

## COMMITTEE REPORT

<b>Case Officer:</b>	Peter Whitehead		
<b>Parish:</b>	Bickleigh	<b>Ward:</b>	Woolwell
<b>Application No:</b>	4240/23/CLP		
<b>Applicant:</b>	South Hams District Council Woolwell Community And Resource Centre, Open Space And Play Areas Darklake Lane Woolwell Devon PL6 7TR	<b>Agent:</b>	
<b>Site Address:</b>	Land South of Woolwell Centre, Woolwell		
<b>Development:</b>	Certificate of lawfulness for proposed creation of a tarmac track for wheeled sports, with associated reprofiling of earth at the site to create supporting berms & features		



**Reason item is before Committee: South Hams is the land owner and applicant.**

**Recommendation:** Certificate of Lawfulness (Proposed) Certified

**Key issues for consideration:**

Whether or not the proposed development complies with Schedule 2, Part 12, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and is therefore permitted development.

**Site Description:**

The application site comprises a relatively level piece of land within Woolwell Park. The land is located to the south of the Woolwell Centre and to the east of the 1st Roborough Scout Building. Woolwell car park is located to the east of the site with a further parking area to for commercial premises to the south.

**The Proposal:**

The application seeks the issue of a lawful development certificate to certify that a proposed development can be carried out without planning permission (ie. it benefits from deemed permission by virtue of Schedule 2, Part 12, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Part 12 relates to development by local authorities.

The proposal involves the creation of a tarmac track for wheeled sports, in a figure of eight layout, with associated reprofiling of earth to create supporting berms and features.

**Consultations:**

No consultations are required for this application however, Highways have commented that the proposal has no highway implications.

**Relevant Planning History**

- 04/1508/79/1 The development of land for residential and associated purposes, including a primary school, shops, community facilities and the laying out of public open spaces together with roads and sewers to serve the development
- 04/1555/83/1 Renewal of outline permission granted for development for residential & associated purposes including a Primary School Shops, Community Facilities, Public Open Spaces & Roads & Sewers to serve the development,
- 04/1731/86/1 Part renewal of outline permission for residential and associated purposes including a local centre and public open space,

**ANALYSIS**

**1. Principle of Development**

1.1 The Council is required to determine whether the proposed works constitute permitted development under Schedule 2, Part 12, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

1.2 The above allows for the following as permitted development:

“A. The erection or construction and the maintenance, improvement or other alteration by or on behalf of a local authority or by or on behalf of an urban development corporation of—

(a) any small ancillary building, works or equipment on land belonging to or maintained by them required for the purposes of any function exercised by them on that land otherwise than as statutory undertakers;

(b) lamp standards, information kiosks, passenger shelters, public shelters and seats, telephone boxes, fire alarms, public drinking fountains, horse troughs, refuse bins or baskets, barriers for the control of people waiting to enter public service vehicles, electric vehicle charging points and any associated infrastructure, and similar structures or works required in connection with the operation of any public service administered by them.”

1.3 The following interpretation within the Order is also of relevance:

“A.2 The reference in Class A to any small ancillary building, works or equipment is a reference to any ancillary building, works or equipment not exceeding 4 metres in height or 200 cubic metres in capacity.”

1.4 Based on the submitted plans the proposal would be development permitted under Part 12 and would not exceed the thresholds. No Article 4 directions (which can remove permitted development rights) have been identified.

## **2. Conclusion**

2.1 Based on the information submitted, the proposal is considered to be permitted development under Schedule 2, Part 12, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The development can therefore proceed without further reference to the Council as Local Planning Authority.

**This application has been considered in accordance with Section 192 of the Town and Country Planning Act 1990 (as amended).**

### **Planning Policy**

The application requires a legal determination of whether the proposed development is permitted development. It is therefore not necessary to consider the planning merits of the application.

### **Considerations under Human Rights Act 1998 and Equalities Act 2010**

The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report

