

Delegated Report

Lawful Development Certificate (Proposed)

Application no:	20260248
Location	47 The Avenue Gravesend Kent DA11 0LX
Proposal:	Application for a Proposed Lawful Development Certificate; Erection of an outbuilding to provide space for Gym/Workshop/Storage.
Applicant:	Mr Dhiman
Site Visit	N/A Desktop Assessment

Preliminary Matters

The agent was emailed during the course of the application as it was noted that the elevation plans for the outbuilding many have been annotated incorrectly. In addition, the agent was asked to confirm whether the outbuilding use as a gym/workshop/storage building is for home use/hobbies only (rather than commercial). A revised plan was provided and accepted by the Local Planning Authority, with corrected annotations, and the agent confirmed that the proposed outbuilding would be for home use such as a gym/workshop/storage, and will not be used for any commercial purposes.

Plans & Documents

Application Form;
Drawing No. 001 Rev. A – Site Location Plan with Block Plans – Existing and Proposed; and
Drawing No. 002 Rev. B – REVISED Outbuilding Floor Plan and Elevations – Proposed.

Superseded Plans and Documents

~~Drawing No. 002 Rev. A – Outbuilding Floor Plan and Elevations – Proposed.~~

Property Type

47 The Avenue is a two-storey detached property.

Material Consideration

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

Relevant Planning History

There is no relevant planning history for this site, however there are currently two other applications for 47 The Avenue that are pending consideration:

20260251 - Demolition of existing rear projection. Erection of a rear/side extension with roof lantern.

20260252 – Formation of a single off-street car parking space and installation of a dropped kerb.

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 Pelham Road/The Avenue 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. 47 The Avenue, the direction is not relevant.

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 G, M, MA, 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 N/A
(f)	The height of the eaves of the building would exceed 2.5 metres;	N

		2.50m
(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;	N
(j)	The capacity of the container would exceed 3,500 litres; or	N/A
(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.	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

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 which includes double garage doors, would be used as a gym/storage/workshop. It has been clarified with the agent that the use would not be for commercial purposes. Therefore the use of the outbuilding is considered to be incidental to the enjoyment of the dwellinghouse.

Conclusion

The proposed development complies with **Schedule 2, Part 1, Class E 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 Lucy Hankin	Team Leader:	Richard Hart
Signed:	L Hankin	Signed:	<i>R Hart</i>
Dated:	21st April 2026	Dated:	21st April 2026