

DELEGATED FILE NOTE

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

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
26/02157/LDCE	Removal of an existing workshop building on the site as implementation of planning permission 21/02957/FP in accordance with application number 26/01784/NMA which confirms that removal of the workshop will implement the planning permission The works were carried out prior to the expiry date of the 21/02957/FP planning permission with evidence sent to NHDC before the expiry date.	Land On The South West Side Of Barkway Road Royston Hertfordshire SG8 9DF

Submitted Plan Nos

Location Plan

2.0 **Relevant Site History**

- 2.1 21/02957/FP - Erection of ten dwellings (2 x 2-bed, 2 x 3-bed, 4 x 4-bed and 2 x 5-bed) with ancillary works including alterations to existing vehicular access, new access road, parking and landscaping.– Approved 25/07/23.
- 2.2 26/01850/LDCP - Removal of existing workshop buildings to implement planning consent 21/02957/FP. – Concurrent application.

3.0 **Representations**

- 3.1 None received.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

- 4.1.1 The application site is a grassed field/paddock located off the B1039 Barkway Road approximately 700 metres south east of Royston town centre. It adjoins the existing built up area with the northern boundary abutting existing residential properties in the north (Shepherd's Close) and agricultural fields to the west and south. As you enter the site from the north, the land levels fall away towards the western boundary and the adjacent public bridleway Royston 010.

The site includes a number of workshops and sheds associated with its use for agricultural purposes. An existing access is located between the three new properties recently erected fronting the site. There are existing overhead electricity cables located on pylons crossing the centre of the site.

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 21/02957/FP have commenced, and therefore that development has materially started before the expiry date of that permission (25 July 2026).

4.3 **Key Issues**

- 4.3.1 The expiry date of the planning permission 21/02957/FP for the development is 25 July 2026. This LDCE application form is dated 27 August 2026, was received and made valid by the Council on that date.
- 4.3.2 The evidence submitted with the application to support the applicant's claim are the application form and details within it and photographs of demolition of an existing workshop buildings.
- 4.3.3 Whilst no plans have been submitted alongside the photographs, the proposed site plan for 21/02957/FP (doc ref: HAN/BAR/21/01) shows the location of two workshop buildings within Plots 1 and 2. Whilst the photographs themselves do not have a timestamp, they were sent to the council on those dates within concurrent app ref: 26/01850/LDCP and I therefore consider them to be valid. However, in my view, the concurrent application is for proposed use and therefore cannot confirm a material start. The buildings now no longer exist on site which in my view is sufficient evidence that development has commenced on the site.
- 4.3.4 Although the workshop buildings were not included within the description of development for the parent application, they were included within the applicants submitted application form and were identified on the proposed site plan. As such, I consider that the removal of which is required to facilitate the development and does therefore go to the heart of the permission.
- 4.3.5 On the balance of probability based on the above, it is considered that works approved by planning permission 21/02957/FP have lawfully commenced before the expiry date of that permission.

5.0 **Conclusion**

- 5.1 I consider a certificate of lawfulness should be granted as the evidence provided by the applicant relating to the commencement of the development does demonstrate on the balance of probability that it commenced before the expiry date of the application.

6.0 **Recommendation**

- 6.1 That a certificate of lawfulness be **GRANTED** for the following reason:

The Council is satisfied that, on the balance of probabilities, sufficient evidence has been provided to establish that the development identified in the application commenced before the expiry date of the planning permission 21/02957/FP.

1. The Council is satisfied that, on the balance of probabilities, sufficient evidence has been provided to establish that the development identified in the application commenced before the expiry date of the planning permission 21/02957/FP.

Signed  Naomi Reynard	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Determining Officer Date: 25 September 2026	