

Received Date	10 September 2024
Expires:	5 November 2024
Application Number:	242312
Site:	The Limes, Milley Lane, Hare Hatch, Wokingham, RG10 9TH
Application:	Application for a certificate of lawfulness for the proposed demolition of existing outhouse and replacement with outhouse of same footing but with flat roof and changes to fenestration.

1. Relevant Planning History

Application Number	Proposal	Decision Date	Decision	Relevant Conditions
030031	Proposed single storey rear extension to dwelling.	06/01/04	C/A	
31654	Single storey rear extension	01/09/88	C/A	N/A
35000	Single storey front/side extension to provide entrance porch & storeroom	22/01/90	C/A	N/A
28124	Single storey rear extension onto garage	07/08/87	C/A	n/a
09659	Erection of double garage	04/01/79	C/A	n/a
07875	Two storey extension	26/04/78	C/A	n/a

2. Site Description

Two storey semi-detached dwelling

3. Land/ Property Designations

- There are no listed buildings at the site, but within the buffer zone of listed building 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 potential bat roosting.
- The site is within the countryside of Wargrave.

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:

The proposed demolition of existing outhouse and replacement with outhouse of same footing but with flat roof and changes to fenestration.

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	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?		✓
Sch.2 Pt. 1 E.b	8	Is the storage for domestic heating purposes?		✓
E.1(j)	9	Would the capacity of the container exceed 3,500 litres?		✓

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)?		✓
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			Yes	No
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: (i) Four metres in the case of a building with a dual-pitched roof		✓
		(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?		✓
		(iii) Three metres in any other case?		✓
E.1(f)	17	Would the height of the eaves of the building exceed 2.5 metres?		✓
E.1(g)	18	Would the building, enclosure, pool or container be situated within the curtilage of a listed building ?	✓	
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	Article 2(3) land (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>		✓

8. Conclusion

The proposed demolition of existing outhouse and replacement with outhouse of same footing but with flat roof and changes to fenestration constitutes development requiring planning permission. Permission is not granted under Article 3 of the Town and Country Planning (General Permitted Development) Order 2015, the proposal not being in accordance with Schedule 2 (Part 1) (Class E) E1.g of the Order.

The neighbouring building is the Horse and Groom Public House which is grade II listed. The boundary wall with the application site is considered to be curtilage listed and this has been confirmed by the council Conservation Officer.

The proposed outbuilding would be outside the curtilage of the listed building; however, it would impact a wall within the curtilage of a listed building therefore involve works within the curtilage of a listed building. The plans show both the existing and proposed buildings joining onto the curtilage listed boundary wall and therefore part of the works involve a curtilage listed structure.

The WBC Built Heritage considers the boundary wall a curtilage listed structure and has raised concerns regarding impacts upon the wall and stated:

'The concerns in this case are any impacts upon the wall through the demolition and re-building (for example is the outbuilding now supporting the wall and so its removal may result in structural instability (doubtful, but perfectly possible), and how would the new building impact – would bricks need to be removed to attach joists, holes drilled etc.)'

Further information has been submitted by the applicant, but it is inconclusive in-so-far as the works to the curtilage listed wall. Notwithstanding this, the plans and elevations depict the new structure joining onto the curtilage listed wall. Taking the above into consideration the development involves a curtilage structure and therefore does not meet the requirements set out at F1 n

DRAFT APPROVED *MC*

Development Management Team Leader

Date: 05.11.2024