

DELEGATED FILE NOTE

CASE OFFICER: ...Vicki Wood.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
26/01115/PNQ	Change of use of an agricultural barn to one dwelling to include alterations to fenestration and provision of two parking spaces.	Land Located To The Southwest Of Deadman's Hill Gannock Road Sandon Hertfordshire

Submitted Plan Nos

DR-A-0001 DR-A-1001 DR-A-1002 DR-A-1003 DR-A-2001 DR-A-2002 DR-A-2003

1.0 Policies

1.0 **Relevant Site History**

1.1 None.

2.0 **Representations**

2.1 **Site and Neighbour Consultation** – None received.

2.2 **Sandon Parish Council** – No objection.

2.3 **NHC Environmental Health (Contaminated Land)** – No objection subject to conditions.

2.4 **HCC Highway Authority** – No objection subject to conditions.

2.5 **NHC Ecology** – No objection subject to conditions.

3.0 **Planning Considerations**

3.1 **Site and Surroundings**

3.1.1 The site is located on the western side of Deadman's Hill and comprises of a detached part two-storey agricultural building. Access exists to the east linking the site with Dedman's Hill. A track is present to the immediate south of the building beyond which is a mature hedgerow. The land to the north is open agricultural land.

3.1.2 For planning policy purposes the site is within the Rural Area beyond the Green Belt.

4.0 **Proposal**

4.1 Prior Approval of the Local Planning Authority is sought for the Change of use of an agricultural barn to one dwelling to include alterations to fenestration and provision of two parking spaces.

4.2 **Key Issues**

4.2.1 The key issue is firstly whether the proposed development benefits from prior approval as defined by The Town and Country Planning (General Development Order) 2015 Schedule 2, Part 3, Class Q as amended. Secondly, whether the prior approval of the local planning authority (LPA) is required in relation to the conditions listed in paragraph Q.2.

4.2.2 **Permitted development**

Q. Development consisting of—

(a) a change of use of—

(i) a building that is part of an established agricultural unit and any land within that building's curtilage, or

(ii) a former agricultural building that was (but is no longer) part of an established agricultural unit and any land within that building's curtilage, to a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order,

(b) development referred to in sub-paragraph (a) together with the extension of the building referred to in sub-paragraph (a), or

(c) development referred to in sub-paragraph (a) together with building operations reasonably necessary to convert the building referred to in sub-paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule or to extend that building.

Q.1 Development is not permitted by Class Q if—

(a) in the case of a site that is part of an established agricultural unit, the site was not part of the established agricultural unit—

(i) on 24th July 2023, or

(ii) where the site became part of the established agricultural unit after 24th July 2023, for a period of at least 10 years before the date development under Class Q begins,

(b) in the case of a site that was (but is no longer) part of an established agricultural unit—

(i) the site was part of an established agricultural unit on 24th July 2023,

(ii) where the site ceased to be part of an established agricultural unit after 24th July 2023, the site has not been part of the established agricultural unit for a period of at least 10 years before the date development under Class Q begins, or

(iii) since ceasing to be part of an established agricultural unit, the site has been used for any non-agricultural purpose,

The agent has stated that the site has always been part of an established agricultural unit and indeed was so on the 24th July 2024 and for the 10 years preceding the submission. As such, the proposal complies with this criterion.

(c) the floor space of any dwellinghouse developed under Class Q having a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order exceeds 150 square metres,

The floor space of the proposed dwelling is 76.3m² and complies with this criterion.

(d) the development under Class Q, together with any previous development under Class Q, within the original limits of an established agricultural unit (see paragraph Q.3(2) of this Part) would result in—

(i) the cumulative number of separate dwellinghouses having a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order exceeding 10, or

(ii) the cumulative floor space of dwellinghouses having a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order exceeding 1,000 square metres,

The proposed cumulative number of separate dwellinghouses would be one and the floor space would be less than 1000 square metres, which therefore complies with this criterion.

(e) the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained,

(f) less than 1 year before the date development begins—

(i) an agricultural tenancy over the site has been terminated, and

(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,

There is no agricultural tenancy at this site. The proposal therefore complies with this criterion.

(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 during the period which is 10 years before the date development under Class Q begins,

No development under these classes has been undertaken and so complies with this criterion.

(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, other than—

(i) extension of the building allowed by paragraph Q.1(i);

(ii) protrusions of up to 0.2 metres to accommodate building operations allowed by paragraph Q.1(j)(i),

The proposal does not include any external extensions beyond the dimensions of the existing building and therefore complies with this criterion.

(i) the development under Class Q(b) would result in an extension that—

(i) has more than one storey,

(ii) is sited anywhere other than to the rear of the existing building,

(iii) extends beyond the rear wall of the existing building by more than 4 metres,

(iv) has eaves the height of which exceed the height of the eaves of the existing building,

(v) is higher than whichever is the lower of—

(aa) the highest part of the roof of the existing building, or

(bb) a height of 4 metres above the ground,

(vi) extends beyond a wall that forms a side or principal elevation of the existing building, or

(vii) would be sited on land that, before the development under Class Q(b), is not covered by a hard surface that was provided on the land by virtue of any development, and—

(aa) the hard surface was not provided on the land on or before 24th July 2023,

or

(bb) where the hard surface was provided on the land after 24th July 2023, the hard surface has not been situated on the land for a period of at least 10 years before the date development under Class Q(b) begins,

No extensions are proposed and therefore complies with this criterion.

(j)the development under Class Q(c) 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(j)(i),

The structural survey confirms that the building is capable of conversion and the proposal would comprise the building operations set out above which are reasonably necessary to enable the building to function as a dwelling. The proposal therefore complies with this criterion.

(k)the site is on article 2(3) land,

The site is not on article 2(3) land and so complies with this criterion.

(l)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,

The site falls outside of any of the above and so complies with this criterion.

(m)the site is, or contains, a scheduled monument,

The site is not and does not contain a scheduled monument and so complies with this criterion.

(n)the building is a listed building,

The building is not a listed building and so complies with this criterion.

(o) the existing building, excluding any proposed extension under Class Q(b) but including any proposed building operations under Class Q(c), would not be capable of complying with the nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015 as read with the notes dated 19th May 2016 which apply to it, or

The proposed unit would comply with the National Described Space Standards and therefore complies with this criterion.

(p) the building does not have suitable existing access to a public highway.

The site benefits from an existing access off Deadman's Hill which is a public highway and so complies with this criterion.

Q.2—(1) Where the development proposed is development under Class Q(a) together with development under Class Q(c), development is permitted 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 impact of the development,

The Highway Authority have been consulted as part of the application, whilst they do not raise an objection, certain conditions are requested relating to surface water drainage details being submitted prior to commencement and details of visibility splays being submitted prior to occupation.

(b) noise impacts of the development,

Environmental Health in relation to Noise have been consulted on the application and raise no objection.

(c) contamination risks on the site,

Environmental Health in relation to Land Contamination have been consulted on the proposal and have recommended the imposition of two conditions, relating to a Phase 1/2/3 contaminated land survey prior to commencement and validation reports prior to occupation. Therefore, the scheme is considered acceptable in this regard subject to these conditions.

(d) flooding risks on the site,

The site is situated within Flood Zone 1, the zone of lowest risk. Overall, it is considered that the proposal would not result in flood risk impacts.

(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,

The Planning Practice Guidance on this specific matter in relation to location is stated below:

“The permitted development right does not apply a test in relation to sustainability of location. This is deliberate as the right recognises that many agricultural buildings will not be in village settlements and may not be able to rely on public transport for their daily needs. Instead, the local planning authority can consider whether the location and siting of the building would make it impractical or undesirable to change use to a house.

“Impractical or undesirable are not defined in the regulations, and the local planning authority should apply a reasonable ordinary dictionary meaning in making any judgment. Impractical reflects that the location and siting would “not be sensible or realistic”, and undesirable reflects that it would be “harmful or objectionable.

When considering whether it is appropriate for the change of use to take place in a particular location, a local planning authority should start from the premise that the permitted development right grants planning permission, subject to the prior approval requirements. That an agricultural building is in a location where the local planning authority would not normally grant planning permission for a new dwelling is not a sufficient reason for refusing prior approval.

There may, however, be circumstances where the impact cannot be mitigated. Therefore, when looking at location, local planning authorities may, for example, consider that because an agricultural building on the top of a hill with no road access,

power source or other services its conversion is impractical. Additionally, the location of the building whose use would change may be undesirable if it is adjacent to other uses such as intensive poultry farming buildings, silage storage or buildings with dangerous machines or chemicals”.

Whilst the site is relatively isolated, two residential dwellings are present on the opposite side of the highway to the northwest. These neighbouring properties which will have access to utilities and will likely use private vehicles for most of their journeys. The existence of these neighbouring dwellings and the relatively short distance to Sandon is such that the proposed development would not be impractical for the purposes of Class Q.

The proposal would be adjacent to open fields and the wider countryside. This is not uncommon for rural parts of the district and considering the PPG guidance, the dwelling would likely not be subject to impacts from *intensive machines or chemicals*. Moreover, the scheme has been well-designed to provide a high-quality standard of living and amenity for future occupiers. Therefore, it is considered that the proposed development would not be undesirable for the purposes of Class Q.

Furthermore, the scheme is well designed and would not result in an unacceptable impact upon the natural environment or the character of the area or result in an unacceptable impact upon the amenity of present/future occupiers and neighbouring properties.

(f)the design or external appearance of the building and

It is considered that the proposed design and external appearance of the building is acceptable. The external alterations would respect the overall integrity and character of the existing building and its use for agriculture. The proposal has been designed to a high standard, ensuring the form and proportions of the existing building are maintained.

(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.

All habitable rooms would benefit from natural light and so the proposal complies with this criterion.

Interpretation of Class Q

Q3.—(1) For the purposes of Class Q, “curtilage” means the lesser of—
(a)the piece of land, whether enclosed or unenclosed, immediately beside or around the building on an established agricultural unit or former agricultural building (as the case may be), closely associated with and serving the purposes of that building, and
(b)an area of land immediately beside or around the building on an established agricultural unit or former agricultural building (as the case may be) no larger than the land area occupied by that building.

The functional space associated with the building when assessed against the footprint of the building shows the “curtilage” to be lesser of (a) and (b) and so the proposal complies with this criterion.

Other Matters

- 4.3.3 Whilst Ecological matters are not material considerations under a Class Q Prior Approval, comments from the Council's Ecology Officer are included as an Informative.

4.4 Conclusion

- 4.4.1 The proposed conversion of the agricultural building into a residential unit with all associated building works would comply with the criterion set out under Class Q, Part 3, Schedule 2 of the General Permitted Development Order as amended.

5.0 Recommendation

- 5.1 That prior approval be given, subject to the following conditions and informatives:

1. The development hereby permitted shall be completed before the expiration of 3 years from the date of this decision notice.

Reason: As required by The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Schedule 2, Part 3, Class Q.

2. No development approved by this permission shall take place until the following has been submitted to and approved in writing by the Local Planning Authority:

A Phase 1 Desk Study report documenting the ground conditions of the site with regard to potential contamination;

A Phase 2 Site Investigation (where shown as necessary the Phase 1 Desk Study);

A Phase 3 Remediation Scheme (where shown as necessary by the Phase 2 Site Investigation)

All such work shall be undertaken in accordance with BS:10175:2011 or other appropriate guidance issued by the regulatory authorities. The work shall be sufficient to ensure that measures will be taken to mitigate any risks to human health and the wider environment.

Reason: To protect human health and to ensure that no future investigation is required under Part 2A of the Environmental Protection Act 1990.

3. Prior to any permitted dwelling being occupied a validation report shall be submitted and approved in writing by the Local Planning Authority to demonstrate the effectiveness of any agreed Remediation Strategy. Any such validation shall include responses to any unexpected contamination discovered during works.

Reason: To protect human health and to ensure that no future investigation is required under Part 2A of the Environmental Protection Act 1990.

4. Prior to the first use of the development, all access arrangements serving the development as shown on in principle plan drawing number DR-A-2003 Rev 1 shall be constructed and completed to the specification of the Highway Authority and Local Planning Authority's satisfaction. Prior to its use commencing, arrangements shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

Reason: To ensure the provision of an access appropriate for the development in the interest of highway safety.

5. Prior to the first occupation of the development hereby permitted the vehicular visibility splays shall be provided in full accordance with the details indicated on the approved drawing number(s) DR2. The splay shall thereafter be retained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

Reason: To ensure that the level of visibility for pedestrians, cyclists and vehicles is satisfactory in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

6. Prior to the commencement of the development hereby permitted, details of the design and location of a barn owl box to be located within the vicinity of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and permanently provided and maintained for the lifetime of the development.

Reason: In order to comply with Policy NE4 of the North Hertfordshire Local Plan 2011-2031.

7. All ecological measures and/or works shall be carried out in accordance with the recommendations contained in the April 2026 Badger Survey as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

Reason: In order to comply with Policy NE4 of the North Hertfordshire Local Plan 2011-2031.

Informative/s:

1. It is understood from the material change ecology report dated March 2026 that previous bat survey outcomes were likely unchanged with no presence of bats recorded. However, the applicant is advised during the proposed works to the buildings, should bats or evidence of roosting bats be found, works to the buildings should cease immediately and Natural England be contacted for advice.
2. AN1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.

AN2) Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to

result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence.

AN3) Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made-up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway.

AN4) Avoidance of surface water discharge onto the highway: The applicant is advised that the Highway Authority has powers under section 163 of the Highways Act 1980, to take appropriate steps where deemed necessary (serving notice to the occupier of premises adjoining a highway) to prevent water from the roof or other part of the premises falling upon persons using the highway, or to prevent so far as is reasonably practicable, surface water from the premises flowing on to, or over the footway of the highway.

AN5) Works within the highway (section 278): The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements.

Further information is available via the County Council website at:
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning
0300 1234047.

Signed  Shaun Greaves Determining Officer	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
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Date: 3 July 2026	
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