



Appeal Decision

Decision by A U Ghafoor BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 May 2024

Appeal Ref: APP/P3610/X/23/3330057

41 Manor Green Road, Epsom, Surrey KT19 8RN

- The appeal is made under section 195 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Mr Clyde Fernandes against the decision of Epsom and Ewell Borough Council.
 - The application ref 23/00352/CLP, dated 22 March 2023, was refused by notice dated 27 June 2023.
 - The application was made under section 192(1)(b) of the Town and Country Planning Act 1990 as amended.
 - The development for which a certificate of lawful use or development is sought is to widen an existing drop kerb by 1.4 meters for better access into driveway.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. Whether the proposed development complies with Class B, Part 2, Schedule 2 of the GPDO.

Reasons for the Recommendation

4. The appeal property comprises a two-storey dwelling with a section of hardstanding adjoining the highway. A dropped kerb facilitates the existing vehicular access between the hardstanding and the road. The proposal would extend the existing section of dropped kerb, widening the vehicular access.
5. Class B, Part 2, Schedule 2 of the GPDO permits the formation, laying out and construction of a means of access to a highway which is not a trunk road or a classified road, where that access is required in connection with development permitted by any Class within Schedule 2 of the GPDO excluding Class A, Part 2. The Council have refused the application as they allege that the widening of the access would not be required in connection with the existing area of hardstanding, which they deem to be permitted by Class F, Part 1, Schedule 2 of the GPDO.
6. The hardstanding adjoining the front elevation of the property benefits from an existing vehicular access to the highway which facilitates its use as off-street parking. As such, whilst the extension of the dropped kerb and widening of the

existing access may be preferable to the appellant, it is not required in connection with the use of the hard standing.

7. For these reasons, on the main issue, I conclude that the proposal to widen an existing drop kerb by 1.4 meters for better access into driveway would not comply with the requirements of Class B, Part 2, Schedule 2 of the GPDO so would not comprise permitted development.

Other Matters

8. Issues of planning merit are not relevant when considering LDC's and there is no deemed planning application.

Conclusion and Recommendation

9. For the reasons given above and on the evidence now available, that the Council's refusal to grant an LDC was well-founded and that the appeal should be dismissed.

N Unwin

APPEAL PLANNING OFFICER

Inspector's Decision

10. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

A U Ghafoor

INSPECTOR