

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

REF NO: **A/188/20/CLP**

LOCATION: Land to South of Downs Way and
North of 15 & 34 Ambersham Crescent
Angmering
BN16 1AA

PROPOSAL: Lawful development certificate for a Proposed 600mm wire gauge fence and 2m high
hedge around perimeter.

DESCRIPTION OF APPLICATION

The works seek to construct a 0.6m high wire gauge fence around the perimeter of the site. It is noted the description includes reference to a 2m hedge, however, this is not covered by Permitted Development regulations.

RELEVANT SITE HISTORY

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) (No. 2) (England) Order 2015 (as amended).

- Part 2, Class A, which pertains to the erection, construction, 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

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.

Interpretation of Class A

A.2 For the purposes of Class A, "school" includes:

(a) premises which have changed use under Class S or T of Part 3 of this Schedule (changes of use) to become a state-funded school or registered nursery as defined in paragraph X of Part 3; and

(b) a building permitted by Class C of Part 4 of this Schedule (temporary buildings and uses) to be used temporarily as a school, from the date the local planning authority is notified as provided in paragraph C.2(b) of Part 4.

SUMMARY

The area of land to the South of Downs Way, and North of 15 & 34 Ambersham Crescent is not situated within a Conservation Area, nor have any other heritage protection status.

There are no Permitted Development Restrictions covering the area.

The proposed wire fencing is considered to be in accordance with the Part 2, Class A1 of the General Permitted Development Order and is therefore considered to be permitted development and would not require the submission of a planning application.

RECOMMENDATION

PP NOT REQUIRED

The Arun District Council hereby certify that on 13/11/2020 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, would have been lawful within the meaning of section 192 of the Town & Country Planning Act 1990 because the proposal is considered to be within Part 2, Class A1 of the General Permitted Development Order and therefore permitted development. It is noted that a 2m high hedge around the perimeter of the site does not constitute development and is therefore not subject to planning control.

FIRST SCHEDULE

The construction of a 0.6m high fence around the perimeter of the site.

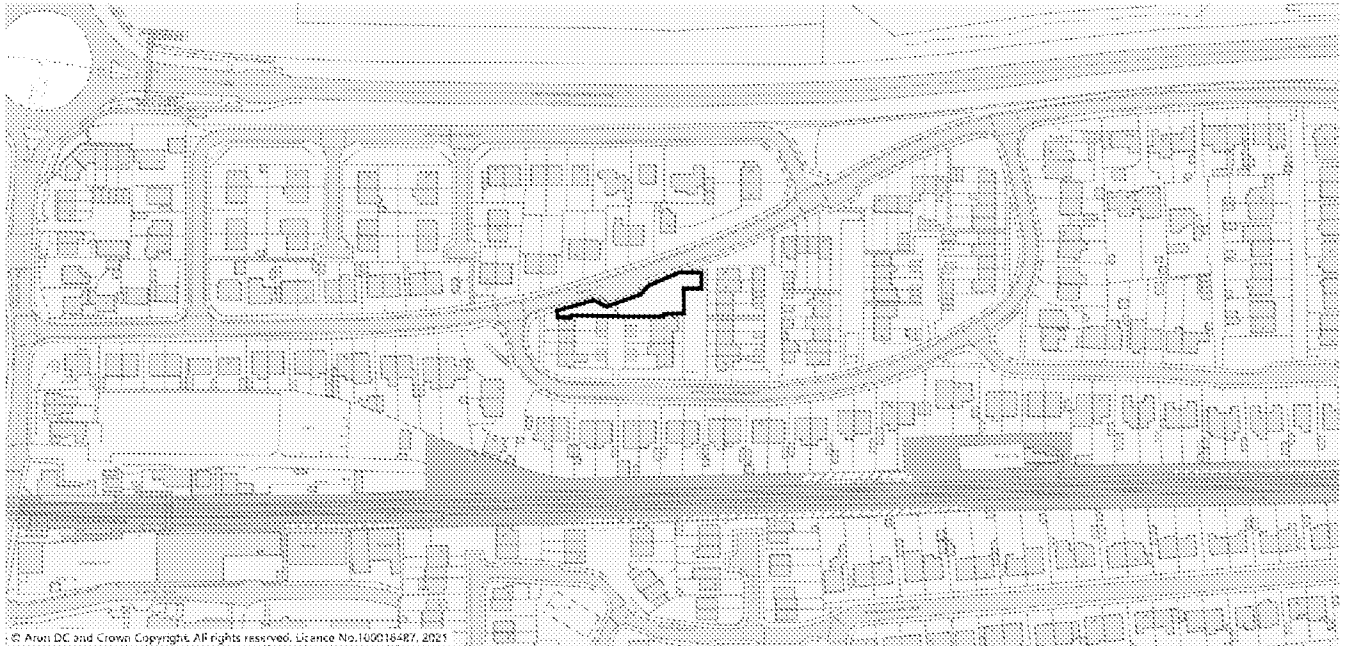
SECOND SCHEDULE

Land South of Downs Way and North of 15 & 34 Ambersham Crescent, Downs Way, Littlehampton, BN16 1AA.

EXTENT OF USE

The construction of a 0.6m high fence around the perimeter of the site.

A/188/20/CLP - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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