



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 Michael Austin
Austin Lebbon
Architecture
The Old Parlour
Stanbridge Farm
Sussex Road, Petersfield
GU31 5RB

NOTIFICATION OF REFUSAL OF CERTIFICATE OF LAWFUL EXISTING USE OR DEVELOPMENT

Application Number: 251248
Applicant Name: Mr & Mrs Marielle & Christopher Kay
Site Address: Land at 178 Bearwood Road, Barkham, Wokingham,
RG41 4SH
Proposal: Application for a certificate of existing lawful
development for the use of land as residential garden
associated with the Lake House.
Date of Decision: 7 August 2025

Wokingham Borough Council hereby certifies that on 27 May 2025 (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 is considered that the applicant has not discharged their burden of proof in evidencing the land has been in continuous residential use as garden associated with The Lake House, as outlined in red on the submitted Location Plan for at least ten years prior to the application.

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 use of land as residential garden associated with the Lake House.

SECOND SCHEDULE

Address: Land at 178 Bearwood Road, Barkham, Wokingham, RG41 4SH

PLAN



Signed

A handwritten signature in black ink, appearing to read 'BC' followed by a stylized flourish.

Brian Conlon
Head of Development Management - Place & Growth
Date: 7 August 2025

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.

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](https://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](https://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.