

Delegated Report

Lawful Development Certificate (Proposed)

Application no:	20250340
Location	The Coach House West Down Farm Shipley Hills Road Meopham
Proposal:	Application for a Proposed Lawful Development Certificate; erection of single storey side extension and single storey rear extension with 3no. roof lights.
Applicant:	Mr and Mrs Ripley
Site Visit	N/A Desktop Assessment

Plans & Documents

Application Form
1783/1A – Existing Floor Plan
1783/2 – Existing Elevations
1783/5/1 – Proposed Elevations
1783/5/2 – Proposed Floor Plan
1783/5/3 – Existing Block Plan
Assessment of Significance
Cover Letter

Property Type

The property comprises a detached building, set around three sides of a rectangular courtyard. It was originally built for use as stables and agricultural barns or cowsheds and converted to a dwelling in two stages following grants of planning permission in 1974 and 1997. The dwelling following the 1974 permission had a floor area of around 191.3m², a section of the former stables having been left unconverted at that time. The entire building became a dwellinghouse following the 1997 permission, with a total floor area of around 249.3m². The dwelling is considered to be curtilage listed.

Material Consideration

Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)
Permitted development rights for householders: technical guidance (2019)

Relevant Definitions

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

“dwellinghouse”, except in Part 3 (changes of use), Class B (demolition of buildings) of Part 11 (heritage and demolition), Part 12A (development by local authorities and health service bodies) and Part 20 (construction of

new dwellinghouses) of Schedule 2 to this Order, does not include a building containing one or more flats, or a flat contained within such a building;

“original” means—

- (a) in relation to a building, other than a building which is Crown land, existing on 1st July 1948, as existing on that date;
- (b) in relation to a building, other than a building which is Crown land, built on or after 1st July 1948, as so built;
- (c) in relation to a building which is Crown land on 7th June 2006, as existing on that date; and
- (d) in relation to a building built on or after 7th June 2006 which is Crown land on the date of its completion, as so built;

Permitted development rights for householders: technical guidance (2019)

Original: means a building as it existed on 1 July 1948 where it was built before that date, and as it was built if built after that date.

Total enlargement: is the proposed enlargement together with any existing enlargement of the original dwelling house to which it will be joined.

Relevant Planning History

Reference	Description	Decision	Decision Date
20241146	Application for a Proposed Lawful Development Certificate for the erection of a single storey side extension with roof lantern.	Certificate Refused	07.02.2025
20221350 and APP/K2230/D/23/3322987	Erection of single storey side extension	Refused and Dismissed at appeal	07.03.2023 (Refused) 24.06.2024 (Appeal Dismissed)
19970347	Conversion of former cow shed to Annexe to the Coach House comprising lounge, bedroom with ensuite study/guest bedroom and utility room.	Permitted	22.04.1998
19750028 (GR/75/28)	Details pursuant to conditions 1 and 2 of the Appeal Decision by the Secretary of State under ref. TH/6/72/411 and being conversion of stables to form single storey dwelling house.	Permitted	26.05.1975
19720411 (TH/6/72/411) APP/2393/A/7 3/11435/G6	Conversion into living accommodation of stables at West Down Farm, Shipley Hills Road, Meopham	Refused and allowed at appeal	27.11.1972 (Refused) And 01.06.1974 (Appeal Allowed)

Officer Assessment

Permitted Developments Rights Restrictions

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

Permitted Development Rights

The Planning Inspector in allowing the appeal related to planning ref 19720411, did not include any conditions in the decision, which would remove/restrict permitted development rights.

The decision notice under planning ref 19970347, restricted the development on this site under condition 2 of that approval as follows:

'The living accommodation hereby permitted shall be used solely as an annexe to the existing house and shall at no time be occupied as a separate dwelling.'

Listed Building Consent

In appeal reference, APP/K2230/D/23/3322987 the Planning Inspector made the following statement of this building.

30. Taking all these points together, the evidence before me indicates that the ownership, physical layout, and use and function of the appeal property is such that, at the time West Down Farmhouse was listed, it was within the curtilage of the listed building. I therefore conclude that the appeal building should be considered as part of the listed building, as set out in the Act.

The building is therefore Listed and should this lawful development certificate be approved, it should be noted that the development or any other development, cannot be undertaken until Listed Building Consent has been obtained for the works.

Class A - The enlargement, improvement or other alteration of a dwellinghouse

A.1	Development is not permitted by Class A if –	Y/N
(a)	permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class G, M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use)	N
(b)	as a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (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)	the height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse	N
(d)	the height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse	N
(e)	the enlarged part of the dwellinghouse would extend beyond a wall which – (i) forms the principal elevation of the original dwellinghouse; or (ii) fronts a highway and forms a side elevation of the original dwellinghouse	N

(f)	subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and - (i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or (ii) exceed 4 metres in height	N 4m depth at rear. 3m high.
(g)	for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and - (i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or (ii) exceed 4 metres in height;	N
(h)	the enlarged part of the dwellinghouse would have more than a single storey and – (i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or (ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse being enlarged which is opposite the rear wall of that dwellinghouse;	N
(i)	the enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres	N
(j)	the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would – (i) exceed 4 metres in height, (ii) have more than a single storey, or (iii) have a width greater than half the width of the original dwelling; or	N (i) 3m (ii) Single storey (iii) 8m (original dwelling is 20.6m wide)
(ja)	any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (e) to (j);	N
(k)	it would consist of or include – (i) the construction or provision of a verandah, balcony or raised platform, (ii) the installation, alteration or replacement of a microwave antenna, (iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or (iv) an alteration to any part of the roof of the dwellinghouse	N
(l)	the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses)	N/A
A.2	In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if –	Y/N

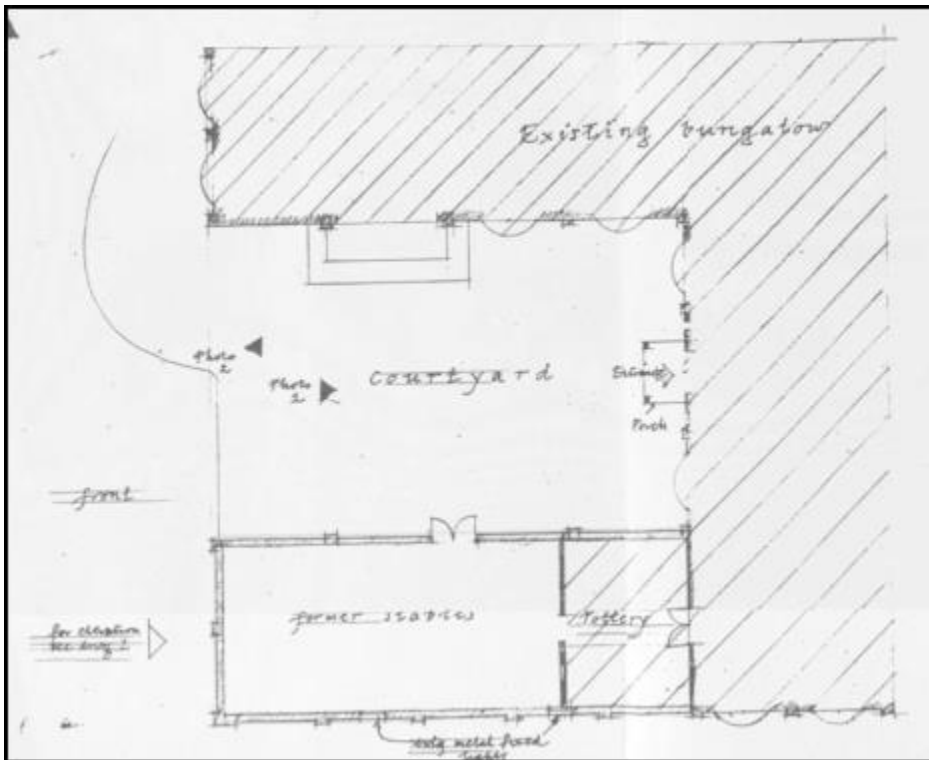
(a)	it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;	N/A
(b)	the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or	N/A
(c)	the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse.	N/A
(d)	any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (b) and (c).	N/A
A.3	Development is permitted by Class A subject to the following conditions –	Y/N
(a)	the materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;	Y
(b)	any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must be – (i) obscure-glazed, and (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and	N/A
(c)	where the enlarged part of the dwellinghouse has more than a single storey, or forms an upper storey on an existing enlargement of the original dwellinghouse, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.	N/A

This application follows planning reference 20241146 which was an ‘*Application for a Proposed Lawful Development Certificate for the erection of a single storey side extension with roof lantern.*’.

That Lawful Development Certificate failed for the following reasons:

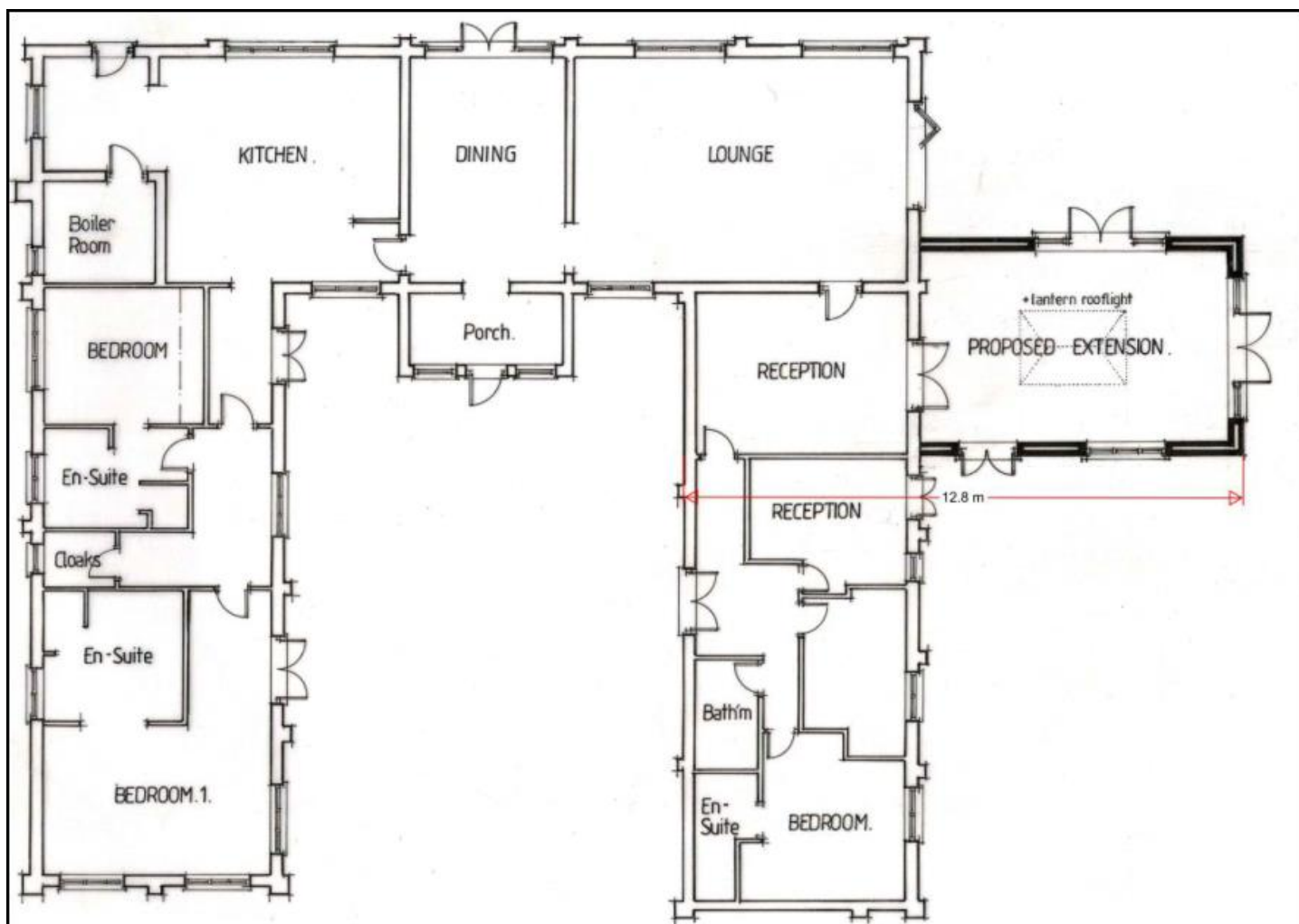
The proposed single storey side extension fails to comply with A.1 (e) and (ja) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), as the proposed development would extend beyond a wall which forms the principal elevation of the original dwellinghouse and extend beyond a wall forming a side elevation of the original dwellinghouse and would be greater than half the width of the original dwellinghouse.

The below site layout shows the area which was originally converted to a bungalow;



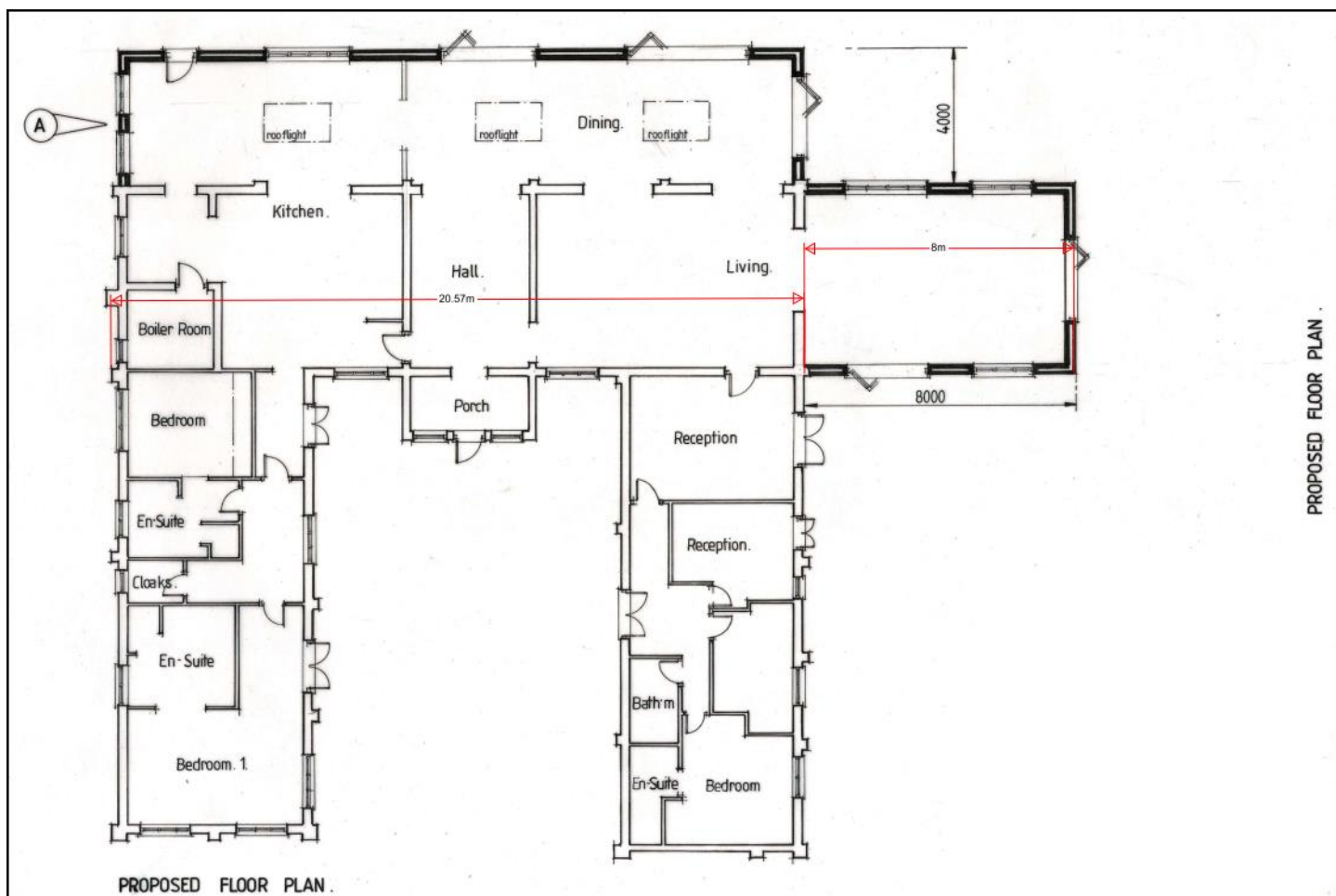
As per the assessment made in that application, it is considered that the stables were originally part converted in 1972. This is considered to be the original dwellinghouse. The later conversion of the remaining stable, is considered to be an enlargement of the original dwellinghouse.

Paragraph (ja) requires that any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (e) to (j). So, when the width of the extension refused is included with the width of the enlarged part of the dwellinghouse (as per the further conversion under planning ref 19970347), the width would be 12.8m, which is over half the width of the original dwellinghouse, measured at its widest point. This is shown in the image below.



As refused under 20241146

However, when compared against the scheme now proposed, the side extension proposed has been pushed back, so it no longer extends from an enlargement of the original dwellinghouse. The proposed rear extension would also not extend from any enlargement of the original dwellinghouse. As such paragraph j(a) would not apply.

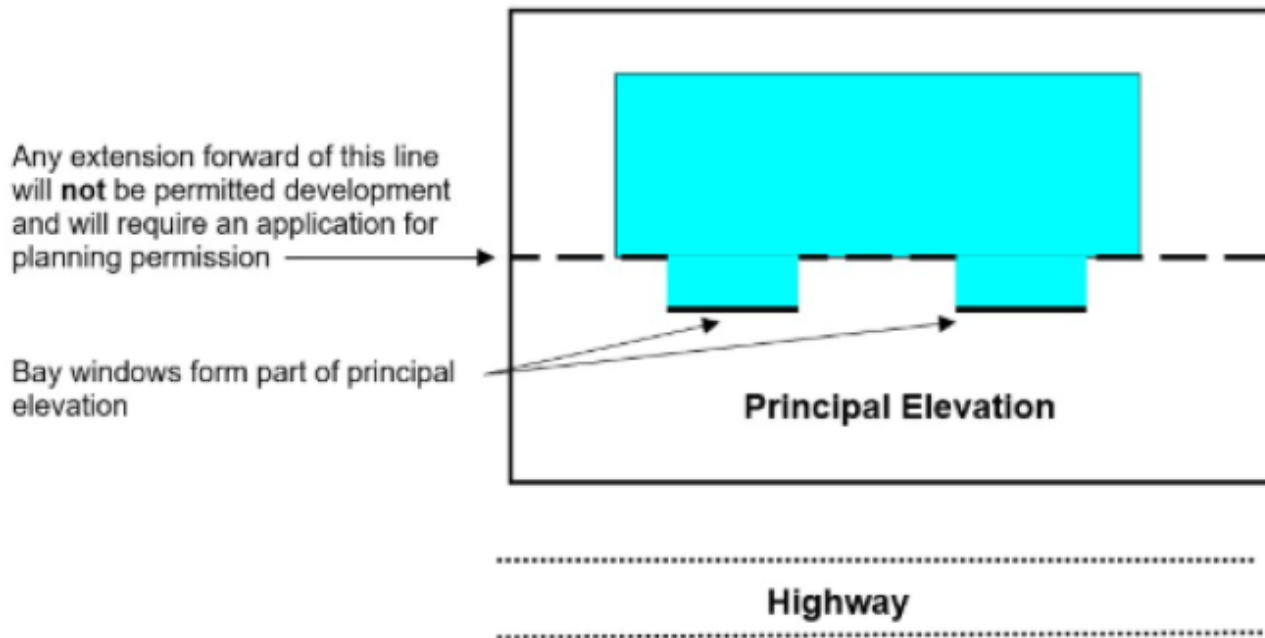


Proposed

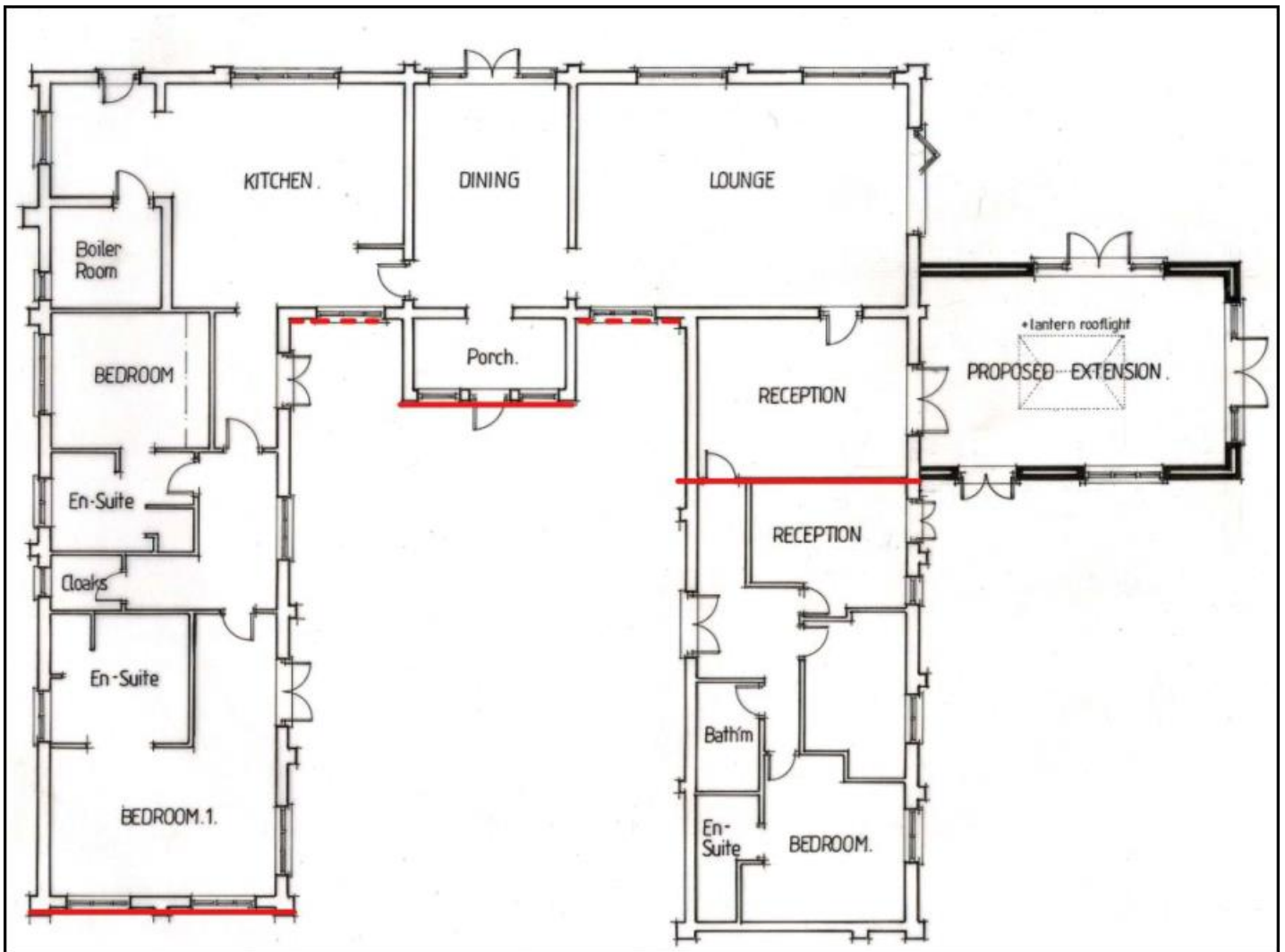
In addition to this, the refused proposal under 20241146 failed to comply with paragraph (e)(i), as it would have extended beyond a wall which forms the principal elevation of the original dwellinghouse.

The Permitted development rights for householders: technical guidance (2019), provides guidance on the assessment of this section. This is included below for information:

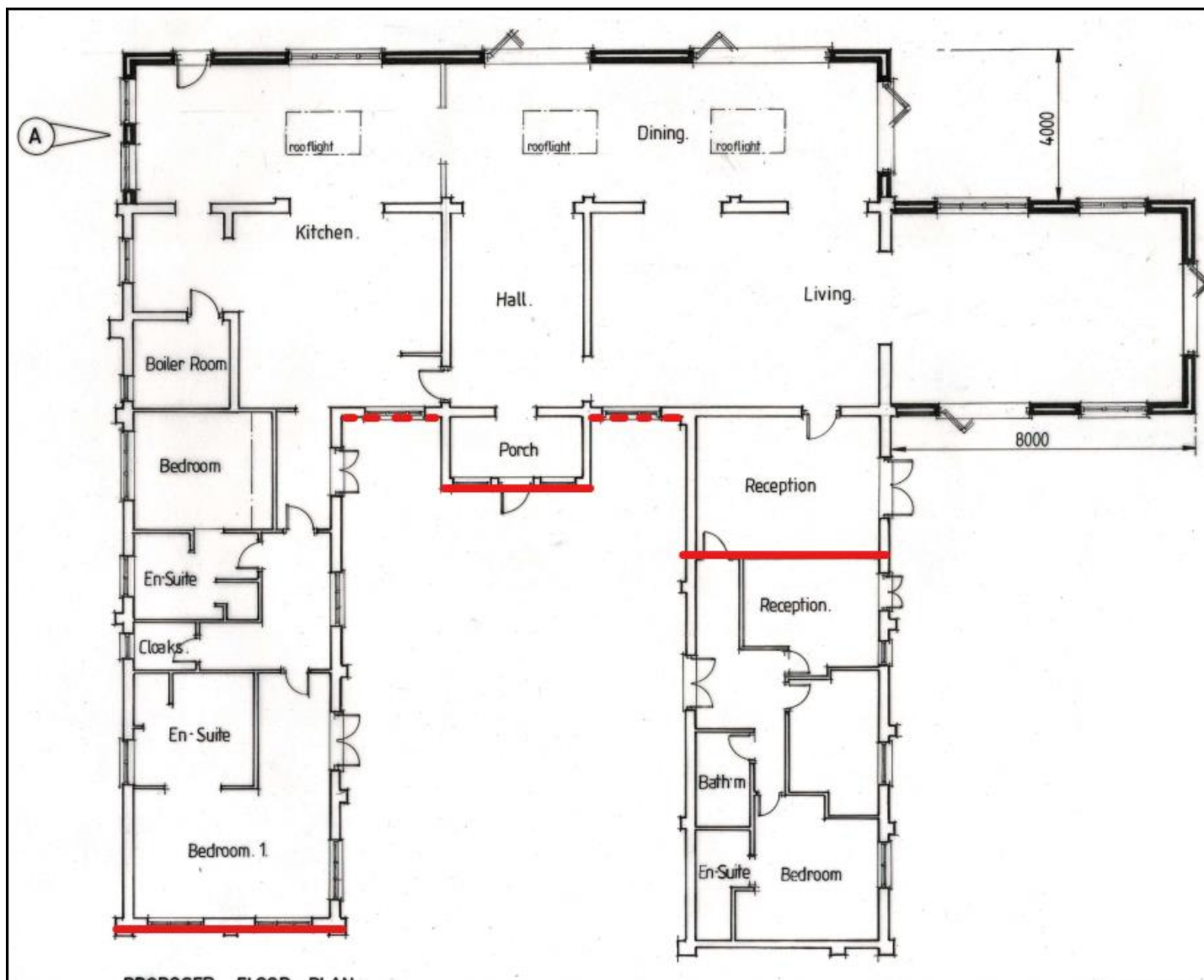
The principal elevation could include more than one wall facing in the same direction - for example, where there are large bay windows on the front elevation, or where there is an 'L' shaped frontage. In such cases, all such walls will form the principal elevation and the line for determining what constitutes 'extends beyond a wall' will follow these walls.



When this approach is applied to this site, the red line added to the plan below (Showing the refused scheme under 20241146), indicated all principal elevations. The hatched red line indicates the furthest set back front elevation. Any extension forward of this line, would not comply with para (e)(i).



The below plan shows the extensions now proposed which would sit behind the principle elevations.



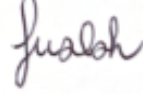
This new scheme would now comply with paragraph (e)(i).

Conclusion

The proposed development complies with **Schedule 2, Part 1, Class A 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 Lisa Fisher	Team Leader:	Mrs Faye Walsh
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Signed:		Signed:	
Dated:	22 nd May 2025	Dated:	22 May 2025