DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H23-0335-23**	**Applicant:**	**Mr D Ford**
Proposal:	Conversion of agricultural buildings to form 3 dwellings		
Location:	Buildings Adj. Carlton Lodge Oxcroft Bank Shepeau Stow		
Terminal Date:	6th June 2023		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework 2021

T & CP (GPD) Order 2015

Class Q

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 application is for a change of use of an existing agricultural building into 3 dwellings under

Class Q of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015. The size of the units would be as follows:
Unit 1 = 325sqm (large)
Unit 2 = 95sqm (small)
Unit 3 = 97sqm (small)

Site Description

The building (packing shed and cold store) forms part of a complex of agricultural buildings located on the eastern side of Oxcroft Bank to the south of Shepeau Stow village. It has a metal frame and is clad in metal sheeting. Glasshouses are situated to the rear.

An associated dwelling (Carlton Lodge) is situated to the south and a house (Jo-Da) beyond. Dwellings (Applegates and Fern-lea) are located approximately 100 metres to the north.

Planning History

Associated buildings to South

H23-1184-22 - PAA - Change of use of barn to 2 residential dwellings (Mr & Mrs D Ford) - re-submission of H23-0943-22 - Approved

Site

H23-0089-23 - PAA - Conversion of agricultural buildings to form 5 dwellings - Withdrawn 20 March 2023.

Consultation Responses

Whaplode Parish Council

Support.

LCC Highways/SUDs

No objection.

South Holland Internal Drainage Board

If the applicant proposes to discharge surface water or treated foul water to a watercourse, consent would be required under Byelaw 3.

Environmental Protection

Request precautionary contaminated land condition.

Public

No comments received.

Planning Considerations

Class Q of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 indicates that the following is permitted development:
a) a change of use of a building and any land within its curtilage from a use as an agricultural building to use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order; and
b) building operations reasonably necessary to convert the building referred to in paragraph a) to a use falling within Class C3 (dwellinghouses) of that schedule.

Paragraph Q.1 sets out the circumstances where development is not permitted. The information provided by the applicant appears to satisfactorily demonstrate that the provisions of criteria (a) - (h) and (j) to (m) have been met.

Development is not permitted if the development under Class Q(b) would consist of building operations other than i) the installation or replacement of windows, doors, roofs, or exterior walls, or water, drainage, electricity, gas or other services, to the extent reasonably necessary for the building to function as a dwelling house; and ii) partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1(i)(i).

Planning Practice Guidance (PPG) provides advice on the interpretation of Class Q(b). Paragraph 105 indicates that "it is not the intention of the permitted development right to allow rebuilding work which would go beyond what is reasonably necessary for the conversion of the building to residential use. Therefore, it is only where the existing building is already suitable for conversion to residential use that the building would be considered to have the permitted development right".

The guidance of the PPG is therefore clear and accords with the High Court judgement Hibbitt v Secretary of State for Communities and Local Government, and Rushcliffe Borough Council. The latter concludes that Part 3 Class Q of the GPDO allows a "conversion" but does not allow a "re-build" or "fresh build".

Units 1 and 2 comprise a profiled cladding supported on purlins and side rails over 4 no. steel portal frames. Unit 3 consists of 75mm thick cold store panels and includes steel purlins which take support from simple steel frames. The structural report accompanying the application indicates that the structural condition of the existing units is generally good with little or no visible defects in the primary load bearing members. It concludes that the conversion could be carried out without subjecting the existing structures to additional loadings and that the building structure is suitable for the proposed single storey domestic conversion.

Based on the aforementioned advice, it is considered that the proposal constitutes a conversion, as opposed to a re-build or fresh build, since it does not involve a substantial rebuilding of the pre-existing structure. As such, it is considered that the proposal satisfies the requirements of paragraph Q.1(i) and PPG.

Paragraph Q.2 indicates that where a proposal is permitted development, it is 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;
(b) Noise impacts;
(c) Contamination risks;
(d) Flood risks on the site;
(e) Location and siting;
(f) Design/external appearance.

Paragraph W(3) of the GPDO states that an application for prior approval may be refused where it does not comply with any conditions or limitations applicable to Class Q or where there is insufficient information to establish such compliance.

Addressing the above;

(a) Transport/Highways - It is proposed to provide on-plot car parking for residents so there should be no obstruction of the public highway by residents' vehicles habitually parked thereon. The existing vehicle access to the farm is proposed to be used for the dwellings and this has good visibility in both directions for safe egress out onto the highway. The surface of this existing vehicle access however is of un-bound material and it is suggested that this be upgraded to a sealed bituminous construction for the benefit of the residents of the proposed dwellings.

LCC Highway Authority considers that a residential use of the building would not be expected to have any greater or any more unacceptable impact upon the safe use or the capacity of the local highway network than the existing agricultural use. It has therefore 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 and therefore does not wish to object to this planning application.

(b) Noise Impacts - Although the buildings are part of a farmyard, only glasshouses/buildings to the rear would remain in agricultural use. Boundary screening could also be erected to alleviate any noise issues that may occur.

In terms of amenity generally, an associated dwelling (Carlton Lodge) is situated to the south and a house (Jo-Da) beyond. Dwellings (Applegates and Fern-lea) are located approximately 100 metres to the north. Given the design of the dwellings and separation distances from nearby dwellings it is considered that the amenity of occupiers of neighbouring properties would not be materially harmed in terms of overlooking, lack of privacy, overshadowing, overbearing effect, noise and disturbance, etc.

(c) Contamination - Due to the former agricultural use of the land and buildings a precautionary contaminated land condition is recommended.

(d) Flood Risk - The site to which the application relates is within Flood Zone 2. However, it is outside the area of risk within the South East Lincolnshire Strategic Flood Risk Assessment, 2017. Moreover, the proposal is a conversion so, in accordance with Paragraph 167 of the National Planning Policy Framework, 2021, the proposal should not be subject to the sequential or exception tests. However, it should still meet the requirements for a site-specific flood risk assessment.

The proposal is a "more vulnerable development". Consequently, the Flood Risk Assessment recommends that finished floor levels be 300mm above existing ground level and that floor resistant/resilient construction be incorporated. This is considered acceptable.

(e) Location and Siting - The site is relatively isolated. However, it has previously been established that applications such as this cannot be resisted on these grounds. The site has a satisfactory relationship with neighbouring dwellings/development.

(f) Design/external appearance - The building would undergo minimal alteration works which mostly consist of the erection of new partitional walls and insulation of the existing structure. It would retain its existing corrugated sheeting finish and retain its original look apart from the newly created openings to allow it to function as dwellings.

(g) The provision of adequate natural light in all habitable rooms of the dwellinghouses - The proposal is satisfactory in this respect.

Ecology - This is not technically a consideration under Class Q. Nevertheless, it is recommended that a note be attached advising of the applicant's obligations under the Wildlife and Countryside Act, 1981.

Conclusion

The proposal constitutes permitted development and complies with the relevant conditions under Class Q of Part 3 of Schedule 2 of The Town and Country Planning (General Permitted Development) Order, 2015.