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## Appeal Decision

Site visit made on 5 May 2026

**by Graham Wraight BA(Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 13 May 2026**

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**Appeal Ref: APP/M2840/W/25/3375990**

**Hillstone Farm, Higham Road, Stanwick, North Northamptonshire NN9 6QF**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
  - The appeal is made by Mr Tarsem Sandhu against the decision of North Northamptonshire Council.
  - The application Ref is NE/25/00542/PDU.
  - The development proposed is the Change of Use of Agricultural Building to 1 no. large dwellings (465sqm) and 4 no. small dwellings (each 100sqm), including operations to convert the building.
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### Decision

1. The appeal is allowed and prior approval is deemed to be granted under the provisions of Article 3(1) and Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the Change of Use of Agricultural Building to 1 no. large dwellings (465sqm) and 4 no. small dwellings (each 100sqm), including operations to convert the building, at Hillstone Farm, Higham Road, Stanwick, North Northamptonshire NN9 6QF in accordance with the application NE/25/00542/PDU and the details submitted with it.

### Main Issue

2. The main issue is whether prior approval is deemed to have been granted by reason of the timing of the Council's decision.

### Reasons

3. The Council has confirmed that it did not notify the appellant as to whether prior approval is given or refused within the statutory 56 day period set out in Schedule 2, Part 3, paragraph W (11)(c) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO). As a result of this, prior approval is deemed to have been granted for the development which is proposed. I cannot therefore address any of the prior approval matters, including those for which the Council considered prior approval was required and which in this case formed the basis of reasons for refusal one and two.
4. The third reason for refusal refers to the impact on a European site, namely the Upper Nene Valley Gravel Pits Special Protection Area. Whilst the appellant has made reference to this matter in their appeal submission, they should be aware that Article 3(1) of the GPDO grants planning permission for the classes of development set out in Schedule 2 subject to Regulations 75 to 78 of the Conservation of Habitats and Species Regulations 2017. It is not necessary for the appellant to have obtained written notification of a Regulation 77 approval before

they sought prior approval under the GPDO, but it is the case that the development could not lawfully be begun until both of those procedures have been complied with.

5. My decision relates only to the matter of prior approval. Whilst the Council does not suggest otherwise in its reasons for refusal or in its appeal submissions, if it subsequently turns out the development was not permitted development for whatever reason when considered against the conditions and limitations set out in the GPDO, then my decision does not confer any immunity against the issue of an enforcement notice. The only way to definitively deal with this issue is to make a Lawful Development Certificate application to confirm whether the proposal is permitted development.

### **Conditions**

6. Development under Schedule 2, Part 3, Class Q is permitted subject to the condition that the development must be completed within a period of 3 years starting with the prior approval date. As I have found that prior approval has been deemed to be granted it is not possible to impose any further conditions.

### **Conclusion**

7. For the reasons given above, I conclude that the appeal should be allowed and that prior approval is deemed to be granted.

*Graham Wraight*

INSPECTOR