

WEST SUSSEX COUNTY COUNCIL CONSULTATION

TO:	Arun District Council FAO: K Welch
FROM:	WSSC - Highways Authority
DATE:	23 December 2021
LOCATION:	8 Beagle Drive Arundel BN18 0NY
SUBJECT:	F/25/21/PL Retention of prefabricated concrete workshop at rear with rear access onto Lewis Lane & realignment of the rear boundary (resubmission following F11/21/PL). This application is in CIL Zone 2 (Zero Rated) as other development.
DATE OF SITE VISIT:	n/a
RECOMMENDATION:	Advice
S106 CONTRIBUTION TOTAL:	n/a

This application has been dealt with in accordance with the Development Control Scheme protocol for small scale proposals.

This application is a resubmission of F/11/21/PL for retention of prefabricated concrete workshop at rear with rear access onto Lewis Lane & realignment of the rear boundary. The LHA was consulted previously on F/11/21/PL and requested modification of the plans to remove the unlawfully constructed hardstanding to the rear.

The site is located on Beagle Drive, an un-classified road subject to a speed limit of 30mph. The proposed workshop is also accessed to the rear, from Lewis Lane, an un-classified no-through road subject to a speed limit of 30mph.

The plans submitted within this application do not indicate any proposed dropped kerb access to the workshop and that the previous garage-style door to the rear of the workshop has been replaced with a single pedestrian door, for use of the workshop for storage of bicycles, bins and garden tools.

The applicant previously indicated that hardstanding had been erected within land to the rear of the site. This is no longer part of the current application however, if still present it may be subject to enforcement by WSSC as Local Highways Authority.

The pedestrian door which has replaced the previous garage door appears to open outwards. Ideally this should be amended to be an inwardly opening door.

It appears that the rear boundary of the site has been relocated without obtaining planning approval and as such this application seeks to regularise the situation - the land in question now houses the workshop that has been erected on the site. The LHA has established that the depth of land considered to be highway boundary extends 1.8m from the back edge of the carriageway. If the proposed workshop falls within land considered to be public highway, in order to avoid enforcement action, this will require Stopping Up to legally remove the highway rights.

Given the application is retrospective, if planning consent was to be granted, the development would only become lawful (and exempt from potential enforcement action) if the applicant successfully applies to 'Stop Up' the land, i.e. extinguish the highway rights. Retrospective Stopping Up would have to be undertaken via Section 116 of the Highways Act 1980, which involves an application to the Magistrates' Court for which they will have to pay. This is a legal process and there is no guarantee the stopping up will be successful, this can therefore not be secured via planning condition.

Conclusion

The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 111), and that there are no transport grounds to resist the proposal.

If the LPA are minded to approve the application, the following informative should be applied:

Informative

If it is determined that the workshop building does obstruct public highway, the applicant would be advised that the land subject of this application which is considered to be publicly maintained highways should be formally stopped up via the appropriate legal mechanism. The applicant would be advised to contact WSCC Legal Services to find out further information about the Stopping Up procedure and how to commence an application.



Nicola Fry
West Sussex County Council – Planning Services