

Delegated Report

Prior Approval Extension Application

Planning Application No: 20250795

Location: Kendelrene Rhododendron Avenue Meopham Gravesend

Description: Prior approval application for a single storey rear extension with a depth of 8 metres, maximum height of 4 metres and eaves height of 4 metres.

Applicant: Mr Sonny Medcalf

Site Visit Date: 16 September 2025

Preliminary Matters

The dimensions set out in the above description (taken from the submitted application form) do not correlate with the submitted plan measurements. However, as the proposal does not comply with development allowed under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), further clarification has not been sought and the description has not been altered.

Submitted Documents/Plans

Prior approval application form;
Drawing no. PL/01 Existing block plan and site location plan;
Drawing no. PL/02 Existing layout and roof plan;
Drawing no. PL/03 Existing elevations;
Drawing no. PL/04 Proposed block plan and site location plan;
Drawing no. PL/05 Proposed layout and roof plan;
Drawing no. PL/06 Proposed elevations; and
Planning Statement.

Property Type

The application site contains a derelict structure, which was formerly a chalet and a small derelict outbuilding.

Proposal

The application seeks prior approval under Class A, Part 1, Schedule 2 and Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) for the erection of a single storey rear extension with a depth of 8 metres, a maximum height of 2.8 metres and an eaves height of 2.8 metres. It is noted that the submitted application form refers to the dimensions of the proposed extension as a depth of 8 metres, a maximum height of 4 metres and an eaves height of 4 metres. However, the submitted drawings illustrate the lower heights set out above and it is on this basis that the application has been determined.

Relevant Planning History

Reference	Description	Decision	Decision Date
20020385	Outline application for the erection of detached 3 bedroom replacement dwelling with rooms in basement and roof space.	Refused	05.07.2002
19590197 TH/6/59/197)	Erection of weekend and holiday chalet to replace existing to be demolished.	Permitted	08.07.1959

Development Plan

Due to the nature of this application, the adopted plan and national planning policies are not relevant since it relates to whether the proposed single storey extension requires prior approval.

Consultations, Publicity and Representations

In accordance with the amendments in relation to home extensions under paragraph A.4 (5) of Class A, Part 1, Schedule 2 of the GPDO, the following adjoining neighbouring properties were notified of this application;

- Oakley Dene Lodge, Whitepost Lane
- Garwood, Whitepost Lane
- Grangewood Cottage, Whitepost Lane
- Silver Birch Farm, Whitepost Lane
- Tall Trees, Rhododendron Avenue

The expiry date for comments was 28 August.2025 and one representation (objecting) was received. The representation is summarised as follows;

- The structure is not suitable for extension or redevelopment.
- The structure is more than 80% dilapidated. It lacks any internal walls and several areas are without windows. Photographs are provided.
- There is no vehicular access to the property.
- The site is densely overgrown with vegetation and trees.
- There are no utility connections to the property (water, electricity, gas or sewage).
- Consideration should be given to the practicality and appropriateness of this proposal, particularly in light of its Green Belt designation and the site's current condition.

In accordance with Class A.4 (7) to Part 1 of Schedule 2 of the GPDO, where any owner or occupier of any adjoining premises objects to the proposed development, the prior approval of the Local Planning Authority is required to assess the impact of the proposed development on the amenity of any adjoining premises. This assessment is made below.

Officer's Assessment

Permitted Developments Rights Restrictions

Article 2 (3) Land (AONB, Conservation Area)	No
Article 4 Direction	No
Permitted Development Rights Removed/Restricted	No

The application property is a derelict building, which has not been in a habitable condition for a significant period. The application site is completely overgrown with trees and vegetation, which precludes any access to the derelict building. There is no existing residential occupation.

According to the Borough Council's Revenues Team, there are no records in Council Tax for the property/plot. Furthermore, according to surveys of the Culverstone Valley Area undertaken by the Borough Council in 1983, 1986, 1989, 1992, 1995 and 2001, the application site has contained a derelict and abandoned chalet.

After a site visit on 30 September 2024, a Borough Council officer described the application property as follows;

“the structure is dilapidated with very little of the original building retained, and substantial overgrowth in terms of brambles and trees on the plot and within the structure itself”

It is noted that a local resident has corroborated that the building at the application site is dilapidated and overgrown with vegetation and trees. Furthermore, the local resident highlights that there are no utility connections to the property (water, electricity, gas or sewage).

The following photo was taken on 30 September 2024;



There is no definition of a dwellinghouse in the Town and Country Planning Act 1990 (as amended). The Town and Country Planning (Use Classes) Order 1987 (as amended) defines the use as a dwellinghouse as follows;

F12 Class C3. Dwellinghouses

Use as a dwellinghouse (whether or not as a sole or main residence) by—

- (a) a single person or by people to be regarded as forming a single household;
- (b) not more than six residents living together as a single household where care is provided for residents; or
- (c) not more than six residents living together as a single household where no care is provided to residents (other than a use within Class C4).

Case law has established that a dwellinghouse is a building containing the facilities required for day to day private domestic existence (*Gravesham Borough Council v Secretary of State for the Environment* (1984) 47 P&CR 142). In that case, the Judge accepted that whether or not something is a dwellinghouse may also require consideration of the actual use to which the building is being put.

In light of its unoccupied, derelict and uninhabitable condition, the application property cannot be described as a dwellinghouse. Furthermore, it is noted that the building does not contain all the facilities required for day to day private domestic existence (there was no bathroom and no utilities connections). Therefore, as the application property is not a dwellinghouse, Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) does not apply and the proposed development would require planning permission.

Notwithstanding the above and for completeness, the following table and paragraphs assesses whether the proposed development would have met the requirements of Class A, Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), if they had been applicable and considered a dwelling:

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 M, 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	Y (8m) N (2.8m)

(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 (8m on a detached building) N (2.8m)
(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/A
(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 (2.6m from boundary & 2.8m eaves)
(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/A
(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 N N N
(l)	the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses)	N
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

The developer has provided sufficient information to support the application, as required by paragraph A.4 (2) to Part 1 of Schedule 2 of the GDPO.

Were the building considered a dwelling, the information provided shows that the proposed development would be within the parameters set out in paragraph A.1(g) to Part 1 of the GPDO; 8 metres deep, a maximum height of 2.8 metres, with an eaves height of 2.8 metres.

The adjoining properties were consulted in accordance with paragraph A.4 (5) to Part 1 of Schedule 2 of the GPDO and one objection was received. Therefore, pursuant to Class A.4 (7) to Part 1 of Schedule 2 of the GDPO, the impact on neighbours' amenity requires consideration.

Due to the design of the proposed development, to the screening provided by mature vegetation and to the layout and orientation of the surrounding properties, there would be no adverse overlooking, overshadowing or overbearing impacts to the occupiers of the surrounding dwellings. As such, the proposed development would not be detrimental to the amenity of surrounding occupiers, were it to be considered as dwelling as a starting point.

It is considered that the documents and details submitted with the application are sufficient and no further information is required under paragraph A.4 (8) to Part 1 of Schedule 2 of the GPDO to determine the proposed development.

Overall, if the property were considered a dwellinghouse and not an abandoned structure, prior approval would have been required and granted for the proposed development. The proposal would have met the requirements of Class A, Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), if they had been applicable.

Conclusion

Due to its unoccupied, derelict and uninhabitable condition, the application property cannot be described as

a dwellinghouse. Therefore, Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) does not apply and the proposed development would require planning permission.

Recommendation

Prior Approval is refused.

(For detailed reasons for refusal and informatives, see draft Decision)

Case Officer:	Mrs Kelly Joyce	Team Leader:	Mrs Faye Walsh
Signed:		Signed:	
Dated:	17th September 2025	Dated:	18 September 2025