

ROGER LEE PLANNING LTD

Chartered Town Planner – BA(Hons) MRTPI

Residential and Commercial Planning : Planning Applications, Appeals and Enforcement

FORMER MIDLOTHIAN GARAGE, NEW MILL ROAD, HOLMFIRTH

SUPPORTING STATEMENT – LAWFUL COMMENCEMENT OF DEVELOPMENT

This application is submitted under the provisions of Section 192(1)(b) of the Town and Country Planning Act 1990 as amended, and seeks to establish that that a lawful start has been made in relation to the planning permissions listed below.

Outline planning permission was granted on 26 May 2016 for the residential development of 456 dwellings and a care home with associated car parking. All matters save for the access were reserved (LPA ref 2015/60/93824/W)

Reserved matters approval was granted on 1 November 2018 (LPA ref 2018/61/91579/W).

An application has subsequently been submitted to discharge pre-commencement conditions on the outline application (application reference number 2019/91658).

Works to commence the approved development began in May 2019 and a photographic record of the works that took place was taken on 17 May 2019 – see photographs attached at Appendix 1.

The work that has taken place is the formation of the approved access for the development, reference the attached report and plans from Sanderson Associates at Appendix 2.

Under the provisions of Section 56 (2) of the Town and Country Planning Act 1990 as amended development shall be taken to have begun on the earliest date on which any material operation comprised in the development begins to be carried out. Section 56 (4) says that a "material operation" means:

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- (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.

It is considered by the applicant that the construction of the access serves as representing a lawful commencement of the development under Section 56 (4) (d) of the Act, i.e. any operation in the course of laying out or constructing a road or part of a road.