

Planning Statement

**Lawful Development Certificate Application for
proposed formation of hardstanding area (including importation of
material) in association with use of agricultural building**

On Land West of Yew Tree Farm, London Road, Balcombe

Prepared for

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1. INTRODUCTION

- 1.1. This Planning Statement is submitted in support of an application for a Lawful Development Certificate for a proposed development. The proposed works comprise engineering operations to construct a hardstanding area (including importation of material) in association with the use of an agricultural building on land west of Yew Tree Farm, London Road, Balcombe. The application is submitted on behalf of the landowner, Mr Andrew Coveney, under the terms of Section 192 of the Town and Country Planning Act 1990.
- 1.2. The application should be read in conjunction with the location plan (Drawing No: 260-29-010); existing block plan (Drawing No: 260-29-020); proposed block plan (Drawing No: 260-29-030); and existing and proposed sections (Drawing No: 260-29-040).
- 1.3. The scheme relates to an agricultural landholding that extends to some 72 hectares, and is primarily comprised of sheep grazing.
- 1.4. In support of the enterprise an agricultural building has recently been constructed in accordance with the terms of an agricultural prior approval granted in May 2023 (LPA reference DM/23/1070) for the purposes of storage of forage, fodder and bales.
- 1.5. The building is constructed on land that falls in an east to west direction. As a result of the change in levels, it has become clear that the building cannot be readily accessed by machinery along its main west side.
- 1.6. On this basis, the application envisages the importation of material and the formation of a level hardstanding area, immediately to the west of the building. This would run the length of the building and be 20m in width. It would be surface finished with 300mm of chalk overlain with 200mm of crushed concrete.
- 1.7. The application seeks confirmation from the Local Planning Authority (LPA), via the issue of a Lawful Development Certificate, that the proposed works comprise permitted development under the Town and Country Planning (General Permitted Development) (England) Order 2015, and in particular via Class A, of Part 6 of Schedule 2.
- 1.8. This reports sets out a description of the site and its surroundings (Section 2); summarises the background of the holding (Section 3); describes the proposed works (Section 4); assesses compliance of the scheme against the allowances and limitations of the General Permitted Development Order (Section 5); and considers the scheme under the terms of Section 192 of the Town and Country Planning Act 1990 (Section 6). A summary is provided at Section 7.

2. SITE AND SURROUNDINGS

- 2.1. The application site is located some 1km to the north of Balcombe, and a shortway to the west of Yew Tree Farm. It is on the west of London Road, which runs in a broadly north-south direction past the site.
- 2.2. The application site comprises an asymmetric field parcel that is bound by trees and hedgerow along its eastern side, bordering the public highway, and woodland to the west.

- 2.3. An agricultural building has been constructed on the site. It is some 30m long (north-south) and 12m wide (east-west). It has a north south ridgeline that is some 6.5m in height with eaves of some 5.5m.
- 2.4. It is of steel frame construction, formed of 4 equal bays. It has concrete block walls with metal profile sheeting above, under a metal profile sheet roof. It is open-sided on 3 of the 4 bays on the western elevation, with a further large opening in the north facing elevation.
- 2.5. There is an existing agricultural track that runs north from the building before turning east to a field gate that provides access on to the public highway.
- 2.6. The building is set some 10m from the eastern field boundary edge and a similar distance to the north of a timber post and wire fence line to the south.
- 2.7. The topography of the area falls from a high point broadly delineated by London Road, in an eastern direction. There is also a fall from north to south.
- 2.8. As a result of this the building is cut into existing natural ground level by up to some 1m to north eastern corner, and is set modestly above natural ground level to the south-west corner.

3. PLANNING BACKGROUND

- 3.1. The farm holding extends to some 72 hectares and is farmed in-hand by the applicant, together with other land farmed in the local area on a contract basis.
- 3.2. It is principally a grassland holding that supports a large flock of sheep.
- 3.3. The applicant lives a short way to the north of the site at Kings Farmhouse.
- 3.4. An agricultural prior approval was granted by the LPA in 2020 for the construction of an agricultural barn to the west of the house (LPA reference DM/20/3478). This has now been constructed and is principally used for the storage of agricultural machinery.
- 3.5. More recently, in 2023, a further agricultural prior approval was granted some 350m to the south of house and original barn for a further agricultural building for the storage of forage, fodder and bales (LPA reference DM/23/1070).
- 3.6. Upon completion it has become clear that the natural topography of the site, means that the main access to the building along its long western elevation is not practical. The land falls away sharply to the east and vehicular access to the building is not readily possible, in particular if vehicles have trailers etc. The application proposes development to remedy this issue.

4. PROPOSED WORKS

- 4.1. The proposed scheme envisages raising the ground level immediately to the west of the building, to create a level hardstanding area, surface finished in crushed concrete. This would enable farm machinery to access and egress the building from the western side.

- 4.2. This hardstanding area would run the length of the barn (30m) with a width of 20m. It would connect to the existing trackway to the north to enable access to and from the public highway.
- 4.3. The land falls by a maximum of some 1.7m from the eastern edge of proposed hardstanding, adjoining the building, to the western edge of the proposed hardstanding area.
- 4.4. At the western edge of proposed hardstanding area, it is proposed to batter the slopes at an angle of 1 in 3 back to natural ground level, as it continues to fall away to the west. Similar tapering batter slopes would be required to north and south of the hardstanding area.
- 4.5. The hardstanding area would be surface finished in 300mm of chalk that is overlain with 200mm of crushed concrete.

5. CONSIDERATION OF PROPOSED WORKS AGAINST ALLOWANCES AND LIMITATIONS OF THE GPDO

- 5.1. The Town and Country Planning (General Permitted Development) (England) Order 2015 (Statutory Instrument 2015: No: 596) (GPDO) came into force on 15th April 2015. This sets out in Class A, of Part 6 of Schedule 2, development that can be undertaken on agricultural units of 5 hectares or more. This section was most recently updated on 21st May 2024 by the Town and Country Planning (General Permitted Development) (England) Amendments) Order 2024 (SI.2024/579).
- 5.2. Class A(b), of Part 6, of Schedule 2 states that permitted development works on agricultural holdings includes engineering operations carried out on land comprised in an agricultural unit of 5 hectares or more which is reasonably necessary for the purposes of agriculture within that unit.
- 5.3. The agricultural holding extends to some 72 hectares, and comprises a predominantly sheep rearing enterprise.
- 5.4. In May 2023, the LPA confirmed that the construction of an agricultural building for the storage of forage, fodder and bales was both reasonably necessary for agricultural and complied with the various limitations and tests of Class A, Part 6 of the GPDO.
- 5.5. This building has now been constructed. However, access to the building along its main western side by agricultural machinery requires the provision of a raised, level area of hardstanding.
- 5.6. The proposed works will therefore enable use of the building which is required as an integral part of the agricultural enterprise on the holding.
- 5.7. The permitted development rights set out in Class A of Part 6 of the GPDO are subject to a number of limitations, as detailed in A.1. Each of these are now considered in turn below.

A.1(a) Development is not permitted if it would be carried out on a separate parcel of land forming part of the unit which is less than 1 hectare in area.

- 5.8. The works relate to a field parcel that is part of the main block of land that comprises the holding.
- 5.9. It is in excess of 1 hectare in area, as confirmed by the LPA in their determination of DM/23/1070.

A.1(b) Development is not permitted if it would consist of the erection or extension of an agricultural building on an established agricultural unit (as defined in paragraph X of Part 3 of this Schedule) where development under Class Q or S of Part 3 (changes of use) of this Schedule has been carried out within a period of 10 years ending with the date on which the development under Class A(a) begins.

- 5.10. The proposed works relate solely to an engineering operation. They do not relate to the erection or extension of the agricultural building that was approved under an earlier application.
- 5.11. Whilst the works would improve access to the building, it would not impact on, or involve the alteration to, the building.

A.1(c) Development is not permitted if it would consist of, or include, the erection, extension or alteration of a dwelling.

- 5.12. The proposed works relate solely to an engineering operation. They do not relate to a dwelling.

A.1(d) Development is not permitted if it would involve the provision of a building, structure or works not designed for agricultural purposes.

- 5.13. The proposed works relate solely to an engineering operation. It would provide a level hardstanding area, required to facilitate, and improve, access by agricultural machinery to an agricultural building previously approved and recently constructed.
- 5.14. The works are specifically designed to facilitate access and agricultural use of the building. This is to be used for storage of forage, fodder and conservation bales. This will support the ongoing vitality and viability of the agricultural holding.
- 5.15. The works are designed for agricultural purposes.

A.1(e) Development is not permitted if the ground area which would be covered by - (i) any works or structure (other than a fence) for accommodating livestock or any plant or machinery arising from engineering operations would exceed 1,000m²; or (ii) any building erected or extended or altered by virtue of Class A, would exceed 1,500m², calculated as described in paragraph D.1(2)(a) of this Part.

- 5.16. The proposed scheme does not relate to any works for accommodating livestock or any plant or machinery.
- 5.17. The proposed scheme does not relate to any works for the erection, extension or alteration of building.

- 5.18. Even where the LPA to consider the works should be considered under the terms of paragraph D.1(2)(a), the area of the proposed engineering operations, together with the area of the previously approved building does not exceed 1500m².

A.1(f) Development is not permitted if the height of any part of any building, structure or works within 3km of the perimeter of any aerodrome would exceed 3m.

- 5.19. The proposed works would not exceed 3m in height. The maximum height of any part of the engineering operations would be some 1.7m above existing ground level.

- 5.20. Furthermore, no part of the works are within 3km of the perimeter of an aerodrome.

A.1(g) Development is not permitted if the height of any part of the building or structure or works, not within 3km of the perimeter of an aerodrome would exceed 12m.

- 5.21. The proposed works would not exceed 12m in height above existing ground level.

A.1(h) Development is not permitted if any part of the development would be within 25m of a metalled part of a trunk road or classified road.

- 5.22. In consideration of the application for the agricultural building, the LPA's Case Officer report confirmed that the works would not be within 25m of the metalled part of London Road.

- 5.23. This application relates to works that are on the western side of the building, further away from London Road, than the agricultural building.

- 5.24. The works are therefore well in excess of 25m from the metalled part of a classified road.

A.1(i) Development is not permitted if it would consist of, or include, the erection or construction of, or the carrying out of any works to, a building, structure or an excavation used or to be used for the accommodation of livestock or for the storage of slurry or sewage sludge where the building, structure or excavation is, or would be, within 400m of the curtilage of a protected building.

- 5.25. The proposed works relate to the provision of hardstanding to improve vehicular access to an agricultural building that is to be used for the storage of forage, fodder and conservation bales.

- 5.26. The works do not relate to a building, structure, or excavation that would be used for the accommodation of livestock, or for the storage of slurry or sewage sludge.

A.1(j) Development is not permitted if it would involve excavations or engineering operations on or over Article 2(4) land which are connected with fish farming.

- 5.27. No part of the proposed works would relate to fish farming.

A.1(k) Development is not permitted for any building for storing fuel or waste from a biomass boiler or an anaerobic digestion system where it (i) would be used for storing waste not produced by that boiler or system, or for the storing of fuel not produced on land within the unit; or (ii) is or would be within 400m of the curtilage of a protected building.

- 5.28. The development does not relate to a building for storing fuel or waste from either a biomass boiler or an anaerobic digestion system.
- 5.29. Works that are permitted under Class A of Part 6 of the GPDO are also subject to a number of conditions as set out in paragraph A.2. Considerations in relation to these conditions are set out below.

A.2(1)(a) Where development is carried out within 400m of the curtilage of a protected building, any building, structure, excavation or works resulting from the development are not used for the accommodation of livestock except in the circumstances described in paragraph D.1(3) of this Part or for the storage of slurry, or sewage sludge, for housing a biomass boiler, or an anaerobic digestion system, for storage of fuel or waste from that boiler or system, or for housing a hydro-turbine.

- 5.30. The application works would be located within 400m of a 'protected building' as defined in Section D.1 of the GPDO. The nearest such dwelling is located some 210m to the northeast of the site.
- 5.31. However, the proposed works do not comprise a building, structure, excavation or works which would be used for the accommodation of livestock, or for the storage of slurry, or sewage sludge, or for housing a biomass boiler, or an anaerobic digestion system, or for the storage of fuel or waste from that boiler or system, or for housing a hydro-turbine.

A.2(1)(b) Where the development involves (i) the extraction of any mineral from the land (including removal from any disused railway embankment); or (ii) the removal of any mineral from a mineral-working deposit, the mineral is not moved off the unit.

- 5.32. The development does not involve the extraction of mineral from the land, or the removal of any mineral from a mineral-working deposit.

A.2(1)(c) Waste materials are not brought on to the land from elsewhere for deposit except for use in works described in Class A(a) or in the provision of a hard-surface and any materials so brought are incorporated into the building or works in question.

- 5.33. The material to be brought on to the land does not constitute 'waste.'
- 5.34. DEFRA has published guidance on the legal definition of waste and its application, initially in August 2012, with an online update initially published in May 2016, and most recently updated in August 2021.
- 5.35. This sets out that the definition of waste has been in use for its current wording for over 30 years and is embedded in the 2008 Waste Framework Directive (Directive 2008/98/EC), and is "Any substance or object which the holder discards or intends or is required to discard."
- 5.36. The document sets out at paragraph G3.36 that whether or not a substance or object is waste is to be determined on a case-by-case basis. Paragraph G3.49 notes that this has been addressed in the European Courts in particular with reference to whether material is not 'waste' but is a 'by-product.'

It sets out that *“For example, a construction activity may generate large amounts of excavated unpolluted natural soil. If the holder has no use for the soil then it may present a disposal problem that has to be addressed by the soil’s classification as waste. However, if that soil is suitable for use without any treatment and is certain to be used for that purpose, it may be classified as a non-waste product, i.e. on the basis that it satisfies the by-products legal test. The Definition of Waste: Development Industry Code of Practice Version 2 explains how this can be achieved ...”*

- 5.37. The Code of Practice (known as the CL:AIRE protocol) sets out that such excavated materials, dealt with in accordance with the Code of Practice, are unlikely to be considered waste if they are used for the purpose of ‘land development.’ Land development includes, amongst other things, development carried out under the Town and Country Planning Development Management Regime either because it is ‘permitted development’ or because it has been the subject of the express grant of planning permission.
- 5.38. Guidance on determining whether material is waste or not is the subject of the most recent updated online guidance dated 31st August 2021. This sets out a material might not be waste if *“it’s a production residue - a material that is not deliberately produced in a production process.”* Paragraph 1.1 of the online guidance sets out examples of when a material is waste or not. Example 3 states that:

“When a construction company excavates land for development and realises that some of the extracted soil may be suitable for re-use at a site other than where it was produced, that soil is likely to be waste. The soil is a residue of the construction development. It is waste unless it can meet the by-product test. It may also be used as non-waste if it is used on the same site or at another site with or without further processing - see all the requirements in the CL:AIRE Code of Practice.”

- 5.39. Paragraph 6.2 sets out that a residue is a ‘by-product’ and not waste when the material meets all of the following conditions:
- It’s a result of a production process;
 - It’s certain to be used, if there is a contract between the producer and supplier or user, if there is a definite market for it, if it fulfils the same specifications as other products on the market or if there is an economic benefit for the producer;
 - It can be used directly, with no further processing before it is used - you can carry out normal industrial practices, for example mechanically modifying the size or shape, but you cannot carry out a waste activity or operation on it;
 - It’s produced as an integral part of the production process - but it does not necessarily have to be made ready for use at the same place where the residue is produced; and
 - It has a lawful use that meets relevant product and environmental and health protection requirements, for example it is free of contaminants and will not lead to overall adverse environmental or human health impacts.

5.40. The guidance sets out that examples of non-waste products can be:

“Uncontaminated natural soil suitable for use that does not require treatment and is certain to be used in a lawful way - see how to achieve this in the ‘Principles for Use of Materials as Non-Waste’ section in the CL:AIRE Code of Practice.”

5.41. Section 2 of the CL:AIRE Protocol relates to ‘Principles for the Use of Materials as Non-Waste.’

5.42. It sets out that materials are only considered to be waste if they are discarded, intend to be discarded or required to be discarded by the holder.

5.43. It sets out that there is no single factor that can be used to determine if something is a waste or when it ceases to be waste. However, in the context of excavated materials used on sites undergoing development, it notes there a number of factors that are considered to be of particular relevance. These are:

- **Factor 1: Protection of Human Health and Protection of the Environment** - In all cases, measures to protect the environment and prevent harm to human health have to be assessed and found to be adequate given the proposed use of the materials. If the use of the material would create an unacceptable risk of pollution of the environment or harm to human health it is likely to be waste.
- **Factor 2: Suitability for Use, Without Treatment** - A material must be suitable for its intended purpose. It notes that for example, some materials may be assessed as being suitable for direct use such as engineered back-fill beneath cover layers and capping layers, land reclamation, restoration or landscaping.
- **Factor 3: Certainty of Use** - The holder of the material must be able to demonstrate the material will actually be used.
- **Factor 4: Quantity of Material** - Material should only be used in the quantities necessary for that use and no more.

5.44. The proposed material to be brought on to the land in this instance, will be undertaken in accordance with the CL:AIRE protocol, and in particular, will follow the ‘direct transfer scenario.’

5.45. As set out in Appendix 2 of the CL:AIRE protocol, this comprises the direct transfer of clean, naturally occurring soils and mineral materials from one site to another development site for use. The guidance sets out that ‘clean naturally occurring soil and mineral materials’ includes:

- Soil, both topsoil and subsoil;
- Parent material;
- Clay, silts, sands and gravel;
- Underlying geology; and

- Made-ground consisting of the above materials only, e.g. embankment which is to be removed and is suitable for use without any processing.

- 5.46. The guidance notes that materials must be sourced from greenfield sites not subject to past contaminative use; or brownfield sites where the natural soils have been extensively characterised and proven to be clean. It notes that such materials must be capable of a direct use without the need for treatment in line with the principles of suitability, certainty and quantity.
- 5.47. The applicants have instructed the works to be undertaken by 'Matthews (Sussex) Ltd.' This firm have extensive experience, and a track record, of the delivery of projects in relation to agricultural works, and with respect to the importation of material undertaken in accordance with the CL:AIRE protocol.
- 5.48. For example, the firm have previously completed a development comprising the provision of an enlarged slurry lagoon on land at Borders Farm, Balcombe (LPA reference DM/20/2270); and works for the reversion of agricultural land, previously despoiled by the construction of the A23, to enable use for arable production at Redhouse Farm, Pyecombe (LPA ref SDNP/21/02203/LDP). Both projects, were confirmed to comprise permitted development.
- 5.49. The material being used in the implementation of this development includes material being sourced from development works that are currently taking place in Rocky Lane, Haywards Heath.
- 5.50. On this basis, the material to be sourced in relation to this project has already been confirmed as comprising 'non-waste' material, and been used as part of a comparable development project, using the direct transfer scenario, within proximity of the application site.
- 5.51. Confirmation of the use of this material comprising 'non-waste' has been evidenced and confirmed by an 'independent Qualified Person' responsible for the CL:AIRE protocol declaration. This comprises a fully audited trail of source and transfer of material, including evidence that the material has been the subject of a detailed Site Investigation Report and Soil Analysis, to confirm it comprises clean inert material that is suitable for implementation in land development projects.
- 5.52. It is intended that the independent Qualified Person in relation to this project will be provided by Ged Duckworth Limited. This firm have undertaken the role of independent Qualified Person for Matthews (Sussex) Ltd for a period of in excess of the last 8 years, and are duly registered with the Environment Agency and qualified to perform the role.
- 5.53. It is therefore confirmed that the material to be imported is fully in accordance with the CL:AIRE protocol, declared by an independent Qualified Person, with the requisite full audit trail protocols established with the Environment Agency. This provides demonstrable confirmation, that the material does not constitute 'waste.'
- 5.54. This approach was similarly followed in relation to proposed engineering operations to increase the height and capacity of the dirty water lagoon on land at Bowders Farm. In this project, the LPA confirmed in a Decision Notice dated 26th April 2021 that the works constituted permitted

development, and the proposed material to be imported comprised 'non-waste material in accordance with the Definition of Waste: Development Industry Code of Practice Version 2 (CL:AIRE protocol)' and was thus permitted development under the terms of Class A, of Part 6 to Schedule 2 of the GPDO.

- 5.55. As with that project, the material to be used in the implementation of this development is therefore in accordance with the requirements of paragraph A.2(1)(c).
- 5.56. Even if the material used in the importation to complete the project were classified as waste, this would nonetheless be permissible under paragraphs A.2(1)(c) on the basis that the proposed material to be imported would be used in the provision of a hard surface and the materials to be brought in are to be *"incorporated forthwith into ... the works in question"*.
- 5.57. Paragraph A.2(2) notes that certain, specific forms of development, permitted by Class A, are subject to a number of conditions. These include that the developer must before beginning the development, apply to the Local Planning Authority for a determination as to whether prior approval of the works will be required as to specific elements of the proposed scheme.
- 5.58. The developments that are subject to this clause comprise: A.2(2)(a) the erection, extension or alteration of a building; A.2(2)(b) the formation or alteration of a private way; A.2(2)(c) the carrying out of excavations or the deposit of waste material (where the relevant area as described in paragraph D.1(4) of Class A, exceeds 0.5 hectares); or A.2(2)(d) the placing or assembly of a tank in any waters.
- 5.59. Having regard to these, no part of the development comprises the erection, extension or alteration of a building; no part of the works comprise the formation or alteration of a private way; no part of the work involves excavations; no part of the work involves the deposition of waste material or relates to an area described in paragraph D.1(4) of this part of the GPDO that exceeds 0.5 hectare; and no part of the work involves the placing or assembly of a tank in any waters.
- 5.60. On this basis, the proposed works are not subject to the conditions set out in A.2(2). The works are therefore not subject to the requirement to obtain 'prior approval' from the Local Planning Authority in order to constitute 'permitted development.'
- 5.61. Paragraphs A.2(3) - (5) relate to conditions that apply to works for the extension or alteration of buildings. Paragraph A.2(6) relates to matters in relation to an appeal, and paragraph A.2(7) relates to procedural works in relation to the implementation of the development.

6. CONSIDERATIONS AGAINST SECTION 192 OF THE TOWN AND COUNTRY PLANNING ACT 1990

- 6.1. Section 192 of the Town and Country Planning Act 1990 enables any person, in order to ascertain whether any proposed use of land or buildings or operations to be carried out, in, on, over or under land, would be lawful, to make an application to the Local Planning Authority.
- 6.2. Section 192(2) states that if, on receipt of such an application, the Local Planning Authority are provided with information satisfying them the use or operations described in the application

would be lawful, if instituted or begun at the time of the application, they should issue a certificate to that effect, and in any other case they should refuse the application.

- 6.3. Section 192(3) notes that such a certificate shall (a) specify the land to which it relates; (b) describe the use or operations in question; (c) give the reasons for determining the use or operations to be lawful; and (d) specify the date of the application for the certificate.
- 6.4. Section 192(4) notes that the lawfulness of any use or operation for which a certificate is in force under this section shall be conclusively presumed unless there is a material change, before the use is instituted or the operations are begun, in any of the matters relevant to determining such lawfulness.
- 6.5. This legislation is supported by National Planning Practice Guidance (NPPG). This notes that an application must be accompanied by sufficient factual information/evidence for a Local Authority to determine the application, and it must describe precisely what is being applied for and the land to which the application relates. ¹
- 6.6. The NPPG continues that the applicant is responsible for providing sufficient information to support an application for the purposes of a certificate for a proposed development; and an applicant needs to describe the proposal with sufficient clarity and precision to enable a Local Planning Authority to understand exactly what is involved. ²
- 6.7. The NPPG notes there is no statutory requirement to consult third parties, including Parish Councils or neighbours, although it may be reasonable for a Local Planning Authority to seek evidence from these sources. It notes the views expressed by third parties on the planning merits of the case, or on whether the applicant has any private rights to carry out the operation, use or activity in question, are irrelevant when determining the application. ³
- 6.8. The NPPG notes that in determining an application for prospective development under Section 192, a Local Planning Authority needs to ask, *“If this proposed operation had commenced, on the application date, would it have been lawful for planning purposes?”*
- 6.9. The NPPG notes that a Local Planning Authority may choose to issue a Lawful Development Certificate for a different description from that applied for, or as an alternative to refusing a certificate altogether. It notes however, that it is advisable to seek the applicant’s agreement to any amendment before issuing the certificate. It notes a refusal is not necessarily conclusive that something is not lawful, but may rather mean that as of that date, insufficient evidence had been presented. ⁴
- 6.10. Having regard to the provisions afforded under Section 192, this application seeks confirmation from the LPA that the works described in Section 4 above, and detailed on the application drawings are permitted development having regard to the Town and Country Planning (General

¹ Reference ID: 17c-005-20140306

² Reference ID: 17c-006-20140306

³ Reference ID: 17c-008-20140306

⁴ Reference ID: 17c-009-20140306

Permitted Development) (England) Order 2015. The submissions at Section 5 demonstrate that the proposed works comply with the limitations set out in A.1 of Class A, of Part 6 of Schedule 2, and with the relevant conditions set out in Part A.2. It is thus submitted, that the works proposed comprise permitted development. It is requested that the LPA confirm the lawfulness of the works, via the issue of a Lawful Development Certificate.

7. SUMMARY

- 7.1. This Statement supports a Lawful Development Certificate application for proposed engineering operations to construct a hardstanding area, incorporating the importation of material, in association with the use of an agricultural building on land to the west of Yew Tree Farm, London Road, Balcombe.
- 7.2. The application is submitted under Section 192 of the Town and Country Planning Act 1990. These submissions reflect the form and extent of evidence required by the NPPG, and are of sufficient detail to enable a determination to be made as to the lawfulness of the proposed works.
- 7.3. It is submitted the works are lawful having regard to the provisions of Class A, of Part 6 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), and with regard to the associated limitations and conditions. These facilitate and enable a range of works that comprise development that can be undertaken without the need for express planning permission, and that certain works can be undertaken without the requirement to seek 'prior approval' of the LPA.
- 7.4. It is respectfully submitted that the proposed works fully comply with these requirements, and are thus in accordance with the GPDO, and are lawful. On this basis, it is requested that this is confirmed by the LPA, via the issuing of a Lawful Development Certificate.