

# Delegated Report

## *Lawful Development Certificate (Proposed)*

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|------------------------|------------------------------------------------------------------------------------------------------------------------------------|
| <b>Application no:</b> | 20241146                                                                                                                           |
| <b>Location</b>        | The Coach House West Down Farm Shipley Hills Road<br>Meopham                                                                       |
| <b>Proposal:</b>       | Application for a Proposed Lawful Development Certificate for<br>the erection of a single storey side extension with roof lantern. |
| <b>Applicant:</b>      | Mr and Mrs Ripley                                                                                                                  |
| <b>Site Visit</b>      | N/A Desktop Assessment                                                                                                             |

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### Plans & Documents

Application Form  
1783/1A – Existing Floor Plan  
1783/2 – Existing Elevations  
1783/3/1 – Proposed Floor Plan  
1783/4/1 – Proposed Elevations  
1783/5/1 – Existing and Proposed Block Plan  
Assessment of Significance  
Cover Letter

### Property Type

The property comprises a detached building, set around three sides of a rectangular courtyard. It was originally built for use as stables and agricultural barns or cowsheds and converted to a dwelling in two stages following grants of planning permission in 1974 and 1997. The dwelling following the 1974 permission had a floor area of around 191.3m<sup>2</sup>, a section of the former stables having been left unconverted at that time. The entire building became a dwellinghouse following the 1997 permission, with a total floor area of around 249.3m<sup>2</sup>.

### Material Consideration

Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)  
Permitted development rights for householders: technical guidance (2019)

### Relevant Definitions

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

**“dwellinghouse”**, except in Part 3 (changes of use), Class B (demolition of buildings) of Part 11 (heritage and demolition), Part 12A (development by local authorities and health service bodies) and Part 20 (construction of new dwellinghouses) of Schedule 2 to this Order, does not include a building containing one or more flats, or a flat contained within such a building;

**“original”** means—

- (a) in relation to a building, other than a building which is Crown land, existing on 1st July 1948, as existing on that date;
- (b) in relation to a building, other than a building which is Crown land, built on or after 1st July 1948, as so built;
- (c) in relation to a building which is Crown land on 7th June 2006, as existing on that date; and
- (d) in relation to a building built on or after 7th June 2006 which is Crown land on the date of its completion, as so built;

Permitted development rights for householders: technical guidance (2019)

**Original:** means a building as it existed on 1 July 1948 where it was built before that date, and as it was built if built after that date.

**Total enlargement:** is the proposed enlargement together with any existing enlargement of the original dwelling house to which it will be joined.

### Relevant Planning History

| Reference                                      | Description                                                                                                                                                                          | Decision                        | Decision Date                                              |
|------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|------------------------------------------------------------|
| 20221350 and APP/K2230/D/23/3322987            | Erection of single storey side extension                                                                                                                                             | Refused and Dismissed at appeal | 07.03.2023 (Refused)<br>24.06.2024 (Appeal Dismissed)      |
| 19970347                                       | Conversion of former cow shed to Annexe to the Coach House comprising lounge, bedroom with ensuite study/guest bedroom and utility room.                                             | Permitted                       | 22.04.1998                                                 |
| 19750028 (GR/75/28)                            | Details pursuant to conditions 1 and 2 of the Appeal Decision by the Secretary of State under ref. TH/6/72/411 and being conversion of stables to form single storey dwelling house. | Permitted                       | 26.05.1975                                                 |
| 19720411 (TH/6/72/411) APP/2393/A/7 3/11435/G6 | Conversion into living accommodation of stables at West Down Farm, Shipley Hills Road, Meopham                                                                                       | Refused and allowed at appeal   | 27.11.1972 (Refused)<br>And<br>01.06.1974 (Appeal Allowed) |

### Officer Assessment

#### *Permitted Developments Rights Restrictions*

|                                                 |   |
|-------------------------------------------------|---|
| Article 2 (3) Land (AONB, Conservation Area)    | N |
| Article 4 Direction                             | N |
| Permitted Development Rights Removed/Restricted | Y |

The inspector in allowing the appeal related to planning ref 19720411, did not include any conditions in the decision, which would remove/restrict permitted development rights.

The decision notice under planning ref 19970347, restricted the development on this site under condition 2 of that approval as follows:

*'The living accommodation hereby permitted shall be used solely as an annexe to the existing house and shall at no time be occupied as a separate dwelling.'*

**Class A - The enlargement, improvement or other alteration of a dwellinghouse**

| <b>A.1</b> | <b>Development is not permitted by Class A if –</b>                                                                                                                                                                                                                                                                                                                                              | <b>Y/N</b> |
|------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|
| (a)        | permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class G, M, MA, 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 –<br><br>(i) forms the principal elevation of the original dwellinghouse; or<br>(ii) fronts a highway and forms a side elevation of the original dwellinghouse                                                                                                                                                           | Y          |
| (f)        | subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and -<br>(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<br>(ii) exceed 4 metres in height                                                                       | 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 -<br><br>(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<br>(ii) exceed 4 metres in height; | N/A        |
| (h)        | the enlarged part of the dwellinghouse would have more than a single storey and –<br>(i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or<br>(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          |
| (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 –                                                                                                                                                                                                                                                            | N          |

|            |                                                                                                                                                                                                                                                                                                                                                                                                                                           |            |
|------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|
|            | <ul style="list-style-type: none"> <li>(i) exceed 4 metres in height,</li> <li>(ii) have more than a single storey, or</li> <li>(iii) have a width greater than half the width of the original dwelling; or</li> </ul>                                                                                                                                                                                                                    |            |
| (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);                                                                                                                                                                                                                  | Y          |
| (k)        | <p>it would consist of or include –</p> <ul style="list-style-type: none"> <li>(i) the construction or provision of a verandah, balcony or raised platform,</li> <li>(ii) the installation, alteration or replacement of a microwave antenna,</li> <li>(iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or</li> <li>(iv) an alteration to any part of the roof of the dwellinghouse</li> </ul> | N          |
| (l)        | the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses)                                                                                                                                                                                                                                                                                                                                            | N/A        |
| <b>A.2</b> | <b>In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if –</b>                                                                                                                                                                                                                                                                                                                                  | <b>Y/N</b> |
| (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        |
| <b>A.3</b> | <b>Development is permitted by Class A subject to the following conditions –</b>                                                                                                                                                                                                                                                                                                                                                          | <b>Y/N</b> |
| (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)        | <p>any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must be –</p> <ul style="list-style-type: none"> <li>(i) obscure-glazed, and</li> <li>(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</li> </ul>                                                                   | 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                                                                                                                                                                                                                                                          | N/A        |

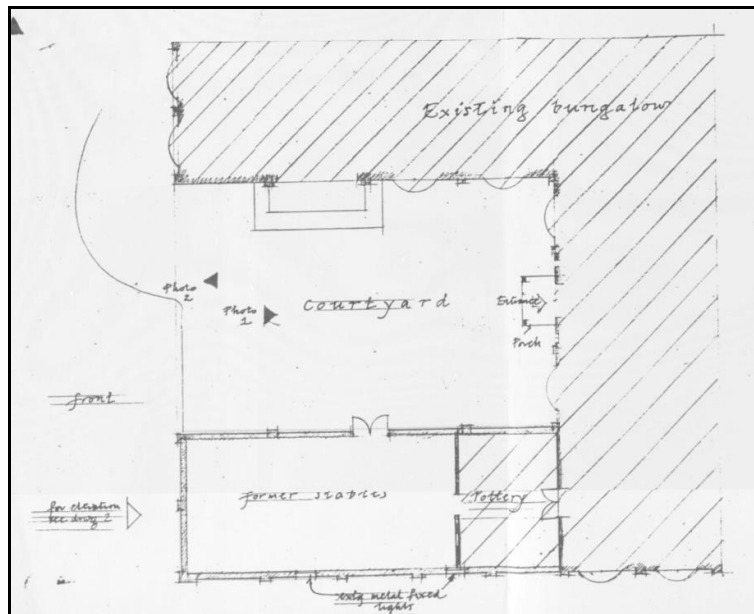
|  |                                                                                                             |  |
|--|-------------------------------------------------------------------------------------------------------------|--|
|  | the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse. |  |
|--|-------------------------------------------------------------------------------------------------------------|--|

Paragraph J(iii) would not permit this development if it would have a width greater than half the width of the original dwelling.

There was some debate in recent planning appeal ref APP/K2230/D/23/3322987 regarding whether the current dwellinghouse, would be considered the original *building* or the original *dwelling*, which had ramification in the assessment of the green belt in that application/appeal. Whilst Development Plan policies are not relevant to this application for Lawful Development, the consideration and conclusions of the appeal in the determination of whether the current building would be considered to be original *dwelling*, is useful for the application of paragraph J(iii) as above. In the appeal, the inspector concluded that the proposed extension would add 12% floorspace to the original *building*.

Based on the relevant definitions, and case law, the original dwellinghouse, is considered to be the *dwelling* as it existed on 1 July 1948 where it was built before that date, and as it was built if built after that date. In this case, this site was not originally built for the purposes of residential occupation (this building is a converted stable), and so alternative assessment is required. However, there is no doubt that when a non-residential building, such as a barn, is converted into what amounts to a single dwellinghouse, Part 1 permitted development rights are acquired by that building after its completion. This would have been the case, when the original stable building was 'part' converted to a C3 dwellinghouse, in 1972. The remaining part of the stable was converted in 1997 under ref 19970347.

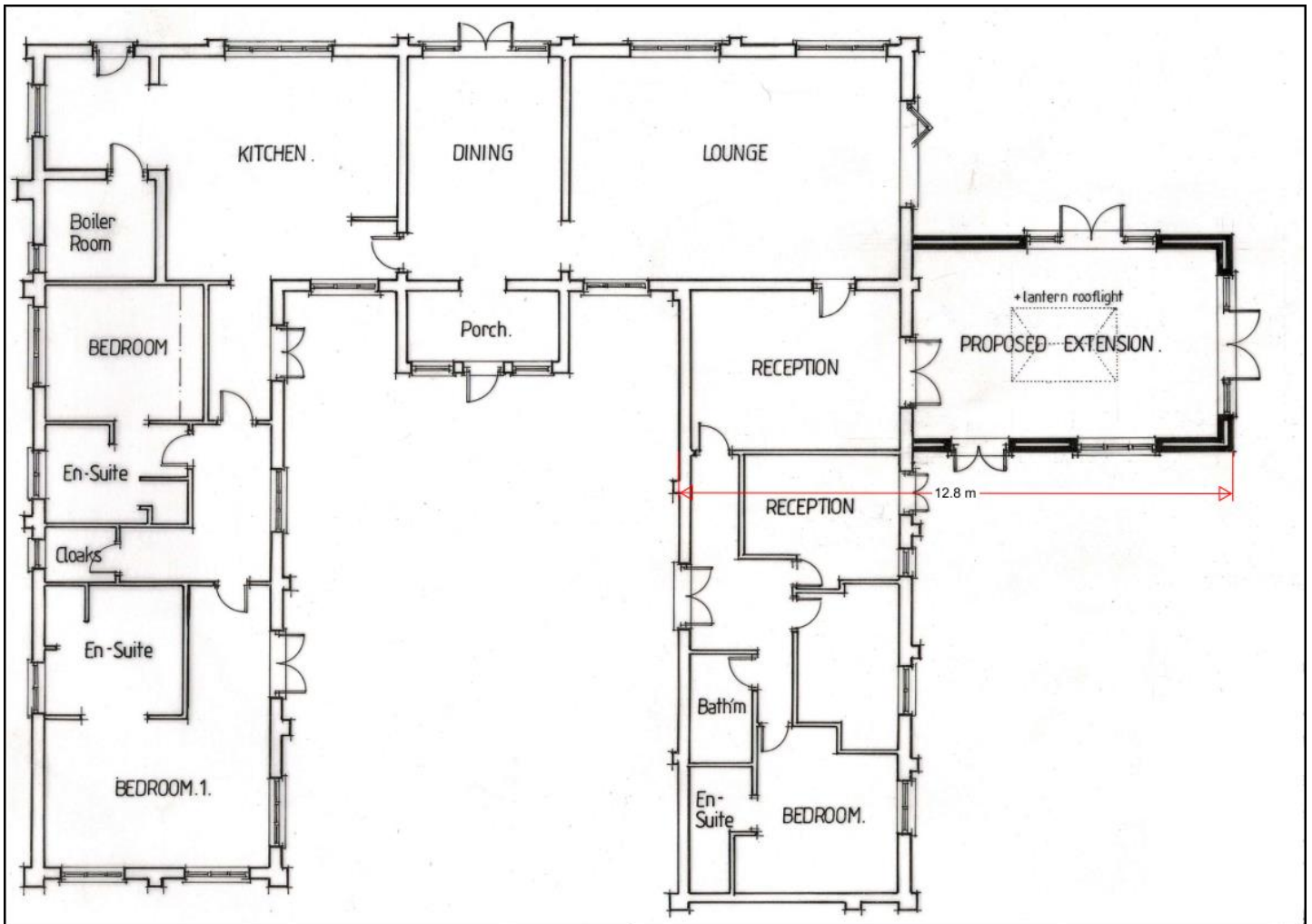
The below site layout shows the area which was originally converted to a bungalow;



At the time of the conversion, the area identified on the above plan as 'existing bungalow', would have been considered the 'original' dwellinghouse. The question at hand would be whether the 'original' dwellinghouse would be considered to be that as part converted in 1972, or the entire building as converted following consent in 1997. Based on the definitions, it is considered that the stables were originally part converted in 1972. This is considered to be the original dwellinghouse. The later conversion of the remaining stable, is considered to be an enlargement of the original dwellinghouse.

However, in either case, the width of the dwellinghouse would remain the same, 20.5m as correctly measured at its widest point. The proposed width of the extension is 7.4m. Therefore, the extension when considered as a singular enlargement, no matter the assessment of what constitutes the 'original dwellinghouse', would comply with paragraph J(iii).

Conversely, paragraph (ja) requires that 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). So, when the width of the extension proposed is included with the width of the enlarged part of the dwellinghouse (as per the further conversion under planning ref 19970347), the width would be 12.8m, which is over half the width of the original dwellinghouse, measured at its widest point. This is shown in the image below.



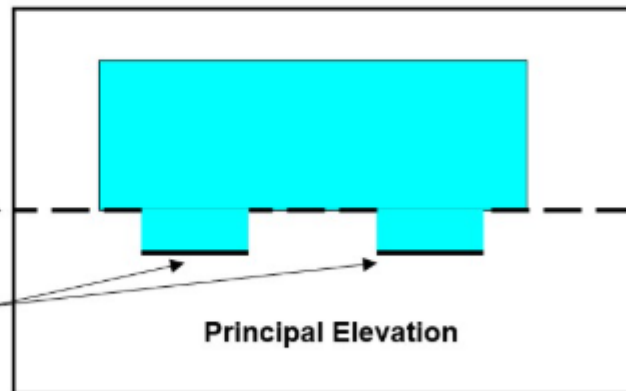
In addition to this, the proposed extension would fail to comply with paragraph (e)(i), as it would extend beyond a wall which forms the principal elevation of the original dwellinghouse.

The Permitted development rights for householders: technical guidance (2019), provides guidance on the assessment of this section. This is included below for information:

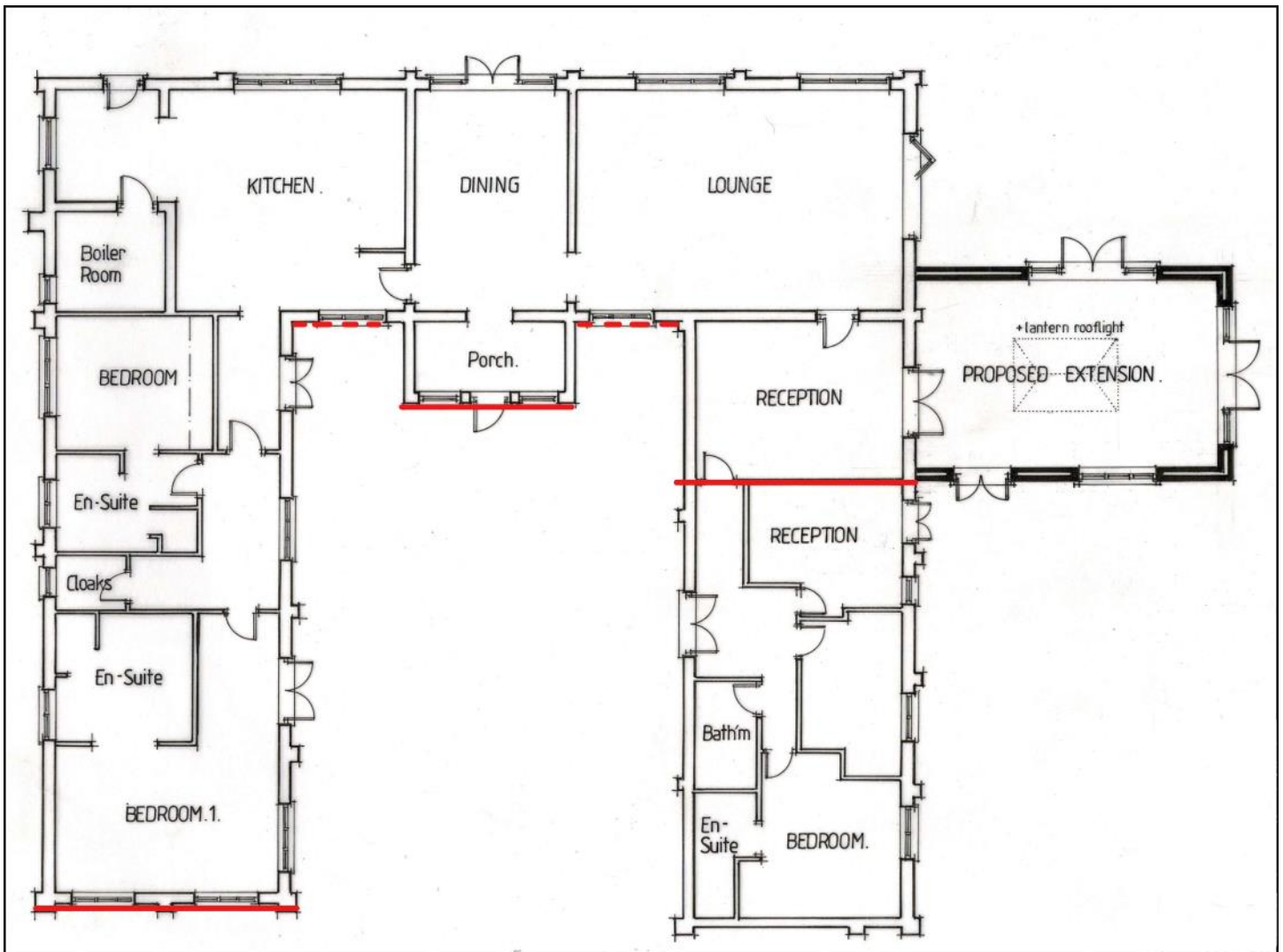
The principal elevation could include more than one wall facing in the same direction - for example, where there are large bay windows on the front elevation, or where there is an 'L' shaped frontage. In such cases, all such walls will form the principal elevation and the line for determining what constitutes 'extends beyond a wall' will follow these walls.

Any extension forward of this line will **not** be permitted development and will require an application for planning permission

Bay windows form part of principal elevation



Then this approach is applied to this site, the red line added to the plan below indicated all principle elevations. The hatched red line, indicates the furthest set back front elevation. Any extension forward of this line, would not comply with para (e)(i).



Clearly, the proposed extension would extend beyond a wall which forms the principal elevation of the original dwellinghouse and so would fail to comply with paragraph (e)(i).

### Conclusion

The proposed single storey side extension fails to comply with A.1 (e) and (ja) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), as the proposed development would extend beyond a wall which forms the principal elevation of the original dwellinghouse and extend beyond a wall forming a side elevation of the original dwellinghouse and would be greater than half the width of the original dwellinghouse.

**Recommendation:** Refuse Lawful Development Certificate

|                      |                                                                                     |                     |                               |
|----------------------|-------------------------------------------------------------------------------------|---------------------|-------------------------------|
| <b>Case Officer:</b> | Mrs Lisa Fisher                                                                     | <b>Team Leader:</b> | Richard Hart                  |
| <b>Signed:</b>       |  | <b>Signed:</b>      | R Hart                        |
| <b>Dated:</b>        | 5th February 2025                                                                   | <b>Dated:</b>       | 7 <sup>th</sup> February 2025 |

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