

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

REF NO: WA/99/19/CLP

LOCATION: St Marys Churchyard
Walberton
BN18 0PT

PROPOSAL: Application for a Lawful Development Certificate for a Proposed development -
Concrete surface of existing path

DESCRIPTION OF APPLICATION

The application seeks to create a concrete path.

RELEVANT SITE HISTORY

WA/87/16/PL	Footpath lighting. This application affects the character and appearance of Walberton Conservation Area & the setting of a Listed Building	ApproveConditionally 19-12-16
WA/54/16/PL	Change of use of land from agriculture to become an extension to St. Marys churchyard. This application is a Departure from the Development Plan, affects the setting of a Listed Building & affects the character & appearance of the Walberton Village Conservation Area.	ApproveConditionally 07-10-16

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.

CONCLUSION

The proposed creation of a concrete path would constitute development. This is due to the fact that it would constitute engineering works, resultant of its size.

Town and Country Planning Act 1990 Section 55, Paragraph 1 states:

"Subject to the following provisions of this section, in this Act, except where the context otherwise requires, "development," means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land."

It is considered that as a result of the size of the proposed pathway, being 14m long, the resultant engineering works would constitute development.

The proposal is considered to result in significant engineering works on land, and is therefore considered to be development, in line with Section 55, Part 1 of the Town & Country Planning Act. The proposal would therefore require submission for planning permission.

RECOMMENDATION

PP REQUIRED

The Arun District Council hereby certify that on 08/10/2019 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 not considered to be development within the meaning of section 55 of the Town & Country Planning Act 1990 for the following reasons:

- The proposal is considered to result in significant engineering works on land, and is therefore considered to be development, in line with Section 55, Part 1 of the Town & Country Planning Act.

FIRST SCHEDULE

The construction of a concrete pathway.

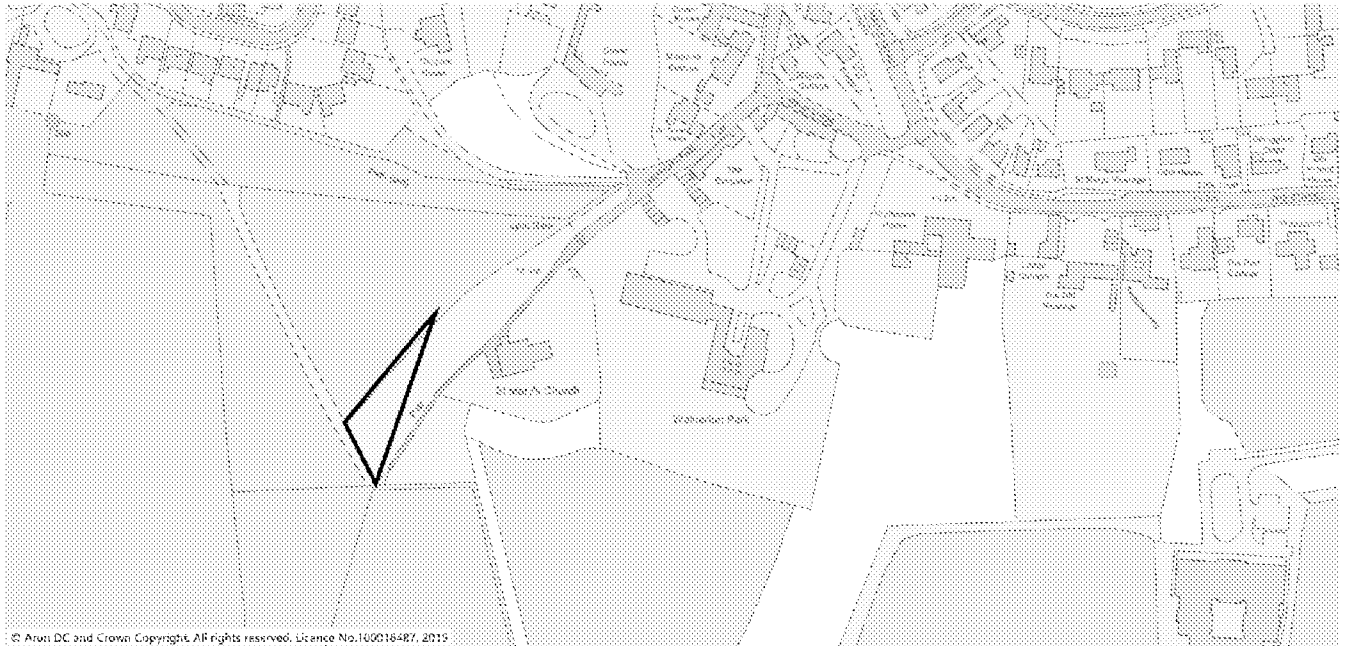
SECOND SCHEDULE

St. Mary's Vicarage, The Street, Walberton, West Sussex, BN18 0PQ

EXTENT OF USE

The construction of a concrete pathway.

WA/99/19/CLP - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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