

Development Management Delegated Decision Report

B/21/0388



SUMMARY OF APPLICATION			
Application Reference	B/21/0388		
Application Type	Prior Notification under Part 3 - Use Classes		
Proposal	Application for Prior Notification under Schedule 2, Part 3, Class Q for the Change of Use of an Agricultural Building to a Dwellinghouse (Class C3) including Building Operations reasonably necessary for the conversion		
Location	Sycamore Farm, Sykemouth Drove, Kirton, Boston PE20 1TS		
Applicant	Roger Hall		
Agent	Mr Roger Ashman, Ashman Architects Ltd		
Received Date:	20-Aug-2021	Consultation Expiry Date:	19-Sep-2021
Valid Date:	23-Aug-2021	Statutory Expiry Date:	18-Oct-2021
Date of Site Visit:		Extension of Time Date:	---
Objections received?	No		
5 day notification record:			
Councillors notified	Date	Response received – date	Ok to continue
Recommendation	Prior Approval Required and Granted		
Report by:	Consultant Planning Officer		
Date:	28-Sep-2021		

OFFICER REPORT

SITE AND SURROUNDINGS:

The site consists of an existing agricultural building sited in open countryside to the west of the settlement of Hubberts Bridge. The building is of typical construction for a Dutch Barn type structure. The building is formed of 3 rows with the centre row consisting of a high single storey element with a pitched roof flanked on both sides by lean-to structures. The rectangular footprint measures approximately 15m x 12m with the attached store to the rear measuring approximately 11m x 3m. The barn is enclosed on three sides with corrugated sheet cladding and has a corrugated sheet roof which is attached to a timber structural load bearing frame.

DETAILS OF PROPOSAL:

The application seeks a determination as to whether the prior approval of the Local Planning Authority is required under Schedule 2, Part 3, Class Q of the Town and Country Planning



(General Permitted Development) (England) Order 2015 (as amended) for the change of use of an agricultural building to a dwellinghouse. One resultant dwelling is proposed.

A combination of vertical timber cladding, fenestration and brickwork plinth will be used to treat the external walls and metal sheeting is proposed for the roof. Window frames and doors are identified as being finished in a grey colour. The proposed floor space would total 178.5 square metres at ground floor and 50 square metres at first floor, totalling 228.5 square metres.

RELEVANT HISTORY:

None found.

RELEVANT LEGISLATION:

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO)

Schedule 2, Part 3, Class Q – agricultural buildings to dwellinghouses

CONSULTATION RESPONSES:

Lincolnshire County Council Highway Authority and LLFA - 13th September 2021

- Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development is acceptable and accordingly, does not wish to object to this planning application.
- Requests that any permission given by the Local Planning Authority shall include the informative notes relating to works which affect the highway.

Environmental Health (23rd August 2021)

- No objection to this application in principle. However, considering the barn was used for a vehicle store and it is unclear whether there has been any fuel storage/chemical storage on site it is requested that the standard suite of contaminated land conditions are attached to any consent to ensure the land is (or made) suitable for use.

Environment Agency - *Following receipt of clarification that the prior notification only relates to the conversion to a dwellinghouse*

- We received an email from the agent regarding our letter of objection (dated 08 September 2021) to the application. Your Authority was copied into the email which was received on the 09 September 2021. The email explains that the Application for Prior Notification did not include the campsite. Accordingly, we confirm that the submitted information about flood risk demonstrates that the development will comply with the National Planning Policy Framework's policies on flood risk. The Environment Agency has no objection to the development proceeding in accordance with the submitted information Please accept our apologies for any inconvenience caused.

Black Sluice Internal Drainage Board (27th September 2021)

Rainfall Runoff

Due to the nature of the application, a method of surface water disposal from the proposed development has not been indicated. If the applicant intends to discharge surface water via

soakaways, then any soakaways or infiltration systems should be designed and proved in accordance with BRE Digest 365 or other approved code. Evidence that soakaways are suitable for the development should be submitted to the planning authority for approval. If the applicant intends to discharge direct to any watercourse, whether open or piped, then the prior written consent of the Board is required. Full details of any surface water schemes for the proposed development should be submitted to the local planning authority for consideration and approval.

Disposal of Foul or Dirty Water

As above, due to the nature of the application, no indication has been provided regarding the disposal of foul water. The Board is not aware of any existing utility systems within the vicinity, and it is therefore assumed that the applicant will utilise a bio or package treatment unit. If this is the case, then if the final discharge is to any watercourse, then the Board's prior written consent is required. However, if the discharge is to soakaways, then any soakaways or infiltration systems should be designed and proved in accordance with BRE Digest 365 or other approved code, and evidence provided to the planning authority that soakaways are suitable.

Discharge Outfalls

If either the proposed surface or treated water discharge outfall is into any watercourse, then within Section 23 of the Land Drainage Act 1991, prior written consent will be required for any structures placed in the bank of an open watercourse, or into any piped watercourse via a manhole or saddle connection.

Access to Watercourses / Byelaws

There is a surface water pipeline on the south western boundary of the site. This watercourse is maintained by the Board under its statutory duties within the Land Drainage Act 1991. The Board does NOT own the land within which the watercourse lies. Ownership of the structure is deemed to lie with the adjacent landowner. The applicant must ensure that their proposals do not have any adverse effect on this watercourse. The Board has a byelaw (No.10) which prohibits the siting of any obstructions, whether temporary or permanent, including planting, within 9 metres of the lateral edge of the enclosing structure without the prior written consent of the Board. In this instance, the existing building has unofficial historical consent, as the building is understood to pre-date the Board. However, whilst the Board notes that the proposals include the relocation of part of the existing building away from the line of the Board-maintained watercourse, the applicant will be required to obtain a formal relaxation of the byelaw from the Board for any other structures which the applicant proposes, such as the decking areas indicated, to include within the deeds of the proposed dwelling.

Filling in or Culverting Watercourses

As well as the piped watercourse stated above, there are believed to be other open watercourses bounding the site. The applicant is reminded that within common law, the ownership and maintenance responsibility for any watercourse lies with the adjacent landowners, regardless of whether the watercourse is maintained by the Board. Where a section of watercourse lies wholly within a land or property boundary, or lies alongside a highway, then the adjacent land or property owner is considered wholly responsible for the ownership and maintenance of that section of watercourse. Under Section 23 of the Land Drainage Act 1991, the prior written consent of the Board is required for any proposed permanent or temporary works or structures, within any watercourse, including infilling or diversion. This includes the replacement of any existing structures, such as the Board-maintained piped watercourse stated.

THIRD PARTY REPRESENTATIONS RECEIVED:

None received.

EVALUATION:

Class Q of the GPDO permits the change of use of a building and any land within its curtilage from a use as an agricultural building to a dwellinghouse, together with building operations reasonably necessary to convert the building.

The first test therefore when assessing whether a proposal complies with Class Q is to ensure that the building is capable of conversion and that the scheme does not involve rebuilding or fresh build elements.

A structural report has been submitted with the prior approval notification which states that the load bearing structure of the building is generally structurally sound with no obvious major structural defects that would concern a potential redevelopment. There were no signs of significant building movements or subsidence noted during the inspection.

It recognises that the elevations are in need of repair in order to provide enclosure to the internal space but that none of the issues of repair to the main elevations appear to be associated with any form of foundation distress or failure.

With regard to the existing floor it states that the ground floor construction appears to be concrete with areas of channelled concrete tiles. However, due to ingress of debris a full inspection was not possible. Given the verticality of all structural members and no evidence of subsidence/repair, it can be assumed with a high level of confidence that the ground is solid and well-drained.

On balance therefore the supporting information summarises that whilst some repair work will be necessary, this is not related to the structural integrity of the building.

Following this, there are a range of criteria that must be met in order to comply with the requirements of Class Q. These are set out below, along with an evaluation of the scheme against each point.

Development not permitted Q.1 Development is not permitted by Class Q if -	Evaluation
(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;	Criteria met. There is no evidence that the building was not in use as an agricultural building on the 20 th March 2013.
(b) in the case of— (i) a larger dwellinghouse, within an established agricultural unit—	Criteria met. There is one larger dwellinghouse as a result of the proposed

<p>(aa) the cumulative number of separate larger dwellinghouses developed under Class Q exceeds 3; or</p> <p>(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;</p> <p>(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;</p>	<p>scheme and does not exceed 465 square metres.</p>
<p>(c) in the case of—</p> <p>(i) a smaller dwellinghouse, within an established agricultural unit—</p> <p>(aa) the cumulative number of separate smaller dwellinghouses developed under Class Q exceeds 5; or</p> <p>(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;</p>	<p>Not applicable.</p> <p>No smaller dwellinghouses proposed.</p>
<p>(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—</p> <p>(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;</p> <p>(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;</p>	<p>Criteria met.</p> <p>The proposed dwelling does not exceed 465 square metres of floorspace.</p> <p>No previous developments on the agricultural unit under Class Q are identified.</p>
<p>(e) the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained;</p>	<p>Not applicable.</p> <p>Application form confirms no tenant.</p>
<p>((f) less than 1 year before the date development begins—</p> <p>(i) an agricultural tenancy over the site has been terminated, and</p> <p>(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;</p>	<p>Not applicable.</p> <p>Application form confirms no tenant in the past year.</p>
<p>(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—</p> <p>(i) since 20th March 2013; or</p>	<p>Not applicable.</p> <p>No works carried out under Part 6 since 20th March 2013.</p>

(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;	
(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;	Criteria met. At no point does the proposed dwelling extend beyond the external dimensions of the agricultural building.
(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);	Criteria met Works proposed fall within (i).
(j) the site is on article 2(3) land;	Criteria met. 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;	Criteria met. Site is not on land that forms part of a SSSI, safety hazard area or military explosives storage area.
(l) the site is, or contains, a scheduled monument;	Criteria met. Site is not and does not contain a scheduled monument.
(m) the building is a listed building.	Criteria met. The building is not listed.

Under Q.2, the local planning authority is required to determine 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, and

(f) the design or external appearance of the building, and
(g) the provision of adequate natural light in all habitable rooms of the dwellinghouses, and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

Transport and highways impacts of the development

The existing building has direct access on to Sykemouth Drove. The road is a narrow countryside lane, consistent with the location. The vehicular movements that would result from the conversion to a dwelling would potentially mean less large vehicle movements.

The Highway Authority have been consulted and have raised no objections on transport or highway impacts. They have requested two informatives are attached to any decision notice if the application is approved.

The proposal is acceptable in this respect.

Noise impacts of the development

The main part of the barn is located approximately 19m from the neighbouring dwelling located to the North West. It is unlikely that the conversion to residential use would have a significant impact on the amenity of the neighbouring residential property, due to this separation distance. The external amenity space identified for the proposed conversion is located to the southeast and north of the existing building. It is noted that Environmental Health have raised no objection to the proposal.

The proposal is acceptable in this respect.

Contamination risks on the site

Any contamination risk would be associated with its use for the storage of agricultural vehicles. It is recognised that Environmental Health have requested conditions to require remediation measures be implemented to overcome any unforeseen contamination.

Subject to these conditions being applied, it is considered that the proposed development is acceptable in this respect.

Flooding risks on the site

The site is located in Flood Zone 3 and a Flood Risk Assessment (FRA) has been submitted in support of the application. Looking at the flood depth data, the building is located on the boundary between the 0 – 0.25m and the 0.25m – 0.5m band. The FRA deduces that the flood depth at this location is 250mm in a 1 in 200 year event with 20% allowance for climate change.

The FRA also states that 'ground levels around the farm building, the existing house and along Sykemouth Drove are all between 3.00m ODN and 3.15m ODN. On the plan showing the predicted flood depths in a 1 in 1000 year event in 2115 above it can be seen that the predicted flood depth in the area of the barn and the gravel area east of the barn is between 250mm and 500mm (coloured orange).

The area near the existing house and south east along Sykemouth Drove have a predicted flood

depth of between 500mm and 1.0 metre. Therefore it can be concluded that the predicted flood level in a 1 in 1000 year event with 20% allowance for climate change is 3.60m ODN’.

The FRA recommends that the level of the new ground floor of the refurbished barn should be raised a minimum of 500mm above the existing ground level on the site and that flood resilient construction should be included to a height of 300mm above the predicted flood depth. It also notes that the occupiers of the barn conversion should register with the Environment Agency’s Floodline Warnings Direct Service to receive flood warnings.

Following clarification that the proposal is for the conversion of the barn to residential use and not for a campsite, the Environment Agency confirmed that they have no objection to the proposal.

The proposal is acceptable in this respect.

Whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change to a dwellinghouse

The proposed conversion would make more effective use of a dis-used agricultural building which has been identified as being generally structurally sound. The proposed layout provides a good standard of accommodation, providing open plan living space, study and two bedrooms at ground floor and a master bedroom at first floor. The building is well sited in relation to the access point.

The proposal is acceptable in this respect.

The design or external appearance of the building

The proposed works appear reasonably necessary for the building to be converted to a dwellinghouse. The exterior of the building would be finished with a brickwork plinth and vertical timber cladding. A metal replacement roof cladding is proposed which reflects a material consistent with agricultural buildings.

The proposal is acceptable in this respect.

The provision of adequate natural light in all habitable rooms of the dwellinghouses

The habitable rooms of the building are served by horizontal windows. Rooflight windows serve the first floor bedroom space, en-suite bathroom and dressing room. Both bedrooms and study at ground floor have horizontal windows and the open plan living space benefits from a full height window in the gable end along with a wide window facing out into the covered outdoor space.

The proposal is acceptable in this respect.

Provisions of paragraph W, under Interpretation of Part X:

“curtilage” means, for the purposes of Class Q, R or S only— (a) the piece of land, whether enclosed or unenclosed, immediately beside or around the agricultural building, closely associated with and serving the purposes of the agricultural building, or (b) an area of land immediately beside or around the agricultural building no larger than the land area occupied by the agricultural building, whichever is the lesser;

A site plan was requested from the agent to confirm that the external amenity space does not exceed the area of land occupied by the agricultural building. A site plan was submitted on 22nd September 2021 confirming this.

CONCLUSION:

It is considered that the proposed development would be in accordance with relevant provisions of Class Q of Schedule 2 Part 3 of the Town and Country Planning (General Permitted Development) Order, 2015 as amended and therefore it is recommended that the application be approved, subject to conditions.

RECOMMENDATION:

Prior Approval required and granted subject to conditions.

CONDITIONS / REASONS	
Pre-commencement conditions?	No Agreed with applicant/agent - Date: N/A
1	<p>The development hereby permitted must be completed not later than the expiration of three years from the date of this approval.</p> <p>Reason: To comply with the requirements of Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015.</p>
2	<p>This approval relates to the following plans and documents:</p> <ul style="list-style-type: none"> • Drawing Number: 501_LOC_00 Revision 1 - Location Plan • Drawing Number: 501_S_01 - Proposed Site Plan (showing building curtilage) • Drawing Number: 501_GE01 – Proposed Elevations • Drawing Number: 501_GA00_01 - Proposed Ground Floor Plan • Drawing Number: 501_GA01_01 Proposed First Floor and Roof Plan • Flood Risk Assessment – Author: SM Hemmings – received 20th August 2021 <p>Except as provided for by other conditions to this approval, the development shall be carried out in complete accordance with the approved drawings.</p> <p>Reason: For the avoidance of doubt and to ensure that the development complies with the requirements of Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 and Policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036).</p>
3	<p>If, during development, contamination which was not previously identified is found to be present on the site then no further development shall take place on the affected part(s) of the site until a report containing details of an investigation and risk assessment to determine the nature and extent of any contamination on the site (including whether it originates on the site) has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in full accordance with the duly approved remediation strategy and a verification report submitted to and approved in writing by the Local Planning Authority before the dwelling is first occupied.</p>

Reason: To prevent pollution of the surrounding environment and to ensure that any unsuspected contamination risks on the site which arise during the course of development are adequately dealt with in the interests of the amenity of future occupiers and other sensitive receptors in accordance with the requirements of Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 and Policies 2 and 30 of the South East Lincolnshire Local Plan (2011-2036).

**INFORMATIVES / NOTES
TO BE INCLUDED ON/WITH DECISION NOTICE**

1. The permitted development requires the formation of a new/amended vehicular access. These works will require approval from the Highway Authority in accordance with Section 184 of the Highways Act. The works should be constructed in accordance with the Authority's specification that is current at the time of construction. Relocation of existing apparatus, underground services or street furniture will be the responsibility of the applicant, prior to application. For application guidance, approval and specification details, please visit <https://www.lincolnshire.gov.uk/licences-permits/apply-dropped-kerb> or contact vehiclecrossings@lincolnshire.gov.uk
2. Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works. For further guidance please visit our website via the following links: Traffic Management - <https://www.lincolnshire.gov.uk/traffic-management> Licences and Permits - <https://www.lincolnshire.gov.uk/licences-permits> As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to drainage 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 drainage proposals for this planning application.
3. Please note the comments made by Black Sluice Internal Drainage Board received on the 27th September 2021.

STATEMENT OF PROACTIVE WORKING:

In determining this application, the authority has taken account of the guidance in paragraph 38 of the National Planning Policy Framework 2021 in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.

Development Management Delegated Decision Report

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