

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/24/2284/0E1
2.	Proposed Development:	LAWFUL DEVELOPMENT CERTIFICATE FOR PROPOSED INSTALLATION OF EV CHARGING EQUIPMENT & ANCILLARY ELECTRICAL EQUIPMENT
3.	Location:	CAR PARK ADJACENT, 9 NEW STREET, WHITEHAVEN
4.	Parish:	Whitehaven
5.	Constraints:	ASC;Adverts - ASC;Adverts, Conservation Area - Conservation Area, Coal - Standing Advice - Data Subject To Change
6.	Publicity Representations &Policy	Neighbour Notification Letter: NO Site Notice: NO Press Notice: NO Consultation Responses: See report Relevant Planning Policies: See report
7.	Report: Site and Location This application relates to an existing car park on New Street in Whitehaven. It is currently utilised as permit holder only parking. Proposal This application seeks a lawful development certificate for a proposed development. The proposal includes the addition of EV charging equipment to serve 6 spaces and a new	

feeder pillar.

The works are proposed under the permitted development rights – Schedule 2, Part 2, Class E – electrical upstand for recharging vehicles.

Consultation Responses:

There is no statutory requirement to consult third parties including Parish Councils or neighbours. It may, however, be reasonable for a local planning authority to seek evidence from these sources if there is good reason to believe they may possess relevant information about the context of a specific application. This normally only relates to Lawful Use applications for existing uses. In this case, the application relates to a proposed development and seeks to establish that the works proposed fall within the definition of Permitted Development. In such cases, 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.

Relevant Planning Policy/ Legislation

Town and Country Planning Act 1990 – Section 192 as amended by Section 10 of the Planning and Compensation Act 1991

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

Legal Considerations

For the purposes of clarification a Lawful Development Certificate enables applicants to establish whether a proposed development is lawful for planning purposes. In this instance it is claimed that the proposed works fall within the definition of Permitted Development.

Assessment

Schedule 2 Part 2, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 is relevant as the proposed works relate to electrical upstands for recharging vehicles.

The provisions of the legislation are as follows:

E. *The installation, alteration or replacement, within an area lawfully used for off-street parking, of an upstand with an electrical outlet mounted on it for recharging electric vehicles.*

Development not permitted



Cumberland Council

E.1 Development is not permitted by Class E if the upstand and the outlet would—

F1(a) in relation to an upstand and outlet—

- (i) within the curtilage of a dwellinghouse or a block of flats, exceed 1.6 metres in height from the level of the surface used for the parking of vehicles; or
- (ii) in any other case, exceed 2.3 metres in height from the level of the surface used for the parking of vehicles;
- (b) be within 2 metres of a highway;
- (c) be within a site designated as a scheduled monument;
- (d) be within the curtilage of a listed building; or
- (e) result in more than 1 upstand being provided for each parking space.

Conditions

E.2 Development is permitted by Class E subject to the conditions that when the development is no longer needed as a charging point for electric vehicles—

- (a) the development is removed as soon as reasonably practicable; and
- (b) the land on which the development was mounted or into which the development was set is, as soon as reasonably practicable, and so far as reasonably practicable, reinstated to its condition before that development was carried out.

F2 Interpretation of Class E

E.3. For the purposes of Class E—

“block of flats” means a building which consists of at least two flats.

The proposal relates to upstands and an outlet and the following apply:

- The infrastructure will not exceed 2.3 metres in height from the level of the surface used for the parking of vehicles;
- The infrastructure will not be within 2 metres of a highway;
- The site is not designated as a scheduled monument;
- The site is not within the curtilage of a Listed Building
- There will not be more than one upstand provided for each parking space.

When the infrastructure is no longer in use, the Applicant must remove and restore the land to its previous condition.

	<u>Conclusion</u> <p>Having considered the proposal against the criteria outlined in Part 2, Schedule 2, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). I am satisfied that the proposed works comply and falls within the definition of permitted development, therefore the Certificate of Lawfulness should be granted.</p>	
8.	Recommendation: <p>Approve Certificate of Lawfulness</p>	
Case Officer: Sarah Papaleo		Date : 03/10/2024
Authorising Officer: N.J. Hayhurst		Date : 09/10/2024
Dedicated responses to:- N/A		