

DECISION DELEGATED TO HEAD OF PLANNING**DECISION DELEGATED TO HEAD OF PLANNING**

Application No: H23-0407-22 **Applicant:** Mrs A McKenna

Proposal: Change of use of existing barn to residential dwelling.

Location: Hither Hold Farm Further Old Gate Holbeach

Terminal Date: 8th June 2022

Planning Policies**South East Lincolnshire Local Plan - Adopted: March 2019****National Guidance****National Planning Policy Framework 2021****Town & Country Planning (GPD) Order 2015**

Class Q

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	1	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
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1
RESIDENTS	0	0	0	2

CASE OFFICER ASSESSMENT

Proposal

The application is for a change of use of an existing agricultural building into a single 4-bed dwelling under Class Q of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015.

Site Description

The site is located in open countryside to the south west of Holbeach. It is occupied by an agricultural building of metal clad/asbestos/facing brick/concrete slab construction.

History

No relevant planning history.

Consultation Responses

Whaplode Parish Council

No comment.

South Holland IDB

If (following testing) a strategy wholly reliant on infiltration is not viable and a surface water discharge is proposed to a watercourse, then the proposed development will require land drainage consent in line with the Board's byelaws (specifically byelaw 3).

SHDC Environmental Protection Officer

Standard land contamination conditions be applied at this location, or that the applicant submits a screening assessment form along with plenty of photos for consideration prior to determination.

Local Highway and Lead Local Flood Authority

Does not wish to restrict the grant of permission. The agricultural building has a substantial apron area to its frontage, which will have been used by large agricultural vehicles. The visibility in both directions is appropriate for the nature of both the highway and the proposed use.

South Holland IDB

Propose drainage strategy information.

Environment Agency

Propose that the development will be permitted following that it is in accordance with the Flood Risk Assessment.

Public

Comments received (summarised):

- Concerns of asbestos removal
- Bats and owls are common for nesting
- Main passing place for vehicle- Traffic congestion
- Not suitable for residential use
- Noise mitigation of works
- Great loss for the farming community and a residential property this large would feel greatly out of place in the country side

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 a number of conditions where development is not permitted by Class Q. This includes in the case of a larger dwellinghouse of more than 100 square metres the cumulative floor space of the existing building or buildings changing use to a larger dwellinghouse or dwellinghouses under Class Q not exceeding 465 square metres. This includes first floors and any mezzanine levels.

In this case the dwelling has an approximate internal floor area (ground and first floor) of 530 sq metres. The calculation includes the covered outdoor space as it appears to be a fully enclosed area and part of the internal floor space. The proposal therefore, exceeds the threshold above and is not therefore permitted under Class Q.

Conclusion

The proposal exceeds the floor space threshold and is not therefore permitted development under Class Q.

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 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 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.