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Appeal – Certificate of Lawfulness

Application for a certificate of lawfulness for the proposed new garage block replacing the existing detached storage.

Local Planning Authority: Wokingham Borough Council

REF: 260948

Relevant Drawings:

26001.PD – 01, 26001.PD – 02, 26001.PD – 03, 26001.PD – 04,
26001.PD – 05, 26001.PD – 06, 26001.PD – 07, 26001.PD – 08

66 Arbor Lane, Winnersh, Wokingham, RG41 5JD

By Harrison Clare

Tuesday, 23rd June 2026

1. Introduction

1.1 This appeal is submitted under Section 195 of the Town and Country Planning Act 1990 against the decision of Wokingham Borough Council to refuse a Certificate of Lawful Proposed Use or Development (LDC) on 9 June 2026.

1.2 The application sought to certify that the construction of a detached, single-storey garage block constitutes permitted development by virtue of Article 3 and Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ("the GPDO").

1.3 The LPA's single reason for refusal is that the proposed outbuilding would not be incidental to the enjoyment of the dwellinghouse. As demonstrated within the Case Officer's report, all technical, physical, and dimensional requirements of Class E (including heights, boundaries, and site coverage) are satisfied or otherwise undisputed.

1.4 The Appellant maintains that the LPA has misapplied the statutory test of Section 192 by substituting subjective apprehension of future use for an objective assessment of the application submitted. The proposal is exclusively residential in nature, and the scale of the building is fully justified by the domestic requirements of the household.

2. The correct legal test under Section 192

2.1 An application under Section 192 evaluates whether a proposal would be lawful if instituted at the date of the application. In assessing Class E, the LPA must determine whether the outbuilding is reasonably required for a purpose incidental to the enjoyment of the dwellinghouse as such.

2.2 Crucially, in Section 7 of the Officer's Report, the LPA explicitly concedes:

"In principle, a garage can, and is likely to, constitute a use incidental to the enjoyment of a dwellinghouse. However, even where the intended use is capable of being incidental in nature (a point which is not disputed), the scale of the building remains a critical consideration."

2.3 By acknowledging that the applied-for use is inherently capable of being incidental, the LPA's refusal rests entirely on:

- The physical footprint of the building (approx. 143.5 sqm).
- Speculation that the building will be used for a commercial vehicle workshop, an inference drawn from a historical pre-application enquiry.

2.4 It is well-established case law (see *Peche d'Or Investments v Secretary of State for the Environment* [1996]) that an LDC cannot be withheld based on a suspicion that a building might be put to an alternative, unlawful use in the future. The LPA must determine the application on the basis of what has been applied for, as detailed on the face of the application and the accompanying plan layout (26001.PD-04). If an applicant subsequently uses a building for non-permitted commercial operations, the LPA possesses robust enforcement powers under Part VII of the 1990 Act to address that breach. Speculative pre-emption is an error in law.

3. Absence of commercial use and mischaracterisation of history

3.1 The LPA's decision heavily references a previous pre-application discussion regarding a vehicle lift and workshop space to infer commercial intent. The Appellant states as a matter of absolute fact that **no commercial application, commercial intent, or commercial use has ever been referred to or intended**—neither in this application nor in the past pre-application enquiry, as previously communicated to the LPA by the client via email correspondence.

3.2 The prior enquiry was entirely residential and domestic, born from the Appellant's private hobby of vehicle restoration and maintenance. The LPA has erroneously conflated a private, domestic hobby with a commercial business enterprise. There is no commercial aspect to the household's vehicle management, nor is any commercial activity proposed or desired.

3.3 This application stands independently of the pre-application history. It must be assessed strictly upon the submitted architectural drawings (26001.PD-04 through 26001.PD-08), which depict a conventional domestic garage block. It is procedurally improper for the LPA to substitute its own interpretation of a historical, separate discussion to read an unstated commercial narrative into a plain residential proposal.

4. Justification of scale and evidence of incidental domestic need

4.1 The LPA contends that a footprint of 143.5 sqm is excessive for a single dwellinghouse and could facilitate activity beyond ordinary expectations. While 143.5 sqm is a substantial footprint, there is no statutory cap on the size of a Class E building within the GPDO, provided the total area of ground covered by outbuildings does not exceed 50% of the total curtilage. As demonstrated by the Site Block Plan (26001.PD-08), the property occupies an expansive, deep plot where the garage remains strictly subordinate and minor in terms of spatial dominance over the original house and grounds.

4.2 To satisfy the test of being "reasonably required," the Appellant provides the following exhaustive inventory of items currently owned, or being actively acquired, for the exclu-

sive, private, domestic enjoyment of the household. The storage of these items is currently scattered or uncomfortably positioned within the living areas of the main house:

- **Private Domestic Motor Vehicles:** The household currently operates 1 private van and 2 domestic cars, which includes a classic motor vehicle. The Appellant actively participates in classic car ownership and preservation, with immediate plans to expand the private collection to a total of 4 or 5 vehicles. The garage is structurally required to store these high-value private assets securely and protect them from weather elements.
- **Private Motorcycles:** The household currently stores 1 motorcycle, with plans to expand the personal collection to 2 or 3 motorcycles total.
- **Recreational Cycling Equipment:** The family owns 7 premium mountain bikes. Due to a total lack of secure, external outbuilding storage at present, these 7 bicycles are currently stored inside the primary domestic lounge, significantly impacting the ordinary residential amenity of the main house.
- **Estate Maintenance Equipment:** Due to the substantial, sprawling size of the garden curtilage at 66 Arbor Lane, heavy-duty maintenance machinery is essential. The household utilises 1 sit-on mechanical lawnmower, 1 standard push mower, and a substantial arrangement of associated domestic gardening tools, landscaping machinery, and seasonal grounds supplies.
- **Outdoor and Sporting Equipment:** The household actively engages in a wide range of outdoor and adventure sports, requiring dedicated, secure dry storage for multiple paddleboards, kayaking craft, rock climbing gear, snowboarding equipment, Airsoft hobby gear, and family camping equipment.
- **Domestic Maintenance & Hobby Workshop Space:** To maintain the extensive list of automotive assets, bicycles, estate machinery, and sports equipment listed above, the Appellant requires a dedicated domestic workshop area. This includes space for domestic hand tools, consumables, and parts storage. To facilitate safe, routine maintenance, fluid changes, and private hobby restoration on the personal classic vehicle collection, the Appellant may wish to install a standard domestic car lift in the future, something that won't remove any facilitation for parking. Working on one's own vehicles is a long-standing, standard residential pastime.
- **General Household Ancillary Storage:** The space will house bulk, seasonal domestic storage, including household Christmas decorations, external family barbecues, and outdoor furniture during winter months.

4.3 The extensive inventory detailed above demonstrates that the 143.5 sqm footprint is not an arbitrary or excessive volume; rather, it is a calculated, genuine requirement to consolidate the household's extensive, entirely non-commercial, everyday domestic and hobby equipment into a single, secure, subordinate outbuilding.

5. Relevant precedent and case law

5.1 The courts and the Planning Inspectorate have repeatedly affirmed that large-scale outbuildings designed for extensive private vehicle collections or hobby workshops are fully lawful under Class E, provided they match the context of the site.

5.2 In *Ghafoor v Secretary of State for the Environment, Transport and the Regions* [2001], it was established that the maintenance of cars can be an incidental hobby. The scale of the hobby must be looked at in relation to the size of the plot. Given the substantial curtilage available at 66 Arbor Lane, the outbuilding leaves the vast majority of the garden open, comfortably maintaining a subordinate character.

5.3 Furthermore, in numerous appeal decisions across the UK (e.g., *APP/W0530/X/11/2165449*), Inspectors have granted LDCs for outbuildings exceeding 120+ sqm for the storage of classic cars and hobby workshops, noting that an individual's personal hobby, no matter how extensive or deeply equipped, remains domestic if no commercial trading or employment takes place on site.

6. Conclusion

6.1 The proposed garage block represents an entirely lawful exercise of Permitted Development rights under Schedule 2, Part 1, Class E of the GPDO.

6.2 The LPA has erred fundamentally by basing its refusal on speculation of future commercial use, ignoring the residential application before it, and failing to acknowledge the verified, deep-seated domestic storage and hobby requirements of the household.

6.3 The building is structurally subordinate, satisfies all dimensional criteria, and is genuinely required for purposes entirely incidental to the residential enjoyment of 66 Arbor Lane.

6.4 The Inspector is therefore respectfully requested to allow this appeal and issue a Certificate of Lawfulness for the proposed development.