

DELEGATED FILE NOTE

CASE OFFICER: ...Thomas Howe.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
26/00653/LDCE	Confirmation of material start on site of planning permission 24/01009/FP & Listed Building Consent 24/01010/LBC granted on 17.07.2024 for Infill courtyard extension and conservatory to west elevation. Alterations to fenestration	Robin Hood And Little John Rabley Heath Road Codicote Welwyn Hertfordshire AL6 9UB

Submitted Plan Nos

07 Site photos

1.0 **Policies**

2.0 **Site History**

- 2.1 24/01009/FP - Infill courtyard extension and conservatory to west elevation. Alterations to fenestration – Conditional Permission
- 2.2 24/01010/LBC - Infill courtyard extension and conservatory to west elevation. Internal and external alterations. – Conditional Consent
- 2.3 24/01871/S73 - Variation of condition (revised plans) of planning permission 24/01009/FP granted 17.07.2024 for Infill courtyard extension and conservatory to west elevation. Alterations to fenestration. – Conditional Permission
- 2.4 24/02016/LBC - Infill courtyard extension and conservatory to west elevation. Internal and external alterations (revision of previously approved Listed Building Consent 24/02016/LBC granted 17.07.2024) – Conditional Consent

3.0 **Representations**

- 3.1 None.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

- 4.1 The application site comprises the Grade II Listed, Robin Hood and Little John Pub, off Rabley Heath Road, Codicote. The list entry reads as follows:

“Public House. C17 timber frame. C18 and C20 red brick casing. Plain tile roof. 1 storey and attics. Lobby entrance plan, 1 bay each side of central stack and smaller single bays joining these each end. 3 glazing bar casements, 2 left of door with wooden lintels, right one segmental headed. C20 gabled Porch to C18 door arch. 2 large roughcast gabled dormers. Chamfer- stopped beams. Numerous rear extensions including C18 single storey outbuilding with slate roof.”

4.2 **Proposal**

- 4.2.1 The applicant seeks confirmation from the LPA through a Lawful Development Certificate (Existing) that a material start has been made to planning application ref: 24/01871/S73 and 24/02016/LBC, and therefore the development has lawfully commenced.

The application is supported by the following:

- Site photos
- Building Control Final Inspection Notes

4.3 **Key Issues**

4.3.1 The key issues in this case are:

Whether the works undertaken constitute the commencement of the permission.
Whether the planning permission ref: 24/01871/S73 and 24/02016/LBC has commenced within the approved 3-year time limit as set out in the decision notice dated 17 July 2024. The works would therefore have to commence by 17 July 2027.

Whether the works undertaken constitute the commencement of the permission.

4.3.2 Section 56 of the Town and Country Planning Act 1990 sets out the conditions required whereby development of land shall be taken to be initiated. Section 56 (4) states that a 'material operation' means (a) 'any work of construction in the course of the erection of a building'; and (b) 'the digging of a trench which is to contain the foundations, or part of the foundations, of a building'.

4.3.3 Evidence has been submitted to demonstrate that the 'courtyard' element was constructed on site, therefore commencing the development. This is noted, however, a photo provided demonstrates there are variations between the approved scheme and what is constructed. Although works may have occurred on site, these are not lawful, and are not reflective of the approved plans, therefore, breaching the approved plans conditions of the parent permission. The Local Planning Authority therefore cannot confirm whether a material start on site as the works are not lawful. These would need to be regularised.

4.4 **Conclusion**

4.4.1 It is clear from the information submitted that the 'courtyard' extension as constructed on site is not in accordance with the approved plans, and is therefore unlawful. The Local Planning Authority therefore cannot confirm if the works have materially started. The certificate should be refused and an application should be received to regularise these amendments.

5.0 **Recommendation**

5.1 That the Certificate of Lawfulness for an Existing development be **REFUSED**.

1. The constructed development is not in accordance with the approved plans. Therefore, the development has not been lawfully implemented or commenced on site. The Local

Planning Authority therefore cannot confirm that the planning permission and listed building consent refs: 24/01009/FP and 24/01010/LBC granted on 17.07.2024 (and varied by 24/01871/S73 and 24/02016/LBC) have commenced within the 3 year time period set out in the decision notice (i.e. by 17 July 2027) and that the works undertaken constitute 'material operations' as defined in Section 56 of the Town and Country Planning Act 1990.

Signed  Anne McDonald	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Determining Officer Date: 6 May 2026	