

DELEGATED FILE NOTE

CASE OFFICER: ...Tabitha Kaye.....

**APPLICATION
REFERENCE**

**BRIEF DESCRIPTION OF
DEVELOPMENT**

APPLICATION SITE

26/00866/LDCP

Non-material Change of Use Class E(e)
medical clinic to Use Class E(f) day
nursery.

Ernest Gardiner Treatment Centre
Pearsall Close
Letchworth Garden City
Hertfordshire
SG6 1QZ

Submitted Plan Nos

Location Plan

1.0 Policies

2.0 **Site History**

2.1 No relevant site history.

3.0 **Representations**

3.1 No consultation required.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 The application site accommodates the Ernest Gardiner Treatment Centre which is situated on Pearsall Close, Letchworth Garden City.

4.2 **Proposal**

4.2.1 A Certificate of Lawfulness (proposed) is sought for the change of Use Class E(e) medical clinic to Use Class E(f) day nursery.

4.3 **Key Issues**

4.3.1 The key issues for consideration are whether the proposal would constitute 'development' in accordance with Section 55(2)(f) of the Town and Country Planning Act 1990:

55 - Meaning of "development" and "new development"

(1) Subject to the following provisions of this section, in this Act, except where the context otherwise requires, "development," means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.

(...)

- (2) *The following operations or uses of land shall not be taken for the purposes of this Act to involve development of the land—*

(...)

(f) in the case of buildings or other land which are used for a purpose of any class specified in an order made by the Secretary of State under this section, the use of the buildings or other land or, subject to the provisions of the order, of any part of the buildings or the other land, for any other purpose of the same class.

- 4.3.2 In accordance with the Town and Country Planning (Use Classes) Order 1987 (as amended), “medical or health services, principally to visiting members of the public, except the use of premises attached to the residence of the consultant or practitioner” falls under Use Class E(e). Class E(e) is commensurate with the current use on site.
- 4.3.3 The applicant seeks to convert the site to a day nursery. In accordance with the Town and Country Planning (Use Classes) Order 1987 (as amended), “a creche, day nursery or day centre, not including a residential use, principally to visiting members of the public” falls under Class E(f). Class E(f) is commensurate with details of the proposed day nursery submitted by the applicant.
- 4.3.4 As both uses would fall within Use Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended), the proposal would not constitute ‘development’ in accordance with Section 55(2)(f) of the Town and Country Planning Act 1990, and is therefore lawful.

4.4 **Conclusion**

- 4.4.1 A Certificate of Lawfulness (proposed) can be issued on the basis that the proposal does not constitute development in accordance with Section 55(2)(f) of the Town and Country Planning Act 1990.

Informative/s:

1. This does not overrule any other consents that may be required. Suggest that you also inform the Letchworth Garden City Heritage Foundation of the proposed work.

Signed  Naomi Reynard	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Determining Officer Date: 26 June 2026	