HUNTINGDONSHIRE DISTRICT COUNCIL

25/00334/CLPD

OFFICER REPORT

Case No: **25/00334/CLPD** **Certificate of Lawfulness proposed**

Proposal: **Erection of a flood wall in place of existing boundary walls and fences.**

Location: **The Willows Manor Street Wistow**

Applicant: **Mr Gerald Pye**

Grid Ref: **528028 281119**

DESCRIPTION OF SITE AND APPLICATION
This application is for a Certificate of Lawful (Proposed) Development for works relating to the erection of a flood defence wall 600mm surrounding the property 'The Willows' off Manor St , Wistow.

The application site comprises a residential dwelling and its residential curtilage within Class C3 (Dwellinghouse) of the Town and Country Planning (Use Classes) Order 1987 (as amended). Planning history on the site indicates the Permitted Development Rights have not been withdrawn by the Local Planning Authority.

The site sits within flood zones 2 and 3. The application site is also located within Wistow Conservation Area and is adjacent to a Listed Building (known as 'Porch House').

The plans submitted for the proposed development, reference "Project Hestia V- The Willows Flood defence" (dwg non 0/25) received on 25th February 2025 indicates that the proposed walls would be 600mm in height.

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
7400816FUL-Extension To Private Dwelling -Permitted 06.01.1975

1001132FUL- Erection of new garage, utility room and garden room and rendering of entire dwelling-Permitted 06.10.2010

1001133CAC-Demolition of existing garage and utility room-Consent 06.10.2010.

1007352PENQ-Proposed alterations and extensions-Response to PENQ

1106148PDE-Proposed Replacement Driveway-Not required 02.03.2011

12/00474/TRCA-T1 Weeping Willow (Salix Babylonica) -Consent 01.10.2012

15/60051/PDE-Erection of a wooden shed/hobby studio and a wooden framed green house-Not required 10.03.2015

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 (Minor Operations)- Class A (gates, fences, walls etc) 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 indicated on "Project Hestia V- The Willows Flood defence" (dwg non 0/25) received on 25th February 2025 indicates that the proposed walls would be 600mm in height, 220mm wide, constructed using class a/b engineering bricks and would surround the property, albeit some openings within the walls would allow for vehicular and pedestrian access to the dwelling. The proposed works constitute Class A development 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. The proposed floodwall would be no more than 1 metre in height above ground level adjacent to a highway used by vehicular traffic.**

(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: Compliant. The proposed floodwall would be no more than 2 metres in height 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
Officer comment: Compliant. The proposed floodwall would be no more than 600mm above ground level.

(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: Compliant. It is acknowledged that the dwellinghouse subject of this application is adjacent to a listed building. Notwithstanding this, The Willows is not a listed building, and the proposed works would not be in the curtilage of the listed building or form the means of enclosure surrounding the listed building. Therefore, the proposed enclosure with a 600mm flood wall around 'The Willows' accords with criteria d.

Therefore, the proposed development as detailed in plan referenced "Project Hestia V- The Willows Flood defence" (dwg non 0/25) received on 25th February 2025, satisfies the criteria and tests attached to Schedule 2 - Part 2 - Class A.

CONCLUSION

In conclusion, the proposed works on submitted plan reference ""Project Hestia V- The Willows Flood defence" (dwg non 0/25) received on 25th February 2025 relating to the erection of a wall 600mm in height is considered to be permitted within the meaning of Schedule 2 - Part 2 (Minor Operations)- Class A (gates, fences, walls etc) of The Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended).

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CONTACT OFFICER:

Enquiries about this report to **Charlotte Dew**