



Appeal Decision

Site visit made on 15 September 2026

by **Robert Naylor BSc (Hons) MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 September 2026

Appeal Ref: APP/G2245/X/25/3359160

Tally Ho, Main Road, Knockholt, Sevenoaks TN14 7NT

- The appeal is made under section 195 of the Town and Country Planning Act 1990 (the 1990 Act) as amended against a refusal to grant a certificate of lawful use or development (LDC).
- The appeal is made by Mr. Tom Barnshaw against the decision of Sevenoaks District Council.
- The application ref 24/02923/LDCPR, dated 4 November 2024, was refused by notice dated 17 January 2025.
- The application was made under section 192(1)(b) of the 1990 Act (as amended).
- The development for which a certificate of lawful use or development is sought is the erection of a swimming pool enclosure and pump store.

Formal Decision

1. The appeal is dismissed.

Preliminary Matters

2. I was unable to gain access to the rear of the property at the time of my visit. Nevertheless, I undertook the site visit on an unaccompanied basis from the roadside. There was significant building works taking place at the property. However, given its relatively open nature, I was able to observe much of the site from the street, which assisted me in determining the appeal. As such, I am satisfied that neither party has been prejudiced by this approach.

Main Issue

3. The main issue is whether the decision of Sevenoaks District Council to refuse to grant an LDC, was well-founded. The question is therefore whether, at the time of the application, the proposed development would be permitted development (PD), and thereby granted planning permission, by Article 3 and Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO).

Reasons

4. Schedule 2, Part 1, Class E of the GPDO confirms that buildings, enclosures, swimming or other pools that are incidental to the enjoyment of a dwellinghouse are considered PD subject to criteria. Criterion E.1(e) states that development is not permitted if *“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 the dwellinghouse, or (iii) 3 metres in any other case.”*
5. From the details before me the application consists of two separate buildings, the first housing a swimming pool, solarium, sauna and associated facilities and the second providing a pump room and chemical store for the swimming pool. Both buildings are approximately 4 metres in height. The swimming pool consisted of

multiple pitched roofs attached to a flat roof. Similarly, the pump room had four pitched roofs attached to a flat roof. The provision of pitched roofs attached to a flat roof are commonly referred to as a 'crown roof'.

6. Under criterion E.1(e)(i) the roof height cannot exceed 4 metres where the building contains a dual-pitched roof. The term dual-pitched roof is not defined in the GPDO. However, the Permitted Development for Householders: Technical Guidance (TG)¹, provides assistance in the interpretation and application of the GPDO. The TG highlights that the height limit on a 'dual-pitched roof' of 4 metres should also be applied to buildings that have 'hipped' roofs (slopes on all four sides). Hipped roofs are also undefined.
7. In such cases, it is for the decision maker to adopt a purposive approach to the interpretation of legislation. The Collins English Dictionary defines the terms pitched roof and hipped roof as:
 - A pitched roof is one that slopes as opposed to one that is flat
 - A hipped roof is a roof having sloping ends and sides.
8. As such, a dual-pitched roof would consist of a roof having two pitched roofs which is likely to be joined in the middle by a ridge. Neither the swimming pool nor the pump house consist of two pitched roofs, with the swimming pool consisting of multiple roof slopes joined to a flat roof and the pump house containing four slopes also joined to a flat roof. Whilst the TG advises that the height limit under criterion E.1(e)(i) should be applied to buildings that have 'hipped' roofs, under the Collins definition it is envisaged the four sloping ends and sides would meet at an apex. The pump house does contain slopes on all four sides, but these terminate in a flat roof (crown roof) rather than an apex. Consequently, neither building would meet criterion E.1(e)(i) of the GPDO.
9. Neither building is proposed within 2 metres of the boundary of the curtilage of the dwellinghouse, thus criterion E.1(e)(ii) is not applicable here. Given that both of the buildings exceed the 3 metres height requirement under criterion E.1(e)(iii), an LDC cannot be issued at this time. The Council refer to other Inspector decisions² which have dealt with similar issues and my approach is consistent with their findings.
10. Accordingly, the scheme would not comply with the limits and conditions of PD, as set out in Schedule 2 Part 1 Class E.1 (e) of the GPDO and subsequently planning permission is required.

Other Matters

11. I am sympathetic to the appellant's position in that they are seeking consistency in decision making from the Council. Whilst the appellants make several references to other LDC decisions taken by the Council in the vicinity³, I am not bound by these decisions. Furthermore, whilst there appears to be a degree of inconsistency in the Council's approach, I can only consider whether the development before me is lawful, based on the submitted evidence, which for the reasons stated above, does not benefit as PD and is therefore not a lawful development.

¹ September 2019

² PINS Refs: APP/A1910/X/10/2143640 & APP/T2215/X/15/3135338

³ Sevenoaks District Council Planning Refs: 24/00144/LDCPR; 20/00621/LDCPR; 21/00440/LDCPR & 16/0375/LDCPR

Conclusion

12. For the reasons given above, I conclude that the Council's refusal to grant a certificate of lawful use or development for the erection of a swimming pool enclosure and pump store is 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).

Robert Naylor

INSPECTOR