

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

REF NO: F/8/21/CLP

LOCATION: 2 Barge Close
Yapton
BN18 0FX

PROPOSAL: Lawful development certificate for a proposed additional driveway

DESCRIPTION OF APPLICATION

This application seeks a new paved driveway to front of property.

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) (England) Order 2015 (as amended).

- Class F, which pertains to hard surfaces.

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 driveway is considered to fall under Schedule 2 part 1 class F of the Town and Country Planning (General Permitted Development) (England) Order 2015.

This provides permitted development rights within the curtilage of a house for -

- (a) the provision of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse as such or
- (b) the replacement in whole or in part of such a surface

F.1 Development is not permitted by Class F if permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, PA, or Q of Part 3 of this Schedule (change of use) Conditions.

F.2 Development is permitted by Class F 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.

2 Barge Close is a detached property and is not listed or in a conservation area. The driveway would be constructed on permeable materials to match other drives in the development.

There are restrictions to Permitted Development rights however these relate to mobile structures and holding of markets on the land and are therefore not of relevance to this application.

The proposed driveway complies with relevant sections (a)(b) F.1 and F.2 and is considered permitted development and as such does not require the submission of an application for full planning permission.

RECOMMENDATION

PP NOT REQUIRED

The Arun District Council hereby certify that on 12th May 2021 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, was 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 1 Class F of the Town and Country Planning (General Permitted Development) (England) Order 2015.

FIRST SCHEDULE

The proposed driveway is considered to fall under Schedule 2 Part 1 of the GDPO

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

- Planning Statement**
- Location plan showing drive dated 7th May 2021**
- Location Plan (OS extract)**

SECOND SCHEDULE

2 Barge Close, Yapton

EXTENT OF USE

Permeable block paved driveway to front of property.

F/8/21/CLP - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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