

Sandon Matters

Increasing well-being for all inhabitants.

Alex Howard

Case Officer for Planning Application No 25/01246/PNQ

Planning Department

North Herts District Council

21 June 2025

Dear Mr. Howard,

Planning Application Case Reference Number: 25/01246/PNQ

*Conversion of agricultural building into 2 residential units with all associated building works.
Land On the West Side of Gannock Road Sandon Hertfordshire SG9 0RH*

We wish to comment on the above application as follows:

1. We feel that it is questionable as to whether this building can be considered an agricultural building on the basis that the planning permission granted in 2011 to convert it from agricultural to menage/stables was never enacted.

Whilst the permission granted on 22 June 2011 did include a condition requiring that the development started within 3 years, it also included a Note stating that failure to satisfy the conditions imposed **may invalidate this permission** and/or result in enforcement action. Crucially, it did not say it **would** invalidate the permission. Consequently, it can only be assumed that some form of formal notification is required to inform the public that the permission is no longer valid and the formal notification is issued after some kind of investigation. There is no record of any formal notification of a reversion back to agricultural land until 1 August 2024, when the decision to allow the land to revert back to agricultural usage was issued. We would argue that, prior to that date, the land could only be regarded as for equine use.

2. Further, we are aware that some Sandon residents did use the building as stables for their ponies as far back as the 1990's. Case law indicates that it is sufficient to enact a change of use from agriculture to equine simply by allowing horses on the land and feeding them whilst on that land. So, whilst the building itself may not have been altered in accordance with the plans submitted in 2011, no evidence has been supplied to prove the change of use to equine was never enacted. Also, whilst it is evident that the proposed changes to

the building were never completed, it is quite possible that the building work was indeed started. The relevant planning decision only required the proposed change to have started within the specified timescale. For example, some footings could have been dug out or part of the framework demolished in preparation for the rebuild. There is no required timescale for the work to be completed by.

3. We have some concerns that the Design and Access statement for Application 24/01297/FP, for the replacement of a different agricultural building, states that the building related to this application was undergoing refurbishment at the time of that application. If that is the case, then we question the purpose of that refurbishment. Was it being carried out as part of the permission granted in 2011 or was it being carried out unlawfully, in anticipation of permission being granted for this application? At that point in time, because permission had not been requested or granted for the land to revert back to agricultural use, the only lawful refurbishment allowed would have had to be in accordance with the approved plans for Application 11/00510/1. If that is the case, then this application has to be refused because it does not comply with the requirements for permitted development under Class Q as it would be a conversion from equine use to residential dwellings.
4. In the event that it is accepted that the building can now be classed as agricultural for the purposes of this application, we don't believe that this proposal meets the requirements for permitted development under class Q because the building itself does not meet the requirements of Para Q1 of The Town and Country Planning (General Permitted Development) (England) Order 2015. It cannot be clearly shown that it was part of an **established** agricultural unit on 24th July 2023 or for period of at least 10 years before the date development begins/ began. The Applicant confirmed that refurbishment work on this building was in progress on 12 June 2024 when Application 24/01297/FP for the building of the agricultural barn was made. So, it has to be accepted that this development started no later than then. 10 years before that date means that this building would have had to have been part of an established agricultural unit on 12 June 2014. It could not possibly have been regarded as agricultural on that date because that date was within the three years allowed for the development to start under Application 11/00510/1. Further, there was no **established** agricultural unit on this site on 24 July 2023.
5. The building requires both the installation/replacement of windows/doors/roof **and** the installation of utilities. Class Q only permits one or the other to be done, not both. It is possible that some utilities may have been installed very recently at the site but, as these were not identified or permitted under Application 24/01297/FP then such installation can only be regarded as being done for the purpose of either this proposed development or under the permission granted for Application 11/00510/1. If it was the latter, then the change of use that has to be considered is from equine use to residential dwelling and Class Q cannot apply. If it was the former, on the premise that the land is classed as agricultural, the extensive rebuilding could not be allowed in addition to the installation of the utilities under Class Q.
6. In the event that it is deemed that the building is lawfully an agricultural building, we feel that the Application doesn't meet the requires of either the current Local Development Plan or the current NPPF.

7. Policy CGB4 only allows any existing buildings to be converted to re-use if they do not require major extension or reconstruction. This proposal requires major reconstruction such as rebuilding of walls, installation of windows, doors and roofing as well as the installation of utilities.
8. Policy CGB4 also requires that the resultant building does not have a materially greater impact on the openness, purposes or general policy aims of the rural area. A number of conditions were imposed in accordance with the permission granted under 11//00510/1 for the equine use in order to ensure that the area remained rural in nature. One of these conditions was that no external lighting was allowed on the building and a similar condition has been imposed on the recently approved agricultural building on the site. We don't see how such a condition could be imposed on residential dwellings. Further, a barn or equine stables blends in with the general area which is open countryside mainly comprising of fields growing crops with Rights of Way footpaths crossing them. Residential dwellings would look incongruous in such a position, especially as they would be located close to the agricultural building approved in planning application 24/01297/FP. Photos are attached of the view from the site across the open countryside beside it and of the view from FP 41 across the field to the site. This illustrates how rural the area is within the vicinity of the proposed dwellings.
9. The Local Development Plan clearly states that NHDC has a strong preference that rural buildings be re-used for economic development rather than as dwelling houses and there is no proven requirement for additional houses within the Sandon Parish. Indeed, there are already two houses built a few years ago within the village envelope which have never been occupied and remain empty.
10. The proposal does not respond positively to the site's local context so does not comply with Policy D1 sustainable development.
11. The National Guidance also seeks to support economic growth in rural areas and avoid the provision of new, isolated homes into the countryside.
12. Further, Para 187 of the NNPF states:
Planning policies and decisions should contribute to and enhance the natural and local environment by:
 - a) *protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or **identified quality in the development plan**);*
 - b) *recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*
.....
 - d) *minimising impacts on and providing net gains for biodiversity, **including by establishing coherent ecological networks that are more resilient to current and future pressures** and incorporating features which support priority or threatened species such as swifts, bats and hedgehogs.*

We cannot see how this proposal protects or enhances the Landscape Conservation/Character Area or helps in any way to establish coherent ecological networks

that are more resilient. The agricultural land within LC2 is nationally recognised to be of the highest quality and this proposal does not provide wider economic and other benefits for the area as a whole.

13. This site is located in Landscape Conservation Area LC2 which is within Landscape Character Area 222 as defined within the current Local Development Plan. The Character Assessment carried out by the Hertfordshire Local Nature Partnership Planning Task Group, that included NHDC representatives, produced a Strategy and Guidelines for Managing Change in each Character Area: The one for Area 222 specifies that in order to Improve and Conserve the Area:
 - a. The creation of area buffer zones should be promoted between intensive arable production and areas of semi-natural habitat and the creation of links between habitat areas;
 - b. Maintain and extend the rights of way network;
 - c. Maintain the ecological diversity and use of green lanes and associated species-rich hedgerows
14. The Hertfordshire Ecological Network map approved, as part of the Character Assessment and thereby part of the current Local Development Plan, identifies that the proposed site borders areas D00873, M08551, M08552. According to the Herts Ecological Mapping Network, approved by NHDC, these areas are classed as areas that *"contains habitats not currently qualifying under S41 of the NERC Act but with high potential to do so. Whilst not receiving the same level of statutory and policy-based protection as the green areas, they should nonetheless be avoided by development and protected by the development management system where reasonable to do so. This is because they are important components of ecological networks and it is much quicker, less risky and more cost-effective to restore these habitats than to create new ones elsewhere. Enhancements to the ecological network can be carried out through restoring these habitat patches to the most appropriate S41 NERC Act habitat type."*

The creation of dwelling houses on this site will have an adverse impact on the creation of suitable habitats in these areas and consequently would not comply with either the current Local Development Plan or the current National Planning Policy Framework.

We trust that you will fully consider our points and look forward to receiving details of your decision on this planning application in due course.

Yours sincerely,

Dr. Lydia Pollard
Planning Liaison
Sandon Matters

Photo of site and across to FP41 from site entrance



Photo of site from FP41

