HUNTINGDONSHIRE DISTRICT COUNCIL

25/00665/CLPD

OFFICER REPORT

Case No: **25/00665/CLPD** **Certificate of Lawfulness proposed**

Proposal: **Lawful development certificate to construct a 1m wall along the highway boundary and a 2m wall along the remaining land**

Location: **Taylors Dredging Ltd Bromholme Lane Brampton**

Applicant: **Mr Charles Birch**

Grid Ref: **522456 270996**

DESCRIPTION OF SITE AND APPLICATION

This application is for a Certificate of Lawful (Proposed) Development for works relating to the construction of a 1m wall along the highway boundary and a 2m wall along the remaining land.

The application site is land associated with storage site within Class B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended) in association with a river dredging business.

The site sits within flood zones 2 and 3 and permitted development rights remain intact.

The plans submitted for the proposed development, reference Site Location Plan ref: 8772-O 02, Site Block Plan ref:12502-0019-04 and Concrete Perimeter Wall Detail ref: 12502-0018-01 received by the Local Planning Authority on the 3rd April 2025 and Site Block Plan with wall heights ref: 12502-0020-01 received by the Local Planning Authority on the 4th June 2025 give details of the application site and perimeter wall detail. It is noted that the Cover Letter confirms that the wall will be 1 metre high adjacent to the highway and 2 metres high along the remaining land.

Officers note that the location plan for this proposal is covered by several CLED references 18/02599/CLED, 19/01070/CLED, 20/00041/NONDET for 20/01088/CLED for Use of land as a storage site within Class B8 in association with a river dredging business with ancillary office accommodation and Use of land as a storage site within Class B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended) in association with a river dredging business.

NATIONAL GUIDANCE

The Town and Country Planning Act 1990
The Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended)

RELEVANT PLANNING HISTORY

24/02306/CLPD - Erection of a wall up to 1m - Approved
23/02351/FUL - Raise Land Levels to 11.5m AOD – Appeal allowed
21/01704/FUL - Raise land level by up to 1 metre - Refused
20/00041/NONDET - Use of land as a storage site within Class B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended) in association with a river dredging business- Appeal Allowed

20/01088/CLED - Use of land as a storage site within Class B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended) in association with a river dredging business - Not Determined
19/01070/CLED - Use of land as a storage site within Class B8 in association with a river dredging business - Consented
18/02599/CLED - Use of land as a storage site within Class B8 in association with a river dredging business with ancillary office accommodation - Consented
18/01222/CLED - Use of land for Class B1 (Business) and Class B8 (Storage or Distribution) - Refused

CONSULTATIONS

No consultations required.

REPRESENTATIONS

None

SUMMARY OF ISSUES

The proposed wall must be assessed against The Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended) to determine whether the proposal is 'permitted development' or would require an application to be submitted for planning permission.
Schedule 2 - Part 2 - Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended) permits the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure subject to certain criteria set out within the Order. The proposed development to the dimensions indicated on Site Location Plan ref: 8772-O 02, Site Block Plan ref: 12502-0019-04, and Concrete Perimeter Wall Detail ref: 12502-0018-01 received by the Local Planning Authority on 3rd April and Site Block Plan with wall heights ref: 12502-0020-01 received by the Local Planning Authority on the 4th June 2025 would be permitted as it falls within the definition of the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure and because the following additional tests are satisfied:

(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;

Officer Comment: Not applicable

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

Officer Comment: Compliant

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

Officer Comment - Complaint

(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

Officer Comment - Not applicable

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

Officer Comment – Not applicable

Therefore, the proposed development as detailed in plan references Site Location Plan ref: 8772-O 02 Site Block Plan ref: 12502-0019-04 and Concrete Perimeter Wall Detail ref:12502-0018-01 received by the Local Planning Authority on 3rd April 2025, and Site Block Plan with wall heights ref: 12502-0020-01 received by the Local Planning Authority on the 4th June 2025 satisfies the criteria and tests attached to Schedule 2 - Part 2 - Class A.

CONCLUSION

In conclusion, the proposed works on submitted plan reference Site Location Plan ref: 8772-O 02, Site Block Plan ref: 12502-0019-04 and Concrete Wall Detail ref:12502-0018-01 received by the Local Planning Authority on 3rd April 2025 and Site Block Plan with wall heights ref: 12502-0020-01 received by the Local Planning Authority on the 4th June 2025 relating to the construction of a 1m wall along the highway boundary and a 2m wall along the remaining land is considered to be permitted development within the meaning of Class A, Part 2, Schedule 2.

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CONTACT OFFICER:
Enquiries about this report to **Olivia Manton**