

PROPOSED LAWFUL CERTIFICATE **DRAFT DECISION NOTICE**



WOKINGHAM
BOROUGH COUNCIL

Application Number: 242842

Draft Recommendation: Wokingham Borough Council hereby certify that on 8 November 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 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 proposed use of the existing dwelling as a residential care home for up to 2 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 householder 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. The certificate is therefore recommended for refusal.

Informatives

1. This Certificate/Decision is issued in respect of the drawings and plans numbered SC203_P1; SC203_P2 & SC203_P3 received by the Local Planning Authority on 08/11/2024.

FIRST SCHEDULE

Proposal: Application for a certificate of lawfulness for the proposed use of the existing dwelling as a children's home.

SECOND SCHEDULE

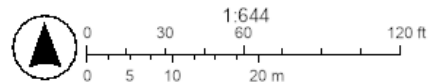
Address: 38 Woodwaye, Woodley, Wokingham, RG5 3HB

PLAN

ArcGIS Web Map



12/12/2024, 12:02:12



Wokingham Internal
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Recommendation agreed: *AMM*

Date: 12 December 2024