

## DELEGATED OFFICER REPORT



**WOKINGHAM  
BOROUGH COUNCIL**

<b>Application Number:</b>	252844
<b>Site Address:</b>	Sandmartins Golf Club, Finchampstead Road, Finchampstead, Wokingham, Berkshire, RG403RQ
<b>Expiry Date:</b>	13 January 2026
<b>Site Visit Date:</b>	04.12.2025
<b>Proposal:</b> Application for a certificate of existing lawful development to demonstrate that planning permission 210179 has been lawfully implemented by the construction of the access road and car park in Phase A of the development.	

### **PLANNING HISTORY**

Application No.	Description	Decision & Date
231864	Application for non-material amendment to planning consent 210179 to enable the development to be delivered in three phases pursuant to Proposed Phasing Plan (Ref: 2574-PL-102-00), and to secure the redesign of the electrical sub-station.	Approved 7 August 2023
210179	Full Planning application for the proposed part single, part two storey side/rear extension to existing clubhouse, erection of a detached Hotel Building comprising 39no. bedrooms, function rooms, kitchen and staff room, with car parking, servicing, associated landscape enhancements and an electrical sub-station	Approved: 3 September 2021
210233	Full application for the proposed erection of a Greenkeepers building, 2no. water storage tanks, with irrigation plant, service yard, new access from Evendons Lane, boundary fencing, associated landscaping and car parking.	Approved: 24 June 2021

### **INFORMATION PROVIDED**

By the applicant:

- Site Progress Report
- Construction Programme
- Photographs
- Supporting Statement

By the Council:

- Site visit 04.12.2025

By third parties:

- None

## APPRAISAL

The application is for a Certificate of Lawful Existing Use to establish whether planning permission 210179 has commenced and therefore been implemented. In determining a Certificate of Lawful Existing Use a Local Planning Authority needs to consider whether, on the facts of the case and relevant planning law, the specific matter is lawful. Lawful development is development against which no enforcement action may be taken and where no enforcement notice is in force, or, for which planning permission is not required.

Planning merits are not relevant at any stage in the process however evidence from third parties, including neighbours, can be obtained should the Local Planning Authority consider it necessary to do so. The National Planning Policy Guidance (NPPG) sets out that the onus of proof is on the applicant, not the Local Planning Authority in submitting a Certificate of Lawfulness. However, the NPPG also states that “if Local Planning Authorities have no evidence of their own to contradict or undermine the applicant’s version of events, there is no good reason to refuse the application provided that the applicant’s evidence is clear and unambiguous to justify the grant of a certificate”.

During the officer’s site visit on 04.12.2025, it was clear that development had commenced on site due to the additional carparks, internal access roads and hard and soft landscaping that had been undertaken in association with phase A (see photograph below). The progresses reports provided also set out that underlying drainage infrastructure has also commenced.



## 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.

## **RECOMMENDATION**

The relevant test for Lawful Use is the 'balance of probability'. Based on the evidence provided and the Local Planning Authority's own information, it is considered to have been demonstrated that planning permission 210179 has been lawfully implemented by the construction of the access road and car park in Phase A of the development. It is therefore considered that the application of a certificate of existing lawful use should be approved and a draft certificate is set out below.

<b>Date:</b>	17 December 2025
<b>Earliest date for decision:</b>	10 December 2025
<b>Recommendation agreed by: (Authorised Officer)</b>	<i>BJC</i>
<b>Date:</b>	<b>19.12.25</b>