

Recommendation:

Statutory advertisement: Not applicable.

Number of representations received: 0

7 Planning Considerations

7.1 Having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:

(i) Principle of development

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7.2 The proposal has been assessed against the 'Permitted Development' allowances in the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

7.3 The development has been assessed against Part 2 Class A.

7.4 Under Class A gates, fences, walls etc. the proposed boundary wall meets the following tests:

(a) The height of the wall erected or constructed adjacent to a highway used by vehicular traffic would, after carrying out the development not exceed 1 metre above ground level

(b) The height of the wall or constructed would not exceed 2 metres above ground level (where not adjacent to the highway).

(c) The height of the wall maintained, improved or altered would as a result of the development not 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 the greater;

(d) It would not involve development within the curtilage of a listed building

7.5 A2 - The application site is not situated with Article 2(3) land.

7.6 A search of the planning history has not revealed any conditions that restrict 'permitted development' rights. nor is the dwelling part of an Article 4 direction.

8 Conclusion

8.1 The proposed development falls within permitted development regulations as set out in Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). Therefore, a Lawful Development Certificate can be issued.

9 RECOMMENDATION:

That the head of Planning be authorised to **GRANT A CERTIFICATE OF LAWFUL USE** for application APP/19/01198

Havant Borough Council, as Local Planning Authority, certifies that on 04 December 2019 the development described in the First Schedule to this certificate in respect of

land described in the Second Schedule and as shown edged in red on the submitted Location Plan was lawful within the meaning of section 192 of the Town and Country Planning Act 1990 (as amended) for the following reason:

The proposed development falls within permitted development allowances as set out in Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.

FIRST SCHEDULE:

This certificate relates to the following development:

Proposed boundary wall as described in the written particulars, plans and other documents submitted with your application received on 04 December 2019.

SECOND SCHEDULE:

This certificate relates to land at 83 Inhurst Avenue, Waterloooville, PO7 7QT as shown edged red on the submitted Location Plan received 04 December 2019.

OTHER IMPORTANT INFORMATION:

- (1) This Certificate is issued solely for the purpose of Sections 192 of the Town and Country Planning Act 1990 (as amended). It does not relate to any other application that may be required under any other part of the Town and Country Planning Act, the Building Regulations or under any other Act, Regulation, Byelaw or Order where the Council's approval may be needed. For further guidance as to the need for consent under the Building Regulations please phone 023 9244 6571.
- (2) It certifies that the development specified in the First Schedule taking place on land described in the Second Schedule would have been lawful within the meaning of section 192 of the Town and Country Planning Act 1990 (as amended) on the specified date and thus would not have been liable to enforcement action under section 172 of the 1990 Act on 27 November 2015.
- (3) The certificate only applies to the extent of the development specified in the First Schedule taking place on land described in the Second Schedule and identified on the attached plan. Any development which is materially different from that described or which relates to other land may render the owner/occupier liable to enforcement action under section 172 of the 1990 Act.
- (4) The effect of the certificate is also qualified by the provision 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 begun, in any of the matter relevant to determining such lawfulness.
- (5) Your attention is drawn to the attached information regarding your right to appeal to the Department for Transport Local Government and the Regions, if you are aggrieved by the Council's decision.