



PETER GEORGE TOWN PLANNING

A: Peter George Town Planning, Nine Hills Road, Cambridge, CB2 1GE

E: tom@petergeorgetownplanning.com

M: [REDACTED]

20 March 2025

Development Control
North Herts Council
Gernon Road
Letchworth Garden City
SG6 3JF

Dear Sirs

Land Rear and Adjacent To 60 Ashwell Road, Bygrave, Hertfordshire

Certificate of Lawfulness of Existing Use or Development (Section 191 of the Town and Country Planning Act 1990 As Amended)

Introduction

Peter George Town Planning is instructed by Mr Hills to prepare and submit an application to North Hertfordshire Council (the Council) for a Certificate of Lawfulness of Existing Use or Development (CLEUD) in respect of the above site.

This application seeks confirmation that planning permission reference 21/03527/FP has been lawfully implemented by carrying out a material operation at the site, in accordance with the approved plans. The site location plan is attached at **Appendix 1**.

The applicant is therefore seeking a certificate of lawfulness to confirm that that a material start has been made in accordance with condition 1 of the planning permission, which requires the development to start within 3 years.



Administrative Matters

To assist with the determination of this application, we enclose the following information:

- Application form, duly signed and dated
- Fee of £578
- Statutory Declaration of Phillip Hills
- Appendix 1: Site Location Plan
- Appendix 2: Planning Permission Ref. 21/03527/FP and the Approved Drawings
- Appendix 3: Dated Construction Photographs
- Appendix 4: Invoices & Receipts
- Appendix 5: Decision Notice Discharge of Conditions Ref. 24/02572/DOC

Background

Planning permission ref. 21/03527/FP was granted on 01 April 2022 for:

“Conversion of existing detached rear quadruple garage/storage building to one 3-bed dwelling.”

Copies of the planning permission and the approved drawings are included at **Appendix 2**.

Works undertaken to date include the replacement of an existing door with a casement window to the east-facing side elevation. We set out below why we consider that this work was lawful and sufficient to implement the permission.

Certificate of Lawfulness

Section 191(1)(b) of the Town and Country Planning Act 1990 (the Act) indicates that an application for a Certificate of Lawfulness can be made to ascertain whether “any operations which have been carried out, in, on, over or under land, are lawful.”

To lawfully implement a planning permission, a developer must a) ensure all pre-commencement conditions have been complied with, and b) carry out a ‘material operation’ comprised in the development (as defined in s.56(4) of the Act, before the expiry of the time limit. As set out below, **both** of these requirements have been met.



The application must be decided on the facts of the case and in accordance with planning law. The standard of proof is to assess the application on the balance of probabilities. The facts as set out within this letter and the associated documentation satisfy the burden of proof and on the balance of probabilities,

Commencement of Development

Section 56(1) of the Town and Country Planning Act 1990 (the Act) states that the development of land shall be taken to be initiated ***“if the development consists of the carrying out of operations, at the time when those operations are begun.”***

Section 56(2) of the Act states that development shall be taken to be begun on the earliest date on which **any material operation comprised in the development begins to be carried out.**

“Material operation” is defined in Section 56(4) as including:

- (a) any work of construction in the course of the erection of a building;*
- (aa) any work of demolition of a building;*
- (b) the digging of a trench which is to contain the foundations, or part of the foundations, of a building;*

S.336(1) of the Act defines **“building”** as including ***“any structure or erection, and any part of a building, as so defined”***. **“Erection”** of buildings is defined to include ***“extension, alteration and re-erection”***.

The Courts have confirmed that very little is required in order for works comprised in a development to constitute a *“material operation”* under s.56(4). The judgement in *Malvern Hills DC v Secretary of State for the Environment (1983)* sets out that s56 should be interpreted benevolently to avoid hardship to a developer who is genuinely undertaking the development.

However, whether a material operation has begun essentially involves consideration of two factors:

- 1) whether the work undertaken in accordance with the grant of planning permission;
- and,



2) whether the work was more than de minimis*.

**Merriam-Webster definition of 'de minimis: "lacking significance or importance: so minor as to merit disregard.*

Works Undertaken

Works began on site in March 2025 and involved the following:

- The removal of an existing external door opening to the eastern end elevation.
- The installation of lintels and the formation of a window opening to the eastern end elevation as a replacement for the external door.
- The construction of blockwork and facing brickwork associated with the removal of the external door.

Specifically, the works proceeded as follows:

- Wednesday 12th March 2025: 1st lintel cut into outer skin of wall and removal of outer skin blockwork.
- Thursday 13th March 2025: 2nd lintel cut into inner skin of wall.
- Friday 14th March 2025: Cut toothing into brickwork. Remove existing door and frame. Fit template to form window.
- Monday 17th March 2025: Complete brickwork and blockwork

The work that has been carried out clearly accords with proposed alterations to the building granted as part of planning permission ref. 21/03527/FP.

Photographic Evidence

Photographic evidence is included at **Appendix 3** demonstrating that the above work commenced and was undertaken between the dates of 12th March 2025 and 17th March 2025.

Invoices

Other corroborating evidence comes in the form of a selection of invoices relating to materials purchased by Mr Hills in relation to the above works. These are included at



Appendix 4. These demonstrate that the building materials used were purchased prior to the works being carried out.

Summary

Based on the factual evidence presented as part of this application and summarised above, it is clear that building works commenced on site between the dates of 12th-17th March, with such works being carried out in accordance with the planning permission. The works undertaken amount to a “*material operation*” for the purposes of s.56(2) of the Act. S336(1) of the Act and were undertaken prior to the expiry (1st April 2025) of the planning permission.

Pre-Commencement Conditions

Planning permission ref. 21/03527/FP included one pre-commencement condition. The condition was discharged as follows:

Condition	Details	Application Ref.	Approval Date
Condition 3	Details of materials	24/02572/DOC	09/12/2024

As noted above, the relevant pre-commencement condition was discharged prior to the expiry of the planning permission. A copy of the decision notice is attached at **Appendix 5**.

Statutory Declaration

The above is accompanied by a Statutory Declaration attesting to the facts of the situation as they are described above.

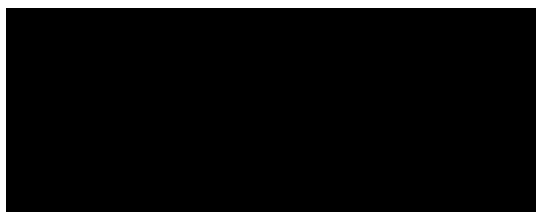
Conclusion

This letter supports an application for a Certificate of Lawfulness of Existing Use or Development (CLEUD) to confirm that planning permission ref. 21/03527/FP was lawfully implemented prior to the expiry of the three-year time limit as required by Condition 1 of the planning permission. The evidence set out and referred to within this letter demonstrates that this is the case.



We trust that the information submitted is in order and allows a certificate to be issued. If you require any further information, please contact me.

Yours sincerely,

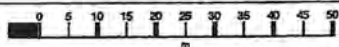
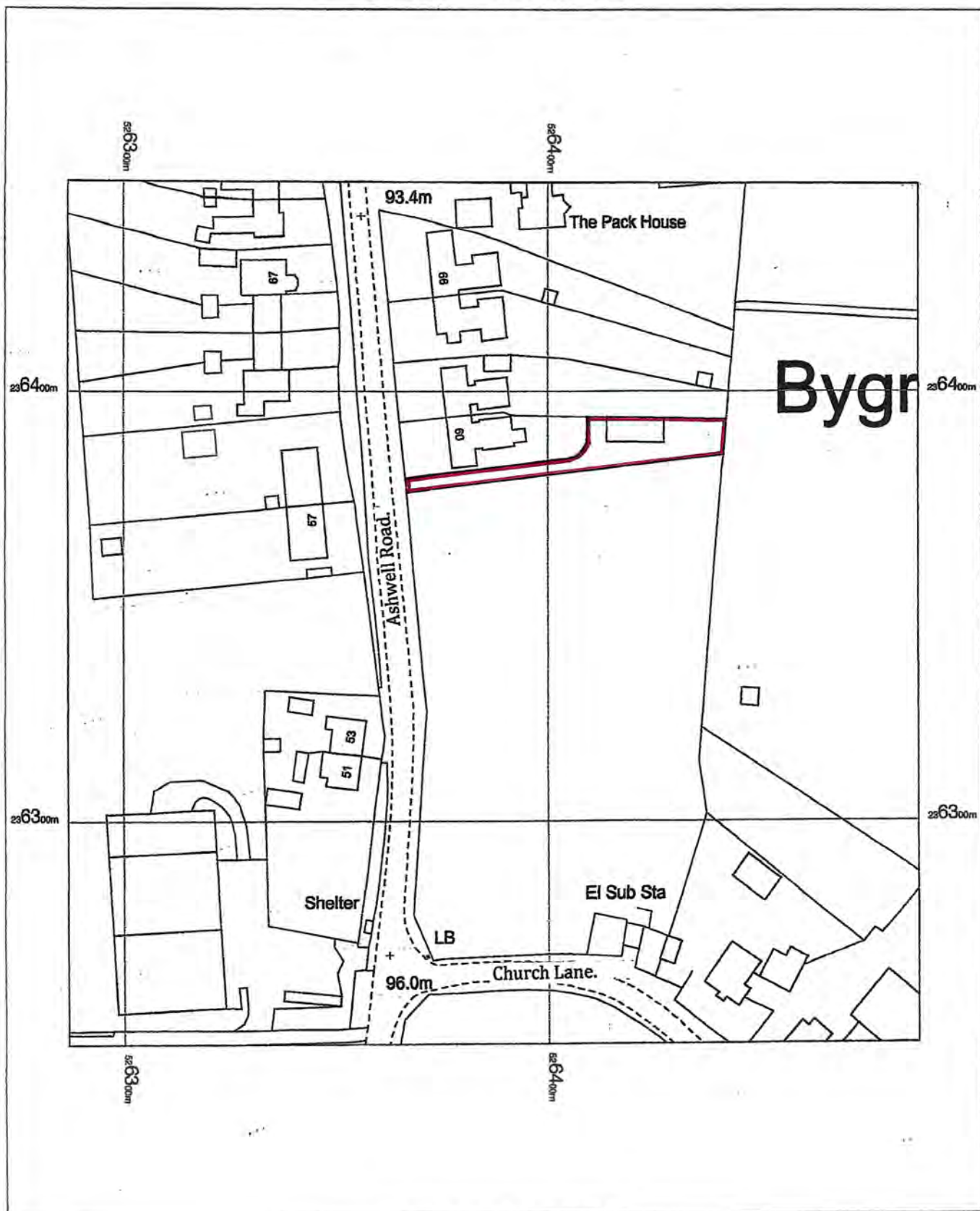


Tom Donovan BA(Hons) MA MRTPI, Director

PETER GEORGE TOWN PLANNING



APPENDIX 1: Site Location Plan

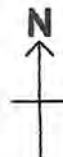


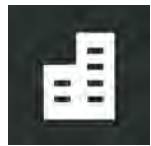
60 Ashwell Road,
Baldock,
Bygrave,
Hertfordshire
SG7 5EA

OS MasterMap 1250/2500/10000 scale
Thursday, December 9, 2021, ID: MPMBL-01007834
www.planningapplicationmaps.co.uk

1:1250 scale print at A4, Centre: 526387 E, 236348 N

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APPENDIX 2: Planning Permission Ref. 21/03527/FP and the Approved Drawings



www.north-herts.gov.uk

NORTH HERTFORDSHIRE DISTRICT COUNCIL

Town and Country Planning Act 1990
Town and Country Planning (General Development Procedure) Order
2015

DECISION NOTICE

Correspondence Address:

CB Architecture
15 Station Road
Oakley
MK43 7RB

Applicant:

Mr D Maciver

PARTICULARS OF DEVELOPMENT

Application: 21/03527/FP

Proposal: Conversion of existing detached rear quadruple garage/storage building to one 3-bed dwelling

Location: Land Rear And Adjacent To 60, Ashwell Road, Bygrave, Hertfordshire,

Plan Nos: Location Plan Block Plan P001 P002

PARTICULARS OF DECISION

In pursuance of its powers under the above Act and the associated Orders and Regulations, the Council hereby **GRANT PERMISSION** for the development proposed by you in your application received with sufficient particulars on 12 January 2022, subject to the following condition(s):

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out wholly in accordance with the details specified in the application and supporting approved documents and plans listed above.

Reason: To ensure the development is carried out in accordance with details which form the basis of this grant of permission.

3. Details and/or samples of materials to be used on all external elevations and the roof of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced and the approved details shall be implemented on site.

Reason: To ensure that the development will have an acceptable appearance which does not detract from the appearance and character of the surrounding area.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended no development as set out in Classes A, B, C and E of Part 1 of Schedule 2 to the Order, (or any subsequent Statutory Instrument which revokes, amends and/or replaces those provisions) shall be carried out without first obtaining a specific planning permission from the Local Planning Authority.

Reason: Given the nature of this development, the Local Planning Authority considers that development which would normally be "permitted development" should be retained within planning control in the interests of the character and amenities of the Green Belt and the amenity of the adjacents properties.

5. Prior to occupation, each dwelling shall incorporate one Electric Vehicle (EV) ready domestic charging point and it shall thereafter be retained.

Reason: To contribute to the objective of providing a sustainable transport network and to provide the necessary infrastructure to help off-set the adverse impact of the operational phase of the development on local air quality.

6. Before the dwelling hereby permitted is first occupied, the existing vehicular access driveway shall be surfaced in a permeable but non loose material (such as black top, permeable resin surface or block paving) for the first 17.5 metres when measured from the point where the vehicular access road meets the public highway and thereafter shall be retained in perpetuity - Reason: In the interest of protecting the residential amenity of the existing dwelling at 60 Ashwell Road.

Reason: in the interests of appropriate hard surface design and correct phasing of development

Signed:



Development Management
North Hertfordshire District Council
Council Offices
Gernon Road
Letchworth
Herts
SG6 3JF

Development & Conservation Manager

Date: 1 April 2022

The Council's Privacy Notice is available on our website: <https://www.north-herts.gov.uk/home/council-data-and-performance/data-protection/information-management-gdpr>

NOTES

- 1 **Failure to satisfy conditions may invalidate this permission and/or result in enforcement action. Particular attention should be paid to the requirements of any condition in bold.**
- 2 Applicants will need to pay a compliance fee where they request confirmation in writing of any planning consent, agreement or approval (commonly known as discharge of conditions) required by one or more conditions or limitations attached to a grant of planning permission.
- 3 The fee is £116 per request or £34 where the permission relates to an extension or alteration to a dwellinghouse or other development in the curtilage of the dwellinghouse.

The request can be informal through the submission of a letter or plans, or formal through the completion of an application form and the submission of plans. Any number of conditions may be included on a single request. The form is available via the Council's website:
www.north-herts.gov.uk/home/planning/planning-applications/submit-planning-application
- 4 If the development hereby permitted is one that will require a new postal address/es then please contact the Council's **street naming and numbering service** on 01462 474431 or email SNN@north-herts.gov.uk who will advise you on how to apply for the new address/es.

Any proposed sales and/or marketing name to be adopted by the developer should be forwarded to the **street naming and numbering service**, prior to any publication of the site details and sales information.

- 5 If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

6 **Purchase Notices**

If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

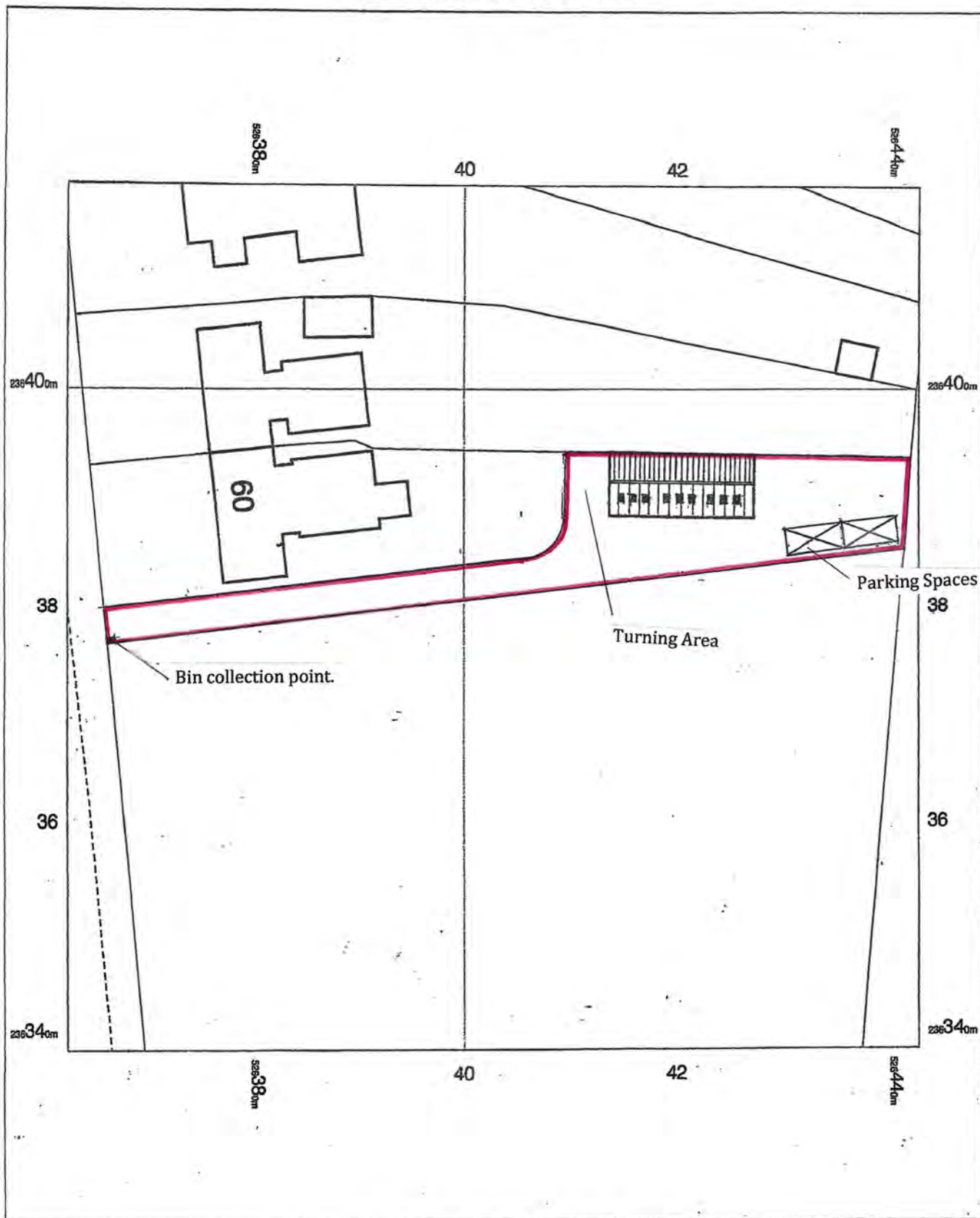
- 7 The District Council and County Highway Authority wish to ensure that, in the implementation of the development, hereby approved, the highway verge adjacent to the property is not damaged or does not become unsightly due to the stationing of skips, parking of vehicles, storing of building materials etc thereon. Your attention is, therefore, drawn to the provisions of Section 131 of the Highways Act 1980 and to

the Hertfordshire County Council Bylaws 1955 (specifically relating to grass margins and verges in Letchworth Garden City) by virtue of which such actions, unless authorised by the prior grant of a licence, constitute a prosecutable offence. Persons responsible for undertaking the development and any associated works are, therefore, strongly encouraged to take appropriate steps to ensure that no breach of the said legislation occurs during the course of such activities. In the event of any damage being caused it will be expected that suitable reinstatement is undertaken upon completion of the development. Failure to do so could also result in legal action being pursued. To obtain information regarding the issue of licences, contact Hertfordshire Highways, Hertfordshire County Council, County Hall, Pegs Lane, Hertford, SG138DQ or telephone 0300 1234 047.

8 **Cadent Gas Informative:**

Cadent Gas own and operate the gas infrastructure within the area of your development. Contact our Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to. Email plantprotection@cadentgas.com Alternatively you can register on www.beforeyoudig.cadentgas.com This service is free of charge.

THIS PLANNING PERMISSION DOES NOT CONSTITUTE APPROVAL UNDER BUILDING REGULATIONS AND IS NOT A LISTED BUILDING CONSENT OR CONSERVATION AREA CONSENT. IT DOES NOT CONVEY ANY APPROVAL OR CONSENT WHICH MAY BE REQUIRED UNDER ANY ENACTMENT, BYELAW, ORDER OR REGULATION OTHER THAN SECTION 57 OF THE TOWN AND COUNTRY PLANNING ACT 1990.



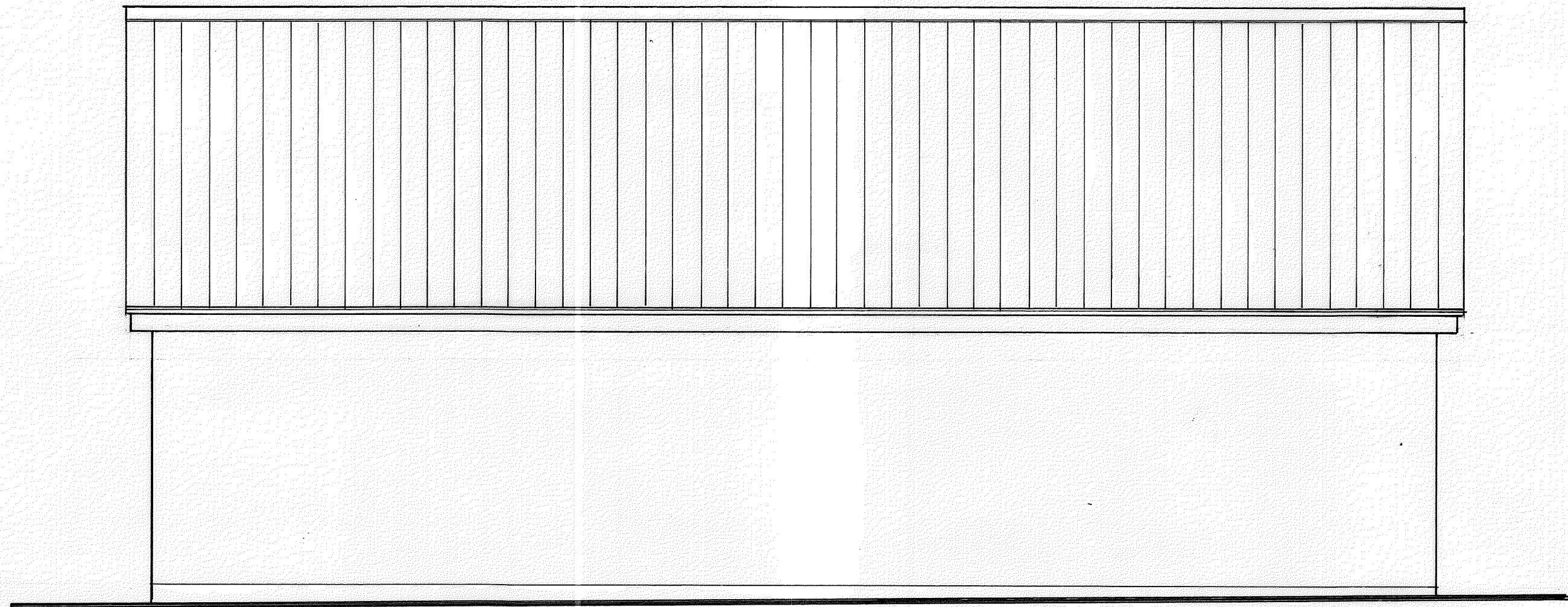
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SG7 5EA

OS MasterMap 1250/2500/10000 scale
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www.planningapplicationmaps.co.uk

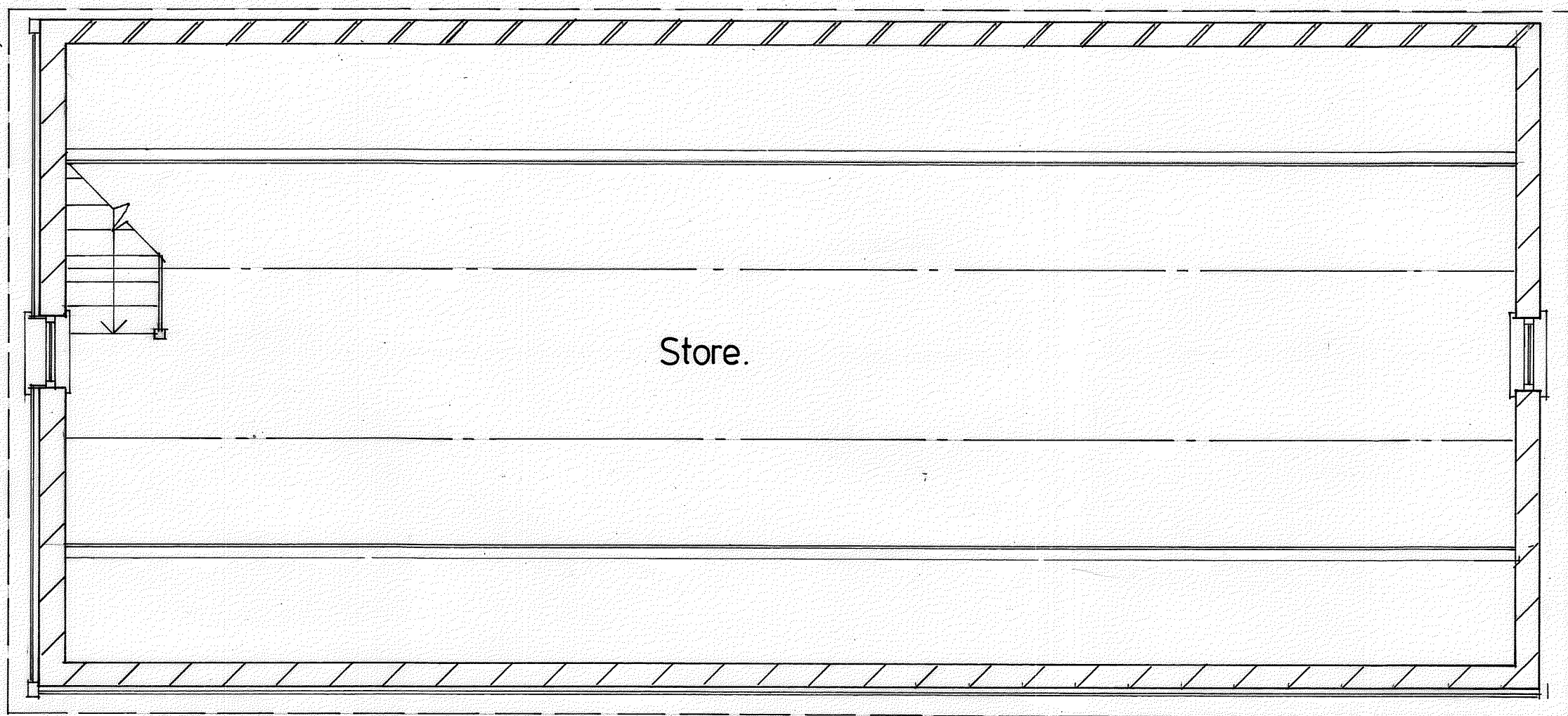
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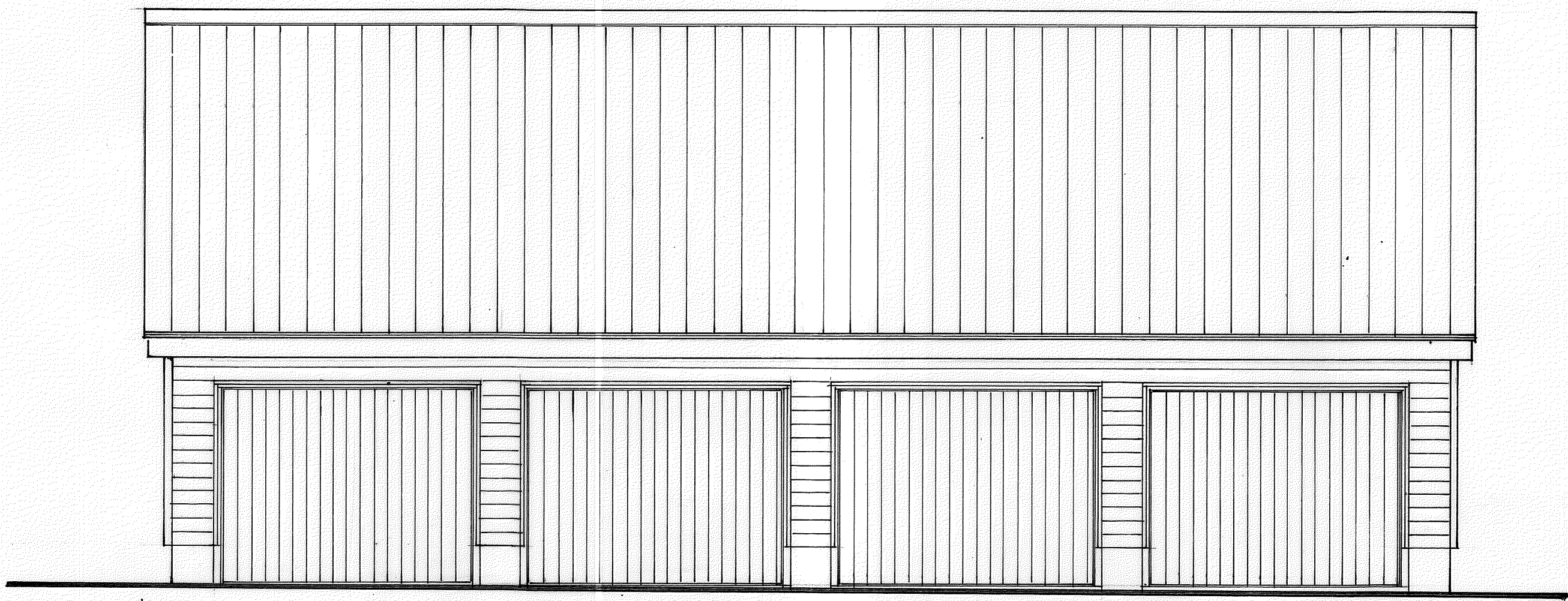




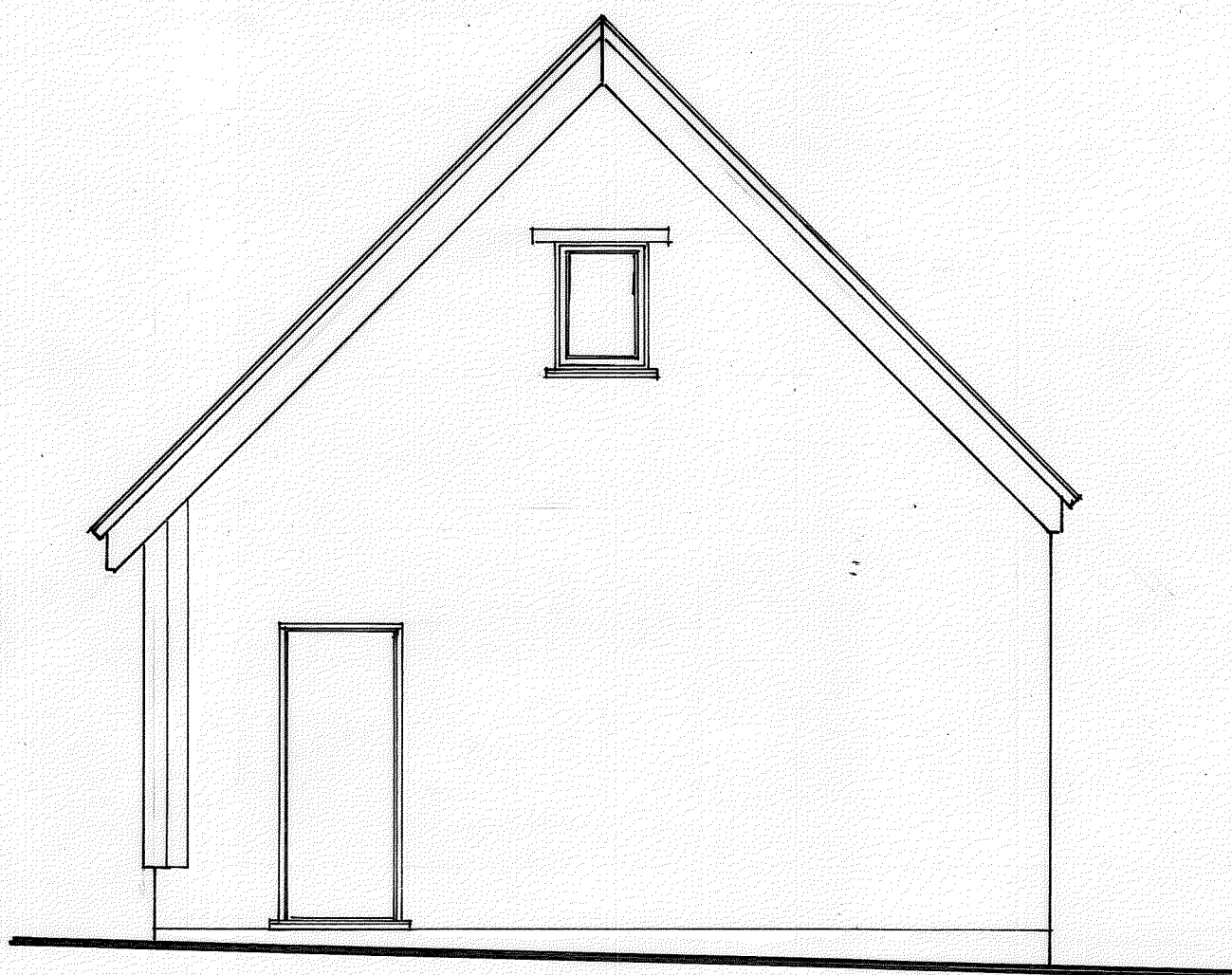
Existing North Facing Elevation.



Existing First Floor Plan.



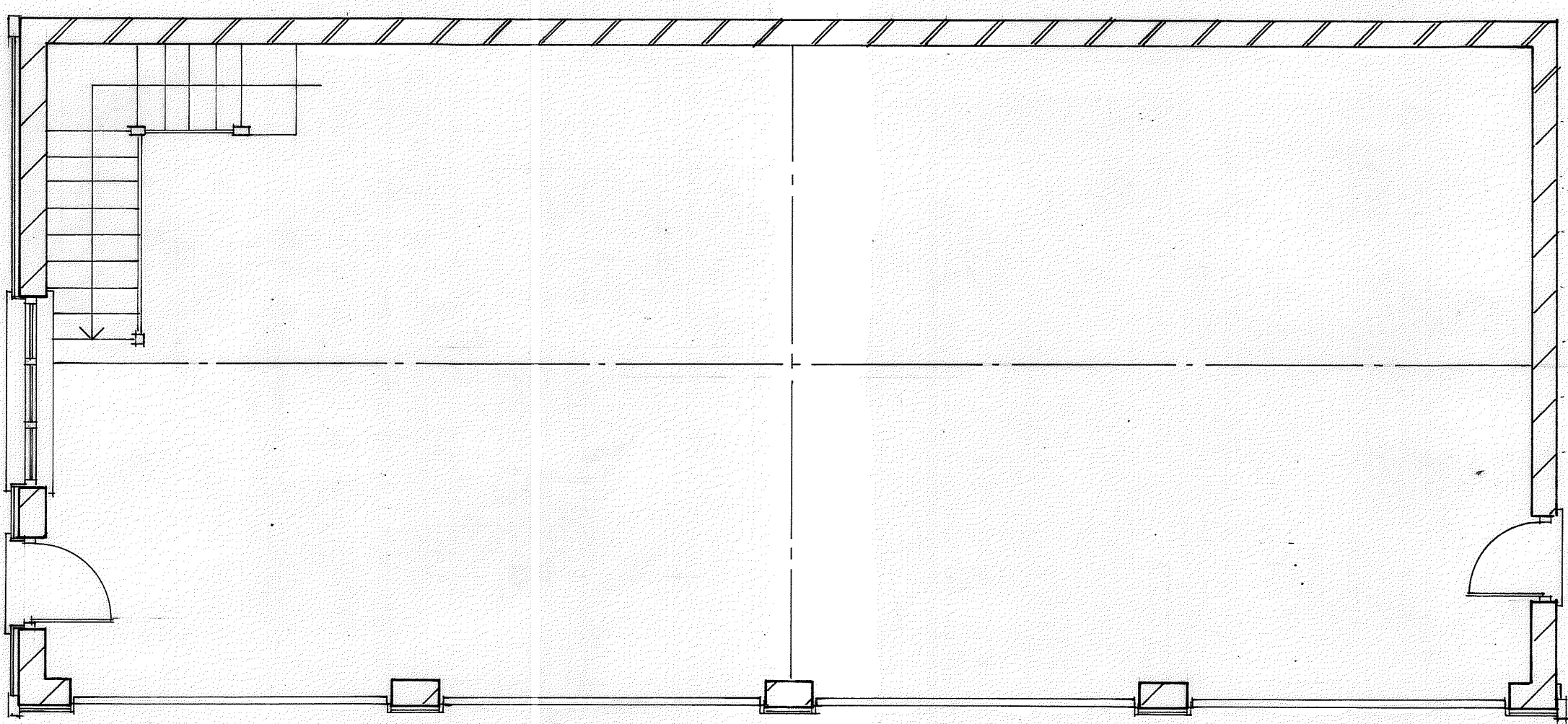
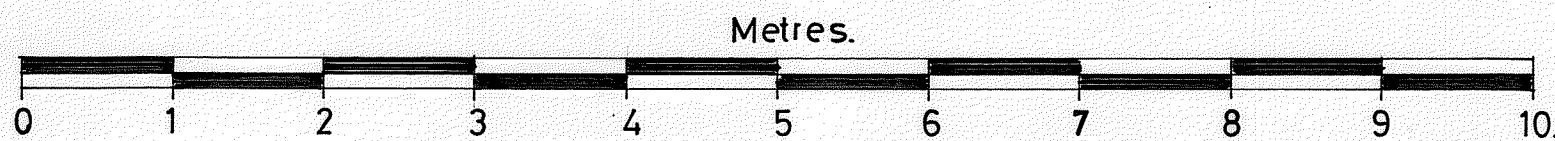
Existing South Facing Elevation.



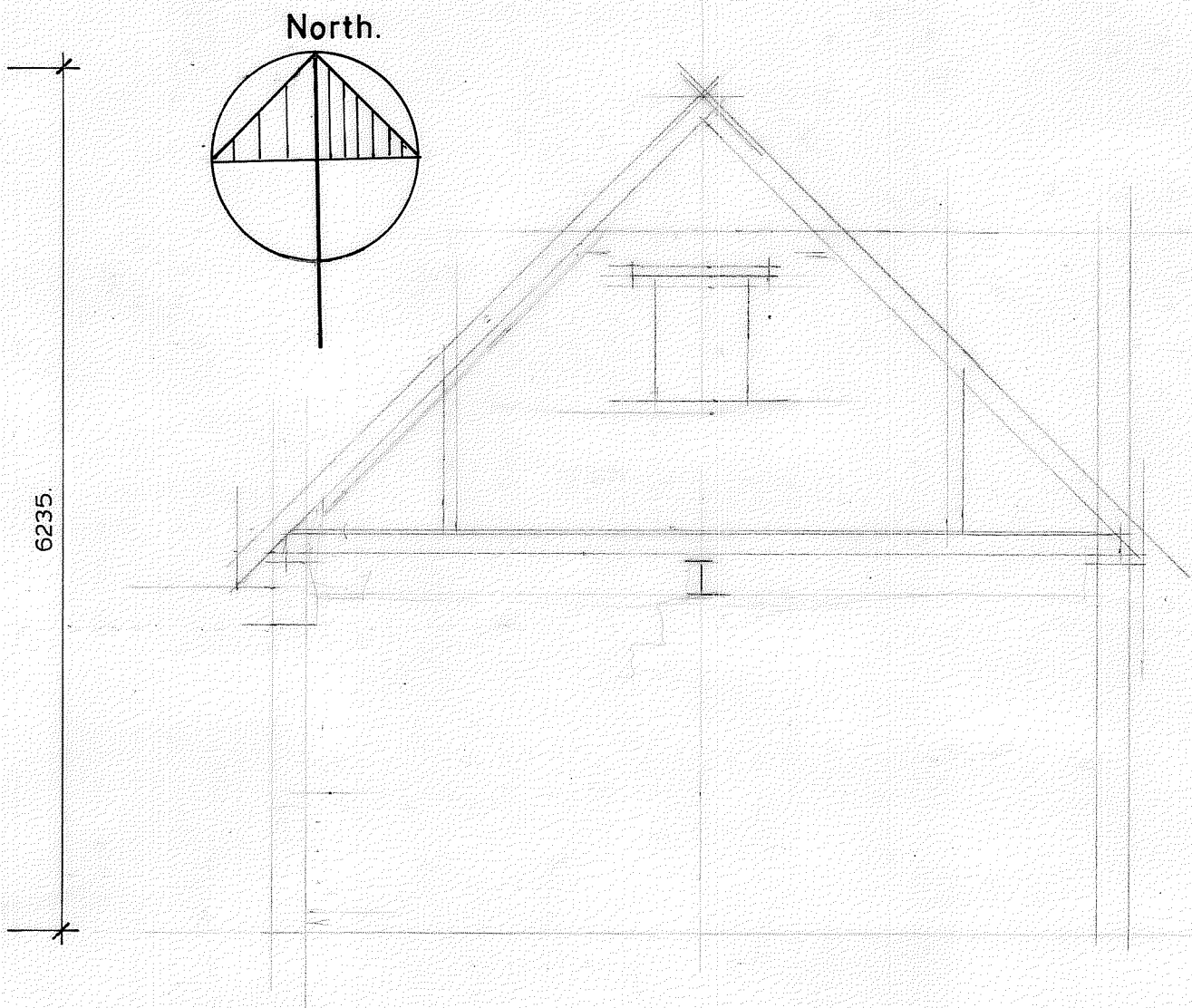
Existing East Facing Elevation.



Existing West Facing Elevation.



Existing Ground Floor Plan.



ALL SETTING OUT TO BE CHECKED ON SITE & AGREED WITH CLIENT PRIOR TO COMMENCEMENT OF WORKS

ALL STRUCTURAL DESIGN TO BE CARRIED OUT BY A QUALIFIED STRUCTURAL ENGINEER

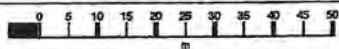
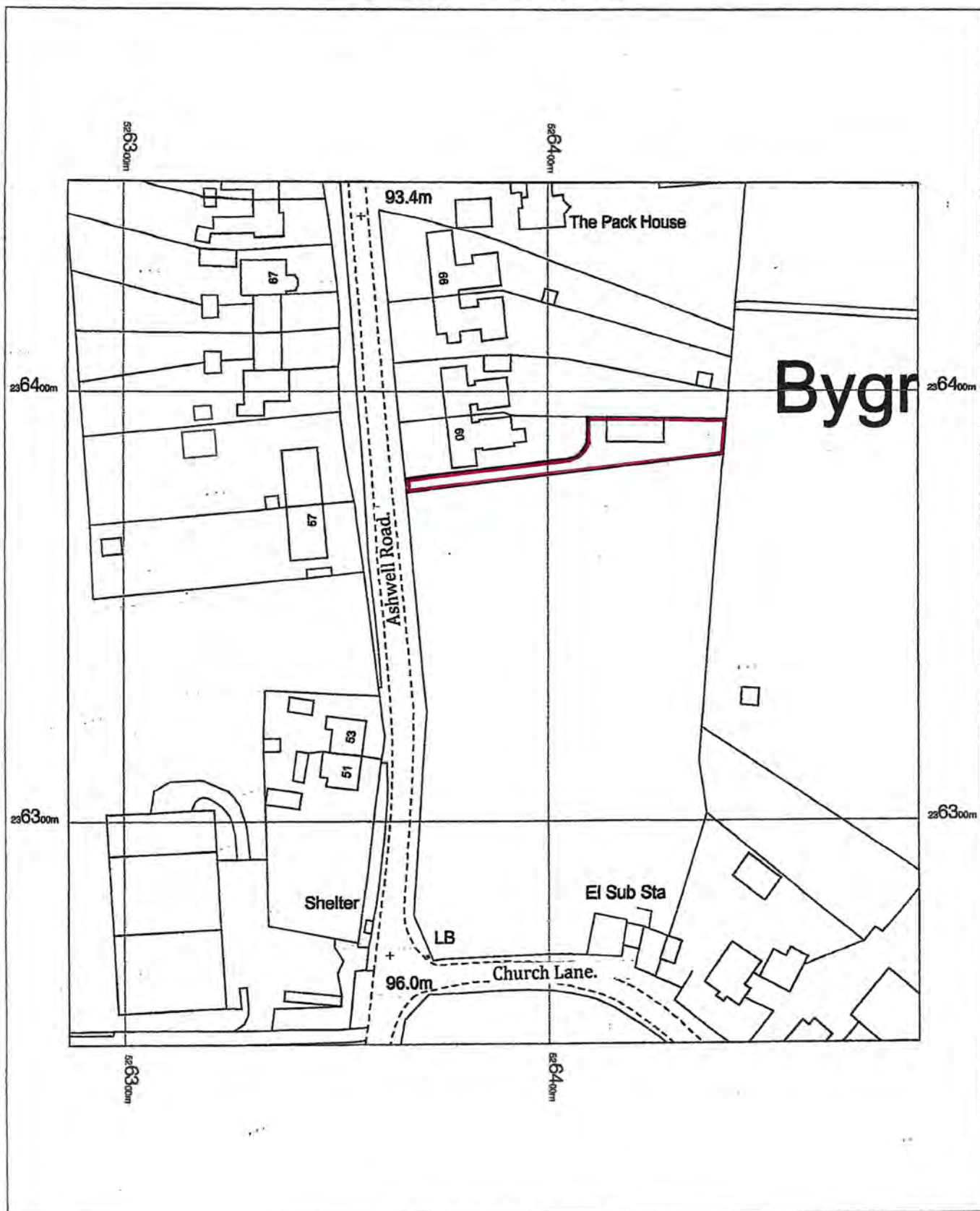
ALL BUILDING WORK TO CONFORM TO THE CURRENT BUILDING REGULATIONS, BRITISH STANDARDS & CODES OF PRACTICE.

MANAGING HEALTH & SAFETY (CDM REGULATIONS 2015)

The client is responsible for the appointment of a Competent builder who shall :-

- (a) avoid risks where possible;
- (b) evaluate those risks that cannot be avoided.
- (c) Put in place proportionate measures that control them at source.

ADDRESS	- 60 Ashwell Road Bygrave Nr Baldock Herts SG7 5EA
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DATE	- November 2021.
DRG. NO.	- P001.

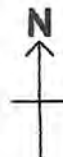


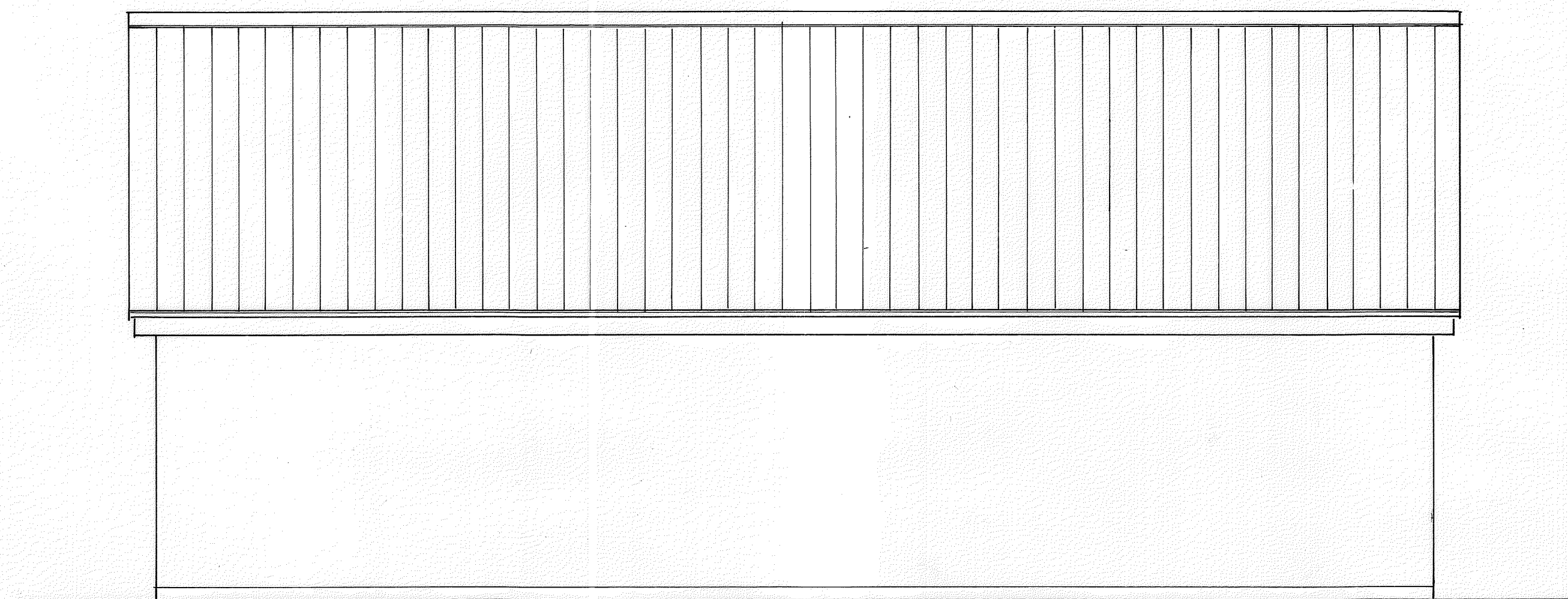
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OS MasterMap 1250/2500/10000 scale
Thursday, December 9, 2021, ID: MPMBL-01007834
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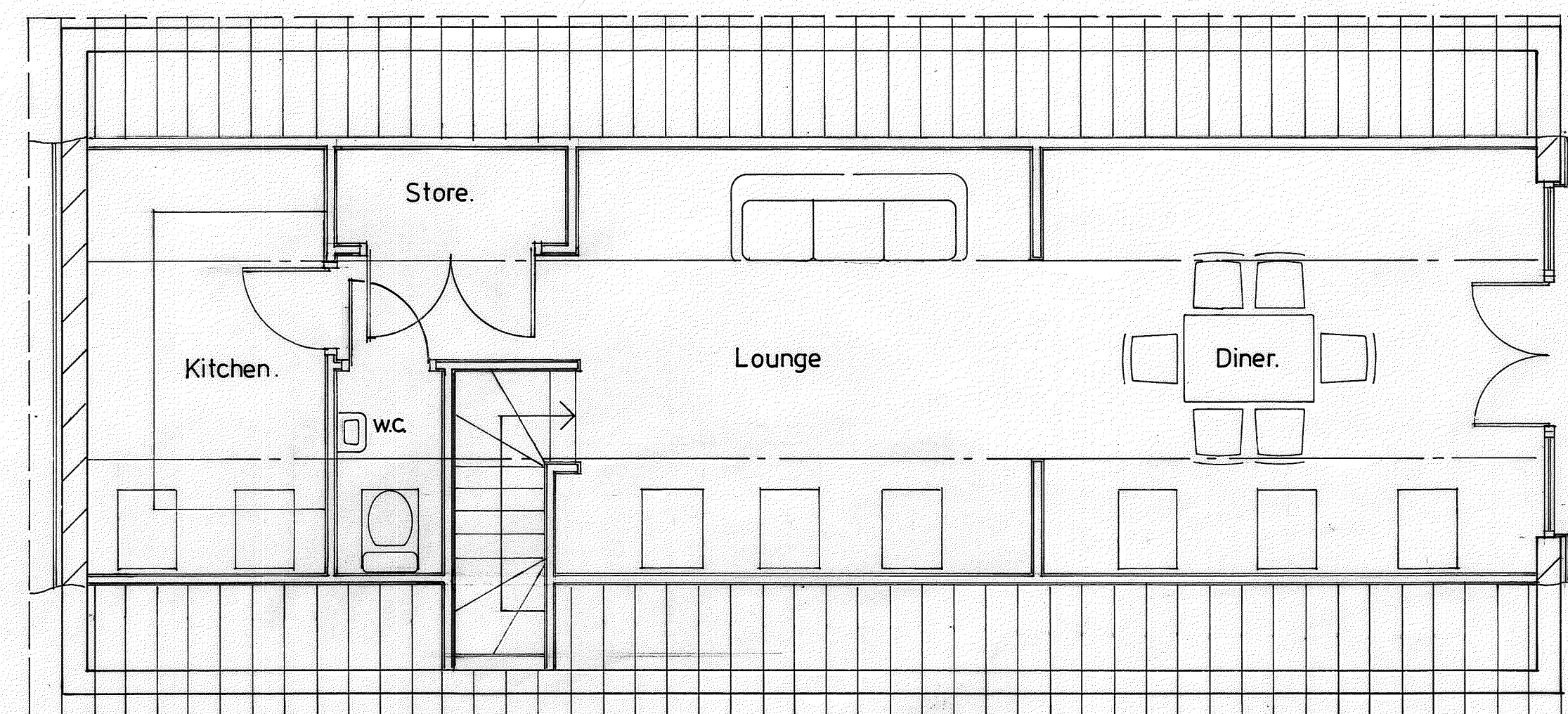
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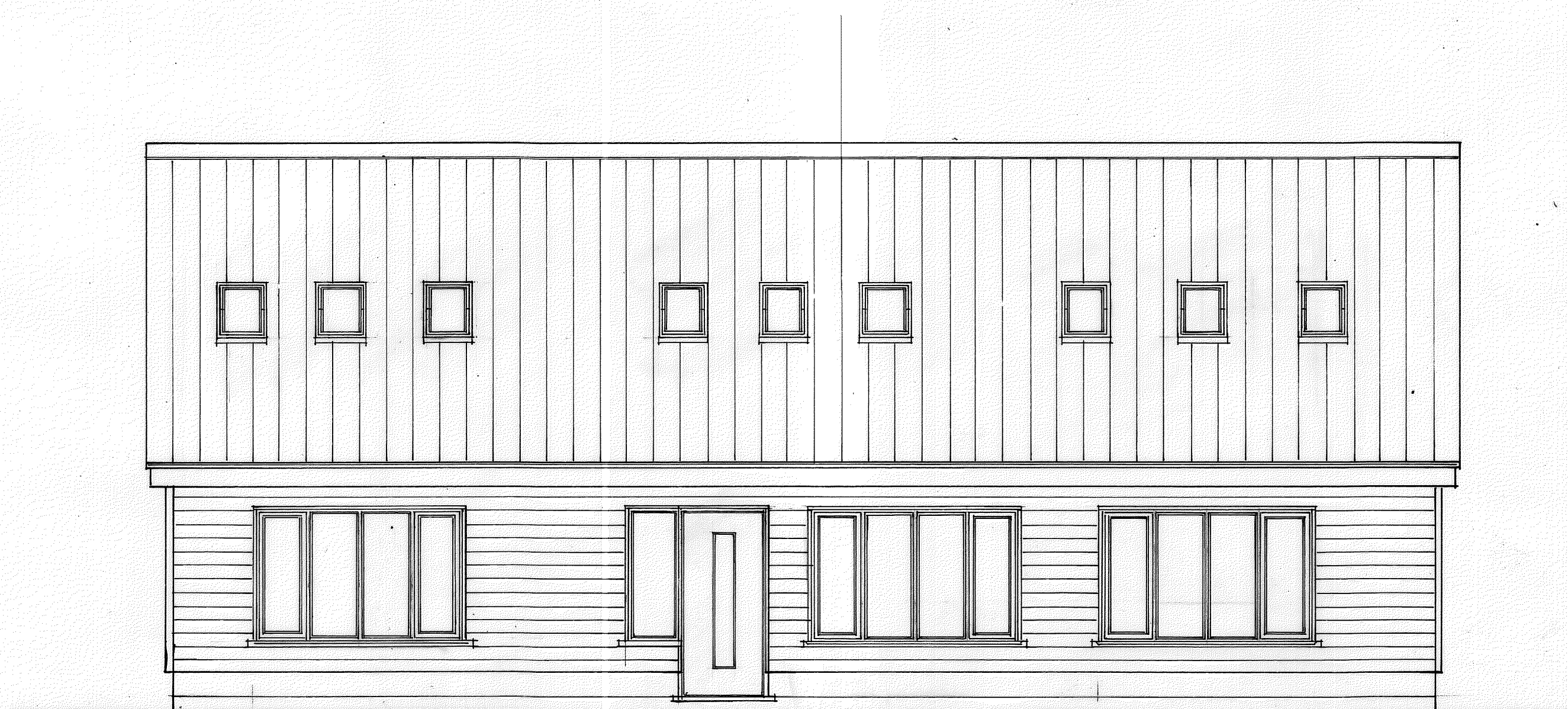




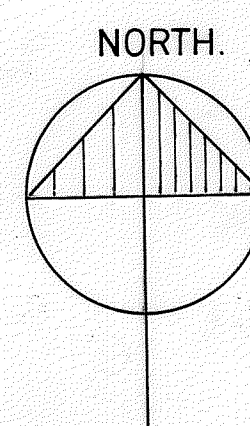
North Facing Elevation.



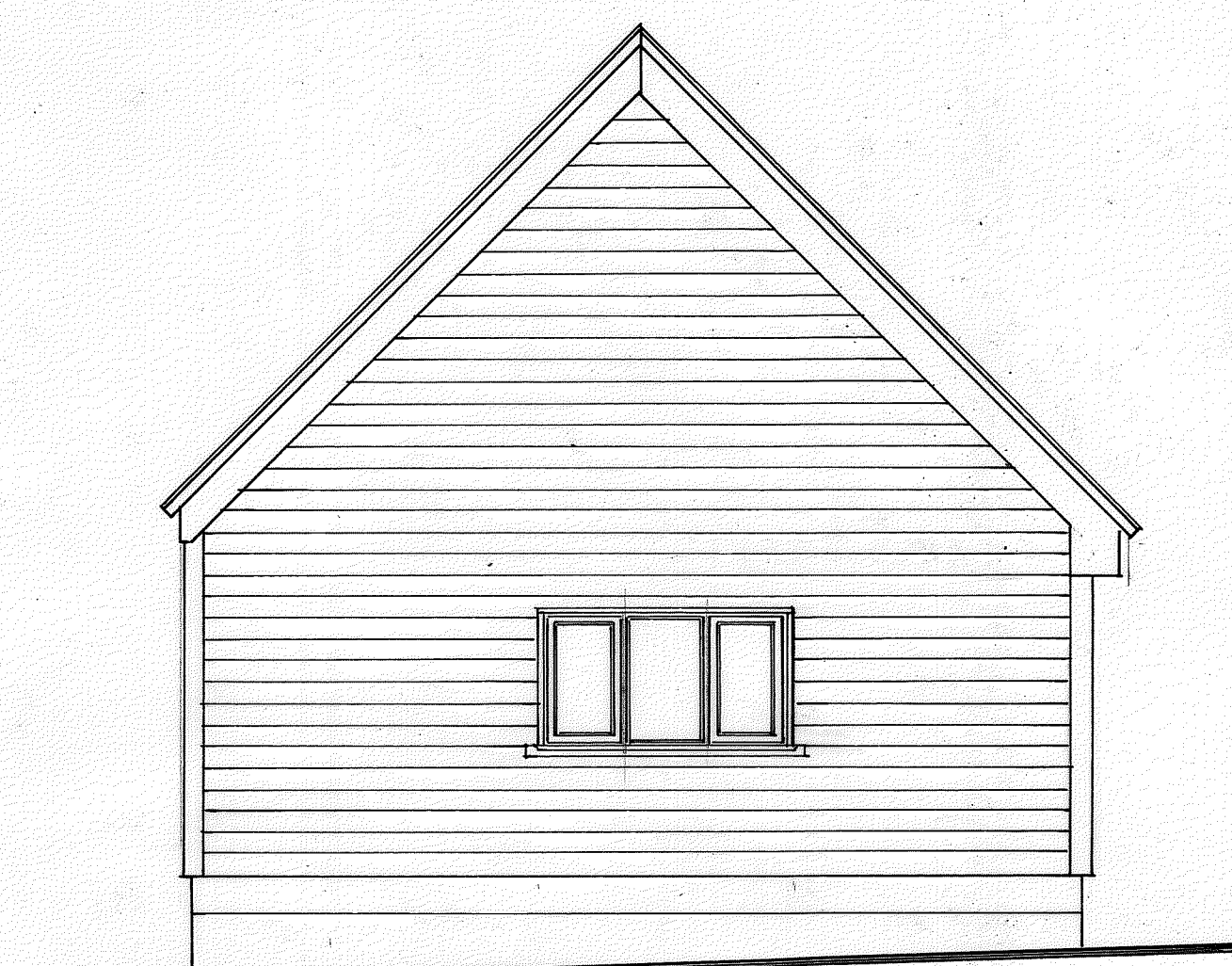
Proposed First Floor Plan.



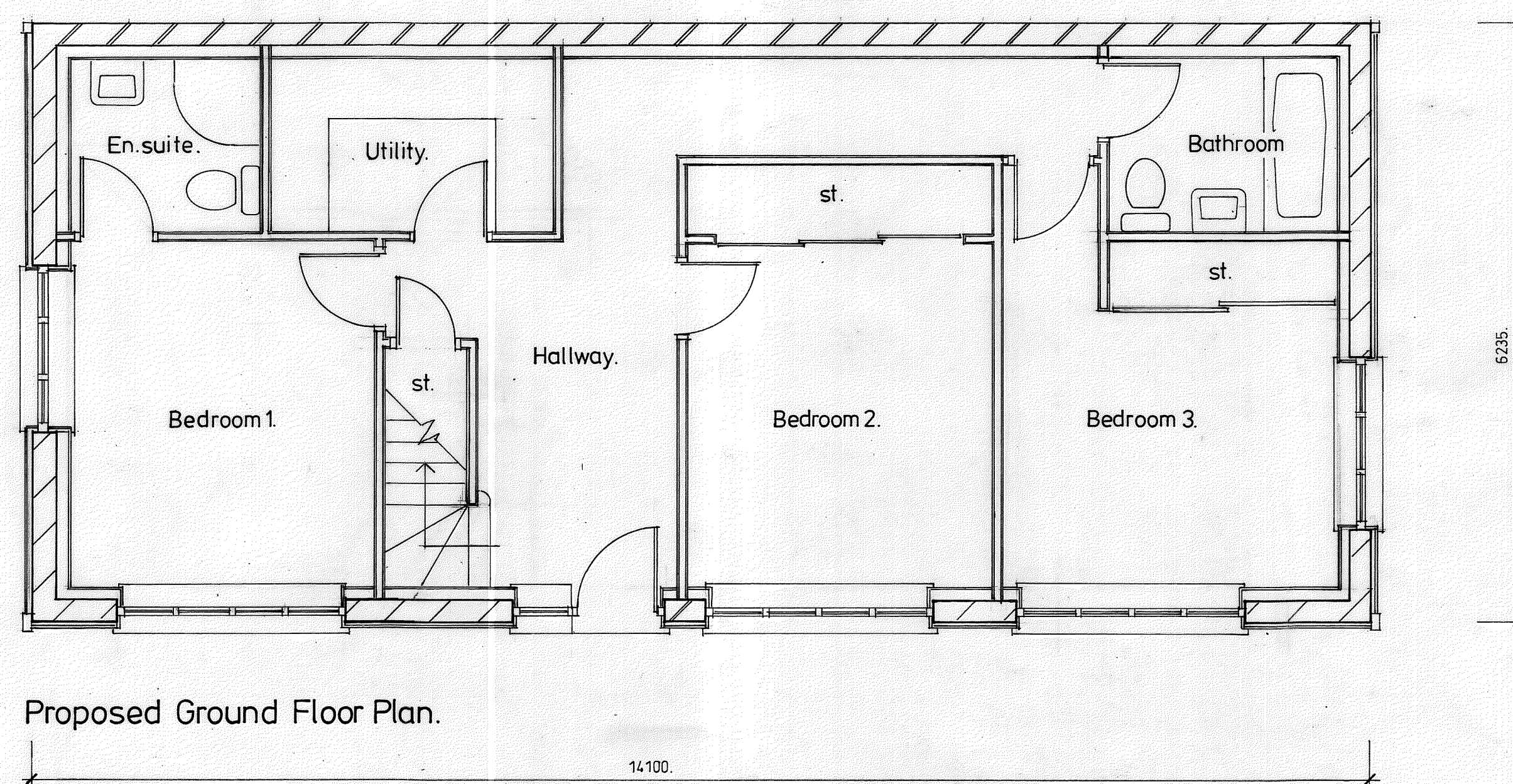
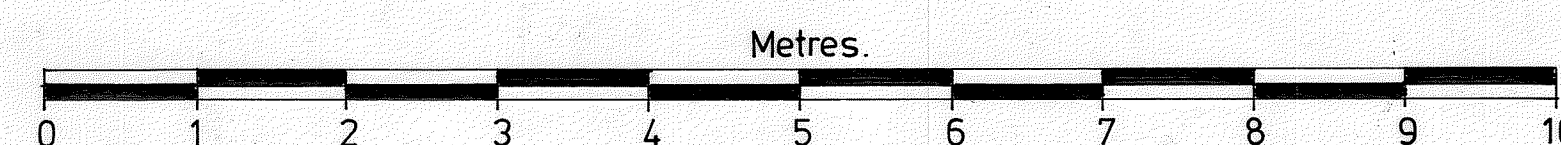
South Facing Elevation.



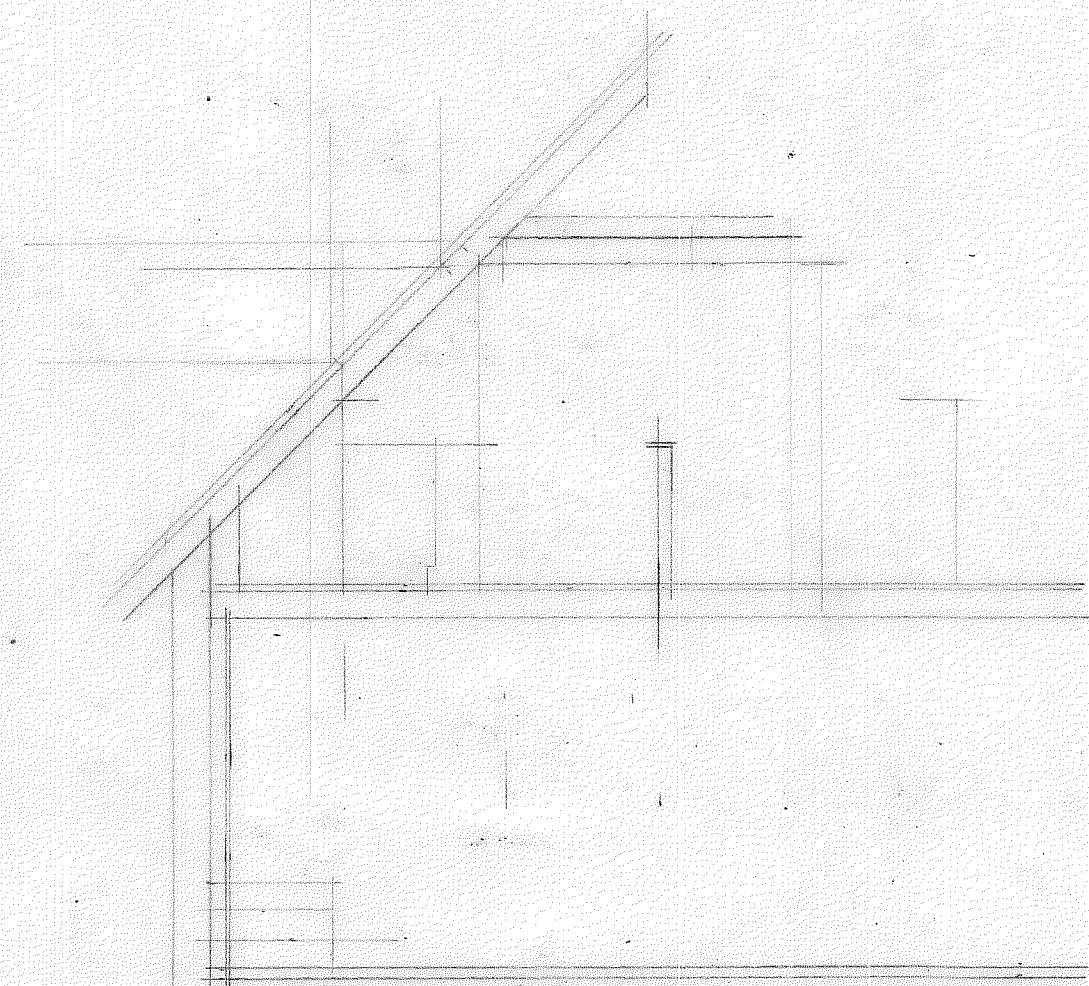
East Facing Elevation.



West Facing Elevation.



Proposed Ground Floor Plan.



ALL SETTING OUT TO BE CHECKED ON SITE & AGREED WITH CLIENT PRIOR TO COMMENCEMENT OF WORKS

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ADDRESS	- 60 Ashwell Road Bygrave Nr Baldock Herts SG7 5EA
TITLE	- Proposed Floor Plans and Elevations
SCALE	- 1:50 @ A1.
DATE	- November 2021.
DRG. NO.	- P002.



APPENDIX 3: Dated Construction Photographs





13 March 2025 09:52



17 March 2025 13:43





APPENDIX 4: Invoices and Receipts

491133
576577
atstone.co.uk

FORS
FURST OPERATOR
RECOMMENDED SUPPLIER

S
COUNTER SALES

Order Date	Document Date
14/03/25	14/03/25
Order Ref.	Customer Terms
	CWI

BUILDING AND TIMBER SUPPLIES
H. BUTTERFIELD LTD.
SELBOURNE ROAD
LUTON
BEDS. LU4 8QF
Tel: (01582) 491100
Fax: (01582) 490969
enquiries@hbutterfield.co.uk
www.hbutterfield.co.uk

DOCUMENT NO: IH757254

DELIVERY ADDRESS

SUNDRY COUNTER SALES

COLLECTED

Our Ref.	Salesperson	Delivery Date
DH1175035	CW	14/03/25

Delivery Details

Collected

QTY	DESCRIPTION	PRICE	PER	DISC	VALUE	V
60.00	EWHURST MEDIUM MULTI 65MM (400) F2S2 WIRECUT WIENERBERGER Payments Cards	744.39	1000	10.0	40.20	2
	48.24					

1	2	3
20.00	0.00	0.00
40.20	0.00	0.00
8.04	0.00	0.00

AND CONDITIONS OF SALE ARE AVAILABLE ON REQUEST.
GOODS WILL NOT PASS UNTIL PAYMENT HAS BEEN RECEIVED IN FULL.
ALL VEHICLES OFF HIGHWAY DO SO AT THEIR OWN RISK.
AT MATERIALS NO CLAIM FOR BREAKAGES AND/OR SHORTAGES WILL BE ENTERTAINED UNLESS NOTIFIED WITHIN 3 DAYS.
AND USE OF THIS DOCUMENT MUST ACCOMPANY ALL CLAIMS AND RETURNED GOODS.

SUB-TOTAL	40.20
TOTAL V.A.T.	8.04
TOTAL DUE £	48.24

E&OE

RECEIVED BY:

PRINT NAME:

COMPANY REG. NO: 317566
VAT REG. NO: 490 2118 66

Total Weight 138.00

18 March 2025 18:49



JEWSON



**OPEN AN
ACCOUNT**



**DID WE
NAIL IT?**

PERMANENTLY
FREE DELIVERY (UK) FROM 1000
CHARGES TO 10000 (2020)

Supplying Branch : 907 Jewson Letchworth, Arden Press Way SG6 1HG
Tel: 01462 678441 Fax: 01462 675870 Email : branch0907@jewson.co.uk

Cash Invoice

Invoice Number
0907/00253402

Deliver to:-
907 Cash Sale Account
60 Ashwell Road
Bygrave
Baldock
Hertfordshire

Invoice to:-
907 Cash Sale Account
Jewson Letchworth
SG6 1HX

Our Opening Times are:
Mon-Fri 07:00 17:00
Saturday 08:00 12:00

Customer Account Our Operator

Customer Contact Customer Order Number

TH Order No. 0 Taxpoint Date 01/03/2025 Time 11:47 Our Order Number 1539830
Cat D Method D Date Required 04/03/2025 Page 1

Quantity	Product	Price Per	Disc%	Total	V
2 EA	SUPREME Prestressed Concrete Lintel Textured Finish 100 x 65 x 2100mm LNBRN021	14.99 EA		29.98	S
1 SH	Sheathing Ply CDX CE2+ E1 EN814-2 Class 3 FSC. 2440 x 1220 x 12.0mm FCE48412	19.00 SH Goods allocated		19.00	S
Faces and edges should be sealed before installation to prevent water absorption Above Product is FSC Mix 70% (SA-COC-013288)					

Merchant No : ****044 Source : Contactless Transaction : 0029622388
Date & Time : 01/03/2025 11:47 TID Seq No : Terminal ID : ****1825
Card Type : Mastercard Issue No :
Card No : PAN Seq No : 01
AID : A0000000041010 Approved: Auth Code : R30726

Authorisation
Value : GBP58.78 Purchase

Your account will be debited with the above payment amount

Card Verification Not Performed

** Goods only to be taken off premises on Supplied Now lines **

Payment Details	VAT Rate%	Goods Value	VAT	Order Value	
58.78 Mastercard	S 20.00	48.98	9.80	58.78	
				Previous Payments	0.00
				Goods this Payment	48.98
				VAT this Payment	9.80
				Total this Payment	58.78
				Change due	0.00
				Outstanding	0.00
All prices are in Sterling					

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18 March 2025 18:49



APPENDIX 5: Decision Notice Discharge of Conditions Ref. 24/02572/DOC



www.north-herts.gov.uk

Peter George Town Planning

Nine Hills Road
Cambridge
CB2 1GE

Our Ref : 24/02572/DOC

Contact : Henry Thomas
Direct Line : 01462 474138
Email : henry.thomas@north-herts.gov.uk
Date : 9th December 2024

FAO: Mr Tom Donovan

Dear Sir / Madam,

Details of Condition : Details reserved by condition 3 (Materials) of planning permission reference no 21/03527/FP granted 01.04.2022

Land Rear And Adjacent To 60, Ashwell Road, Bygrave, Hertfordshire,

I refer to your application received on 12th November 2024 which seeks approval of details of external materials for the above development pursuant to Condition 3 of the planning permission reference number 21/03527/FP.

I can confirm on behalf of the Council that the submitted details are considered acceptable and hereby approved.

Yours faithfully

Shaun Greaves
Development and Conservation Manager

The Council's Privacy Notice is available on our website: <https://www.north-herts.gov.uk/home/council-data-and-performance/data-protection/information-management-gdpr>