

Recommendation Report for Lawful Development Certificate for a Proposed Use or Development

REF NO: **A/140/20/CLP**

LOCATION: Harcourt
 West Drive
 Angmering
 BN16 4JE

PROPOSAL: Lawful development certificate for a proposed new double gate and rebuild pier in new position, regrade ground and lay plastic cellular ground reinforcement.

DESCRIPTION OF APPLICATION

This application seeks the erection of a new double gate, rebuilding of brick pier and the regrading of ground and laying of cellular ground reinforcement.

RELEVANT SITE HISTORY

A/58/07/	Detached single garage and boundary wall with railing	ApproveConditionally 09-07-07
CIC/A/18/05/	Alleged unauthorised garden wall	
A/8/04/	Erection of garden wall	Refused 19-03-04

REPRESENTATIONS

Representations Received:

CONSULTATIONS

Consultations Responses Received:

LEGISLATIVE BACKGROUND

Section 192(2) of the Town and Country Planning Act 1990 states:-

If, on an application under this section, the local planning authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect; and in any other case they shall refuse the application.

In this instance the proposed works will be assessed against the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 (as amended).

- Part 2, Class A, which pertains to the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure.

Provided the proposed works satisfy the relevant criteria, and that no restrictive conditions to development have been imposed on the site, the proposed works will constitute Permitted Development and would not require planning permission. If the works fail to accord with the criteria then planning permission will be required for them to take place.

CONCLUSION

The proposed erection of new double gate and rebuilding of brick pier is considered to fall under Schedule 2 part 2 class A of the town and country planning (General Permitted Development) (England) Order 2015.

A.1 Development is not permitted by Class A if-

- (a) the height of any gate, fence, wall or means of enclosure erected or constructed adjacent to a highway used by vehicular traffic would, after the carrying out of the development, exceed-
 - (i) for a school, 2 metres above ground level, provided that any part of the gate, fence, wall or means of enclosure which is more than 1 metre above ground level does not create an obstruction to the view of persons using the highway as to be likely to cause danger to such persons;
 - (ii) in any other case, 1 metre above ground level;
- (b) the height of any other gate, fence, wall or means of enclosure erected or constructed would exceed 2 metres above ground level;
- (c) the height of any gate, fence, wall or other means of enclosure maintained, improved or altered would, as a result of the development, exceed its former height or the height referred to in paragraph (a) or (b) as the height appropriate to it if erected or constructed, whichever is the greater; or
- (d) it would involve development within the curtilage of, or to a gate, fence, wall or other means of enclosure surrounding, a listed building.

The property known as Harcourt is a detached property and is not listed or within a conservation area. The proposed new gate and brick pier would be of a similar style to existing.

Examination of the site history has revealed no restrictions to permitted development rights.

The proposed erection of a gate and brick pier complies with the relevant sections of Schedule 2 part 2 class A of the town and country planning (General Permitted Development) (England) Order 2015, (a)(c)

and as such does not require the submission of an application for full planning permission.

The moderate regrading of the garden area and laying of cellular ground reinforcement directly to soil, in this case, is not thought to constitute development as per Section 55 of the Town and Country Planning Act 1990 in that the works described do not constitute the carrying out of building, engineering, mining or other operations in, on, over or under land.

RECOMMENDATION

PP NOT REQUIRED

The Arun District Council hereby certify that on 12th October 2020 the development described in the First Schedule to this certificate in respect of the land specified in the Second Schedule to this certificate and edged in black on the plan attached to this certificate, is lawful within the meaning of section 192 of the Town & Country Planning Act 1990 by reason of compliance with the relevant criteria within Schedule 2 Part 2 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015.

FIRST SCHEDULE

The proposed erection of new double gate and rebuilding of brick pier is considered to fall under Schedule 2 part 2 class A of the town and country planning (General Permitted Development) (England) Order 2015.

The development hereby approved shall be carried out in accordance with the following approved plans

- Location and Block Plan 031
- Proposed Plan 030A
- Planning Statement

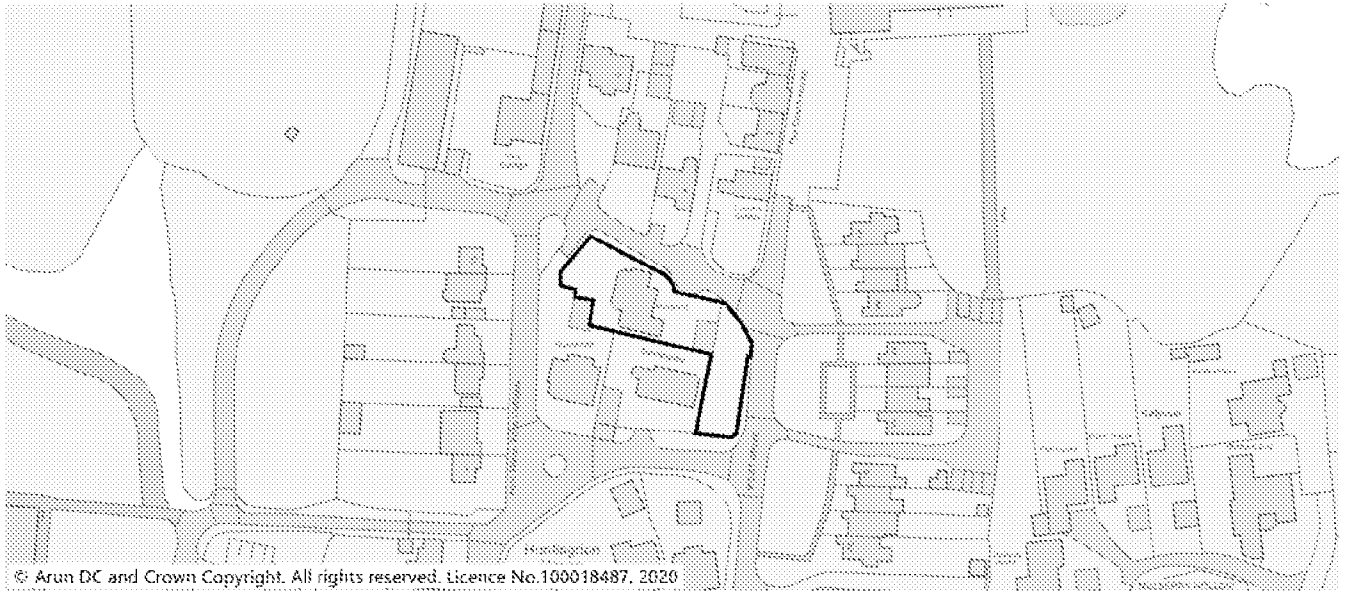
SECOND SCHEDULE

Harcourt, West Drive BN16 4JE

EXTENT OF USE

The proposed erection of new double gate and rebuilding of brick pier in new position. The gate is to be 1.6m to 1.9m tall in black painted steel, it is proposed an existing brick pier be relocated a short distance from current position. The existing brick piers range from 1.8m to 2.1m to underside of coping.

A/140/20/CLP - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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