

Delegated Report

Lawful Development Certificate (Proposed)

Application no:	20231155
Location	32 Cruden Road Gravesend Kent DA12 4HD
Proposal:	Application for a Lawful Development Certificate in respect of the proposed erection of 2no. detached garden buildings to form a office and gym.
Applicant:	Mr S McGrew
Site Visit	N/A Desktop Assessment

Plans & Documents

Application form
Site location plan
Proposed plans

Property Type

The property comprises a two storey semi detached dwelling.

Material Consideration

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

Relevant Planning History

20230925	Application for a Lawful Development Certificate for the proposed erection of 2 detached garden buildings in rear garden to match existing.	Certificate refused	06.11.2023
20230620	Prior approval application for a single storey rear extension with a depth of 4.80 metres, maximum height of 3.40 metres and eaves height of 3.00 metres.	Refused	17.07.2023
20230090	Erection of a single storey rear extension.	Permitted	18.04.2023
20230056	Application for a Lawful	Certificate granted	27.03.2023

Development Certificate in respect of the proposed erection of a outbuilding.

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/A Y- approx. 2.46m N
(f)	The height of the eaves of the building would exceed 2.5 metres;	N – approx. 2.24m
(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; 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

Incidental to the main 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.

A purpose incidental to a house would not cover normal residential uses such as a kitchen, bedroom or bathroom and this would require planning permission. The proposed floor plan identifies a WC (shower room) within outbuilding A, along with a proposed gym. Outbuilding B is annotated as being an office.

Whilst the standard text included on the drawings makes reference to construction details, these have not formed part of the assessment. As such, with consideration to a degree of reasonableness, the outbuildings are considered incidental to the main dwellinghouse. Please note, should the outbuildings be used in a manner that is not incidental to the main dwellinghouse then this would not be lawful and planning permission would be required.

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 therefore the certificate can be granted.

Recommendation: Grant Lawful Development Certificate

Case Officer:	Mrs Alison Webster	Team Leader:	Miss Faye Hobbs
Signed:		Signed:	
Dated:	11th January 2024	Dated:	12 January 2024

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