

DECISION DELEGATED TO HEAD OF PLANNING

Application No:	H23-1048-21	Applicant:	Mr & Mrs M Seymour
Proposal:	Change of use of barns to 2 residential dwellings		
Location:	Adj. Childers 26 High Road Whaplode		
Terminal Date:	7th December 2021		

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	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
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 two existing agricultural buildings into 3 bed dwellings under Class Q of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015.

Site Description

The buildings currently form part of an agricultural holding located at the rear of The Childers. Barn 1 is mainly clad with asbestos cement sheeting. Barn 2 is metal clad and is open on one side.

Associated glasshouses and a small cattery (Childers Cattery) are situated to the west of Barn 1 and a caravan storage facility to the north. A bungalow (no. 22) is situated to the south fronting High Road.

Recent Planning History

H23-1016-00 - Full - Change of use of agricultural land to caravan storage - Granted 6 December 2000.

FullH23-0415-06 - Full - Extension to existing outdoor caravan storage facility - Granted 23 May 2006.

H23-1493-06 - Full - Variation of condition 4 of H23/0438/89 to allow occupancy of dwelling in conjunction with existing caravan storage business - Granted 20 December 2006.

H23-0847-08 - Full - Proposed change of use of agricultural land to extend existing caravan storage site - Granted 24 September 2008.

H23-0182-10 - Full - Change of use of land to caravan storage - Granted 4 May 2010.

Consultation Responses

Whaplode Parish Council

No response.

LCC Highways/SUDs

Does not wish to restrict the grant of permission.

SHIDB

I note that the applicant has indicated that they intend to dispose of surface water via soakaways, however I cannot see that a drainage strategy or plan has been provided. We would recommend that the proposed strategy is supported by ground investigation to determine the infiltration potential of the site and the depth to groundwater. If on-site material were to be considered favourable then we would advise infiltration testing in line with BRE Digest 365 (or equivalent) to be undertaken to determine its efficiency.

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).

Environmental Protection

Request condition.

Environment Agency

Proposal falls within Cell E7 of the local flood risk standing advice.

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.

Paragraph Q.1(i) states that 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). It advises that Class Q assumes that the agricultural building is capable of functioning as a dwelling. It recognises that for the building to function as a dwelling some building operations which would affect the external appearance of the building, which would otherwise require planning permission, should be permitted. Also, that the right allows for the installation or replacement of windows, doors, roofs, exterior walls, water, drainage, electricity, gas or other services to the extent reasonably necessary for the building to function as a dwelling house. It is not the intention of the permitted development right to include the construction of new structural elements for the building.

In this case the buildings have a load bearing metal frame. It is considered that the structure is suitable for conversion into living accommodation without any significant new structural elements and that the extent of the works proposed are reasonably necessary for the building to function as a dwellinghouse.

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;

Transport/Highways - An existing access would be utilised and there is ample space for on-site parking/turning. LCC Highways does not wish to restrict the grant of permission on highway safety grounds.

Noise Impacts - The nearest residential properties are The Childers, which is presently associated with the agricultural holding, and No 22 (bungalow) to the south fronting High Road. Leylandii hedging is presently located along the rear boundary of the latter. The general relationship to nearby dwellings and boundary screening is such that the proposed use would not harm the amenity of neighbouring residents to a significantly greater degree than at present, including noise impacts.

A small cattery associated with The Childers is situated to the west beyond a range of glasshouses. Unlike dog kennels catteries are generally low key in terms of noise impacts.

Contamination - Environmental Protection have requested a contaminated land condition due to the former use of the site.

Flood Risk - The building to which the application relates is within Flood Zone 3 and within an area designed as "Danger for Some" within the Strategic Flood Risk Assessment. However, the proposal is a conversion so, in accordance with Paragraph 167 of the National Planning Policy Framework, 2021, it should not be subject to the sequential or exception tests. However, it should still meet the requirements for a site-specific flood risk assessment and be as safe as possible.

In this case it is recommended that finished floor levels be set at 500mm with 300mm flood resilient construction.

Location and Siting - The site is presently part of agricultural premises. Issues concerning potential noise have already been addressed. The site is outside a defined settlement limit. However, it has previously been established that applications such as this cannot be resisted on these grounds.

Design/external appearance - The walls would be a combination of facing brickwork to match the host dwelling and Merlin Grey steel cladding. The roof would also be grey steel cladding. The scheme largely retains the existing agricultural character/appearance of the buildings and maintains the agricultural aesthetics of the site. It is considered acceptable.

Barn 1 would have accommodation at first floor level. However, the rooflights would face east and west and would not overlook no. 22 at close range. Barn 2 would be single storey. The amenity of nearby dwellings would not be materially harmed.

Conclusion

That the Class Q prior notification application be approved.

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.