

Recommendation Report for Lawful Development Certificate for a Proposed Use or Development**REF NO:** R/66/22/CLP**LOCATION:** West end of Knightscroft Avenue
Rustington**PROPOSAL:** Lawful development certificate for proposed new electronically operated access gate.**DESCRIPTION OF APPLICATION**

This application seeks to install 1 No. electronically activated gate on the West end of Knightscroft Avenue.

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

We have received 11 No. representations from nearby occupiers regarding this application. There are 5 No. Support, 1 No. No Objection and 5 No. Objections.

Those in support regard benefits of safety, traffic calming being necessary, minimal impacts on emergency traffic and prevention of cut-through traffic.

Those in objection regard the dangerous hold up of traffic, the additional congestion/pollution, limiting emergency traffic access, that it is unnecessary and concerns regarding the owner of the certificate of lawfulness.

This application does not grant nor refuse planning permission for the proposal. This is a determination of whether or not the proposal is considered permitted development under Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015. Representations cannot be considered for this type of application.

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

E. 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).

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

The proposed gate complies 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 13/05/22 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 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 Location Plan and Block Plan 1136/03.
- Proposed Site Layout / Gate Elevation 1136/02 (Rev A).

SECOND SCHEDULE

Knightscroft Avenue, Rustington, West Sussex.

EXTENT OF USE

Installation of 1 No. electronically activated gate to the West end of Knightscroft Avenue.

R/66/22/CLP - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



Based on the Ordnance Survey mapping with permission of the Controller of Her Majesty's Stationery Office © Crown Copyright.
 Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Arun District Council
 100018487. 2015