

Application for a Lawful Development Certificate for a Proposed use or development.
Town and Country Planning Act 1990: Section 192, as amended by section 10 of the Planning and
Compensation act 1991.

Town and Country Planning (Development Management Procedure) (England) Order 2015

Publication of applications on planning authority websites.

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

1. Site Address

Number	74
Suffix	
Property name	The Saltings
Address line 1	Warblington Road
Address line 2	
Address line 3	
Town/city	Emsworth
Postcode	PO10 7HH
Description of site location must be completed if postcode is not known:	
Easting (x)	474097
Northing (y)	105375
Description	

2. Applicant Details

Title	Mr
First name	David
Surname	Gratton
Company name	
Address line 1	Saltings
Address line 2	74, Warblington Road
Address line 3	
Town/city	Emsworth

2. Applicant Details

Country

Postcode

PO10 7HH

Are you an agent acting on behalf of the applicant?

☐ Yes ☒ No

Primary number

Secondary number

Fax number

Email address

3. Agent Details

No Agent details were submitted for this application

4. Description of Proposal

Does the proposal consist of, or include, the carrying out of building or other operations?

☒ Yes ☐ No

If Yes, please give detailed description of all such operations (includes the need to describe any proposal to alter or create a new access, layout any new street, construct any associated hard-standings, means of enclosure or means of draining the land/buildings) and indicate on your plans (in the case of a proposed building the plan should indicate the precise siting and exact dimensions)

As owners of the above property, we wish to contain our land at the south boundary and to improve the overall appearance of the south boundary when viewed from the south.
The south boundary abuts onto a public footpath, which is not a highway used by vehicles, with an overgrown verge which connects the end of Beach Road and the end of Warblington Road as an extension of Western Parade.
The property is outside the Area of Outstanding Natural Beauty which is to the south of the footpath to the south of the property, nor is it in a conservation area. The rear garden of the property is 0.8-0.9m higher than the footpath with a steep bank connecting the two levels. The distance between the south boundary of the property and the footpath ("Verge") varies between 0.9m and 1.6m wide with the steep bank accounting for 0.3-0.4m of the Verge.
There is a double gate and attached single gate at the west end of the south boundary with a short section of fence to its right, facing north. In total, this is 5.0m of the overall south boundary.
The gates are 2.0m high, measured from the footpath level not from the flowerbed/lawn level.
The verge comprises hawthorn bushes, grasses, and weeds, is not maintained, and consequentially is overgrown. In places the vegetation is dead.
This section of the south boundary is 25.25m giving an overall south boundary length of 30.25m.
There is a hedge within the south boundary for part of its length comprising a mixture of old privet and bay. In places this has died (honey fungus) and is mixed with extensive ivy growth or is non-existent. This is unsightly from both aspects, looking north and south.
The boundary is marked within the hedge by rusted angle iron uprights, two concrete posts demarking an old gate to the footpath and a stock fence. These will all be removed.
It is our intention to contain our land at the south boundary and to improve the overall appearance of the boundary viewed from the south with the following actions:
1.Remove and dispose of existing hedge, ivy, etc. that is on land owned by us.
2.Dig a ditch to the north of the boundary to just below footpath level i.e. on land owned by us which can be done from within our property.
3.Install timber effect concrete sleepers in the ditch to a height of 1m above the footpath i.e. to just above the existing flowerbed level.
4.Install a 1m high vertical hit and miss fence directly on top of the sleepers thus retaining the current overall height of 2m. Hit and miss fencing is less prone to wind damage and will, we believe, provide a softer aspect.
Previous consultation with Havant Borough Council Planning Department, reference GEN/20/00374, has confirmed that "The fencing replacement would be acceptable and permitted development under Schedule 1 Part 2 Class A.". The Environment Agency has been consulted - see attached document for details.

Does the proposal consist of, or include, a change of use of the land or building(s)?

☐ Yes ☒ No

Has the proposal been started?

☐ Yes ☒ No

5. Grounds for Application

Information about the existing use(s)

Please explain why you consider the existing or last use of the land is lawful, or why you consider that any existing buildings, which it is proposed to alter or extend are lawful

The changes we are proposing relate to replacing a dead/dying hedge and rusting stock fence with a wooden fence to the same height. Previous consultation with Havant Borough Council Planning Department, reference GEN/20/00374, has confirmed that "The fencing replacement would be acceptable and permitted development under Schedule 1 Part 2 Class A.".

Our garden at the south boundary is 1m higher than the abutting footpath with a steep, overgrown bank joining the two. Over time, we expect the bank to be eroded hence our wish to address this now by digging a ditch within our land adjacent to the south boundary and install timber effect concrete sleepers to just above the existing flowerbed level.

The Environment Agency has been consulted. Their response was that "this is a 'lower risk' development proposal falling within Flood Zones 2 and 3. Your proposal falls within this category.

"We recommend that you view our standing advice in full before submitting the required information as part of your planning application. The local planning authority will then determine whether flood risk has been considered in line with FRSA recommendations. We will not be consulted on this planning application."

Applying the FRSA for a low risk development within Flood Zones 2 and 3 shows that:

This proposal is a minor extension as defined

5. Grounds for Application

This proposal is unlikely to raise flood risk issues.
Applying the risk assessment advice for a minor development:
"You need to provide a plan showing the finished floor levels and the estimated flood levels." N/A as there is no change to existing floor or flood levels
"Make sure the floor levels are either no lower than existing floor levels or 300 millimetres (mm) above the estimated flood level. If they are not, ask your local planning authority if you also need to consider extra flood resistance and resilience measures." N/A as there is no change to existing floor or flood levels
"State in your assessment all levels in relation to Ordnance Datum (the height above average sea level). You may be able to get this information from the Ordnance Survey. If not, you'll need to get a land survey carried out by a qualified surveyor." N/A as there is no change to existing levels
"Your plans need to show how you're going to ensure the development is not flooded by surface water. An example of this could be to divert surface water away from the property or by using flood barriers." No change to the property that would change the flows of surface water
"If your minor extension is in an area with increased flood risk as a result of multiple minor extensions in the area, you need to include an assessment of the off-site flood risk. Check with your local planning authority if this applies to your development." No other minor developments in the immediate vicinity of our south boundary
"Make sure your flood resistance and resilience plans follow the guidance on improving the flood performance of new buildings". N/A as no new building proposed

Please list the supporting documentary evidence (such as a planning permission) which accompanies this application

If you consider the existing or last use is within a 'Use Class' in the Town and Country Planning (Use Classes) Order 1987 (as amended) state which one:

Please Select...

Information about the proposed use(s)

If you consider the proposed use is within a 'Use Class' in the Town and Country Planning (Use Classes) Order 1987 (as amended), state which one:

Please Select...

Is the proposed operation or use ☒ Permanent ☐ Temporary

Why do you consider that a Lawful Development Certificate should be granted for this proposal?

The erection of the fence is a permitted development under Schedule 1 Part 2 Class A and is regarded by Havant Borough Council Planning Department as acceptable.
Adding concrete sleepers beneath the fence does not change the line of the existing boundary and complies with the FRSA recommendations for a low risk development in Flood Zones 2 and 3.

6. Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land? ☒ Yes ☐ No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact?

- ☐ The agent
- ☒ The applicant
- ☐ Other person

7. Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application? ☒ Yes ☐ No

If Yes, please complete the following information about the advice you were given (this will help the authority to deal with this application more efficiently):

Officer name:

Title

Ms

First name

Surname

Reference

GEN/20/00374

Date (Must be pre-application submission)

04/06/2020

Details of the pre-application advice received

Previous consultation with Havant Borough Council Planning Department, reference GEN/20/00374, has confirmed that "The fencing replacement would be acceptable and permitted development under Schedule 1 Part 2 Class A."
On the advice of Havant Borough Council Planning Department, the Environment Agency has been consulted. Their response was "We have produced a series of standard comments for local planning authorities and planning applicants to refer to on 'lower risk' development proposals falling within Flood Zones 2

7. Pre-application Advice

and 3.

These comments replace direct case-by-case consultation with us. Your proposal falls within this category. These standard comments are known as Flood Risk Standing Advice (FRSA). They can be viewed at <https://www.gov.uk/guidance/flood-risk-assessment-for-planning-applications#when-to-follow-standing-advice>.

We recommend that you view our standing advice in full before submitting the required information as part of your planning application. The local planning authority will then determine whether flood risk has been considered in line with FRSA recommendations. We will not be consulted on this planning application." A FRSA has been completed - see attached document for details of this.

8. Authority Employee/Member

With respect to the Authority, is the applicant and/or agent one of the following:

- (a) a member of staff
- (b) an elected member
- (c) related to a member of staff
- (d) related to an elected member

It is an important principle of decision-making that the process is open and transparent.

☐ Yes ☒ No

For the purposes of this question, "related to" means related, by birth or otherwise, closely enough that a fair-minded and informed observer, having considered the facts, would conclude that there was bias on the part of the decision-maker in the Local Planning Authority.

Do any of the above statements apply?

9. Interest in the Land

Please state the applicant's interest in the land

- ☒ Owner
- ☐ Lessee
- ☐ Occupier
- ☐ Other

10. Declaration

I/we hereby apply for a Lawful Development Certificate as described in this form and the accompanying plans/drawings and additional information. I/we confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them. ☒

Date (cannot be pre-application)