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|--|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------|
|  | <p>NORTH HERTFORDSHIRE DISTRICT COUNCIL</p> <p>Town and Country Planning Act 1990 Section 191</p> <p><b>CERTIFICATE OF EXISTING LAWFUL USE OR DEVELOPMENT</b></p> | <p>Town Planning Ref.No.</p> <p>24/00348/LDCE</p> |
|--|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------|

**Correspondence Address:**

Octagon Design & Consultancy  
2A Bournemouth Road  
Stevenage  
Hertfordshire  
SG1 2PN

**Applicant:**

Mr Glenn Hattersley

Date of Receipt of Application: 05.03.2024

Site: **19 St Katherines Close, Ickleford, Hitchin, Hertfordshire, SG5 3XS,**

Description of development: Construction of new bungalow

The North Hertfordshire District Council, in pursuance of their powers under the above-mentioned Act and the associated Orders and Regulations, hereby CERTIFY that on the date of receipt of the application the matter described above in respect of the aforementioned land and edged in red on the plan would have been lawful within the meaning of Section 192 of the Town and Country Planning Act 1990 (as amended).

The reason for this determination is as follows:-

The Council is satisfied that, on the balance of probabilities, sufficient evidence has been provided to establish that the new bungalow identified in the application commenced before the expiry date of the planning permission 21/00457/FP.

Signed:



Shaun Greaves  
Development and Conservation Manager

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

**Date:** 18 April 2024

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. The certificate is issued solely for the purpose of Section 192 of the Town and Country Planning Act 1990 (as amended).
2. It certifies that the matter specified taking place on the land described would have been lawful, on the specified date and, thus, would not have been liable to enforcement action under section 172 of the 1990 Act on that date.
3. This certificate applies only to the extent of the matter described and to the land specified and identified on the attached plan. Any matter which is/are materially different from that/those described or which relate(s) to other land may render the owner or occupier liable to enforcement action.
4. The effect of the certificate is also qualified by the proviso in section 192(4) of the 1990 Act, as amended, which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters relevant to determining such lawfulness.

### **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](mailto:plantprotection@cadentgas.com). Alternatively you can register on [www.beforeyoudig.cadentgas.com](http://www.beforeyoudig.cadentgas.com) This service is free of charge.

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|----------------------------|
| <b>DELEGATED FILE NOTE</b> |
|----------------------------|

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

**APPLICATION  
REFERENCE**

**BRIEF DESCRIPTION OF  
DEVELOPMENT**

**APPLICATION SITE**

24/00348/LDCE

Construction of new bungalow

19 St Katherines Close

Ickleford

Hitchin

Hertfordshire

SG5 3XS

**Submitted Plan Nos**

ODC-20-33-02-A ODC-21-04-01-B

**1.0    Policies**

## 2.0 **Site History**

- 2.1 21/00457/FP - Erection of one detached self-contained one-bed bungalow (as amended by plan received 19.03.2021) – Approved 07/04/21.

## 3.0 **Representations**

- 3.1 None received.

## 4.0 **Planning Considerations**

### 4.1 **Site and Surroundings**

- 4.1.1 The site is the rear garden of a dwelling.

### 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 a new bungalow.
- 4.2.2 The grounds for the application are that the applicant claims that the works approved under planning permission 21/00457/FP have commenced, and therefore that development has started before the expiry date of that permission.

### 4.3 **Key Issues**

- 4.3.1 The expiry date of the planning permission 21/00457/FP for the bungalow is 6 April 2024. This LDCE application form is dated 15 February 2024, and was received by the Council on that date, and made valid on 5 March 2024.
- 4.3.2 The evidence submitted with the application to support the applicant's claim is drawing ODC-21-04-01-B which includes a photo of foundations excavated and concreted, and a supporting letter.
- 4.3.3 The photo on drawing ODC-21-04-01-B is considered to show the application site. From a site visit, it was evident that an area of ground had been disturbed that correlates with the photo on the plan, albeit the concrete was covered by soil.
- 4.3.4 The works shown in the photo on drawing ODC-21-04-01-B are considered to be foundations, and correlate with the siting of the approved bungalow. These works are considered to have commenced before the expiry date of the 2021 application.
- 4.3.5 On the balance of probability based on the above, it is considered that works approved by planning permission 21/00457/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 new bungalow identified in the application commenced before the expiry date of the planning permission 21/00457/FP.

|                                                                                                                                                                                                       |                                                                                                                                                                                               |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <div>Signed</div> <div></div> <div>Sam Dicocco</div> <div>Determining Officer</div> <div>Date: 18 April 2024</div> | <div>Development Management</div> <div>North Hertfordshire District Council</div> <div>Council Offices</div> <div>Gernon Road</div> <div>Letchworth</div> <div>Herts</div> <div>SG6 3JF</div> |
|                                                                                                                                                                                                       |                                                                                                                                                                                               |

Octagon Design & Consultancy  
2a Bournemouth Rd  
STEVENAGE  
Herts SG1 2PN



North Herts Council  
Council Offices  
Gernon Road  
Letchworth Garden City  
Herts  
SG6 3JF

5<sup>th</sup> March 2024

Dear Sir/Madam,

**Re: 24/00348/LDCE. 19 St Katherines Close, Ickleford, Hitchin SG5 3XS**

The reason for the application was to provide evidence that the development had been commenced before the expiry date of the permission.

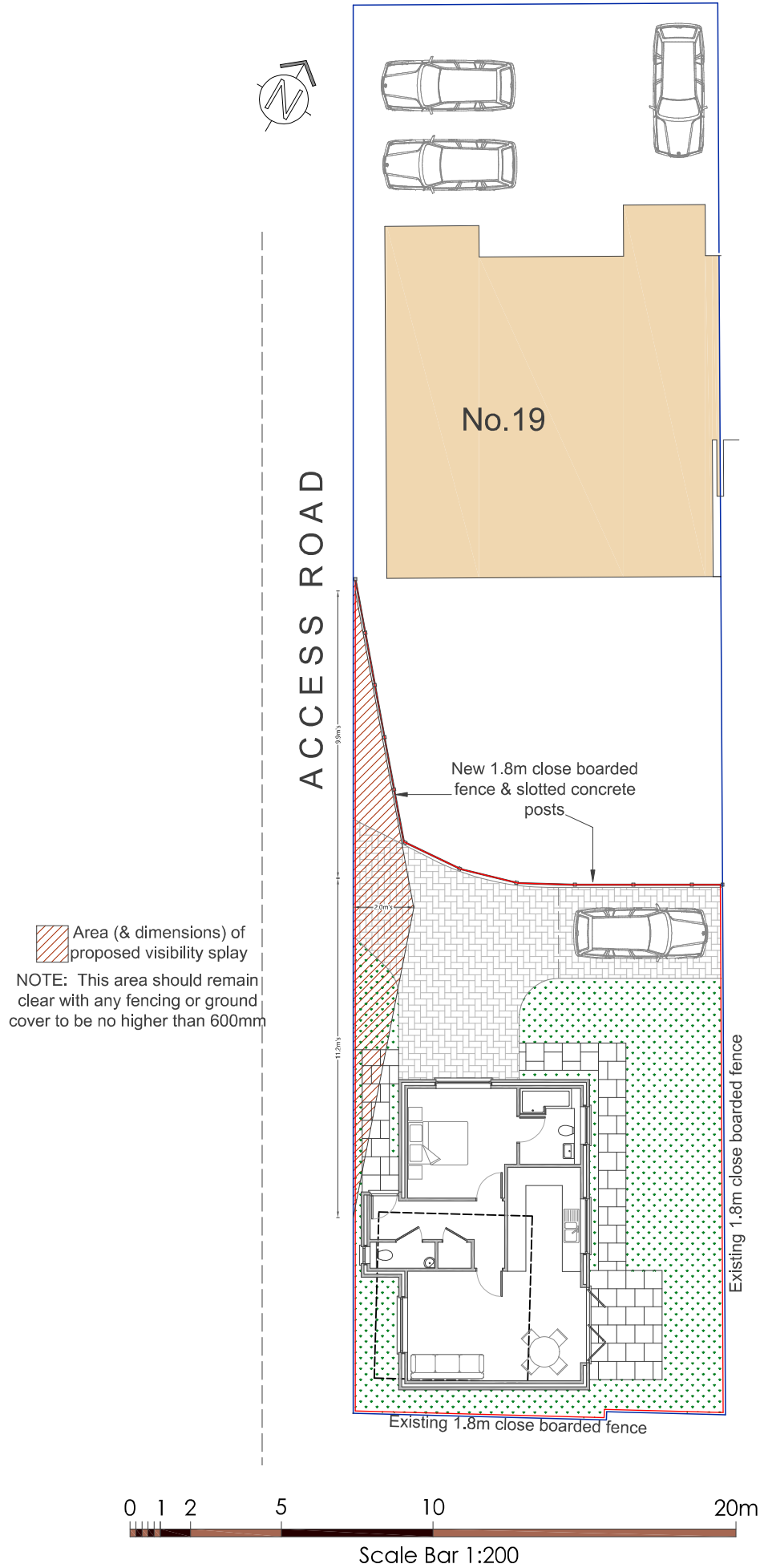
Approximately 50% of the foundations were dug and concreted on 23<sup>rd</sup> January 2024. Prior to concreting they were inspected and approved by Hertfordshire Building Control under Ref: 6579/23/FP.

Drawing No. ODC.21/04.01B was submitted with the above application showing the extent of foundations dug and a photograph of those foundations dug, inspected & concreted.

Regards



Trevor Johnson



PLANNING DRAWING

|                                                           |  |                                                                               |              |                                        |
|-----------------------------------------------------------|--|-------------------------------------------------------------------------------|--------------|----------------------------------------|
| Drawing Title                                             |  | A                                                                             | 17/03/2021   | Visibility splays and dimensions added |
| Location & Site Plan (proposed)                           |  | Rev.                                                                          | Date         | Note                                   |
| Project                                                   |  | Drawing Number ODC:20/33.02.A                                                 |              |                                        |
| 19 St Katherines Close<br>Ickleford<br>HITCHIN<br>SG5 3XS |  | Scale                                                                         | 1:200 1:1250 | Paper Size A3 Date Feb '21             |
|                                                           |  | Octagon Design & Consultancy<br>2a Bournemouth Rd - STEVENAGE - Herts SG1 2PN |              |                                        |



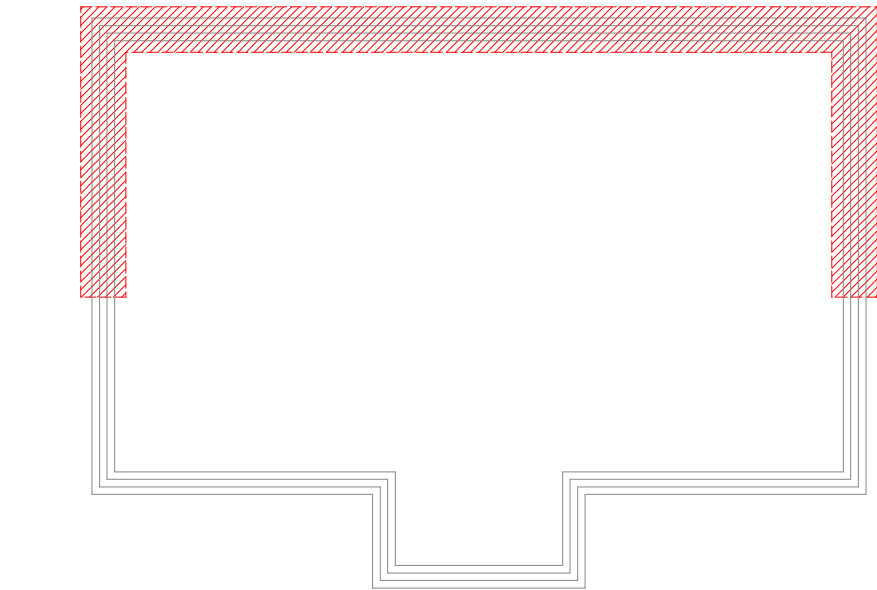
EAST ELEVATION

NORTH ELEVATION



WEST ELEVATION

SOUTH ELEVATION

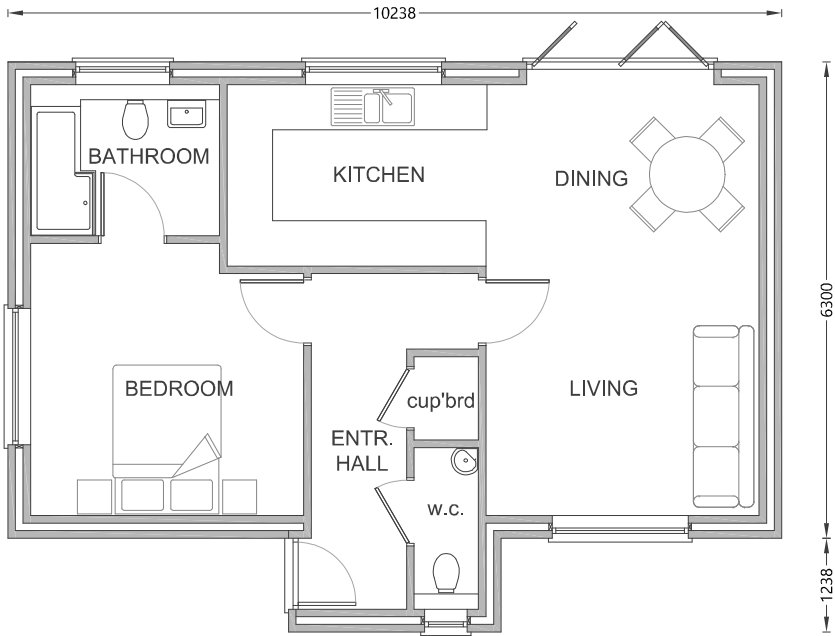


EXTENT OF FOUNDATIONS EXCAVATED & CONCRETED ON 23/01/2024, INSPECTED & PASSED BY HERTFORDSHIRE BUILDING CONTROL SAME DAY, SEE IMAGE BELOW

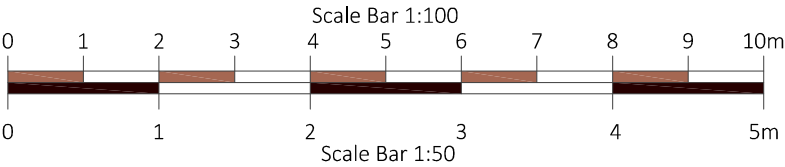


23.01.24

PLANNING DRAWING



PROPOSED FLOOR PLAN



|                                                           |  |                                                                               |          |                                             |
|-----------------------------------------------------------|--|-------------------------------------------------------------------------------|----------|---------------------------------------------|
| Drawing Title                                             |  | B                                                                             | 14.02.24 | Extent of foundations dug & concreted added |
| Proposed Floor Plans & Elevations                         |  | A                                                                             | 23.01.24 | External material schedule added            |
|                                                           |  | Rev.                                                                          | Date     | Note                                        |
| Project                                                   |  | Drawing Number: ODC:21/04.01 B                                                |          |                                             |
| 19 St Katherines Close<br>Ickleford<br>HITCHIN<br>SG5 3XS |  | Scale                                                                         | 1:100    | Paper Size A3 Date Feb '21                  |
|                                                           |  | Octagon Design & Consultancy<br>2a Bournemouth Rd - STEVENAGE - Herts SG1 2PN |          |                                             |