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|----------------------------|---------------------------------------------------------------------------------------------------|
| <b>Received Date:</b>      | 4 August 2025                                                                                     |
| <b>Expires:</b>            | 29 September 2025                                                                                 |
| <b>Application Number:</b> | 251848                                                                                            |
| <b>Site:</b>               | The Oakwood Centre, Woodley Town Council Office, Headley Road, Woodley, Wokingham, RG5 4JZ        |
| <b>Application:</b>        | Application for a certificate of lawfulness for the proposed Pergola to frontage of the building. |

## 1. Relevant Planning History

| Application Number | Proposal                                                                                                                                                                     | Decision Date | Decision | Relevant Conditions |
|--------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|----------|---------------------|
| 182031             | Application for a certificate of lawfulness for the proposed installation of 2no. concrete foundation, within the site boundary, for the erection of flagpoles.              | 19/09/2018    | Approved | None                |
| 011443             | Proposed erection of new community building (to include Function Room, Meeting Rooms, Auditorium, Town Council Offices, Police Office, catering operation and staff parking. | 30/01/2002    | Approved | None                |

## 2. Site Description

The application site consists of a detached Community Centre – Oakwood Centre Community Hub located on the northern side of Headley Road to the north of Woodley Town Centre. To the front of the centre is a café to serve the public and outdoor seating.

## 3. Land/ Property Designations

- There are no listed buildings at the site and the property is not within 'Article 2(3) land' (Town and Country Planning (General Permitted Development) Order 2015).
- The site is not subject to any wildlife or habitat designations.

## 4. Legislation

Town and Country Planning Act 1990 (as amended)

- s.55 Provides that '*development*' includes the carrying out of building operations on land, and '*building operations*' includes structural alterations or additions to buildings.
- s.57 Planning permission is needed for all development of land.
- s.187a Enforcement for breach of conditions
- s.192 Applications for Certificates of Lawfulness of proposed use or development.
- s.191 Defines operations as 'lawful' if:
  - (a) No enforcement action may be taken in respect of them (whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason); and
  - (b) They do not constitute a contravention of any of the requirements of any enforcement notice then in force.

Town and Country Planning (General Permitted Development) Order 2015 (GPDO)

Article 3 In conjunction with Schedule 2 (Part 1) (Class A) grants planning permission for the “*enlargement, improvement or other alteration of a dwellinghouse*”.

Article 4 Provides that the planning authority may give direction to restrict the effect of Article 3.

## 5. 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.

## 6. Relevant details of the proposal:

The proposal relates to a certificate of lawfulness for the proposed erection of a single-storey pergola which would be open sided and constructed from metal. The pergola would be sited on the existing area of the outdoor seating area.

## 7. Assessment against legislation:

|                        |    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Yes | No |
|------------------------|----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|----|
| s.55                   | 1  | Does it constitute development?                                                                                                                                                                                                                                                                                                                                                                                                                                              | ✓   |    |
| s.191                  | 2  | Would it be contrary to an enforcement notice?                                                                                                                                                                                                                                                                                                                                                                                                                               |     | ✓  |
| s.187a<br>Art.3<br>(4) | 3  | Would it be contrary to any condition imposed by any planning permission granted or deemed to be granted?                                                                                                                                                                                                                                                                                                                                                                    |     | ✓  |
| Art.3<br>(5)           | 4  | Are the building operations involved in the construction of the original building lawful?                                                                                                                                                                                                                                                                                                                                                                                    | ✓   |    |
| Art.3<br>(6)           | 5  | Does it involve the formation, laying out or material widening of a means of access to an existing highway which is a trunk or classified road, or creates an obstruction to the view of persons using any highway used by vehicular traffic, so as to be likely to cause danger to such persons?                                                                                                                                                                            |     | ✓  |
| Art.4                  | 6  | Is there an ‘Article 4 Direction’ in effect for the site?                                                                                                                                                                                                                                                                                                                                                                                                                    |     | ✓  |
| Sch.2<br>Pt. 12<br>A   | 7  | Does it consist of the erection or construction and the maintenance, improvement or other alteration by or behalf of a local authority or by or behalf of an urban development corporation?                                                                                                                                                                                                                                                                                  | ✓   |    |
| A(a)                   | 8  | Does it consist of any small ancillary building, works or equipment on land belonging to or maintained by them required for the purposes of any function exercised by them on that land otherwise than as statutory undertakers?                                                                                                                                                                                                                                             | ✓   |    |
| A.(b)                  | 9  | Does it consist of lamp standards, information kiosks, passenger shelters, public shelters and seats, telephone boxes, fire alarms, public drinking fountains, horse troughs, refuse bins or baskets, barriers for the control of people waiting to enter public service vehicles, electric vehicle charging points and any associated infrastructure, and similar structures or works required in connection with the operation of any public service administered by them? | ✓   |    |
| A.1                    | 10 | Would it affect or be within the Root Protection Area of a TPO’d tree?                                                                                                                                                                                                                                                                                                                                                                                                       |     | ✓  |

|  |  |  |     |    |
|--|--|--|-----|----|
|  |  |  | Yes | No |
|  |  |  |     |    |

Interpretation of Class A:

A.1

**A.1** For the purposes of Class A, “urban development corporation” has the same meaning as in Part 16 of the Local Government, Planning and Land Act 1980 (urban development)<sup>124</sup>.

This section is not relevant in this instance.

A.2

**A.2** The reference in Class A to any small ancillary building, works or equipment is a reference to any ancillary building, works or equipment not exceeding 4 metres in height or 200 cubic metres in capacity.

The proposed pergola would measure 2.5m in height and would be ancillary to the existing café as it would be directly related to the main use and would not operate independently. It would also make use of the existing entrance and would not have separate access to the area.

Part C of the Part 12 ‘Interpretation’ in the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) states:

**Interpretation of Part 12**

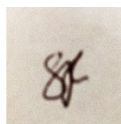
**C.** For the purposes of Part 12, “local authority” includes a parish council

**8. Conclusion:**

The proposed pergola constitutes development, and this requires planning permission. Permission IS available under Article 3 of The Town and Country Planning (General Permitted Development) Order 2015, the proposal being in accordance with Schedule 2 (Part 12) (Class A) of the Order.

The proposal would be permitted development.

DRAFT APPROVED



Development Management Team Leader

Date: 25.9.25