

Received Date	29 May 2025
Expires:	24 July 2025
Application Number:	251271
Site:	4 Charlton Close, Finchampstead, Wokingham, RG40 4YQ
Application:	Application for a certificate of lawfulness for the proposed installation of an Air Source Heat Pump (ASHP).

1. Relevant Planning History

Application Number	Proposal	Decision Date	Decision	Relevant Conditions
32365	Residential development	14/02/89	C/A	N/A
34969	Erection of 63 houses (duplicate application 34970)	21/02/90	C/A	N/A
223168	Householder application for the proposed part-garage conversion, two storey side extension, single storey rear extension with changes to fenestration.	23/11/22	C/A	N/A
230150	Application for non-material amendment to planning consent 223168 to allow the addition of a roof light, repositioning of proposed roof lights and changes to fenestration.	24/01/23	Approved	N/A
242777	Application for non-material amendment to planning consent 223168 to change fenestration and alter the internal layout, reduce the depth of the single storey rear extension from 3m to 2m and install an ASHP.	28/11/24	Refused	N/A
250034	Application for non-material amendment to planning approval 223168 to allow changes to layout and fenestration.	06/02/25	Approved	N/A

2. Site Description

Two storey detached dwelling

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.
- The site is within the Modest Development Location of Finchampstead.

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 G) grants planning permission for *"the installation, alteration or replacement of a chimney, flue or soil and vent pipe on 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 air source heat pump is approx. 0.45m in width, 1.10m in length and 0.75m in height.

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 (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?		✓
Sch.2 Pt. 1 G	6	Would the development comprise the installation, alteration or replacement of a chimney, flue or soil and vent pipe on a dwellinghouse?		✓
Sch.2 Pt. 1 G.1(a)	7	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)?		✓
Sch.2 Pt. 1 G.2(a)	8	In the case of the installation of an air source heat pump, the development would result in the presence of more than 2 air source heat pump on the same building or within the curtilage of the building or block of flats		✓

			Yes	No
Sch.2 Pt. 1 G.2(b)	9	In the case of the installation of an air source heat pump, a wind turbine is installed on the same building or within the curtilage of the dwellinghouse or block of flats		✓
Sch.2 Pt. 1 G.2(c)	10	In the case of the installation of an air source heat pump, a stand-alone wind turbine is installed within the curtilage of the dwellinghouse or block of flats		✓
Sch.2 Pt. 1 G.2(d)	11	The volume of the air source heat pump's outdoor compressor unit would in the case of the installation of an air source heat pump on, or within the curtilage of, a dwellinghouse, exceed 1.5 cubic metres		✓
Sch.2 Pt. 1 G.2(f)	12	The air source heat pump would be installed on a pitched roof		✓
Sch.2 Pt. 1 G.2(g)	13	the air source heat pump would be installed on a flat roof where it would be within 1 metre of the external edge of that roof		✓
Sch.2 Pt. 1 G.2(h)	14	The air source heat pump would be installed on a site designated as a scheduled monument		✓
Sch.2 Pt. 1 G.2(i)	15	The air source heat pump would be installed on a building or on land within the curtilage of the dwellinghouse or the block of flats if the dwellinghouse or the block of flats is a listed building		✓
Sch.2 Pt. 1 G.2(j)	16	in the case of land within a conservation area or which is a World Heritage Site the air source heat pump— (i) would be installed on a wall or a roof which fronts a highway; or (ii) would be installed so that it is nearer to any highway which bounds the curtilage than the part of the dwellinghouse or block of flats which is nearest to that highway; or		✓
Sch.2 Pt. 1 G.2(k)	17	In the case of land, other than land within a conservation area or which is a World Heritage Site, the air source heat pump would be installed on a wall of a dwellinghouse or block of flats if— (i) that wall fronts a highway; and (ii) the air source heat pump would be installed on any part of that wall which is above the level of the ground floor storey.		✓
	18	Would it affect or be within the Root Protection Area of a TPO'd tree? * Does not affect Article 3 permission but separate TPO approval may be needed.		✓

8. Conclusion

The proposed installation of an Air Source Heat Pump (ASHP) constitutes development requiring planning permission. Permission is granted 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 G) of the Order.

JMM

DRAFT APPROVED

Development Management Team Leader

Date: 24 July 2025