

DELEGATED FILE NOTE

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

**APPLICATION
REFERENCE**

**BRIEF DESCRIPTION OF
DEVELOPMENT**

APPLICATION SITE

24/02576/LDCE

Continuous use of outbuildings as a day
nursery (Use Class E(f))

30 Glebe Road
Letchworth Garden City
Hertfordshire
SG6 1DR

Submitted Plan Nos

Location Plan

1.0 Policies

2.0 **Site History**

- 2.1 88/00646/1 - Use of detached building in rear garden for nursery school.
Conditional Permission.
- 2.2 89/01105/1 - Use of detached building in rear garden for nursery school (renewal of planning application 1/646/89), on a permanent basis
Conditional Permission.
- 2.3 90/00592/1 - Continued use of detached building for nursery school as a variation of condition no 2 planning ref no 1/1105/89 granted on 7.9.89 (hours of operation extended to permit afternoon sessions up to 3.30pm)
Conditional Permission.
- 2.4 92/00258/1 - Single storey side extension to existing nursery school.
Conditional Permission.
- 2.5 93/00640/1HH - Single storey rear extension following demolition of conservatory.
Conditional Permission.
- 2.6 04/01669/1 - Side and rear single storey extension to existing outbuilding to facilitate expansion of kindergarten business to allow for 12 additional places. (Amended by letter dated 24th November 2004 and amplified by plans received 21st February 2005)
Conditional Permission.
- 2.7 06/01338/1 - Single storey extension to existing outbuilding to facilitate expansion of kindergarten business as variation of planning ref 04/01669/1 granted permission on 02.03.05
Conditional Permission.
- 2.8 09/00988/1HH - First floor rear and side extension.
Conditional Permission.
- 2.9 24/02590/FP - Continuous use of main dwelling as a day nursery (Use Class E(f))
Concurrent Application.

3.0 **Representations**

- 3.1 Not applicable

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

- 4.1.1 The proposed site consists of a two-storey dwelling with two large single storey outbuildings to the rear. The main building has been unlawfully in use with the nursery since 2022, a concurrent application is sought to regularise this. The outbuildings have been in use since 2004, the proposed LDCE seeks to regularise this usage as well. The site includes an access road to the side of the dwelling and a parking area to the front of the dwelling. The site is screened from Glebe Road by a large hedge. The site is within the Letchworth Conservation Area.

4.2 **Proposal**

- 4.2.1 The applicant seeks to demonstrate that the outbuildings at 30 Glebe Road have been occupied as a Children's nursery under Class E(f) of the Town and Country Planning Use Classes Order (2020) (as amended).

4.3 **Key Issues**

- 4.3.1 The key planning consideration relates to whether the applicant has successfully demonstrated that the commercial use of 30 Glebe Road as a nursery falling within Class E(f) of the Town and Country Planning Use Classes Order (2020) (as amended) has been occupied in excess of 10 years and as such is the lawful use of the property.

- 4.3.2 The following information has been submitted in support of the application:

- ☐ Initial Business Licence and Recent Invoices from LGCHF – Confirmation of lawful use as a nursery since 2004.
- ☐ Title Deeds – Originally purchased under Glebe Kids Ltd in 2004, transferred to [applicants] personal name in 2005 solely for mortgage purposes.
- ☐ Ofsted Reports (2005–2023) – Ongoing, high-quality childcare provision as recognised by Ofsted.
- ☐ Annual Accounts (2005–2023) – Consistent business operations under Glebe Kids Ltd.
- ☐ 2005 NHDC Planning Approval – Expansion permission for the nursery, supporting continued use.
- ☐ Valuation OWice Agency (VOA) Business Rates Assessment (2009) – Classification for business rates, affirming commercial use.
- ☐ Site Plan – Annotated layout showing designated nursery areas.

- 4.3.3 The planning history indicates that the site has supported nursery usage since 1988 with a number of extensions to the two outbuildings being undertaken to facilitate a larger amount of nursery students. The applicant has submitted a number of documents including Ofsted reports and financial accounts which corroborate the continued usage since 2004. The evidence submitted is significant and comprehensive and provides sufficient information, beyond reasonable doubt, that the outbuildings at 30 Glebe Road, have been continuously used as a commercial nursery falling within Class E(f). On the basis of the evidence submitted, I consider that a Lawful Development Certificate for an Existing Use can be issued by the LPA.

- 4.3.4 Luke's Place Care Home is under new management and Mrs Hardman no longer runs the home. This should not affect the consideration of the Lawful Development Certificate as this relates just to

4.4 **Climate Change Mitigation**

- 4.4.1 Not relevant in this case.

4.5 **Conclusion**

- 4.5.1 That a Lawful Development Certificate should be issued for the use of the premises edged red on the submitted plans as a nursery falling within use Class E(f).

4.6 **Alternative Options**

- 4.6.1 None applicable

4.7 **Pre-Commencement Conditions**

4.7.1 Not applicable

5.0 **Recommendation**

5.1 That a Lawful Development Certificate for an Existing Use be GRANTED.

0. The application is accompanied by sufficient evidence to prove that the outbuildings at 30 Glebe Road, Letchworth Garden City, SG6 1DR as identified on the submitted plan fall with Class E(f) (Commercial Institution) of the Town and Country Planning Use Classes Order 2020 (as amended). As such a Lawful Development Certificate confirming the authorised use of the buildings as a commercial institution under Class E(f) is hereby confirmed.

Signed  Shaun Greaves Determining Officer	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Date: 21 January 2025	