

APPLICATION NO: EP/27/11/CLP

TOWN AND COUNTRY PLANNING ACT 1990

SECTION 191 AND 192

(as amended by section 10 of the Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING DEVELOPMENT MANAGEMENT PROCEDURES

CERTIFICATE OF LAWFUL USE OR DEVELOPMENT

The Arun District Council hereby certify that on the 15th March 2011 the use 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 191 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.

Signed

On behalf of Arun District Council



Karl Roberts
Assistant Director Planning Services &
Housing Strategy

Date of Decision: 4th April 2011

Date Decision Issued 4th April 2011

Case Officer: Mr P Cleveland

First Schedule

The proposed development is for a hard-standing to the east side of the existing dwellinghouse and the provision of a vehicular crossover.

Extent of Use

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

Second Schedule

The hard standing measures approximately 6.2m in width x 5m in depth.

The vehicle crossover measures approximately 5m in width.

IT IS IMPORTANT THAT YOU READ THE NOTES ATTACHED TO THIS DOCUMENT

NOTES RELATING TO CERTIFICATE OF PROPOSED LAWFUL USE OR DEVELOPMENT

TOWN & COUNTRY PLANNING ACT 1990

This certificate is issued solely for the purpose of section 192 of the Town & Country Planning Act 1990 (as amended).

It certifies that the use specified in the First Schedule taking place on the land described in the Second Schedule was lawful, on the specified date and therefore, was not liable to enforcement action under section 172 of the 1990 Act on that date.

This Certificate applies only to the extent of the use described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use which is materially different from that described or which relates to other land may render the owner or occupier liable to enforcement action.

The effect of the certificate is also qualified by the proviso in section 192(4) of the 1990 Act, as amended, which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations began, in any of the matters relevant to determining such lawfulness.

Please note that this decision notice only relates to matters under the Planning Acts and does not give consent under any other legislation that may apply to the development. You will need to carry out your own checks to determine whether any other consents or permissions are required. For example, the Building Regulations are likely to apply to most developments, and a Highways Licence may be required from West Sussex County Council for any development within the public highway (including the placing of skips on highway land).

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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,

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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.

Signed

On behalf of Arun District Council



Karl Roberts
Assistant Director Planning Services &
Housing Strategy

Date of Decision: 4th April 2011

Date Decision Issued 4th April 2011

Case Officer: Mr P Cleveland

First Schedule

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