

Our Ref: RR/97386

21 May 2025



Planning Department
Wokingham Borough Council
Shute End
Wokingham
Berkshire
RG40 1BN

VIA PLANNING PORTAL

Dear Sir/Madam,

BRITISH GARDEN CENTRES
WINNERSH GARDEN CENTRE, 656 READING ROAD, WINNERSH
APPLICATION FOR A LAWFUL DEVELOPMENT CERTIFICATE
PLANNING PORTAL REFERENCE: PP-14021918

Introduction

On behalf of our client, British Garden Centres, please find enclosed an application seeking a Certificate of Lawful Existing Development in connection with Winnersh Garden Centre.

Background

Planning permission was granted for an extension and reconfiguration of the existing car park at Winnersh Garden Centre in April 2020 (LPA Ref: 200560). The extended and reconfigured park utilised land that was previously used as informal overflow parking during busier periods to provide a total of 141 formalised car parking spaces.

The extended car park permission was implemented in 2020 with the works completed by early November 2020. Whilst the permitted car park works were being undertaken, additional gravel was available and so this was added to the grassed area to the east of the extended car park to provide further informal parking. All of this work was completed by early November 2020.

It is the area to the east of the permitted extended car park, where the gravel was added in 2020 to form further car parking, which is the subject of this application.

Lawful Development

Section 191 of the Town and Country Planning Act 1990 (TCPA) (as amended) states:

'Certificate of lawfulness of existing use or development.

(1) If any person wishes to ascertain whether –

- a. *Any existing use of buildings or other land is lawful;*
 - b. *Any operations which have been carried out in, on, over or under land are lawful; or*
 - c. *Any other matter constituting a failure to comply with any condition or limitation subject to which planning permission has been granted is lawful,*
he may make an application for the purpose to the local planning authority specifying the land and describing the use, operations or other matter.
- (2) *For the purposes of this Act uses and operations are lawful at any time if-*
- a. *No enforcement action may then 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.*

The Levelling Up and Regeneration Act 2023 (section 115) amended the Town and Country Planning Act 1990 (section 171B) to update the time limits within which local planning authorities can take planning enforcement action against breaches of planning control. These changes took place on 25 April 2024. However, transitional measures were also put in place based on when the breach of planning control took place.

Accordingly, if the breach took place prior to 25 April 2024 then for operational development relating to building, engineering or mining, enforcement action can no longer be taken from four years, beginning the date where the operations were substantially completed.

Given the foregoing, the subject works were undertaken prior to 25 April 2024 and therefore the transitional time period arrangements apply. Moreover, all of the car park works were commenced in the spring of 2020 and completed by early November 2020 which is now 4 and a half years ago. The submitted details, which includes various dated invoices for the equipment and materials required to construct the car park, including the subject gravelled parking area, provide evidence that all the required equipment and materials were used by November 2020.

As such, no enforcement action can now be taken in respect of the subject car park works because the time for enforcement action has expired and they are not subject to any enforcement notice in force to accord with Section 191(2) of the Town and Country Planning Act as summarised above. Therefore, the subject car park works are lawful.

Application Submission

Accordingly, the application submission comprises the following in addition to this covering letter:

- Completed application form;
- CIL form;
- Site Location Plan
- Invoices for the car park works including:
 - Tradevault dated 3rd March 2020 for temporary safety fencing
 - JE Spence & Son Ltd dated 31st March 2020 for hire of excavator
 - Buildbase dated 8th April 2020 for type 1 roadstone
 - Keyline Civils Specialists dated 26th October 2020 for materials
 - Buildbase dated 31st October 2020 for twin drum ride on roller
 - Travis Perkins Trading Co. Ltd dated 12th November 2020 for diesel for gas oil
 - Buildbase dated 17th November 2020 for twin drum ride on roller

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- Travis Perkins Trading Co. Ltd dated 18th November 2020 for hire of dumper between 27th October 2020 and 6th November 2020 and gas oil
- JE Spence & Son Ltd dated 23rd November 2020 for hire of 20 ton excavator and crusher bucket
- GPC74 dated 30th November for stone supply
- Landshaped Ltd dated 9th December 2020 for fencing to the car park

Conclusions

On the basis of the evidence provided, it is clear that the subject car parking area, which was completed by November 2020, is lawful and that the local planning authority should be able to issue a Certificate of Lawfulness.

We look forward to receiving confirmation that the application has been registered and progressing the application thereafter. Please do not hesitate to contact me should you have any queries.

Yours faithfully

R Robinson

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Principal Planner

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