

DELEGATED OFFICER REPORT



WOKINGHAM
BOROUGH COUNCIL

Application Number:	250930
Site Address:	Kilgerran, Wargrave Road, Remenham, Wokingham, RG9 3JD
Received Date:	15 April 2025
Expiry Date:	10 June 2025
Proposal: Application for a certificate of lawfulness for the proposed installation of solar panels on the south elevation of the main roof.	

PLANNING POLICY/LEGISLATION	
The Town and Country Planning (General Permitted Development) (England) Order 2015	
Article 3	In conjunction with Schedule 2, Part 14, Class A grants planning permission for the “installation or alteration etc of solar equipment on domestic premises”.
Article 4	Provides that the planning authority may give direction to restrict the effect of Article 3
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
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.

PLANNING HISTORY		
Application No.	Description	Decision & Date
220280	Householder application for the proposed extension above the existing carport.	Approve 11/04/2022
190105	Householder application for the proposed erection of a link roof between existing dwelling and garage to form car port.	Approve 13/03/2019
042753	Proposed erection of replacement dwelling and garage and demolition of existing dwelling.	Approve 10/08/2004
121837	Proposed erection of a replacement dwelling.	Refused 07/09/2012
111162	Proposed erection of replacement dwelling and garage with new access.	Approve 21/01/2011
092122	Proposed erection of boathouse with living accommodation over, plus replacement garage and demolition of existing garage.	Approve 27/03/2009
071761	Proposed erection of one new dwelling and boathouse.	Refused 03/12/2007
081619	Proposed erection of one replacement dwelling and boathouse.	Refused 20/08/2008

SITE AND PROPOSAL DETAILS
Site description: The application site relates to a two storey, detached dwelling in Remenham. The site is located on the riverbank of the River Thames at the rear and fronts the A321, Wargrave Road. The immediate surrounding area is characterised by other residential dwellings which vary in architectural design and materials. The street is well lined with greenery, with large trees and shrubs lining the highway. The dwelling has a modern architectural design with sand coloured exterior and slate roof tiles. The site benefits from an external garage and boundary fencing with an electric gate.

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 subject to a wildlife or habitat designations, being located in a Bat Roost Suitability Habitat.
- The site is within the countryside and metropolitan green belt.

Relevant details of the proposal:

This certificate seeks permission for the lawful installation of solar panels on the roof of the existing dwellinghouse. The solar panels will measure a total area of 21.39m².

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?		✓

On buildings

Sch.2 Pt. 14 A	6	Would the development comprise the installation, alteration or replacement of solar PV or solar thermal equipment on: A dwellinghouse, or A building situated within the curtilage of a dwellinghouse?	✓ ✓	
A.1(a)	7	Would the solar PV or solar thermal equipment protrude more than 0.2 metres beyond the plane of the wall or the roof slope when measured from the perpendicular with the external surface of the wall or roof slope?		✓
A.1(b)	8	Would it result in the highest part of the solar PV or solar thermal equipment being higher than the highest part of the roof (excluding any chimney)?		✓
A.1(c)	9	If in a conservation area or world heritage site , would the solar PV or solar thermal equipment be installed on a wall which fronts the highway?		✓
A.1 (d) (e)	10	Would the solar PV or solar thermal equipment be installed on a building within the curtilage of the dwellinghouse which is a listed building , or on a site designated as a scheduled monument ?		✓

Stand alone

Sch.2 Pt. 14 B	11	Would it consist of the installation, alteration or replacement of stand alone solar within the curtilage of a dwellinghouse?	✓	
----------------------	----	---	---	--

ASSESSMENT AGAINST LEGISLATION				
			Yes	No
B.1(a)	12	Would it result in the presence within the curtilage of more than one stand alone solar?		✓
B.1(b)	13	Would any part of the stand alone solar:		✓
		(i) Exceed four metres in height above ground level?		✓
		(ii) In the case of land within a conservation area be situated within any part of the curtilage of the dwellinghouse and would be visible from the highway?		✓
		(iii) Be situated within five metres of the boundary of the curtilage?		✓
		(iv) Be situated within the curtilage of a listed building?		✓
B.1(c)	14	Would the surface area of the solar panels forming part of the standalone solar exceed nine square metres or any dimension of its array (including any housing) would exceed three metres?		✓
	15	Would it affect a TPO'd tree? <i>* Does not affect Article 3 permission but separate TPO approval may be needed for any cutting back of the tree or its roots.</i>		✓

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.

Conclusion:

The proposed application for a certificate of lawfulness for the proposed erection of solar panels constitutes development and thus 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 14) (Class A) of the Order.

RECOMMENDATION

Conditions agreed:	Not required
Recommendation:	Approve
Date:	15 May 2025
Earliest date for decision:	Not applicable

Recommendation agreed by: (Authorised Officer)	
Date:	19/05/25