



Delegated Report

Lawful Development Certificate (Proposed)

Application no:	20260347
Location	9B Spring Grove Gravesend Kent DA12 1LL
Proposal:	Application for a Proposed Lawful Development Certificate; Installation of a dropped kerb.
Applicant:	Michael Osibona
Site Visit	20 May 2026

Plans & Documents

Application form for a Lawful Development Certificate for a proposed use or development
Drawing no. TQRQM26090102329600 Proposed layout; and
Red line site boundary plan received 01 April 2026.

Property Type

The property comprises of a three storey, terraced dwelling with front and rear gardens.

Material Consideration

Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Referred to in this report as GPDO 2015.

Relevant Planning History

Reference	Description	Decision	Decision Date
20220067	Application for minor material amendment variation of condition 2 attached to planning permission reference no. 20200314 for the demolition of existing dwelling and garage and erection of 3no four bedroom terraced dwellings; to allow replacement of approved drawings SG/101b and SG/102d with drawings SG/101d and SG/102f to allow the building footprint repositioned further north.	Permitted	03.05.2022
20211222	Application for approval of condition 8 attached to planning permission reference number 20200314 relating to a hard and soft landscaping scheme.	Approved	26.11.2021
20200314	Demolition of existing dwelling and garage and erection of 3no four bedroom terraced dwellings.	Permitted	17.07.2020

Officer Assessment

In order to be permitted development, the proposal needs to comply with the requirements of the GPDO 2015. This assessment is made below.

Permitted Developments Rights Restrictions

Article 2 (3) Land (AONB, Conservation Area)	N
Article 4 Direction	N
Permitted Development Rights Removed/Restricted	Y*
Would the works involve an engineering operation?	N
Is the road a trunk road or classified road?	N
Is the hardstanding existing?	Y**

* Condition 5 of planning permission reference 20220067 removes the permitted development rights available under Class A of Part 1 of Schedule 2 of the GPDO 2015 only.

** The existing frontage parking area (shown below) has been constructed from tarmac, which is not porous but there is a linear drain. The application site is the property on the right hand side of the image.



Existing frontage parking arrangements (photograph taken 20 May 2026)

Assessment of Permitted Development (PD) Issues

Paragraph 3 (5) of the GPDO 2015 reads as follows;

(5) The permission granted by Schedule 2 does not apply if—

- (a) in the case of permission granted in connection with an existing building, the building operations involved in the construction of that building are unlawful;
- (b) in the case of permission granted in connection with an existing use, that use is unlawful.

The application site is one of three new dwellings erected pursuant to planning permission reference 20220067. Planning permission 20220067 has a number of planning conditions, the following of which are relevant to this PD assessment;

2. The development hereby permitted shall be carried out only in precise accordance with the following schedule of approved plans and details, unless alternative details are approved pursuant to the conditions imposed on this decision notice:

Planning Application Form;
Drawing No. SG/001 - Site Location Plan;
Drawing No. SG/002 - Existing Site Plan;
Drawing No. SG/101 Rev D - Proposed Site Plan; and
Drawing No. SG/102 Rev F - Proposed Floor Plans, Elevations and Roof Plan.

Reason: For the avoidance of any doubt and in the interest of proper planning.

6. The parking provision and driveways hereby permitted must be kept available for parking at all times and no gates or form of enclosure shall be installed across any part of the vehicular access/driveway at any time without the prior consent, in writing, of the Local Planning Authority.

Reason In the interests of highway and pedestrian safety and in accordance with Policy CS11 of the adopted Gravesham Local Plan Core Strategy (September 2014), saved policy T5 of the Gravesham Local Plan First Review (1994).

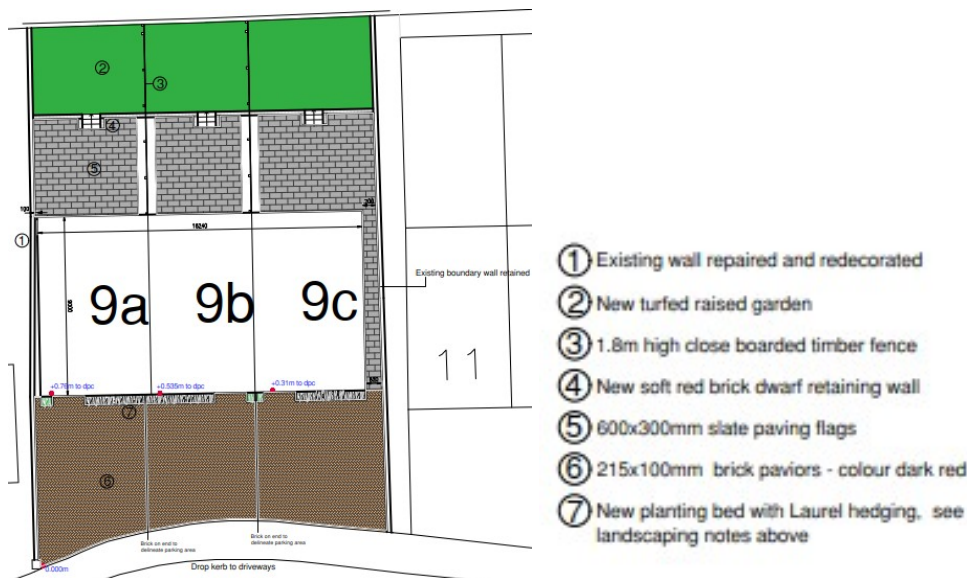
7. Prior to the approved hardstanding first coming into use, the applicant must provide a vehicle crossover to the full width of the proposed hardstanding to the requirements of Kent County Council Highways and Transportation.

Reason In the interests of highway and pedestrian safety and in accordance with Policy CS11 of the adopted Gravesham Local Plan Core Strategy (September 2014), saved policy T5 of the Gravesham Local Plan First Review (1994).

8. Prior to the commencement of above ground works a plan shall be submitted to the Local Planning Authority for approval showing a scheme of landscaping (hard and soft). All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the buildings or completion of the development, whichever is the earlier. Any trees or plants which within 5 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Authority gives written consent to any variation.

Reason To protect and enhance the appearance and character of the site and locality in accordance with Policy CS19 of the Core Strategy and paragraph 130 of the NPPF 2021.

The existing frontage parking area has not been built in accordance with the approved site plan (drawing reference SG/101 Rev. D) for application 20220067, which requires the use of dark red pavements and areas of soft landscaping to be provided in front of the dwellings. An extract from the approved drawing follows;



Therefore, the existing frontage parking area is a breach of planning condition 2 of 20220067.

Condition 8 of planning permission 20220067 has yet to be discharged. Therefore, there is an ongoing breach of that condition.

It should be noted that planning permission 20220067 was a minor material amendment to planning permission 20200314. Planning permission 20200314 had exactly the same conditions as 20220067 and a hard and soft landscaping scheme was submitted and approved pursuant to condition 8 of the 2020 permission (under application 20211222). That landscaping scheme was the same as that shown above, i.e. dark red paviours and soft landscaping. Therefore, had planning permission 20200314 been implemented, then there would have been a breach of conditions 2 and 8 of that permission instead.

Condition 7 of planning permission 20220067 requires the provision of a vehicle crossover to the full width of the proposed hardstanding, prior to the approved hardstanding first coming into use. As the above photograph illustrates, the driveway at the application site is in use but there is no dropped kerb. Therefore, there is an ongoing breach of that condition.

Whilst the current application, if approved would provide a vehicle crossover, the proposed crossover would only be four metres in length. This would not extend to the full width of the hardstanding at the application site (some 6.5 metres) or indeed across the full width of the hardstanding, across the three new dwellings (over 17 metres), which is the actual requirement of condition 7. Therefore, the proposed vehicle crossover would be a breach of condition 7, if it were to be installed.

Overall, by virtue of these existing breaches of condition, the application site is part of an unlawful development, whereby the existing frontage parking area is considered unlawful. Furthermore, the proposed vehicle crossover would result in a breach of condition and so would be unlawful in itself. As such, the proposed development would not comply with paragraph 3 (5) of the GPDO 2015 and planning permission would be required.

Other issues

The Highways Authority (Kent County Council (KCC)) provide guidance on the provision of dropped kerbs, the Residential Dropped Kerb Guidance and Self-Assessment (April 2025). This document sets out that, for a dropped kerb to be acceptable, various criteria must be met. Therefore, had this proposal have been permitted development, KCC may or may not have allowed the formation of the proposed dropped kerb. As such, it would be necessary for the applicant to contact KCC direct to discuss any future proposal. The applicant can be made aware of this in an informative attached to the decision.

In addition, any future proposal would still need to comply with other requirements such as Building Regulations. As such, it would be necessary for the applicant to ensure that all requirements are met and all legislation is complied with. The applicant can be made aware of this in an informative attached to the decision.

The application site will be reported to the GBC Planning Enforcement Team for investigation.

Conclusion

By virtue of the existing breaches of conditions 2, 7 and 8 of planning permission 20220067, the application site is part of an unlawful development, whereby the existing frontage parking area is considered unlawful. Therefore, the proposed development would fail to comply with paragraph 3 (5) of the GPDO 2015 and as such, planning permission would be required and the Lawful Development Certificate is refused. Furthermore, the proposal, if implemented would result in a breach of condition 7 of planning permission 20220067, which would be unlawful.

Recommendation: <u>Refuse</u> Lawful Development Certificate

Case Officer:	Mrs Kelly Joyce	Team Leader:	Richard Hart
Signed:	<i>K Joyce</i>	Signed:	<i>R Hart</i>
Dated:	26th May 2026	Dated:	27th May 2026