

Schedule 2, Part 2, Class A – gates, fences, walls etc

Application Number:	23/01368/CPL
Location:	Land off Heald Drive, Rochdale, Lancashire
Proposal:	Application for a certificate of lawfulness for the proposed erection of 900mm high boundary fence onto Heald Drive
Applicant:	Mr Peter Joyce
Case Officer:	Sam Yuen
Recommendation:	Grant

Sign Off: RK

Date: 20/03/2024

Location

The application relates to a parcel of land off Heald Drive in Shawclough. The land adjoins the curtilage of Heald Top to the west.

Description of Proposal

Certificate of lawfulness is sought for the erection of 0.9m-high fencing bounding the parcel of land off Heald Drive.

Relevant History

N/A

Permitted Development Rights removed?	No
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Representations

In accordance with the Council's code for publicity for this type of application, no letters of notification have been issued.

Legislation and Guidance

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Assessment (Class A)

Class A of Part 2 of Schedule 2 of the GPDO allows for the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure subject to it not being contrary to any of the following criteria:

(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;

☒ **Complies**

☐ **Does Not Comply**

(b) the height of any other gate, fence, wall or means of enclosure erected or constructed would exceed 2 metres above ground level;

☒ **Complies**

☐ **Does Not Comply**

(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

☒ **Complies**

☐ **Does Not Comply**

(d) it would involve development within the curtilage of, or to a gate, fence, wall or other means of enclosure surrounding, a listed building.

☒ **Complies**

☐ **Does Not Comply**

Recommendation:

The proposal constitutes permitted development by virtue of compliance with the requirements of Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Notes for applicant:

For the avoidance of doubt, the decision relates to the following drawings:-

- Location Plan – received 21/02/2024
- Existing Site Plan – received 21/02/2024
- Proposed Site Plan and Elevations – received 15/03/2024

	Date	Officer
Report Completed	13/02/2024	Signed: SY
Authorisation	13/02/2024	Signed: RK

INFORMATIVES

For the avoidance of doubt, the granting of this Lawful Development Certificate relates only to the erection of fencing on the area of land off Heald Drive and east of Heald Top and does not permit an extension to the curtilage of the dwellinghouse. The extension and subsequent use of the land as residential curtilage would require full planning permission.

Report Author Sam Yuen