

Sir/Madam
Hart District Council
Civic Offices
GU51 4AE

12 January 2024

Dear Sir/Madam Pearson,

RE: Gazings Farm, Redlands Lane, Ewshot, Farnham, GU105AR

Town and Country Planning ACT (“TCPA”, 1990) Section 91 Application for a Certificate of Lawfulness to confirm commencement of development.

On behalf of our client, please find enclosed an application for a Certificate of Lawfulness to confirm commencement of development, to establish that Condition 1 of full planning permission ref: 20/02980/HOU has been implemented in accordance with Section 91 of the TCPA.

Background

Planning permission (ref:20/02980/HOU) for the erection of a single storey front extension and associated works, was granted on the 4th of February 2021. Condition 1 requires that the development shall begin before the expiration of three years from the date of the permission (prior to the 4th of February 2024).

The description of development of the extant permission is:

“Erection of a single storey front extension with dormer windows in the roof to provide first floor accommodation, erection of dormer windows to the front and rear roof slopes to facilitate the conversion of the roofspace to habitable accommodation, erection of a porch and alterations to all doors and windows.”

Commencement of Development

Section 91 of the TCPA (1990) states:

“(1) Subject to the provisions of this section, every planning permission granted or deemed to be granted shall be granted or, as the case may be, be deemed to be granted, subject to the condition that the development to which it relates must be begun not later than the expiration of—

- (a) [F1the applicable period,] beginning with the date on which the permission is granted or, as the case may be, deemed to be granted; or*
- (b) such other period (whether longer or shorter) beginning with that date as the authority concerned with the terms of planning permission may direct.*

(2) The period mentioned in subsection (1)(b) shall be a period which the authority consider appropriate having regard to the provisions of the development plan and to any other material considerations.

(3) If planning permission is granted without the condition required by subsection (1), it shall [F2(subject to subsections (3ZA) and (3ZB))] be deemed to have been granted subject to the condition that the development to which it relates must be begun not later than the [F3expiration of the applicable period, beginning with the date of the grant].”

To lawfully commence development, it is necessary to satisfy the legal requirements of Section 56 (4) of the TCPA (1990) which states that development is taken to begun on the earliest date on which a material operation is carried out.

Section 56 states:

(1) Subject to the following provisions of this section, for the purposes of this Act development of land shall be taken to be initiated—

(a) if the development consists of the carrying out of operations, at the time when those operations are begun;

(b) if the development consists of a change in use, at the time when the new use is instituted;

(c) if the development consists both of the carrying out of operations and of a change in use, at the earlier of the times mentioned in paragraphs (a) and (b).

(2) For the purposes of the provisions of this Part mentioned in subsection (3) 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.

(3) The provisions referred to in subsection (2) are sections [F161L(5) and (7),] 85(2), 86(6), 87(4), [F289] 91, 92 [F3, 94 and 108(3E)(c)(i)].

(4) In subsection (2) “material operation” means—

(a) any work of construction in the course of the erection of a building;

F4[(aa) any work of demolition of a building;]

(b) the digging of a trench which is to contain the foundations, or part of the foundations, of a building;

(c) the laying of any underground main or pipe to the foundations, or part of the foundations, of a building or to any such trench as is mentioned in paragraph (b);

(d) any operation in the course of laying out or constructing a road or part of a road;

(e) any change in the use of any land which constitutes material development.

This application seeks a Lawful Development Certificate to formally establish that material operations of groundworks have commenced within three years from the date of the permission, to comply with S91 and S56 of the TCPA (1990), as proven within the evidence given in Appendix 1 and 2.

Section of evidence

Date stamped photographs

Attached within Appendix 1 is photo evidence of the foundation trenches being dug, with date stamps of the 9th of January 2024, which confirm commencement of development within three years from the date of the permission (4th February 2021).

Invoice

Attached in Appendix 2 is the invoice of Peter Martin for the commencement of ground works at Gazings Farm, dated 12th January 2024. This is a material operation which has been carried out within the three years from the permission date, complying with S91 and S56 (4) of the TCPA.

Conclusion

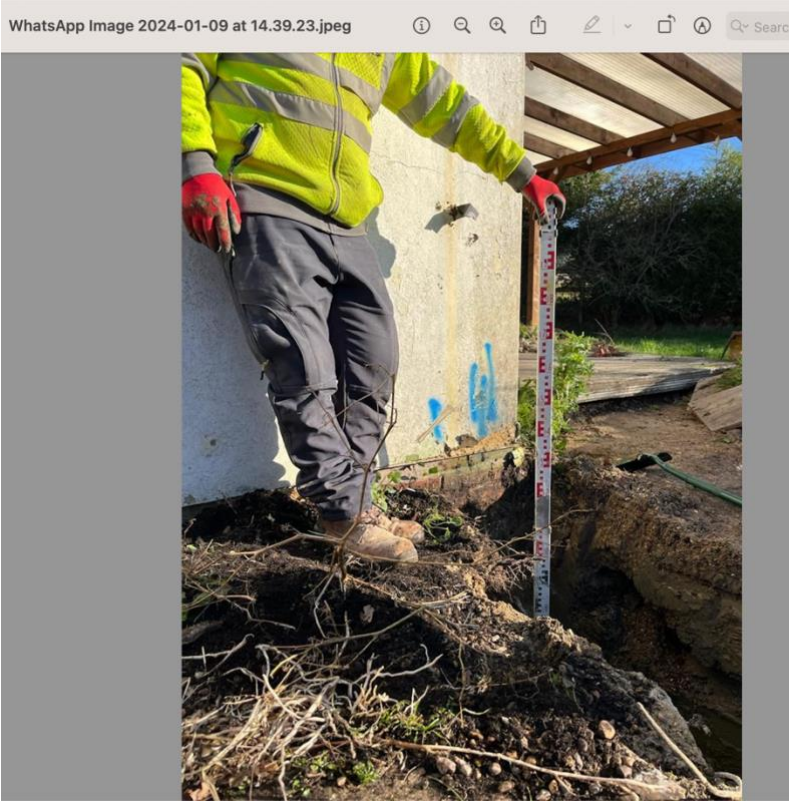
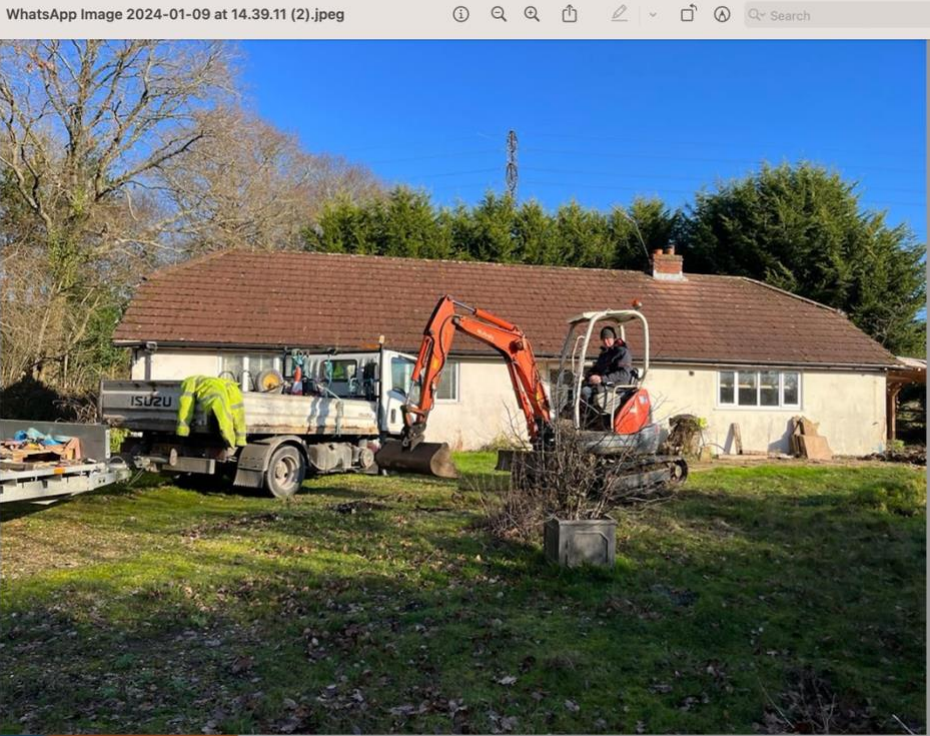
I look forward to receiving confirmation that the application for a Certificate of Lawfulness to confirm commencement of development has been validated. We trust that the enclosed evidence is sufficient, and that a Lawful Development Certificate should be granted. However, should you require any further information, please do not hesitate to contact myself or my colleagues Adam Gostling and Lauren Manoharan on 02034097755.

Yours sincerely,

Ella Payne

Assistant Planner

Appendix 1- Photo evidence



WhatsApp Image 2024-01-09 at 14.39.23 (7).jpeg



WhatsApp Image 2024-01-09 at 14.39.23 (1).jpeg



WhatsApp Image 2024-01-09 at 14.39.23 (2).jpeg



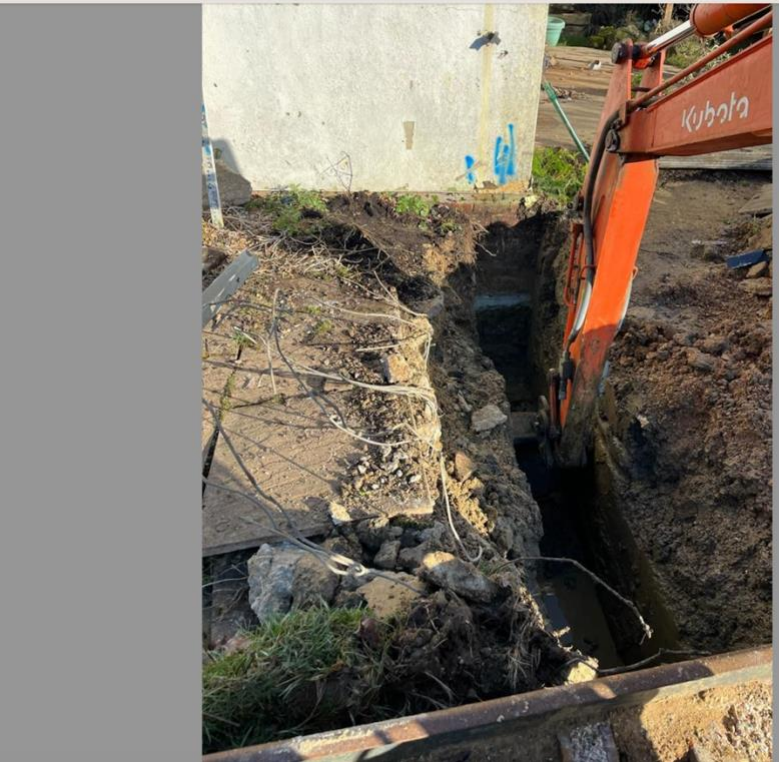
WhatsApp Image 2024-01-09 at 14.39.23 (3).jpeg



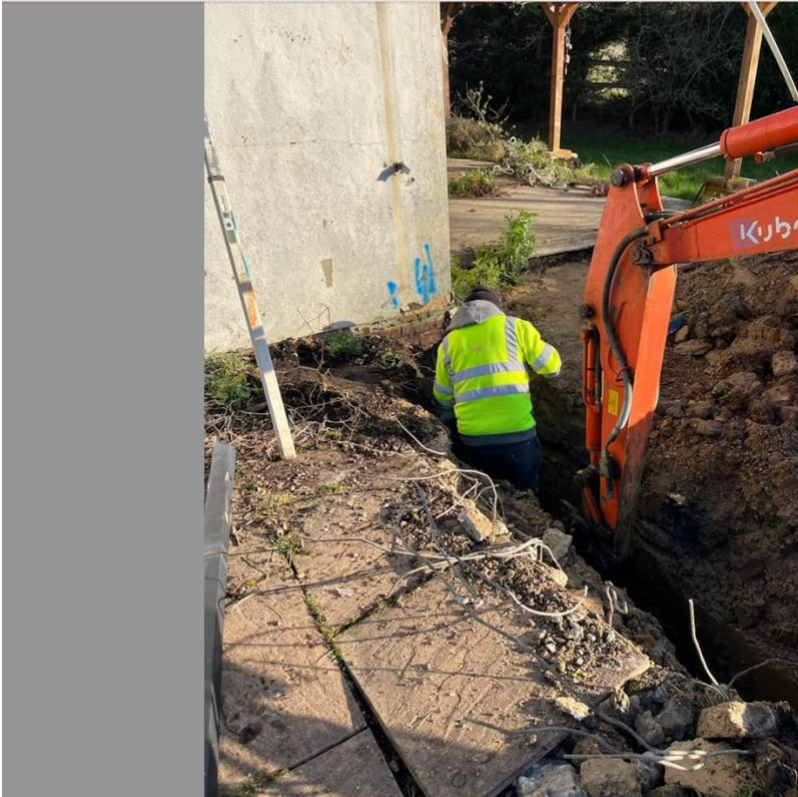
WhatsApp Image 2024-01-09 at 14.39.23 (6).jpeg



WhatsApp Image 2024-01-09 at 14.39.23 (5).jpeg



WhatsApp Image 2024-01-09 at 14.39.23 (4).jpeg



WhatsApp Image 2024-01-09 at 14.39.23 (8).jpeg



Appendix 2



12/01/24

Invoice No: 2022

360 Oak Ltd
4-5 Albany Courtyard
London
W1J 0HF

Invoice

Ref: Commence groundworks at Grazings
Farm

Net	£1,817.20
VAT @ 20%	£363.44
Total	<u>£2,180.64</u>

Peter Martin • 73 Old Idsworth • Nr. Finchdean • Hampshire • PO8 0BA
Tel: 023 9241 3222 • Mob: 07802 387388 • Email: office@petermartin.biz • Web: www.petermartin.biz
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VAT No. 711 7300 78