

Received Date	24 June 2025
Expires:	19 August 2025
Application Number:	251485
Site:	Suncot, School Road, Barkham, Wokingham, RG41 4TR
Application:	Application for a certificate of lawfulness for the proposed erection of single storey outbuilding.

1. Relevant Planning History

PLANNING HISTORY			
Application No.	Description	Decision & Date	Relevant Conditions
210874	Full planning application for the proposed subdivision of the site and erection of 4 no. detached dwellings following demolition of existing outbuildings, with alterations to the existing access serving Suncot, provision of parking, boundary treatment, surface water attenuation measures and hard and soft landscaping.	Refused: 11/05/2021	N/A
080067	Erection of single storey side and rear extensions to form granny annexe	Approved: 12/01/2009	None
082114	Erection of single storey side and rear extensions to form granny annexe	Refused: 01/10/2008 Appeal Dismissed 03/08/2009	N/A
030600	Proposed single storey front and rear extensions to dwelling, chimney to side plus erection of replacement detached garage and store room	Approved: 19/05/2003	None
27185	Two storey rear extension	Approved: 20/03/1987	None
13682	Garage	Approved: 28/08/1980	None
03403	Double garage	Approved: 30/05/1975	None

2. Site Description

Bungalow with converted attic space.

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 relevant wildlife or habitat designations.
- The site is situated within the countryside.

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:

Proposed erection of single storey outbuilding.

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?	N/A	N/A
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			Yes	No
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: (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?		✓
			N/A	N/A
			N/A	N/A
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(j)	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?	N/A	N/A
	23	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		✓

****Residential Curtilage**

The proposed outbuilding would be situated approximately 60 metres from the host dwelling. Whilst separation distance is not in itself the sole indication for residential curtilage, there are also several other factors that cast doubt over the proposed location of the outbuilding being within the curtilage of Suncot. The Councils internal mapping system shows the proposed location to be in a different land registry parcel than the host dwelling and the planning history indicates that this land was nor formerly part of the residential dwelling and there is no history indicating that this land has changed use to residential garden at any point. Please refer to the below:

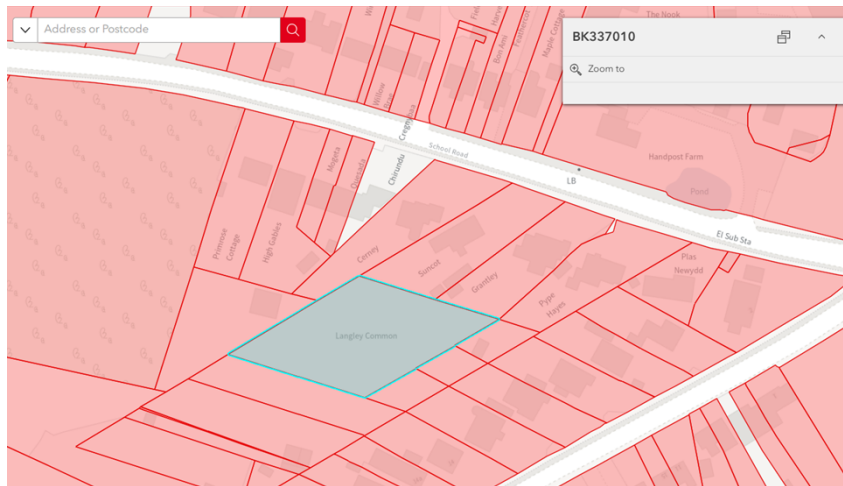


Figure 1 - Land Registry Parcels

Within the 2008 and 2003 planning applications at the site, the large area of land to the rear of the property is not included within the red line plans. Please refer to the below:



Figure 2 - Site Plan – Planning Application (reference: 082114)

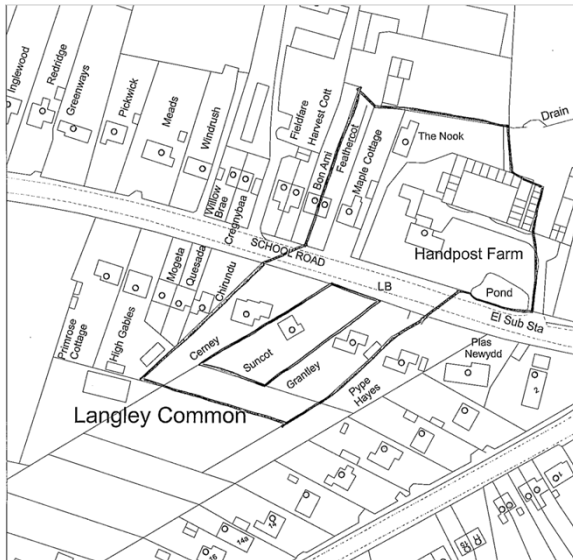


Figure 3 - Location Plan - Planning Application (reference: 030600)

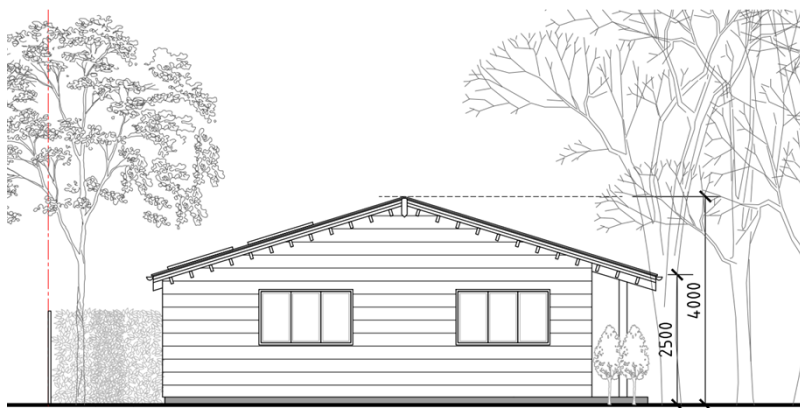
Even if the land was currently in a residential use associated with the property, this does not necessarily mean that it lies within the curtilage of the dwellinghouse. It is to be noted that the concept of 'curtilage' is different to 'land use', and 'residential curtilage' is not a use of land as set out in the Use Classes Order. A residential/garden use of land does not necessarily equate to it falling within the curtilage of a dwellinghouse.

It is acknowledged that this area of the site is open, however, it is also evidently clear that there used to be a greater coverage of trees in this section of the site. This is supported by historic mapping, which gives a clear indication as to when the tree coverage began to reduce.

With all the above taken into account, it is not considered that the outbuilding would be within the curtilage of the dwellinghouse.

*Construction of Veranda

The plans appear to demonstrate the intention of creating a raised platform/veranda, as displayed below:



PROPOSED SIDE (SOUTH) ELEVATION

8. Conclusion

The proposed erection of a single storey outbuilding constitutes development requiring planning permission. Permission is not available 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) of the Order, due to the proposed creation of a raised platform/veranda and location of the outbuilding outside the curtilage of the dwellinghouse.

DRAFT REFUSED

A handwritten signature in grey ink, consisting of the letters 'HMM' in a cursive, stylized font.

Development Management Team Leader

Date: 5 August 2025