



Appeal Decision

Site visit made on 4 August 2026

by **L Perkins BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 6 August 2026

Appeal Ref: APP/K2230/X/25/3359997

Purvil Wood Cottage, Leywood Road, Meopham, Gravesend, Kent DA13 0UH

- 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 Craig Murphy against the decision of Gravesend Borough Council.
 - The application ref 20240766, dated 20 August 2024, was refused by notice dated 8 October 2024.
 - 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 described as:
Erection of single storey side extension.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Planning Practice Guidance¹ is clear that planning merits are not relevant at any stage in a lawful development certificate application or the appeal process for such an application. Planning merits include matters such as the need for the development, its effect on the character and appearance of the area, its visibility from public viewpoints or neighbouring properties, its accordance with planning policies and planning guidelines and precedent.

Main Issue

3. The main issue is whether the Council's decision to refuse the application was well-founded or not.

Reasons

4. Under section 192(1) of the 1990 Act, if any person wishes to ascertain whether any operations proposed to be carried out in, on, over or under land, would be lawful, they may make an application for the purpose to the local planning authority specifying the land and describing the operations in question.
5. Under section 192(2), if, on an application under this section, the local planning authority are provided with information satisfying them that the operations described in the application would be lawful if begun at the time of the application, they shall issue a certificate to that effect; and in any other case they shall refuse the application.

¹ Lawful development certificates, paragraph: 009 Reference ID: 17c-009-20140306

6. The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ('the Order') grants planning permission for specified forms of development, ie what is known as 'permitted development'.
7. Schedule 2, Part 1, Class A of the Order concerns the enlargement, improvement or other alteration of a dwellinghouse, subject to conditions and limitations. This is the relevant part of the Order for the proposed development which is before me.
8. Article 2(3) of the Order states that the land referred to elsewhere in the Order as Article 2(3) land is the land described in Part 1 of Schedule 1 of the Order. Paragraph 1(b) of Part 1 of Schedule 1 of the Order provides that Article 2(3) land includes that within an Area of Outstanding Natural Beauty (AONB).
9. From the evidence provided, the appeal site is in the Kent Downs National Landscape. I have no reason to think otherwise. This designation was formally known as an ANOB and so for the purposes of the Order, the appeal site is on Article 2(3) land.
10. Paragraph A.2(a) of Schedule 2, Part 1, Class A of the Order states that, in the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if 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.
11. From the drawings and written submissions provided, the proposed extension would be clad in render. Therefore, it would not comply with paragraph A.2(a) of Schedule 2, Part 1, Class A of the Order. So the proposed development would not be permitted development for this reason.
12. It makes no difference that paragraph A.3 of Schedule 2, Part 1, Class A of the Order states that the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse. This is because all conditions and limitations of the relevant part of the Order must be satisfied for the proposal to be permitted development. I appreciate that the appellant considers this restriction to be unreasonable. But that makes no difference to what is allowed under the Order.
13. Paragraph A.2(b) of Schedule 2, Part 1, Class A of the Order states that, in the case of a dwellinghouse on Article 2(3) land, development is not permitted by Class A if the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse.
14. From the drawings provided, my site inspection and the appellant's own description from the application form, it is clear that the proposed extension would be constructed on the side of the dwellinghouse. Therefore, it would extend beyond a wall forming a side elevation of the original dwellinghouse. I have no reason to think otherwise. It would therefore not comply with paragraph A.2(b) of Schedule 2, Part 1, Class A of the Order. So it would not be permitted development for this reason either.
15. In light of the above, the proposal requires a planning application (and it could not be lawfully constructed unless that application were approved).

Other Matters

16. I appreciate that the property may have no downstairs toilet facilities. But this is a planning merits argument and planning merits are not relevant to the question of whether a proposal would be lawful.
17. My attention has been drawn to an extension at Leywood Cottage. But this is not relevant either because where the question of lawfulness is concerned under the Order, each case turns on its own individual facts. Moreover, on the appellant's own case, the Leywood Cottage proposal required planning permission anyway.

Conclusion

18. For the reasons given above I conclude that the Council's refusal to grant a certificate of lawful use or development in respect of: 'Erection of single storey side extension', was well-founded and that the appeal should fail. I will exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act as amended.

L Perkins

INSPECTOR