

**DECISION DELEGATED TO HEAD OF PLANNING**

**Application No:** H22-1085-24                      **Applicant:** George Hay & Sons Ltd

**Proposal:** Conversion of agricultural barn to single dwelling including demolition of lean-to, erection of extension and garage and formation of new access

**Location:** Agricultural Barn To The North Of Weston Barn House Marsh Road  
Weston

**Terminal Date:** 24th March 2025

**Planning Policies**

**South East Lincolnshire Local Plan - Adopted: March 2019**

01                      Spatial Strategy  
 02                      Development Management  
 03                      Design of New Development  
 04                      Approach to Flood Risk  
 28                      The Natural Environment  
 29                      The Historic Environment  
 30                      Pollution  
 36                      Vehicle and Cycle Parking  
 APPENDIX 6                      Parking Standards

**National Guidance**

**National Planning Policy Framework December 2024**

Section 2 - Achieving sustainable development  
 Section 4 - Decision-Making  
 Section 5 - Delivering a sufficient supply of homes  
 Section 9 - Promoting sustainable transport  
 Section 12 - Achieving well-designed places  
 Section 14 - Meeting the challenge of climate change, flooding and coastal change  
 Section 15 - Conserving and enhancing the natural environment  
 Section 16 - Conserving and enhancing the historic environment

**Representations:**

	<b>Object</b>	<b>Support</b>	<b>No Obj.</b>	<b>Comments</b>
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
HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	1

## **CASE OFFICER ASSESSMENT**

### **Proposal**

This is a full planning application for the conversion of agricultural barn to single dwelling including demolition of lean-to, erection of extension and garage and formation of new access.

The application site already benefits from permission to be converted into a dwelling (under Class Q). The proposal is to convert the barn, as well as erect a link extensions and detached garage. A larger amenity area is proposed as well as as the formulation of a new access and the creation of an onsite BNG area.

### **Site Description**

The application site is located in the Weston Marsh area, to the east of the River Welland and within the open countryside as identified by the proposals maps (SELLP 2019). The nearest settlements are Surfleet Seas End, to the west, Moulton Seas End to the south and Weston to the south.

The application site is located within flood zone 3 in accordance with EA Mapping systems. The building is a substantial structure, stone built in part with a concrete apron to the fore. It is located close to an existing dwelling.

### **History**

H22-0853-23 - Conversion of barn to single dwelling to include demolition of lean-to. Approved 08-11-23

### **Consultation Responses**

#### **South Holland IDB**

##### *Surface Water*

The applicant has indicated that they intend to dispose of surface water via infiltration, utilising the existing drainage systems serving the agricultural barn. We recommend that you satisfy yourselves that the current soakaway system is in an adequate condition and of a suitable size to accommodate the surface water flows resulting from this development. Should a new soakaway system be proposed, then the viability of the use of infiltration as the primary method of surface water disposal must be evidenced. We would therefore recommend ground investigation is carried out to determine infiltration potential, followed by testing in line with BRE Digest 365 if onsite material is considered favourable for infiltration.

##### *Foul*

I note that the applicant intends to treat foul waste using a package treatment plant with an outfall to a soakaway in accordance with the Proposed Site Plan, Drawing No. 1154-3\_FP\_SP02. As per the advice above, we would recommend this is supported by ground investigation followed by infiltration testing to confirm the viability of the use of soakaways at this location. If the applicant proposes to discharge treated foul water to a watercourse, consent would be required under Byelaw 3.

### Environment Agency

No Objection subject to the following condition:

The development shall be carried out in accordance with the submitted flood risk assessment, dated September 2023, ref: 'Version 1 Flood Risk Assessment' prepared by RM Associates and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 0.75m metres above the existing ground level, equivalent to 4.60 metres above Ordnance Datum
- The development shall incorporate flood resilient and resistant construction as stated These mitigation measures shall be fully implemented prior to occupation and subsequently shall be retained and maintained thereafter throughout the lifetime of the development

### Highways & SuDS support

No Objections Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application.

### Environmental Protection

Following review of the screening assessment form dated 26/10/2023 I request a precautionary land contamination condition be applied at this location, as follows:

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported immediately to the Local Planning Authority (LPA). An investigation and risk assessment must be undertaken in accordance with details to be agreed with the LPA.

Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the LPA. Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved by the LPA. No deviation shall be made from this scheme without the express written agreement of the LPA.

If during redevelopment contamination not previously considered is identified, then the LPA shall be notified immediately, and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspected contamination has been submitted to and agreed in writing by the LPA.

### Historic Places Team

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 barns, in accordance with Historic England's document 'Understanding Historic Buildings: A Guide to Good Recording Practice. (2016)'. No below ground archaeological works are necessary, This will enable the barn to be recorded prior to conversion.

### **Planning Considerations**

#### **Evaluation**

Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan,

unless material considerations indicate otherwise.

In this case, the adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019, forms the development plan for the District, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above .

The policies and provisions set out in the National Planning Policy Framework (updated December 2024) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Furthermore, where a Neighbourhood Plan has been adopted, this alongside the adopted Local Plan, forms part of the Development Plan for the District, and must be considered when assessing development proposals. In this instance, no relevant neighbourhood plans have been adopted.

The Authority is able to demonstrate a supply of deliverable sites equivalent to in excess of 5 years through the latest Housing Land Supply Assessment.

## **Assessment**

The application site already benefits from a residential planning permission to allow for the conversion of an existing barn on site. The following issues are relevant to this assessment:

Principle of Development  
Character, Design and Landscaping  
Historic Environment  
Ecology/BNG  
Residential Amenity  
Flood Risk  
Highway Safety  
Land Contamination

## **Principle of Development**

The South East Lincolnshire Local Plan sets out the settlement hierarchy in respect of delivering sustainable development that meets the social and economic needs of the area whilst protecting and enhancing the environment; in order to provide enough choice of land for housing to satisfy local housing need, whilst making more sustainable use of land and to minimise the loss of high-quality agricultural land by developing in sustainable locations and at appropriate densities.

Policy 1 of the South East Lincolnshire Local Plan sets out a spatial strategy for delivering sustainable development across South East Lincolnshire to 2036. Policy 1 (Spatial Strategy) expresses this sustainable framework of settlements, ranking the settlements deemed to be most sustainable in descending order.

The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy in respect of sustainable development are areas of limited development opportunity including Minor Service Centres, with areas of development constraint comprising 'Other Service Centres and Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location.

Part D of SELLP Policy 1 sets out permitted development types within the open countryside. It states that *The rest of the Local Plan area outside the defined settlement boundaries of the Sub-Regional Centres, Main Service Centres, Minor Service Centre and Other Service Centres and Settlements is designated as Countryside. In the Countryside development will be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits.*

Within the reasoned justification (under para. 3.2.17) housing exception in the countryside are listed, the paragraph states that *Housing needs may also, by exception, be justified in the Countryside; for example, for Gypsy, Traveller and Travelling Showpeople accommodation (Policy 20: Accommodation for Gypsies, Travellers and Travelling Showpeople) or to meet the specific housing needs of a settlement (see Policy 19: Rural Exceptions Sites).*

The proposal does not appear to meet with any of the exceptions for dwelling in the countryside and

so the proposal is contrary to the aims of SELLP 1.

### *Material Considerations*

NPPF Paragraph 12 is relevant, it states that "The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed." NPPF Paragraph 48 reaffirms this by stating:

*Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.*

Permission for the conversion of the barn on site was achieved under application H22-0853-23. The red line boundary associated with this approval however was much smaller. This application now seeks to extend that boundary to widen the associated amenity area along with formulating a driveway to the north of the existing building and include an area to capture post development BNG. Notwithstanding this much of the site does benefit from a permission to form a residential planning unit.

### *Betterment*

Mansell vs Tonbridge and Malling Borough Council (2017) established that where there is demonstrably a realistic prospect of a permitted development scheme being implemented, and where an alternative proposal would normally conflict with the development plan, insofar as it being an unsuitable location for housing, the potential for the fallback position to outweigh that conflict must be considered by the Local Authority. Where the alternative new-build proposal offers either an enhancement to the setting or a reduction in density when compared to the fallback, the development could (and perhaps should) be allowed to proceed. In this case, the existing building on the site has a Class Q consent for change of use to form a dwelling. It is considered that the granting of the Class Q demonstrates the applicant has a "real prospect" and clear desire to develop and maximise the value of the site.

It is therefore considered that the general principle of residential development is already established across much of the site. The extension to the red line boundary that was previously allowed is shown to be taken up by amenity space, driveway and parking as well as BNG area to the north. On this basis it is considered that the extant permission is sufficiently material to warrant a departure from SELLP Policy 1. The case for betterment is discussed within the remainder of this report.

### **Character, Design and Landscaping**

Policy 2 of the SELLP states that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable. Policy 2 point 1 states that proposal should meet with sustainable development considerations specifically in relation to 'size, scale, layout, density and impact on the amenity, trees, character and appearance of the area and the relationship to existing development and land uses'.

Policy 3 sets out the 'Design of new development' in part it states that "Design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable"

This scheme would result in a larger planning unit on site, it would include a detached garage and a link to separate detached buildings that would form home office and games room. The garden is also larger and bounded by a mixed native hedgerow with trees planted intermittently. Outside of this the hedge is treated by a 1.2m post and rail fence.

The form and layout of the proposal (just like the prior approval) retains the existing characteristics of the barn and utilised the structure to form the main body of the dwelling. Windows are proposed to be aluminium and doors timber, these represent an appropriate palate of materials to retain the

overall characteristic of the barn. In terms of the additional buildings (the garage and study/gym) these are made up with a buff facing brick, matching openings and slate roof. The gym/study is also connected by a glazed link, which allows the existing barn to remain legible.

The proposed BNG area is located to the north of the dwelling, beyond the settlement boundary, this shows the planting of 8 number trees and an area of neutral grassland and this creates a 10.09% uplift, which is acceptable.

On this basis it is considered that the proposal would accord with SELLP Policies 2 and 3.

### Historic Environment

SELLP Policy 29 is concerned with 'The Historic Environment'. It requires development to *conserve and Enhance* the districts historic assets, in part stating *To respect the historical legacy, varied character and appearance of South East Lincolnshire's historic environment, development proposals will conserve and enhance the character and appearance of designated and non-designated heritage assets, such as important known archaeology or that found during development, historic buildings, conservation areas, scheduled monuments, street patterns, streetscapes, landscapes, parks (including Registered Parks and Gardens), river frontages, structures and their settings through high-quality sensitive design.*

The historic places team have been consulted and have stated that *farmhouse was detached from the main working complex. Isolated location.' The existing barn on site is 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). These structures exhibit highly distinctive architectural features and hold significant heritage value*

Subsequently the officer has requested that the building is recorded prior to conversion and recommended the attachment of pre-commencement conditions. It is of note that this building can be converted without the requirement to adhere to such conditionality and so it is likely to be unreasonable to apply such mitigation to this permission.

Moreover the design ensures that the existing building remains legible with the only additions through a glazed link, allowing hierarchy to the barn. On this basis it is considered that these conditions will not be applied and that in design terms the proposal will meet with the aims of SELLP 29. Lastly in order to ensure the design ethos is realised (one which allows legality of the historic structure) the removal of permitted development rights will be attached to ensure that any further extensions/alterations are carefully measured and agreed with the LPA.

### **Residential Amenity**

Policy 2 and of South East Lincolnshire Local Plan (2019) sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

Policy 30 is concerned with pollution and places impacts in relation to noise, disturbance and air quality as important consideration when considering proposals for planning.

The dwelling is sited at a sufficient separation distance not to give rise to unacceptable impacts in relation to overshadowing or overbearing to neighbouring properties. Furthermore, all openings are location in appropriate position and would not give rise to unacceptable levels of visual intrusion.

On this basis it is considered that the proposal would meet with SELLP Policies 2 and 30.

### **Flood Risk**

SELLP Policy 4 sets out the districts approach to flood risk. The application site is located within Flood Zone 1 in accordance with EA Mapping systems. The South East Lincolnshire SFRA shows the area in a low hazard.

The application site is located within Flood Zone 3 in accordance with EA Maps for planning. The applicant has provided an FRA. The proposal is for development across ground floor, in these areas the South East Lincolnshire SFRA states "...single storey proposals will be expected to incorporate mitigation for the extreme 1 in 1000 (0.1%) scenario".

The FRA when considering finished floor levels states that "The minimum mitigation measures required for developments that do not have ground floor sleeping shall be determined by the flood depths arising from the 2115 0.5% scenario and with sleeping on the ground floor sleeping shall be determined by the flood depths arising from the 2115 0.1% scenario The finished floor Level FFL of any new dwellings shall be informed by the flood depths." The applicant subsequently following the South East Lincolnshire Standing Advice Matrix states that "the ground floor will be set at 0.75m above the existing ground level (3.85mODN) set at 4.60mODN." There is an extant permission to convert this barn into a dwelling and therefore it is acceptable in flood risk principle terms.

The EA have made comments and have no objections subject to finished floor levels being set no lower than 0.75m metres above the existing ground level, equivalent to 4.60 metres above Ordnance Datum as well as the implementation of resilience measures.

Therefore subject to the attachment of such a condition the proposal is considered acceptable.

### **Highway Safety**

SELLP Policy 2 details that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation.

SELLP Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal.

SELLP Policy 36 is concerned with Vehicle and Cycle Parking it states that "All new development, including change of use, should provide vehicle and cycle parking, in accordance with the minimum Parking Standards adopted by the Local Planning Authorities (in Appendix 6).

The applicant proposes a separate access to the north west of the barn, this would result in the creation of a large driveway leading toward a detached garage. The site plan shows that there is ample space for the parking of vehicles on site as well as being able to manoeuvre so that the site can be egressed in a forward gear.

LCC Highways have made comment on the application and consider that the proposal is acceptable, stating they have no objection nor any conditions to add.

On this basis the proposal is considered to be acceptable and would accord with SELLP Policies 2, 3 & 36.

### **Land Contamination**

SELLP Policy 30, it states *Development proposals will not be permitted where, taking account of any proposed mitigation measures, they would lead to unacceptable adverse impacts upon land quality and condition*

Environmental Protection have requested that an informative is attached that would require any unforeseen contamination to be reported to the LPA along with a remediation statement.

### **BNG & Ecology**

SELLP Policy 28 is concerned with the Natural Environment points 2 and 3 are relevant to this assessment, point 2 is concerned with Nationally or locally designated sites and protected or priority habitats and species and point 3 with addressing gaps in the ecological network.

The applicant has shown that the BNG will be achieved on site. The increase is significant and any permission will therefore be subject to planning conditions, relating to a HMMP.

On this basis the proposal would accord with SELLP Policy 28.

### **Planning Balance**

As detailed above, Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The proposal whilst contrary to the aims of SELLP 1 has an extant planning permission to erect a dwelling on the site. This is sufficiently material to support a departure from the plan.

Furthermore, this proposal is considered to represent betterment as due to the enhanced setting it would create as well and the net gain achieved for biodiversity.

In this instance then, there are material considerations that weigh in favour of the proposal and as such, the planning balance is in support of the development

## **Conclusion**

Taking into consideration these factors, the proposal is considered to represent betterment over what has been previously approved on site. The proposal would comply with Policies 2, 3, 4, 30 and 36, along with Appendix 6, of the South East Lincolnshire Local Plan (SELLP), 2019; in addition to the identified sections contained within the National Planning Policy Framework (NPPF) (December 2024). On this basis the proposal is recommended for reapproval.

## **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.