

DELEGATED FILE NOTE

CASE OFFICER: ...Andrew Hunter.....

**APPLICATION
REFERENCE**

**BRIEF DESCRIPTION OF
DEVELOPMENT**

APPLICATION SITE

24/02261/DD

Demolition of existing garages

Land Adjacent To Wymondley Bury
Lodge

St Marys Church Road

Little Wymondley

Hertfordshire

SG4 7JN

Submitted Plan Nos

PL01 PL02

1.0 Policies

2.0 **Site History**

- 2.1 23/02234/FP - Erection of one detached 3-bed dwelling including associated access, parking and landscaping following demolition of existing garages – Approved 14/03/24.

3.0 **Representations**

- 3.1 None undertaken.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

- 4.1.1 Land south of dwelling The Lodge, which includes one single garage with a pitched roof, and two outside walls of a largely collapsed other single garage.

4.2 **Proposal**

- 4.2.1 Demolition of the detached garages.

4.3 **Key Issues**

- 4.3.1 Part 11 of the Town and Country Planning (General Permitted Development) (Order) 2015 concerns the demolition of buildings. It states:

PART 11 – Heritage and Demolition

Class B – demolition of buildings

Permitted development

B. Any building operation consisting of the demolition of a building.

Development not permitted

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

(a) the building has been rendered unsafe or otherwise uninhabitable by the action or inaction of any person having an interest in the land on which the building stands and it is practicable to secure safety or health by works of repair or works for affording temporary support;

(b) the demolition is “relevant demolition” for the purposes of section 196D of the Act (demolition of an unlisted etc building in a conservation area)(); or

(c) the building is a specified building and the development is undertaken during the specified period, regardless of whether, in relation to the development, a prior approval event has occurred.

Conditions

B.2 *Development is permitted by Class B subject to the following conditions—*

(a) where demolition is urgently necessary in the interests of safety or health and the measures immediately necessary in such interests are the demolition of the building the developer must, as soon as reasonably practicable, give the local planning authority a written justification of the demolition;

(b) where the demolition does not fall within paragraph (a) and is not excluded demolition—

(i) the developer must, before beginning the development—

(aa) in all cases, apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the method of demolition and any proposed restoration of the site; and

(bb) in cases where the building is not a community asset and is used for a purpose falling within Class A4 (drinking establishments) of the Schedule to the Use Classes Order, send a written request to the local planning authority as to whether the building has been nominated;

Not applicable.

(ii) an application described in paragraph (b)(i)(aa) must be accompanied by a written description of the proposed development, a statement that a notice has been posted in accordance with paragraph (b)(iv) and any fee required to be paid;

These requirements are complied with. The site notice has been posted on site and the fee has been paid and this application sets out the garages are to be demolished by mechanical excavator.

(iii) a request described in paragraph (b)(i)(bb) must include the address of the building, the developer's contact address and, if the developer is content to receive communications electronically, the developer's email address;

Complied with.

(iv) subject to paragraph (b)(v), the applicant must display a site notice by site display on or near the land on which the building to be demolished is sited and must leave the notice in place for not less than 21 days in the period of 28 days beginning with the date on which the application was submitted to the local planning authority;

This has been posted near the site and a copy of the site notice has been provided.
The notice has also been photographed.

(v) where the site notice is, without any fault or intention of the applicant, removed, obscured or defaced before the period of 21 days referred to in paragraph (b)(iv) has elapsed, the applicant is treated as having complied with the requirements of that paragraph if the applicant has taken reasonable steps for protection of the notice and, if need be, its replacement;

Not applicable.

(vi) where the building is used for a purpose falling within Class A4 (drinking establishments) of the Schedule to the Use Classes Order and the building is nominated, whether at the date of request under paragraph (b)(i)(bb) or on a later date, the local planning authority must notify the developer as soon as is reasonably practicable after it is aware of the nomination, and on notification development is not permitted for the specified period;

Not applicable.

(vii) subject to paragraph (b)(x), the development must not begin before the occurrence of one of the following—

(aa) the receipt by the applicant from the local planning authority of a written notice of their determination that such prior approval is not required;

(bb) where the local planning authority give the applicant notice within 28 days following the date of receiving the application of their determination that such prior approval is required, the giving of such approval; or

(cc) the expiry of 28 days following the date on which the application was received by the local planning authority without the local planning authority making any determination as to whether such approval is required or notifying the applicant of their determination;

(viii) the development must, except to the extent that the local planning authority otherwise agree in writing, be carried out—

(aa) where prior approval is required, in accordance with the details approved;

(bb) where prior approval is not required, in accordance with the details submitted with the application;

(ix) subject to paragraph (b)(x), the development must be carried out—

(aa) where approval has been given by the local planning authority, within a period of 5 years from the date on which approval was given;

(bb)in any other case, within a period of 5 years from the date on which the local planning authority were given the information referred to in paragraph (b)(ii); and

(x)where the building is used for a purpose falling within Class A4 (drinking establishments) of the Schedule to the Use Classes Order, in addition to the requirements of paragraph (b)(vii) and (ix), the development must not begin before the expiry of a period of 56 days following the date of request under paragraph (b)(i)(bb) and must be completed within a period of 1 year of the date of that request.

Not required to be complied with by the applicant.

- 4.3.2 The demolition of the buildings are considered to fall under Part 11, Class B. B2. The applicant has set out a need to demolish the buildings and given the site has an extant permission for the demolition of these buildings and the erection of 1 new dwelling, there is no further requirement the developer needs to submit with regards to the demolition.

4.4 **Conclusion**

- 4.4.1 No objection.

4.5 **Alternative Options**

- 4.5.1 None applicable

4.6 **Pre-Commencement Conditions**

- 4.6.1 None applicable.

5.0 **Recommendation**

- 5.1 That the applicant be advised that Prior Approval is **Not** Required.

1. North Hertfordshire District Council, as local planning authority, hereby confirm that their Prior Approval is NOT required for the proposed demolition which is in compliance with the limitations and conditions under Schedule 2, Part 11 of the Town and Country Planning (General Permitted Development) Order 2015 at the address shown above subject to the condition that the demolition occurs in accordance with the particulars set out within this application and within 5 years from the date the application was submitted to the LPA.

Signed  Sam Dicocco Determining Officer	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Date: 1 November 2024	