

DELEGATED FILE NOTE

CASE OFFICER: ...Saffron Loasby.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
26/01862/LDCE	Use of building for meeting room, seminars and community workshop events.	Storage Building Rear Of 94 Pixmore Way Letchworth Garden City Hertfordshire

Submitted Plan Nos

Location Plan ST-02 Existing Floor and Elevations

1.0 Policies

2.0 **Site History**

- 2.1 05/01181/1HH – Single storey rear extension as amended by plans received 9th September 2025 – Refused.
- 2.1.2 Within the application form for this refusal, at question 8 the applicant stated there was one garage before and after the proposed development. Five parking spaces were advised. The owner of the land in question was that of the applicant of the dwelling and Certificate A was offered as part of the submission.
- 2.1.3 92/00711/1 – Single storey rear extension (as amended by plans received 27th July 1992) – Conditional Permission
- 2.1.4 Both the above applications were submitted via Householder planning application forms. The buildings in question were all enclosed in the site edged red on both applications.
- 2.1.5 Under question 13 of reference 92/00711/1 application forms it states that the garage and workshop building equated to 73m² of floor space (measured externally) and they formed part of the residential use. The garage measured 46m² and the workshop 27m².
- 2.1.6 The same document at question 14 states that no change of use of land or buildings was proposed.
- 2.1.7 The same document at question 15 states there are 4 existing parking spaces, 2 in the garage and 2 parked on site. These were accessed via the existing driveway.
- 2.1.8 At question 22 of the same application form no information was offered to suggest that the buildings on site were used for any other purpose than residential. Specifically, there were no industrial uses on site.
- 2.1.9 Application reference 22/00209/FP, an application reference for the site to the north of the application site, 7 Gernon Walk shows photos taken on site showing complete separation from the place of worship by the placement of a close boarded fence running the full length of the rear boundary.

3.0 **Representations**

- 3.1 Comments have been received from a group of neighbouring residents. Concerns raised include
 - Former lawful use of the building has not been properly established.

- Evidence suggests the building may be a kitchen facility, not the claimed Class F2 community use.
- The application does not demonstrate how the change to Class F2 occurred without planning permission.
- Recent alterations and the physical link to the adjoining Gurdwara require further investigation.
- An internal site inspection is needed to verify the actual use and fit-out of the building.
- The LDC should be refused unless clear evidence proves the claimed use was lawful at the application date.
- If planning permission was required, the proposal should be assessed through a full planning application.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

- 4.1.1 The application site comprises a detached two storey residential dwelling located within the Conservation Area. Access to the side of the property allows for vehicular and pedestrian access to the rear garden. The property neighbours residential development to the east and west with Gurdwara, a Sikh building of worship located beyond the rear boundary to the north. This area has since been recently developed and the existing outbuildings not only extended and refurbished, but access has also been created between the place of worship and the residential outbuildings, as well as new boundary fences erected, separating the buildings from their residential curtilage. Aerial maps of the application site show a number of trees in the rear garden, which appear to have also been cleared.

4.2 **Proposal**

- 4.2.1 A certificate of lawfulness (existing use) is sought for the lawful use of the outbuildings to the rear of the site as 'industrial use' allowing for a permitted change of use to 'community buildings' (F2(b), meeting room, seminars, community workshops).
- 4.2.2 Notwithstanding the following assessment, if the existing buildings were confirmed to be 'industrial' (B2), there is no lawful change of use to 'community use (F2) and therefore the application fails at that point. Unless, through the test of time the use becomes exempt, which it does not as the use commenced in 2026 and is confirmed as such by the applicant as part of this submission.
- 4.2.3 The site visit confirms the use of the newly refurbished and extended buildings to be linked to the place of worship and therefore considered to fall under a F1(f) use class. Internally there is an area for worship and facilities for food preparation, as well as surrounding curtilage (that was once garden land) linked to the new buildings and their currently unlawful use.
- 4.2.4 There is no lawful permitted change of use from residential (C3) to place of worship (F1(f)). Additionally, the changes on site include not only a change of use of the

buildings, but also of the land. Separation of the site from the existing garden has been created with a new pedestrian access from the place of worship directly to the application buildings. There has been changes to the buildings themselves in terms of elevational changes, new openings, new steps, a ramp for wheeled access and removal of the boundary between the garden and the existing place of worship site and building. The dwelling, a 4 bed detached property is currently undergoing internal renovations.

4.3 Key Issues

- 4.3.1 It is indicated in the application documents that the key issue is confirming the existing industrial use is lawful to enable a permitted change of use to a community building.
- 4.3.2 The buildings in question show detailed on historic OS maps as two separate buildings. One a domestic garage and the other a domestic workshop. A boundary is shown to separate the two uses to the north.
- 4.3.3 There is no evidence submitted with the application to suggest the use of the existing buildings have ever been used for industrial purposes.
- 4.3.4 There is no historic planning evidence to confirm the outbuildings have been used for anything other than residential use. Planning history confirms the last known use was, and still is, residential. Planning permission is required for a change of use from residential to place of worship (F1(f)).
- 4.3.5 There is neighbouring planning history photographic evidence on the council files for the Gurdwara to confirm the two uses were indeed separate in 2022.
- 4.3.6 The application has not been supported by any further covering letter or statement of lawfulness, only with an OS map, 1:1250 dated 25th July 2026. The site edged red actually excludes the residential property known as 94 Pixmore Way, which is also technically incorrect.
- 4.3.7 The evidence does not support the applicant's claim that the rear outbuildings have a lawful industrial (B2) use. Historic planning records consistently show the buildings were used as a domestic garage and workshop ancillary to the host dwelling, with no indication of any industrial activity. The applicant has provided no documentary evidence to demonstrate that an industrial use was ever established.
- 4.3.8 Furthermore, the site inspection indicates that the buildings are now physically and functionally linked to the adjoining Gurdwara, containing worship and food preparation facilities and therefore operating as part of a place of worship (Use Class F1(f) rather than a community building (Class F2(b))). Significant physical alterations have also occurred, including changes to access arrangements, boundary treatments, and the use of former residential garden land.
- 4.3.9 As there is no evidence of a lawful industrial use, and because there is no permitted development right allowing a change from industrial (B2) to community use (F2) in the circumstances claimed, the basis of the application is fundamentally flawed. In addition,

the current use appears to involve an unauthorised change from residential (C3) to place of worship (F1), together with operational development requiring planning permission.

- 4.3.10 Accordingly, the lawful use claimed by the application has not been satisfactorily proven and the Certificate of Lawfulness should be refused. Any proposal for the continued use of the buildings in connection with the Gurdwara should be considered through a full planning application rather than a Lawful Development Certificate process.

5.0 **Recommendation**

- 5.1 That a certificate of lawfulness be **REFUSED** for the following reason:

The Local Planning Authority is not satisfied, on the balance of probability, that the use claimed within the application, namely an industrial use of the outbuildings, has been lawfully established. Insufficient evidence has been submitted to demonstrate that the buildings have at any time been used for industrial purposes. Historic planning records indicate that the buildings were approved and used as a domestic garage and workshop ancillary to the host dwelling, with no evidence of an industrial use. Furthermore, the evidence available to the Local Planning Authority, including the site inspection, indicates that the buildings are currently being used in association with the adjoining place of worship and are physically and functionally separated from the residential curtilage. As such, the applicant has failed to demonstrate that the use claimed in the application is lawful, and the requirements of Section 191 of the Town and Country Planning Act 1990 (as amended) have not been met. The Certificate of Lawfulness for Existing Use or Development is therefore refused.

Signed  Anne McDonald	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Determining Officer Date: 5 October 2026	