

Delegated Report

Lawful Development Certificate (Proposed)

Application no:	20240697
Location	Markland Whitepost Lane Culverstone Gravesend
Proposal:	Application for a Lawful Development Certificate in respect of the erection of a garden outbuilding with gym and recreational space.
Applicant:	Mr Paul Savastano
Site Visit	N/A Desktop Assessment

Plans & Documents

- Application Form
- Drawing No: P01 (Site Location Map)
- Drawing No: P02 (Existing Site Map)
- Drawing No: P03 (Proposed Elevations)
- Drawing No: P04 (Proposed Floor and Roof Plan)
- Drawing No: P05 (Proposed Site Plan)

Property Type

The property comprises a detached dwelling situated within a rural settlement which is inset from the Greenbelt.



Material Consideration

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

Relevant Planning History

No relevant planning history.

Officer Assessment

Permitted Developments Rights Restrictions

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

Class E - The provision within the curtilage of the dwellinghouse of –

(a) any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure; or

(b) a container used for domestic heating purposes for the storage of oil or liquid petroleum gas.

E.1	Development is not permitted by Class E 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 total area of ground covered by building, enclosures and containers within the curtilage (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);	N
(c)	Any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse;	N
(d)	The building would have more than a single storey;	N
(e)	The height of the building, enclosure or container would exceed – (i) 4 metres in the case of a building with a dual-pitched roof, (ii) 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of dwellinghouse, or (iii) 3 metres in any other case;	N – 4m N – situated 3.7m away N
(f)	The height of the eaves of the building would exceed 2.5 metres;	N – 2.4m
(g)	The building, enclosure, pool or container would be situated within the curtilage of a listed building;	N
(h)	It would include the construction or provision of a verandah, balcony or raised platform;	N
(i)	It relates to a dwelling or a microwave antenna; or	N
(j)	The capacity of the container would exceed 3,500 litres	N
(k)	the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses)	N
E.2	In the case of any land within the curtilage of a dwellinghouse which is within –	N

	(a) An area of outstanding natural beauty; Development is not permitted by Class E if the total area of ground covered by buildings, enclosures, pools and containers situated more than 20 metres from any wall of the dwellinghouse would exceed 10 square metres.	
E.3	In the case of any land within the curtilage of the dwellinghouse which is article 2(3) land, development is not permitted by Class E if any part of the building, enclosure, pool or container would be situated on land between a wall forming a side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse.	N/A

Officer Analysis

The Technical Guidance for Permitted development rights for householders (2019) states:

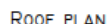
Class E sets out the rules on permitted development for buildings etc within the curtilage of a house (see page 7). Buildings which are attached to the house are not permitted under Class E (they would be subject to the rules in Class A). Buildings under Class E should be built for purposes incidental to the enjoyment of the house. Paragraph E.4 of Class E indicates that purposes incidental to the enjoyment of the house includes the keeping of poultry, bees, pet animals, birds or other livestock for the domestic needs or personal enjoyment of the occupants of the house.

But the rules also allow, subject to the conditions and limitations below, a large range of other buildings on land surrounding a house. Examples could include common buildings such as garden sheds, other storage buildings, garages, and garden decking as long as they can be properly be described as having a purpose incidental to the enjoyment of the house. A purpose incidental to a house would not, however, cover normal residential uses, such as separate self-contained accommodation or the use of an outbuilding for primary living accommodation such as a bedroom, bathroom, or kitchen.

This guidance therefore advises that Class E would only apply to outbuildings that can be “*properly described as having a purpose incidental to the enjoyment of the house*”.

In this instance the scheme would introduce a substantial outbuilding which is of a similar footprint to the main dwelling and would be positioned at the foot of the plot. The outbuilding includes a w/c shower, a games room and gym area which isn't unusual for a modern day outbuilding.

The introduction of games rooms and home gyms have become a common addition to family homes in recent times, furthermore there are no kitchen facilities in the outbuilding and so it would have reliance on the main dwelling for day to day living. Based on the information submitted before the council the proposal is considered to be incidental to the enjoyment of the house thus making it lawful however it is important to note that any deviation in terms of its proposed use may require a grant of planning permission.



Conclusion

Recommendation: Grant Lawful Development Certificate

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