

Delegated Report

Lawful Development Certificate (Proposed)

Application no:	20231296
Location	Home Acre Melliker Lane Meopham Gravesend
Proposal:	Application for a Lawful Development Certificate in respect of the proposed erection of shed, summer house, greenhouse and car port with drive-way extension.
Applicant:	Ms Marta Pochtowska
Site Visit	N/A Desktop Assessment

Plans & Documents

Application form;
Drawing no. D-02 – Outbuildings;
Drawing no. D-03 – Plans As Existing;
Drawing no. D-10 – Site Location Plan, Block Plan, Outbuildings Existing & Proposed; and
Design & Access Statement.

Property Type

The property comprises a detached dwelling.

Material Consideration

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

Relevant Planning History

Reference	Description	Decision	Decision Date
20231267	Prior approval application for a single storey rear extension with a depth of 7.90 metres, maximum height of 4.00 metres and eaves height of 2.43 metres.	Prior Approval Not Required	18.01.2024
20230792	Erection of a first storey side extension and a double storey front extension including removal of porch and alteration of garage including conversion to a habitable room and changes to fenestration.	Refused	13.10.2023
19860870	Erection of single storey side extension on the east elevation to form double garage and single storey front extension to form a porch	Permitted	14.01.1987

19520182	Erection of a dwelling house	Permitted	01.08.1952
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Officer Assessment*Permitted Developments Rights Restrictions*

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

In respect of the proposed shed, summer house, green house and car port Class E is applicable:

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;	Shed – No Summer house – No Green house – No Car port - No
(d)	The building would have more than a single storey;	Shed – No Summer house – No Green house – No Car port - No
(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;	Shed – No. Would be 2.8m in height and 2028mm from boundary.

		Summer house – No. Would be 4m in height with a dual pitched roof and would be located 2m from boundary. Green house – No. Would be 2.8m in height and would be located 2m from boundary. Car port – No. Would be 4m in height and would be 2m from boundary.
(f)	The height of the eaves of the building would exceed 2.5 metres;	Shed – No. Would be 2m. Summer house – No. Would be 2.2m Green house – No. Would be 2m. Car port – No. Would be 2.3m.
(g)	The building, enclosure, pool or container would be situated within the curtilage of a listed building;	No
(h)	It would include the construction or provision of a verandah, balcony or raised platform;	No

(i)	It relates to a dwelling or a microwave antenna; or	No
(j)	The capacity of the container would exceed 3,500 litres	N/A
(k)	the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses)	No
E.2	In the case of any land within the curtilage of a dwellinghouse which is within – (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.	N/A
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

The shed, summer house, green house and car port therefore meet the requirements of Class E.

In respect of the proposed drive-way extension Class F is applicable:

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
	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 – the plans state the driveway will be

		permeable paving.
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The driveway extension therefore meet the requirements of Class F.

Conclusion

The proposed shed, summer house, green house, car port and driveway extension would comply with the parameters set out in Classes E & F of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended. As such planning permission would not be required and a lawful development certificate can be granted.

Recommendation: Grant Lawful Development Certificate

Case Officer:	Ms Rebecca Harrison	Team Leader:	Richard Hart
Signed:	<i>Rebecca Harrison</i>	Signed:	<i>R Hart</i>
Dated:	7th February 2024	Dated:	8th February 2024