

Received Date:	22 September 2025
Expires:	17 November 2025
Application Number:	252069
Site:	17 Falcon Way, Wokingham, RG41 3HD
Application:	Application for a certificate of lawfulness for the proposed garage conversion to create habitable accommodation along with changes to fenestration.

1. Relevant Planning History

Application Number	Proposal	Decision Date	Decision	Relevant Conditions
06310	Residential development comprising 70 units part of Area 6 Woosehill.	12/05/1977	Approved	4

2. Site Description

The application site comprises a semi-detached, two-storey dwelling located on the northern side of Falcon Way, Wokingham.

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 located in an area suitable for bat roosts.

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 (GPD0)

- Article 3 In conjunction with Schedule 2 (Part 1) (Class A) grants planning permission for the "*enlargement, improvement or other alteration 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 proposal relates to a certificate of lawfulness for the proposed conversion of the integral garage to create a home office and replacing the existing garage door with a door and casement window.

7. Assessment against legislation:

Condition 4 of permission 06310 for 'Residential development comprising 70 units part of Area 6 Woollahill' (approved 12/05/1977) states:

Condition 4:

The garages hereby permitted shall be built concurrently with the dwellings on the site and no dwelling shall be occupied until the garage has been built. The garages shall be used as domestic garages only and shall not be used for business purposes. Furthermore, the garages shall not be converted into living accommodation without the prior permission of the District Planning Authority.

Reason:

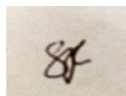
In the interests of amenity and to ensure that the garages are retained in accordance with the District Planning Authority's parking standards. To avoid also the subsequent erection of garages of different designs and materials which would be likely to detract from the appearance of the development.

Therefore, the changes proposed would require planning permission and cannot be assessed against the legislation set out in the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The changes would not be lawful under permitted development as the proposed development would be in breach of Condition 4 of 06310.

8. Conclusion:

The proposal would **not** have been permitted development.

DRAFT APPROVED



Development Management Team Leader

Date: 13.11.25