

Member Interest:**Delegated Report**

Application Number: V/2025/0593

Address: 73 Land Adjacent, Nottingham Road, Hucknall, Nottinghamshire, NG15 7PY

Description of Works: Application For A Lawful Development Certificate For A Lawful Material Start In Accordance With Planning Permission V/2022/0440

The Application	Application For A Lawful Development Certificate For A Lawful Material Start In Accordance With Planning Permission V/2022/0440
Policy Considerations	<p>Legal Framework</p> <p>Town and Country Planning Act 1990: Section 191 (as amended by Section 10 Planning and Compensation Act 1991)</p> <p>Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)</p> <p>Town and Country Planning (Development Management Procedure) (England) Order 2015</p>
Relevant Planning History	<p>V/1976/0641 – Site for 1 Dwelling – Conditional</p> <p>V/2020/0290 – Outline Application with some matters reserved for two detached dormer bungalows, one detached house and associated works – Conditional</p> <p>V/2022/0125 – Reserved matters application for 3 dwellings and associated works – Refusal</p> <p>V/2022/0440 – Application for approval of reserved matters following outline approval V/2020/0290 for two detached bungalows, one detached house and associated works – Conditional</p> <p>V/2023/0235 – Two detached bungalows, one detached house and associated works – Refusal</p> <p>V/2023/0644 – Application to vary condition 2 – Approved drawings of planning permission V/2022/0440 for two detached bungalows, one, detached house and associated works – Refusal – Appeal Dismissed</p> <p>V/2025/0096 – Temporary siting for a static caravan – Refusal</p> <p>V/2025/0372 – Application to discharge condition 9 – ground gas risk assessment of planning permission V/2020/0290 – CD Determined</p> <p>V/2025/0467 – Proposal for 1 x 5 bedroom self-build dwelling – Conditional</p>
Summary of comments received	N/A
Comments on above	N/A
Summary	This is an application seeking a Lawful Development Certificate for an existing use made under Section 191(1) of the Town and Country Planning Act 1990 for a lawful material start in accordance with

planning permission V/2022/0440.

The application is not a matter for determining the planning merits of the proposal, but for a legal determination based on facts and evidence. For a certificate to be issued it has to be considered whether the lawful material start has taken place in accordance with condition 1 of V/2022/0440 which reads:

“The development hereby approved shall be begun before the expiration of 3 years from the date of this permission”

The decision notice was issued on 22/08/2022 as such a material start would need to have occurred before 22/08/2025 and should be demonstrated by the applicant within their submission for a certificate to be issued.

Section 56(2) of the Town and Country Planning Act 1990 (as amended) sets out that development shall be taken as begun on the earliest date on which any material operation comprised in the development begins to be carried out. Section 52(4) sets out that “material Operation” means-

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

In support of the application the applicant has submitted building control records and photographs along with a site location plan, site layout plans, elevations, drainage plan, a copy of a conditional discharge decision notice and a statement.

Timeline based on evidence submitted

Dec 24 – Apr 25 – Statement sets out that initial works on the site began and that in April 25 the applicant was advised by an Officer that a gas risk assessment condition needed to be discharged.

14/07/2025 – Site Inspection Report, Midlands Building Control – Sets out that trench excavations for the proposed detached dwelling are dug amongst other details. The statement sets out that works commenced on House No.1.

31/07/2025 – Conditional Discharge decision in respect of condition 9- gas risk assessment of planning permission V/2020/0290. The

	<p>condition was discharged.</p> <p>07/08/2025 – The metadata for the photographs submitted showing concrete being poured into dug foundations for the front dwelling showed this date. The statement sets out that concrete foundations were poured on this date for house no.1</p> <p>08/10/2025 – Site Inspection Report, Midlands Building Control – Sets out that trenches have been dug but doesn't specify on which dwelling. The metadata for the photographs submitted in respect of the foundations having been dug for bungalow 2 was dated 08/10/2025. The statement sets out that foundations were dug on this date for bungalow No.2.</p> <p>10/10/2025 – The metadata for the photographs submitted in respect of concrete being poured into dug foundations for bungalow 2 was dated. The statement sets out that concrete for bungalow No.2 was poured on this date.</p> <p>10/12/2025 – Site Visit by case officer – Observed the footings and concrete for both the front dwelling and bungalow no.2 on site. Footings appear to be in the right locations when viewed alongside the approved site layout plan.</p> <p>Planning permission V/2022/0440 is a reserved matters application following outline consent under V/2020/0290. Condition 9 (Gas risk assessment) appears to be the only pre-commencement condition on the outline and was discharged in July 2025 as discussed above. On the reserved matters application (V/2022/0440) there doesn't appear to be any pre-commencement conditions only no works above slab level and prior to occupation/use etc.</p> <p>Based on the submitted evidence and on the balance of probabilities it is considered that planning permission (V/2022/0440) was lawfully implemented by discharging the relevant pre-commencement conditions and the making of a material start on site prior to the expiry. As such it is recommended that a certificate is granted.</p>	
Recommendation	Grant Certificate of Lawfulness	
	Signed	Dated
Case Officer		17/12/2025

Development Team Manager		18/12/2025
Determined by Service Director Or on their behalf		18/12/2025