



**WOKINGHAM
BOROUGH COUNCIL**

TOWN AND COUNTRY PLANNING ACTS

**TOWN AND COUNTRY PLANNING ACT 1990:
SECTION 191 AND 192**

**TOWN AND COUNTRY PLANNING
(DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2015: ARTICLE 39**

Mr Martin Butler
Martin Butler Partnership
Ltd.
28 Broad Street
Wokingham
RG40 1AB

NOTIFICATION OF APPROVAL OF CERTIFICATE OF LAWFUL PROPOSED USE OR DEVELOPMENT

Application Number: 242443
Applicant Name: Mr and Mrs Brant
Site Address: 6 Johnson Drive, Finchampstead, Wokingham, RG40 3NW
Proposal: Application for a certificate of lawfulness for the proposed erection of a single storey outbuilding for parking and storage.
Date of Decision: 4 October 2024

Wokingham Borough Council hereby certifies that on 26 September 2024 (being the date of application for this certificate), and subject to any conditions and/or informatives below, the operations described in the First Schedule to this certificate in respect of the land specified in the Second Schedule hereto and edged red on the plan attached to this certificate, **would have been lawful** within the meaning of section 192 of the Town and Country Planning Act 1990 (as amended), for the following reason(s):

1. The proposed erection of a single storey outbuilding for parking and storage 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.

Informatives

1. The outbuilding will be close to a protected tree, but this doesn't stop it from being permitted development. Compliance with tree preservation regulations is assessed separately. Even if the outbuilding is lawful in planning terms, the council may still need to check if the construction harms the tree or its roots.

2. This Certificate is issued in respect of the plans numbered (22404-1 02) (22404-1 01), received by the Local Planning Authority on 26/09/2024.

FIRST SCHEDULE

Proposal: Application for a certificate of lawfulness for the proposed erection of a single storey outbuilding for parking and storage.

SECOND SCHEDULE

Address: 6 Johnson Drive, Finchampstead, Wokingham, RG40 3NW

PLAN



Signed

MHead

Marcia Head

Head of Development Management - Place & Growth

Date: 4 October 2024

PLEASE READ THE NOTES ISSUED WITH THIS DECISION NOTICE BELOW



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Other statutory legislation: This decision notice relates to the above stated acts and regulations only and does not constitute approval under any other legislation.

Tree Preservation Order: This decision notice does not give consent for any work that may be required as a result of the development above to a tree protected by a tree preservation order. You should apply separately for works to trees through the [Planning Portal website](#).

Community Infrastructure Levy: If the application includes 100 sqm or more of new floor area then it is liable for the community infrastructure levy.

The Town & Country Planning (Development Management Procedure) Order: This decision has been made in accordance with the requirements of the National Planning Policy Framework (NPPF) and in the requirement to work with the applicant in a positive and proactive manner.

Officer Report: An officer report explaining the decision will be available to view online.

Appeals to the Secretary of State: If your application has been **refused** by the Borough Council or **granted subject to conditions** that you are not happy with, you have the right to appeal to the Planning Inspectorate (under Section 78 of the Town and Country Planning Act 1990 or Section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990). There is **no time** limit for the submission of appeals in respect of certificates of lawful proposed use/development.

The Planning Inspectorate is an Executive Agency reporting to the Secretary of State for Communities and Local Government. The Inspectorate has an online appeals service as set out on the [.gov.uk](#) website which contains information and guides on the appeal process. Alternatively you can obtain a form from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN, 0303 444 5000 or through the [Planning Inspectorate website](#). Please note all documents will be published online by the Planning Inspectorate

and therefore you should not include personal information you do not wish to be displayed in this way. This includes personal information of third parties.

Gas Mains and Services: Building over a gas main or service that is located within your site could cause damage to pipework or potential gas leaks within buildings. You should check for information relating to services within your site at [Home - LinesearchbeforeUdig \(lsbud.co.uk\)](http://lsbud.co.uk) and contact the Plant Protection Team at SGN on 0800 912 1722 or plantlocation@sgn.co.uk.

Building Control: The development subject to this certificate may also require Building Regulation approval to ensure it is built to national safety, design, and environmental standards. The Council's Local Authority Building Control (LABC) service offers a full range of plan approval, inspection, and associated services through an ISO9001 nationally accredited team of qualified building surveyors. These surveyors work closely with the Council's planning department to ensure the appropriate construction of your build. To find out more visit the Council's Building Control website or call 0300 790 0580 to speak to a member of the team.

This certificate is issued solely for the purpose of Section 192 of the Town and Country Planning Act 1990 (as amended). It certifies that the operations specified in the First Schedule taking place on the land described in the Second Schedule would have been lawful on the specified date and, therefore, was not liable to enforcement action under Part 7 of the 1990 Act on that date.

1. This certificate applies only to the extent of the operations described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any matters which are materially different from that which is described or which relates to other land may render the owner or occupier liable to enforcement action.

The effect of the certificate is also qualified by the proviso in Section 192(4) of the 1990 Act (as amended) which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters relevant to determining such lawfulness.