

Delegated Report

Lawful Development Certificate (Proposed)

Application no:	20240950
Location	68 Tradescant Drive Meopham Gravesend Kent
Proposal:	Application for a Proposed Lawful Development Certificate for the erection of close boarded fence to the northern boundary with extension to existing dropped kerb and extension of hardstanding to front garden.
Applicant:	Mr Tom Smith
Site Visit	N/A Desktop Assessment

Plans & Documents

Application Form Dated 20/10/2024;
Site Location Plan;
Block Plan;
Drawing Number EX04 Issue 2 (Driveway Layout – Existing); and
Drawing Number DU04 Issue 2 (Driveway Layout – Proposed).

Property Type

68 Tradescant Drive is a two storey detached dwellinghouse.

Material Consideration

Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

Relevant Planning History

No relevant history

Officer Assessment

To establish whether the proposed erection of a close boarded fence is lawful, the proposal will be assessed under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Part 2, Class A.

Permitted development

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—
 - ~~(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;~~
 - (ii) in any other case, 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;
- (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
- (d) it would involve development within the curtilage of, or to a gate, fence, wall or other means of enclosure surrounding, a listed building.

The proposed plans show the fence to be 1m in height to a depth of 3m from the highway and therefore complies with under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Part 2, Class A.

To establish whether the proposed extended vehicular access and additional paving to front garden is lawful, the proposal will be assessed under; Class B of Part 2 to Schedule 2 of the GPDO (2015) (as amended) and Class F of part 1 to Schedule 2 of the GPDO (2015) (as amended) below:

Class B of Part 2 to Schedule 2 of the GPDO states that development is permitted providing:

B. The formation, laying out and construction of a means of access to a highway which is not a trunk road or a classified road, where that access is required in connection with development permitted by any Class in this Schedule (other than by Class A of this Part).

Tradescant Drive is not a classified road or a trunk road and therefore complies with this part of the order.

Permitted Developments Rights Restrictions

Article 2 (3) Land (AONB, Conservation Area)	N
Article 4 Direction	N
Permitted Development Rights Removed/Restricted	N

Class F - The provision within the curtilage of the dwellinghouse of hard surfaces incidental to the enjoyment of a dwellinghouse

Development consisting of -

- (a) the provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse as such; or**

(b) the replacement in whole or in part of such a surface.

F.1	Development is not permitted by Class F if –	Y/N
(a)	Permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule (changes of use);	N
(b)	the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses)	N
F.2	Development is permitted by Class F subject to the condition that where	Y/N
(a)	The hard surface would be situated on land between a wall forming the principal elevation of the dwellinghouse and a highway, and	Y
(b)	The area of ground covered by the hard surface, or the area of hard surface replaced, would exceed 5 square metres,	Y (14sqm)
	Either the hard surface is made of porous materials, or provision is made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse.	Y

Conclusion

The proposed development complies with Schedule 2, Part 1, Class F and Class A and B of Part 2 to Schedule 2 of THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015, AS AMENDED, and the LAWFUL DEVELOPMENT CERTIFICATE is GRANTED.

Recommendation: Grant Lawful Development Certificate

Case Officer:	Mrs Nina Goodbody	Team Leader:	Richard Hart
Signed:	<i>N Goodbody</i>	Signed:	<i>R Hart</i>
Dated:	6 th January 2024	Dated:	6 th January 2024