

Delegated Report

Lawful Development Certificate (Proposed)

Application no:	20240762
Location	77 The Drove Way Istead Rise Gravesend Kent
Proposal:	Application for a Lawful Development Certificate in respect of the erection of an outbuilding in garden.
Applicant:	Preeya Depesh
Site Visit	N/A Desktop Assessment

Plans & Documents

Application Form;
Drawing No. 24185_PL-202A – Floor Plans and Elevations – Proposed;
Drawing No. 24185_PL-201 – Block Plans – Proposed with OS Plan; and
Drawing No. 24185_PL-101A – Block Plan – Existing and OS Plan.

Plan Note

The plans show existing steps on the plans, indicating the rear garden has two levels. The agent was contacted on 22.10.24 to ensure that no land level changes would occur to facilitate the construction of the outbuilding as any land level changes would be likely to be considered an engineering operation, requiring planning permission. Confirmation that the gym/games room/bar would be for incidental home use only was also requested. A response was received on 25.10.24, confirming the incidental use and that there would be no land level changes.

Property Type

77 The Drove Way is a two storey detached property.

Material Consideration

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

Relevant Planning History

No relevant history.

Officer Assessment

Permitted Developments Rights Restrictions

Article 2 (3) Land (AONB, Conservation Area)
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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/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; or	N
(j)	The capacity of the container would exceed 3,500 litres	N
(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;	N/A

	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.	
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/A

Incidental to the dwellinghouse

Class E provides permitted development rights within the curtilage of a house. Buildings under Class E should be built for **purposes incidental** to the enjoyment of the dwellinghouse.

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.

The Government Technical Guidance on Permitted Development Rights for householders leads on to clarify:

*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 application seeks to obtain a Lawful Development Certificate for the erection of an outbuilding to form a (home) games room/gym/bar. Overall, the Local Planning Authority consider the proposed outbuilding to be incidental to the main 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:		Signed:	
Dated:	5 th November 2024	Dated:	5 th November 2024