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Planning Department
Cotswold District Council
VIA EMAIL ONLY

Dear Sir/Madam

Certificate of Proposed Development | Erection of Boundary Fencing around land under the ownership, but outside the residential curtilage of The Gables, Shipton Oliffe.

McLoughlin Planning is instructed by Mr Helen Cowling, to assist with the submission of a Certificate of Proposed Development for the erection of boundary fencing on land adjacent to the property known as The Gables in Shipton Oliffe. This submission is accompanied by the following:

- Application Form
- Site Location Plan
- Existing Site Plan
- Proposed Site Plan
- Details of Proposed Fencing

The application for this Certificate of Proposed Development which is purely an evidential test and is a formal way of establishing whether a proposed development can be implemented lawfully without the need for planning permission. Accordingly, there is no consideration of planning merit; the application is based on the facts presented. The submission is not an application for Planning Permission and as such, the development plan is not of relevance to the determination of this application; the decision rests upon the evidence that if the proposed development is lawful, the Local Planning Authority must grant a certificate confirming that the proposed development is lawful.

In this case, the proposals are for boundary fencing, around land adjacent to the property but in the same ownership as the property known as The Gables. The site sits outside of the lawful residential curtilage associated with the property. This proposal would fall within Schedule 2, Part 2 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015.

With regard to the proposed fencing, Class A of Part 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, allows permitted development for the



erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure, providing that a set of conditions are met. The below sets out each condition in turn and demonstrates how they have been satisfied.

Condition	Justification	Satisfied?
<p>(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 –</p> <p>(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 that 1 metre above ground level does not create an obstruction to the view of persons using the highway as to be likely cause danger to such persons.</p> <p>(ii) in any other case, 1 metre above ground level;</p>	<p>The proposed fencing is not adjacent to a vehicular highway and therefore this condition is not required.</p>	<p>YES</p>
<p>(b) The height of any gate, fence, wall or other means of enclosure erected or constructed would exceed 2 metres above ground level</p>	<p>The height of the fencing does not exceed 2 metres above ground level at any point, therefore satisfying this condition.</p>	<p>YES</p>
<p>(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 which</p>	<p>There are no alterations to existing boundary treatments as part of this proposal and therefore Condition C is not applicable. In any case, the proposed height is no more than 2 metre.</p>	<p>YES</p>
<p>(d) It would involve development within the curtilage of or to a gate, fence, wall or other means</p>	<p>The proposed fencing is not within the curtilage of a listed building. Therefore satisfying this condition</p>	<p>YES</p>



of enclosure surrounding, a listed building		
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The purpose of this letter is to demonstrate that the proposed boundary fencing complies with the requirements under Schedule 2, Part 2 Class A of the Town and Country Planning (General Permitted Development (England) Order 2015.

The proposed development has been demonstrated to be permitted development, therefore formal planning permission is not required and construction of the extension and alteration to the roof can commence immediately.

The principle of a permitted development right for the erection of boundary fencing is not restricted by an article 4, environmental or heritage restrictions. The supporting plans demonstrate that the proposal complies with the requirements of the General Permitted Development Order, and the associated conditions outlined under Part 2 Class A.

Therefore, without any evidence to the contrary, it is respectfully requested that the lawful development certificate is granted without delay.

Should you require any further information of clarification please do not hesitate to contact me.

Yours sincerely

**Chris Fleming BSc (Hons) MA MRTPI
Director**

