

Delegated Report

Lawful Development Certificate (Proposed)

Application no:	20240887
Location	18 The Crescent Northfleet Gravesend Kent
Proposal:	Application for a Lawful Development Certificate for the proposed erection of an outbuilding in the rear garden for use as a garden room.
Applicant:	Mr Sam Andrews
Site Visit	11 December 2024

Plans & Documents

Application form for a Lawful Development Certificate for a Proposed Use or Development;
 Drawing no. TQRQM24299134743889 Proposed block plan;
 Drawing no. TQRQM24299133852006 Site location plan;
 Drawing no. WDS.180809.SAPGR.R02 Proposed layout and elevations; and
 Email from the applicant received 30 October 2024.

Property Type

The property comprises of a semi-detached, two storey, dwelling with front and rear gardens.

Material Consideration

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

Relevant Planning History

Reference	Description	Decision	Decision Date
20240501	Application for a Lawful Development Certificate for the proposed erection of an outbuilding in the rear garden to be used as a private tattoo studio.	Certificate refused	25.07.2024

Consultations, Publicity and Representations

There is no statutory requirement to undertake any consultations or publicity for a lawful development certificate (LDC) application. However, in this instance, the following consultation responses have been received;

GBC Environmental Protection Team (Regulatory Services)

There is no objection to this application. Having reviewed the submitted information, the opening hours are reasonable, and customer visits will be by appointment only and limited to a maximum of 2 client per day. This means that there is unlikely to be any noise impact from customers visiting the premises either by car or on foot.

Some equipment will be used in the operation of the business, however tattooing equipment is not noisy so again, there is unlikely to be any noise disturbance to surrounding premises.

GBC Commercial Team (Regulatory Services)

No objection in principle. The following comments are made for the information of the applicant.

Health and Safety:

In these premises, as the studio is within the curtilage of a domestic dwelling, the Health and Safety Executive (HSE) will be the enforcing Authority for all health and safety matters. Should you require further advice and information check out the HSE website www.hse.gov.uk

Skin Piercing:

As invasive skin piercing procedures for example tattooing, ear, body or cosmetic piercing, or electrolysis will be undertaken at the premises, the applicant will need to register these activities with the Environmental Health. Registration **MUST** be gained prior to any such activities being undertaken.

The Studio must comply with the appropriate local byelaws on the location and number of sinks etc. a copy of the byelaws can also be viewed on the Council website.

For further information and to register online for any of these treatments, the applicant should visit the council website on <https://www.gravesham.gov.uk/home/environmental-health/tattoos-and-skin-piercings/overview>

Officer Assessment

Permitted Developments Rights Restrictions

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

Under Class E of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO), the following development can be permitted development;

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.

For this proposal, only Class E(a) is relevant. The proposed development would be a building but in order to be permitted development, it must be located within the curtilage of a dwellinghouse and be used for a purpose incidental to the enjoyment of that dwellinghouse.

The application property is a dwellinghouse and the proposed outbuilding would be located within its residential curtilage (in the rear garden).

The documentation initially submitted with the application stated that the application was be used as a private tattoo studio, but no further details were included. Following further investigation from the case officer, the applicant confirmed that they would be operating a tattoo business from the outbuilding on an appointment-only basis. The tattoo studio would operate independently from the dwelling, with a separate client entrance to the side and client parking on the front driveway. The opening hours would be Monday to Saturday from 10.00 to 17.00 with a maximum of two client sessions per day.

Based in this information, it was considered that the only use of the proposed outbuilding would be for the applicant's tattoo business, which would be the primary use of the outbuilding. Therefore, the proposed use would not be incidental to the residential use of the application site and would not meet the definition of development set out in Class E of Part 1, Schedule 2 of the GPDO.

This assessment was relayed to the applicant, who was advised that they would need planning permission for the use of the outbuilding for a business. To move the application forward, the decided to remove the business use from the application, and proceed with the application on the basis of a garden room only, being fully aware that planning permission must be obtained prior to the use of the outbuilding for a business. An informative will be added to the decision reiterating this point. The applicant has also been made aware that planning permission for the use of the business cannot be guaranteed until an application is submitted.

Following the above, the outbuilding is now being assessed as a garden room, against the criteria outlined below;

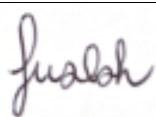
E.1	Development is not permitted by Class E if –	Y/N
(a)	Permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule (changes of use);	N
(b)	The total area of ground covered by building, enclosures and containers within the 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 (2.5m tall and 0.5/0.5 from boundary)
(f)	The height of the eaves of the building would exceed 2.5 metres;	N
(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/A
(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

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: Refuse Lawful Development Certificate

Case Officer:	Mrs Faye Walsh	Team Leader:	Richard Hart
Signed:		Signed:	<i>R Hart</i>
Dated:	10 January 2025	Dated:	10 th January 2025