TW/227

3rd March 2021

waller planning

town and country planning consultants

Mr Phil Norman
Planning and Building Control Manager
South Holland District Council
Council Offices
Priory Road
Spalding
Lincolnshire
PE11 2XE

Dear Mr. Norman,

Application for a Certificate of Lawfulness, Implementation of Permission H09-0332-16

I have today submitted an application for a certificate of lawful existing use, to establish that planning permission H09-0332-16 has been implemented by recent works to lay out an access road and foundations. The permission relates to the development of 188 new dwellings, which was granted on the 3rd May 2018. Condition 1 attached to the permission states that development must be begun not later than the expiration of three years beginning with the date of the permission, this implies that the relevant date for implementing the consent is 3rd May 2021. Works have already been undertaken, in advance of that date.

Enclosed with this letter are annotated photographs, provided to us by the Applicant on 19th February 2021, of recent works carried out at the site. They show that land has been excavated to reduce the level for the access road and the sub-base has been laid. Works have also begun on the construction of the garages for plots 3 and 4, with the laying of their foundations; the location of these garages is shown on approved drawing 274-SL.01D. The photographs show the excavation, laying of steel reinforcements, and the foundations poured. A building inspection has also been carried out during these works.

As you will be aware, s56 of the Town and Country Planning Act 1990 (as amended) states that development will be considered to have been initiated (meaning planning permission has been implemented) when a material operation has taken place. In defining material operations, s56(4) parts (b) and (d) of the Act mentions, **'the digging of a trench which is to contain the foundations, or part of the foundations, of a building'** and **'any operation in the course of laying out or constructing a road or part of a road'** respectively. The work undertaken complies with these two parts of Section 56(4) and constitutes the work required to implement a planning permission.

I understand that Lucy Buttery, Principal Planning Officer, has already confirmed to the Applicant that she agrees planning permission has been implemented (in an e-mail to Adam Jagger of Ashwood homes, on 24th February 2021). We are simply submitting this application as a "belt and braces" approach, to put the matter beyond any possible doubt.

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I believe it is clear that the provision of the foundations and start of the access road constitute material building operations and they have been undertaken within the time limit imposed by condition 1. It is also clear that other pre-commencement conditions have been discharged, by application H09-0523-20. I would be grateful for the Council's confirmation, through the determination of this application for a certificate of lawful use, that they concur that this planning permission has been lawfully implemented.

Yours sincerely,



Tim Waller MRTPI
Director
tim@wallerplanning.com