

Development Management Delegated Decision Report

B/23/0025



SUMMARY OF APPLICATION				
Application Reference	B/23/0025			
Application Type	Prior Notification Part 3 - Use Classes			
Proposal	Application to determine if prior approval is required for a proposed change of use under Schedule 2, Part 3, Class Q of Agricultural Buildings to 3no. Dwellinghouses (Use Class C) and for building operations necessary for the conversion			
Location	Farm Buildings land off A17, Wigtoft, Boston			
Applicant	Mrs J Bacon			
Agent	Miss Florenece Hartley, Jonathon Hartley Limited			
Received Date:	18-Jan-2023	Consultation / Publicity Expiry Date:	04-APR-2023	
Valid Date:	13-Feb-2023	Statutory Expiry Date:	10-Apr-2023	
Date of Site Visit:	17-Mar-2023	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:	Ian Carrington			
Date:	16-May-2023			

OFFICER REPORT

SITE AND SURROUNDINGS:



The application site is a former agricultural yard located on the south side of the A17 in open countryside beyond the edge of the built settlement of Wigtoft and some 200m south of the village centre.

The site is largely laid to concrete hard standing and houses three buildings: a one and two storey brick cart barn of apparently late 19th C or early 20th C origin and a modern closed two storey grain store and a further partly open sided modern barn. The first two are the buildings subject to the present application.

Access is via the existing agricultural access to the A17. A small portion of the south west of the application site is in Flood Risk Zone 3 (FRZ3) but the majority, including the buildings, lies in Flood Risk Zone 2 (FRZ2).

DETAILS OF PROPOSAL:

Application to determine if prior approval is required for a proposed change of use under Schedule 2, Part 3, Class Q of Agricultural Buildings to 3no. Dwellinghouses (Use Class C) and for building operations necessary for the conversion.

RELEVANT HISTORY:

None known

RELEVANT DEVELOPMENT PLAN POLICIES AND DOCUMENTS:

Under Class Q of Part 3 of Schedule 2 of The Town and Country Planning (General Permitted Development) Order 2015 (as amended) conversion of agricultural buildings to residential use is permitted. This class authorises change of use of a building and any land within its curtilage from use as an agricultural building to a use falling within Use Class C3. Within the use class, there are a number of set circumstances where development is permitted. On the basis that the proposal meets these circumstances, there are various conditions that must be adhered to. These include the need for the developer to apply to the Local Planning Authority for a determination as to whether the prior approval of the Authority will be required.

CONSULTATION RESPONSES:

LCC Highways/SUDS – ‘no objection’

Wigtoft Parish Council – ‘no comments’

Environment Agency – no objection subject to the development proceeding in accordance with the submitted FRA

BBC Environmental Health – a) queried whether the remaining building might cause amenity problems if agricultural use resumed; requested contamination condition – see file and report

THIRD PARTY REPRESENTATIONS RECEIVED:

None received.

EVALUATION:

The main planning issues in this case are considered to be:

- Whether the proposal would be permitted development under Article 3 (1) schedule 2, part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) having regard to the extent of the proposed building operations
- Notwithstanding the above, determination of those matters for which prior approval is required set out in paragraph Q.2 of the GPO, including the limitations within paragraph Q.1 & Q.2

Both buildings appear physically sound, though some degradation to the (much older) brick cart barn was noted. It is considered that both are capable of being physically altered to form habitable dwellings within the parameters of Class Q, and that an excessive degree of works amounting to rebuilding would not be required. It is accepted that the buildings were in agricultural use prior to the qualifying date of 20th March 2013 and that the last use was agricultural. The units would not exceed the floor area or number of unit restrictions. The application is therefore considered to meet the requirements of paragraph Q1.

Class Q paragraph Q2 requires successful proposals to meet a number of criteria.

a) Transport and highway impacts of the development

Proposed access is via the existing entrance to the A17. This is sized to accommodate large agricultural vehicles and the highway at this point is straight with good sight lines in either direction. LCC Highways has commented that it has no objection on highways grounds and that it considered arrangements for access, parking and turning to be acceptable.

b) Noise impacts of the development

The proposed use is not intrinsically noisy and the proposed arrangements are unlikely to cause harm to residential amenities of future occupants or others through noise. The A17 is relatively close, but noise impacts on future residents is not likely to cause significant harm.

BBC Environmental Health raised the issue of whether a possible future reversion to agricultural use in the third building would prejudice the quality of life of future occupants. It is informally understood from the agent that there are no plans for such reversion and that the building may also soon be subject to a Class Q application. However taking the facts as they currently stand it is not considered to be the case that future agricultural use (for example for storage of produce and involving the passage of agricultural machinery) would adversely impact the residential amenities of future occupants of the two adjacent buildings to the degree which would justify refusal. And it is noted that at present the building appears not to be in use and has no material impact on its neighbours.

c) Contamination risks on site

There is no known contamination on the site, but given the site history Environmental Health has requested a precautionary phased condition to investigate possible contamination. This is considered reasonable and necessary in the interests of future occupants and an appropriate condition is recommended.

d) Flooding risks on the site

The majority of the site including the buildings are in FRZ2, with a portion to the south west in FRZ3. The application is supported by a detailed Flood Risk Assessment (FRA) which meets the requirements of the NPPF and other guidance. As an application for change of use the Sequential Test does not apply.

LCC as Lead Local Flood Authority has commented on the application but since the case is a Minor Application has given no substantive response on flood risk and drainage. The Environment Agency has also commented, and has indicated that subject to the scheme being implemented in accordance with the recommendations of the FRA (including those relating to finished floor levels and the use of flood resilient construction methods) it has no objection.

It is considered that whilst the location is one at a level of flood risk where a normal planning application would trigger the Sequential Test, in this case the scheme is unlikely to cause increased risk of flooding on or off the site providing the measures set out in the FRA are fully implemented. A condition to secure these details forms part of this recommendation.

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

The potential uncertainty over the future use of the third building has been noted, as has the proximity of the A17. Neither of these is considered to have such a significant detrimental impacts as to bar to the scheme from progressing, and the unsustainable nature of the location is not a matter which may hinder the generally permissive nature of Class Q. There are considered to be no other factors not discussed in this report which would make the proposed conversion impractical or undesirable.

f) Design and external appearance of the building

The proposal would see the grain store converted to 2 no. two storey dwellings and the cart barn to a further dwelling. Existing walls and cladding would be retained where possible or replaced where necessary, with new external roofing and rainwater goods and the insertion of necessary fenestration. The proposed alterations are considered to be acceptable in terms of design and appearance, reflecting as they do the origins of each building. The agent has indicated in correspondence that the existing hard standing would at least in part be removed, and a condition requiring approval of a site landscaping scheme is recommended.

CONCLUSION:

The scheme falls within the parameters of Class Q. The proposal is acceptable in terms of the individual aspects required under consideration of paragraph Q2 a) to f) listed above, and subject to the use of appropriate conditions the scheme is recommended for approval. Prior approval is required and granted.

RECOMMENDATION: Prior Approval is Required and Granted subject to conditions

CONDITIONS / REASONS			
Pre-commencement conditions?		No	Agreed with applicant/agent - Date:
1	The development hereby approved shall be completed within 3 years of the date of this permission. Reason: In accordance with Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).		
2	The development hereby permitted shall only be undertaken in accordance with the following approved plans: <ul style="list-style-type: none">• Site Location Plan received by the LPA on 18-Jan-2023• Drawing BAC/22/0865/1 Proposed Plans and Elevations received by the LPA on 18-Jan-2023• Drawing BAC/22/0865/2 Existing Plans and Elevations received by the LPA on 18-Jan-2023 Reason: To ensure that the development is undertaken in accordance with the approved details, in the interests of residential amenity and to comply with Policies 2 and 3 of the South East Lincolnshire Local Plan (2019).		
Pre-commencement conditions:			
Conditions which apply during the course of and following completion of the development:			
3	Prior to any works other than site clearance, details of a comprehensive contaminated land investigation shall be submitted to and approved by the Local Planning Authority. The assessment shall include the following measures unless the LPA dispenses with any such requirement in writing: <ul style="list-style-type: none">• A Phase 1 desk study carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk study shall establish a 'conceptual model' of the site and identify all plausible pollutant linkages. Furthermore the assessment shall set objectives for the intrusive site investigation works/quantitative risk assessment. A copy of the desk study and non-technical summary shall be submitted to the Local Planning Authority.• A site investigation shall be carried out to fully and effectively characterise the nature and extent of any land contamination and/or pollution of controlled waters. It shall specifically include a risk assessment that adopts the source-pathway-receptor principle and take into account the sites existing status and proposed new		

	<p>use. A copy of the site investigation and findings shall be submitted to the Local Planning Authority.</p> <p>Reason: To ensure potential risk arising from previous site uses have been fully assessed and to accord with Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).</p>
4	<p>Where the risk assessment identifies any unacceptable risk or risks, a detailed remediation strategy to deal with land contamination and/or pollution of controlled waters affecting the site shall be submitted to and approved in writing by the Local Planning Authority. No works, other than investigative works, shall be carried out on the site prior to receipt of written approval of the remediation strategy by the Local Planning Authority. Remediation shall be carried out in strict accordance with the approved remediation strategy.</p> <p>Reason: To ensure the proposed remediation plan is appropriate and to accord with Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).</p>
5	<p>The development hereby approved shall be undertaken in complete accordance with the Flood Risk Assessment received by the LPA on 13-Feb-2023 and forming part of the approved application, unless otherwise agreed in writing by the Local Planning Authority, including the following mitigation measures;</p> <ul style="list-style-type: none"> • Finished floor levels shall be set no lower than 0.3 metres above existing ground levels • Flood resilient construction to a height of 300mm above the finished floor level. <p>The mitigation measures shall be fully implemented prior to occupation and subsequently remain in place.</p> <p>Reason: In the interest of reducing flood risk in accordance with the requirements of the NPPF and Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).</p>
6	<p>Prior to the dwellings hereby permitted being first occupied a scheme of landscaping and planting for the site (including boundary treatments and screening of bin collection points) shall be submitted to and approved in writing by the Local Planning Authority. Such scheme as approved by the Local Planning Authority shall be carried out and completed in its entirety during the first planting season following practical completion of the development. All trees, shrubs and bushes shall be maintained for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary.</p> <p>Reason: To ensure that the development is adequately landscaped, in the interests of visual amenity and character in accordance with Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).</p>
7	<p>Prior to any works above the level of the damp proof course details of the proposed means of foul and surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The details so approved shall be implemented before the dwellings are first occupied and shall thereafter be so maintained.</p>

	Reason: To ensure that the site is properly drained and to prevent pollution and to accord with Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
8	<p>The water consumption of any dwelling hereby permitted should not exceed the requirement of 110 litres per person per day (as set out in Part G of the Building Regulations 2010 and the South East Lincolnshire Local Plan, 2019). The person carrying out the work must inform the Building Control Body that this duty applies. The dwellings shall not be occupied until this Building Regulations Operational requirement has been complied with.</p> <p>Reason: To protect the quality and quantity of water resources available to the District, in accordance with Policy 31 of the South East Lincolnshire Local Plan, 2019.</p>

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

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.