

Delegated Report

Lawful Development Certificate (Existing Use)

Application no:	20260416
Location	32 Brandon Street Gravesend Kent DA11 0PL
Proposal:	Application for an Existing Lawful Development Certificate for the erection of a single storey rear extension.
Applicant:	Mr Richard Marshall, Cj Rentals LTD
Site Visit	N/A Desktop Assessment

Plans & Documents

Application Form Dated 21/04/2026;
Supplementary Information – Internal Image;
Supplementary Information – Internal Image;
Supplementary Information – Image from Inside;
Supplementary Information – Google Maps Image 2015;
Supplementary Information – Google Maps Image 2020;
Floor Plans – Pre-Existing
Block Plan – Pre Existing;
OS Plan;
Block Plan – Existing;
Elevations – Existing;
Roof Plans - Existing;
Floor Plans – Existing; and
OS Plan;

Property Type

32 Brandon Street is a two storey semi-detached dwellinghouse.

Material Consideration

The Town and Country Planning Act 1990

Relevant Planning History

Reference	Description	Decision	Decision Date
20260366	Application for a Proposed Lawful Development Certificate for the change of use from a C3 dwelling to a C4 6 person HMO.	Certificate Granted	28.05.2026



20260189	Prior approval application for a single storey rear extension with a depth of 6.00 metres, maximum height of 2.60 metres and eaves height of 2.60 metres.	Prior Approval not Required	24.03.2026
20190041	Application for a Lawful Development Certificate in respect of the proposed construction of a dormer extensions in the rear and side roof slopes and conversion of the roof space into habitable rooms	Certificate Granted	08.03.2019
19780537	Erection of a single storey extension at the rear to form a bathroom wc and lobby	Permitted	21.07.1978

Officer Assessment

The case officer has had regard to the advice contained in the National Planning Practice Guidance (the section relating to LDCs, paragraphs 005 to 009). This application is for an LDC and not for a planning permission. As such, the planning merits of the case are not relevant. The determination must be based on the facts of the case and the interpretation of any relevant planning law or judicial authority. The burden of proving relevant facts rests with the applicant and the evidence submitted must be sufficiently precise and unambiguous to enable the Local Planning Authority to understand exactly what is involved. The decision must be made on the balance of probability.

The application site is a two storey semi detached dwellinghouse located within the urban area of Gravesend. The property has been extended to the rear and also with conversion to the habitable space in the loft with rear dormer.

The application seeks a Lawful Development Certificate for the rear extension. The submitted application form states that the extension commenced in April 2015, which is supported by a Google Maps Image from May 2015, showing the extension in situ:

Google Maps image as submitted with the application



Here the length of the development projects from the rear elevation to just short of the end of the original outrigger:



A Further Google Earth image from March 2020 was submitted with the application to show the development having increased slightly in length, extending beyond the original outrigger:



There are no ariel images available from the time period between May 2015 and March 2020.

The application seeks to determine that the extension is lawful for planning purposes under Section 191 of the Town and Country Planning Act 1990 by virtue of the passage of time. Section 171B (2) of the Town and Country Planning Act 1990 prescribes:

'Where there has been a breach of planning control consisting in the carrying out without planning permission of building, engineering, mining or other operations in, on, over or under land, no enforcement action may be taken after the end of the period of—



(a) in the case of a breach of planning control in England, ten years beginning with the date on which the operations were substantially completed'

This would mean that, in order to be lawful, the extension must have been substantially completed before June 2016.

As shown from the ariel image dated May 2015, it is considered that the main bulk of the structure was in place at this time, however the full length of the extension had not been completed. The evidence from the ariel images suggest that the extension would have been completed as one single structure and the remaining length was not a further addition:

Ariel Image from March 2022



As such, in the balance of probabilities, it is likely that the remainder of the extension would have been completed prior to June 2016.

Therefore, it is considered that the building had been substantially completed by May 2015 and as such would be lawful due to the passage of time

Conclusion

The application seeks to confirm that the rear extension to 32 Brandon Street is lawful. The applicant has demonstrated that in the balance of probabilities, the extension has been substantially completed for at least the last 10 years and is therefore lawful due to the passage of time. The Council has no evidence to the contrary.

The development complies with Section 191(b) of The Town and Country Planning Act 1990

Recommendation: Grant Lawful Development Certificate

Case Officer:	Mrs Nina Goodbody	Team Leader:	Richard Hart
Signed:	<i>N Goodbody</i>	Signed:	<i>R Hart</i>
Dated:	16 th June 2026	Dated:	17th June 2026