



Appeal Decision

Site visit made on 15 September 2026

by Elizabeth Pleasant BSc (Hons), DipTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th September 2026

Appeal Ref: APP/T2215/X/25/3367165

14 The Oaks, Stone, Dartford DA2 6PF

- 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 Ms Abigail Thomas against the decision of Dartford Borough Council.
 - The application ref, DA/25/00281/LDC dated 20 March 2025, was refused by a notice dated 14 May 2025.
 - The application was made under section 192(1)(a) of the Town and Country Planning Act 1990 (as amended).
 - The development for which a certificate of lawful use or development is sought is conversion of integral garage to habitable room and garage door will be removed and replaced with a window.
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Decision

1. The appeal is dismissed.

Main Issue

2. Section 192 of the Town and Country Planning Act 1990, as amended (1990 Act) states that if, on an application under that section, the local planning authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect. In any other case they shall refuse the application. The planning merits of the proposed development are not relevant in this appeal, and the main issue is whether the Council's decision to refuse to grant a Certificate of Lawful Use or Development (LDC) was well founded.

Reasons

3. The proposed development is to convert the existing integral garage at the property into habitable living accommodation incidental to the residential use of the appeal property. The conversion works would include the removal of the existing garage door and its replacement with a window. The enlargement, improvement or other alteration of a dwellinghouse is permitted by Class A, Part 1, Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (the GPDO) subject to exceptions set out in A.1 and A.2 and conditions at A.3 and A.4.
4. The Council do not consider that the site benefits from permitted development rights as they were rescinded by a condition attached to a previous planning permission which has been implemented.
5. The appeal property was constructed with the benefit of planning permission granted on 5 March 2001 for the erection of 15 No. 4 bedroom, 23 No. 3 bedroom & 4 No. 2 bedroom houses together with associated garaging, parking,

landscaping and access. The planning permission was subject to a condition (Condition No. 06) which states the following: *“Vehicle parking and garaging arrangements shall be provided for each unit prior to its occupancy and thereafter the said parking and garaging space and means of access thereto shall be kept available for such use at all times and no development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 or not shall be carried out on those areas of land or to preclude vehicular access thereto”*.

6. In order to benefit from any planning permission granted by Article 3 of the GPDO, the development must not be contrary to any condition on an existing planning permission: Article 3(4). Here, even though condition No. 06 relates to the Town and Country Planning (General Permitted Development) Order 1995, Section 17(2) of the Interpretation Act 1978 provides that the condition has a continuing effect in respect of the GPDO. For this reason and with no evidence to indicate that condition No. 06 has been removed or varied, I am content that this condition continues to have effect.
7. Consequently, condition No. 06 restricts the use of the garage for vehicle parking/garaging and as such the conversion of the garage to a habitable room and removal of existing garage door and its replacement with a window, is development for which express planning permission is required, and that could only be granted on application to the local planning authority in the first instance.

Other Matters

8. I recognise that the proposed development is being sought to provide accommodation and reasonable adjustments for a child. However, on an application for a LDC, personal circumstances and planning merits are not relevant or a consideration for me in this appeal.

Conclusion

9. For the reasons given above, I conclude that the Council’s decision to refuse to grant a certificate of lawful use or development in respect of conversion of integral garage into a habitable room and removal of existing garage door and its replacement with a window was well founded and the appeal should fail. I will exercise accordingly the powers transferred to me in section 195 (3) of the 1990 Act, as amended.

Elizabeth Pleasant

INSPECTOR