

Delegated Report

Lawful Development Certificate (Proposed)

Application no:	20260338
Location	22 Marks Square Northfleet Gravesend Kent
Proposal:	Application for a Proposed Lawful Development Certificate; Creation of a driveway and installation of a dropped kerb.
Applicant:	Mrs Suzanne Ash
Site Visit	N/A Desktop Assessment

Preliminary Matters

The applicant was contacted during the course of the application in order to request more information regarding the proposal, specifically to query whether any land level changes were proposed. As a result of the correspondence, the applicant confirmed that there would be no land level changes.

Construction of a Retaining Wall

During the telephone conversation with the applicant, the applicant confirmed that a retaining wall would need to be constructed to support the driveway due to the variance in land levels between this application property and the neighbouring property (No.20). Although this does not form part of this assessment, the applicant is advised to ensure that the development would comply with permitted development rights and restrictions and that no land level changes/engineering operation would take place (as this may require planning permission). Details on permitted development rights for householders in relation to walls/fences within front gardens can be found here: <https://www.legislation.gov.uk/ukxi/2015/596/schedule/2/part/2/crossheading/class-b-means-of-access-to-a-highway>

Class A – gates, fences, walls etc

Permitted development

A. The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure.

Development not permitted

A.1 Development is not permitted by Class A if—

- (a) the height of any gate, fence, wall or means of enclosure erected or constructed adjacent to a highway used by vehicular traffic would, after the carrying out of the development, exceed—
 - (i) for a school, 2 metres above ground level, provided that any part of the gate, fence, wall or means of enclosure which is more than 1 metre above ground level does not create an obstruction to the view of persons using the highway as to be likely to cause danger to such persons;
 - (ii) in any other case, 1 metre above ground level;
- (b) the height of any other gate, fence, wall or means of enclosure erected or constructed would exceed 2 metres above ground level;
- (c) the height of any gate, fence, wall or other means of enclosure maintained, improved or altered would, as a result of the development, exceed its former height or the height referred to in paragraph (a) or (b) as the height appropriate to it if erected or constructed, whichever is the greater; or
- (d) it would involve development within the curtilage of, or to a gate, fence, wall or other means of enclosure surrounding, a listed building.

Interpretation of Class A

A.2 For the purposes of Class A, "school" includes—

- (a) premises which have changed use under Class S or T of Part 3 of this Schedule (changes of use) to become a state-funded school or registered nursery as defined in paragraph X of Part 3; and
- (b) a building permitted by Class C of Part 4 of this Schedule (temporary buildings and uses) to be used temporarily as a school, from the date the local planning authority is notified as provided in paragraph C.2(b) of Part 4.

Plans & Documents

Application Form;
Site Location Plan;
Block Plan – Existing; and
Block Plan – Proposed.

Property Type

22 Marks Square is a two storey semi-detached property.

Material Consideration

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

Relevant Planning History

Reference	Description	Decision	Decision Date
19511119	the erection of thirty-two dwellinghouses	Permitted	31.12.1951

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). This assessment is made below.

Permitted Developments Rights Restrictions

Article 2 (3) Land (AONB, Conservation Area)	N
Article 4 Direction	N
Permitted Development Rights Removed/Restricted	N
Would the works involve an engineering operation?	N

Is the road a trunk road or a classified road?	N
Is the hardstanding area existing?	N

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).

In the case of this application, Marks Square is not a trunk road or a classified road and the means of access to a highway is required in connection with an area of hardstanding. As such, it stands to be assessed whether the hardstanding area accords with the specifications of the GPDO 2015 (as amended).

Schedule 2, Part 1, Class F – hard surfaces incidental to the enjoyment of a dwellinghouse

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.**

F.1	Development is not permitted by Class F 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); or	N
(b)	the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses)	N
F.2	Development is permitted by Class F subject to the condition that where-	Y/N
(a)	the hard surface would be situated on land between a wall forming the principal elevation of the dwellinghouse and a highway, and	(Y)
(b)	the area of ground covered by the hard surface, or the area of hard surface replaced, would exceed 5 square metres,	(Y)
	either the hard surface is made of porous materials, or provision is made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse.	Y as confirmed by email

Other issues

The Highways Authority (Kent County Council (KCC)) provide guidance on the provision of dropped kerbs, the Residential Dropped Kerb Guidance and Self-Assessment (April 2025). This document sets out that, for a dropped kerb to be acceptable, various criteria must be met. Therefore, although the proposal would be permitted development, KCC may or may not allow the formation of the proposed dropped kerb. As such, it would be necessary for the applicant to contact KCC direct to discuss the access to the proposed parking area. The applicant can be made aware of this in an informative attached to the decision.

Conclusion

As established in the above assessment, the access is required in connection with a hardstanding area. The area of hardstanding complies with the GPDO (2015) (as amended) and therefore the proposed access is Lawful and a Certificate should be Granted.

The proposed development complies 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 Granted.**

Recommendation: <u>Grant</u> Lawful Development
--

Case Officer:	Mrs Lucy Hankin	Team Leader:	Richard Hart
Signed:	L Hankin	Signed:	<i>R Hart</i>
Dated:	4th June 2026	Dated:	5th June 2026