

Delegated Report

Lawful Development Certificate (Proposed)

Application no:	20240011
Location	Owlswood Cottage, Priestwood Road, Meopham, Gravesend, Kent, DA13 0DA
Proposal:	Application for a Lawful Development Certificate in respect of the proposed demolition of 5no. outbuildings and erection of 2no. detached outbuildings for use as a summer house and workshop/gym.
Applicant:	C Mair
Site Visit	N/A Desktop Assessment

Plans & Documents

- Application Form – dated 08 January 2024;
- Planning Statement (4022.PN) – dated January 2024;
- Supplementary Information – Appeal Decision (APP/P1805/X/23/3314062) – dated 04 September 2023;
- Supplementary Information – Appeal Decision (APP/A5270/X/22/3304371) – dated 30 August 2023;
- Supplementary Information – Appeal Plan (APP/A5270/X/22/3304371) – Proposed Plans;
- Drawing no. 4022-01 – Site Location Plan (scale – 1:1250);
- Drawing no. 4022-02 – Existing Block Plan (scale – 1:500);
- Drawing no. 4022-03 – Existing Outbuilding Elevations;
- Drawing no. 4022-04 – Proposed Block Plan (scale – 1:500);
- Drawing no. 4022-05 – Proposed Plans and Elevations.

Material Consideration

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

Relevant Planning History

Reference	Description	Decision	Decision Date
20240014	Application for a Proposed Lawful Development Certificate in respect of a single storey side extension.	PENDING	
20240012	Application for a Lawful Development Certificate in respect of the proposed two storey rear extension.	PENDING	
20230989	Application for a Lawful Development Certificate in respect of the proposed two storey rear extension with installation of a window on the south elevation.	CERTIFICATE REFUSED	17.11.2023

20230988	Application for a Lawful Development Certificate in respect of the proposed erection of a single storey side extension and 2no. detached outbuildings for use as a summer house and workshop/gym.	CERTIFICATE REFUSED	17.11.2023
20220646 2022/00055 /REF	Demolition of existing bungalow and erection of a 3-bed bungalow.	REFUSED APPEAL DISMISSED	11.08.2022 31.03.2023
20060049	Construction of pitched roof over existing side extension with dormer window in proposed front roof slope; conversion of proposed roof space into a bedroom; erection of a conservatory at the rear and erection of a detached triple garage at the side.	PERMITTED	15.03.2006
19580009	Erection of bungalow and garage	REFUSED	05.03.1958

Planning History Note – the Refused Lawful Development Certificate (ref. 20230988) proposed the erection of two similar outbuildings to that sought in this application. A material difference between the two proposals, is that this application involves the demolition of the existing outbuildings on the site.

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 4m
(f)	The height of the eaves of the building would exceed 2.5 metres;	N 2.4m
(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

Assessment

The buildings hereby proposed comply with the listed limits and conditions of Class E, Part 1, Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015. However, this would apply to incidental buildings only as explained in the pre-amble. The Technical Guidance for Permitted development rights for householders (2019) states the following:

Class E sets out the rules on permitted development for buildings etc within the curtilage of a house (see page 7). Buildings which are attached to the house are not permitted under Class E (they would be subject to the rules in Class A). Buildings under Class E should be built for purposes incidental to the enjoyment of the house. 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.

But the rules also allow, subject to the conditions and limitations below, a large range of other buildings on land surrounding a house. Examples could include common buildings such as garden sheds, other

storage buildings, garages, and garden decking as long as they can be properly be described as having a purpose incidental to the enjoyment of the house. A purpose incidental to a house would not, however, cover normal residential uses, such as separate self-contained accommodation or the use of an outbuilding for primary living accommodation such as a bedroom, bathroom, or kitchen.

The proposed buildings are a summerhouse and gym/workshop respectively, these uses are considered to be incidental and for the personal enjoyment of occupants of the house. Even though the gym/workshop outbuilding contains a w.c/shower, which would be considered a feature of primary living accommodation, it is not considered to create a self-contained unit of accommodation.

Therefore, the proposed outbuildings which replace the existing dilapidated buildings on the site, are considered to comply with the parameters of Class E of the GPDO and are incidental to the enjoyment of the main dwelling.

Conclusion

The proposed development complies with Class E of **THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015, AS AMENDED**, and the **LAWFUL DEVELOPMENT CERTIFICATE is GRANTED**.

Recommendation: <u>Grant</u> Lawful Development Certificate			
Case Officer:	Mr Ethan Bonthron	Team Leader:	Miss Faye Hobbs
Signed:		Signed:	
Dated:	27 th February 2024	Dated:	04 March 2024