

14 February 2025

Wokingham Borough Council  
Shute End  
Wokingham  
Berkshire  
RG40 1BN

Dear Sir/Madam

**Re: Application for Certificate of Lawfulness for Robin Lodge Nursery, Part Lane, Swallowfield, RG7 1TB For The Erection of 2m High Boundary Treatment (Relative to Adjacent Ground Level)**

I am pleased to enclose a submission for a S192 application pertaining to the erection of boundary treatment at Robin Lodge Nursery ('the site').

The submission comprises:

- Site Location Plan
- Combined Existing and Proposed Site Plan and Elevations (979 / 02B)
- Specification of Jackson's Fencing 12k Acoustics Envirofence

The application site comprises existing buildings and has a lawful forestry use. The site is not within defined settlement limits. The site is not subject to an Article (4) Direction that restricts any Permitted Development Rights.

It is considered the proposed boundary treatment would comply with **Schedule 2, Part 2, Class A** of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Explicitly this states:

*"A.1 Development is **not** permitted by Class A if –*

- (a) the height of any gate, fence, wall or means of enclosure erected or constructed adjacent to a highway used by vehicular traffic would, after the carrying out of the development, exceed –*
  - (i) for a school, 2 metres above ground level, provided that any part of the gate, fence, wall or means of enclosure which is more than 1 metre above ground level does not create an obstruction to the view of persons using the highway as to be likely to cause danger to such persons;*
  - (ii) in any other case, 1 metre above ground level;*
- (b) the height of any other gate, fence, wall or means of enclosure erected or constructed would exceed 2 metres above ground level;*

- (c) *the height of any gate, fence, wall or other means of enclosure maintained, improved or altered would, as a result of the development, exceed its former height or the height referred to in paragraph (a) or (b) as the height appropriate to it if erected or constructed, whichever is the greater; or*
- (d) *it would involve development within the curtilage of, or to a gate, fence, wall or other means of enclosure surrounding, a listed building".*

The proposed boundary treatment comprises acoustic fencing which would stand at 2m high when measured from corresponding relative ground level (it is not to exceed 2m from natural ground level at any point). No fencing is proposed to be erected adjoining the highway. The development is not within the curtilage (nor in relation to a means of enclosure) of a listed building.

As such, it is considered the proposed development would benefit from planning permission via the GPDO and would be lawful for the purposes of S192 of the Act. Therefore, a Certificate of Lawfulness should be granted.

Yours sincerely,



**Will Hossack BSc MSc**

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