

DELEGATED DECISION REPORT

SMD/2024/0552
Valid 02/01/2025

8 LYNMOUTH CLOSE
BIDDULPH

**LAWFUL DEVELOPMENT
CERTIFICATE FOR A
PROPOSED REQUIREMENT
INSTALLATION OF A
DROPPED KERB TO THE
FRONT OF THE PROPERTY**

**(CERTIFICATE OF
LAWFULNESS - PROPOSED)**

MAIN ISSUES

Whether or not a proposed road-side dropped kerb to the front of a dwelling can be built in accordance with the Town and Country Planning (General Permitted Development) Order 2015 (as amended), Part 2, Class B and therefore be deemed to be “permitted development” not requiring the submission of a full planning application.

DESCRIPTION OF SITE

The site is within the Development Boundary of Biddulph and comprises an end of terrace 1930s/1950s dwellinghouse, at the northern end of a row of four, facing a residential street to the east. The site is on a housing estate to the south of the town centre. To the front of the house is a recently brick-paved parking area covering the whole of the front part of the property and replacing a previous paved driveway on half of the front garden directly behind the existing dropped kerb access.

PROPOSAL

This is an application for a Lawful Development Certificate for a proposed development, in this case the extension of dropped kerb to the front of a residential property. There is an existing dropped kerb which spans about half of the kerb directly in front of the property. The proposal is to extend this the full way across the frontage. The reason for the dropped kerb extension is as follows:

“To enable the occupier to access the newly installed driveway which has been repositioned to enable safer care to be given for her children who have disabilities.”

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Not relevant. The application for a certificate is to be determined against the Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

None.

CONSULTATIONS

N/A

OFFICER COMMENTS

The applicant is attempting to gain a certificate of lawfulness for the dropped kerb which would confirm that it can be built and provided without needing planning permission (i.e would be “permitted development”). The lawfulness of the development (and whether or not this can be deemed to be “permitted development” which does not need planning permission) would be determined against Schedule 2, Part 2 (“Minor Operations”) Class B (“Means of Access to a Highway”) of Schedule 2 of the General Permitted Development Order (2015) (GPDO) (as amended).

Such development is lawful under this part of the legislation unless the road on which the dropped kerb is provided is deemed to be a “classified road” (e.g. a “main road”) and is only lawful where that access is required in connection with development permitted by any other Class in Schedule 2 of the GPDO (except for fences/gates/walls).

The road is a residential street and not a classified road.

The dropped kerb is in connection with accessing a recently laid parking area and this falls under development permitted by Part 1 Class F of Schedule 2, relating to the provision of hard surfaces at residential properties. To be permitted development under this part, the surface must be in front of the front/primary elevation of the dwelling and must be, in the case of a surface of over 5 sq.m (which the new parking does exceed) either permeable/porous or which drains to a permeable/porous surface or area.

The new parking area is brick paving. Bricks are not generally regarded to be permeable. However, the parking area drains into drainage channels covered by a plastic permeable grid (with notable holes) and also gravel strips at the edge of the parking area. This is shown in a photograph submitted by the agent and is on the file.

I am therefore satisfied that due to the drainage channels provided next to the new parking area, allowing compliance with Part 1 Class F of the GPDO, the proposed dropped kerb would also ultimately comply with Part 2 Class B and would therefore constitute permitted development in accordance with Part 2 Class B of Schedule 2 of the GPDO and therefore can be provided without needing the submission of a full planning application. i.e. planning permission is not required.

The Certificate of Lawfulness can therefore be granted.

OFFICER RECOMMENDATION : GRANT CERTIFICATE

Case Officer: Chris Johnston
Recommendation Date: 27.3.25

X *B.J. Haywood*

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council