

Planning Department
Gravesham Borough Council
Civic Centre,
Windmill Street,
Gravesend,
Kent,
DA12 1AU

Date: 22nd July 2026
Ref: K0028-J2
PP Reference: PP-15104492

Dear Sir/Madam,

RE: 55 Pelham Road, Gravesend, DA11 0JA – Application for a Certificate of Lawfulness of Existing Development (CLEUD)

Erection of a metal gate on the side boundary adjacent to Bycliffe Terrace.

Introduction

We act on behalf of **Mr. S. Basra** (the '**Applicant**') in connection with the above property. This Covering Statement has been prepared by **Directive Planning and Developments Ltd** (the '**Agent**') in support of an application for a Certificate of Lawfulness of Existing Development ('**CLEUD**') under **Section 191 of the Town and Country Planning Act 1990 (as amended)** (the '**Act**').

The application relates solely to the “**erection of a metal gate on the side boundary**” of **55 Pelham Road, Gravesend, DA11 0JA** (the '**Site**'), set back from the Pelham Road frontage and adjacent to Bycliffe Terrace.

The Application Site

The Site comprises a two-storey detached dwelling on the western side of Pelham Road, adjoining Bycliffe Terrace to the south.



Figure 1: *Street view image of the Site from Pelham Road showing the front boundary and forecourt shared between Nos. 53 and 55. (Source: Google Maps, October 2024)*



It falls within the Pelham Road/The Avenue Conservation Area. The development the subject of this application is located on the side boundary adjacent to Bycliffe Terrace.

It is physically and functionally distinct from the vehicular gates and railings on the front boundary, which are the subject of a separate concurrent retrospective full planning application.

Why Planning Permission Was Required

The erection of the gate required planning permission by reason of the Article 4 Direction confirmed for the Pelham Road/The Avenue Conservation Area in October 2008, made under what is now **Article 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015**.

The Direction withdraws permitted development rights under **Schedule 2, Part 2, Class A of the GPDO (2015)**, which would otherwise permit the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure, in respect of single family dwelling houses within the conservation area where the relevant part of the property fronts a highway, public footpath or open space.

Bycliffe Terrace is a highway. The side boundary of the Site fronts it directly. The Article 4 Direction accordingly applied to the installation of the gate, and no permitted development right was available. No planning permission was obtained prior to the gate's installation.

The Development

The development for which a Certificate is sought is the erection of a metal gate on the side boundary of the Site adjacent to Bycliffe Terrace.

The gate was installed following the removal of a section of the existing boundary wall at that location. It is a single metal gate set within the side boundary, the details of which are shown on the drawings submitted with this application.



Figure 2: Street view image of the Site with particular focus on the pre-existing gate. (Source: Google Maps, May 2019)



Figure 3: *Street view image of the Site with particular focus on the as-built gate. (Source: Google Maps, April 2021)*



Figure 4: *Street view image of the Site with particular focus on the as-built gate. (Source: Google Maps, October 2024)*

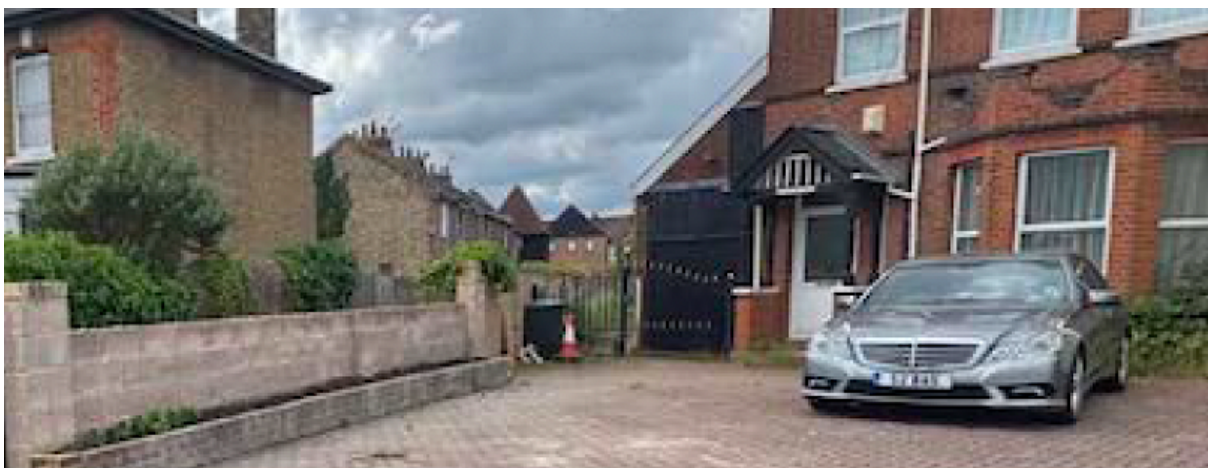


Figure 5: *Photograph taken of the Site with particular focus on the as-built gate. (Taken: 8 June 2026)*



Statutory Framework

Section 191(1)(b) of the Act provides that a lawful development certificate may be granted where an operation has been carried out without planning permission and no enforcement action may then be taken in respect of it, whether because the time for taking enforcement action has expired or for any other reason.

Section 171B(1) of the Act, in the form applicable prior to the commencement of **Schedule 7 of the Levelling-up and Regeneration Act 2024** (the '**2024 Act**'), provided that no enforcement action may be taken in respect of any breach of planning control consisting of the carrying out of operational development after the end of the period of four years beginning with the date on which the operations were substantially completed.

The **2024 Act**, which came into force on **25 April 2024**, replaced the four-year limitation period for operational development with a single ten-year period.

However, the transitional provisions under **Schedule 7 of the 2024 Act** preserve the four-year limitation period where time had already begun running before commencement.

Where a breach occurred before **25 April 2024** and the four-year period was already accruing under the previous regime, the **2024 Act** does not displace that period or substitute the new ten-year period in its place.

The Applicant's Case

The gate was installed in **April 2021**, prior to the commencement of **Schedule 7 of the 2024 Act** on **25 April 2024**. The four-year limitation period was therefore already running under **Section 171B(1) of the Act** in its pre-2024 form at the date the **2024 Act** came into force.

The transitional provisions under **Schedule 7** preserve that accruing period. The four-year period expired in **April 2025** and immunity had accordingly accrued by that date. The development is lawful and the Certificate is sought on that basis.

The installation date is evidenced by Google Street View imagery captured in **April 2021 (Appendix 1)**, which clearly shows the gate in situ on the side boundary in its current form and position.

Further Google Street View imagery captured in **November 2022 (Appendix 2)** confirms the gate remained in the same form and position at that date, and imagery captured in **October 2024 (Appendix 4)** confirms it remained unchanged at that date. A site photograph taken on **8 June 2026 (Appendix 5)** confirms the gate remains in situ in the same form and position at a date proximate to the submission of this application.

The gate has accordingly been in continuous use in the same form from at least **April 2021** to the date of this application, **22 July 2026**, without interruption.

No enforcement notice has been served. The Council has had knowledge of the development since at least **August 2025**, when enforcement correspondence was issued in connection with the Site (**Ref: 25/00117/NOPP**) and has not taken steps to interrupt the accrual of immunity in respect of this gate.

The relevant test under **Section 191** is balance of probabilities. The Council must assess the evidence objectively and cannot refuse the Certificate without cogent evidence to the contrary.



The Google Street View imagery across three separate dates, **April 2021 (Appendix 1)**, **November 2022 (Appendix 2)** and **October 2024 (Appendix 3)**, together with the site photograph dated **8 June 2026 (Appendix 4)**, is contemporaneous, independent and uncontradicted, and establishes the gate in situ consistently throughout that period as a matter of fact.

On the balance of probabilities, the development is lawful and the Certificate should be granted.

Evidence

The application is supported by the following evidence:

1. **Google Street View imagery dated April 2021 (Appendix 1)**, showing the gate erected on the side boundary adjacent to Bycliffe Terrace in its current form and position;
2. **Google Street View imagery dated November 2022 (Appendix 2)**, confirming the gate remains in the same form and position as of April 2021.
3. **Google Street View imagery dated October 2024 (Appendix 3)**, confirming the gate remains in the same form and position, unchanged since the April 2021 image.
4. **Site photograph dated 8 June 2026 (Appendix 4)**, confirming the gate remains in situ in the same form and position proximate to the date of this application.
5. Supporting drawings confirming the location, form and dimensions of the gate as it currently stands.

Enforcement and Application Context

The Council's enforcement investigation opened in **August 2025 (Ref: 25/00117/NOPP)** encompasses the boundary works at the Site as a whole. This application is made specifically in respect of the side gate in order to establish its lawful status separately from the front boundary works, which engage materially different considerations and are being addressed concurrently by way of a retrospective full planning application.

Granting the Certificate in respect of the side gate will provide clarity for both the Applicant and the Council as to the scope of any remaining enforcement exposure and will allow the front boundary works to be considered on their own merits without conflation with development that is already lawful by passage of time.

Submission Documents

This application comprises the following:

- **Completed Application Form;**
- **Application Fee;**
- **Location Plan;**
- **Covering Statement — Directive Planning and Developments Ltd;**

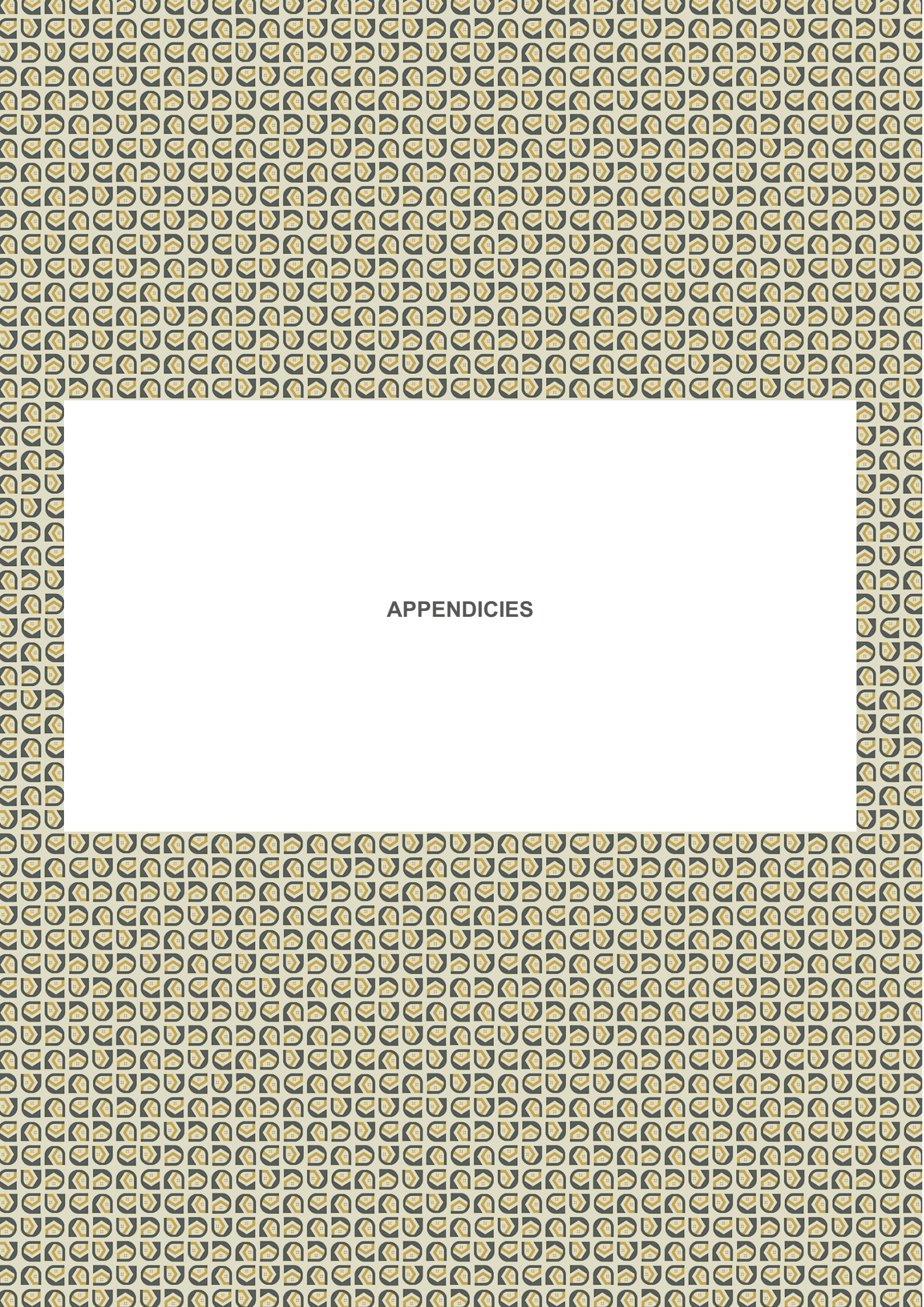


- **Drawing No. SD100** — Pre-Existing Ground Floor Plan;
- **Drawing No. SD101** — As-Built Ground Floor Plan;
- **Drawing No. SD102** — Pre-Existing and As-Built Elevations;
- **Drawing No. SD103** — Pre-Existing and As-Built Site Plan;
- **Google Street View Imagery** — April 2021, November 2022 & October 2024; and
- **Site Photograph** — 8 June 2026.

We respectfully invite the Council to register the application and determine it in the ordinary way. If any further information is required to validate or assess the submission, please contact us directly.

Yours faithfully,

Hector Melendez LLB (Hons.)
Director
Directive Planning and Developments Ltd



APPENDICIES



APPENDICES

Appendix 1 Google Street View Imagery (April 2021)

Appendix 2 Google Street View Imagery (November 2022)

Appendix 3 Google Street View Imagery (October 2024)

Appendix 4 Site Photograph (8 June 2026)



Appendix 1 Google Street View Imagery (April 2021)



53 Pelham Rd
Gravesend, England
Google Street View
Apr 2021 See latest date

Image capture: Apr 2021 © 2024 Google United States Terms Privacy Report a problem



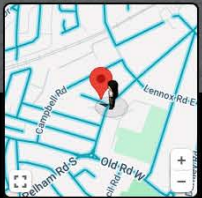
Appendix 2 Google Street View Imagery (November 2022)



← 55 Pelham Rd 🔍 ✕

↶ Share ✕

92 Pelham Rd
Gravesend, England
Google Street View
Nov 2022 See latest date





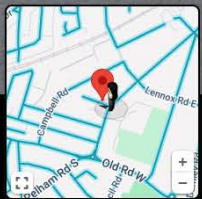
Appendix 3 Google Street View Imagery (October 2024)



← 55 Pelham Rd 🔍 ✕

51 Pelham Rd
Gravesend, England
📍 Google Street View
Oct 2024 See latest date

↩ Share ✕





Appendix 4 Site Photograph (8 June 2026)



Add a Caption

Monday • 8 Jun 2026 • 17:05

[Adjust](#)

✓ 514e294f-f334-4d54-949a-f29246508fb3

No camera information

JPEG

No lens information

2 MP • 1600 × 1200 • 353 KB

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