

18-03-2025

Knowsley Metropolitan Borough Council
Planning Services
Municipal Buildings
Huyton
Knowsley
L36 9UX**BDP.**

Dear Sir / Madam

**Application for a Lawful Development Certificate – for the Erection of a Fence (a Proposed Use / Operation)
Land at Okell Drive (to the Rear of Elworthy Avenue), Halewood, Knowsley L26 7AA**

BDP is instructed by our client, Rockbourne Day Nursery Limited, to submit an application for a Lawful Development Certificate (LDC) for the proposed erection of a fence on land at Okell Drive, to the rear of Elworthy Avenue, in Halewood.

The erection of the fence has not yet commenced. This LDC application seeks Knowsley Local Planning Authority's (LPA's) confirmation that the proposed operation falls within Schedule 2, Part 2, Class A (Gates, Fences, Walls etc) of the Town and Country Planning General Permitted Development (England) Order 2015.

This Covering Letter is accompanied by:

- Site Location Plan and Existing Site Plan (drawing reference 25.011 001)
- Proposed Site Plan (25.011 002)
- Proposed Fence Detail (25.011 003)
- Typical Fence Specification
- Palisade Fence Data Sheet

The planning application fee for a Lawful Development Certificate for a proposed use or operation is half the normal planning fee.

The proposal falls within '*Other operations - not coming within any of the above categories*' for which the planning application fee is £293 for each 0.1 hectare (or part thereof).

The proposed fence measures 185 linear metres, which equates to less than 0.1ha. As such, the planning application fee is £146.50 (i.e. half of £293) and has been paid via the Planning Portal.

Proposal

The proposed works entail the erection of a fence, the alignment of which will be offset by circa 2m from the pedestrian highway (the footway / pavement) which surrounds the application site.

The fence will measure circa 185 linear metres and (up to) 2m high.

Schedule 2, Part 2, Class A does not require that the fence type be prescribed. As such, this LDC application seeks confirmation that, were a closeboard timber fence or a palisade fence erected, either would constitute Permitted Development (PD).

Before the proposed works go ahead, our client is seeking confirmation from Knowsley LPA that officers agree the works are Permitted Development (PD), hence this LDC application submission.

Permitted Development

BDP consider the proposal meets the criteria set out within Schedule 2, Part 2 (Minor operations), Class A (Gates, Fences, Walls etc) of the Town and Country Planning General Permitted Development (England) Order 2015.

The criteria within Part 2, Class A are set out below, under which we assess and describe how each criterion is met.

We seek Knowsley LPA's confirmation that officers agree with our assessment and, as such, that a LDC for the proposed fence can be issued:

PART 2 - Minor Operations

Class A – Gates, Fences, Walls etc

Permitted development

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

The proposal seeks the erection of a fence.

Development not permitted

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:*
 - (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 than 1 metre above ground level does not create an obstruction to the view of persons using the highway as to be likely to cause danger to such persons;*

Criterion (a)(i) is not applicable because the proposal is not a means of enclosure for a school.

Notwithstanding the above, the fence will not create an obstruction to the view of persons using the highway as to be likely to cause danger to such persons. Sightlines at vehicular junctions will remain open and clear.

- (ii) in any other case, 1 metre above ground level;*

We understand that Knowsley LPA define 'adjacent' as 'within 2.0m' from the vehicular highway.

This Covering Letter is supported by a Proposed Site Plan (25.011 002), which illustrates a 2.0m offset from the vehicular highway in green and the alignment of the proposed fence in blue.

The Proposed Site Plan illustrates that the fence line will be offset by circa 2.0m from the pedestrian highway (the footway / pavement), which surrounds the site. This is principally to ensure that there aren't any conflicts with any existing infrastructure around the periphery of the site.

As such, the fence will be offset from the vehicular highway by between circa 4.0m to 8.8m (both figures rounded up).

Given the alignment of the proposed fence is offset from the vehicular highway by more than 2.0m, it falls beyond Knowsley LPA's definition of being 'adjacent' and, as such, criterion (a)(ii) is not applicable.

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

Given criterion (a)(ii) is not applicable, criterion (b) - *any other fence* - applies.

As is illustrated in the supporting information, both fence types – a closeboard fence and / or a palisade fence will measure up to 2.0m from ground level. Neither will exceed this upper limit.

Schedule 2, Part 2, Class A does not stipulate a fence type. As such, this LDC application submission includes two fence types for which we seek Knowsley LPA officers' confirmation that either would constitute PD.

- (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, whichever is the greater; or*

There isn't currently a fence in place, so reference to the proposal exceeding a former height is not applicable.

As per the commentary under criterion (b), whichever fence type is erected, it will not exceed 2.0m high.

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

Criterion (d) is not applicable because the proposal does not constitute development within the curtilage of a listed building.

Summary

The above assessment demonstrates that the proposal meets the criteria of Schedule 2, Part 2 (Minor operations), Class A (Gates, Fences, Walls etc) of the Town and Country Planning General Permitted Development (England) Order 2015.

We seek Knowsley LPA's confirmation that officers agree with our assessment and, as such, that a Lawful Development Certificate for the erection of the proposed fence can be issued.

I trust that the above and enclosed is helpful and provides sufficient detail to enable the validation of this planning application in a timely manner.

In the meantime, if any additional information or clarification is required, please contact David Staniland (Senior Consultant Town Planner, BDP) on 0161 828 2275.

Kind Regards

David Staniland
Senior Consultant Town Planner
BDP