

Project Ref: 21-110

Date: 19/10/2021

Dorset Council
Development Management
County Hall, Colliton Park
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Dear Sir/Madam,

**Re: Town & Country Planning Act 1990 (As Amended)
Town & Country (General Permitted Development)(England) Order 2015 (As Amended)
Schedule 2 - Permitted development rights
Part 1 Development within the curtilage of a dwellinghouse: Class E - buildings
etc incidental to the enjoyment of a dwellinghouse & Class F - hard
surfaces incidental to the enjoyment of a dwellinghouse
Part 2 Minor operations: Class A – gates, fences, walls etc**
For: Proposed Landscaping, Ground Re-Profiling, Piling/Retaining Walls
At: Overjordan, Jordan, Lyme Regis, Dorset DT7 3AQ

I write in reference to the above property and the attached survey and proposal drawings (referred to at the end of this letter) for the purpose of addressing the question of whether the landscaping, ground re-profiling and associated retaining walls and/or piling proposed within the domestic curtilage/garden of the dwellinghouse would represent 'development' either (a) requiring formal Planning Permission under the above Act or (b) representing 'permitted development' under any of the following provisions of the above Order:

PART 1

Class E - buildings etc incidental to the enjoyment of a dwellinghouse

E. The provision within the curtilage of the dwellinghouse of—

(a) any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure; or

(b) a container used for domestic heating purposes for the storage of oil or liquid petroleum gas.

Class F - hard surfaces incidental to the enjoyment of a dwellinghouse

F. Development consisting of—

(a) the provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse as such; or

(b) the replacement in whole or in part of such a surface.

F.2 Development is permitted by Class F subject to the condition that where—

(a) the hard surface would be situated on land between a wall forming the principal elevation of the dwellinghouse and a highway, and

(b) the area of ground covered by the hard surface, or the area of hard surface replaced, would exceed 5 square metres, either the hard surface is made of porous materials, or provision is made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse.

PART 2

Class A – gates, fences, walls etc

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

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.

As the proposals would involve permanent, physical construction the proposals represent development or structures which would require formal Planning Permission in the absence of any provision within current 'permitted development' rights which would effectively give such works 'deemed consent'.

The above provisions within the current Order provide specific criteria which physical works should not exceed in order to ensure they qualify as 'permitted development'.

- (a) Height, Extent &/or Position: The piling/retaining walls would not project sufficiently above original ground level to exceed any specified height limitations, beyond parallel lines intersecting the extremities of either flank/side of the original/as-built dwellinghouse and its integral supporting basement and structure, or forward of the principal elevation of the original dwellinghouse closer to a public highway.
- (b) Volume: The piling/retaining walls would retain higher ground levels and would not represent a building forming a complete enclosure containing a specific volume of space/material.

In the light of the above, I am happy to confirm my opinion that the works proposed would benefit from 'deemed consent' under the current 'permitted development' rights and so would not require the benefit of Planning Permission via a formal application to the Local Planning Authority.

Each Authority is empowered to take its own view on how to interpret the individual circumstances applicable for each property and proposed development within its domestic curtilage/garden in order to determine whether to require a formal application for planning permission.

The opinion provided in this letter is based on the following drawings:

- 2070-T-100-1 – Topographical Survey
- 7646-01B - Proposed Site Layout

I will be happy to discuss the above and the attached in more detail at any time.

Yours sincerely,

Martin S. Lee

Martin Lee, MA MRTPI AMInstLM MTCPA NPIERS
Planning Consultant

