

DELEGATED FILE NOTE

CASE OFFICER: ...Alex Howard.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
24/01909/LDCP	Provision of vehicular access onto the highway.	Hooks Green Barn Barley Mow Lane Clothall Hertfordshire SG7 6RF

Submitted Plan Nos

LD728-P01 LD728-P02

1.0 Policies

2.0 **Site History**

2.1 N/A.

3.0 **Representations**

3.1 No consultation required.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 The site is a detached dwelling located on the southwestern side of Barley Mow Lane, Clothall. The property currently shares its access and driveway with Lilly Brooke Barn, which is a self-contained residential unit.

4.2 **Proposal**

4.2.1 A Certificate of Lawfulness (proposed) is sought for the provision of vehicular access onto the highway.

4.3 **Key Issues**

4.3.1 The key issues for consideration are whether the proposed development would require a specific planning permission or be considered 'permitted development' in line with Schedule 2, Part 2, Class B - 'means of access to a highway' of the Town and Country Planning (General Permitted Development) Order 2015.

4.3.2 Part B of Part 2, Schedule 2 states as follows:

"Permitted development

B. The formation, laying out and construction of a means of access to a highway which is not a trunk road or a classified road, where that access is required in connection with development permitted by any Class in this Schedule (other than by Class A of this Part)".

4.3.3 The proposed vehicular access would be onto Barley Mow Lane, which is not a trunk road or classified road.

4.3.4 Moreover, the *development permitted by any Class in this schedule* is considered to be Part 1, Class F - *hard surfaces incidental to the enjoyment of a dwellinghouse*, which would relate to the provision of the driveway/parking area which the proposed vehicular access is to serve. This area is within the curtilage of the host dwelling, would be more

than 5sqm and is to be finished in gravel, which is porous. As such, it would comply with the criteria of Part 1, Class F of the GPDO 2015.

4.3.5 The application form also states that *“New vehicular access to be provided through existing hedge to a new disabled parking area adjacent to the existing dwelling. The disabled parking is for the benefit of the clients partner”*. Therefore, the proposed access through the hedge is required, to facilitate access to the proposed driveway/hardstanding which is in connection with development permitted by any class in this schedule under Class F, for the disabled occupier of Hooks Green Barn, as they currently have to rely on the access/driveway that is closer to Lily Brooke Barn, which is assumed to cause access issues for this occupier.

4.3.6 As such, the proposed provision of vehicular access onto the highway is considered in accordance with Part 2, Class B of the GPDO 2015, which constitutes permitted development.

4.4 Conclusion

4.4.1 A Certificate of Lawfulness (proposed) can be issued on the basis that the provision of vehicular access onto the highway would constitute permitted development by virtue of Class B, of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Signed  Anne McDonald	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Determining Officer Date: 3 October 2024	