

DELEGATED FILE NOTE

CASE OFFICER: ...Henry Thomas.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
26/00554/LDCE	Confirmation of a Material start on site of planning permission 21/02650/FP granted 24.04.2023 (Erection of two detached 4-bedroom dwellings and garages, including alterations to existing vehicular access (as amended by plans received 18th March 2023)).	Land Adjacent To 35 Ashwell Street Ashwell Hertfordshire SG7 5QR

Submitted Plan Nos

Location plan SRL.017.21 21.01.12 21.01.11

1.0 Policies

2.0 Relevant Site History

2.1 21/02650/FP - Erection of two detached 4-bedroom dwellings and garages, including alterations to existing vehicular access (as amended by plans received 18th March 2023).– Approved 24/04/2023.

3.0 Representations

3.1 None received.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 The site is an area of land, formally an allotment, located west of No.35 Ashwell Street and east of Claybush Road, Ashwell. The sites topography increases from Ashwell Street, due north, towards the rear of the site, due south. The site is currently comprised of scrubland and young trees/vegetation, whilst also benefitting from an existing access/gate off Ashwell Street. The northern part of the site is narrow between No.1 Claybush Road and No.35 Ashwell Street, before significantly widening towards the southern part. The site is located within the settlement boundary of Ashwell.

4.2 **Proposal**

4.2.1 An application under Section 191 of the Town and Country Planning Act 1990 has been submitted, seeking a Certificate of Lawfulness for an Existing Use or Development for the construction of new agricultural buildings.

4.2.2 The grounds for the application are that the applicant claims that the works approved under planning permission 21/02650/FP have commenced, and therefore that development has materially started before the expiry date of that permission (24 April 2026).

4.3 **Key Issues**

4.3.1 The expiry date of the planning permission 21/02650/FP for the development is 24 April 2026. This LDCE application form is dated 2 March 2026, was received by the Council on that date, and made valid on 16 March 2026.

4.3.2 The evidence submitted with the application to support the applicant's claim are the application form and details within it, photographs of foundations excavated and concreted, a marked up topographical survey, and two supporting plans showing the location of the garage approved by 21/02650/FP.

4.3.3 In assessing the evidence submitted, the plans identify the location of the originally approved garage for unit 2. The submitted photos identify the site and some works that had taken place as of 12 and 13th January 2026 – this report is considered to be given some weight as evidence that a material start had taken place.

4.3.4 There were 4 different photos submitted of the foundations, none of which show the wider context of the site but show that some work had taken place as of the 12th and 13th January 2026. A site visit was made on the 16th April which confirms the works have commenced within the time period and within the correct part of the site.

- 4.3.5 That being said, the site has significant changes in topography, the approved section plan, ref: 21.04.21C under planning application ref: 21/02650/FP, shows that the garage is recessed into the ground. In my view, this does not appear to be what has been constructed on site.

5.0 **Conclusion**

- 5.1 It is clear from the information submitted that the 'garage' foundation as constructed on site is not in accordance with the approved plans, and is therefore unlawful, nor does it go to the heart of the permission. The Local Planning Authority therefore cannot confirm that the works have materially started. The certificate should be refused and an application should be received to regularise these amendments.

6.0 **Recommendation**

- 6.1 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 ref: 21/02650/FP granted on 24.04.2023 has commenced within the 3 year time period set out in the decision notice (i.e. by 24 April 2026) 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: 5 June 2026	

