

DELEGATED OFFICER REPORT



WOKINGHAM
BOROUGH COUNCIL

Application Number:	242897
Site Address:	Thames Bridge House, Henley Bridge, Henley-On-Thames, RG9 2LN
Received Date:	18 November 2024
Expiry Date:	13 January 2025
Site Visit Date:	21 November 2024
Proposal: Application for a certificate of lawfulness for the proposed erection of automatic operation electric gates at car park exit.	

PLANNING POLICY/LEGISLATION

The Town and Country Planning (General Permitted Development) (England) Order 2015

Article 3	In conjunction with Schedule 2, Part 2, Class A grants planning permission for “the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure”.
Article 4	Provides that the planning authority may give direction to restrict the effect of Article 3

Town and Country Planning Act 1990 (as amended)

Section 55	Provides that ‘development’ includes the carrying out of building operations on land, and ‘building operations’ includes structural alterations or additions to buildings.
Section 57	Planning permission is needed for all development of land.
Section 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.

PLANNING HISTORY

Application No.	Description	Decision & Date
F/2012/1964	Flat building with 4 flats following demolition of existing building	Approved 05/12/2012
CA/2012/1965	Demolition of buildings at Thames Bridge House	Approved

		05/12/2012
152913	Flat building with 4 x 2-bed flats following demolition of existing building	Approved 26/02/2016
171917	Flat building with 5 x 2-bed flats following demolition of existing building	Refused 08/09/2017
181215	Three storey building with 1 x 1-bed, 3 x 2-bed and 1 x 3-bed flats	Approved 16/01/2019
202203	Demolition of coach house following partial collapse (retrospective)	Approved 13/10/2020
213626	Full application for the proposed erection of a four storey building consisting of 3 no. residential units (two x 3 bedroom units and one x 3 bedroom unit) with associated parking and amenity space including 2 no. first floor balconies and a roof terrace, following demolition of the remaining built form on the site.	Conditionally Approved 18/02/2022
232680	Full application for the proposed erection of a four storey building consisting of 3 no. residential units (3no. 3 bedroom units) with associated parking (6no. spaces) and amenity space including 2 no. first floor balconies and a roof terrace, following demolition of the remaining built form on the site	Approved 18/01/2024
240858	Application for submission of details to comply with the following condition of planning consent 232680 dated 18/01/2024. Condition 3 relates to solar panels.	Approved 31/05/2024

SITE AND PROPOSAL DETAILS

Site description: The site is located on White Hill and to the east of Henley Bridge. It is within designated Green Belt and Countryside as well as within the Remenham Henley Bridge Conservation Area. The proposed inward opening electric gates would be located at the vehicular exit of Thames Bridge House, a residential development of no.3 apartments.

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 also not subject to any wildlife or habitat designations.

Relevant details of the proposal: Erection of automatic operation electric gates at car park exit.

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 (4)	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 original building lawful?	✓	
Art.3 (6)	5	Does it involve the formation, laying out or material widening of a means of access to an existing highway which is a trunk or classified road, or creates an obstruction to the view of persons using any highway used by vehicular traffic, so as to be likely to cause danger to such persons?		✓
Art.4	6	Is there an 'Article 4 Direction' in effect for the site?		✓
Sch.2 Pt. 2 A	7	Does it consist of the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure?	✓	
A.1(a)	8	Would the height of any gate, fence, wall or means of enclosure erected or constructed adjacent to a highway used by vehicular traffic, after the carrying out of the development exceed: (i) One metre above ground level? (ii) In the case of schools, two metres above ground level, provided that any part of the gate, fence, wall or means of enclosure which is more than one metre above ground level does not create an obstruction to the view of persons using the highway as to be likely to cause danger to such persons?	✓	
A.1(b)	9	Would the height of any other gate, fence, wall or means of enclosure erected or constructed, after the carrying out of the development exceed two metres above ground level?		✓
A.1(c)	10	Would the height of any gate, fence, wall or other means of enclosure maintained, improved or altered, as a result of the development, exceed its former height or the height referred to in A1(a) or (b) above as the height appropriate to it if erected or constructed, whichever is the greater?	✓	
A.1(d)	11	Would it involve development within the curtilage of, or to a gate, fence, wall or other means of enclosure surrounding, a listed building?		✓

*Condition 16 of permission 232680 states that notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no gates or barriers shall be erected on the shared vehicular access hereby permitted.

Although the condition does not 'bite' in relation to the vehicular exit, the proposed erection of automatic operation electric gates 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 2) (Class A) of the Order because the height of any gate constructed adjacent to a highway, used by vehicular traffic, must not exceed 1m in height above ground level.

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.	

RECOMMENDATION	
Conditions agreed:	Not required
Recommendation:	Refused
Date:	8 January 2025
Earliest date for decision:	Not applicable

Recommendation agreed by: (Authorised Officer)	
Date:	09/01/25