

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

REF NO: WA/74/20/CLP

LOCATION: Walberton House
The Street
Walberton
BN18 0PJ

PROPOSAL: Lawful development certificate for a proposed formation of new vehicular access through brick wall (not listed) on private land.

DESCRIPTION OF APPLICATION

The application seeks to construct a gateway through an existing wall.

RELEVANT SITE HISTORY

WA/44/20/CLP	Lawful development certificate for the proposed formation of new vehicular access through brick wall on private land.	PP Required 02-10-20
WA/29/20/DOC	Approval of details reserved by condition imposed under ref WA/38/17/PL relating to Condition Nos 5 - hard & soft landscaping, 7 - elevations & sections of all new doors & windows and 8 - cycle parking & bin storage	DOC Approved 10-06-20

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 2, Class A, which pertains to the enlargement, improvement, or other alterations to a dwellinghouse.

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

A.1 Development is not permitted by Class A if:

(a) the height of any gate, fence, wall or means of enclosure erected or constructed adjacent to a highway used by vehicular traffic would, after the carrying out of the development, exceed:

(i) for a school, 2 metres above ground level, provided that any part of the gate, fence, wall or means of enclosure which is more than 1 metre above ground level does not create an obstruction to the view of persons using the highway as to be likely to cause danger to such persons;

(ii) in any other case, 1 metre above ground level;

(b) the height of any other gate, fence, wall or means of enclosure erected or constructed would exceed 2 metres above ground level;

(c) the height of any gate, fence, wall or other means of enclosure maintained, improved or altered would, as a result of the development, exceed its former height or the height referred to in paragraph (a) or (b) as the height appropriate to it if erected or constructed, whichever is the greater; or

(d) it would involve development within the curtilage of, or to a gate, fence, wall or other means of enclosure surrounding, a listed building.

Interpretation of Class A

A.2 For the purposes of Class A, "school" includes:

(a) premises which have changed use under Class S or T of Part 3 of this Schedule (changes of use) to become a state-funded school or registered nursery as defined in paragraph X of Part 3; and

(b) a building permitted by Class C of Part 4 of this Schedule (temporary buildings and uses) to be used temporarily as a school, from the date the local planning authority is notified as provided in paragraph C.2(b) of Part 4.

SUMMARY

The property known as The Old Apple Store, Walberton House is not a Listed Building or situated within a Conservation Area.

There are no Permitted Development Restrictions covering the property.

The proposed gate is considered to be in accordance with the Part 2, Class A1 of the General Permitted Development Order and is therefore considered to be permitted development and would not require the submission of a planning application.

RECOMMENDATION

PP NOT REQUIRED

The Arun District Council hereby certify that on the 08/10/2020 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, would have been lawful within the meaning of section 192 of the Town & Country Planning Act 1990 because the proposal is considered to be within Part 2, Class A1 of the General Permitted Development Order and therefore permitted development.

FIRST SCHEDULE

Construction of a gate.

SECOND SCHEDULE

The Old Apple Store, The Street, Walberton, West Sussex, BN18 0PJ.

EXTENT OF USE

Lawful development certificate for the construction of a gate.

