

Project Ref: 21-110

Date: 19/10/2021

Dorset Council
Development Management
County Hall, Colliton Park
Dorchester
Dorset DT1 1XJ



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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:

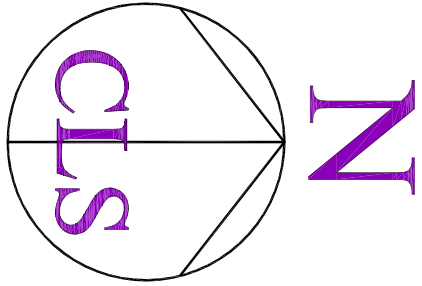
- 2070-T-100-1 – Topographical Survey
- 7646-01B - Proposed Site Layout

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



Casterbridge Land Surveys

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Drawing Number: 2070-T-100-1	Revision:	Plot size: A1
Site Address: 'Overfordan' Jordan Lyme Regis Dorset DT7 3AQ		
Date of survey: March 2021		
Client: G. Webster Esq.		
Survey type: Topographical	Survey method: RTS	
Plan grid: Arbitrary	Datum: Local site	
Datum location: FL of 'Overfordan' as shown - value 20.00m		
Surveyed by: JS	Drawn by: JS	Checked by: JS

Notes: Point is indicative. Local site datum used for the survey, unless otherwise stated. Survey datum corrections to Ordnance Datum utilizing Ordnance Survey benchmarks are for guidance purposes only. GNSS observed corrections to Ordnance Datum are recommended where possible. Scale factor for all survey data is 1 unless otherwise stated. Closed traverse technique are used when possible. Open traverse technique used when no closing measurement is possible. Whilst no physical access is possible to off site detail, vegetation heights or roof covering may be estimated by observation. All dimensions are to be used for purposes stated at time of original instruction only. All critical dimensions should be checked after site clearance. Survey conducted to 1:200 scale accuracy. Drawing displayed at 1:100 scale for presentation purposes only.
All drawings © Casterbridge Land Surveys Limited

Abbreviations:

ASP - asphalt	NBO - rail by others
BH - borehole	OSBM - OS benchmark
BL - board	PA - pavings
BRK - brick	PM - positions
BT - British Telecom	PM - roading meter
BW - barbed wire fence	RE - roading eye
CB - close board fence	RG - road gully
CBLK - concrete block	RW - retaining wall
CCTV - closed circuit TV	RWP - rain water pipe
CH - cliff to head	SA - soakaway
CL - chain link fence	SC - stopcock
CNC - concrete	SNB - street name board
CP&W - concrete post & wire fence	STN - survey station
CW - chicken wire fence	STO - stone
DP - downpipe	SV - sluice valve
DPC - damp proof course	SW - soil & vent pipe
EP - electricity pylon	SW - surface water
FC - floor to cill	TAC - tactile paving
FH - fire hydrant	THL - threshold
FL - floor level	TL - traffic lights
FLG - flagstones	ToW - top of wall
FW - foul water	TP - telegraph pole
GRS - grass	TS - traffic sign
GRV - gravel	US - unknown service
HT - high	u/s - underside
HV - high voltage	U/L - unable to lift
IC - inspection chamber	VP - methane vent pipe
INV - invert level	W - water
LL - larch lap fence	WM - water meter
LP - lamp post	WO - washout
LV - low voltage	WP&K - wood post & rail fence
MH - manhole	WP&W - wood post & wire fence

Symbols:

	- upwards direction of travel
	- gate
	- survey station
	- storey height

Tree details:

Species key	
AAD - Alder	HRN - Hornbeam
ASH - Ash	LM - Lime
BCH - Beech	LR - Laurel
BIR - Birch	OAK - Oak
CUP - Cupressus	PLN - Pine
ELM - Elm	POP - Poplar
EUD - Elder	PRU - Prunus
FRT - Fruit	RWN - Rowan
FMP - Field Maple	SYC - Sycamore
HAW - Hawthorn	STMP - Stump
HAZ - Hazel	UKN - Unknown species
HCH - Horse Chestnut	WILW - Willow
HLV - Holly	YEW - Yew

All tree species are given as indication only. For positive tree species identification seek the advice of an Arboriculturalist. Tree trunk diameters are taken at 1m from ground level. Tree canopy diameters shown as uniform to the maximum extent unless otherwise stated.

Standard Linetypes:

	bank bottom		kerb
	bank top		larch lap fence
	barbed wire fence		post and rail fence
	building		roof covering
	building (open)		services overhead
	canopy of surface		steps
	close board fence		vegetation
	dropped kerb		wall
Underground services:			
	BT		gas
	CCTV		high voltage
	fibre optic		low voltage
	foul water		surface water

