



**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. Anees Ahmad

Pine Drive Lower
Wokingham Road
Crowthorne
Wokingham
RG45 6BX

NOTIFICATION OF REFUSAL OF CERTIFICATE OF LAWFUL EXISTING USE OR DEVELOPMENT

Application Number: 242362
Applicant Name: Mr. Anees Ahmad
Site Address: Pine Drive, Lower Wokingham Road, Crowthorne,
Wokingham, RG45 6BX
Proposal: Application for a certificate of existing lawful
development for erection of a boundary fence.
Date of Decision: 12 November 2024

Wokingham Borough Council hereby certifies that on 23 September 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 erection of a boundary fence constitutes development requiring planning permission. Permission is not available under Article 3 of the Town and Country Planning (General Permitted Development) Order 2015, the development not being in accordance with Schedule 2 (Part 2) (Class A) of the Order.

It is clear that the position of the fence is adjacent to a highway used by vehicular traffic, such that A.1(a)(ii) of Schedule 2, Part 2, Class A of the GPDO (as amended) is the criteria relevant to this submission. This requires that a means of enclosure does not exceed 1 metre above ground level. The fence is 1.52 metres in height, and therefore fails to comply with this requirement.

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.

2. This decision is issued in respect of plans titled/numbered (Site Plan/TQRQM24253213747041) (Location Plan/TQRQM24253215438698) (Pine Drive Fence Elevation Sketch) (Photo of Fence and Diagram) received by the Local Planning Authority on 15/09/2024 & 22/09/2024.

3. The Council would like to draw the Applicants attention to the fact that the plans submitted with the application are not accurate and lack detail of the development. Revised plans, providing accurate and adequate information to assess the application are required for an approval, appeal or any subsequent application. Despite requests at validation stage, accurate, scale revised plans showing all aspects of the development were not received.

FIRST SCHEDULE

Proposal: Application for a certificate of existing lawful development for erection of a boundary fence.

SECOND SCHEDULE

Address: Pine Drive, Lower Wokingham Road, Crowthorne, Wokingham, RG45 6BX

PLAN



Signed

MHead

Marcia Head

Head of Development Management - Place & Growth

Date: 12 November 2024

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](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.