SQUIRES PLANNING

Adur District Council,
The Shoreham Centre,
Pond Road,
Shoreham-by-Sea,
West Sussex, BN43 5WU

07 July 2023

Dear Sir / Madam,

35 FALCON CLOSE, SHOREHAM-BY-SEA, WEST SUSSEX, BN43 5HN

On behalf of our client, David Cotton, please find enclosed an application for a Certificate of Lawful Development (proposed) for:

'*Erection of 0.9m wall and associated works'*

Alongside the relevant fee and application form, this application comprises the following plans and documents:

1. Proposed Plans Pack
2. Covering Letter (*this letter)*

This document provides an overview of the site, its context, and the proposed development before assessing the proposal against the Town and Country (General Permitted Development) (England) Order 2015.

Overview & Background

35 Falcon Close is a property situated to the southeast of Shoreham-by-Sea, circa 150m north of Shoreham Beach. It comprises a two storey dwellinghouse with a front parking area and a side patio garden. It is enclosed on its western and southern boundary by a wooden fence, on its south-eastern boundary by a hedge. To the east and west, the property was previously enclosed by a low brick wall, which has since been replaced by a new wall.

The wall measures 0.9m with 1.8m pillars. Unfortunately our client was not aware that as the wall fronts a highway, Class A of Part 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 only allows for a wall of a maximum height of 1m. This was identified by the Council and our client submitted a planning application (AWDM/1536/22) to regularise the works.

Application AWDM/1536/22 was refused by the Council on the 25th April 2023. On the 15th May 2023, Officer Peter Barnett informed our client that the wall would need to be removed or reduced in height to comply with Class A.

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Our client will reduce the height of the wall to 0.9m and wishes to submit this application for a certificate of lawful development to ensure that the Council's enforcement team are satisfied that the wall would fall under Class A and that the development would be lawful.

Alongside the wall, the associated works include the erection of a gate to provide access to the front door of the property which also falls within Class A. It is also noted that the plans also show a wooden letter box, however this would be free standing and would not require any formal consent as it would not constitute development.

Assessment

Subject to requirements, Class A allows:

> '*The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure'*

The table below provides a review of the development of the wall against the legislation, demonstrating compliance with Class A.

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 carrying out the development, exceed– i. for a school, 2 metres above ground level, provided that any part of the gate, wall or means of enclosure which is more than 1 metres 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	The proposed wall would not be situated at a school and measures 0.9m in height therefore complying with (ii).
(b) the height of any gate, fence, wall or means of enclosure erected or constructed would exceed 2 metres above ground level;	The height of the wall is 0.9m from ground level and therefore the requirement is met.
(c) the height of any gate, fence or 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 greater; or	No gate, fence or means of enclose is being maintained, improved or altered and therefore the requirement is met. However, it is noted that the proposed wall would not exceed the height of the existing 1.8m wall that was built without permission.
(d) it would involve development within the curtilage of, or to a gate, fence, wall or other means of enclosure surrounding, a listed building.	The development is not within the curtilage of a listed building and therefore this requirement is met.

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The proposed wall and gate therefore complies with Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Conclusion

As demonstrated in this letter, the proposed wall and gate complies with Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015.

The local planning authority are kindly requested to issue a certificate of lawful development for the proposed works.

Should you require any further information to assist with the determination of this application, please do not hesitate to contact us.

Yours sincerely,



James Halls
Planner | MPlan

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