



**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**

Phil Rowe

Melton Lodge
Rusper Road
Newdigate
RH5 5BX

NOTIFICATION OF REFUSAL OF CERTIFICATE OF LAWFUL EXISTING USE OR DEVELOPMENT

Application Number: 242048
Applicant Name: Stuart Brooks
Site Address: Brookfield Farm, Old Wokingham Road, Crowthorne,
Wokingham, RG40 3BU
Proposal: Application for a certificate of existing lawful
development for the erection of 1 no. dwelling
substantially completed for in excess of 4 years
Date of Decision: 20 December 2024

Wokingham Borough Council hereby certifies that on 20 August 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 not have been lawful** within the meaning of section 191 of the Town and Country Planning Act 1990 (as amended), for the following reason(s):

1. The relevant test for Lawful Use is the 'balance of probability'. Based on the evidence provided and the Local Planning Authority's own information, it has not been demonstrated that, the use of the building as a dwelling has been occurring for a consecutive period of four years. The evidence provided is imprecise and is contradicted by other information obtained. A site visit showed the building as unoccupied in March 2023. The current occupier of the building told the council he moved in on January 2024 which does not match the information submitted and results in a significant gap from the previous tenant. There is also contradictory information provided on the alleged previous occupier of the building (Mr T Donker) being registered for council tax at the building. It is therefore considered that the application of a certificate of existing lawful use should be refused.

Informatives

1. If you intend to submit an appeal to be considered as a Public Inquiry you must notify the Local Planning Authority (planning.appeals@wokingham.gov.uk) and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before you submit the appeal.

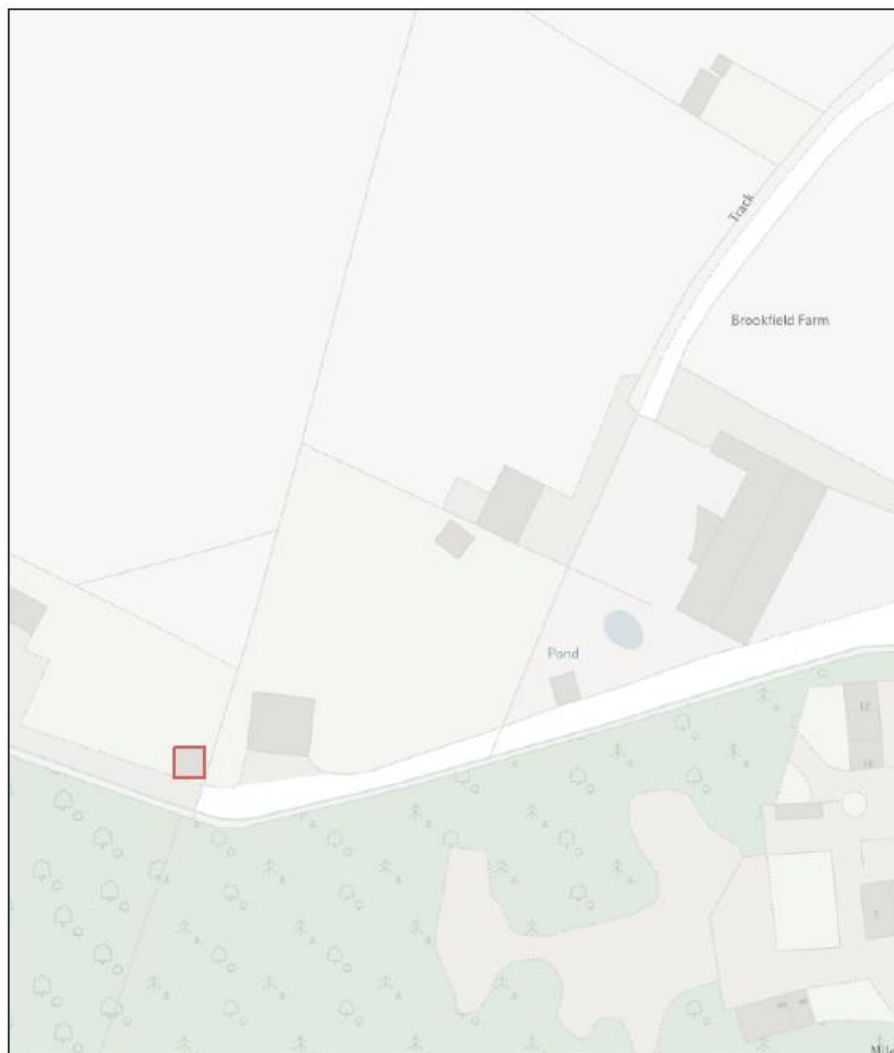
FIRST SCHEDULE

Proposal: Application for a certificate of existing lawful development for the erection of 1 no. dwelling substantially completed for in excess of 4 years

SECOND SCHEDULE

Address: Brookfield Farm, Old Wokingham Road, Crowthorne, Wokingham, RG40 3BU

PLAN



Signed

MHead

Marcia Head

Head of Development Management - Place & Growth
Date: 20 December 2024

PLEASE READ THE NOTES ISSUED WITH THIS DECISION NOTICE BELOW



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

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

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 existing 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](http://www.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](http://www.planninginspectorate.gov.uk). 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.