



**WOKINGHAM
BOROUGH COUNCIL**

TOWN AND COUNTRY PLANNING ACTS

**TOWN AND COUNTRY PLANNING ACT 1990:
SECTION 191 AND 192**

**TOWN AND COUNTRY PLANNING
(DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2015: ARTICLE 39**

Mrs Katie Walker
ET Planning
200 Dukes Ride
Crowthorne
RG45 6DS

NOTIFICATION OF REFUSAL OF CERTIFICATE OF LAWFUL PROPOSED USE OR DEVELOPMENT

Application Number: 243011
Applicant Name: C/O Agent
Site Address: 69 Eastcourt Avenue, Earley, Wokingham, RG6 1HH
Proposal: Application for a certificate of lawfulness for the proposed use of the existing dwelling for supported accommodation.
Date of Decision: 27 February 2025

Wokingham Borough Council hereby certifies that on 28 November 2024 (being the date of application for this certificate), and subject to any conditions and/or informatives below, the operations described in the First Schedule to this certificate in respect of the land specified in the Second Schedule hereto and edged red on the plan attached to this certificate, **would not have been lawful** within the meaning of section 192 of the Town and Country Planning Act 1990 (as amended), for the following reason(s):

1. The proposed use of the existing dwelling for supported accommodation for up to 6 children constitutes development requiring planning permission as it would result in a material change of use from Use Class C3 to C2. The description provided in the Planning Statement falls squarely within a C2 Use Class. The use as described would not form a single household and therefore would be a C2 Use Class. This conclusion is supported by case law. The proposed use would result in a material change to the character of the use of the site. C2 and C3 uses draw upon different planning policies; strategic assessments and can attract different material weight: they are materially different uses with different material planning consequences.

Informatives

1. This Certificate/Decision is issued in respect of the submitted Planning Statement (ET Planning) and drawing titled 'Location Plan' received on 28 November 2024 and drawings titled 'Proposed Ground Floor Layout Plan' and 'Proposed First Floor Layout Plan' received on 5 February 2025.

FIRST SCHEDULE

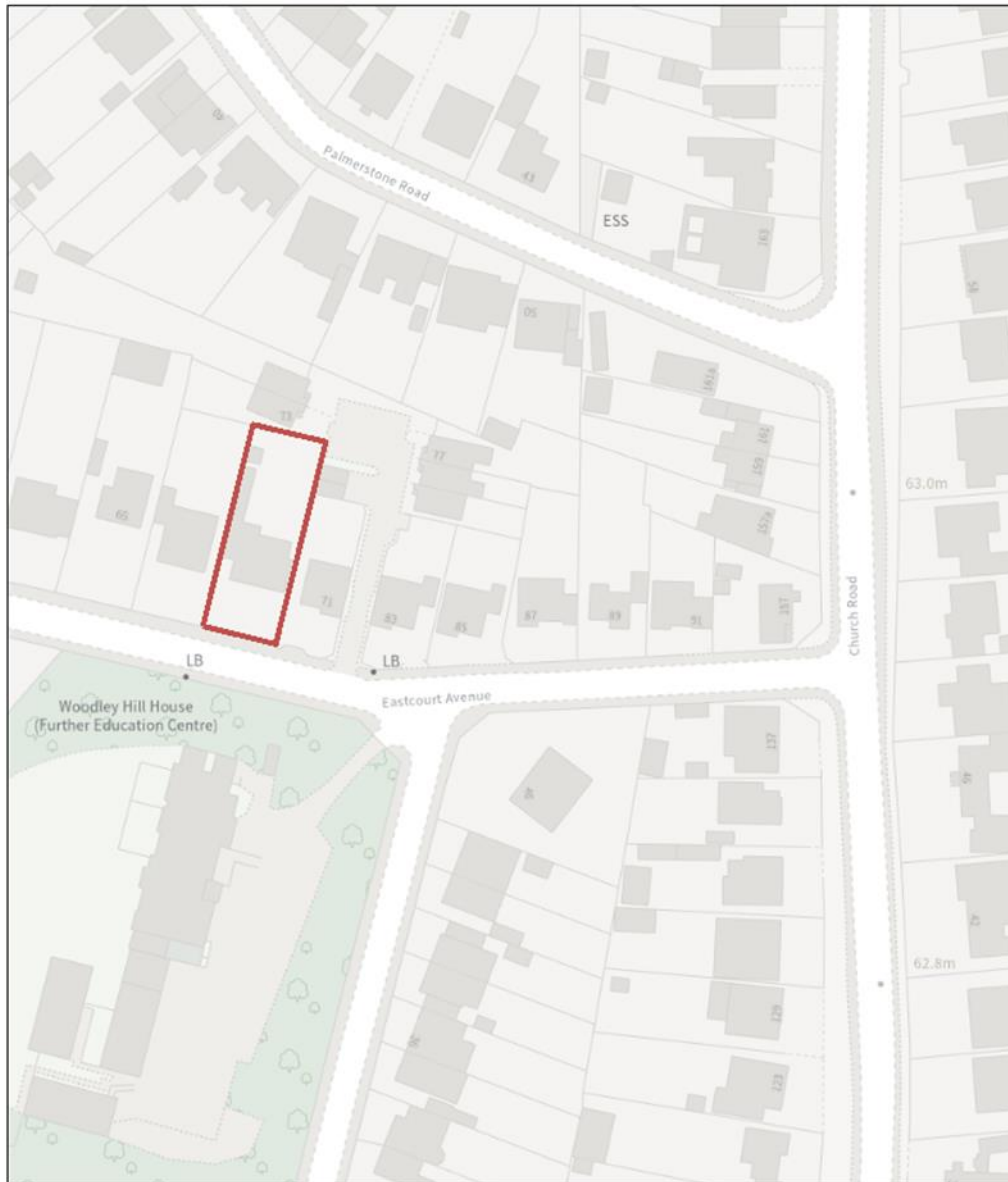
Proposal: Application for a certificate of lawfulness for the proposed use of the existing dwelling for supported accommodation.

SECOND SCHEDULE

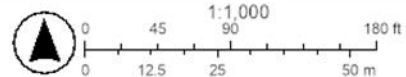
Address: 69 Eastcourt Avenue, Earley, Wokingham, RG6 1HH

PLAN

243011 - 69 Eastcourt Avenue, Earley, RG6 1HH



26/02/2025, 17:05:03



Wokingham Internal
© Crown copyright and database rights 2024 OS AC0000849972

Signed

MHead

Marcia Head

Head of Development Management - Place & Growth
Date: 27 February 2025

PLEASE READ THE NOTES ISSUED WITH THIS DECISION NOTICE BELOW



WOKINGHAM BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING ACTS

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 191 AND 192

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015: ARTICLE 39

Other statutory legislation: This decision notice relates to the above stated acts and regulations only and does not constitute approval under any other legislation.

Tree Preservation Order: This decision notice does not give consent for any work that may be required as a result of the development above to a tree protected by a tree preservation order. You should apply separately for works to trees through the [Planning Portal website](#).

Community Infrastructure Levy: If the application includes 100 sqm or more of new floor area then it is liable for the community infrastructure levy.

The Town & Country Planning (Development Management Procedure) Order: This decision has been made in accordance with the requirements of the National Planning Policy Framework (NPPF) and in the requirement to work with the applicant in a positive and proactive manner.

Officer Report: An officer report explaining the decision will be available to view online.

Appeals to the Secretary of State: If your application has been **refused** by the Borough Council or **granted subject to conditions** that you are not happy with, you have the right to appeal to the Planning Inspectorate (under Section 78 of the Town and Country Planning Act 1990 or Section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990). There is **no time** limit for the submission of appeals in respect of certificates of lawful proposed use/development.

The Planning Inspectorate is an Executive Agency reporting to the Secretary of State for Communities and Local Government. The Inspectorate has an online appeals service as set out on the [.gov.uk](#) website which contains information and guides on the appeal process. Alternatively you can obtain a form from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN, 0303 444 5000 or through the [Planning Inspectorate website](#). Please note all documents will be published online by the Planning Inspectorate

and therefore you should not include personal information you do not wish to be displayed in this way. This includes personal information of third parties.

Gas Mains and Services: Building over a gas main or service that is located within your site could cause damage to pipework or potential gas leaks within buildings. You should check for information relating to services within your site at [Home - LinesearchbeforeUdig \(lsbud.co.uk\)](http://lsbud.co.uk) and contact the Plant Protection Team at SGN on 0800 912 1722 or plantlocation@sgn.co.uk.

Building Control: The development subject to this certificate may also require Building Regulation approval to ensure it is built to national safety, design, and environmental standards. The Council's Local Authority Building Control (LABC) service offers a full range of plan approval, inspection, and associated services through an ISO9001 nationally accredited team of qualified building surveyors. These surveyors work closely with the Council's planning department to ensure the appropriate construction of your build. To find out more visit the Council's Building Control website or call 0300 790 0580 to speak to a member of the team.