DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H20-1010-25**	**Applicant:**	**One Investment Group Ltd**
Proposal:	Conversion of Agricultural Buildings to 4 Dwellings		
Location:	Land At Thistlewood Farm Old Fendyke Sutton St James		
Terminal Date:	11th December 2025		

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

CASE OFFICER ASSESSMENT

Proposal

The proposal seeks consent to establish if a prior approval application is required for the conversion of agricultural buildings into 4 dwellings. 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). It has been established that prior approval is required, and as such it is necessary to assess whether prior approval should be granted.

Site Description

The application site comprises four agricultural buildings located on land to the south-west of Old Fendyke. The site is located approximately 900m to the south-west of Sutton St James. The site is within a rural area, however, there is sporadic development next to Old Fendyke including dwellings to the north, and agricultural buildings to the south-east.

The site lies within Flood Zones 2 and 3, as identified by the Environment Agency's flood risk maps.

Relevant Planning History

H20-0404-25: (Prior Approval) Change of use of 4 barns into 4 dwellings including alterations - refused

Consultation Responses

Responses have been received from the below referenced consultees. The responses are summarised below; however, the responses can be viewed in their entirety on South Holland District Council's website.

South Holland Internal Drainage Board:

Byelaw 3 (Surface Water): I cannot see that the applicant has identified a drainage strategy for the site within their application. We recommend a drainage strategy is provided for the site. If the applicant proposes to discharge surface water to a watercourse, consent would be required under Byelaw 3. The Board recommend that any discharge is in line with the National standards for sustainable drainage systems (SuDS) published in June 2025. Further to the National Standards for SuDS, the Board's policy is to restrict discharges to 2/l/s/ha or annual average flood flow rate (QBar or QMed), whichever is higher. Please note that any consent granted for the discharge of surface water is likely to be subject to a Surface Water Development Contribution fee (SWDC) as outlined within our Development Control Charges and Fees.

Byelaw 3 (Treated Foul Water): I note that the applicant has not indicated how they propose to dispose of foul water from the development. If the applicant proposes to discharge treated foul water to a watercourse, consent would be required under Byelaw 3. Please note that any consent granted for the discharge of treated foul water is likely to be subject to a Treated Foul Water Development Contribution fee (TFWDC) as outlined within our Development Control Charges and Fees.

Section 23, Land Drainage Act 1991: I note the presence of a watercourse which is not maintained by the Board (a riparian watercourse) adjacent to the western site boundary. Whilst not currently proposed, should the applicant's proposals change to include works to alter the riparian watercourse, or if works are proposed to alter the watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 (and byelaw 4).

Byelaw 10: There are no Board maintained watercourses within or adjacent to the site boundary therefore Byelaw 10 does not apply.

Lincolnshire County Council - Highways and SUDS: As previously advised by the Highway Authority under application H20-0404-25, historically there is an access here, however it is very overgrown and not in use. Therefore, we would ask the applicant to provide a detailed access drawing showing the visibility splays in accordance with Manual for Streets and the access width to be as a minimum of 4.1 metres wide for the first 10 metres to allow for the safe passage of two-way vehicular movements. Additionally, sufficient information will be required to demonstrate that the use of a suitable drainage system for the management of surface water run-off is appropriate for this site to mitigate concerns with flooding of the properties and surrounding land, as the proposed

development site is within a flood zone 2/3

Lincolnshire County Council - Historic Environment Team: The applicant has not provided an assessment of the archaeological or heritage potential of the site, as outlined in the NPPF (paragraph 207). The 4 existing barns on site are considered a non-designated heritage asset (NDHA) due to its distinctive construction. Documented examples predating the 1880s are rare, and barns from 1880-1940 are referenced in Historic England's Agricultural Buildings: Listing Selection Guide (April 2011). Conversion will have a significant impact on any surviving original fabric of the 4 barns. I recommend that if permission is granted, there be a condition for a mitigation strategy to effectively deal with this site. This will comprise a phased programme of mitigation work including, but not limited to, a level 3 historic building recording of the 4 barns. This should be secured by South Holland District Council's standard condition AR04.

Environmental Protection: Following review of ABC Anglia Buildings Consultants, Land Contamination Screening Document 24-2451, Dated 10th June 2025 regarding conversion of barns at Thistlewood Farm I request a standard land contamination condition be applied at this location.

Sutton St James Parish Council: No response received.

Cllr L J Eldridge: I am writing in my capacity as District Councillor for the Saints Ward after receiving concerns and objections in relation to Prior Approval application H20-1010-25, relating to the proposed conversion of agricultural buildings to four dwellings at Thistlewood Farm, Old Fendyke, Sutton St. James.

Whilst I appreciate that this is a prior approval application and not a full planning application, in which case, as the local planning authority, SHDC is restricted in its considerations, I have concerns that four barns in this location, would have a detrimental impact on neighbouring properties and would be considered to be overdevelopment of the site.

The location is outside the settlement boundary, as defined in the Southeast Lincolnshire Local Plan, with the existing street scene being detached and semi-detached properties set predominantly in large plots. There are currently no shared driveways along Old Fendyke, as is proposed for this development, and although I appreciate that cannot be considered in relation to this, due to it being prior approval application I feel it is necessary to raise. There is also concern in relation to visibility when leaving the site.

The buildings sit immediately adjacent to active agricultural land a large active nursery, and a farm machinery supplier, these agricultural buildings were not constructed for residential noise insulation, and the conversion risks placing future occupiers in an environment of significant and unavoidable agricultural noise.
This goes against national and local planning policy as below:
* NPPF Paragraph 187 - new development should be protected from unacceptable noise pollution
* SELLP Paragraph 3.3.8

Although an EcIA has now been provided, there is clearly evidence in relation to protected species being present which would be impacted by the development of this site and could not be mitigated against.

Therefore, if this application is considered for approval, I would request that it is referred to Chairman's panel with a view to referral to planning committee for full debate.

Sir John Hayes MP: My concerns remain about the impact this proposal could have on the village. An additional 4 dwellings will see a significant increase in traffic movements along Old Fendyke which is a narrow lane, along with the construction traffic. In addition, concerns have been raised with regard to visibility when exiting decide. Neighbouring residents are worried about the impact of increased noise and, in particular, the loss of wildlife habitat. I understand the barns have been vacant for many years and are currently home to bats and barn owls. Furthermore, these barns provide highly distinctive architectural features and hold significant heritage value, so it is imperative these bonds are preserved and that any conversion does not impact on any surviving original fabric of the bonds. I would, therefore, be grateful if you could treat my letter as a formal objection to this proposal.

Ecology Officer: Although a formal consultation response has not been received, the local planning authority's (LPA) ecology officer has set out within an email that the EcIA is sufficiently rigorous and

detailed to determine the application, and that the recommendations / mitigation measures proposed are adequate for ensuring that the development will remain compliant with protected species legislation.

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, 3 representations have been received (2 of the representations are from the same respondent). The following matters are set out within the representations:

-Why has the notice received through the post not been sent to immediate neighbours who will all be affected?
-The 16th October 2025 Covering Letter from the agent refers to an environmental report - why is this not on the site or attached?
-The area consists of single houses I fear this cluster of 4 properties would be the first step in changing the postcode into a small housing estate outside the village. There appears to be no shortage of properties locally.
-The development would certainly disrupt the local wildlife.
-The proposed junction is hazardous due to the existing Scalesgate and Bardlings Drove junctions given the heavy vehicle usage.
-The EcIA expressly admits (Section 6.2.1) that hibernation "cannot be ruled out", meaning failure to conduct winter surveys violates BCT 2023 Section 8.2, requiring winter inspection where hibernation is possible. This lack of data prevents the LPA from lawfully assessing impacts on an EPS, violating Morge and Regulation 9(3) of the 2017 Regulations.
-Failures in Survey Methodology (Bats). The EcIA contains no static acoustic monitoring. CIEEM EcIA Guidelines (2018, updated 2022), Section 7.2.2 require: "Automated detectors should be used to provide temporal coverage where site constraints or limited visits would otherwise reduce survey reliability."
-Misclassification of Roost Types. The EcIA confirms that there are up to 4 common pipistrelle roosts and 1 brown long-eared roost, but does not classify them following the UK Bat Mitigation Guidelines (Reason & Wray, 2025). The EcIA downgrades the roost significance based on incomplete inspection. Demolition will destroy EPS roosts which is a criminal offence, and no licence can be granted where data is insufficient.
-Failures in Barn Owl Assessment (e.g. misinterpretation of large pellet accumulations). The EcIA incorrectly concludes nesting is "unlikely". This is a clear departure from authoritative guidance. The EcIA proposes only a single external barn owl box. Barn Owl Trust (2012), p. 108 requires: "At least one internal and one external nesting site should be provided where a traditional roost is lost, with monitoring for at least 3 years." None of this is proposed. Disturbing barn owls is a criminal offence.
-The EcIA uses only descriptive habitat notes.
-No Lighting Modelling Despite significant reliance on lighting mitigation, no lux modelling or illumination diagram is provided. BCT Guidance Note 08/23 (2023), Section 5 states: "Lighting proposals must be accompanied by predicted light-spill modelling demonstrating compliance with guidance." The absence of modelling means the LPA cannot lawfully rely on mitigation claims.
-The proposed compensation / mitigation measures are not proportionate.
-Granting planning permission would breach criminal law.
- A license from Natural England could not be granted as there is incomplete data.

In terms of the above referenced concerns relating to which properties were consulted. Initially, only the neighbouring dwelling was consulted as only neighbouring properties are required to be consulted. Although not specifically required in this instance, in the interests of engaging nearby residents, 5 additional dwellings were consulted on 11th November 2025.

Planning Assessment

Whether the Proposal Comprises Permitted Development

It is first necessary to consider whether the proposed works comprise permitted development.

Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), allows for the conversion of agricultural buildings and buildings within agricultural units to residential dwellings. This is subject to certain conditions and restrictions, including the requirement for applicants to apply to the local planning authority (LPA) 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), including any land within the curtilage of the building. Class Q allows for any building operations 'reasonably necessary' to convert the building and now allows for extensions.

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 proposals are assessed against these criteria below.

"(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"

According to the application form, the site is part of an agricultural unit, which is in accordance with part a.

"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"

As set out above, the site is part of an agricultural unit.

"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"

None of the proposed dwellings would feature more than 150sqm of floor space. The proposed barn conversions would feature approximately the following amounts of floorspace:

-Barn 1 (96sqm);
-Barn 2 (90sqm);
-Barn 3 (90sqm); and
-Barn 4 (63sqm).

"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"

4 dwellings are proposed and the combined floorspace of the dwellings would not exceed 1,000sqm, in accordance with part d.

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

According to the application form, the site is not occupied under an agricultural tenancy.

"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"

- According to the application form, no agricultural tenancies relating to the site have been terminated in the last year.

"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"

- The LPA is not aware of any development that has been undertaken using permitted development rights for the purposes of agriculture in the past 10 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 proposals would not result in an increase in the external dimensions of the buildings, or protrusions over 0.2m.

"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"

- No extensions are proposed.

"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)"

National Planning Practice Guidance and case law make it clear that development under Class Q should not be so extensive as to amount to a 're-build'. In this case, no extensions are proposed, and only one of the buildings is proposed to be partially demolished. To facilitate the conversion of the buildings, some new windows and doors are proposed on the elevations of the buildings. It is not considered that any of these external alterations exceed the limitations of part j.

"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 within the site is not listed.

"(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 2015 as read with the notes dated 19th May 2016 which apply to it"

The proposed dwellings would comply with the nationally described space standard.

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

There is an existing access to the site from Old Fen Dike, to the east of the site. The access is overgrown; however, the access appears to have been in place previously. Visibility splays have been shown within the submitted plans and the access width would be acceptable. As such, it is considered that the proposals accord with part p.

As the proposed development is considered to comprise permitted development, it is subsequently necessary to assess the application against the requirements of the conditions of Class Q, as specified within paragraph Q.2.

Paragraph Q.2 (1) states that where the development proposed is permitted under class Q(a) together with development under Class Q(b), development is permitted subject to the condition that before beginning the development, the developer must apply to the LPA 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 the Schedule 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.

These matters are therefore assessed in turn below. As set out below, it was considered that prior approval would be required. For example, the site is located within Flood Zone 3 and it was considered necessary to consider the transport and highways impact of the development.

a. Transport and Highways Impact

The proposed access to the site is from Old Fendyke, which is to the north-east of the site. The access is already in place; however, it is overgrown and as such it is difficult to assess the suitability of the current surfacing. Notwithstanding this, the submitted site plan (P-24-2451-7-B) sets out that the access is proposed to be surfaced in a material which accords with Lincolnshire County Council's (LCC's) specification. LCC's highways team have requested that the visibility splays are demonstrated in accordance with the Natural for Streets. The submitted Location Plan (P-24-2451-1-B) shows the visibility splays from the site access. Adequate room for parking is proposed to each of the dwellings. Therefore, it is considered that the proposed development is acceptable in terms of highway safety.

b. Noise Impacts

The site is mostly surrounded by agricultural land; however, there is also an existing dwelling located to the north of the site and an agricultural building located to the south of the site. The council's environmental health team have not set out any objections to the proposals on the basis of noise disturbance.

Councillor Eldridge has raised concerns with the proposals due to the site's location next to agricultural land and the location of nursery (horticultural) businesses located to the south-east of the site on the opposite side of Old Fendyke. The nearest buildings within these businesses are located approximately 160m from the site. It is not considered that the noise or disturbance generated from these businesses or the surrounding agricultural land would result in an adverse

impact on the living conditions of future occupants of the dwellings. The dwellings would need to be appropriately insulated and feature appropriate levels of glazing to accord with Building Regulations, which would help protect the amenity of future occupants.

Therefore, it is not considered that site is located in an area that is likely to be subject to adverse levels of noise. Future occupants are not likely to be subjected to an unacceptable degree of noise disturbance.

c. Contamination

The council's environmental health team have requested a standard land contamination condition in order to ensure that the site is appropriately assessed and mitigated for. The condition has been agreed with the applicant's agent as the condition is required to be discharged prior to the commencement of development.

d. Flood Risk

The site lies within Flood Zones 2 and 3, as identified by the Environment Agency's flood risk maps.

Within the South East Lincolnshire Strategic Flood Risk Assessment, areas across South Holland have been identified according to the level of hazard that is posed in terms of flood risk. Appendix C of the SFRA sets out guidance in terms of the minimum measures that are required according to what hazard category areas fall under. The site is not within a hazard rating area. As such, in this case no specific mitigation is recommended by the SFRA.

The application is accompanied by a Flood Risk Assessment (FRA) which assesses the potential flood risks associated with the proposals. The FRA sets out that although the site is within Flood Zone 3, the site benefits from defences on the tidal River Nene that provide protection during the 0.5% annual probability (1 in 200 chance each year) tidal event including an allowance for climate change. The FRA recommends that the floor level of the dwellings should be set 0.3m above the surrounding ground level, and that 0.3m of flood resilient construction should be incorporated above the finished floor levels. A condition could be used to secure the implementation of these mitigation measures. As such, the proposed development would be acceptable in flood risk terms.

e. Whether the Conversion is Impractical / Undesirable

This consideration is not specifically defined, however Planning Practice Guidance sets out at Paragraph 109 (reference ID: 13-109-20150305) that impractical reflects that the location and siting would "not be sensible or realistic", and undesirable reflects that it would be "harmful or objectionable".

Although the site is relatively isolated as it is not within walking distance of key services and facilities, the site is near to a road and as such there is an existing access to the site.

Under the Conservation of Habitats and Species Regulations 2017, the LPA has a general duty to consider whether protected species may be affected by development. Therefore, whilst protected species are not a specific consideration in Class Q Prior Approval applications, it is nonetheless considered appropriate to ensure that protected species are considered.

The previous prior approval application was refused due to the lack of information that was submitted to establish if there were protected species within the site. The current application is accompanied by an Ecological Impact Assessment which includes the results of protected species surveys. To summarise, the EcIA sets out that bats are using the site for roosting and foraging, and Barn 3 showed evidence of a long-standing Barn Owl Roost. The EcIA sets out various precautionary measures that would need to be taken before and during undertaking works within the site. For example, it would be necessary to secure a Bat Natural England Protected Species License (Section 6.2). The LPA's ecology officer has set out that the EcIA is sufficiently rigorous and detailed, and the proposed recommendations and mitigation measures are adequate to ensure the development will remain compliant with protected species legislation.

It is noted that concerns have been raised within the public representations relating to the impact of the development on protected species. However, it is considered that the application has been accompanied by an appropriately detailed EcIA and an appropriate level of mitigation is proposed. The proposed precautionary measures for construction activity and mitigation measures can also be

secured by condition.

f. External Appearance

Various external changes are proposed to the buildings within the site. For Barn 1, new windows and doors are proposed and the existing composite cladding roof is proposed to be retained and repaired. The existing roof appears to be of a poor quality, and it will need to be replaced to ensure a satisfactory appearance. Details of a replacement roof could be secured by condition. The plans indicate that the existing blocks are proposed to be retained and painted. The colour is not specific. On the front elevation, it is proposed to remove the tin cladding with timber cladding. Lastly, it is proposed to remove and infill a window opening on the rear elevation. The opening is proposed to be infilled with brickwork.

For Barn 2, various windows and doors are proposed and art of the elevations are proposed to be infilled with timber cladding on the front and side elevations. Some infill brickwork is also proposed on one of the side elevations. It is also proposed to retain and repair the existing composite roof cladding, and the brickwork facades will be retained. As for Barn 1, the existing roof appears to be of a poor quality, and it will need to be replaced to ensure a satisfactory appearance. This can be secured via a condition. Part of the existing building is proposed to be demolished. This area comprises approximately 23sqm and is located towards the front of the existing building.

For Barn 3, it is proposed to infill existing openings with brickwork and to insert new windows and doors on the front elevation and one of the side elevations. The slate roof and brickwork facades are proposed to be retained. No cladding is proposed on this building.

For Barn 4, the existing brickwork facades are proposed to be retained, however timber cladding is proposed to replace lace corrugated sheeting on the side elevations. Matching brickwork is proposed to infill many of the existing openings. Timber cladding is proposed on the front elevation and new windows and doors are proposed on all of the elevations. As for Barns 1 and 2, the existing roof appears to be of a poor quality, and it will need to be replaced to ensure a satisfactory appearance.

The visual impact of the proposed external changes to the buildings is considered to be acceptable. The proposed retention of the existing materials within the buildings combined with the inclusion of appropriate materials such as timber cladding is considered to be acceptable given the rural character and context of the site. The conversion to residential use is therefore considered to have an acceptable impact on the character and appearance of the buildings and the surrounding area.

g. Natural Light Provision in Habitable Rooms

The proposed plans show that all habitable rooms are provided with natural light and ventilation given the location of windows on the buildings.

Other Matters

It is noted that Lincolnshire County Council's historic environment team have asked for a condition to secure a historic building recording. This condition is not considered to be necessary in this case as the application is for prior approval, rather than a full planning application. For prior approval applications, permission has already been granted though the GPDO, and as such the prior approval application is effectively an application to discharge a condition pertaining to that permitted development right. The scope of issues which are material to the determination of prior approval applications are fixed exclusively by the terms of the order. In the case of Class Q, the matters set out within Paragraph Q.2 (1) are the relevant matters (for example, highway safety, noise, contamination etc.). Archaeology and heritage assets are not included.

Within the GPDO, under the 'procedure for applications for prior approval under Part 3' , Paragraph (W) sets out that the LPA must, when determining a planning application:

"(10) have regard to the National Planning Policy Framework issued by the Ministry of Housing, Communities and Local Government in July 2021, so far as relevant to the subject matter of the prior approval, as if the application were a planning application"

As it says 'so far as relevant', the impact of the proposals on potential heritage assets is not a relevant consideration in this case.

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 prior approval should be approved subject to conditions. It is considered that the proposed works would accord with Schedule 2, Part 3, Class Q of the GPDO.

Recommendation

Based on the assessment detailed above, it is recommended that the proposal should be approved under delegated authority.

It is noted that Cllr Eldridge has asked for the application to be referred to Chairman's panel for consideration. The LPA's scheme of delegation sets out that prior approval applications are not 'significant' applications. As such, prior approval applications do not need to be considered at Chairman's panel or at Committee.