

Received Date	9 January 2025
Expires:	6 March 2025
Application Number:	250035
Site:	38 Parsley Close, Earley, Wokingham, RG6 5GN
Application:	Application for a certificate of lawfulness for the proposed conversion of the existing detached double garage into habitable accommodation along with changes to fenestration for use ancillary to the main dwelling.

1. Relevant Planning History

Application Number	Proposal	Decision Date	Decision	Relevant Conditions
20580	Erection of 120 houses, bungalows, flats, bedsitters and garages, associated roads and footpaths.	16/04/1984	Approve	9
041548	Proposed two storey side extension to dwelling.	27/05/2004	Approve	None

Condition 9 of consent 20580 states:

The garages hereby permitted shall all be built concurrently with the respective dwellings on site. The garages shall all be used as domestic garages only and shall not be used for business nor for any other purpose without the prior written permission of the District Planning Authority.

2. Site Description

The application site is located at the end of a cul-de-sac in a predominantly residential area in Earley.

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 wildlife or habitat designations.

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 conversion of the existing garage into habitable accommodation to be used as a secondary space such as a daytime living room or recreational area with pets.

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?	NA	NA
Sch.2 Pt. 1 E.b	8	Is the storage for domestic heating purposes?	NA	NA
E.1(j)	9	Would the capacity of the container exceed 3,500 litres?	NA	NA

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?	NA	NA
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?	NA	NA

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)?		✓
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			Yes	No
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	NA	NA
		(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?	NA	NA
		(iii) Three metres in any other case?	NA	NA
E.1(f)	17	Would the height of the eaves of the building exceed 2.5 metres?	NA	NA
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?		✓
	23	Would it affect or be within the Root Protection Area of a TPO'd tree? <i>* Does not affect Article 3 permission but separate TPO approval may be needed</i>		✓

8. Conclusion

The proposed conversion of the existing garage into habitable accommodation constitutes development requiring planning permission. Permission **is not** available under Article 3 of the Town and Country Planning (General Permitted Development) Order 2015; because Condition 9 of consent 20580 requires that the garage be used as a domestic garage only and not used for any other purpose.

DRAFT APPROVED *MC*

Development Management Team Leader

Date: 06.03.2025