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| <b>DELEGATED FILE NOTE</b> |
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**CASE OFFICER:** ...Alex Howard.....

| APPLICATION<br>REFERENCE | BRIEF DESCRIPTION OF<br>DEVELOPMENT                                                                    | APPLICATION SITE                                                                               |
|--------------------------|--------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------|
| 25/01246/PNQ             | Conversion of agricultural building into<br>2 residential units with all associated<br>building works. | Land On The West Side Of<br><br>Gannock Road<br><br>Sandon<br><br>Hertfordshire<br><br>SG9 0RH |

**Submitted Plan Nos**

1081 - 03C 1081 - PL10 1081 - PL11 1081 - PL12

## 2.0 **Site History**

- 2.1 **24/01297/FP** - Erection of agricultural building on footprint of previously demolished building.

### **Conditional Permission**

- 2.2 **11/00510/1** - Change of Use of land from agriculture to menage and stables. Erection of stable block to comprise four stalls, tack room and lamb and calf housing and erection of barn for storing hay/silage following demolition of existing agricultural buildings (as amended by plans 03B and 10B dated 06.06.11).

### **Conditional Permission**

## 3.0 **Representations**

- 3.1 **Neighbour comments** – Comments received from Sandon Matters on the following matters (summary):

- The status of the building as "agricultural" is questioned. A 2011 planning permission changed its use to equine (stables/menage), which was never formally rescinded until August 2024. Therefore, the land should be regarded as equine, not agricultural, before that date.
- Residents reportedly used the site for stabling ponies since the 1990s. Even if the building was not altered as per the 2011 plan, its equine use was likely enacted. The permission only required the work to start (not finish), and minor, undocumented actions (e.g., groundwork) may have occurred.
- Concerns are raised over apparent refurbishment activities noted in a separate application (24/01297/FP). If these refurbishments were done before formal reversion to agricultural use, they may have been unlawful or improperly based on the 2011 equine use—thus invalidating this Class Q residential conversion application.
- Even if considered agricultural now, the building doesn't meet the Class Q requirement that it must have been part of an agricultural unit for 10 years before development started.
- Class Q allows *either* the installation of utilities *or* structural changes, but not both. This proposal includes both, making it ineligible. If utilities were installed under the old equine permission, then this would be a change from equine to residential, not agricultural to residential, again disqualifying it under Class Q.

- Even assuming the building is agricultural, the proposal fails to comply with the Local Development Plan and the National Planning Policy Framework (NPPF).
- Policy CGB4 prohibits conversions that require major reconstruction. This proposal involves major work, including new walls, windows, doors, roof, and utilities.
- Policy CGB4 also requires minimal visual impact. Equine/agricultural buildings fit the rural setting, but residential dwellings would disrupt the countryside character. Conditions like "no external lighting" imposed on previous buildings would be unenforceable on homes.
- The Local Development Plan prefers reuse of rural buildings for economic purposes over residential. Additionally, there is no proven need for new housing in Sandon; some existing new houses remain unoccupied.
- The proposal does not respond positively to the site's rural context, contrary to Policy D1 (sustainable development).
- National planning guidance discourages new, isolated homes in the countryside and encourages rural economic development instead.
- Paragraph 187 of the NPPF requires that developments protect/enhance the environment and biodiversity. This proposal does neither. The land is high-quality agricultural land and offers no ecological or economic gains.
- The site is in Landscape Conservation Area LC2 (Character Area 222), which promotes:
  - ☐ Buffer zones between crops and habitats
  - ☐ Maintenance of footpaths
  - ☐ Biodiverse hedgerows and green lanes
 This development would contradict these goals.
- The site borders ecological areas with high potential for restoration under the Hertfordshire Ecological Network. Development here would damage ecological connectivity and violate local and national planning policies.

**Officer Note:**

It is noteworthy at this stage to state that the considerations under a PNQ are limited to those set out in the conditions of the relevant legislation. Therefore, some of the concerns raised above are either not a material planning concern or the legislation does not allow for consideration of such issues. Those issues that can be considered under a PNQ will be in this report.

3.2 **Sandon Parish Council** – No response

3.3 **HCC Highways** – *“The Highway Authority under the current submission cannot support the proposals due to the application has failed to demonstrate a satisfactory policy and*

*design-led approach to the accessibility of the proposed development contrary to Hertfordshire's Local Transport Plan (Local Transport Plan edition 4) policies 5 and 6 and also contrary to the principles of sustainable development contained in the National Planning Policy Framework".*

3.4 **Environmental Health** – No objection subject to conditions.

3.5 **North Herts Ecology** - No objections.

3.6 **Local Lead Flood Authority** – None received.

3.7 **Waste and Recycling** – None received.

4.0 **Planning Considerations**

4.1 **Site & Surroundings**

4.1.1 The application site is a redundant brick built structure and associated areas of hardstanding located on the west side of Gannock Lane, Sandon. The site is served via a single access onto Deadman's Hill and is surrounded by agricultural land and open countryside.

4.2 **Proposal**

4.2.1 The Prior Approval of the Local Planning Authority is sought for the Conversion of agricultural building into 2 residential units with all associated building works.

4.2.2 The associated building works include external alterations including insertion of new windows and doors, the provision of internal insulation and other modifications required for habitation, and minimal changes to the building's external dimensions.

4.3 **Key Issues**

4.3.1 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 LPA is required in relation to the conditions listed in paragraph Q.2.

4.3.2 **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 24<sup>th</sup> July 2024. Planning permission was granted under ref: 24/01297/FP for 'Erection of agricultural building on footprint of previously demolished building', where the applicants had to establish the agricultural need for the proposal, which led to its approval. 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,**

Neither of the two proposed dwellings would have a floor area exceeding 150sqm, which 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 2 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.

**(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, aside from the minimal changes allowed to accommodate building operations which would be less than 0.2m. The proposal 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.

**(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 applicant has provided the following:

*“The proposal includes only works reasonably necessary for conversion and does not constitute a rebuild, as the structure is sound and capable of conversion as noted in the structural report. The roof, although removed at present, would have needed to be removed nonetheless, and upgraded to comply with building regulations and as such this does not class the building works as a rebuild.*

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,**

N/A.

**(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,**

N/A.

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

N/A.

**(n)the building is a listed building,**

N/A.

**(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 units 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 has one existing access off Deadmans Hill which is considered suitable for the proposal. This 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,**

HCC Highways have been consulted as part of the application, formally stating that they object to the proposal. The formal comment states that the Highway Authority acknowledges that the proposed development is not expected to have any significant impact on the operation of the highway network, but their main concern relates to the unsustainable location of the proposed residential development. It can therefore be inferred that the existing access to the site is considered acceptable, given no objections have been raised to this element. With regard to the 'sustainability' concern raised by the Highways Authority, this is covered later in the report under condition e. Each dwelling would benefit from 2 vehicle spaces which is acceptable.

**(b) noise impacts of the development,**

Environmental Health in relation to Noise/Nuisances have been consulted on this proposal and have no concerns on this basis. Therefore, the scheme is considered acceptable in this regard.

**(c) contamination risks on the site,**

Environmental Health in relation to Land Contamination have been consulted on this 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 application 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”.*

With respect to the formal comment received from the Highway Authority, based on the above guidance set out in the PPG, the LPA cannot consider sustainability and use it as a reason to withhold Prior Approval. The consideration is whether the location or siting of the building would be impractical or undesirable to be used for residential purposes.

Taking the impractical consideration first, the application site is within relatively close proximity to a number of neighbouring properties to the north-west of the site and the main village of Sandon to the south. 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.

Taking the undesirable consideration next, 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 dwellings would likely not be subject to impacts from *intensive poultry farming buildings, silage storage or buildings with dangerous 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. The proposed private garden areas are considered acceptable given the site constraints.

**(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. The proposal would comply with the above 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 ‘red line’ plan indicates approximately 616 sqm of curtilage. The total floor area of the buildings would measure approximately 283 sqm, and the remaining site curtilage would measure approximately 333 sqm. The development would therefore comply with (b) given that the surrounding land would not exceed the area occupied by the building.

Other Matters

4.3.3 The formal comments from Sandon Matters raise some points that require some clarification below, unless they have been address above:

- The application from 2011 to change the building from agricultural to a menage/stables was never implemented, such that the use of the building did not change and remained in its pre-application use, which is agricultural. There is no formal notification required to inform anyone that the permission is no longer valid.
- All the deeds the owner has state agricultural use, and the previous owners farmed the land until the sale. The agent has also advised that a crop was sown last harvest thus confirming that the land has remained agricultural.
- It is the Officers understanding that Class Q allows for both the installation of utilities and structural changes, not either, as both are required and reasonably

necessary to convert the building into a dwelling. An either or scenario would likely go against the fundamental point of Class Q.

- Refurbishment works to buildings do not always require planning permission, and it is unclear what was being done to the building as set out in the DAS for the 2024 application. Nevertheless, it is considered this has no bearing on this application.

- The reference to Local Plan policies, the NPPF, Landscape Conservation Areas and Ecological matter are not material considerations under a Class Q Prior Approval.

#### **4.4 Conclusion**

- 4.4.1 The proposed conversion of the agricultural building into 2 residential units 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) Order 2015, 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:
  - o A Phase 1 Desk Study report documenting the ground conditions of the site with regard to potential contamination;
  - o A Phase 2 Site Investigation (where shown as necessary the Phase 1 Desk Study);
  - o 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.

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| <p>Signed</p> <p></p> <p>Anne McDonald</p> <p>Determining Officer</p> | <p>Development Management<br/>North Hertfordshire District Council<br/>Council Offices<br/>Gernon Road<br/>Letchworth<br/>Herts<br/>SG6 3JF</p> |
| <p><b>Date:</b> 9 July 2025</p>                                                                                                                        |                                                                                                                                                 |