

Delegated Report

Lawful Development Certificate (Proposed)

Application no:	20260508
Location	Land Parcel Adjacent To Garage Block Biddenden Way Istead Rise Gravesend
Proposal:	Application for a Proposed Lawful Development Certificate; Installation of a dropped kerb in association with hard standing.
Applicant:	Mr James Farrington
Site Visit	N/A Desktop Assessment

Plans & Documents

Application Form;
Site Location Plan; and
Block Plan.

Material Consideration

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

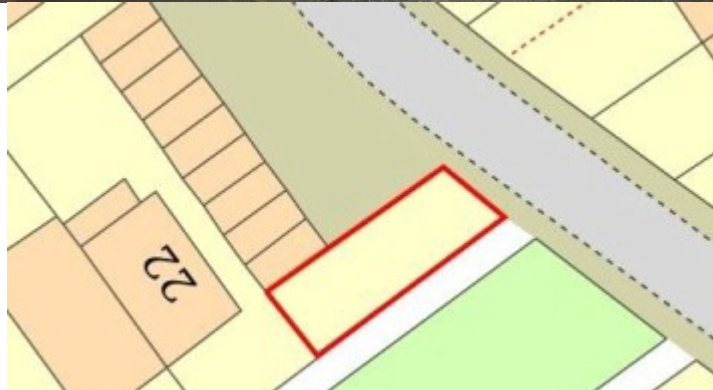
Relevant Planning History

No relevant history.

Site Description

The parcel of land in question is located adjacent to the garage block and No.22 Biddenden Way.

2016 Google Image



The information included with this application indicate that the ownership of this land has been transferred to the current occupiers of No.18 Biddenden Way.

Officer Assessment

In order to be permitted development, the proposal needs to comply with the requirements of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Schedule 2, Part 2, Class B – means of access to a highway

Permitted Development

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).

Biddenden Way is not a trunk Road or classified road. This application proposes the creation of a vehicular access/dropped kerb and associated domestic hardstanding for the occupants of 18 Biddenden Way.

The Government definition of curtilage is as follows:

Curtilage: is land which forms part and parcel with the house. Usually it is the area of land within which the house sits, or to which it is attached, such as the garden, but for some houses, especially in the case of properties with large grounds, it may be a smaller area.

In the case of this application, the parcel in land in question is detached from dwellinghouse that it would serve and does not form part of its residential curtilage.

In order for a hardstanding area to be considered lawful, one element that needs to be considered is whether it would meet the criteria of Schedule 2, Part 1, Class F – hard surfaces incidental to the enjoyment of a dwellinghouse (GPDO). This provides permitted development rights within the curtilage (my emphasis) of a house for:

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.*

Conditions

F.2 Development is permitted by Class F subject to the condition that where:

- (a) the hard surface would be situated on land between a wall forming the principal elevation of the dwellinghouse and a highway, and*
 - (b) the area of ground covered by the hard surface, or the area of hard surface replaced, would exceed 5 square metres*
- either the hard surface shall be made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse*

In the case of this application, as aforementioned above, the land is not part of the curtilage of the dwellinghouse, the proposed hardstanding area would therefore not be lawful. Notwithstanding this, it should also be noted that the hard surface would not be situated between the principal elevation of the dwellinghouse and the highway, and there would be concerns with land level changes. However, as the proposal is not considered to be lawful in the first instance, the proposal has not been assessed further, and additional information regarding the proposal has not been sought.

Conclusion

The proposed development fails to comply with Schedule 2, Part 2, Class B and Schedule 2, Part 1, Class F of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended and the Lawful Development Certificate is Refused.

Recommendation: Refuse Lawful Development Certificate

Case Officer:	Mrs Lucy Hankin	Team Leader:	Richard Hart
Signed:	L Hankin	Signed:	<i>R Hart</i>
Dated:	2nd July 2026	Dated:	2nd July 2026