Development Management - Delegated Officer Report

Application Number: **Recommendation – Permit**
AWDM/0020/12

Site: **Land situated to the east of No's 1-7 Adur Close, Brighton Road, Lancing, West Sussex BN15 8LP**

Proposal: **Application for Lawful Development Certificate for proposed erection of a part 1.5m high, part 1.0m high boundary fence.**

Date of site visit: 05.01.12

Neighbours checked: N/A

Additional neighbour notifications: N/A

The Application

The application is to determine whether a planning application is required for the proposals to this plot of land to the east of No's 1-7 Adur Close. The land is designated as part of the Strategic Gap separating the built up area of Shoreham and Lancing. The westernmost part of the land has been cultivated as residential amenity spaces, with mown grass, and planted borders and shrubs, adjacent to the pedestrian footpath serving the houses. Further to the east and south the land is still in the form of undeveloped land with gorse and long grass making up the main part. To the north and east the site is bounded by a 1m high barbed wire and post fence.

The proposals under consideration consist of the erection of a boundary fence along the western boundary of the plot of land, running alongside the pedestrian footpath which serves No's 1 – 7 Adur Close. The fence would be diamond wire mesh, with timber arris rails and vertical posts. The fence would be1.5m in height to the top of the posts, for the main part, with the southernmost panel (2m in width) being 1.0m in height. The fence would then return to the east alongside a parking bay at 1m in height.

Relevant Planning Legislation

Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 or GPDO. Schedule 2 Part 2 Minor Operations

Class A:- The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure.

Planning Assessment

The proposals are clearly 'development' as defined by section 55 of the T&CP Act 1990.

The relevant Class A, of Part 2 of Schedule 2 to Article 3 of the Town & Country Planning (General Permitted Development) Order 1995 (as amended in 2008) confers permission (termed 'permitted development') for such operations. They contain a number of limitations:-

Class A

(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 one metre above ground level - The proposed fence would where adjacent (within 2m) of the highway be no more than 1.0m in height.

(b) The height of any other gate, fence, wall or means of enclosure erected or constructed would exceed two metres above ground level – The remainder of the fence would be a maximum of 1.5m in height.

(c) The height of any gate, fence, wall etc. would exceed its former height or height referred to in (a) or (b) – N/A fence not a replacement

(d) It would involve development within the curtilage of, or to a gate, fence wall etc. surrounding a listed building – N/A

Recommendation

That a Certificate of Lawfulness is issued.

Description: Application for Lawful Development Certificate for proposed erection of a part 1.5m high, part 1.0m high boundary fence.

Land at: Land situated to the east of No's 1-7 Adur Close, Brighton Road, Lancing, West Sussex BN15 8LP

The proposal constitutes 'permitted development' under Class A, Part 2 of Schedule 2 to Article 3 of the Town & Country Planning (General Permitted Development) Order 1995 (as amended in 2008).

Case Officer: Carlos Hone Date: 01.02.12

Authorised by: Jo Morin Date: 02.02.12