

<b>Received Date</b>	8 September 2025
<b>Expires:</b>	3 November 2025
<b>Application Number:</b>	252101
<b>Site:</b>	112 Silverdale Road, Earley, Wokingham, RG6 7LU
<b>Application:</b>	Application for a certificate of lawfulness for the proposed development of single-storey garden outbuilding.

## 1. Relevant Planning History

Application Number	Proposal	Decision Date	Decision	Relevant Conditions
142967	Application for the prior approval of the erection of a single storey rear extension across the width of the original house which would extend beyond the rear wall of the original house by 6m, for which the maximum height would be 3m, and for which the height of the eaves would be 3m.	18/02/2014	Replied	N/A
190048	Householder application for the proposed erection of a single storey side/rear extension with 2no roof lights, conversion of existing loft space to additional habitable accommodation, to include a rear dormer extension and roof light.	01/03/2019	Approved	N/A
192258	Application for a Non-material Amendment to planning consent 190048 (01/03/2019) for a change to fenestration in side elevation	06/09/2019	Approved	N/A
221380	Householder application for the proposed erection of a raised decking platform to incorporate metal railings, 2no privacy screens and access steps to the rear of the property. (part retrospective)	21/07/2022	Refused	N/A
221381	Householder application for the proposed levelling of the garden (retrospective).	08/08/2022	Refused	N/A
222981	Householder application for the proposed single storey side extension and single storey rear extension (including 2 no. rooflights) and raising of land beneath(retrospective).	20/12/2022	Refused	N/A
230500	Householder application for the re-levelling of the rear garden (Retrospective).	01/06/2023	Approved	N/A
222981	Householder application for the proposed single storey side extension and single storey rear extension (including 2 no. rooflights) and raising of land beneath(retrospective).	20/12/22	Refused	N/A

242021	Householder application for the installation of decking to incorporate metal railings and access steps to the rear of the property. (Retrospective)	01/10/2024	Approved	N/A
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## 2. Site Description

The application site features a detached two-storey dwelling located in a predominantly residential area of Earley.

## 3. 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 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 E) grants planning permission for the erection of certain outbuildings, pools and fuel storage containers 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:

This application seeks permission for the proposed development of a single-storey garden outbuilding.

## 7. Assessment against legislation:

This section assesses against Class E for the proposed development of the single-storey garden outbuilding.

			Yes	No
s.55	1	Does it constitute development?	✓	
s.191	2	Would it be contrary to an enforcement notice?		✓
s.187a Art.3	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?		✓
Art.4	6	Is it within the curtilage of the dwellinghouse?	✓	

### Fuel storage

Sch.2 Pt.1 E.b	7	Does the development consist of a container used for the storage of oil or liquid petroleum gas?	N/A	N/A
Sch.2 Pt.1 E.b	8	Is the storage for domestic heating purposes?	N/A	N/A
E.1(j)	9	Would the capacity of the container exceed 3,500 litres?	N/A	N/A

### Outbuildings and pools

Sch.2 Pt.1 E.a	10	Does the development comprise a building or enclosure, swimming or other pool, or the maintenance, improvement or other alteration of such a building or enclosure?	✓	
Sch.2 Pt.1 E.a	11	Is the building, enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such?	✓	

### Fuel storage and outbuildings

E.1(a)	12	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)?		✓
E.1(b)	13	Would the total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwellinghouse) exceed 50% of the total area of the original curtilage (excluding the original dwelling)?		✓
E.1(c)	14	Would any part of the building, enclosure, pool or container be situated on land forward of a wall forming the principal elevation of the original dwellinghouse?		✓
E.1(d)	15	If it is a building would it have more than one storey?		✓
E.1(e)	16	Would the height of the building, enclosure or container exceed: <ul style="list-style-type: none"> <li>(i) Four metres in the case of a building with a dual-pitched roof</li> <li>(ii) 2.5 metres in the case of a building, enclosure or container within two metres of the boundary of the curtilage of the dwellinghouse?</li> <li>(iii) Three metres in any other case?</li> </ul>	N/A	N/A
E.1(f)	17	Would the height of the eaves of the building exceed 2.5 metres?		✓

			Yes	No
E.1(g)	18	Would the building, enclosure, pool or container be situated within the curtilage of a <b>listed building</b> ?		✓
E.1(h)	19	Would the development include the construction or provision of a veranda, balcony or raised platform?		✓
E.1(i)	20	Would it relate to a dwelling?	✓	
E.1(i)	21	Would it relate to a microwave antenna?		✓
E.3	22	<b>Article 2(3) land</b> (World Heritage Sites, National Parks, AONBs & Conservation Areas): Would any part of the building, enclosure, pool or container be situated on land between a wall forming a side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse?		✓
	23	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>		✓

### Summary:

The proposed development of a single-storey garden outbuilding constitutes development requiring 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 1) (Class E) of the Order.

Officers note that 1A Mill Lane have submitted comments regarding the application. However, these cannot be taken into consideration for this application type.

DRAFT APPROVED

Development Management Team Leader



Date: 28/10/25