

**WEST BATTERY FIELD CLARENCE ESPLANADE SOUTHSEA PO5 3PA**

**CERTIFICATE OF LAWFUL DEVELOPMENT FOR THE CONSTRUCTION OF WALL ALONG SEAWARD EDGE OF FIELD**

[23/00325/CPL | Certificate of lawful development for the construction of wall along seaward edge of field | West Battery Field Clarence Esplanade Southsea PO5 3PA \(portsmouth.gov.uk\)](https://www.portsmouth.gov.uk/23/00325/CPL)

**Application Submitted By:**

Nicola Reid  
Coastal Partners

**On behalf of:**

Portsmouth City Council

**RDD:** 15th March 2023

**LDD:** 11th May 2023

**1. SUMMARY OF MAIN ISSUES**

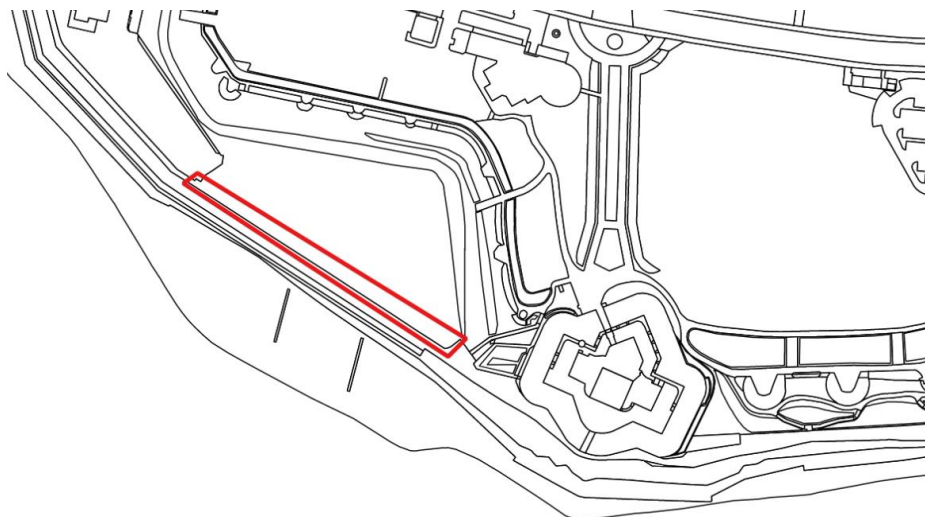
- 1.1. The application is brought to committee as Portsmouth City Council are the applicant.
- 1.2. The main and only determining issue is whether the proposed new wall accords with Schedule 2, Part 2, Class A of the General Permitted Development Order (2015). As this is an application for a certificate of proposed lawful development, no matters of local policy or other material planning considerations are relevant.

**2. SITE AND SURROUNDINGS**

- 2.1. The area in question is the boundary between the footpath that runs alongside the sea wall and the Bandstand Field to the north. There is an existing wall in place to separate the footpath and the field which is fairly old and worn. The area will have changed significantly once the relevant phase of the sea defence works have been completed, and it would appear that the proposed wall seeks to fit with the more up to date surroundings produced by the works.
- 2.2. The site falls within the Seafront Conservation Area.

**3.0. PROPOSAL**

- 3.1. The application seeks to erect a 0.6m high wall within the extent shown below:



#### **4.0. REQUIREMENTS OF PERMITTED DEVELOPMENT**

4.1. The relevant piece of legislation against which the application should be assessed is Schedule 2, Part 2, Class A. For reference, this is inserted below (with unnecessary points deleted), with the relevant part highlighted:

*A. The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure.*

##### **Development not permitted**

*A.1 Development is not permitted by Class A if—*

*(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—*

*1 metre above ground level;*

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

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

#### **5.0. CONSULTATIONS**

5.1. As the only determining factor in this case is whether the proposal benefits from Permitted Development there are no relevant consultees and no representations.

#### **6.0. COMMENT**

6.1. As the proposed wall is not adjacent to a highway used by vehicular traffic, it could have a maximum height of 2m. The proposed height of the wall is 0.6m and it therefore would accord with the legislation.

6.2. The location of the wall does not involve development within the curtilage of a listed building.

#### **RECOMMENDATION**

**The proposed development is considered to fall within the tolerances of Permitted Development and therefore the Certificate of Proposed Lawful Development should be issued.**