

DELEGATED FILE NOTE

CASE OFFICER: ...Andrew Hunter.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
25/01711/LDCE	Confirmation of material start on site (partially excavated foundations) of planning permission 21/01535/FP granted 6.7.21 for Land restoration of former quarry and construction of agricultural buildings for the production of food.	Vicars Grove Pit Little Almshoe Road St Ippolyts Hertfordshire

Submitted Plan Nos

01a 02a

1.0 Policies

2.0 **Relevant Site History**

- 2.1 21/01535/FP - Land restoration of former quarry and construction of agricultural buildings for the production of food – Approved 06/07/21.

3.0 **Representations**

- 3.1 None received.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

- 4.1.1 The site is part of a former quarry being converted to agricultural use.

4.2 **Proposal**

- 4.2.1 An application under Section 191 of the Town and Country Planning Act 1990 has been submitted, seeking a Certificate of Lawfulness for an Existing Use or Development for the construction of new agricultural buildings.
- 4.2.2 The grounds for the application are that the applicant claims that the works approved under planning permission 21/01535/FP have commenced, and therefore that development has materially started before the expiry date of that permission (6 July 2025).

4.3 **Key Issues**

- 4.3.1 The expiry date of the planning permission 21/01535/FP for the development is 6 July 2024. This LDCE application form is dated 3 July 2025, was received by the Council on that date, and made valid on 8 July 2025.
- 4.3.2 The evidence submitted with the application to support the applicant's claim are the application form and details within it, photographs of foundations excavated and concreted, a site inspection report, and two supporting plans showing the location of the two agricultural buildings approved by 21/01535/FP.
- 4.3.3 In assessing the evidence submitted, the two plans identify the location of the originally approved agricultural buildings. The site inspection report doesn't give an indication of which organisation/business carried it out, however it does identify the site and some works that had taken place as of 30 June 2025 – this report is considered to be given some weight as evidence that a material start had taken place.

- 4.3.4 There were 9 different photos submitted, which are considered to be of the application site. This is confirmed by the 3rd photo, where the site entrance gates and signage on one of the gates is visible at the top of that photo. Given that the application was submitted before the expiry date of 21/01535/FP, it's considered that the approved works have commenced before that expiry date.
- 4.3.5 On the balance of probability based on the above, it is considered that works approved by planning permission 21/01535/FP have lawfully commenced before the expiry date of that permission.

5.0 **Conclusion**

- 5.1 I consider a certificate of lawfulness should be granted as the evidence provided by the applicant relating to the commencement of the development does demonstrate on the balance of probability that it commenced before the expiry date of the application.

6.0 **Recommendation**

- 6.1 That a certificate of lawfulness be **GRANTED** for the following reason:

The Council is satisfied that, on the balance of probabilities, sufficient evidence has been provided to establish that the development identified in the application commenced before the expiry date of the planning permission 21/01535/FP.

Signed  Anne McDonald	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Determining Officer Date: 5 August 2025	