



Delegated Report

Lawful Development Certificate (Proposed)

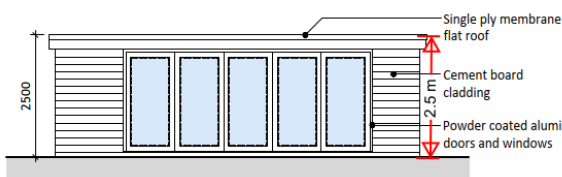
Application no:	20260210
Location	15 The Street Cobham Gravesend Kent
Proposal:	Application for a Proposed Lawful Development Certificate; Erection of an Outbuilding to be used as a proposed office and games room with a shower and WC.
Applicant:	Mr & Mrs M Langley
Site Visit	N/A Desktop Assessment

Plans & Documents

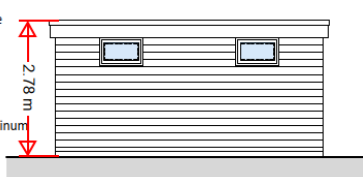
Application Form;
Drawing No. 23-024-220-00 – Floor Plans and Elevations and Block Plans – Existing and Proposed with OS Plan.

Plan Note

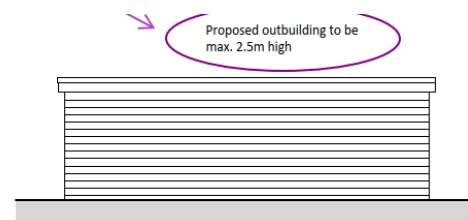
The side elevations of the proposed outbuilding measure electronically at 2.78m. Notwithstanding this, measurement, this is considered to be a plan error, as the elevations are annotated to state the proposed outbuilding is to be a maximum of 2.50m high:



FRONT ELEVATION
SCALE 1:100



SIDE ELEVATION
SCALE 1:100



REAR ELEVATION
SCALE 1:100

As such, for the purposes of this assessment, the proposed outbuilding with a maximum height of 2.50m is being considered.

Property Type

15 The Street is a detached chalet bungalow style property.

Material Consideration

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

Relevant Planning History

Reference	Description	Decision	Decision Date
19550413	Erection of a private dwellinghouse and garage	Permitted	07.11.1956

Officer Assessment

Permitted Developments Rights Restrictions

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

The application property lies within the Cobham Conservation Area, parts of which are covered by an Article 4 Direction. Article 4 Directions were introduced to address unsympathetic alterations to dwellings that harm or erode the character of the area. This means planning permission is required for development that fronts the highway as specified within the Direction (for affected properties). In the case of this application for a proposed outbuilding within the rear garden of No. 15 The Street, the direction is not relevant.

In addition to being within the Conservation Area, the property is also situated within the Kent Downs National Landscape (formerly known as an AONB- Area of Outstanding Natural Beauty). Under Class E, there are additional restrictions on development within these areas. These restrictions shall therefore form part of the assessment below.

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/A N 2.50m as per annotation on plan N/A
(f)	The height of the eaves of the building would exceed 2.5 metres;	N The outbuilding has a flat roof and would be a maximum of 2.50m in height
(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 – (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.	Y See below
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

E.4 Incidental to the Dwellinghouse

Class E sets out the rules on permitted development for buildings etc within the curtilage of a house. 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



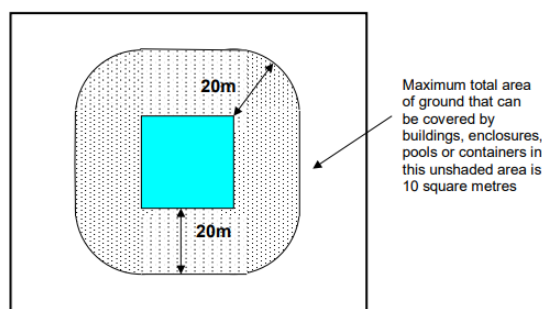
the house. But the rules also allow, subject to the conditions and limitations below, a large range of other buildings on land surrounding a house. Examples could include common buildings such as garden sheds, other storage buildings, garages, and garden decking as long as they can be properly be described 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.

In terms of this application, the outbuilding would be used as an office and games room with shower WC. As set out within the Government Technical Guidance for permitted development rights for householders, a bathroom is an example of primary living accommodation. Notwithstanding this, in isolation, a shower room could sometimes be considered as 'reasonably required.' In the case of this application, the outbuilding is situated away from the dwelling, and would be used incidentally as a home office/games room. In this instance, it is considered that the shower room/WC could fall under being 'reasonably required.'

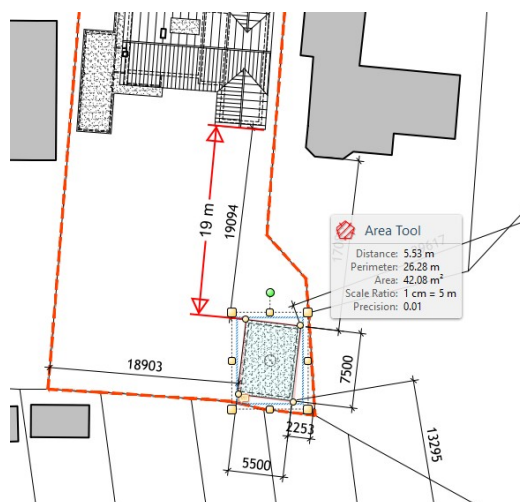
Assessment of E.2 (a)

As set out in the Government Permitted Development Rights Technical Guidance for Householders, within the National Landscape, 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:

The effect of this limitation is to restrict the amount of permitted development for buildings, enclosures, pools and containers located more than 20 metres away from any wall of the house. The total area of ground which may be covered by buildings etc more than 20 metres from any wall of a house is 10 square metres.



The plans show that although some of the proposed outbuilding would be situated within 19.00m of the nearest wall of the dwellinghouse, the majority of the outbuilding (which would exceed the 10sqm floor area) would be located 20m away:



As such the proposal fails to comply with E.2.

Conclusion

The proposal fails to comply with the requirements of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

The property is situated within the Kent Downs National Landscape, formerly known as AONB, and the proposed development fails to comply with Class E.2(a) as the outbuilding would be located more than 20 metres from the wall of the house and the total area covered by the building would exceed 10 square metres.

Recommendation: Refuse Lawful Development Certificate

Case Officer:	Mrs Lucy Hankin	Team Leader:	Richard Hart
Signed:	L Hankin	Signed:	<i>R Hart</i>
Dated:	1 st April 2026	Dated:	7 th April 2026