



Appeal Decision

Site visit made on 22 January 2025

by Simon Hand MA

an Inspector appointed by the Secretary of State

Decision date: 30 January 2025

Appeal Ref: APP/X2220/X/22/3303838

Land and Buildings at Home Farm, Sandwich Road, Nonington, CT15 4HH

- The appeal is made under section 195 of the Town and Country Planning Act 1990 (as amended) against a refusal in part to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Mr Keith Richardson against the decision of Dover District Council.
 - The application ref DOV22/00546, dated 26 April 2022, was refused in part by the Council by notice dated 20 June 2022.
 - The application was made under section 192(1)(b) of the Town and Country Planning Act 1990 as amended.
 - The development which a certificate of lawful use or development is sought is the erection of a porch.
-

Decision

1. The appeal is dismissed.

Reasons

2. The original application for an LDC was for a range of building operations, all of which fell within Schedule 2 of the GPDO – according to the applicant. The Council agreed except for a porch, where the roof was taller than allowed for in Class D of Part 1 of Schedule 2. This is clearly the case as Class D.1(c) states that permission is not granted if any part of the structure is more than 3m above ground level. The plans show the ridge of the porch to be 4m.
3. The appeal is for a porch, but the appellant argues it should be considered under Class A, as an “*enlargement, improvement or other alteration of a dwellinghouse*”. It is argued that the porch would be allowed under this Class as long as it did not fall foul of A.1(e). This states that development is not allowed if the enlarged part of the dwellinghouse would extend beyond a wall which forms either the principal elevation of the original dwellinghouse or fronts a highway and forms a side elevation. The appellant argues the porch is not on the principal elevation and nor does it front a highway.
4. He is correct in the latter view as no part of the site fronts a highway. The building in question was once part of a farmyard complex related to a large manor house that stands to the north. A considerable amount of development has taken place over the years and the site is now separated from the rest of the buildings around. The appeal building forms a long narrow structure that was once the western edge of a farmyard. The southern edge of the yard is defined by a smaller length of buildings that appear to now be garages and storage etc. The northern and eastern edges are walled off and the farmyard is now a large lawn. An access road runs off the Sandwich Road to provide access to the manor house and a short spur leads to the appeal site, so it has no relationship to any highway.

5. The dwelling itself is long and narrow and predominantly single story except at the southern end where there is a small 2 story element. The long rear elevation (labelled south-west on the plans) is largely featureless and fronts a private garden unrelated to the appeal dwelling. The north-west elevation is blank and faces toward the manor house. This leaves the long garden elevation and the short, two story, south-eastern elevation, optimistically labelled “front” on the drawings.
6. The appellant argues that the main attributes of a principal elevation are that it is publicly visible, represents the building when seen from a public space and faces a highway. He takes this from his reading of the Householder’s Technical Guidance. He goes on to assume that considerations of design and front door position etc are subsidiary to orientation to public space and concludes that an elevation that faces a private space *cannot*¹ be a principal elevation.
7. I think this analysis is reading far too much into the technical guidance. There is nothing in that to say an elevation facing a private space cannot be a principal elevation. If that had been the intention then surely the guidance would have said so? In fact there is nothing in the guidance about public or private differentiation. The guidance is hedged about with the liberal use of the word “usually” so none of its pronouncements are definitive. That is because there will always be unusual or oddly shaped houses that defy simple characterisation.
8. In this case, as noted above, none of the elevations front a highway, Sandwich Road lies to the south across several gardens or plots of land. The south-eastern elevation does face in this direction but could hardly be said to “front” the highway. This elevation is wholly subservient to the main, front elevation which is labelled the ‘garden elevation’. This contains the main (and possibly only) entrances to the house, all the main windows and is clearly (as the guidance says) “*what is understood to be the front of the house*”. It also, as the guidance says, “*contain[s] the main architectural features such as main bay windows or a porch serving the main entrance to the house*”. It is clearly, in my view, the principal elevation, and so the proposed porch cannot be permitted development because of A.1(e)(i).
9. I have dealt with this in some detail as it forms the appellant’s main argument. However, it is entirely irrelevant as the development in question is a porch and porches fall under Class D, which I have discussed above. It is not open to an appellant to pick and choose which part of the GPDO to use. Many forms of development are removed from Class A, such as alterations to the roof, garden buildings, hard surfaces and of course porches. These are each considered under a separate class of their own. Class D is labelled “*the erection or construction of a porch outside **any external** door of a dwellinghouse*²”. It is not open to consider a porch as an extension because Class A is more liberal than Class D. It is clear the development proposed is not permitted development.

Simon Hand

INSPECTOR

¹ My emphasis

² My emphasis