



16 October 2023

Our Ref: 22081  
Your Ref: 21/01534/RMA

Planning Department  
East Cambridgeshire District Council,  
The Grange,  
Nutholt Lane,  
Ely,  
CB7 4EE

Dear Planning Team,

1. Introduction

1.1. This statement is made in support of a Certificate of Lawful (Existing Use) Development application, submitted on behalf of Pippa Grange. Our client is preparing for the sale of the land. This application is made to lawfully establish the commencement of development under 21/01534/RMA

1.2. The below details the position surrounding commencement of the development approved under East Cambridgeshire District Council (ECDC) reference 21/01534/RMA.

2. Background

2.1. On 13<sup>th</sup> December 2021 ECDC granted conditional planning permission to Pippa Grange for the following development:

2.2. “proposed residential dwelling, garaging, parking, access & associated site works on Land Adjacent 36 Haddenham Road Wilburton Ely Cambridgeshire. “

2.3. Condition 2 of the permission requires the permitted development to be commenced within two years of the date of the permission (i.e. by 13<sup>th</sup> December 2023).



2.4. A building control application was submitted to ECDC on the 18<sup>th</sup> September 2023 and inspections were carried out on a foundation on the 19<sup>th</sup> September 2023 by Jarred Parisi.

### 3. Legal Position

3.1. Sections 191 and 192 of the Town and Country Planning Act 1990 provide a mechanism by which the lawfulness of past or future development can be ascertained. So far as material, s 191 states:

- 3.2. " (1) If any person wishes to ascertain whether—
- (a) ...
  - (b) any operations which have been carried out in, on, over or under land are lawful;
- or
- (c) ...he may make an application for the purpose to the local planning authority specifying the land and describing the use, operations or other matter.
- (2) For the purposes of this Act uses and operations are lawful at any time if—
- (a) no enforcement action may then be taken in respect of them (whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason); and
  - (b) they do not constitute a contravention of any of the requirements of any enforcement notice then in force.
- ...
- (4) If, on an application under this section, the local planning authority are provided with information satisfying them of the lawfulness at the time of the application of the use, operations or other matter described in the application, or that description as modified by the local planning authority or a description substituted by them, they shall issue a certificate to that effect; and in any other case they shall refuse the application."

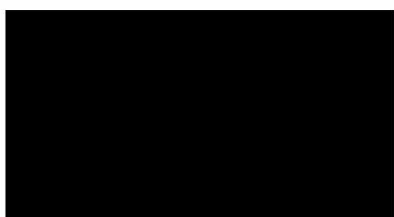
3.3 Similar provisions in s192 apply to applications in respect of future development.



#### 4. Lawfully beginning development

- 4.1. By virtue of s91 of the 1990 Act every planning permission (subject to certain immaterial exceptions) is granted or deemed to be granted subject to a condition that the development to which it relates must be begun within a specified period (usually three years). In this matter condition 2 of the permission performs this function.
- 4.2. Section 56 of the 1990 Act determines when development is deemed to be begun for the purposes of s 91. For these purposes *"development shall be taken to be begun on the earliest date on which any material operation comprised in the development begins to be carried out"* (s 56(2)).
- 4.3. Subsection (4)(c) goes on to provide that *"material operation"* includes:
- "(a) any work of construction in the course of the erection of a building;*  
*(aa) ...;*  
*(b) the digging of a trench which is to contain the foundations, or part of the foundations, of a building;*  
*(c) ...;*  
*(d) any operation in the course of laying out or constructing a road or part of a road;*  
*..."*
- 4.4. The permission authorised the construction of a house. Construction works began in September 2023.
- 4.5. Given the facts as set out above, the development to which the planning permission relates has lawfully been begun

Yours sincerely,



**ADRIAN FLEET MCIAT**

For and on behalf of Andrew Fleet MCIAT



# Appendices

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Appendix 1 – Planning approval

Appendix 2 – Building Control Documentation

Appendix 3 – Photographs of foundation



# EAST CAMBRIDGESHIRE DISTRICT COUNCIL

THE GRANGE, NUTHOLT LANE,  
ELY, CAMBRIDGESHIRE CB7 4EE

Telephone: Ely (01353) 665555  
DX41001 ELY Fax: (01353) 665240  
www.eastcambs.gov.uk

Mr & Mrs Grange  
C/O Andrew Fleet Limited  
FAO Mr Adrian Fleet  
6 Regent Place  
Soham  
CB7 5RL

*This matter is being dealt with by:*

Gemma Driver

Telephone: 01353 616483  
E-mail: gemma.driver@eastcambs.gov.uk  
My Ref: 21/01534/RMA  
Your ref

13th December 2021

Dear Sir/Madam

## TOWN AND COUNTRY PLANNING ACT 1990

### APPROVAL OF RESERVED MATTERS

#### Subject to conditions

The Council hereby **approves** the following:

**Proposal:** Reserved matters for Approval of the details of the Appearance; Landscaping; and Layout of previously approved 18/01266/OUT for proposed residential dwelling, garaging, parking, access & associated site works  
**Location:** Land Adjacent 36 Haddenham Road Wilburton Ely Cambridgeshire  
**Applicant:** Mr & Mrs Grange

This reserved matters consent is granted in accordance with the application reference **21/01534/RMA** registered 20th October 2021.

**Subject to the additional conditions set out below:**

#### ADDITIONAL CONDITIONS

- Development shall be carried out in accordance with the drawings and documents listed below  

Plan Reference	Version No	Date Received
18:089-10	A	20th October 2021
18:089-3	A	20th October 2021
18;089-2		20th October 2021
- Reason: To define the scope and extent of this permission.
- The development hereby permitted shall be commenced within 2 years of the date of the approval of the last of the reserved matters.

- 2 Reason: To comply with Section 92 of the Town and Country Planning Act 1990, as amended.
- 3 The materials to be used in the construction of the external surfaces of the development shall be either:
  - a. As detailed on drawing no. 18:089-10 Rev. A; or,
  - b. Submitted to and approved in writing by the Local Planning Authority prior to their use in the construction of the development.

All works shall be carried out in accordance with the approved details.

- 3 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 4 Construction times and deliveries, with the exception of fit-out, shall be limited to the following hours: 0730 to 1800 each day Monday - Friday, 0730 to 1300 Saturdays and none on Sundays, Bank Holidays and Public Holidays.
- 4 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 5 The boundary treatments hereby permitted shall be constructed in accordance with the details specified on drawing no. 18:089-3 Rev. A. The boundary treatments shall be in situ and completed prior to the first occupation on the site. All works shall be carried out in accordance with the approved details and retained thereafter
- 5 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 6 The biodiversity improvements hereby permitted shall be constructed in accordance with the details specified on drawing no.18:089-3 Rev. A. The biodiversity improvements shall be installed prior to the first occupation of the hereby approved development and thereafter maintained in perpetuity.
- 6 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and the Natural Environment SPD, 2020.

#### **INFORMATIVES RELATING TO THIS APPLICATION**

- 1 The decision to approve this application has been taken, having regard to the policies and proposals in the Local Development Plan and all relevant material considerations, including the NPPF. The proposal is considered to be in accordance with the policies of the Development Plan, that are considered to be up to date, and represents 'sustainable' development in compliance with the provisions of the NPPF. The policies in themselves have been sufficiently explicit to guide the submitted application and acceptable plans and information has been submitted, therefore no amendments/improvements have been sought from the applicant.
- 2 The applicant/developers attention is drawn to the guidance notes issued by the Council's Environmental Health on potential nuisance during construction and demolition works which is available on our website <http://eastcamb.gov.uk/planning/guidance-leaflets>. All reasonable measures should be taken to prevent nuisance during demolition and construction works, with reference to those notes.

- 3 East Cambridgeshire District Council is a Community Infrastructure Levy (CIL) Charging Authority. All applicants for full planning permission, including householder applications and reserved matters following an outline planning permission, and applicants for lawful development certificates are required to complete the CIL Additional information Requirement Form - [https://www.planningportal.co.uk/info/200126/applications/70/community\\_infrastructure\\_levy/2](https://www.planningportal.co.uk/info/200126/applications/70/community_infrastructure_levy/2)

Exemptions from the Levy are available but must be applied for and agreed before development commences, otherwise the full amount will be payable.

For more information on CIL please visit our website <http://www.eastcambs.gov.uk/planning/community-infrastructure-levy> or email [cil@eastcambs.gov.uk](mailto:cil@eastcambs.gov.uk).

- 4 East Cambs will not enter private property to collect waste or recycling, therefore it would be the responsibility of the Owners/residents to take sacks/bins to the public highway boundary on the relevant collection day and this should be made clear to any prospective purchasers in advance, this is especially the case where bins would need to be moved over loose gravel/shingle driveways.

Under Section 46 of The Environmental Protection Act 1990, East Cambridgeshire District Council as a Waste Collection Authority is permitted to make a charge for the provision of waste collection receptacles, this power being re-enforced in the Local Government Acts of 1972, 2000, 2003, as well as the Localism Act of 2011.

Each new property requires two bins; as of 1st April 2021 this contribution is set at £52 per property.

Payment must be made in advance of bins being delivered; East Cambs District Council Account Number 43135897, Sort Code 52-41-19, reference should be the planning application number followed by (bins) i.e. 15/012345/FUL (bins) a separate e-mail should also be sent to [waste@eastcambs.gov.uk](mailto:waste@eastcambs.gov.uk) detailing the payment amount and the planning reference number.

PLEASE ALSO NOTE THAT THIS PERMISSION IS GRANTED SUBJECT TO DUE COMPLIANCE WITH THE BYE-LAWS AND GENERAL STATUTORY PROVISION IN FORCE IN THE DISTRICT AND DOES **NOT** CONSTITUTE APPROVAL UNDER BUILDING REGULATIONS. YOU ARE ADVISED TO CONTACT THE BUILDING REGULATIONS SECTION IF YOU WISH TO DISCUSS THIS FURTHER



**Rebecca Saunt**

**Planning Manager**

Dated: 13th December 2021

Andrew Fleet MCIAT  
6 Regent Place  
Soham  
Ely  
Cambridgeshire  
CB7 5RL

*This matter is being dealt with by:*

**Dave Saunderson**

Tel: 01353 665555

Email: [REDACTED]

My Ref: 23/00515/DOMBN

Your Ref:

20th September 2023

Dear Sir/Madam

**The Building Act 1984,  
The Building Regulations 2010  
Location: Land Adjacent 36 Haddenham Road Wilburton Ely Cambridgeshire CB6 3RG  
Proposal: Proposed detached 4-bed 2 storey dwelling and garage**

## **Building Notice Acceptance**

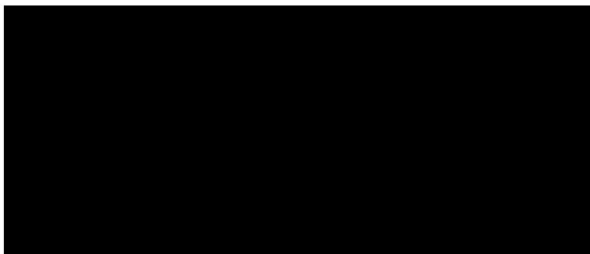
Thank you for your Building Notice application which was deposited on 18th September 2023 and subsequently accepted as a valid application on 18th September 2023 in accordance with Building Regulation 13. Please note that any plans submitted with this application are not checked for compliance with the Building Regulations and this letter does not convey any Approval under the Building Regulations or any other statutory provision.

The Officer dealing with your application initially will be **Dave Saunderson** and can be contacted on 01353 665555.

A list of stages of work requiring notification under the Building Regulations is contained on the attached sheet and is designed to help you make sure your project has had all the inspections required to enable us to issue a Completion Certificate. This certificate will be required for any future sale of the property.

You should note that, in accordance with Regulation 13(5), this application shall cease to have effect if the work associated with this Notice is not commenced within **three years** of the date of deposit.

Yours faithfully



**Craig Smith**  
Building Control Manager







Pippa Grange  
36 Haddenham Road  
Wilburton  
Ely  
Cambridgeshire  
CB6 3RG

*This matter is being dealt with by:*

**Dave Saunderson**

Tel: 01353 665555

Email: [REDACTED]

My Ref: 23/00515/DOMBN

Your Ref:

20th September 2023

Dear Sir/Madam

**The Building Act 1984,  
The Building Regulations 2010**  
Location: Land Adjacent 36 Haddenham Road Wilburton Ely Cambridgeshire CB6 3RG  
Proposal: Proposed detached 4-bed 2 storey dwelling and garage

## **Building Notice Acceptance**

Thank you for your Building Notice application which was deposited on 18th September 2023 and subsequently accepted as a valid application on 18th September 2023 in accordance with Building Regulation 13. Please note that any plans submitted with this application are not checked for compliance with the Building Regulations and this letter does not convey any Approval under the Building Regulations or any other statutory provision.

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You should note that, in accordance with Regulation 13(5), this application shall cease to have effect if the work associated with this Notice is not commenced within **three years** of the date of deposit.

Yours faithfully

[REDACTED]

**Craig Smith**  
Building Control Manager

9th November 2023

**Application Number:** 23/00515/DOMBN

**Plot Description/Number:** Det 4-bed 2sty dwelling + garage

**Plot address:** Land Adjacent 36 Haddenham Road Wilburton Ely Cambridgeshire

## INSPECTION RECORD SHEET

<b>Inspection:</b> Commencement	<b>Officer:</b> Jarred Parisi	<b>Date:</b> 19th September 2023
<b>Inspection Notes:</b> Attended site to inspect initial excavations. Small section of strip foundations showed clay at 1m depth. Mature conifer is located approx 2m away from closest point of proposed new dwelling. NHBC 4.2 Tree Guide said structural engineer's foundation design is required. Discussed with groundworker Shane White. OK to commence on system.		<b>Status:</b> Defective







