



Delegated Report

Lawful Development Certificate (Proposed)

Application no:	20260246
Location	Clements Reach Farmhouse, Shipley Hills Road Meopham Gravesend
Proposal:	Application for a Proposed Lawful Development Certificate; Erection of a two storey rear extension, erection of 3 outbuildings and a swimming pool.
Applicant:	Priya Bajwa
Site Visit	N/A Desktop Assessment

Plans & Documents

Application form
Covering letter
Planning Statement
Site location plan
Drawing no. 001 rev A (existing block plan)
Drawing no. 002 rev A (proposed block plan)
Drawing no. 003 rev A (floor plans)
Drawing no. 004 rev A (existing elevations)
Drawing no. 005 rev A (proposed elevation)
Drawing no. 006 rev A (proposed outbuilding)

Property Type

The property comprises a large detached two storey building with a detached garage to the front.

Material Consideration

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

Consultations

Dickens' Country Protection Society

The Society notes this is a proposal for a two storey extension and would appear to require planning consent.

Relevant Planning History

20020880	Erection of part two storey and part first floor rear extension to form an	Permitted	09.12.2002
----------	---	-----------	------------

enlarged dining room at ground floor level with an enlarged bedroom at first floor level.

20020667	Erection of a detached double garage on the eastern side of the site.	Permitted	17.09.2002
20020235	Erection of a detached double garage on the eastern side of the elevation.	Permitted	08.05.2002
19880675	Outline application for the erection of 8 no two storey four and size bedroom houses and formation of a pond and open green area.	Application Refused	16.11.1988
19860268	Erection of single storey extension on the east elevation to form kitchen diner and single storey extension on the north elevation to form porch and cloakroom	Permitted	19.05.1986
19570102	Development of land for residential use	Application Refused	07.08.1957

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 A - The enlargement, improvement or other alteration of a dwellinghouse

A.1	Development is not permitted by Class A 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)	as a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (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)	the height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse	N
(d)	the height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse	N

(e)	the enlarged part of the dwellinghouse would extend beyond a wall which – (i) forms the principal elevation of the original dwellinghouse; or (ii) fronts a highway and forms a side elevation of the original dwellinghouse	N
(f)	subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and – (i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or (ii) exceed 4 metres in height	N/A
(g)	for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and – (i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or (ii) exceed 4 metres in height;	N
(h)	the enlarged part of the dwellinghouse would have more than a single storey and – (i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or (ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse being enlarged which is opposite the rear wall of that dwellinghouse;	N
(i)	the enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres	N
(j)	the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would – (i) exceed 4 metres in height, (ii) have more than a single storey, or (iii) have a width greater than half the width of the original dwelling; or	N
(ja)	any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (e) to (j);	N
(k)	it would consist of or include – (i) the construction or provision of a verandah, balcony or raised platform, (ii) the installation, alteration or replacement of a microwave antenna, (iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or (iv) an alteration to any part of the roof of the dwellinghouse	N
(l)	the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses)	N

A.2	In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if –	N/A
(a)	it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;	
(b)	the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or	
(c)	the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse.	
(d)	any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (b) and (c).	
A.3	Development is permitted by Class A subject to the following conditions –	Y/N
(a)	the materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;	Y
(b)	any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must be – (i) obscure-glazed, and (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and	N/A
(c)	where the enlarged part of the dwellinghouse has more than a single storey, or forms an upper storey on an existing enlargement of the original dwellinghouse, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.	Y

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	N

	curtilage (excluding the ground area of the original dwellinghouse);	
(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
(k)	the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses)	
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/A
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

Is the development within the curtilage of the dwellinghouse?

The application site is a large, detached dwelling, located within extensive grounds however the whole site is considered to be within the residential curtilage.

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 *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 submitted planning statement outlines the proposal for each building.

Outbuilding 1 will serve as a joint workshop and home office as there is no meaningful space within the house for this use. It will be used by the applicant for home working, also for children for school homework. It would not be used for commercial use. The workshop space within this building will be for the storage of various equipment to maintain the residential grounds as well as for creative purposes.

Outbuilding 2 will serve as a gym, sauna and steam room. A pump room is also included for the purposes of maintaining the outdoor swimming pool that is also proposed.

Outbuilding 3 will serve as an outdoor entertaining space to provide a covered bar and BBQ area.

Each of the buildings taken individually represent uses that would be considered incidental to the residential use of the dwellinghouse. They are all of a size that is reasonable for the uses proposed and, as such, would be permitted development.

Conclusion

The proposed two storey rear extension complies with Schedule 2, Part 1, Class A of **THE TOWN AND COUNTY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015, AS AMENDED**.

The proposed three outbuildings and swimming pool comply with the Schedule 2, Part 1, Class E of **THE TOWN AND COUNTY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015, AS AMENDED**.

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

Case Officer:	Mrs Alison Webster	Team Leader:	
Signed:		Signed:	
Dated:	9th June 2026	Dated:	