and professional services),
(b)for research and development of products or processes, or
(c)for any industrial process,
being a use which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit."

Use Class E(g) has the same definition as B1.

The submission has given no specific details of noise production, merely outlining that the cladding of the barn will prevent all noise. This statement is queried by the Council, as the Applicant has provided no evidence to support their claim. No information of other outputs (smell, fumes etc) has been provided.

On the balance of probabilities, in light of the two previous submissions for the same use, and considering the extent of information provided by the Applicant, it is considered that the use would fall within the B2 Use Class.

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). The proposed uses referenced within page 1 of the submitted supporting statement would not relate to the processing of raw goods produced on site.

On the information provided, 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, with such goods being imported from off-site. On this basis, it is not considered that the specified end use could be permitted under Class R.

Prior Approval Considerations

Notwithstanding the above assessment, in which it is concluded that the proposed change of use would exceed the requirements of Class R as the proposed use would be a non-permitted B2 use and that multiple use classes have been stated besides that; 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)flooding 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.

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

i)The Highway Authority has raised no objection to the proposal. Whilst exact details of vehicular movements have not been provided, via a transport assessment, an estimate of movements has been provided in the submitted supporting statement. On the basis of this evidence, the volume of traffic expected for a moderately intensive agricultural use would be greater than that emerging from the intended use of the site. As such, no harm is identified in this regard.

No parking area has been provided within the site area (red line boundary area) within the plan. Ultimately therefore, it cannot be assured that adequate parking has been provided in this instance. Similarly, the access is outside of the defined boundary. While it is acknowledged that the appellant currently owns the surrounding land, the proposal's reliance on land outside the application site introduces an unacceptable degree of uncertainty regarding its ability to operate effectively within the confines of the red line boundary. The proposal, therefore, lacks the necessary self-containment and raises concerns about its long-term sustainability and the transport and highways impact of the development.

ii)No noise impact assessment has been provided. Bar Lynn House, which is in the same ownership as the applicant (although the relevance of this point is discussed in greater detail below), 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. The comments of the Applicant with regard to noise reduction via cladding are noted; however, the efficacy of these features has not been demonstrated. That being said, on the balance of probabilities and in light of the potential for conditions restricting the extent of usage (such as hours of operation) it is considered that the noise impact could be suitably mitigated if the ultimate usage were to fall within Class E(g). That being said, a B2 use class would inherently produce noise, which would be impactful upon amenity, this particularly important if the use of the adjacent Lynn House were to be severed.

As previously stated, the red line boundary is confined to the building to be converted, and no further land has been highlighted. Therefore, access to the barn would have to be via the "blue line" area, which is in the ownership of the applicant, but not land which forms part of this application. The associated dwellinghouse is within this blue line area. Accordingly, it cannot be ensured indefinitely that the ownership of both units would be in the same hands. If the two units were severed, the vehicular movements and the noise generated by the use of the barn may give rise to a more severe amenity impact. The provisions of the Order are limited to the site area, and therefore imposing a condition linking ownership of both units would likely fail the tests for conditions within the PPG. As such, the long term impacts of development could not be secured indefinitely.

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.

For the above reasons, a proposal which met the requirements of Class R in full would also meet the requirements of conditions ii, iii, and iv. A B2 use, as seemingly proposed here, would likely result in amenity harm, failing ii.

In any event, the parking area, and access to the barn would be via land in the applicant's ownership, but outside of the defined site area. Accordingly, the parking provisions for the site and the long term accessibility of the site could not be ensured. This conclusion is in line with appeal decision APP/L3625/W/25/3369219. The proposal would therefore fail to meet the requirements of Condition i.

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 seem to 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. Moreover, even if the proposed use was not judged to be within Class B2, the applicant has explicitly they wish for a Class E(g) and B8 use. Multiple uses could not be permitted under Class R, and therefore the proposal would exceed the limitations of the Order.

In any event, when the change of use is assessed in light of the redline boundary, and the associated implications of this, the proposal is considered to fail to meet the requirements of the conditions of Class R.

Recommendation

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