WORTHING BOROUGH COUNCIL

Mr Rudi Dharmalingam
15 Bulkington Ave
Worthing
BN14 7HH
United Kingdom

# CERTIFICATE OF PROPOSED LAWFUL USE OR DEVELOPMENT

**TOWN AND COUNTRY PLANNING ACT 1990: SECTION 192 (AS AMENDED)**
**TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)(ENGLAND) ORDER 2015; article 39**

## Application Number : AWDM/0662/24

In pursuance of their powers under the above mentioned act the Worthing Borough Council; hereby notify you that the matter described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged red on the plan submitted with this application, was not lawful within the meaning of section 192 of the Town and Country Planning Act 1990 (as amended) and that they REFUSE to issue a Certificate of Proposed Lawful Use or Development under section 192 of the Town and Country Planning Act 1990 (as amended), for the following reason:-

01. The development proposal shown on drawing no. 2003/03 titled 'Elevations' is not permitted development since Schedule 2, Part 2, Class A only permits the height of any gate, fence, wall or means of enclosure erected or constructed adjacent to a highway used by vehicular traffic to not exceed 1 metre above ground level. As the fence would be over 1 metre adjacent to the highway and would exceed its former height adjacent to highway the application should be refused as the requirements of Condition A1 (a) and (c) of Schedule 2, Part 2, Class A of the Town & Country Planning (General Permitted development) Order have not been met.

This decision is based on the following submitted plans/documents for avoidance of doubt.

| Reference/Drawing Number | Version | Date Rec |
|---|---|---|
| PHOTOS EXISTING FENCE | | 19.06.2024 |
| LOCATION PLAN | | 19.06.2024 |
| BLOCK PLAN | | 19.06.2024 |
| EXISTING & PROPOSED PLANS | 1001 REV 02 | 19.06.2024 |
| EXISTING & PROPOSED ELEVATIONS | 2003 REV 03 | 19.06.2024 |

**First Schedule**
Application for a Lawful Development Certificate for a Proposed replacement fence along driveway

**Second Schedule**
15 Bulkington Avenue Worthing West Sussex BN14 7HH

**Ref: - AWDM/0662/24**

G Peck

Gary Peck
Planning Services Manager Date: 07.08.2024

**Ref: - AWDM/0662/24**

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**YOUR ATTENTION IS DIRECTED TO THE FOLLOWING NOTES FROM THE ABOVE ORDER. THEY ARE FOR INFORMATION ONLY AND DO NOT PRETEND TO SET OUT THE WHOLE OF THE LAW ON THE SUBJECT. IT WOULD BE WELL FOR YOU TO CONSULT YOUR SOLICITOR IF YOU ARE IN ANY DOUBT**

1. If the applicant is aggrieved by the decision of your Local Planning Authority to refuse a Certificate of Lawful Use or Development, whether in whole or in part (including a case in which the Authority modify the description of the use, operations or other matter in the application or substitute an alternative description for that description), the applicant may appeal to the Secretary of State in accordance with Sections 78 of the Town and Country Planning Act 1990 within six months of the date of this notice.

2. If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within:
28 days of the date of service of the enforcement notice,
or within 6 months (12 weeks in the case of a householder appeal) of the date of this notice, whichever period expires earlier

3. Further correspondence about this application should quote the application number.

4. Where this notice conveys the granting of a certificate, please note that the decision does not purport to convey planning permission nor any consent or approval which may be required under the Public Health Acts, the Building Regulations, or any other legislation.

5. Appeals can be made online at https://www.gov.uk/planning-inspectorate. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of appeal form on tel: 0303 444 5000. The Secretary of State has power to allow a longer period for the giving of notice of appeal but will not normally be prepared to exercise this power unless there are special circumstances, which excuse the delay in giving notice of appeal.