

Received Date	4 September 2024
Expires:	30 October 2024
Application Number:	242286
Site:	2 Hampshire Way, Wokingham, RG41 3AX
Application:	Application for a certificate of lawfulness for the proposed installation of porous hard standing in the front garden.

1. Relevant Planning History

Application Number	Proposal	Decision Date	Decision	Relevant Conditions
241677	Householder application for proposed dropped kerb and new driveway, garage conversion to create habitable accommodation and erection of new front boundary wall.	23/08/2024	Refused	N/A
17895	Detached house and garage	27/07/1982	Approved	None

2. Site Description

Two storey detached dwelling with a generous front garden and detached side double garage to the side/rear of the house.

3. Land/ Property Designations

- The property is located within the Major settlement area of Wokingham.
- 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 F) grants planning permission in certain circumstances for the provision and replacement of hard surfacing within the curtilage of

a dwellinghouse.

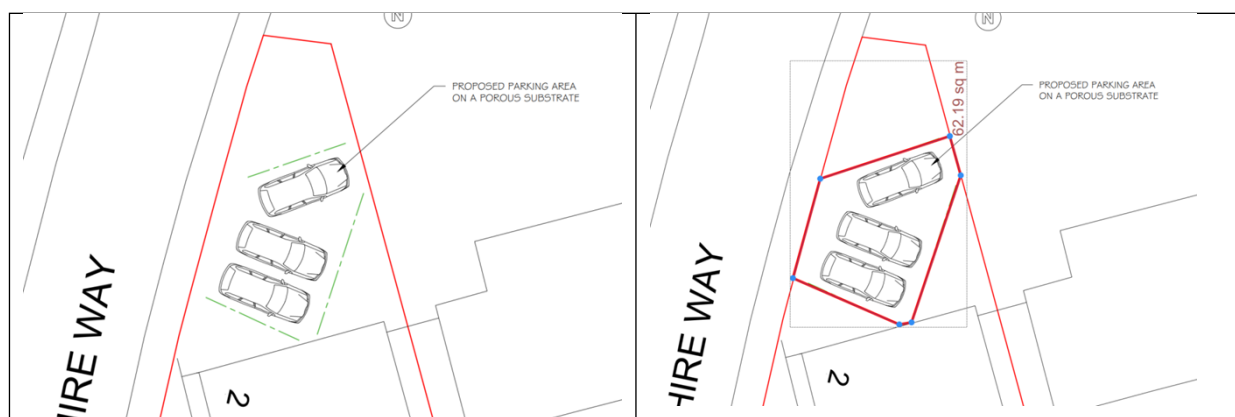
Article 4 Provides that the planning authority may give direction to restrict the effect of Article 3.

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:

It is proposed to install a porous hardstanding surface on part of the front garden to be utilised as a new parking area for the dwellinghouse. The area identified is irregular in shape, and measures approximately 62.19sqm.



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 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 dwellinghouse lawful?	✓	
Art.4	5	Is there an 'Article 4 Direction' in effect for the site?		✓
Sch.2 Pt.1 F (a) (b)	6	Would the development comprise the provision within the curtilage of a dwellinghouse of a hard surface, or for its partial or complete replacement?	✓	
Sch.2 Pt.1 F (a) (b)	7	Is the hard surface required for a purpose incidental to the enjoyment of the dwellinghouse as such?	✓	
F.1	8	Has permission to use the dwellinghouse as a dwellinghouse been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use)?		✓

		Yes	No
9	Would it affect or be within the Root Protection Area of a TPO'd tree? <i>* Does not affect Article 3 permission but separate TPO approval may be needed.</i>	*	✓

8. Conclusion:

The proposed provision of hardstanding to the front of the dwellinghouse constitutes development requiring planning permission. Permission is available under Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), the proposal being in accordance with Schedule 2 (Part 1) (Class F) of the Order. The Council would not thus have been in a position to take enforcement action on the date of the application and the development thus would have been lawful.

It is therefore recommended that the application for a lawful development certificate be approved.

DRAFT APPROVED



Development Management Team Leader

Date: 24 September 2024