



Arun District Council
 Maltravers Road
 Littlehampton
 West Sussex BN17 5LF
 Tel: 01903 737756
www.arun.gov.uk

Application for a Lawful Development Certificate for a Proposed Use or Development

Town and Country Planning Act 1990 (as amended)

Publication of applications on planning authority websites

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

Site Location

Disclaimer: We can only make recommendations based on the answers given in the questions.

If you cannot provide a postcode, the description of site location must be completed. Please provide the most accurate site description you can, to help locate the site - for example "field to the North of the Post Office".

Number

Suffix

Property Name

Address Line 1

Address Line 2

Address Line 3

Town/city

Postcode

Description of site location must be completed if postcode is not known:

Easting (x)

Northing (y)

Description

Applicant Details

Name/Company

Title

Mr

First name

Allan

Surname

Taylor

Company Name

Address

Address line 1

The Square House

Address line 2

Hook Lane

Address line 3

Town/City

Aldingbourne

Country

United Kingdom

Postcode

PO203TS

Are you an agent acting on behalf of the applicant?

☐ Yes

☒ No

Contact Details

Primary number

Secondary number

Fax number

Email address

Description of Proposal

Does the proposal consist of, or include, the carrying out of building or other operations?

- ☒ Yes
☐ No

If Yes, please give detailed description of all such operations (includes the need to describe any proposal to alter or create a new access, layout any new street, construct any associated hard-standings, means of enclosure or means of draining the land/buildings) and indicate on your plans (in the case of a proposed building the plan should indicate the precise siting and exact dimensions)

We propose to install an acoustic fence on the boundary of two paddocks (to the west of the curtilage of the property) to screen traffic noise. The paddocks are bounded by the western end of Hook Lane (which lies to the south of one paddock) and Oving Road (which lies to the west of both paddocks). The paddocks currently have an internal wire mesh fence (with wooden posts) inside native hedgerow; the hedgerow is on the boundary of the property. The acoustic fence will be sited inside the existing boundary and inside the existing hedgerow - the hedgerow will screen the wooden fence. The hedgerow is currently more than 2 metres in height. The wooden acoustic fence will comprise timber slats in panels (the slats - approximately 100mm x 200mm x 8m each - will be laid horizontally, with ten slats installed in each panel) between steel posts; the posts will have a maximum of 2 metres above the ground and the fence will be a maximum of 2 metres high. The fences will be connected by a new gate (approximately 3.6 metres in width and 2 metres high), comprising 2 wooden panelled fences of 1.8 metres wide x 2 metres high (to replace the existing 5 bar gate at the southwest corner of the southern paddock); the gates will be solid wooden gates to assist with noise reduction.

The western edge of the paddocks (alongside the Oving Road) are approximately 4 metres from the highway. The fence will be approximately 5 metres from the highway.

The southern edge of the paddock (alongside Hook Lane) is approximately 1-3 metres from the highway (the gap increases as you move east along Hook Lane). The hedge is separated from the highway by a rife and verge. The proposed fence would be a minimum of 2 metres from the highway (as it would be installed behind the hedge, which is 1 metre wide) and can be sited to ensure this minimum distance.

The fence is proposed to be 2 metres high to improve noise reduction from Hook Lane and Oving Road.

The proposed fence will not adjoin the curtilage of the Square House (Grade II listed), as it will stop to the west of the rife than runs through the property and will not adjoin the existing brick wall to the southern border of the Square House curtilage on Hook Lane.

The proposed fence is marked by the arrowed lines on the submitted block plans.

We consider the fence does not need planning permission (as it will not be within 2 metres of a highway) but were advised to submit a lawful development certificate of proposed development before commencing works.

Does the proposal consist of, or include, a change of use of the land or building(s)?

- ☐ Yes
☒ No

Has the proposal been started?

- ☐ Yes
☒ No

Grounds for Application

Information about the existing use(s)

Please explain why you consider the existing or last use of the land is lawful, or why you consider that any existing buildings, which it is proposed to alter or extend are lawful

We consider the fence does not need planning permission (as it will not be within 2 metres of a highway) but were advised to submit a lawful development certificate of proposed development before commencing works.

Speaking to the planning officer, the fence would not be "next to a highway used by vehicles (or the footpath of such a highway)"; it would be a minimum of 2 metres from the highway (which we understand to be the relevant test). If required, we can site the fence a minimum of 3 metres from the edge of the highway.

The fence will not exceed two metres in height (from ground level).

The paddocks are not within the curtilage of a listed building. While the Square House and Granary are Grade II listed, the curtilage ceases at the western wall (which is then separated from the paddocks by a rife running through the property). When purchasing the Square House in May 2021, we assessed the curtilage with planning officers and HMRC who agreed that the paddocks amounted to agricultural land and therefore are outside of the curtilage.

No part of the fence, wall, gate or any other boundary involved, forms a boundary with a neighbouring listed building or its curtilage. The fence will stop at the eastern end of the paddock, which is separated by a rife. It will not form a boundary with the curtilage of the Square House (noting that the Square House is owned by us in any event).

The right to put up or alter fences, walls and gates has not been removed by an article four direction or a planning condition.

Please list the supporting documentary evidence (such as a planning permission) which accompanies this application

Not applicable

Select the use class that relates to the existing or last use.

C3 - Dwellinghouses

Please note that following changes to Use Classes on 1 September 2020: The list includes the now revoked Use Classes A1-5, B1, and D1-2 that should not be used in most cases. Also, the list does not include the newly introduced Use Classes E and F1-2. To provide details in relation to these or any 'Sui Generis' use, select 'Other' and specify the use where prompted. See help for more details on Use Classes.

Information about the proposed use(s)

Select the use class that relates to the proposed use.

C3 - Dwellinghouses

Please note that following changes to Use Classes on 1 September 2020: The list includes the now revoked Use Classes A1-5, B1, and D1-2 that should not be used in most cases. Also, the list does not include the newly introduced Use Classes E and F1-2. To provide details in relation to these or any 'Sui Generis' use, select 'Other' and specify the use where prompted. See help for more details on Use Classes.

Is the proposed operation or use

☒ Permanent

☐ Temporary

Why do you consider that a Lawful Development Certificate should be granted for this proposal?

We consider that a Lawful Development Certificate should be granted as the proposed fence complies with the relevant exemptions for planning permission as applied to fences.

We contacted Arun council planning office (the Duty Planning Officer) to confirm this understanding; the area of uncertainty is around the interpretation of "next to a highway". However based on our understanding and discussions with Arun council, the proposed siting of the fence would not be next to a highway (both due to its distance from the highway and because it will be behind a native hedgerow that is taller than the proposed fence and acts as a screen to the proposed fence) and therefore would be permitted to be 2 metres in height.

Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

☒ Yes

☐ No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact?

- ☐ The agent
☒ The applicant
☐ Other person

Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?

- ☒ Yes
☐ No

If Yes, please complete the following information about the advice you were given (this will help the authority to deal with this application more efficiently):

Officer name:

Title

Mr

First Name

Christopher

Surname

Best

Reference

Date (must be pre-application submission)

29/03/2022

Details of the pre-application advice received

Telephone call to the Duty Planning Officer. The proposal for the acoustic fence was discussed on a call with Mr Best, who considered that it would be prudent to request a Lawful Development Certificate prior to commencing work. Mr Best considered what might amount to "next to a highway", noting this may be open to interpretation, but that the proposal would appear to be permitted without the need for planning permission. Following his recommendation, we are submitting the required for a Lawful Development Certificate to confirm this understanding

Authority Employee/Member

With respect to the Authority, is the applicant and/or agent one of the following:

- (a) a member of staff
(b) an elected member
(c) related to a member of staff
(d) related to an elected member

It is an important principle of decision-making that the process is open and transparent.

For the purposes of this question, "related to" means related, by birth or otherwise, closely enough that a fair-minded and informed observer, having considered the facts, would conclude that there was bias on the part of the decision-maker in the Local Planning Authority.

Do any of the above statements apply?

☐ Yes

☒ No

Interest in the Land

Please state the applicant's interest in the land

☒ Owner

☐ Lessee

☐ Occupier

☐ Other

Declaration

I / We hereby apply for Lawful development: Proposed use as described in this form and accompanying plans/drawings and additional information. I / We confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the persons giving them. I / We also accept that: Once submitted, this information will be transmitted to the Local Planning Authority and, once validated by them, be made available as part of a public register and on the authority's website; our system will automatically generate and send you emails in regard to the submission of this application.

☒ I / We agree to the outlined declaration

Signed

Allan Taylor

Date

02/04/2022