

Received Date	24 June 2025
Expires:	19 August 2025
Application Number:	251500
Site:	Holme Farm, Aston Lane, Aston, Wokingham, RG9 3DJ
Application:	Application for a certificate of lawfulness for the proposed erection of tennis court and enclosure following demolition of the existing tennis court.

1. Relevant Planning History

Application Number	Proposal	Decision Date	Decision	Relevant Conditions
221786	Application for a certificate of existing lawful development for a tennis court and swimming pool.	19/07/2022	Approved	None

2. Site Description

The application site consists of a two-storey detached property located off a track leading from Aston Lane, Aston. The application site is within the Aston Area of Special Character.

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).
- Grade II* Listed Culham Court is located to the east of the site.
- The site is located in an area suitable for bat roosts.
- The site is located in designated countryside and Green Belt.

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:

The proposal relates to a certificate of lawfulness for the proposed installation of a tennis court and fencing. The existing tennis court would be removed.

7. Assessment against legislation:

The removal of the existing tennis court would not require planning permission, subject to the making good of the land not requiring permission.

Whilst the construction of the proposed tennis court would fall within the requirements of Class E, Schedule 2, Part 1 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), engineering operations would have to be carried out to facilitate the development. This would require planning permission. Therefore, when taken together, the erection of the tennis court would require planning permission.

The photograph below was taken during the case officer site visit and shows the extent of level changes across the proposed location of the tennis court.

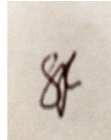


8: Conclusion:

Planning permission is not required for the removal of the existing tennis court.

Permitted development rights do not exist for the erection of the proposed tennis court by virtue of the engineering operations required and planning permission would be required.

DRAFT SPLIT DECISION

A small, square, light-colored stamp or mark containing a handwritten signature in dark ink.

Development Management Team Leader

Date: 1.8.25