

Received Date:	10 November 2025
Expires:	9 January 2026
Application Number:	252599
Site:	5 Bowyer Way, Winnersh, Wokingham, RG41 5RX
Application:	Application for a certificate of lawfulness for the proposed use of a room for residential purposes including beauty treatments to external clients.

1. Relevant Planning History

Application Number	Proposal	Decision Date	Decision	Relevant Conditions
O/2006/8687	Proposed Development of land at Hatch Farm Dairies for the construction of up to 433 dwellings with associated internal access roads, garaging and car parking. A Link road including new junctions with King Street Lane and Lower Earley Way (forming Phase 1 of the Winnersh Relief road). Primary School (up to 2 form entry) including associated pitches / play area. Play Areas. Open space including a Community Woodland and a Country Park. Engineering operations to provide for flood compensation and flood protection. Other associated works including landscaping, creation of swales and ponds as part of the sustainable Urban Drainage proposals (SUDs) and sewage treatments works. Undergrounding of electricity power lines. Demolition of an existing dwelling (no 44 King Street Lane). Approved, 16/11/2011	16/11/2011	Approved	None
152359	Reserved Matters application (Appearance, Landscaping, Layout and Scale to be considered) pursuant to outline planning consent O/2006/8687 relating to the erection of 433 dwellings, associated amenity space, car parking including garaging, internal access roads (accessed from approved Phase	28/10/2016	Approved	None

	1 Winnersh Relief Road between King Street Lane and Lower Earley Way) and private drives, pedestrian and cycle links, hard and soft landscaping including public open space, infrastructure provision including provision of surface water drainage and foul drainage (including foul water pumping station), undergrounding of power lines and other associated works.			
161947	Application for a non-material amendment to amend condition 26 of outline planning application O/2006/8687 (19/11/2014) to allow development to proceed and a agreed number of dwellings to be occupied ahead of the opening of the Lower Earley Way Junction and the provision of a interim temporary access off Kings Street Lane(not to be used for construction traffic).	19/12/2016	Approved	None
182933	Application for a non-material amendment to Reserved Matters application 152359 to allow the amendment of condition 2 (approved plans)by substituting the approved house types with new house types to plots 1-29 only.	20/11/2018	Approved	None
200964	Application for non-material amendment to planning consent 152359 to retain No.42 as a dwelling with its associated curtilage.	03/06/2020	Approved	None
211607	Application for non-material amendment to planning consent 152359 to allow internal alterations, change in roof pitch, addition of dormer window to rear elevation and change in parking arrangement.	05/07/2021	Approved	None
232379	Application for non-material amendment to planning consent 152359 to allow revisions to hard landscaping designs.	12/10/2023	Approved	None

2. Site Description

Detached dwelling.

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 A) grants planning permission for the "*enlargement, improvement or other alteration 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:

This application seeks a certificate of lawfulness for the proposed change of use of a room to mixed use of residential and beauty salon.

The applicant has provided clarification on the following aspects of the proposal:

- The business will provide beauty treatments.
- It will be owned and solely operated by the applicant, with no employees.

- A maximum of four clients will be seen per day, with appointments typically lasting 1.5 hours. Only one client will be on the premises at any time.
- Business activities will be carried out only between 08:30 and 20:30.
- Clients will park on the driveway and enter the house through the front door.
- Services will be provided exclusively in one room of the house. When not in use for beauty treatments, this room will remain available as a living space for the occupants.
- No adaptations to the existing house will be required for the business.

7. Assessment against legislation:

Section 55 of the Town and Country Planning Act 1990 (as amended) defines development as “the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.”

Section 57 of The Town and Country Planning Act 1990 (as amended) requires that planning permission is required for the carrying out of any development of land.

Paragraph 014 of the National Planning Practice Guidance, under the section ‘*When is permission required?*’ confirms that working from home or running a business from a dwelling may not require planning permission where the activity remains incidental to the primary residential use and does not result in a material change in the character of the property.

When determining whether a material change of use has occurred, or will occur, a local planning authority must consider whether home working or a business has led, or will lead, to a notable change in the character of the property’s use. Environmental impacts may be used to indicate a notable change of character of the property, for example: increase in traffic and parking, disturbance to neighbours caused by regular or the number or timing of, visitors or deliveries, abnormal noise or smells, or the need for any major structural changes or major renovations.

The applicant’s property would continue to function as a residential dwellinghouse. The proposed business use would be of a low intensity, with minimal impact on the character of the dwelling or the amenity of the surrounding area. The business would operate on a maximum of four one-to-one appointments per day, with only one client on the premises at any given time, and operating hours restricted to 08:30–20:30. This level of activity is comparable to typical residential comings and goings and is not expected to generate significant noise or disturbance to neighbouring properties. All services would be contained within a single room at the far south-eastern end of the dwelling, which, being furthest from neighbouring properties, helps to minimise noise and disturbance. The room will remain available for normal residential use when not in operation, and no structural alterations to the dwelling are required. The site also benefits from three off-street parking spaces, which would be sufficient to accommodate visiting clients without causing any on-street parking issues. On this basis, it is considered that the proposal would not result in a material change of use of the land, and planning permission is not required.

8. Conclusion

The proposed use of a room in the existing dwellinghouse for both residential and beauty treatments is not a material change of use requiring planning permission due to the intensity of the use. Accordingly, the development would not require planning permission and is lawful under Section 55(1) of the Town and Country Planning Act 1990. It should be noted that any intensification of the use as described in this submission could be considered a material change of use and that this decision is based on the circumstances described.

DRAFT APPROVED *MC*

Development Management Team Leader

Date: 06.01.2026