

DELEGATED OFFICER REPORT



WOKINGHAM
BOROUGH COUNCIL

Application Number:	252578
Site Address:	Offices to the rear of Billingbear Lodge, Maidenhead Road, Wokingham, Binfield, RG40 5RU
Expiry Date:	16 December 2025
Site Visit Date:	2 December 2025
Proposal: Prior approval submission for proposed change of use of the commercial premises to 1 no. dwelling.	

PLANNING CONSTRAINTS/STATUS

Outside Development Locations (Countryside)
Thames Basin Heath SPA Mitigation Zones
Groundwater Consultation Zone
Bat Roost Habitat Suitability
Great Crested Newt Impact Risk Zones
SSSI Impact Risk Zones
Water Utility Consultation Zones
Ancient Woodland Natural England Consultation Zone
Landscape Character Assessment 2019
Local Historic Parks and Gardens Consultation Zone

PLANNING POLICY/LEGISLATION

Town and Country Planning Act 1990 (as amended)

Section 55	Provides that 'development' includes the carrying out of building operations on land, and 'building operations' includes structural alterations or additions to buildings.
Section 57	Planning permission is needed for all development of land.
Section 187a	Enforcement for breach of conditions

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

Section 7	Prior approval applications: time periods for decision
Article 3	In conjunction with Schedule 2, Part 3, Class MA grants planning permission for the change of use of a building and any land within its curtilage within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order to a use falling within Class C3 (dwellinghouses) of Schedule 1 to that order.
Article 4	Provides that the planning authority may give direction to restrict the effect of Article 3

PLANNING HISTORY

Application No.	Description	Decision & Date
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37581	Erection of single storey extension to provide ancillary office accommodation together with associated parking facilities.	Approved 07/06/1991
010019	Proposed variation to condition 03 of consent 01110 to allow use by persons other than National Association of Almshouses.	Approved 06/04/2001
010197	Proposed variation to condition 06 of consent 37581 to allow offices to be used separately from main office.	Approved 06/04/2001
031877	Proposed erection of single storey B1 office building with car park and demolition of existing outbuilding	Withdrawn 31/03/2003
041660	Proposed provision of new entrance, gates & crossover to Carters Hill. Closure of existing access & reinstatement of hedge & ditch.	Withdrawn 06/05/2004
252486	Application for the prior approval of the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 7.00m, for which the maximum height would be 3.22m and the height of the eaves 3.00m.	Prior Approval not required 18/11/2025

CONSULTATION RESPONSES

Internal

WBC Environmental Health – No comments received
WBC Drainage – No objection subject to condition
WBC Highways – No objection
WBC CIL – The development will be liable for CIL

External

None

REPRESENTATIONS

Parish/Town Council	No comments received
Ward Member(s)	No comments received
Neighbours	No comments received

PART MA.1 APPRAISAL

			Yes	No
s.55	1	Does it constitute development?	✓	
s.191	2	Would it be contrary to an enforcement notice?		✓
s.187a Art.3 (4)	3	Would it be contrary to any condition imposed by any planning permission granted or deemed to be granted?		✓
Art.3 (5)	4	Are the building operations involved in the construction of the original building lawful?	✓	

Art.4	5	Is there an 'Article 4 Direction' in effect for the site?		✓
Sch.2 Pt. MA	6	Does it consist of a change of use from a use falling within Class E (commercial, business and service) to a dwellinghouse?	✓	
MA.1(1)(b)	8	Has the use of the building fallen within Class E (commercial, business and service) for a continuous period of at least 2 years prior to the date of the application for prior approval?	✓	
MA.1(1)(d)	10	Is the land covered by, or within the curtilage of, the building (i) In a site of special scientific interest; (ii) A listed building; (iii) A schedule monument; (iv) In a safety hazard area; or (v) In a military explosives storage area?		✓
MA.1(1)(e)	11	Is the building within (i) An area of outstanding beauty; (ii) An area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981; (iii) The Broads; (iv) A National Park; or (v) A World Heritage Site?		✓
MA.1(1)(f)	12	Is the site occupied under an agricultural tenancy?		✓
MA.1(1)(g)	13	Before 1 August 2022, (i) The proposed development is of a description falling within Class O as that Class had effect immediately before 1 st August 2021; and (ii) The development would not have been permitted under Class O immediately before 1st August 2021 by virtue of the operation of a direction under article 4(1) of this Order which has not since been cancelled in accordance with the provisions of Schedule 3.		N/ A

Application Description:

This application relates to the conversion of the office accommodation on site to a single dwelling (1 x 3-bedroom bungalow).

Permitted Development:

It needs to be established whether the proposed change of use would fall within the parameters of Class MA, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015.

Class MA allows for development consisting of a change of use, full or partial, of a building and any land within its curtilage to a use falling within Class C3 (dwelling houses) of the Schedule to the Use Classes Order from a use falling within E of that Schedule.

An assessment of the planning history has been conducted and there are no conditions on previous planning permissions relating to this site that remove permitted development rights for the change of use proposed under this application. The proposal therefore satisfies s.187a Art.3 (4) of the TCPA 1990 (as amended).

The applicant has asserted that the whole building has been in commercial use for at least 2 continuous years. The Local Planning Authority has no evidence to the contrary. In any case, the planning history supports that the building has been in commercial use for at least 2 years. Accordingly, the proposal satisfies MA.1(1) (b).

The red line boundary on the application location plan encompasses the offices land previously associated with this use, see: <https://m.search-prop.com/billingbear-lodge-wokingham>

If approved, this red line plan would also facilitate ancillary residential land (e.g., access, parking, garden space) that would be reasonably necessary to support its use as a single self-contained dwelling.

PART MA.2 APPRAISAL

Development under Class MA is permitted subject to the developer applying to the local planning authority for a determination as to whether the prior approval will be required as to –

a) Transport impacts of the development, particularly to ensure safe site access

There is an existing access to the site and the Council's Highways Officer has raised no objection to the use of the office space as a dwelling. The Officer has confirmed that the level of parking is acceptable.

b) Contamination risks in relation to the building

The application site does not fall within a potentially contaminated land zone.

c) Flooding risks in relation to the building

The application site is located within Flood Zone 1 with very low risk of surface water flooding. The Council's Drainage Officer raised no objection to the development subject to a condition requiring surface water to be managed within the site using infiltration or other SuDS measures wherever practicable. Accordingly, the condition is recommended.

d) Impacts of noise from commercial premises on the intended occupiers of the development

Following the conversion of the offices to a dwelling there will not be any commercial premises on site, and therefore there would be no adverse noise impacts.

e) The impact of that change of use on the character or sustainability of the conservation area

The site does not fall within a Conservation Area and as such this assessment is not applicable in this case.

f) The provision of adequate natural light in all habitable rooms of the dwellinghouse

The applicant has provided floorplans, in accordance with Paragraph W. The windows in the existing building would provide adequate natural light to all habitable rooms proposed and therefore there are no concerns in this respect.

Other conditions of MA.2 (g-i)

These are not applicable in this case as the site is not within an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses; and the change of use will not impact on the local provision of registered nurseries or health centres. The development does not meet the fire risk condition.

And the provisions of paragraph W (prior approval – where relevant)

The application must be accompanied by—

a written description of the proposed development, which, in relation to development proposed under Class C, M, MA, N or Q of this Part, must in the same application include any building or other operations;

A plan indicating the site and showing the proposed development.

in relation to development proposed under Classes G, M, MA, N, O, P, PA and Q of this Part, a statement specifying the net increase in dwellinghouses proposed by the development (for the purposes of this sub-paragraph, “net increase in dwellinghouses” is the number of dwellinghouses proposed by the development that is additional to the number of dwellinghouses on the site immediately prior to the development);

in relation to development proposed under Class G, M, MA, N, O, PA or Q of this Part, a floor plan indicating the total floor space in sqm of each dwellinghouse, the dimensions and proposed use of each room, the position and dimensions of windows, doors and walls, and the elevations of the dwellinghouses;

the developer’s contact address;

the developer’s email address if the developer is content to receive communications electronically; and

where sub-paragraph (6) requires the Environment Agency to be consulted, a site specific flood risk assessment,

Together with an fee required to be paid.

A written description as contained in the application form and supporting planning statement along with the relevant plans, assessments, fee and contact details. The

application is supported by a Planning Statement which specifies the resulting increase of one dwelling; this matches the plans submitted. Contact details were provided, and the correct fee was paid.

Where the application relates to prior approval as to adequate natural light, the local planning authority must refuse prior approval if adequate natural light is not provided in all the habitable rooms of the dwellinghouses.

The local planning authority may refuse an application where, in the opinion of the authority—

*(a) the proposed development does not comply with, or
(b) the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with the conditions, limitations or restrictions applicable to the development in question.*

It is possible to assess the application based on the details provided, with the exception of potential noise impact on the intended occupiers. However, the LPA is satisfied, in this instance, that there would be no adverse noise impacts following the development.

Where the application relates to prior approval as to transport and highways impacts of the development, on receipt of the application, where in the opinion of the local planning authority the development is likely to result in a material increase or a material change in the character of traffic in the vicinity of the site, the local planning authority must consult:

*(a) where the increase or change relates to traffic entering or leaving a trunk road, the highway authority for the trunk road;
(b) the local highway authority, where the increase or change relates to traffic entering or leaving a classified road or proposed highway, except where the local planning authority is the local highway authority; and
(c) the operator of the network which includes or consists of the railway in question, and the Secretary of State for Transport, where the increase or change relates to traffic using a level crossing over a railway.*

The Council's Highways Officer raises no objection on highways or traffic grounds. There is no increase for on-site parking spaces and as such, there is unlikely to be any increase in traffic generation.

(6) Where the application relates to prior approval as to the flooding risks on the site, on receipt of the application, the local planning authority must consult the Environment Agency(8) where the development is in an area within Flood Zone 1 which has critical drainage problems and which has been notified to the local planning authority by the Environment Agency for the purpose of paragraph (zc)(ii) in the Table in Schedule 4 to the Procedure Order.

The Council's Drainage Officer has no objection to the proposal subject to a condition. And in this instance the EA do not need to be consulted.

The local planning authority must give notice of the proposed development by site display in at least one place on or near the land to which the application relates for not less than 21 days of a notice which describes the proposed development; provides the

address of the proposed development; specifies the date by which representations are to be received by the local planning authority; or by serving a notice in that form on any adjoining owner or occupier.

Letters were sent to neighbouring properties on 23 October 2025.

The local planning authority may require the developer to submit such information as the authority may reasonably require in order to determine the application, which may include assessments of impacts or risks, statements setting out how impacts or risks are to be mitigated; or details of proposed building or other operations.

In relation to sub paragraph (3), this is noted.

The local planning authority must, when determining an application, take into account any representations made to them as a result of any consultation under sub-paragraphs (5) or (6) and any notice given under sub-paragraph (8); b) have regard to the National Planning Policy Framework issued by the Ministry of Housing, Communities and Local Government in July 2021, so far as relevant to the subject matter of the prior approval, as if the application were a planning application; and in relation to the contamination risks on the site, determine whether, as a result of the proposed change of use, taking into account any proposed mitigation, the site will be contaminated land as described in Part 2A of the Environmental Protection Act 1990, and in doing so have regard to the Contaminated Land Statutory Guidance issued by the Secretary of State for the Environment, Food and Rural Affairs in April 2012, and if they determine that the site will be contaminated land, refuse to give prior approval.

No comments from neighbouring properties were received on this application.

Case Law has established that the local planning authority can only have regard to matters relevant to the subject matter of the prior approval. The other concerns raised are not relevant to the matters that the LPA can assess under this type of application. There are no other particular assets of the NPPF that would be able to be considered relevant to the subject matter of the prior notification application.

Class MA is also subject to the following requirements:

- (a) development under Class MA, if any, must be completed within a period of 3 years starting with the prior approval date; and*
- (b) any building which has changed use under Class MA is to be used as a dwellinghouse within the meaning of Class C3 of the Schedule to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the primary use as such a dwellinghouse.*

These are noted.

The Public Sector Equality Duty (Equality Act 2010):

In determining this application the Council is required to have due regard to its obligations under the Equality Act 2010. The key equalities protected characteristics include age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief. There is no indication or evidence

(including from consultation on the application) that persons with protected characteristics as identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application and there would be no significant adverse impacts as a result of the development.

RECOMMENDATION	
Conditions agreed:	Not required
Recommendation:	Prior Approval Approval
Date:	16 December 2025
Earliest date for decision:	13 November 2025

Recommendation agreed by: (Authorised Officer)	
Date:	16/12/25