
Site Address: 11 Warblington Road, Emsworth, PO10 7HE
Proposal: Certificate of Lawfulness application for new vehicle entrance to existing boundary wall fronting the highway, with the existing entrance to be retained.
Application No: APP/17/00940 Expiry Date: 19/10/2017
Applicant: Mr French
Agent: Mr Knight Case Officer: Lewis Oliver
 Knight Architectural Design
Ward: Emsworth

Recommendation: **GRANT A CERTIFICATE OF LAWFUL USE**

1 Site Description

The application site comprises a detached, two storey, residential dwelling located on the northern side of Warblington Road.

The property currently benefits from one vehicular access to the front driveway which provides access to the existing offroad parking provision.

The area is predominantly characterised by large residential properties, set within spacious plots.

2 Planning History

None relevant

3 Proposal

Section 192 application for a Lawful Development Certificate to establish whether the proposed new vehicle entrance is permitted development under the Town and Country Planning (General Permitted Development) (England) Order 2015.

The application outlines that the Certificate of Lawfulness application for new vehicle entrance to existing boundary wall fronting the highway, with the existing entrance to be retained.

4 Legislation

The Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.

5 Statutory and Non Statutory Consultations

Not required in relation to this application.

6 Community Involvement

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 0

Number of site notices: Not applicable.

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) Whether the development would be development allowed under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.

The application site is situated within an urban area where further development is considered acceptable subject to the usual development control criteria.

The proposed development is for a new vehicle to be sited within the existing boundary wall fronting Warblington Road, as such it falls to be considered against the Town and Country Planning (General Permitted Development) (England) Order 2015, Part 2 - Minor operations, Class B – means of access to a highway. The proposal has been considered against the restrictions for development provided by this class: this outlines that: *The formation, laying out and construction of a means of access to a highway which is not a trunk road or a classified road, where that access is required in connection with development permitted by any Class in this Schedule (other than by Class A of this Part).* For the purposes of clarity the reference to class A, relates to *The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure.*

The proposal has been considered against the criteria outlined above, Warblington Road is not a trunk road or a classified road. Furthermore the access is not required by development of any part of Part 2 - Minor operations, Class A (Class A – gates, fences, walls etc.

A search of the planning history has not revealed conditions that restrict "Permitted Development" rights nor is the dwelling part of an Article 4 direction.

8 Conclusion

The proposed development falls within Permitted Development allowance as set out in Schedule 2, Part 2, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015. The Lawful Development Certificate should therefore be granted.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT A CERTIFICATE OF LAWFUL USE** for application APP/17/00940
Havant Borough Council, as Local Planning Authority, certifies that on 6th October 2017 the development described in the First Schedule to this certificate in respect of

land described in the Second Schedule and edged in red on the submitted Location Plan is 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 allowance as set out in Schedule 2, Part 2, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.

FIRST SCHEDULE:

This certificate relates to the following development:

New vehicle entrance to existing boundary wall fronting the highway, with the existing entrance to be retained, as shown on submitted drawings:

Location Plan - Drawing Number: KAD 01 A

Existing and Proposed Entrance Elevations -Drawing Number: KAD 03 A

Existing Entrance Plan -Drawing Number: KAD 01 A

Proposed Entrance Plan- Drawing Number: KAD 02 A

SECOND SCHEDULE:

This certificate relates to land at 11 Warblington Road, Emsworth, PO10 7HE, as shown edged red on the submitted Location Plan - Drawing Number: KAD 01 A (scale 1:500) received 24th August 2017.