

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

REF NO: R/29/22/CLP

LOCATION: Amberley Road
Rustington
BN16 2EE

PROPOSAL: Lawful development certificate for the proposed installation of traffic calming measures by means of an automated gate, 2 No speed humps at north end of road.

DESCRIPTION OF APPLICATION

This application seeks to install 2 road humps and 1 electric gate to the junction of Amberley Road with Glenville Road.

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).

- Part 9, Class E, which pertains to repairs to unadopted streets and private ways

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 proposed alterations to the road and gate are considered to fall under Schedule 2 part 9 class E of the town and country planning (General Permitted Development) (England) Order 2015.

The carrying out on land within the boundaries of an unadopted street or private way of works required for the maintenance or improvement of the street or way.

Interpretation of Class E

E.1 For the purposes of Class E, "unadopted street" means a street not being a highway maintainable at the public expense within the meaning of the Highways Act 1980(1).

The Amberley Road is an unadopted highway and is not located within conservation area.

The proposed alterations and gate comply with relevant sections E.1 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 15th February 2022 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 9 Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015.

FIRST SCHEDULE

The proposed road alterations and gate is considered to fall under Schedule 2 Part 9 of the GDPO.

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

- Site Plan
- Gate Location/ Description
- CAD image
- Location Plan

SECOND SCHEDULE

Amberley Road, Rustington

EXTENT OF USE

**Installation of 2 road humps to section of Amberley Road between Merton Avenue and Glenville Rod and
1 electric gate to be positioned at junction of Amberley Road and Glenville Road.**

R/29/22/CLP - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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