

DECISION DELEGATED TO HEAD OF PLANNING
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<b>Application No:</b>	<b>H20-1114-25</b>	<b>Applicant:</b>	<b>Mr A Faulkner</b>
<b>Proposal:</b>	Conversion of agricultural building to create two 2 bedroom dwellings with internal mezzanine first floor levels.		
<b>Location:</b>	Barn West Of Bells Drove Sutton St James Spalding		
<b>Terminal Date:</b>	8th January 2026		

**Planning Policies**

South East Lincolnshire Local Plan - Adopted: March 2019
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National Guidance
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National Planning Policy Framework December 2024
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**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
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	2
NORTH LEVEL INTERNAL DRAINAGE BOARD	0	0	0	2
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1

## **CASE OFFICER ASSESSMENT**

### **Proposal**

The proposal seeks consent to establish if a prior approval application is required for the conversion of an agricultural building into 2 dwellings. Consent is sought under Schedule 2, Part 3, Class Q 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 an agricultural building that is located to the east of Bell's Drove, Sutton St James. The site is mostly surrounded by agricultural land, other than Bell's Road. The building is set back from the road frontage by approximately 9m.

### **Relevant Planning History**

No planning applications have previously been submitted within the site.

### **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.

Lincolnshire County Council - Historic Environment: The proposal is unlikely to have an impact on significant archaeological remains. Consequently, no further archaeological input is necessary for this application.

Lincolnshire County Council - Highways and SUDS Support: The proposal is for the conversion of agricultural building to create two 2 bedroom dwellings with internal mezzanine first floor levels. Sufficient parking has been demonstrated for the size of the dwellings. The access meets visibility set out in Manual for Streets, although the access will need to be made up to LCC's specification. It is preferred that vehicles reverse into the drive so they can exit in a forward gear. The proposal will not have an adverse impact on the public highway. Highway informatives 03 and 08 are recommended.

Environmental Protection: I request a screening assessment form be completed and submitted with photographs for this application.

South Holland Internal Drainage Board: The site in question lies outside the Internal Drainage District of the South Holland Internal Drainage Board as well as the Board's wider watershed catchment, therefore the Board has no comments to make.

North Level Internal Drainage Board: No objections.

Sutton St James Parish Council: No response received.

Cllr L J Eldridge: No response received.

### **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 representations have been received from members of the public.

### **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 to residential dwellings. 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), 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 proposed building conversion is 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 unitâ??*

*(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 not part of an agricultural unit.

*"b) in the case of a site that was (but is no longer) part of an established agricultural unitâ??*

*(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"*

- According to the application form, the site was not part of an agricultural unit on 24 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"*

- Dwelling 1 is proposed to feature approximately 144sqm of internal floorspace and Dwelling 2 is proposed to feature 142sqm of internal floorspace, thereby not exceeding the maximum allowance.

*"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 inâ??*

*(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"*

- According to the submitted application form, no work under the permitted development rights for the erection, extension or alteration of a building reasonably necessary for the purposes of agricultural has been carried out on the agricultural unit during the 10 year period before development begins. The proposed number of dwellings would not exceed 10, nor would the floorspace exceed 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"*

- According to the application form, the site is not occupied under any agricultural tenancy agreements.

*"f) less than 1 year before the date development beginsâ??*

*(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"*

- It is not considered that development under Class A(a) or Class B(a) has not taken place within the unit 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 thanâ??*

*(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 proposal would not result in protrusions over 0.2m.

*"i) the development under Class Q(b) would result in an extension thatâ??*

*(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 ofâ??*

*(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, andâ??*

*(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 thanâ??*

*(i) the installation or replacement ofâ??*

*(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 the building would not be partially demolished. To facilitate the conversion, new windows and doors are proposed on the elevations of the building and timber cladding is proposed on the front (western) elevation. 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 ofâ??*

*(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"*

- Access to the site is proposed from Bell's Drove, to the west of the site. The access is already in place and will need upgrading to Lincolnshire County Council's (LCC) specification standards. Notwithstanding this, it is considered that the access is suitable.

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 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 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 assessed in turn below. It is considered that prior approval is required as the site is within Flood Zone 3.

#### a. Transport and Highways Impact

There is an existing vehicular access to the site from Bell's Drove, which is located to the west. The access would continue to be used and there is room for parking within the site. LCC's highways team have set out that the proposed development is not expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network. The team have set out that the existing access should be constructed to LCC's specification standards. The team have not recommended any specific conditions; however, informatives are recommended. Therefore, the proposed development is acceptable in terms of highway safety.

#### b. Noise Impacts

The site is mostly surrounded by agricultural land; however, there is a farm shop located to the south-west of the site, on the opposite side of Bell's Drove. There is a haulage and storage site further to the south of the farm shop. The nearest dwelling is located approximately 80m to the north of the site. The site is not located in an area that is likely to be subject to adverse levels of noise. Therefore, it is considered that future occupants would not be subject to an unacceptable degree of noise disturbance.

#### c. Contamination

The council's environmental health team have requested a screening assessment form; however, this has not been provided by the applicant. No demolition or extensions are proposed and as such,

this reduces the potential for ground disturbance. It is considered appropriate to include a condition requiring the site to be monitored for signs of contamination and if so, a contamination assessment and remediation scheme will be required. This is considered reasonable and proportionate in this case as land immediately next to the building could be used for garden space in future, as allowed for under Class Q.

#### 0d. Flood Risk

The site is located within Flood Zone 3, as identified by the Environment Agency's flood risk maps.

The site is not within a hazard area, as identified by the South East Lincolnshire Strategic Flood Risk Assessment (SFRA). Therefore, specific mitigation measures are not recommended for the proposals in this case, based on the guidance set out within Appendix C of the SFRA. Notwithstanding this, the submitted Flood Risk Assessment sets out that the finished floor levels of the dwellings is recommended to be set 0.3m above the surrounding ground level and 0.3m of flood resilient construction should be incorporated. It is considered appropriate to secure the implementation of these measures via a planning condition.

No extensions are proposed and as such, the development should not result in an increase in the impermeable area within the site, which could otherwise result in an increased risk of flooding if not appropriately mitigated for. Therefore, the proposals are considered to be acceptable in terms of flood risk.

#### 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. It is not considered that the proposed conversion would be impractical or undesirable.

#### f. External Appearance

No extensions are proposed nor is any demolition work proposed. Various new windows and doors are proposed on all elevations of the building to ensure that adequate natural light is provided. It is proposed to retain the existing sheet cladding on the upper part of the building and the blockwork facades. Timber cladding is proposed on the front elevation. The building features a relatively utilitarian appearance that is typical for an agricultural building. The building would retain a utilitarian appearance as a result of the proposed conversion. The visual impact of this is considered to be acceptable as the proposals would not worsen the visual impact of the building within the area.

Although not indicated on the submitted plans, each of the dwellings could use land immediately next to the building for garden use. The area could not exceed the land area of the building in order to accord with Part Q.3 (1)(b). The use of land next to the building as garden space could also change the character and appearance of the site, for example, through the siting of residential paraphernalia that does not require planning permission. The visual impact of this is also considered to be acceptable given that the gardens would remain proportionate to the size of the building.

#### g. Natural Light Provision in Habitable Rooms

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

### **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 with conditions. The proposed development has been assessed against the relevant prior approval criteria, and it is considered that the proposed conversion would have an acceptable impact on the area.

### **Recommendation**

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