

Received Date	26 September 2024
Expires:	21 November 2024
Application Number:	242443
Site:	6 Johnson Drive, Finchampstead, Wokingham, RG40 3NW
Application:	Application for a certificate of lawfulness for the proposed erection of a single storey outbuilding for parking and storage.

1. Relevant Planning History

PLANNING HISTORY		
Application No.	Description	Decision & Date
222138	Householder application for proposed single storey detached outbuilding with roof lantern to the eastern boundary (Retrospective).	Approved: January 2023
183555	Application for a certificate of existing lawful development for storage of builders plant and materials.	Refused: March 2019
183548	Application for a certificate of lawful use for storage of inert waste.	Refused: March 2018
172230	Full planning application for the erection of 25no. dwellings (10 no. affordable) following removal of the existing use and buildings.	Refused: May 2018
171698	Householder application for proposed erection of detached car port and store.	Approved: August 2017
160162	Full application for the proposed erection of 34 dwellings comprising 3 x 1 bed flats, 9 x 2 bed flats, 2 x 3 bed houses, 17 x 4 bed houses and 3 x 5 bed houses with associated access from Johnson Drive, parking and landscaping.	Refused: May 2016
072301	Proposed change of use of land for the siting of 3 No. storage containers.	Refused: June 2007
061122	Proposed raising of roof to create first floor with front and rear dormer windows and single storey rear extensions to dwelling, plus raising of roof to garage	Approved: July 2006
051784	Proposed first floor extension to dwelling and single storey rear extension to dwelling. New pitched roof over existing garage.	Refused: October 2005
051575	Proposed first floor extension to dwelling and 2 storey side extension with rear conservatory.	Refused: April 2005
030610	Erection of 2 storage buildings to replace 7 existing storage buildings and open storage area.	Approved: October 2003

011731	Outline application for the redevelopment of car storage land for residential development of 50 dwellings.	Refused: January 2002
011499	Outline application for the redevelopment of the site from car storage to provide 48 dwellings including proportion of affordable housing.	Withdrawn: May 2002
011001	Outline application for the redevelopment of site from car storage to provide 30 dwellings including proportion of affordable housing.	Refused: May 2002
012242	Application for certificate of lawful existing use of land for 7 buildings and use of land and buildings for storage of building plant and materials.	Approved: February 2002
020496	Proposed erection of 2 storage buildings to replace existing 7 storage buildings and open storage area	Refused: October 2002
010216	Application for temporary permission for change of use of land for storage of motor vehicles (Retrospective)	Refused: April 2001
960860	Proposed Temporary Change Of Use Of Land For Storage Of New Cars	Refused: February 1997
03100	Bungalow and Garage	Approved: August 1975
1161/71	Bungalow and Garage	Approved: October 1971
103/70	Bungalow and Garage	Approved: October 1970

2. Site Description

The immediate area surrounding the proposed development is residential, with the host dwelling and outbuildings in close proximity.

The council has accepted this certificate for proposed development as the construction had ceased, and at the time of the site visit the structure was not substantially complete and therefore not yet an existing building.

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 not subject to any relevant wildlife or habitat designations.
- The site is within countryside.

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 (GPDO)

- Article 3 In conjunction with Schedule 2 (Part 1) (Class E) grants planning permission for the erection of certain outbuildings, pools and fuel storage containers within the curtilage 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:

Single storey outbuilding for parking and storage.

7. 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	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 dwellinghouse lawful?	✓	
Art.4	5	Is there an 'Article 4 Direction' in effect for the site?		✓
Art.4	6	Is it within the curtilage of the dwellinghouse?	✓	

Fuel storage

Sch.2 Pt. 1 E.b	7	Does the development consist of a container used for the storage of oil or liquid petroleum gas?	N/A	N/A
Sch.2 Pt. 1 E.b	8	Is the storage for domestic heating purposes?	N/A	N/A
E.1(j)	9	Would the capacity of the container exceed 3,500 litres?	N/A	N/A

			Yes	No
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Outbuildings and pools

Sch.2 Pt. 1 E.a	10	Does the development comprise a building or enclosure, swimming or other pool, or the maintenance, improvement or other alteration of such a building or enclosure?	✓	
Sch.2 Pt. 1 E.a	11	Is the building, enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such?	✓	

Fuel storage and outbuildings

E.1(a)	12	Has permission to use the dwellinghouse as a dwellinghouse been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use)?		✓
E.1(b)	13	Would the total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwellinghouse) exceed 50% of the total area of the original curtilage (excluding the original dwelling)?		✓
E.1(c)	14	Would any part of the building, enclosure, pool or container be situated on land forward of a wall forming the principal elevation of the original dwellinghouse?		✓
E.1(d)	15	If it is a building would it have more than one storey?		✓
E.1(e)	16	Would the height of the building, enclosure or container exceed: (i) Four metres in the case of a building with a dual-pitched roof (ii) 2.5 metres in the case of a building, enclosure or container within two metres of the boundary of the curtilage of the dwellinghouse? (iii) Three metres in any other case?	N/A	N/A
E.1(f)	17	Would the height of the eaves of the building exceed 2.5 metres?		✓
E.1(g)	18	Would the building, enclosure, pool or container be situated within the curtilage of a listed building ?		✓
E.1(h)	19	Would the development include the construction or provision of a veranda, balcony or raised platform?		✓
E.1(i)	20	Would it relate to a dwelling?		✓
E.1(j)	21	Would it relate to a microwave antenna?		✓
E.3	22	Article 2(3) land (World Heritage Sites, National Parks, AONBs & Conservation Areas): Would any part of the building, enclosure, pool or container be situated on land between a wall forming a side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse?	N/A	N/A
	23	Would it affect or be within the Root Protection Area of a TPO'd tree? <i>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.</i>	*	

8. Conclusion

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.

DRAFT APPROVED

Development Management Team Leader

A handwritten signature in dark ink, consisting of the letters 'BJC' in a stylized, cursive font.

Date: 03.10.24