

DELEGATED FILE NOTE

CASE OFFICER: ...Alex Howard.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
25/01367/LDCE	Confirmation of a material start on site of planning permission 21/02624/FP granted 27.06.2022 for Erection of 9 affordable homes (2 x 1-bed, 5 x 2-bed, 1 x 3-bed and 1 x 4-bed) including alterations to existing vehicular access, creation of an additional vehicular access off The High Street and all associated works.	Land North Of The Depot At 1A High Street Graveley Hertfordshire SG4 7LE

Submitted Plan Nos

01

1.0 Policies

2.0 **Site History**

- 2.1 **21/02624/FP** - Erection of 9 affordable homes (2 x 1-bed, 5 x 2-bed, 1 x 3-bed and 1 x 4-bed) including alterations to existing vehicular access, creation of an additional vehicular access off The High Street and all associated works.

Conditional Permission

3.0 **Representations**

- 3.1 None.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

- 4.1 The application site is located on the west side of the High Street, Graveley.

4.2 **Proposal**

- 4.2.1 The applicant seeks confirmation from the LPA through a Lawful Development Certificate (Existing) that a material start has been made to planning application ref: 21/02624/FP and therefore the development has lawfully commenced. The applicant states that the following work has been commenced on site already:

“All prestart conditions were met and discharged. Building regulations submitted and inspection of the footings for plot 1 have been excavated. Building regulations surveyor notes of the inspection attached with a date that is pre the expiration date of 27th June 2025. Photos also attached showing the trenches dug and with concrete in the ground.”

The application is supported by the following:

- Building Regulations Inspection Reports dated 14th and 16th May 2025.
- Site photos that show the extent of works carried out on site so far to be read in accordance with the above Inspection Reports.

4.3 **Key Issues**

- 4.3.1 The key issues in this case are:

- Whether the works undertaken constitute the commencement of the permission.

- Whether the planning permission ref: 21/02624/FP has commenced within the approved 3-year time limit as set out in the decision notice dated 27th June 2022. The works would therefore have to commence by 27th June 2025.

Whether the works undertaken constitute the commencement of the permission.

- 4.3.2 Section 56 of the Town and Country Planning Act 1990 sets out the conditions required whereby development of land shall be taken to be initiated. Section 56 (4) states that a 'material operation' means (a) 'any work of construction in the course of the erection of a building'; and (b) 'the digging of a trench which is to contain the foundations, or part of the foundations, of a building'. The works on site have seen the digging out of footings for plot 1, confirmed by the Inspection Report dated 14th May 2025 and the site photos. They also show the footings being filled with concrete for the foundations, as confirmed by the Inspection Report dated 16th May 2025 and the site photos. Officers have been to site and seen the situation on the ground, which is as per the attached documentation shows.

As such, it is clear from the information provided that the proposed works necessary to begin the construction of Plot 1, through the digging of footings and laying foundations, can be considered as a material operation and are part of the approved development, in line with Section 56 of the TCPA 1990.

Whether the permission has commenced within the time limit of the permission

- 4.3.3 It is clear from the submitted Site Inspection Reports from the 14th/16th May 2025 and the supporting photographs that the aforementioned works have been carried out on site and are there as of the 16th May 2025. Seeing as under the approved permission, the applicants had until 27th June 2025 to commence works, the permitted development had commenced within the 3-year time limit.

4.4 **Conclusion**

- 4.4.1 It is clear from the information submitted that planning permission ref: 21/02624/FP has been lawfully commenced within the required 3-year time limit and that the works undertaken meet the minimum requirements to constitute a material operation and to initiate the development as required by Section 56 of the Act. A certificate stating the existing development is lawful may be issued by the LPA.

5.0 **Recommendation**

- 5.1 That the Certificate of Lawfulness for an Existing development be **GRANTED**.

1. The Local Planning Authority is satisfied that sufficient evidence has been provided to establish that the planning permission ref: 21/02624/FP has commenced within the 3 year time period set out in the decision notice (i.e. by 27th June 2025) 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: 19 June 2025	