

**CERTIFICATE OF LAWFUL PROPOSED DEVELOPMENT REPORT**

**REF NO:** EP/27/11/CLP

**LOCATION:** 6 Eastern Close  
East Preston

**PROPOSAL:** Application for a Lawful Development Certificate for a Proposed Use for the provision of crossover

**SITE AND SURROUNDINGS**

|                             |                                                                                                              |
|-----------------------------|--------------------------------------------------------------------------------------------------------------|
| DESCRIPTION OF APPLICATION  | As above.                                                                                                    |
| SITE AREA                   | N/A                                                                                                          |
| RESIDENTIAL DEVELOPMENT DEN | N/A                                                                                                          |
| TOPOGRAPHY                  | Predominantly flat                                                                                           |
| TREES                       | None of any significance affected by the proposed development.                                               |
| BOUNDARY TREATMENT          | Close board timber fencing to east boundary, approximately 2m in height a section of which is to be removed. |
| SITE CHARACTERISTICS        | End of terrace two storey dwelling. Amenity to side of dwelling.                                             |
| CHARACTER OF LOCALITY       | Residential cul-de-sac, characterised by 2 storey terraced dwellings and bungalows.                          |

**RELEVANT SITE HISTORY**

|            |                                                                                                                                                            |                              |
|------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|
| PAA/12/11/ | Pre-application advice to provide off-road parking for 2 cars using a drop-down kerb leading to existing space at the side of the house at 6 Eastern Close | Pre-app Issued<br>10-02-2011 |
|------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|

**REPRESENTATIONS**

**Representations received:**

None

**Comments on Representations received:**

None

**CONSULTATIONS**

**Consultations responses received:**

None

**Comments on Consultation responses:**

None

**DEVELOPMENT PLAN AND/OR 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.

**OTHER MATERIAL CONSIDERATIONS**

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

**CONCLUSIONS**

The application seeks a Certificate of Lawfulness for a proposed hard-standing to the east side of No.6 Eastern Close and vehicle crossover from Eastern Close.

The proposed development for a hard-standing is considered to fall under Schedule 2 Part 1 Class F of the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008 in that it relates to "the provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse as such".

Class F.1 states that development is permitted subject to the condition that where-

- (a) the hard surface would be situated on land between a wall forming the principal elevation of the dwellinghouse and a highway, and
- (b) the area of ground covered by the hard surface, or the area of hard surface replaced, would exceed 5 square metres,

either the hard surface shall be made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse.

The proposed hard-standing would be to the side of the dwelling and is to be constructed from a porous material, therefore the proposal would comply with Class F of the above order.

The proposed development for a vehicle crossover is considered to fall under Schedule 2 Part 2 Class B of the Town and Country Planning (General Permitted Development) Order 1995 in that it relates to "The formation, laying out and construction of a means of access to a highway which is not a trunk road or a classified road, where that access is required in connection with development permitted by any Class in this Schedule (other than by Class A of this Part)".

The proposed vehicle crossover would be from an unclassified road and is required to access development permitted under Part 1 Class F of Schedule 2, therefore the proposal complies with the conditions of Schedule 2, Part 2, Class B of the above order.

The proposed development is deemed to be "Permitted Development", and as such does not

require planning permission.

**RECOMMENDATION**

**PLANNING PERMISSION NOT REQUIRED**

- 1 The Arun District Council hereby certify that on the 15th March 2011 the development hereby described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged boldly on the plan attached to this certificate was lawful within the meaning of section 192 of the Town and Country Planning Act 1990 (as amended), for the following reasons:

The proposed development for a hard-standing is considered to fall under Schedule 2 Part 1 Class F of the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008 in that it relates to "the provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse as such".

Class F.1 states that development is permitted subject to the condition that where-

- (a) the hard surface would be situated on land between a wall forming the principal elevation of the dwellinghouse and a highway, and
- (b) the area of ground covered by the hard surface, or the area of hard surface replaced, would exceed 5 square metres,

either the hard surface shall be made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse.

The proposed hard-standing would be to the side of the dwelling and is to be constructed from a porous material, therefore the proposal would comply with Class F of the above order.

The proposed development for a vehicle crossover is considered to fall under Schedule 2 Part 2 Class B of the Town and Country Planning (General Permitted Development) Order 1995 in that it relates to "The formation, laying out and construction of a means of access to a highway which is not a trunk road or a classified road, where that access is required in connection with development permitted by any Class in this Schedule (other than by Class A of this Part)".

The proposed vehicle crossover would be from an unclassified road and is required to access development permitted under Part 1 Class of schedule 2, therefore the proposal complies with the conditions of Schedule 2, Part 2, Class B of the above order.

- 2 The proposed development is for a hard-standing to the east side of the existing dwellinghouse and the provision of a vehicular crossover.
- 3 The hard standing measures approximately 6.2m in width x 5m in depth.

The vehicle crossover measures approximately 5m in width.

4      6 Eastern Close, East Preston, West Sussex, BN16 1BS