



Delegated Report

Lawful Development Certificate (Proposed)

Application no:	20220025
Location	Land East Of 58 Dover Road Five Ash Road Gravesend Kent
Proposal:	Application for Lawful Development Certificate for proposed erection of a 2 metre close board fence to the boundaries on all sides.
Applicant:	Sean Tofts, Elite Planning
Site Visit	N/A Desktop Assessment

Plans & Documents

Application form received 13 January 2022.
Statement received 13 January 2022.
Drawing no. 001 (block plan) received 13 January 2022.
Drawing no. 001a (location plan) received 13 January 2022.
Drawing no. 002 (proposed fence) received 13 January 2022.

Property Type

The property comprises a plot of amenity land in Northfleet.

Material Consideration

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

Relevant Planning History

None

Officer Assessment

Permitted Developments Rights Restrictions

Article 2 (3) Land (AONB, Conservation Area)	N
Article 4 Direction	N
Permitted Development Rights Removed/Restricted	N

Part 2 - Class A – gates, fences, walls etc

Permitted development

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

Development not permitted

A.1 Development is not permitted by Class A if—

(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—

(i) for a school, 2 metres above ground level, provided that any part of the gate, fence, wall or means of enclosure which is more than 1 metre above ground level does not create an obstruction to the view of persons using the highway as to be likely to cause danger to such persons;

(ii) in any other case, 1 metre above ground level;

(b) the height of any other gate, fence, wall or means of enclosure erected or constructed would exceed 2 metres above ground level;

(c) the height of any gate, fence, wall or other means of enclosure maintained, improved or altered would, as a result of the development, 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; or

(d) it would involve development within the curtilage of, or to a gate, fence, wall or other means of enclosure surrounding, a listed building.

Interpretation of Class A

A.2 For the purposes of Class A, “school” includes—

(a) premises which have changed use under Class S or T of Part 3 of this Schedule (changes of use) to become a state-funded school or registered nursery as defined in paragraph X of Part 3; and

(b) a building permitted by Class C of Part 4 of this Schedule (temporary buildings and uses) to be used temporarily as a school, from the date the local planning authority is notified as provided in paragraph C.2(b) of Part 4.

Analysis

The proposed fence will be 2m high. It will surround the site which is set in from a public right of way to the northwest:



There is also a path running to the rear of the houses in Stanbrook Road (east) and to the south of these houses. One property has a garage to the rear (no. 11 below). This access is not public and is overgrown and inaccessible to vehicular traffic:



The access from Stanbrook Road to the south:



The access to the rear of these properties continues to the north and is also impassable:



The site is not a school and therefore (a) (i) does not apply.

As can be seen above, the site is not adjacent to a highway used by vehicular traffic and therefore (a) (ii) does not apply.

The plans confirm a fence at a height of 2m and therefore (b) does not apply.

The fence does not currently exist and therefore (c) does not apply.

The site is not a listed building and therefore (d) does not apply.

Conclusion

The proposed fence will be no higher than 2m and is not located adjacent to a highway used by vehicular traffic and therefore is permitted under Class A of Part 2, Schedule 2 of the GPDO 2015 (as amended) and a certificate can be granted.

Recommendation: <u>Grant</u> Lawful Development Certificate		
	Name/Signature	Date
Planning Officer	A.Webster	9 March 2022
Principal Planner/ Manager	Richard Hart / <i>R Hart</i>	9 th March 2022