



Town & Country Planning Act 1990 (as amended)
Town & Country Planning (Development Management Procedure) (England)
Order 2015 - Article 39
Application for Certificate of Lawfulness for a Proposed use or Operation
DECISION NOTICE

Application Ref: Y/96/18/CLP

To Addressee

Mr Paul Clarke
 PDK Architecture and Surveying
 29 Breach Avenue
 Southbourne
 Emsworth
 PO10 8NB

Site Address

5 Hobbs Court
 The Potting Barn

BN18 0JY

Description of Application

Certificate of lawfulness for a proposed use - erection of freestanding victorian arch

The Arun District Council hereby certify that on 30/11/2018 the Victorian arch 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 for the following reasons;

The proposed installation of a Victorian Arch would not constitute development in accordance with s.55 of the Town and Country Planning Act 1990 as amended because the structure would be freestanding, moveable and would not require a builder or tradesman to install it.

The proposal is to install a freestanding Victorian arch 2.3 metres by 1.6 metres with a height of 2.00 metres.

The installation proposed is a freestanding Victorian arch as shown on the submitted drawings;

**House Plan dwg.no. 005B 0221 Rev B dated 29/11/18/
 House Elevation dwg.no. 006B 0221 Rev B dated 29/11/18/
 Elevation drawing received on 29/11/2018.**

SECOND SCHEDULE**5 Hobbs Court, The Potting Barn, Bilsham Road, Yapton BN18 0JY****IT IS IMPORTANT THAT YOU READ THE NOTES ATTACHED TO THIS DOCUMENT**

Head of Planning Services
 Arun District Council
 The Arun Civic Centre
 Maltravers Road
 Littlehampton
 West Sussex BN17 5LF

Case Officer: Andrew Wood

Decision Issued: **30 January 2019**

NOTES RELATING TO CERTIFICATE OF PROPOSED LAWFUL USE OR DEVELOPMENT**TOWN & COUNTRY PLANNING ACT 1990**

This certificate is issued solely for the purpose of section 192 of the Town & Country Planning Act 1990 (as amended).

It certifies that the use, operation or matter specified in the First Schedule taking place on the land described in the Second Schedule was lawful, on the specified date and therefore, would not have been liable to enforcement action under section 172 of the 1990 Act on that date.

This Certificate applies only to the extent of the use, operation or matter described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use, operation or matter which is materially different from that described or which relates to other land may render the owner or occupier liable to enforcement action.

The effect of the certificate is also qualified by the proviso in section 192(4) of the 1990 Act, as amended, which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations began, in any of the matters relevant to determining such lawfulness.

Please note that this decision notice only relates to matters under the Planning Acts and does not give consent under any other legislation that may apply to the development. You will need to carry out your own checks to determine whether any other consents or permissions are required. For example, the Building Regulations are likely to apply to most developments, and a Highways Licence may be required from West Sussex County Council for any development within the public highway (including the placing of skips on highway land).



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