

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H23-0391-25 **Applicant:** Mrs A McKenna
Proposal: Change of use of existing barn to residential dwelling
Location: Hither Hold Farm Further Old Gate Holbeach
Terminal Date: 19th June 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	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	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 a dwelling. 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 located at Hither Hold Farm, to the north of Further Old Gate, approximately 1.6km to the south-west of Holbeach. The site is mostly surrounded by agricultural land, however, there are some dwellings and other agricultural buildings located sporadically along Further Old Gate.

Relevant Planning History

H23-0407-22: (Prior Approval) Change of use of existing barn to residential dwelling - refused 06 June 2022

H23-0578-22: (Prior Approval) Change of use of existing barn to residential dwelling - re-submission of H23-0407-22 - approved 02 August 2022

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.

Environment Agency: This proposal comes under cell G7 of the local flood risk standing advice and does not appear to fit any other criteria on our consultation checklist, 'When to consult the Environment Agency'. We therefore have no comments to make on this application.

Lincolnshire County Council - Highways and SUDS: No objections. The public highway stops some 40m short of this site, so we have no jurisdiction over this part of the road. As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to drainage and surface water flood risk on all Major applications. This application is classified as a Minor Application and it is therefore the duty of the Local Planning Authority to consider the surface water flood risk and drainage proposals for this planning application.

South Holland Internal Drainage Board: I note from the Flood Risk Assessment document (Ellingham Consulting Ltd, February 2022) that the applicant intends to utilise existing soakaways to manage surface water run-off from the development. We recommend that you satisfy yourselves that the existing soakaways are in good condition, appropriately sized for the development and therefore are able to adequately drain the proposed building, as per current building regulations. 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. I note the presence of a watercourse which is not maintained by the Board (a riparian watercourse) adjacent to the 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). There are no Board maintained watercourses within or adjacent to the site boundary therefore Byelaw 10 does not apply.

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.

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

Whaplode Parish Council: No response received.

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 current application has been submitted on the basis of the pre-May legislation. The application has therefore been determined based on the older legislation.

Class Q permits development consisting of a change of use of a building and any land within its curtilage from use as an agricultural building to residential use (Use Class C3). Class Q allows for any building operations 'reasonably necessary' to convert the building.

Paragraphs a) to m) 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 dwelling as converted, would not fail any of these limitations as set out below:

"a) the site was not used solely for an agricultural use as part of an established agricultural unit
(i) on 20th March 2013, or
(ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use, or
(iii) in the case of a site which was brought into use after 20th March 2013, for a period of at least 10 years before the date development under Class Q begins"

- The site comprises an agricultural building.

"b) in the case of

(i) a larger dwellinghouse, within an established agricultural unit

(aa) the cumulative number of separate larger dwellinghouses developed under Class Q exceeds 3;
or

(bb) the cumulative floor space of the existing building or buildings changing use to a larger dwellinghouse or dwellinghouses under Class Q exceeds 465 square metres;

(ba) the floor space of any dwellinghouse developed under Class Q having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeds 465 square metres;

- The proposed dwelling would feature approximately 420sqm of internal floorspace. The dwelling would therefore be a "larger dwellinghouse" however it would not exceed the above limitations.

"c) in the case of

(i) a smaller dwellinghouse, within an established agricultural unit

(aa) the cumulative number of separate smaller dwellinghouses developed under Class Q exceeds 5; or

(bb) the floor space of any one separate smaller dwellinghouse having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeds 100 square metres"

- The proposed dwelling would be a larger dwellinghouse rather than a smaller dwellinghouse. The

dwelling would not exceed any of the above limitations.

"d) the development under Class Q (together with any previous development under Class Q) within an established agricultural unit would result in either or both of the following"

(i) a larger dwellinghouse or larger dwellinghouses having more than 465 square metres of floor space having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order;

(ii) the cumulative number of separate dwellinghouses having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeding 5"

- Only one dwelling is proposed and the dwelling would not exceed 465sqm.

"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 -

(i) since 20th March 2013; or

(ii) where development under Class Q begins after 20th March 2023, during the period which is 10 years before the date development under Class Q begins"

- The local planning authority is not aware of any development that has been approved under Class A(a) or Class B(a) within the above referenced timescales.

"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"

- The proposals would not result in the external dimensions increasing.

"i) the development under Class Q(b) 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(i)(i)

- No extensions are proposed and as such the external dimensions of the building would not increase based on the proposals. The existing frame is proposed to remain. The existing facing brickwork is proposed to be retained, however, timber walls are proposed on the lower part of the building. The existing corrugated sheets are proposed to be retained. New window and door openings are proposed with mostly aluminium frames. Whilst National Planning Practice Guidance and case law make it clear that the development should not be so extensive as to amount to a 're-build,' the works proposed would appear to retain the existing structural elements. It is therefore considered that the existing structure can cope with the proposed alterations and that the works are allowed under part i).

"j) the site is on article 2(3) land"

- The site is not on article 2(3) land.

k) 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.

"l) the site is, or contains, a scheduled monument"

- The site is not, nor does it contain a scheduled monument.

"(m) the building is a listed building"

- The building within the site is not listed.

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 due to the site's location within Flood Zone 3, and the need to ensure contamination risks are appropriate mitigated.

a. Transport and Highways Impact

The proposed access to the site is from Further Old Gate to the south of the site. There is an existing access to the site which would continue to be used. Lincolnshire County Council's (LCC's) highways team have not raised any objections to the proposals. There is considered to be ample room for parking and turning within the site. The proposed development is therefore acceptable in terms of highway safety.

b. Noise Impacts

The site is mostly surrounded by agricultural land, however, there are various dwellings located along Further Old Gate. 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 which would require the development to be monitored for signs of contamination. The condition sets out that if signs of contamination are found, then a scheme of remediation would be required to be submitted and approved by the local planning authority. With the inclusion of this condition, it is considered that any potential contamination risks can be appropriately managed and mitigated.

d. Flood Risk

The site lies within Flood Zone 3, as identified by the Environment Agency's flood risk maps. The site is also within a 'Danger to Some' and a 'low' hazard area, as identified by the South East Lincolnshire Strategic Flood Risk Assessment (SFRA).

The application is accompanied by a Flood Risk Assessment (FRA), which concludes that the probability of flooding from localised drainage systems is low. The FRA sets out recommendations to help mitigate the risk of flooding within the site such as setting the finished ground floor levels at a minimum of 300mm above the existing ground level. It is considered appropriate to include a condition requiring compliance with the recommended mitigation outlined within the submitted FRA. It is considered that the proposed development would have an acceptable impact in terms of flood risk. It is recommended that a condition is included to require the development to accord with the recommendations of the submitted FRA.

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 next 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 and as such the external dimensions of the building would not increase based on the proposals. The existing frame is proposed to remain. The existing facing brickwork is proposed to be retained, however, timber walls are proposed on the lower part of the building. The existing corrugated sheets are proposed to be retained. New window and door openings are proposed with mostly aluminium frames. The proposed external alterations would not appear overly domestic, or out of character with the surrounding area. 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.

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.