

Recommendation Report for Lawful Development Certificate for a Proposed Use or Development**REF NO:** M/61/19/CLP**LOCATION:** Beach Near Old Point
Middleton On Sea
PO22 7RY**PROPOSAL:** Lawful development certificate for a proposed construction of breakwater comprised of 3-5 tonne armourstone rocks within a groyne bay in front of existing sea wall.**DESCRIPTION OF APPLICATION**

The application proposes:

- 1) The construction of a small breakwater within a groyne bay in front of an existing sea wall. Breakwater comprises 3-5 tonne armourstone rocks stacked to form a trapezoidal cross section over an area of approximately 119 metres; and
- 2) Temporary welfare unit at the end of Sea Lane during construction comprising approximately 106 square metres in size

RELEVANT SITE HISTORY

M/77/03/	Application under Regulation 3 of the Town & Country Planning General Regulations 1992 for the placement of rock on the foreshore as a coastal defence.	Deemed Perm Cnd 13-08-03
M/105/00/	Application under Regulation 3 of the Town & Country General Regulations 1992 for a rock armour toe to be placed against existing timber breastwork.	ApproveConditionally 08-12-00
M/28/95	Application under Regulation 3 of the Town & Country Planning General Regulations 1995 to retain rock armour to existing sea wall.	Deemed Perm 26-07-95
M/9/93	Application under Regulation 3 of the Town & Country Planning General Regulations 1992 for placement of rock armouring to sea wall.	File Closed 05-05-93

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.

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 Lawful Development Certificate application relates to Crown Land. Section 293 of the Town and Country Planning Act 1990 (as amended) sets out the definition of Crown Land. The land relating to this application is under the freehold ownership of the Her Majesty's Crown Estate and is leased to Arun District Council for its ongoing management and maintenance.

The proposed developments are considered to fall under Schedule 2, Part 19, Class A of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2015 (as amended).

Class A(a) allows:

A. The erection or construction and the maintenance, improvement or other alteration by or on behalf of the Crown of any small ancillary building, works or equipment Crown land required for operational purposes

A.1 The reference in Class A to any small ancillary building, works or equipment is a reference to any ancillary building, works or equipment not exceeding 4 metres in height or 200 cubic metres in capacity.

The applicant has provided written confirmation that the proposed breakwater would not comprise more

than 200 cubic metres in capacity. The applicant has also provided written confirmation that the proposed welfare unit would not be greater than 4 metres in height.

The proposed breakwater constructed of groynes and temporary ancillary building complies with the relevant sections (a) and A.1 and is considered to be '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 21.11.2019 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 for the following reasons:

1. The proposed development complies with the limitations of Schedule 2, Part 19, Class A of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2015 (as amended).

FIRST SCHEDULE

Crown development falling within Section 293 of the Town and Country Planning Act 1990 comprising:

Construction of a breakwater comprising 3 - 5 tonnes armoustone rocks within a groyne bay in front of existing sea wall; and siting of a temporary welfare unit at the end of Sea Lane during construction not exceeding 106 square metres

As shown on the following plans:

- Site/Location Plan 50/03/52/02**
- Breakwater and Associated Groyne Stabilisation Plan 50/03/52/01**

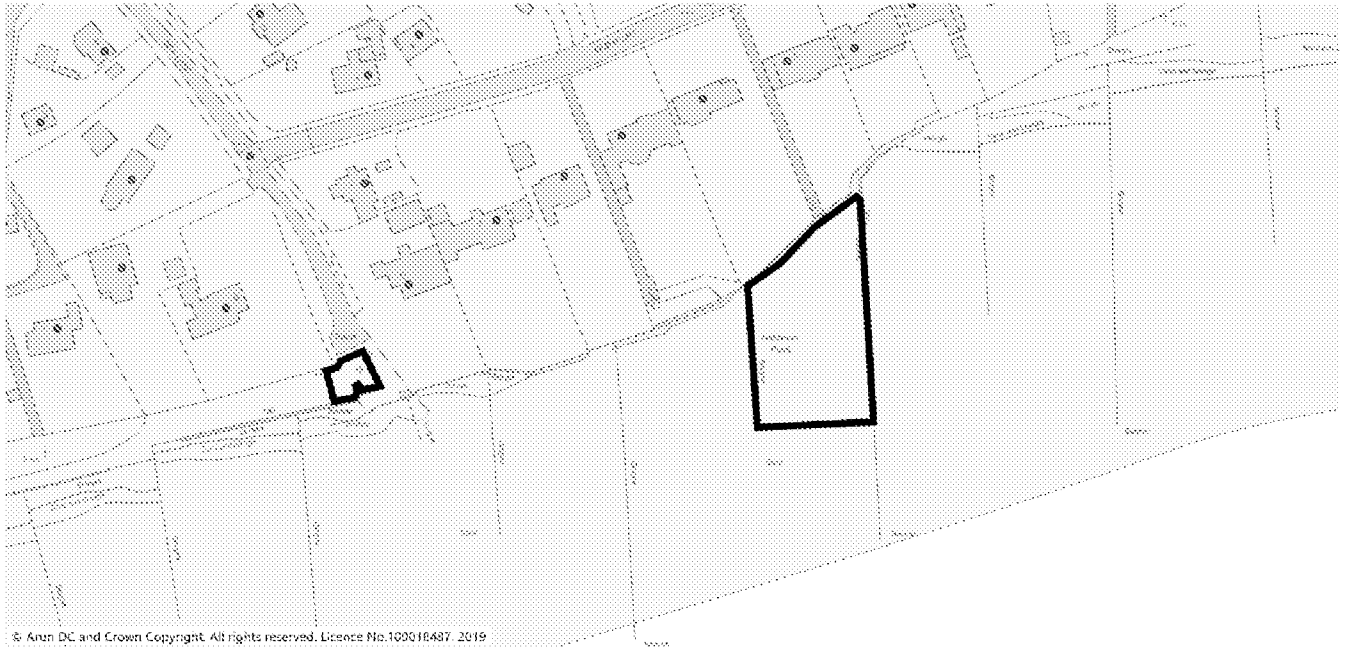
SECOND SCHEDULE

Beach near Old Point, Middleton on Sea, PO22 7RY

1. Construction of a breakwater comprising 3 - 5 tonnes armoustone rocks within a groyne bay in front of existing sea wall; and

2. Siting of a temporary welfare unit at the end of Sea Lane during construction not exceeding 106 square metres

M/61/19/CLP - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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