

Delegated Report

Lawful Development Certificate (Proposed)

Planning Application No: 20250553

Location: Woodside, Pear Tree Lane, Shorne, Kent

Description: Proposed certificate of lawfulness for the erection of two single storey side extensions and a detached single storey outbuilding

Applicant: Mr R Sakaria

Site Visit Date: 26 August 2025

Submitted Documents/Plans

Application form

Cover letter

Drawing no. 8768 - SK-05 (Existing plans and elevations)

Drawing no. 8768 - SK-20 Rev A (Existing and proposed block plan and location plan)

Drawing no. 8768 - SK-21 Rev A (Plans and elevations as proposed – house)

Drawing no. 8768 - SK-22 (Plans and elevations as proposed – outbuilding)

Property Type

Woodside, Pear Tree Lane, Shorne is a detached property

Material Considerations

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





Relevant Planning History

Reference	Description	Decision	Decision Date
20250554	Prior approval for a single storey rear extension with a depth of 8m, maximum height of 4m and eaves height of 3.2m	Prior approval not required	07/08/2025
20250343	Proposed Lawful Development Certificate: erection of two single storey side extensions, a single storey rear extension and a detached single storey outbuilding	Withdrawn	16/05/2025
20250342	Prior approval for a single storey rear extension with a depth of 8m, maximum height of 4m and eaves height of 3.2m	Refused	14/05/2025
20250341	Prior approval for the enlargement of the dwelling by the construction of additional storey with a maximum height of 10.6m	Withdrawn	21/05/2025

Development Plan

Due to the nature of this application, the adopted plan and national planning policies are not relevant since the application relates to whether the proposed development may be classed as permitted development or not.

Planning Legislation

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

Consultations, Publicity and Representations

Comments have been received from Shorne Parish Council and Dickens Protection Society. However, these were not following a consultation period, as it is not a requirement for this type of application. For transparency, the comments are included below but do not form part of the consideration of this application.

Shorne Parish Council

The Parish Council objects strongly to this application.

Side extensions: For the side extensions, due to the falling and levels, they are likely to be taller than permitted development limits at their rear and will also require significant engineering work to be built so they may not be permitted development. The two side extensions together increase the width (and floor area) by 100%, well more than the locally set “one third” rule for enlargement of buildings in the Green Belt.

Outbuilding: Dimensions are not labelled on the plans, but the proposed outbuilding is at least the same size as the existing house and probably larger, so another 100% or more increase in built form on the site. It is now located further back on the site. It is shown as being only an office and a gym (with no internal connection), with no detail given of other internal structure and proposed services to be provided. The building appears to be a residential annexe that is capable of being becoming a separate dwelling. Due to the fall of the land, this building would also require considerable engineering works and would lead to the resultant eaves heights being greater than stated at the rear.

Summation of proposed expansion in this application: Taking all the proposed extensions and outbuilding together, there will be a large increase in built form, which will have a significant adverse effect on openness of the Green Belt.

Grounds contours: Topographical plans show existing ground contours and the relationship to these of the new side extensions and outbuilding need to be provided.

Planting plans: We note that a large number of mature trees have been cleared on this site. Plans showing proposed plantings, including remaining hedges and trees, are needed.

Exterior lighting: An exterior lighting plan is also needed, giving details of all exterior lighting and how it is to be controlled.

Engineering works: As significant engineering works will be required, the proposal may not be permitted/ lawful development.

Full planning application needed: As detailed above, a full planning application is required, which would also allow standard conditions to be attached to the outbuilding.

Dickens Country Protection Society

The Society has already lodged an objection to application GR/2025/0554 and commented on a lack of clarity in the drawings. That comment resulted from the fact that, at that time, the Society was unaware of application reference Gr/2025/0553.

The Society notes the quantum of development that is proposed on the site and considers in a Green Belt location, this is excessive. If the proposal is in addition to the proposed rear extension, the Society would register an objection to the two side extensions and the outbuilding.

Officer Assessment

Permitted Development Right Restrictions

Article 2(3) Land (AONB; Conservation Area)	N
Article 4 Direction	N
Permitted Development Rights Reomved/ Restricted	N

Class A – The enlargement, improvement or other alterations 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 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 N
(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/A N/A
(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/A
(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 dwellinghouse; or	N N 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; or	N
(i)	the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses)	N
A2	In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if –	Y/N
(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;	N/A
(b)	the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or	N/A

(c)	the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse.	N/A
(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).	N/A
A3	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	N/A

Under application reference 20250342 for the prior approval for a single storey extension to the dwelling, the Council established that the south-eastern facing elevation directly facing onto Pear Tree Lane (the main highway serving the house), forms the principal elevation of the dwelling. The north- western elevation is therefore the rear elevation.

While the plans submitted with this application indicate a single storey rear extension to the dwelling of maximum depth 8m, this has been approved under prior approval application ref. 20250554 and does not form part of this application.

The concerns regarding land levels and potential engineering works are acknowledged. While the land within the site does fall away to the rear of the property, the land around the dwelling and the site of the proposed outbuilding is level. Accordingly, the proposed extensions and the outbuilding fall within the parameters of permitted development as they comply with the height limits in order to be classed as such. It is not considered that works tantamount to engineering operations are required in order to build/ provide foundations for the proposed works.

The agent for the application has confirmed via e mail that the materials for the proposed extension are to match the existing dwelling.

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.

E1	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 buildings 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 the dwellinghouse, or (iii) 3 metres in any other case;	N
(f)	The height of the eaves of the building would exceed 2.5m	
(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
E2	In the case of any land within the curtilage of the dwellinghouse which is within— (a) an area of outstanding natural beauty; (b) the Broads; (c) a National Park; or (d) a World Heritage Site, 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
E3	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
E4	For the purposes of Class E, “purpose incidental to the enjoyment of the dwellinghouse as such” includes the keeping of poultry, bees, pet animals, birds or other livestock for the domestic needs or personal enjoyment of the occupants of the dwellinghouse.	

While the size of the proposed outbuilding is reasonably large, there is no reason to consider that it would be intended for uses outside of what could be considered as incidental, specifically as a separate dwelling. There is no indication on the plans of any facilities which would enable this, such as a kitchen, WC or shower/ bathroom facilities. It is therefore considered that the proposal would be for a use ancillary to the existing dwelling on the site. As such, it would be permitted development.

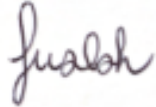
Conclusion

The proposed single storey side extensions comply with Schedule 2, Part 1, Class A of **THE TOWN AND COUNTY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015, AS**

AMENDED.

The proposed outbuilding complies with the Schedule 2, Part 1, Class E of **THE TOWN AND COUNTY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015, AS AMENDED.**

Recommendation: Grant Lawful Development Certificate

Case Officer:	Mr Thomas Gabriel	Team Leader:	Mrs Faye Walsh
Signed:	TM Gabriel	Signed:	
Dated:	1 st September 2025	Dated:	03 September 2025