

DELEGATED FILE NOTE

CASE OFFICER: ...Melissa Tyler.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
25/01592/LDCE	Confirmation of material start on site of planning permission 20/01742/FP granted 16.10.2020 for erection of one 4-bed dwelling following demolition of existing barn (revision of previously approved planning permission 19/01135/FP granted 04.09.2019).	Barn To The West Of Bedford Road Holwell Hertfordshire

Submitted Plan Nos

PL01 Rev D

2.0 Site History

- 2.1 **15/03053/1PN** - Prior Approval Notification - Class Q: Change of use of agricultural building to one 4 bedroom dwelling and external alterations involving the installation/replacement of windows, doors, roofs and exterior walls – Prior Approval **Refused on 04/03/2016**
- 2.2 **16/02496/1PN** - Prior Approval Notification - Class Q: Change of use of agricultural building to one 4 bedroom dwelling and external alterations involving the installation/replacement of windows, doors, roofs and exterior walls – Prior Approval **Refused on 28/11/2016**
- 2.3 **18/00127/FP** Upgrade of farm track to provide vehicle access to proposed dwelling house (dwelling house formed by conversion of existing barn, subject to separate Prior Notification application) (as amended). **GRANTED 12.03.2018**
- 2.4 **18/00142/PNQ** Prior Approval Notification - Class Q: Change of use of agricultural barn to 1 x 4 bedroom detached dwelling and external works to provide garden, car parking and turning area **PRIOR APPROVAL GIVEN 12.03.2018**
- 2.5 **19/01135/FP** Conversion of existing barn to one 4-bed dwelling (as amended by plans received 23/07/2019) **CONDITIONAL PERMISSION 04.09.2019**
- 2.6 **20/01742/FP** Erection of one 4-bed dwelling following demolition of existing barn (revision of previously approved planning permission 19/01135/FP granted 04.09.2019) **CONDITIONAL PERMISSION 16.10.2020**
- 2.7 **23/02074/DOC** Details reserved by condition 4(a) 20/01742/FP (Phase I Desk study) of planning permission reference no. 20/01742/FP granted 19.10.2020 **APPROVED 17.10.2023**

3.0 Representations

- 3.1 No consultation required

4.0 Planning Considerations

- 4.1 **Site and Surroundings**

- 4.1.1 The application site lies between Holwell and Stondon. The proposal relates to an open-sided agricultural building located approximately 220 metres to the west of the A600 Bedford Road on agricultural land. There is a semi-unmade access track leading from the road from which agricultural vehicles can gain access to the barn. The building is set in a relatively flat and open agricultural landscape.

4.2 **Proposal**

- 4.2.1 The application is for a Certificate of Lawful Development (Existing) for Confirmation of material start on site of planning permission 20/01742/FP granted 16.10.2020 for erection of one 4-bed dwelling following demolition of existing barn (revision of previously approved planning permission 19/01135/FP granted 04.09.2019).

- 4.2.2 The following information has been submitted as part of the application

- ☐ Application form, duly signed and dated § Requisite fee.
- ☐ Statutory Declaration of Paul Coyne
- ☐ Appendix 1: Site Location Plan
- ☐ Appendix 2: Planning Permission Ref. 20/01742/FP and the Approved Drawings
- ☐ Appendix 3: Planning Permission Ref. 18/00127/FP and the Approved Drawings
- ☐ Appendix 4: Construction Photographs Dated 15/04/2019
- ☐ Appendix 5: Google Earth Imagery
- ☐ Appendix 6: Invoices & Receipts
- ☐ Appendix 7: Decision Notice Discharge of Conditions Ref. 23/02074/DOC

4.3.1 **Key Issues**

- 4.3.1 The key issue for consideration is whether the works associated with the approved development have commenced within the three-year period following approval.
- 4.3.2 Section 191(1)(b) of the Town and Country Planning Act 1990 (the Act) indicates that an application for a Certificate of Lawfulness can be made to ascertain whether “any operations which have been carried out, in, on, over or under land, are lawful.” To lawfully implement a planning permission, a developer must a) ensure all pre-commencement conditions have been complied with, and b) carry out a ‘material operation’ comprised in the development (as defined in s.56(4) of the Act, before the expiry of the time limit.
- 4.3.3 The agent has submitted evidence to show that Construction of hardstanding (turning/parking area) to the north- and south-eastern side of the site of the proposed dwelling. This work was carried out in April 2019 in accordance with planning permission ref. 20/01742/FP. This work was carried out in conjunction with works involved in upgrading the adjacent track in accordance with 18/00127/FP (appendix 3). Also photos and google map imagery were submitted (Appendices 4 and 5) and a number of invoices for materials (appendix 6).
- 4.3.4 The agent has stated that the works to the track under a previous application (18/00127/FP) were carried out in April 2019 (the track being outside the redline for application 20/01742/FP) included works to the hardstanding to the north and south east

side of the barn. These works commenced prior to the submission and determination of application 20/01742/FP which was granted 19 October 2020. As part of this application the submitted application form declared that no work had commenced on site under section 5 – the question is “Has the work or change of use already stated?” – Answer “No”.

- 4.3.5 As part of the 20/01742/FP application there was a pre-commencement condition (Condition 4 – Contamination) which must be formally discharged before any work starts. Condition 4 was agreed on 17 October 2023 a day after the lapse date of the application. If works had started prior to the discharge of the condition the development is not lawful.
- 4.3.6 It is acknowledged that the submitted statutory declarations have been signed, dated, and witnessed by a solicitor, which does carry significant weight as evidence. However, as stated above, based on the evidence submitted, on the balance of probabilities, it is concluded that insufficient works/evidence to prove that a material start occurred on site prior to 16 October 2023. The original permission is therefore considered to have lapsed.

4.4 Recommendation

- 4.4.1 The Lawful Development Certificate should be **REFUSED**.

1. The Council is not satisfied that, on the balance of probabilities, that sufficient evidence has been provided to establish that works had commenced within the three year time limit implemented by Condition 1 of approved LPA reference 20/01742/FP granted 16.10.2020. Any works have been made were commenced prior to the determination of the approved LPA reference 20/01742/FP granted 16.10.2020.

Signed  Anne McDonald Determining Officer	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Date: 28 July 2025	

