

## Delegated Decision

### Sign off Sheet

|                                              |                                                                                                                                                                                                                                       |                                        |                      |
|----------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|----------------------|
| <b>Ref. No:</b>                              | DM/25/2020                                                                                                                                                                                                                            | <b>Case Officer:</b>                   | Tracie Axford        |
| <b>Application Type:</b>                     | Lawful Development Certificate -Proposed                                                                                                                                                                                              |                                        |                      |
| <b>Proposal:</b>                             | Repairs to the reservoir wall through the installation of 1 x piled wall along reservoir bank and 1 x mid-slope concrete pile wall within reservoir and re-profiling of the existing land levels and provision of pedestrian slipway. |                                        |                      |
| <b>Site:</b>                                 | Ardingly Reservoir, College Road, Ardingly, West Sussex, , , ,                                                                                                                                                                        |                                        |                      |
| <b>Validation Date</b>                       | 11 Aug 2025                                                                                                                                                                                                                           | <b>Overall Expiry Date:</b>            | 5 Sep 2025           |
| <b>Pre-Commencement Conditions Required:</b> |                                                                                                                                                                                                                                       | <b>Pre-Com Conditions Date Agreed:</b> |                      |
| <b>Recommendation:</b>                       | Permission                                                                                                                                                                                                                            | <b>Recommendation Date:</b>            | 3 Oct 2025           |
| <b>Target Date:</b>                          | 6 Oct 2025                                                                                                                                                                                                                            | <b>Recommending Officer Signature:</b> | <i>Tracie Axford</i> |

|                                                        |  |                               |   |
|--------------------------------------------------------|--|-------------------------------|---|
| <b>Date Legal Agreement Completed: (if applicable)</b> |  | <b>No of Representations:</b> | 0 |
|--------------------------------------------------------|--|-------------------------------|---|

|                              |                        |              |            |
|------------------------------|------------------------|--------------|------------|
| <b>Signed and Agreed By:</b> | <i>Stephen Ashdown</i> | <b>Date:</b> | 3 Oct 2025 |
| <b>Comments:</b>             |                        |              |            |

## **MID SUSSEX DISTRICT COUNCIL**

**DM/25/2020**

**Ardingly Reservoir, College Road, Ardingly, West Sussex, , ,  
Repairs to the reservoir wall through the installation of 1 x piled wall along reservoir bank and 1 x mid-slope concrete pile wall within reservoir and re-profiling of the existing land levels and provision of pedestrian slipway.  
Environment And Planning**

### **SUMMARY OF REPRESENTATIONS**

None

### **SUMMARY OF CONSULTEES**

Southern Water has no objection to this proposal.

### **PARISH COUNCIL OBSERVATIONS**

Ardingly Parish Council did not comment on this application.

### **INTRODUCTION**

This application is seeking a Lawful Development Certificate for repairs to the reservoir wall through the installation of 1 x piled wall along the reservoir bank and 1 x mid-slope concrete pile wall within the reservoir and re-profiling of the existing land levels and provision of pedestrian slipway.

### **SITE AND SURROUNDINGS**

The application site refers to an area on the southern bank of Ardingly Reservoir. The extent of the reservoir lies to the north east of this site. The Ardingly Activity Centre is located on the south bank and it is the launching area for the various water activities that take place on the reservoir.

### **APPLICATION DETAILS**

The applicant is seeking a Lawful Development Certificate for repairs to the reservoir wall through the installation of 1 x piled wall along the reservoir bank and 1 x mid-slope concrete pile wall within the reservoir and re-profiling of the existing land levels and provision of pedestrian slipway.

### **LEGAL FRAMEWORK**

This application is to establish whether the proposed development for the rear extension would benefit from permitted development rights and will be a legal decision; planning merits cannot be taken into account when considering this application.

The proposal will be tested against the relevant criteria of Part 13, Class A of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), as detailed below:

#### **Permitted Development**

Class A - Water or hydraulic power undertakings  
Permitted development

A. Development for the purposes of their undertaking by statutory undertakers for the supply of water or hydraulic power consisting of—

- (a) development not above ground level required in connection with the supply of water or for conserving, redistributing or augmenting water resources, or for the conveyance of water treatment sludge;
- (b) development in, on or under any watercourse and required in connection with the improvement or maintenance of that watercourse;
- (c) the provision of a building, plant, machinery or apparatus in, on, over or under land for the purpose of survey or investigation;
- (d) the maintenance, improvement or repair of works for measuring the flow in any watercourse or channel;
- (e) the installation in a water distribution system of a booster station, valve house, meter or switch-gear house;
- (f) any works authorised by or required in connection with an order made under section 73 of the Water Resources Act 1991 (power to make ordinary and emergency drought orders);
- (g) any other development in, on, over or under operational land other than the provision of a building but including the extension or alteration of a building.

#### Development not permitted

##### A.1 Development is not permitted by Class A if—

- (a) in the case of any Class A(a) development, it would include the construction of a reservoir;
- (b) in the case of any Class A(e) development involving the installation of a station or house exceeding 29 cubic metres in capacity, that installation is carried out at or above ground level or under a highway used by vehicular traffic;
- (c) in the case of any Class A(g) development, it would consist of or include the extension or alteration of a building so that—
  - (i) its design or external appearance would be materially affected;
  - (ii) the height of the original building would be exceeded, or the cubic content of the original building would be exceeded by more than 25%, or
  - (iii) the floor space of the original building would be exceeded by more than 1,000 square metres; or
- (d) in the case of any Class A(g) development, it would consist of the installation or erection of any plant or machinery exceeding 15 metres in height or the height of anything it replaces, whichever is the greater.

#### Condition

A.2 Development is permitted by Class A(c) subject to the condition that, on completion of the survey or investigation, or at the expiration of 6 months from the commencement of the development, whichever is the sooner, all such operations cease and all such buildings, plant, machinery and apparatus are removed and the land restored as soon as reasonably practicable to its former condition (or to any other condition which may be agreed with the local planning authority).

## ASSESSMENT]

**South East Water (SEW) are the statutory undertaker for water supply for the works outlined in this application. As the statutory undertaker, SEW are able to benefit from permitted development rights under Part 13, Class A (Water or hydraulic power undertakings) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Part 13 Class A(a) of the General Permitted Development Order (GPDO) states the following:**  
***"(a) development not above ground level required in connection with the supply of water or for conserving, redistributing or augmenting water resources, or for the conveyance of water treatment sludge"***

**The application demonstrates that the proposed development will not protrude above existing ground levels, both within the water and that of the original wall, along with the associated hard standing located behind the original wall and, once installed will sit flush with adjacent land levels. It is therefore considered that the proposal complies with paragraph Class A(a) of Part 13, Schedule 2 of the General Permitted Development Order (GPDO). The proposals do not meet any of the paragraphs in section Class A.1 which state conditions where development would not be permitted.**

## CONCLUSION

**In conclusion, the proposed development is deemed to comply with the applicable permitted development criteria as set out within Class A of Part 13, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and therefore a certificate of Lawful Development can be issued.**

**Decision:      Permission**

**Case Officer: Tracie Axford**