

EXISTING LAWFUL CERTIFICATE **DRAFT DECISION NOTICE**



WOKINGHAM
BOROUGH COUNCIL

Application Number: 242048

Draft Recommendation: Wokingham Borough Council hereby certify that on 20 August 2024 (being the date of application for this certificate), and subject to any conditions or informatives below, the use/operations/matter described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto, and edged red on the attached plan **would not have been lawful** within the meaning of Section 191/192 of the Town and Country Planning Act 1990 (as amended) or section 26H (2) of the Planning (Listed Buildings & Conservation Areas) Act 1990 (as amended), for the following reason(s):

1. The relevant test for Lawful Use is the 'balance of probability'. Based on the evidence provided and the Local Planning Authority's own information, it has not been demonstrated that, the use of the building as a dwelling has been occurring for a consecutive period of four years. The evidence provided is imprecise and is contradicted by other information obtained. A site visit showed the building as unoccupied in March 2023. The current occupier of the building told the council he moved in on January 2024 which does not match the information submitted and results in a significant gap from the previous tenant. There is also contradictory information provided on the alleged previous occupier of the building (Mr T Donker) being registered for council tax at the building. It is therefore considered that the application of a certificate of existing lawful use should be refused.

FIRST SCHEDULE

Proposal: Application for a certificate of existing lawful development for the erection of 1 no. dwelling substantially completed for in excess of 4 years

SECOND SCHEDULE

Address: Brookfield Farm, Old Wokingham Road, Crowthorne, Wokingham, RG40 3BU

PLAN



BJC

Recommendation agreed:

Date: 19.12.24