

EXISTING LAWFUL CERTIFICATE **DRAFT DECISION NOTICE**



WOKINGHAM
BOROUGH COUNCIL

Application Number: 252152

Draft Recommendation: Wokingham Borough Council hereby certify that on 1 October 2025 (being the date of application for this certificate), and subject to any conditions or informatives below, the use/operations/matter described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto, and edged red on the attached plan **would not have been lawful** within the meaning of Section 191/192 of the Town and Country Planning Act 1990 (as amended) or section 26H (2) of the Planning (Listed Buildings & Conservation Areas) Act 1990 (as amended), for the following reason(s):

1. The relevant test for a Lawful Use application is the 'balance of probability'. Based on the evidence submitted and the Local Planning Authority's own records, it has not been demonstrated that the partial garage conversion to create habitable accommodation is lawful. The proposed internal garage conversion would not normally constitute development under Section 55(2)(a), however, it results in a breach of condition 19 of planning permission 161255, which requires the garage to be retained for vehicle parking only. In accordance with Section 171A(1)(b), this constitutes a breach of planning control. As the use has not existed for the 10-year period required for immunity under Section 171B, planning permission is therefore required.

Informatives

1. This decision is in respect of the drawings and plans titled and numbered Location Plan and Site Plan TQRQM25209194606262 received by the Local Planning Authority on 09/09/2025

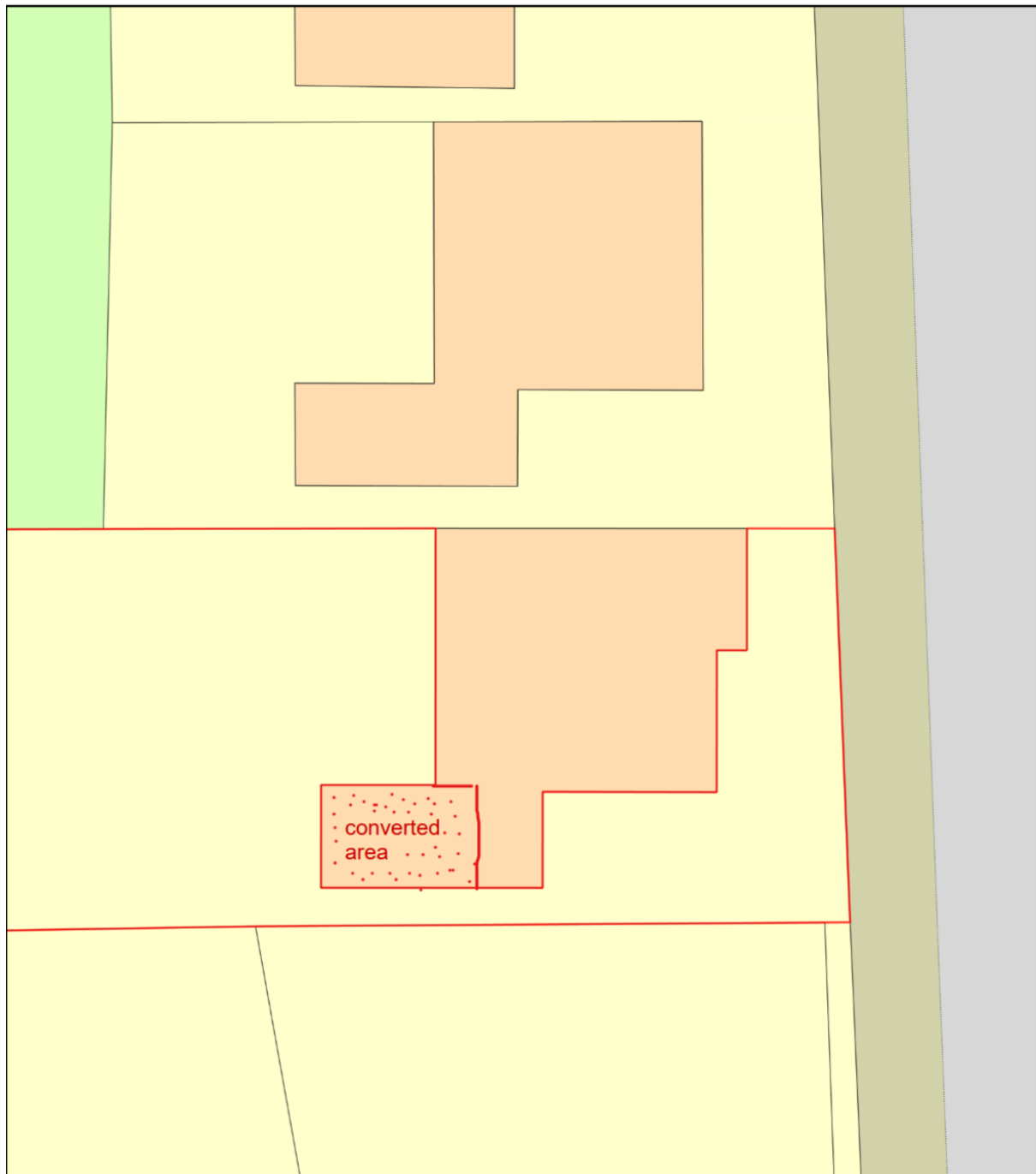
FIRST SCHEDULE

Proposal: Application for a certificate of lawfulness for the partial garage conversion to create habitable accommodation.

SECOND SCHEDULE

Address: 3 Simonds Grove, Spencers Wood, Wokingham, RG7 1BH

PLAN



Recommendation agreed: *MC*

Date: 24.11.2025