

Delegated Report

Lawful Development Certificate (Proposed)

Application no:	20240693
Location	Alanbrooke Private Car Park Alanbrooke Gravesend Kent
Proposal:	Application for a Proposed Lawful Development Certificate in respect of the erection of a boundary fence and access gate.
Applicant:	Mr Iqbal Singh Meroock
Site Visit	26 September 2024

Plans & Documents

Application form for a Lawful Development Certificate for a Proposed Use or Development;
 Drawing no. 2316-001 Proposed layout and elevation;
 Drawing no. 2316-002 Block plan;
 Site location plan received 25 July 2024;
 Covering letter dated 21 July 2024;
 Photograph of fence design;
 Photograph of gate design;
 Photograph of drawing no. WH/19/MB; and
 Aerial photograph received 25 July 2024.

Property Type

The property comprises of an area of open land, which is used for car parking.

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

The proposed development comprises of the erection of a boundary fence and access gate to enclose an area of open land, which is already in use for vehicle parking.

Under Class A of Part 2 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure, is permitted development subject to the following criteria;

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.

In this instance, the proposed fence and gate would be located adjacent to the highway and would have a height of one metre. The proposal would not be within the curtilage of a listed building. As such, the proposal would be in line with Class A of Part 2 of Schedule 2 to the GPDO and would not require planning permission.

It is noted that the application details refer to the proposed resurfacing of the car park to eliminate potholes. Such work would be likely to require planning permission (unless it comprises of very small scale repairs).

As the resurfacing work does not form part of the proposed development, as described on the application form, it has not been considered in the determination of this application. The applicant should be advised of this and the need for planning permission in an informative attached to any lawful development certificate granted.

Recommendation: <u>Grant</u> Lawful Development Certificate
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Case Officer:	Mrs Kelly Joyce	Team Leader:	Richard Hart
Signed:	<i>K Joyce</i>	Signed:	<i>R Hart</i>
Dated:	8th October 2024	Dated:	8 th October 2024