



Delegated Report

Lawful Development Certificate (Existing)

Application no:	20220450
Location	165 St Hildas Way Gravesend Kent DA12 4AZ
Proposal:	Application for a Lawful Development Certificate in respect of the existing chicken run and coop in the rear garden.
Applicant:	Mr O Kocak
Site Visit	N/A Desktop Assessment

Plans & Documents

- Application Form;
- Drawing 001 (Site Plan, Block Plan, Existing Plans and Elevations).

Property Type

The property comprises a semi detached house.



Material Consideration

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

Relevant Planning History

Reference	Description	Outcome	Decision Date
20211376	Application for a Lawful Development Certificate in respect of the existing chicken run and coop in the rear garden.	Withdrawn	25.01.2022

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	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- 2.3M N – 2.3M N/A
(f)	The height of the eaves of the building would exceed 2.5 metres;	N – 1.8M
(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
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

Conclusion

It is noted that comments were received in relation to the height of the building exceeding permitted development rules when measured from the adjoining access way boundary, however the height of the building in relation to the land levels within the plot are compliant with the GPDO.

A site visit carried out in relation to application 20211376 which was subsequently withdrawn showed the structure was not contained within the property curtilage and that the eaves overhung the boundary line. An officer site visit on 18/05/2022 showed that the eaves of the structure were adjusted and contained within the property boundary.



The submitted plans also show the use of the structure to keep chickens. As can be seen below, class E allows for the keeping of poultry as long as the purpose of keeping them is incidental to the enjoyment of the main dwelling.



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The existing outbuilding/enclosure falls within Article 3 of Schedule 2, Part 1, Class E of The Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, and as such planning permission is not required.

Recommendation: Grant Lawful Development Certificate

Case Officer:	Mrs Sharon Sahota	Team Leader:	Richard Hart
Signed:		Signed:	<i>R Hart</i>
Dated:	8th June 2022	Dated:	9th June 2022