

**PLANNING SUPPORTING STATEMENT**

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APPLICATION FOR A LAWFUL DEVELOPMENT CERTIFICATE UNDER SECTION 191 OF THE TOWN AND COUNTRY PLANNING ACT 1990 AS AMENDED BY SECTION 10 OF THE PLANNING AND COMPENSATION ACT 1991, FOR AN EXISTING SLIDING GATE AT NUMBER 2 BARLOW CLOSE HATFIELD AL10 9GZ.

**21 NOVEMBER 2021**

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## 1.0 THE APPLICATION SITE AND ITS LOCATION



**Figure 1:** Site Location Plan

- 1.1 The appeal property is a two-storey detached dwelling situated to the southwest of the junction of Barlow Close and The Runway in Hatfield. The surrounding area is predominantly residential in character.

## 2.0 PLANNING HISTORY

- 2.1 6/2021/2501/HOUSE: Refused. Retention of summer house and sliding gate.

### Related history

- 2.2 S6/2003/0957/DE: Approved. Reserved Matters for residential development of 322 dwellings and associated infrastructure. (Works pursuant to outline approval S6/1999/1064/OP)

2.3 S6/1999/1064/OP: Granted. Outline permission for demolition of existing

(unlisted) buildings, removal of runway and other hard standing areas and redevelopment for the following purposes: as a business park comprising uses within use class B1, B2, B8 and sui generis use; housing; new university campus (use class D1 and D2) to include replacement de Havilland Sports and Social Club and associated playing fields; two hotels; primary school and associated facilities; district centre; works of conversion to enable recreation use of existing listed hangar; aviation heritage centre. together with associated highway, transport and service infrastructure (including a strategic transport corridor), landscaping and open space, diversion of Ellenbrook. means of access to be determined.

3.0 THE PLANNING APPLICATION

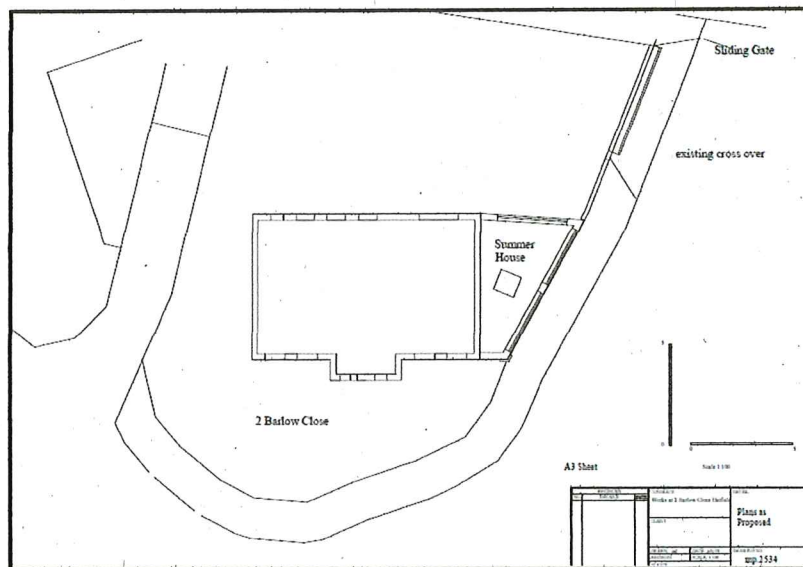


Figure 2: Existing Site Plan

3.1 The Application is for a certificate of lawfulness for an existing sliding gate across the vehicular access to the property.

3.2 The gate measures approximately 1.9 metres high.

#### 4.0 **PLANNING CONSIDERATIONS**

4.1 Under section 55(1) of the Town and Country Planning Act, 1990 as amended, a material alteration to a building is defined as development. However, by virtue of Article 3(1) of the Town and Country Planning (General Permitted Development) Order, deemed permission is granted for the erection of a single storey side extension. This article states in part that, '.... Subject to the provisions of this Order .... planning permission is hereby granted for the classes of development described as permitted development in Schedule 2.'

4.2 The relevant class to which this class refers is Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) Order 2015 as amended.

4.3 Whilst a gate or fence adjacent a highway is not permitted if it exceeds 1 metre in height, Paragraph A.1 (c) does not preclude the erection of any gate, fence, wall or other means of enclosure maintained, improved or altered which would not exceed its former height. In this case, the gate does not exceed the height of the previous enclosure. (Photo 1).





**Photo 1:** Existing gate

**5.0 Other material considerations**

5.1 National advice within the Planning Practice Guidance (PPG) makes it clear that 'In the case of applications for existing use, if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability.'<sup>1</sup>

5.2 Further guidance in the PPG stresses that, 'A local planning authority needs to consider whether, on the facts of the case and relevant planning law, the

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<sup>1</sup> Paragraph: 006 Reference ID: 17c-006-20140306

specific matter is or would be lawful. Planning merits are not relevant at any stage in this particular application or appeal process.’<sup>2</sup>

## **6.0 CONCLUSIONS**

- 6.1 The existing sliding gate passes the tests for permitted development in Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) Order 2015 as amended.
- 6.2 In light of the foregoing the LPA is requested to grant a certificate of lawfulness for the existing development.

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<sup>2</sup> 2 Paragraph: 009 Reference ID: 17c-009-20140306