

Delegated Report

Lawful Development Certificate (Proposed)

Application no:	20260697
Location	Castle Shaw, Wrotham Road Istead Rise Gravesend
Proposal:	Application for a Proposed Lawful Development Certificate; Demolition of existing outbuilding. Erection of a single-storey replacement outbuilding for use as a gym and provision of new hardstanding.
Applicant:	Mr Avttar Channa
Site Visit	N/A Desktop Assessment

Plans & Documents

Supporting Statement by Gracechurch Town Planning
Drawing no. 696.1250.PD1.01 (site location plan)
Drawing no. 696.500.PD1.02 (proposed site plan)
Drawing no. 696.500.PD1.01 (existing site plan)
Drawing no. 696.100.PD1.05 (proposed section)
Drawing no. 696.100.PD1.04 (proposed elevations building B)
Drawing no. 696.100.PD1.03 (proposed floorplans)
Drawing no. 696.100.PD1.02 (existing elevations building B)
Drawing no. 696.100.PD1.01 (existing floorplans)

Property Type

The property comprises a detached two storey dwelling.

Material Consideration

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

Relevant Planning History

20260364	Application for a Proposed Lawful Development Certificate; demolition of existing outbuildings, construction of two new single-storey outbuildings and provision of new hardstanding.	Certificate Refused	09.06.2026
20260196	Application for determination as to whether prior approval is required for the demolition of two	Prior approval not required	12.03.2026

outbuildings.

20220712

Demolition and replacement of
existing stable block and barn

Application Refused

23.08.2022

Officer Assessment

Permitted Developments Rights Restrictions

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

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 M, 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
(f)	The height of the eaves of the building would exceed 2.5 metres;	N
(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; or	N



(j)	The capacity of the container would exceed 3,500 litres	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
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

Is the development within the curtilage of the dwellinghouse?

The application site is a large, detached dwelling, located within extensive grounds. It would appear from aerial photos that the whole site is not within residential curtilage however, it is also not clear where the residential boundary sits. The photos below show the site in 1990 and 2025:

1990:	2025:
	

On balance it is considered that the existing buildings are situated within the residential curtilage as shown below:



Are the buildings required for a purpose incidental to the enjoyment of the dwellinghouse?

The buildings comply with the listed limits and conditions of Class E, Part 1, Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015. However, this would apply to incidental buildings only as explained in the pre-amble. The Technical Guidance for Permitted development rights for householders (2019) states the following:

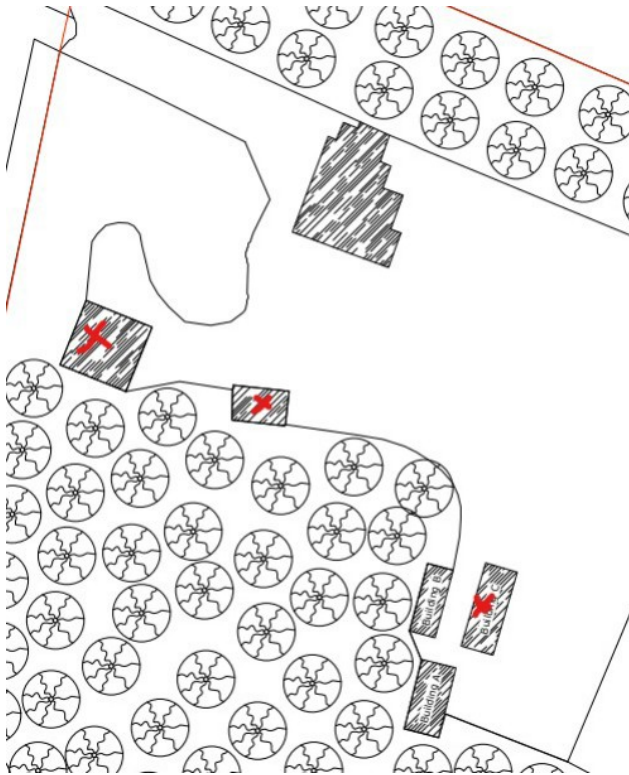
Class E sets out the rules on permitted development for buildings etc within the curtilage of a house (see page 7). Buildings which are attached to the house are not permitted under Class E (they would be subject to the rules in Class A). Buildings under Class E should be built for purposes incidental 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.

This guidance therefore advises that Class E would only apply to outbuildings that can be 'properly described

as having a purpose incidental to the enjoyment of the house.'

The property is substantial and already contains other outbuildings that are shown on the plans and are marked with red crosses below:



The furthest left/western structure is a car port which is enclosed on three sides and a roof with space for three cars. The middle structure is a small open-fronted log store for firewood (rather than green logs). The furthest right/eastern building is used for household storage.

The main dwelling has a footprint of approx. 202sqm.

The proposed outbuilding will have a footprint of 67.5sqm. Building B which is proposed to be demolished has a footprint of approx. 37.5sqm. The increase in size is therefore 30sqm.

The *Emin v Secretary of the State for the Environment and Mid Sussex District Council* [1989] JPL 909 case established that in the consideration of the term 'incidental to the enjoyment of the dwellinghouse' there should be some connotation of reasonableness in the circumstances of each case and should not be based solely on the unrestrained whim of a householder.

The *Emin* case is clear that a proposed outbuilding will not necessarily be required just because the householder says it is and it is for the appellant to show it is reasonably required and designed with incidental uses in mind. The keynote here is 'reasonableness'.

The above principles were reiterated in *Holding v FSS & Thurrock BC* [2004] JPL 1405 and *LB Croydon v Gladden* [1994] 1 PRL 2. In the case of *Holding*, which concerned what might be regarded as a very large incidental building within the curtilage of a dwellinghouse, the Inspector considered that it is reasonable to suppose that the purpose of the permission granted under Class E is to allow for accommodation for hobbies to which people need space in and around their home to be provided without the need for the formality of a planning application. In the *Gladden* case it was held that for a use to be considered incidental to the enjoyment of a dwellinghouse and exempted from development under s55(2)(d), it must be of a scale and nature that is incidental to the reasonable enjoyment of the normal residential use of the buildings and land

which comprise the dwellinghouse and its curtilage. The proposed building is considered to be of a reasonable size for its use as a gym.

Class F - The provision within the curtilage of the dwellinghouse of 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 M, N, P, PA or Q of Part 3 of this Schedule (changes of use);	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	N
(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.	The hardstanding will be to the side.

Recommendation: Grant Lawful Development Certificate

The proposed outbuilding and associated hardstanding constitute lawful development by virtue of Sections 191 and 192 of the Town and Country Planning Act 1990 (as amended). The submitted information demonstrates that the outbuilding would be used for purposes incidental to the enjoyment of the dwellinghouse as a home gym, falling within Class E of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The associated hardstanding is permitted under Class F of Part 1, Schedule 2 of the Order. The development complies with the relevant limitations and conditions of Classes E and F and would not require express planning permission. On the balance of probability, the development described in the application is therefore lawful.

Case Officer:	Mrs Alison Webster	Team Leader:	Richard Hart
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Signed:		Signed:	<i>R Hart</i>
Dated:	2nd September 2026	Dated:	2nd September 2026