

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H23-0216-25 **Applicant:** Mr A Dickens
Proposal: Proposed conversion of existing agricultural buildings to 10no. dwellings and associated works
Location: Orchard Farm Dowsdale Bank Shepeau Stow
Terminal Date: 25th April 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	1	0	0
WARD MEMBER	0	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

CASE OFFICER ASSESSMENT

Proposal

The proposal seeks consent to establish if a prior approval application is required for the conversion of agricultural buildings into 10 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 is located at Orchard Farm, Dowsdale Bank on the south-eastern side of the highway. The site currently accommodates a working farm with various agricultural buildings. Presently, the buildings proposed to be converted share the access with the farm.

New residential properties are under presently construction along the frontage. The other nearest dwellings include The Gatehouse which is located approximately 230m to the north-east of the site, and Willowdale which is located to the south-west of the site.

Relevant Planning History

H23-0794-21: (Full Application) Demolition of existing buildings and erection of 4 dwellings - approved 16 November 2021

H23-0835-22: (Prior Approval) Proposed conversion of existing agricultural buildings to 5 dwellings and associated works - approved 16 December 2022

H23-0205-23: (Section 73 Application) Demolition of existing buildings and erection of 4 dwellings - approved under H23-0794-21. Removal of Condition 5 to allow uPVC windows with wood grain effect in lieu of timber windows - approved 20 April 2023

H23-0274-23: (Full Application) Demolition of existing barns and erection of four 4-bed 2-storey detached dwellings - approved 17 July 2023

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.

Whaplode Parish Council: No comments.

South Holland Internal Drainage Board: I am unable to find evidence of a drainage strategy being provided for this site. At the detailed design stage, as per the drainage hierarchy, we would expect to see the applicant conduct ground investigations to determine the infiltration potential of the site, following percolation testing in line with BRE 365 Digest if onsite material is considered favourable for infiltration. At the detailed design stage, if the applicant proposes to discharge treated foul water to a watercourse, consent would be required under Byelaw 3. I note the presence of a watercourse which is not maintained by the Board (a riparian watercourse) adjacent to the southern and eastern site boundaries. Whilst not currently proposed, if the applicant proposes 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). 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: The access needs improving to Lincolnshire County Council Specification and a note should be added to the proposed site plan. Note for planner - as this is for 10 dwellings it would ordinarily fall into the major category.

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

Cllr A C Beal: No response received.

Cllr P A Redgate: 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 letters of representation have been received.

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.

The Class Q permitted development right was updated on 21 May 2024. There is however a transitional period in place which allows applicants to submit Class Q prior notification until 20 May 2025 if they choose to do so. The application form indicates that the applicant wishes for the application to be determined based on the newer legislation. The application has therefore been determined based on the newer legislation.

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.

Paragraphs a) to p) of Class Q specify the circumstances under which development is not permitted. It is considered that the existing agricultural building, the site and the proposed dwellings as converted, would not fail any of these limitations as set out 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 was part of an agricultural unit on 24 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"

- According to the application form, 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"

- The floorspace of each of the proposed dwellings would not exceed 150sqm. Dwellings 1 to 4 are each proposed to feature 100sqm, and dwellings 5 to 10 are each proposed to feature 95sqm.

"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"

- 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

combined 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 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"

- According to the submitted Design and Access Statement, no development under Class A(a) or Class B(a) has taken place since March 2011.

"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)

- No extensions or protrusions are proposed.

"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'. The proposals seek to demolish the middle sections of Barns 3 and 4 in order to separate the proposed dwellings (Units 1 to 4). The external facades of these dwellings will remain largely unchanged as the existing cladding and roof materials are proposed to be retained. Where the buildings are proposed to be demolished, the proposed external walls will feature timber cladding. These works are considered to be permitted under Class Q. The building which contains Units 5 to 10 is proposed to remain largely unchanged as the

existing timber cladding and brickwork will be retained. New window and door openings are proposed on all the buildings within the site. The proposed openings are considered to be permitted under Class Q.

"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"

- Access to the site is proposed from Dowsdale Bank, to the north-west of the site. The access is already in place. Lincolnshire County Council's highways team have asked for the access to be upgraded to their specification. The team have raised no objections to the proposed width or positioning of the access.

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 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 therefore assessed in turn below. As set out below, it was considered that prior approval would be required.

a. Transport and Highways Impact

The proposed access to the site is from Dowsdale Bank, to the north-west of the site. The access is already in place. Lincolnshire County Council's highways team have asked for the access to be

upgraded to their specification. The site plan has therefore subsequently been updated to address this request. The team have raised no objections to the proposed width or positioning of the access. The proposed development is therefore acceptable in terms of highway safety.

b. Noise Impacts

The site is mostly surrounded by agricultural land. There are dwellings located to the west and south-west of the site. The council's environmental health team have not set out any objections to the proposals on the basis of noise disturbance. The site is not located in an area that is likely to be subject to adverse levels of noise. It is therefore 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 condition requiring a contaminated land assessment. This has been agreed with the applicant's agent. With the inclusion of this condition, there is considered to be suitable mitigation in place to ensure the proposals manage any contamination risks effectively.

d. Flood Risk

The site lies within Flood Zone 1, which is considered to be at a relatively low level risk of flooding. The site is also not within a hazard area as identified by the South East Lincolnshire Strategic Flood Risk Assessment (SFRA).

The proposed development would reduce the impermeable area within the site by part demolishing some of the buildings. As such, this should not result in an increase risk of surface water flooding within the site. The proposed development is therefore considered to 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. It is not considered that the proposed conversion would be impractical or undesirable.

f. External Appearance

The proposals seek to demolish the middle sections of Barns 3 and 4 in order to separate the proposed dwellings (Units 1 to 4). The external facades of these dwellings will remain largely unchanged as the existing cladding and roof materials are proposed to be retained. Where the buildings are proposed to be demolished, the proposed external walls will feature timber cladding. These works are considered to be permitted under Class Q. It is considered appropriate to include a condition requiring the new cladding to match the existing cladding as closely as possible.

The building which contains Units 5 to 10 is proposed to remain largely unchanged as the existing timber cladding and brickwork will be retained. New window and door openings are proposed on all the buildings within the site. The proposed openings are considered to be permitted under Class Q. The conversion to residential use is therefore not considered to have an adverse impact on the character and appearance of the rural landscape.

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 building.

Other Considerations

No information has been submitted indicating if the existing barns contain bat roosts or habitat,

however, the applicant and the applicant's agent have set out that there are bat roosts within the site. It is therefore considered appropriate to include pre-commencement conditions requiring the developer to submit evidence that a license issued by Natural England authorising the construction works to take place. If a license is not deemed necessary, there is provision within the condition to require a method statement to use a bat mitigation class license or a statement from Natural England setting out that they do not consider a license to be necessary. A condition is also recommended to secure appropriate mitigation for the roosts. The applicant's agent has accepted these conditions and it is therefore considered that the local planning authority has secured appropriate mitigation and protection for a protected species, in accordance with its statutory duties.

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 recommended 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.