DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H20-0575-26**	**Applicant:**	**Mr S Almey**
Proposal:	Conversion of existing agricultural barn to form 3 No. residential units		
Location:	Agricultural Barn West Of Birds Drove Sutton St James Spalding		
Terminal Date:	19th August 2026		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework December 2024

Town and Country Planning (General Permitted Development) Order 2015:

- Schedule 2, Part 3, Class Q - Agricultural buildings to dwellinghouses

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
HIGHWAYS & SUDS SUPPORT	0	0	0	1
NORTH LEVEL INTERNAL DRAINAGE BOARD	0	0	0	2
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	2
SHDC INTERNAL	0	0	1	1
OTHER STATUTORY BODIES	0	0	0	2

CASE OFFICER ASSESSMENT

Proposal

Consent is sought under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order (GPDO) 2015 (as amended) to convert an existing agricultural barn to form three residential units along Birds Drove.

Site Description

The site is located outside any defined settlement boundary and is therefore within the countryside, as outlined in the South East Lincolnshire Local Plan, 2019. Birds Drove specifically provides direct access into the settlement of Sutton St James and can be viewed, in some instances, as not being within the open countryside, albeit, is located in the countryside in planning terms.

The application site lies adjacent to an existing residential property known as 'Farm Cottage' and is set back within the plot, behind a row of mature trees. In its current form, the barn appears to be in a naturally poor state, with this being evident via examples of foliage and bushes growing through/alongside the existing structure. Furthermore, the site as a whole has become overgrown, progressively worse over time, to the point where it may be somewhat redundant in use.

History

No relevant site history.

Consultation Responses

North Level Internal Drainage Board

No objections.

South Holland Internal Drainage Board

No comments.

Lincolnshire County Council Highways & SUDS

ADDITIONAL INFORMATION REQUIRED

Please amend the proposed site plan to detail that the existing accesses shall be improved in accordance with current Lincolnshire County Council specification. In accordance with Manual for Streets, accesses should be appropriate for their use and so the existing accesses need to be suitable for residential use.

Please also specify how many parking spaces are allocated to each dwelling.

Ecology

We believe that this site could be of importance to some protected species and the development could potentially impact these protected species. Therefore, in the interest of transparency, we request that: photographs of the interior/exterior of any buildings onsite, and brief description of site, and use/activities on the site, be provided to the authority pre-determination so we can carefully evaluate whether we would require further survey work to be provided.

Lincolnshire County Council Historic Environment

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.

South Holland District Council Environmental Protection

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

Environment Agency

No comments.

Planning Considerations

Schedule 2, Part 3, Class Q

Part 3, Class Q of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), seeks to permit "buildings on agricultural units and former agricultural buildings to dwellinghouses". This is however subject to certain conditions and restrictions, including the requirement for applicants to apply to the local planning authority to determine if a prior approval application is necessary.

Class Q permits development comprising of a change of use of a building within an agricultural unit to residential use (Use Class C3). Class Q allows for any building operations 'reasonably necessary' to convert the building and for small-scale extensions, subject to specific criteria.

Class Q details that the following is permitted development:

Q. Development consisting of -
(a) a change of use of -
(i) a building that is part of an established agricultural unit and any land within that building's curtilage, or
(ii) a former agricultural building that was (but is no longer) part of an established agricultural unit and any land within that building's curtilage, to a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order,

(b) development referred to in sub-paragraph (a) together with the extension of the building referred to in sub-paragraph (a), or

(c) development referred to in sub-paragraph (a) together with building operations reasonably necessary to convert the building referred to in sub-paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule or to extend that building.

A key consideration under Schedule 2, Part 3, Class Q relates to the extent of works reasonably necessary to for the building to function as a dwellinghouse, and an assessment as to whether the resultant building operations would amount to such works as to go beyond the scope of the that which can be reasonably described as a 'conversion', and therefore amount to a 'rebuild'.

In this regard, development is not permitted under Schedule 2, Part 3, Class Q where the development 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.

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

The high court case, 'Hibbitt, and Another v Secretary of State for Communities and Local Government, and Rushcliffe Borough Council ' also illustrates the 'concept of 'conversion' as the fundamental provision of Class Q'; indicating that if the development does not comprise a 'conversion', then this would fall at the first hurdle. This is clearly detailed within the 'analysis' section of the high court case, detailing that "the concept of "conversion" is found in the overarching provisions of Class Q (not in Q.1) and it thereby introduces a discrete threshold issue such that if a development does not amount to a "conversion" then it fails at the first hurdle and there is no need to delve into the exceptions in Q.1. It is thus a freestanding requirement that must be met irrespective of anything in
Q.1".

In this case, whilst a structural survey has been provided, the statement as a whole, including the conclusion, make clear the lack of assessment undertaken during the process, as well as the need for further surveys prior to the implementation of any conversion, in order to adequate conclude its suitability. Further consideration and assessment of the survey is provided within the relevant section of this report below.

Beyond the information outlined within the structural survey, the existing barn is evidently, somewhat dilapidated and comprises a form that appears to be lacking structural soundness. Upon various elevations, significant examples of foliage and shrubbery can be seen growing along the walls of the barn which gives the structure a sense that it appears visually unsuitable for conversion. The use of the building as a dwellinghouse would require notable and, in the LPAs opinion, excessive works in order to be suitable for a conversion to a dwellinghouse.

In this case, given the current state of the existing structure and the likelihood of a need to carry out extensive work, coupled with the inadequate information identified within the structural survey or evidence to demonstrate the building is capable of being converted without unreasonable work being carried out, in addition to the evidenced need for further structural reports and findings as stated within the submitted statement, the Local Planning Authority remains unsatisfied that the development would constitute an appropriate 'conversion'.

It is the opinion of the Local Planning Authority that the building/structure is not capable of being converted to residential use without building operations that would be so extensive as to go beyond the scope of the operations permitted by Class Q, and would amount to 'rebuilding' or, in effect, the creation of a new building.

As such, it is considered that the proposed works fail to satisfy the requirements of Class Q.(c) and consequently would not permitted development under Class Q of the GPDO, prior to an assessment of the criteria of this Class under Q.1. In a similar regard, it is considered that that proposal would fail to accord with criteria Q.1(j), with an assessment of this being provided below.

Furthermore, and notwithstanding the identified confliction with the principle provision of Class Q(c), for the sake of completeness, the below assessment has been provided in any event, in relation to the requirements of Class Q.1.

Assessment Against Class Q.1 Criteria

Paragraph Q.1 of Class Q includes parts a) to p), and these specify the circumstances under which development is and is not permitted. The proposed building conversion is assessed against these criteria below.

Q.1. Development is not permitted by Class Q if -
(a) in the case of a site that is part of an established agricultural unit, the site was not part of the established agricultural unit -
(i) on 24th July 2023, or
(ii) where the site became part of the established agricultural unit after 24th July 2023, for a period of at least 10 years before the date development under Class Q begins

The application form outlines that the site was part of an established agricultural unit on 24th July 2023.

(b) in the case of a site that was (but is no longer) part of an established agricultural unit -
(i) the site was part of an established agricultural unit on 24th July 2023,
(ii) where the site ceased to be part of an established agricultural unit after 24th July 2023, the site has not been part of the established agricultural unit for a period of at least 10 years before the date development under Class Q begins, or
(iii) since ceasing to be part of an established agricultural unit, the site has been used for any non-agricultural purpose

The site is currently part of an established agricultural unit and was part of this same unit on 24th July 2023.

(c) the floor space of any dwellinghouse developed under Class Q having a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order exceeds 150 square metres

The floor space of any of the three dwellings proposed within this scheme exceed 150 square metres.

(d) the development under Class Q, together with any previous development under Class Q, within the original limits of an established agricultural unit (see paragraph Q.3(2) of this Part) would result in -
(i) the cumulative number of separate dwellinghouses having a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order exceeding 10, or
(ii) the cumulative floor space of dwellinghouses having a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order exceeding 1,000 square metres

There proposed number of dwellings would not exceed 10 as a total of three are proposed with the total floor space not exceeding 1,000sqm.

(e) the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained

The Application Form states that the site is not currently occupied under any agricultural tenancy agreements.

(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

Again, the Application Form states that no agricultural tenancy agreements have been determined in the year before development is proposed to begin for the purposes of carrying out the proposed change of 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 during the period which is 10 years before the date development under Class Q begins

Development under Class A(a) or Class B(a) has not taken place within the unit in the past ten years.

(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, other than -
(i) extension of the building allowed by paragraph Q.1(i);
(ii) protrusions of up to 0.2 metres to accommodate building operations allowed by paragraph Q.1(j)(i)

The external dimensions would not exceed beyond the external dimensions of the existing building.

(i) the development under Class Q(b) would result in an extension that -
(i) has more than one storey,
(ii) is sited anywhere other than to the rear of the existing building,
(iii) extends beyond the rear wall of the existing building by more than 4 metres,
(iv) has eaves the height of which exceed the height of the eaves of the existing building,

(v) is higher than whichever is the lower of -
(aa) the highest part of the roof of the existing building, or
(bb) a height of 4 metres above the ground,
(vi) extends beyond a wall that forms a side or principal elevation of the existing building, or
(vii) would be sited on land that, before the development under Class Q(b), is not covered by a hard surface that was provided on the land by virtue of any development, and -
(aa) the hard surface was not provided on the land on or before 24th July 2023, or
(bb) where the hard surface was provided on the land after 24th July 2023, the hard surface has not been situated on the land for a period of at least 10 years before the date development under Class Q(b) begins

The development does not result in any extensions throughout.

(j) the development under Class Q(c) 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(j)(i)

The proposed conversion is considered to be unacceptable when assessed against Point J as a result of the works required in order to convert the barn. Matters in this regard have been partially addressed within this report above; however, given the further detailed assessment required, this has been further detailed, and thoroughly assessed, within a later section of the report.

(k) the site is on article 2(3) land

The site is not on article 2(3) land.

(l) 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

The site is not within a site of special scientific interest, a safety hazard area or a military explosives area.

(m) the site is, or contains, a scheduled monument

The site is not, nor does it contain a scheduled monument.

(n) the building is a listed building

The building is not a listed building.

(o) the existing building, excluding any proposed extension under Class Q(b) but including any proposed building operations under Class Q(c), would not be capable of complying with the nationally described space standard issued by the Department for Communities and Local Government on 27th March 201565 as read with the notes dated 19th May 2016 which apply to it, or

Each proposed dwelling would comply with the National Described Space Standards.

(p) the building does not have suitable existing access to a public highway

There are two existing access points into the site from Birds Drove with these considering to be acceptable in this regard.

In light of the above, the information provided by the applicant appears to satisfactorily demonstrate that the provisions of criteria (a) - (h) and (k) to (n), alongside criteria (p) of Schedule 2, Part 3, Class Q.1. have been met. Additionally, the proposal does not seek to extend the built form and therefore, the proposal would not be at conflict with criteria (i).

Notwithstanding this, the Local Planning Authority consider that the proposal would not accord with criteria Q.1(j), as detailed above and further addressed below.

Assessment Against Criteria (j)

Criteria (j) of Class Q.1 details that development would not be permitted if:
(j) the development under Class Q(c) 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(j)(i).

As set out above, whilst it is not evidenced through a subsequent report, the existing structure appears somewhat dilapidated from visual assessment. The building comprises a form that appears to be lacking structural soundness, with various elevations comprising significant examples of foliage and shrubbery growing along the walls of the barn. The use of the building as a dwellinghouse would require notable and, in the LPAs opinion, excessive works in order to be suitable for a conversion to a dwellinghouse.

The structural soundness of the existing building should be taken into consideration in this regard, as the initial visual assessment of the building appears to indicate that it is in somewhat of a poor state, as can be seen through the foliage and greenery which is growing out of and within the barn.

A Structural Survey Report (WECE-26-755) has been submitted in support of this application; however, the content of this report is not clear in providing evidence or demonstrating the suitability of the building for conversion, and comprises evident caveats, including the need for additional survey work.

This report discusses the main points of consideration, which will be addressed in turn.

Firstly, the survey comprises a *"visual inspection only"* and therefore any assessment is limited in this regard. This was as a result of the access being *"limited externally by overgrown vegetation and internally be agricultural machinery"*. The roof structure was only viewed from ground level with no intrusive investigations being undertaken, it should also be noted that no structural calculations have been carried out for any members.

The stability of the barn appears to be provided through the steel frames with no specific roof-plane bracing being observed. The survey goes on to say that *"no visible distortion to roof truss members was observed; columns appeared reasonably plumb and aligned within normal construction tolerances, and the ridge line was consistent. No local distress or visible column settlement was noted. Primary structural steelwork appeared serviceable"*. Further to this, the existing steelwork showed *"mild surface corrosion only, with no visible delamination or loss of section primary members"*... *"Evidence of historical patch repairs to wall cladding; no similar repairs noted to roof cladding"*.

The western elevation features a low-level non-loadbearing wall, this appears to be constructed and founded independently of the floor-slab, minor longitudinal cracks were noted in the mortar bed joints of the wall panels towards the south of the building. The author of the report made it clear that they were unsure of the exact cause of this due to farm equipment being in close proximity to the wall; further illustrating shortfalls within the survey.

Whilst the survey goes on to conclude that *"the structural condition of the existing agricultural building envelope is generally good considering its intended agricultural purpose and age with little or no visible defects in the primary steel portal frame loading bearing members"* and also addressing that the single storey layouts could be constructed using *"light-weight timber frame methods... without subjecting the existing structures envelope to additional loadings"*; the report is clear in that *"Further investigations may be required to confirm some parts of the existing buildings structural components that were not visible during the survey"*.

The report continues by detailing that *"subject to suitable and detailed structural design including load assessment, we consider that the existing building structure is suitable for the proposed single storey domestic conversion"*.

In light of the above, which is not a full redress of the report, the survey outlines that there are

various components of the survey that appear to suggest there could be underlying concerns that could limit the potential for a safe conversion, with the need for additional surveys and assessments, which may result in somewhat adverse rebuilding.

Notably in this regard, the survey comprised solely a visual inspection as a result of there being limited access by virtue of the overgrown vegetation externally and agricultural machinery internally, with there also being no intrusive investigations of the roof being undertaken and no structural calculations being carried out.

It also details that inability to confirm specific cracks to the walls or their cause, as a result of machinery being close to the walls. Furthermore, the latter points outlined above state that further investigations may be required to confirm components of the existing building which were not visible during the survey and finally the assessment as a whole is *"subject to suitable and detailed structural design including load assessment"*.

It can therefore be considered that there is a lack of sufficient information provided, as to provide adequate evidence or to adequate demonstration, particularly given the visual state of the building, that the building could be 'converted'; and would not be subject to works so excessive as to exceed conversion works.

The LPA consider that as a result of this, it is not possible to accurately and safely determine whether the building is capable of 'conversion'. It has not been evidenced that the building/structure is capable of being converted to residential use, without building operations that would be so extensive as to go beyond the scope of the operations permitted by Class Q, Point J, and would amount to 'rebuilding' or, in effect, the creation of a new building.

As such, it is considered that the proposed works fail to satisfy the requirements of Class Q.1(j).

Assessment Against Conditions

Q.2. - (1) Where the development proposed is development under Class Q(a) together with development under Class Q(c), 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 Schedule 1 to the Use Classes Order,
(f) the design or external appearance of the building, and
(g) the provision of adequate natural light in all habitable rooms of the dwellinghouses

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.

In this instance, given that it has been concluded that the proposal fails adhere to the provisions of Class Q.(c), along with criteria set out under Q.1(j), it is not deemed necessary to assess the aforementioned prior approval considerations.

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

Taking the above considerations into account, it is considered that the proposal does not constitute permitted development under Schedule 2, Part 3 Class Q of The Town and Country Planning (General Permitted Development) Order, 2015.

The submitted detail is insufficient as to demonstrate that the resultant building operations required would not amount to such works, as to go beyond the scope of the operations permitted by Class Q and as such go beyond that which can be reasonably described as a 'conversion'. Therefore, the proposed works could amount to 'rebuilding' of the existing structure or, in effect, the creation of a new building. Furthermore, the proposal would therefore fail to accord with the requirements set out within Q.(c) and criteria Q.1(j) of Class Q.

For these reasons, the proposal is considered unacceptable and fails to meet the requirements of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Recommendation

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