

## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/25/2042/0E1
2.	<b>Proposed Development:</b>	LAWFUL DEVELOPMENT CERTIFICATE TO REPLACE EXISTING GRAVEL DRIVEWAY WITH TARMAC
3.	<b>Location:</b>	SIMORIA, HENSINGHAM, WHITEHAVEN
4.	<b>Parish:</b>	Weddicar
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change
6.	<b>Publicity Representations &amp;Policy</b>	See report.
7.	<b>Report:</b>  <b>Site and location</b>  The application relates to Simoria, a detached residential dwelling within Hensingham.  <b>Proposal</b>  This application seeks a Lawful Development Certificate for a proposed development. The proposal is for works to replace an existing gravel driveway with tarmac. These works are to include: <ol style="list-style-type: none"> <li>1. Installation of pin kerbs laid on the concrete;</li> <li>2. A blocked paved border course to the concrete around the perimeter of this;</li> <li>3. Replacement of the back garden path with tarmac and blocked paved border course around the perimeter;</li> <li>4. Replacement of front, back and side steps paving slabs;</li> <li>5. Instillation of an Aco drain system to the front of the garage.</li> </ol> <b>Relevant Planning Legislation</b>	

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).

### **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 this instance, the Parish Council were consulted for information but did not respond.

Despite this, 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.

### **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**

The provision of Schedule 2, Part 1 Class F of the Town and Country Planning (General Permitted Development) (England) Order 2015 is applicable which relates to hard surfaces incidental to the enjoyment of a dwellinghouse.

The provision of Schedule 2, Part 1, Class F of the GPDO 2015 are considered in turn below:

In respect of the provisions of F. – The proposal comprises the replacement of a hard surface incidental to the enjoyment of a dwelling house.

In respect of the provisions of F.1 –

- (a) The property has not been granted permission to use the dwelling house as a dwelling house by virtue of Class G, M, MA, N, P, PA or Q of Part 3 of the GPDO (change of use);

	<p>(b) The dwellinghouse was not built under Part 20 of the GPDO (construction of a new dwellinghouse.</p> <p>In respect of the provisions of F.2 –</p> <p>(a) Elements of the proposed hard surface would be situated on land between a wall forming the principal elevation of the dwellinghouse and highway, and</p> <p>(b) The area of ground covered by the proposed hard surface would exceed 5 square meters.</p> <p>The GDPO dictates that where this is the case, either the hard surface should be made of porous materials, or provision should be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse.</p> <p>The proposed material – tarmac – is impermeable. To the front of the dwelling, the profile of the driveway slopes towards the property at Simoria, and away from the road. This was confirmed by photographic evidence submitted by the applicant. The applicant has detailed that an Aco drain is to be located to the front of the garage. Therefore, as provision is made to address excess run off, the proposals can be classed as permitted development.</p> <p>The area of path to be replaced to the rear of the property is not to be situated on land between the front elevation of the property and the highway, therefore is classed as permitted development.</p> <p><b>Conclusion</b></p> <p>Having considered the proposal against the criteria outline in Class F Part 1 of this Order and providing that the applicant adheres to the drainage scheme submitted, I am satisfied that it has been adequately demonstrated that the proposed works comply and fall within the definition of permitted development under Schedule 2, Part 1, Class F of the Town and Country Planning (General Permitted Development) (England) Order 2015. Therefore, the Certificate of Lawfulness should be granted.</p>
8.	<p><b>Recommendation:</b></p> <p>Approve a Certificate of Lawfulness.</p>
<p><b>Case Officer: E. Turner</b></p>	
<p><b>Date : 14/03/2025</b></p>	
<p><b>Authorising Officer: N.J. Hayhurst</b></p>	
<p><b>Date : 17/03/2025</b></p>	
<p><b>Dedicated responses to:- N/A</b></p>	