

Application for a Lawful Development Certificate for a Proposed use or development.
Town and Country Planning Act 1990: Section 192, as amended by section 10 of the Planning and
Compensation act 1991.
Town and Country Planning (Development Management Procedure) (England) Order 2015

Publication of applications on planning authority websites.

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

1. Site Address

Number	19
Suffix	
Property name	
Address line 1	Merlin Way
Address line 2	
Address line 3	
Town/city	Middleton-On-Sea
Postcode	PO22 6RN
Description of site location must be completed if postcode is not known:	
Easting (x)	496957
Northing (y)	100668
Description	

2. Applicant Details

Title	Mr
First name	Paul
Surname	Holman
Company name	
Address line 1	19 MERLIN WAY
Address line 2	Middleton-on-Sea
Address line 3	
Town/city	MIDDLETON-ON-SEA

2. Applicant Details

Country	United Kingdom
Postcode	PO22 6RN
Are you an agent acting on behalf of the applicant?	
Primary number	
Secondary number	
Fax number	
Email address	

☐ Yes ☐ No

3. Agent Details

No Agent details were submitted for this application

4. Description of Proposal

Does the proposal consist of, or include, the carrying out of building or other operations?

☐ Yes ☐ No

If Yes, please give detailed description of all such operations (includes the need to describe any proposal to alter or create a new access, layout any new street, construct any associated hard-standings, means of enclosure or means of draining the land/buildings) and indicate on your plans (in the case of a proposed building the plan should indicate the precise siting and exact dimensions)

Replace existing 1.8m side fence with 2.0m side fence (feather edge boards + gravel boards).

Permitted development rights state that fences can only be built up to 1m high if adjacent to a highway (or footpath) and 2m high in all other cases. I believe the fence in its current location with a grass verge of varying width between it and the footpath is not adjacent the the highway therefore the 1m restrictions should not apply here. to this or not. In addition, there is currently a fence approx. 1.8m tall present which extends beyond the line of the fence I wish to replace.

Does the proposal consist of, or include, a change of use of the land or building(s)?

☐ Yes ☐ No

Has the proposal been started?

☐ Yes ☐ No

5. Grounds for Application

Information about the existing use(s)

Please explain why you consider the existing or last use of the land is lawful, or why you consider that any existing buildings, which it is proposed to alter or extend are lawful

Permitted development rights state that fences can only be built up to 1m high if adjacent to a highway (or footpath) and 2m high in all other cases. I believe the fence in its current location with a grass verge of varying width between it and the footpath is not adjacent the the highway therefore the 1m restrictions should not apply here. to this or not. In addition, there is currently a fence approx. 1.8m tall present which extends beyond the line of the fence I wish to replace.

Please list the supporting documentary evidence (such as a planning permission) which accompanies this application

Select the use class that relates to the existing or last use. Please note that following changes to Use Classes on 1 September 2020, the list includes the now revoked Use Classes A1-5, B1, and D1-2 that should not be used in most cases. Also, the list does not include the newly introduced Use Classes E and F1-2. To provide details in relation to these or any 'Sui Generis' use, select 'Other' and specify the use where prompted. See help for more details on Use Classes.

Other

Other

Replace a fence on a residential property

Information about the proposed use(s)

5. Grounds for Application

Select the use class that relates to the proposed use. Please note that following changes to Use Classes on 1 September 2020, the list includes the now revoked Use Classes A1-5, B1, and D1-2 that should not be used in most cases. Also, the list does not include the newly introduced Use Classes E and F1-2. To provide details in relation to these or any 'Sui Generis' use, select 'Other' and specify the use where prompted. See help for more details on Use Classes.

Other

Other

Replace a fence on a residential property

Is the proposed operation or use

☒ Permanent ☐ Temporary

Why do you consider that a Lawful Development Certificate should be granted for this proposal?

I believe the fence in its current location with a grass verge of varying width between it and the footpath is not adjacent the the highway therefore the 1m restrictions should not apply here. to this or not. In addition, there is currently a fence approx. 1.8m tall present which extends beyond the line of the fence I wish to replace.

6. Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

☒ Yes ☐ No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact?

- ☒ The agent
☒ The applicant
☐ Other person

7. Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?

☒ Yes ☐ No

If Yes, please complete the following information about the advice you were given (this will help the authority to deal with this application more efficiently):

Officer name:

Title	Mr
First name	Christopher
Surname	Best
Reference	

Date (Must be pre-application submission)

07/05/2021

Details of the pre-application advice received

The role of the duty planner is generally a 'sign-posting' service and in this situation I must direct you a list of permitted development rights for fences (available here: https://www.planningportal.co.uk/info/200130/common_projects/20/fences_gates_and_garden_walls) and instruct that if you're still not sure whether permission is required, you may wish to apply for a 'lawful development certificate for a proposed use' (available here: <https://www.arun.gov.uk/making-a-planning-application/>), which will give you a decision in writing as to whether planning permission is required, however there is a cost to this.

Nevertheless, it is my opinion that while permitted development rights state that fences can only be built up to 1m high if adjacent to a highway (or footpath) and 2m high in all other cases, it could be argued either way as to whether the fence in its current location with a grass verge of varying width between it and the footpath is adjacent to this or not. In addition, given that there is currently a fence approx. 1.8m tall present which extends beyond the line of which you wish to replace, a new fence of up to 2m even if technically requiring planning permission, might not be expedient to enforce the removal of.

Like I said, whether a 2m fence is permitted development could possibly be argued either way so the above paragraph is only my opinion and the Council may still choose to take an alternative view if works are carried out and deemed to require planning permission.

I hope this information is of use.

7. Pre-application Advice

Kind regards,

Christopher Best

Senior Planning Officer (Compliance)

8. Authority Employee/Member

With respect to the Authority, is the applicant and/or agent one of the following:

- (a) a member of staff
- (b) an elected member
- (c) related to a member of staff
- (d) related to an elected member

It is an important principle of decision-making that the process is open and transparent.

☐ Yes ☐ No

For the purposes of this question, "related to" means related, by birth or otherwise, closely enough that a fair-minded and informed observer, having considered the facts, would conclude that there was bias on the part of the decision-maker in the Local Planning Authority.

Do any of the above statements apply?

9. Interest in the Land

Please state the applicant's interest in the land

- ☐ Owner
- ☐ Lessee
- ☐ Occupier
- ☐ Other

10. Declaration

I/we hereby apply for a Lawful Development Certificate as described in this form and the accompanying plans/drawings and additional information. I/we confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them. ☒

Date (cannot be pre-application)

11/05/2021