

Sandon Matters

Increasing well-being for all inhabitants.

Vicki Wood

Case Officer for Planning Application No. 26/01820/FP

Planning Department

North Herts District Council

04 September 2026

Dear Ms. Wood,

Planning Application Case Reference Number: 26/01820/FP

Change of use of existing barn for live music for charity events for a maximum of 15 evenings in any calendar year (development already carried out).

Sandon Matters has concerns about the above planning application for the following reasons: --

1. We note that this is a retrospective planning application to allow the barn to be used for live music events. We do have concerns that the events were not put on hold until this application has been determined because it gives the impression that it is merely a formality to grant permission for the change of use despite the deep concerns about the potential intensity of use of the barn that had been clearly expressed by the well-respected planning officer who had dealt with the previous application for a change of use.

When making the 2013 planning decision, the delegated planning officer, Richard Tiffin noted that *"The alterations would add a significant amount of additional floorspace which, if used intensively and frequently, could be problematic in terms of the amount of traffic which could potentially attend the property and the consequences this may have for the amenity, safety and convenience of local residents. If this level of use were frequent, I would suggest that the venue could no longer be described as serving an incidental or ancillary function in relation to Poplars Farm. Accordingly, because of my conclusion that it is the level or intensity of the proposed use which is critical rather than the physical changes to the building, I would recommend that the application be supported subject to the imposition of a condition which limits the use of the building to activities which are incidental to the main property"*.

The condition imposed under the current planning permission is *"The building subject of the extensions hereby permitted shall not be occupied or used at any time other than for purposes ancillary to the residential use of the dwellinghouse known as Poplars Farm. For the avoidance of doubt the building, as extended, shall not be hired out or otherwise let for private parties or functions and shall only be used for purposes*

where it can be shown that the use or activity is incidental to the enjoyment of persons residing permanently in the main dwelling known as Poplars Farm”.

This clearly indicates that there was a concern that the intensity of the proposed use is critical. At the time that statement was made there was just the odd fundraising event, no more than once a year, and the occasional family party. There was nothing like 15 events a year with 150 or so people being present at each event. Given that the dictionary definition of **incidental** is “**something happening as a minor accompaniment to something else**” and the Applicant has claimed that the main purpose of the music events is to raise money for charity and so, whilst this is laudable in itself, it does not comply with the planning permission. The dictionary definition of ancillary is “**providing necessary support to the primary activity**”. The condition imposed clearly states that the Barn can only be used for purposes ancillary to the **residential use** of Poplars Farm. Consequently, we are surprised that the Applicant has been allowed to continue with events whilst this latest application is being considered and that he has made the claim that he has not breached any planning conditions.

Further, the current NPPF states in **DM8: Unauthorised development and enforcement:**

a. Where there has been unauthorised development and local planning authorities are considering whether enforcement action is expedient, they should take account of their local enforcement plan, the impact of the breach of planning control, and the extent to which the breach would otherwise be acceptable.

b. In cases of unauthorised development where consideration is being given to an application for retrospective planning permission (or through an enforcement appeal, whether to grant planning permission in respect of a breach of planning control), if it is concluded based on evidence that the unauthorised development was intentional, that fact should be given substantial weight in considering whether to grant planning permission.

It is difficult to see how the use of the barn for music events was not an intentional misuse given that the condition restricting usage of the barn was made so clear in the planning permission. The Applicant would have received a full copy of the planning permission granted which would have included a complete list of conditions that applied to the permission.

2. When considering the amenity, safety and convenience of local residents it is of relevance to consider the location of the site, particularly with regard to the other residential dwellings within the immediate vicinity of the site and the nature of the neighbourhood. So, it should be noted that the location of the site is within a small remote rural hamlet of just 29 residential units in the middle of the open countryside. There are no commercial units within the hamlet. The property, Poplars Farm, has four occupied residential houses immediately touching its boundaries. Three have their gardens very close to the barn building and the other is very close to the entrance of the site.
3. Many of the claims made in the submitted Planning and Design statement are incorrect. These are addressed in the following paragraphs.
4. There **are** trees and hedges within the curtilage boundaries of the residential buildings on the site, including the converted barn. Also, it is incorrect to claim that there are no

trees or hedges on adjacent land that are important as part of the Local Landscape Character. Further, the Local Landscape Character is not only defined by trees and hedges, Roe Green is a designated Heritage Conservation Area and within the designated Landscape Character Area 222 and thereby within Landscape Conservation Area LC2 which has been subjected to an Ecological Survey by Herts Environmental Record Centre. There are protected wildlife species within the immediate vicinity of the property and some of these are likely to be within the curtilage of the property as well. The overall assessment for Area 222 is to improve and conserve it. Roe Green Common, where the site is located, is carefully managed in order to protect the wildlife, some of which are designated protected species under NERC whilst the remainder are protected by other countryside and wildlife legislation. Visitors not familiar with the area may not realise this and, consequently, could inadvertently cause harm. Monthly visits of 130+ people and associated vehicles taking the same path across the Green every month is far more than would be reasonably expected for the area and no account has been taken of the damage that this could inadvertently be causing to the local environment and the nuisance to neighbours. As this area is a naturally dark area at night with no streetlights, the use of floodlights at night causes a great disturbance to the neighbours and the wildlife in the area. It could result in traffic accidents because of startled deer or badgers running out into the path of a car.

5. The Music Venue (the barn) is only accessible via Roe Green Common. Whilst the occupants of Poplars Farm may have acquired the right to access that property by vehicle, visitors to the music events do not have the right to drive over the Common in order to access the venue. We do not believe that they could be granted that right, either by prescription or easement, because of the damage that would be caused to the protected Common by such a large number of vehicles regularly crossing it.
6. The site can be seen both from a public road and a public right of way footpath. Indeed, the latter runs alongside the property and over part of the land. This proved to be an issue when Sandon Fields was running on the site.
7. The barn cannot be classed as a rural building under Policy CGB1 and/or CGB4 given that the current planning permission identifies it as a building used solely as serving an incidental or ancillary function in relation to the residential dwelling, Poplars Farm. It has not been an independent building since 2013. To accept that the barn can be converted into an independent building not ancillary to the residential building would also be inconsistent with more recent planning applications in the area where usage of such buildings has been restricted to incidental or ancillary functions relating to the main residential dwelling.

Further, if the argument, that the barn should be considered under policy CGB1 and/or CGB4, is accepted then all the events he has been running for so long must have been unlawful and consideration has to then be given as to whether the Applicant should be prosecuted for unlawful use. He cannot have it both ways, on the one hand it is ancillary to the main residential building so the events he has had were lawful but, on the other hand, the barn is a redundant agricultural building so, it can be converted to a music events venue under Policies CGB1 and CBG4. Both cannot apply at the same time and in order for CGB1 and CGB4 to apply the barn would have to have been unused for a significant length of time.

8. We accept that the building may be well insulated and the sound of the music may not escape the building if doors and windows are closed. However, noise is not just generated by the musicians. Attendees going to and from the building or sitting outside during intervals can generate a large amount of noise and being in such a quiet area, it is more noticeable than it would be in a more urban area because such noise is so

out of character for the area. Even so, we suspect that not many people living in a town or even a city, where they would be used to a background noise of traffic and people, would find it acceptable to regularly have 150 people or so going to and from their neighbour's house within the space of a few hours. Noise carries much further in the open countryside than in towns and cities where buildings tend to insulate the noise and prevent it being bounced over long distances.

9. One of our main concerns is that, historically, outside music events (Sandon Fields) have previously occurred at this site without the appropriate planning and/or licensing permission and neighbouring properties experienced severe nuisance as result and attendees at events were put at risk due to planning and licensing requirements not being met on site when events were held. The Applicant initially used TENs to run the Sandon Field events on his property and the result was that neighbours experienced a lot of serious problems including damage to property and threatening behaviour as well as noise. They were not notified in advance of the dates of events and so could not make any preparations to limit potential problems. Granted, Sandon Fields was a much larger event and was open-air but the point is that the Applicant did not act lawfully then and, by not complying with the current planning condition, he is not acting lawfully now and neighbours are anxious to avoid a similar experience, even if it is on a smaller scale. So, we feel that if planning permission is granted for such regular events, the Applicant should be required to obtain a full licence with the dates of events clearly identified well in advance to ensure that the events are adequately managed to minimise the impact on the neighbours.
10. It is claimed that this is not a commercial entertainment venue, it is an existing private barn that is used once a month for a carefully managed charity event that is largely non-profit generating. Unfortunately, this wording is ambiguous and open to interpretation.

The events themselves are not advertised as charity or fund-raising events; they are advertised as "The Cowshed Jazz Club" with a small side note stating "average *fund raising £1000 per performance to local organisations*" which indicates there may be some donations made to unspecified local organisations. In fairness, we have been informed of three donations made to local organisations since these jazz events started in April 2025, one of £1000, another of £700 and the third is of an unknown amount. The advertisement (copy attached) indicates that average fundraising per event is £1000. This seems rather low if 130 people have bought tickets as it amounts to a donation of less than £8 per person. The tickets for the events typically cost around £30 and purchasers are asked to make a donation of a minimum £5 but there is no indication as to what the donation is for. We would have expected that the charity receiving the donations would have been identified on the payment page, if nowhere else. If the principal purpose is to raise funds for charity, we would suggest that the Applicant discusses' the most effective way to raise funds with the charity's own fundraising team and it might well be that there are more effective ways to raise funds than holding music events which can cause problems for the local community and, relatively speaking, do not raise that much money.

11. Given the lack of clarity about whether the events can be classed as charitable events or not and the fact that the charitable element is incidental to the music events themselves, we have no alternative but to consider it just as a retrospective planning application for the barn to be used for live music events.
12. Further, whilst it is laudable that the intention may be to hold these events in order to raise money for charity it is not clear to us whether a condition could actually be imposed with the planning permission to restrict the use solely for charitable purposes

and how that would actually be monitored. Would it be that all the profits from such an event have to be donated to charity, or a specified amount donated? Would the owner have to show proof that charitable donations were made after each event and what form of proof would be required?

Under the Charities Act 2011, a charity is defined as an institution which is established for charitable purposes **only** and the Government definition of a fundraising event is *"It is an event clearly organised primarily to raise money for the benefit of the charity or qualifying body. People attending or participating in the event must be aware of its fundraising function"*

13. The wording of this planning application is very ambiguous and open to interpretation. We would request that should permission be granted for live music "charity events", the precise definition of what constitutes a charity event is made clear within the permission granted so that there is no room for different interpretations of what a "charity event" is. It is our opinion that, in this particular case, a charity event should be defined as a live music event, **all** the proceeds of which are donated to a charity either registered with the Charity Commission or defined as an exempt charity by the Charity Commission and the said charity is clearly identified on all promotional material so that individuals can determine for themselves whether they wish to attend an event that supports that particular charity. That would also offer some protection to the Applicant so that he can demonstrate that he is genuinely making donations to charities because the donations will show up in a charity's financial records and ensure that any donations are not being misused.
14. The claim that the biodiversity net gain exemption applies is not valid and is based on a misunderstanding or misinterpretation of the legislation. The actual legislation, *Town and Country Planning Act 1990 Section 55* specifies the meaning of **development**.

Para S55.1 states:

"development" means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.

and S55.2 (d) states:

The following operations or uses of land shall not be taken for the purposes of this Act to involve development of the land—

(d) the use of any buildings or other land within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse as such

S55.2 specifically specifies what is **not** regarded as development and, by doing so, makes clear that any use not related to residential use **must** be regarded as development. This latest Planning Application specifies that it is intended for another use in addition to the use already granted for ancillary purposes associated with the main residential dwelling. The proposed additional use for the barn has to be regarded as a material change in the use of the barn because the Class of Use will have to change.

Further, *Section 73A Planning permission for development already carried out* states:
(1) On an application made to a local planning authority, the planning permission which may be granted includes planning permission for development carried out before the date of the application.

(2) Subsection (1) applies to development carried out—

(a) without planning permission;

(b) in accordance with planning permission granted for a limited period; or

(c) without complying with some condition subject to which planning permission was granted.

(3) Planning permission for such development may be granted so as to have effect from—

(a) the date on which the development was carried out; or

(b) if it was carried out in accordance with planning permission granted for a limited period, the end of that period.]

The Application for **this** latest development is to add a **different Class of Use** for the Barn to enable live music events to take place **in addition** to using the Barn for ancillary residential purposes. The original development that was granted planning permission was solely to use the Barn for ancillary residential purposes.

Consequently, this Application cannot be considered as part of the original development because it is for a different class of use. Therefore, the date for considering whether a Biodiversity Net Gain Exemption applies has to be the date when this latest development started and that is clearly stated as **02/05/2025** in the Planning Application, which is undoubtedly after 12 February 2024

15. It's not clear how the excessive waste caused by the events will be sorted and disposed of. There is some concern about this because historically there some problems relating to the waste disposal when the Applicant ran the Sandon Fields events at the property.
16. The Moon and Stars in Rushden is **not** a registered community asset or a charitable enterprise. It is wholly owned by the Applicant and the community gains no benefit from it. Indeed, it has been closed for some time. Nor is it a social meeting place for villagers. Social events are conducted at the Village Hall. It does cause us concern that the music events could be used to raise funds to support the running of a commercial enterprise wholly owned by the Applicant.

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

Yours sincerely,

Dr. Lydia Pollard
Planning Liaison
Sandon Matters

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