

DELEGATED FILE NOTE

CASE OFFICER: ...Thomas Howe.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
26/00778/LDCE	Certificate of Lawful Existing Use or Development (CLEUD) to confirm that works have begun in accordance planning permission ref. 23/01892/S73 prior to the expiry of the time limit. See attached letter for more information	Tallents Research Farm Kimpton Bottom Kimpton Hitchin Hertfordshire SG4 8EU

Submitted Plan Nos

1394-SU-001

2.0 **Site History**

- 2.1 23/00094/FP - Erection of one detached 3-bedroom dwelling for an agricultural worker with associated vehicular access, car parking, and private residential garden – Conditional Permission
- 2.2 23/01892/S73 - Variation of Condition 2 (Revised plans) of planning permission 23/00094/FP granted 06/04/2023 for Erection of one detached 3-bedroom dwelling for an agricultural worker with associated vehicular access, car parking, and private residential garden. – Conditional Permission

3.0 **Representations**

- 3.1 None.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

- 4.1 The application site comprises a parcel of land off Kimpton Bottom. It is part of a wider holding of land associated with Tallents Research Farm and is served by a private road for the farm. To surrounding highways, a post and rail fence is present.

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: 23/01892/S73 and therefore the development has lawfully commenced. The applicant states that the following work has been commenced on site already:

- Excavation of foundations of the front wall to the approved dwelling.

The application is supported by the following:

- Photographic Evidence
- Building Regulations Site Inspection Note

- Discharge of Conditions
- Statutory Declaration

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: 23/01892/S73 has commenced within the approved 3-year time limit as set out in the decision notice dated 4 April 2023.
The works would therefore have to commence by 4 April 2026.

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 comprise the digging of footings for the front wall of the dwelling. This was confirmed by an inspection report from Building Control, dated 19 March 2026 and by a site photo dated 18 March 2026.

As such, it is clear from the information provided that the proposed works necessary to begin the construction of the approved dwelling, through the digging of footings, 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 16 March 2026 and the supporting photographs that the aforementioned works have been carried out on site and are there as of mid-March 2026. Seeing as under the approved permission, the applicants had until 4 April 2026 to commence works, the permitted development had commenced within the 3-year time limit.

4.4 **Conclusion**

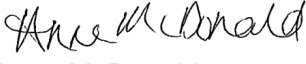
4.4.1 It is clear from the information submitted that planning permission ref: 23/01892/S73 has been lawfully commenced within the required 3-year time limit and that the works undertaken meet the minimum requirements to constitute a material operation and to initiate the development as required by Section 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: 23/01892/S73 granted on 4 April 2023 has commenced within the 3 year time period set out in the decision notice (i.e. by 4 April 2026) and that the works undertaken constitute 'material operations' as defined in Section 56 of the Town and Country Planning Act 1990.

Signed  Anne McDonald Determining Officer	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Date: 28 April 2026	