

Delegated Report

Lawful Development Certificate (Existing)

Application no:	20260751
Location	55 Pelham Road Gravesend Kent DA11 0JA
Proposal:	Application for an Existing Lawful Development Certificate for the erection of a metal gate on the side boundary
Applicant:	Mr. S. Basra
Site Visit	N/A Desktop Assessment

Plans & Documents

Covering Statement;
Application form;
OS Plan;
Drawing no. LDC-55PR-SD100 – Pre-Existing Plans;
Drawing no. LDC-55PR-SD101 – As Built Ground Floor Plan;
Drawing no. LDC-55PR-SD102 - Pre - Existing and As -Built Elevations; and
Drawing no. LDC-55PR-SD103 – Pre-Existing and As-Built Site Plan.

Property Type

The property comprises a two storey detached dwelling.

Material Consideration

Section 171B of the Town and Country Planning Act 1990 (as amended).

Relevant Planning History

None.

Officer Assessment

The time limits for taking enforcement action are set out in Section 171B of the Town and Country Planning Act 1990 (as amended). In most cases, development becomes immune from enforcement if no action is taken:

Within 10 years of substantial completion for a breach of planning control consisting of operational development where substantial completion took place on or after 25 April 2024;

Within 10 years for an unauthorised change of use to a single dwellinghouse where the change of use took place on or after 25 April 2024;

Within 4 years of substantial completion for a breach of planning control consisting of operational

development where substantial completion took place before 25 April 2024;

Within 4 years for an unauthorised change of use to a single dwellinghouse where the change of use took place before 25 April 2024; and

Within 10 years for any other breach of planning control (essentially other changes of use).

The erection of a gate is operational development, not a material change of use. As such, in order to be considered immune from enforcement action, the gate must have been in place for a period of four years, if substantial completion took place before 25 April 2024, or ten years, if substantial completion took place on or after 25 April 2024.

The applicant has provided Google Street View images illustrating the gate in place in April 2021, November 2022, October 2024 and a site photograph showing it in place on 8 June 2026

Information gathered by the case officer (from Google Maps) corroborates the contentions of the applicant.

The following images illustrate the site frontage over time:

May 2019 - shows the previous timber gate:





April 2021 – shows the metal gate for the first time:



November 2022 - shows the metal gate still in place:





October 2024 - shows the metal gate still in place:



July 2026 - shows the metal gate still in place:



The above Google Street View images show that the metal gate has been in place since at least April 2021.

As the gate was substantially complete prior to 25 April 2024 and has been in place for a period in excess of four years, it is immune from enforcement action and has become lawful through the passage of time.

Conclusion

The gate which is operational development has been in place for a period in excess of four years and was substantially complete prior to 25 April 2024. Therefore, pursuant to Section 171B of the Town and Country Planning Act 1990 (as amended), the existing development is immune from enforcement action and has become lawful through the passage of time. As such, a Lawful Development Certificate can be granted.

Recommendation: Grant Lawful Development Certificate

Case Officer:	Ms Rebecca Harrison	Team Leader:	Mrs Faye Walsh
Signed:	<i>Rebecca Harrison</i>	Signed:	<i>F Walsh</i>
Dated:	15th September 2026	Dated:	17 September 2026