

Planning Statement

8 April 2026

Address:

Atlanta
Wargrave Road
Wokingham
RG9 3JD

Applicant:

Mr Cristopher Williams

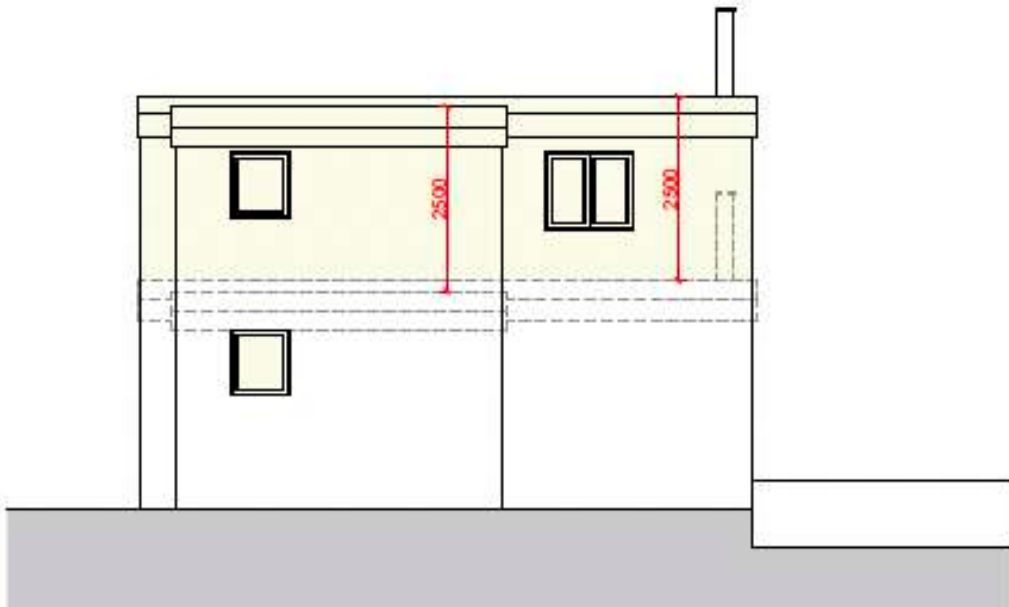
Proposal:

The Enlargement of a Dwelling house - One Additional Storey where the existing dwelling house consists of one storey

Prior Notification - Pt 1, Class AA (b)

The Town & Country Planning (General Permitted Development)(England) Order 2020

PROPOSED ELEVATION



The following documents are submitted with this planning application

Document List

Reference Number:



Planning Documents

Document Name	Ref (if any)	Page number
Planning Statement	PD1	
Location Plan	PD2	
Existing Block Plan	PD3	
Application Form App Ref 233177	PD4	
Decision Notice App Ref 233177	PD5	
Officer Report App Ref 233177	PD6	
Appeal Decision Notice Ref:3313844 Established C3 Residential	PD7	
Consultation Letter App Ref 233117	PD8	
Existing Floor Plan Drawing	PD9	
Proposed Floor Plan Drawing	PD10	
Proposed Block Plan Ground Floor Drawing	PD11	
Proposed Block Plan First Floor Drawing	PD12	
Individual Elevation Drawings Qty 9	PD13	
CIL Form 1	PD14	
Section Drawing	PD15	

Location

The application site is located on southern side of Wargrave Road (A321) and fronts onto the north eastern bank of the River Thames, consisting of a single storey C3 Residential dwelling together with an outdoor amenity space (Curtilage) and a river mooring for leisure use. A short distance to its east is the popular town of Henley-on-Thames.

The site is broadly rectangular in shape and measures circa 0.15Acres (600 sq meters).

In 2023 the detached house was deemed lawful by virtue of the allowed appeal on 23/11/2023 in relation to the refused planning application Ref:221304. The inspector in part allowing the appeal, recognised the lawful C3 residential status of the house prior to some additional works which were deemed not lawful.

The result of that appeal, was the submission of two applications to resolve additional works, those were ref: 233172 (approved but not implemented) & ref: 233117 (approved and implemented),

Description: Full application for the part demolition of and alterations to an existing dwelling within a mixed use site of leisure/recreation and residential and demolition of an existing storage outbuilding

The site is located within the designated countryside beyond the settlement boundary along with the Green Belt.

The roadside boundary treatment consists of a 2mtr fence and gated vehicular access directly from the Wargrave road to the existing driveway.



Decision Notice 233177 Date: 6/3/24

Housekeeping

Informative 5 of the decision notice says;

The applicant is reminded that the dwelling on site does not benefit from Permitted Development rights as the use of the site is a mixed use of leisure/recreation and residential.

This simply put, is factually incorrect and inaccurate, I will cover this aspect of the application further in to this planning statement.

Relevant Planning History

233117 Full application for the part demolition of and alterations to an existing dwelling within a mixed use site of leisure/recreation and residential and demolition of an existing storage outbuilding.

Other Planning History

PLANNING HISTORY		
Application No.	Description	Decision & Date
233172	Full application for the construction of a replacement dwelling, following the demolition of the existing dwelling.	Yet to be determined
222376	Full application for the proposed erection of an infill front extension, timber decking, roof to storage area and installation of a replacement flue (retrospective).	Refused – 31/10/2022 Dismissed at Appeal – 23/11/2023
221304	Application for a certificate of existing lawful development for amenity building, storage and mooring.	Refused – 19/07/2022 Appeal allowed in part, otherwise dismissed – 23/11/2023
F/2002/6163	Proposed erection of wooden building for use as leisure store and changing room. Demolition of existing sheds.	Refused – 26/06/2002
32243	Change of use of land at River Thames slipway in order to moor a boat	Conditionally Approved – 23/02/1989
R/187/61	Slipway for boat	Refused – 05/10/1961
R/66/61	Erection of tool shed	Refused – 27/04/1961

Legislation

Permitted development

AA. The enlargement of a dwelling house consisting of the construction of—

- (a) up to two additional storeys, where the existing dwelling house consists of two or more storeys; or
- (b) one additional storey, where the existing dwelling house consists of one storey, immediately above the topmost storey of the dwelling house, together with any engineering operations reasonably necessary for the purpose of that construction.

Development not permitted

AA.1. Development is not permitted by Class AA if—

(a) permission to use the dwelling house as a dwelling house has been granted only by virtue of Class N, O, P, PA or Q of Part 3 of this Schedule (changes of use);

RESPONSE

The Inspector in deciding the appeal Ref: APP/X0360/C/22/3313844 (Ground a) there were linked appeals for Ground (b) & (c), with Ground (b) being allowed in part, (decision included with submissions)

Para 14 - Concluded the building is a dwellinghouse

Para 16, Crucially the Inspector draws the distinct separation between a leisure plot and a dwellinghouse, with the host building being described as;

Nevertheless, not only does Building A provide all the facilities required for day-to-day private domestic existence, it does so to a high standard and to a level well beyond that required for a building ancillary to a leisure plot. There is no practical reason why Building A could not be occupied for sustained periods at any time of year or, for that matter, even permanently. Consequently, when looked at in the round, I consider that Building A is a dwellinghouse and is capable of being used as such. In that sense, the breach of planning control alleged has occurred.

Para 17. The building is recognised as having been refurbished in 2016 (subject of the EN) and not to be judged as a new building

Para 18 sets out that the building was first erected in 2002

18. Applying the judgement in *Oates* to the facts of this case, I note firstly that the framework of the 2002 building had been largely retained as part of Building A. It was established at the Hearing, and confirmed at the site visit, that the timber cladding of the 2002 building had been largely retained on the rear and both side elevations (apart from the enlargement of an existing door opening in the rear wall) but had been covered over by the new profiled metal cladding.

It is clear from the detailed online planning history that the house has not been granted planning permission in the manner set out AA.1.(a)

(b) the dwelling house is located on –

- (i) article 2(3) land; or
- (ii) a site of special scientific interest;

RESPONSE

Neither policy designations apply to the application site and the host building is policy compliant to this regard.

(c) the dwelling house was constructed before 1st July 1948 or not after 28th October 2018;

RESPONSE

The lawful planning position sets out clearly that the dwelling was constructed in 2002 and refurbished in 2016 and underwent further works in early 2024.

The host building is policy compliant to this regard.

(d) the existing dwelling house has been enlarged by the addition of one or more storeys above the original dwelling house, whether in reliance on the permission granted by Class AA or otherwise;

RESPONSE

The property has not had the addition of storeys as set out, so the host building is policy compliant to this regard.

(e) following the development the height of the highest part of the roof of the dwelling house would exceed 18 metres;

RESPONSE

The property will measure a total height of 4.5 meters, so the host building is policy compliant to this regard.

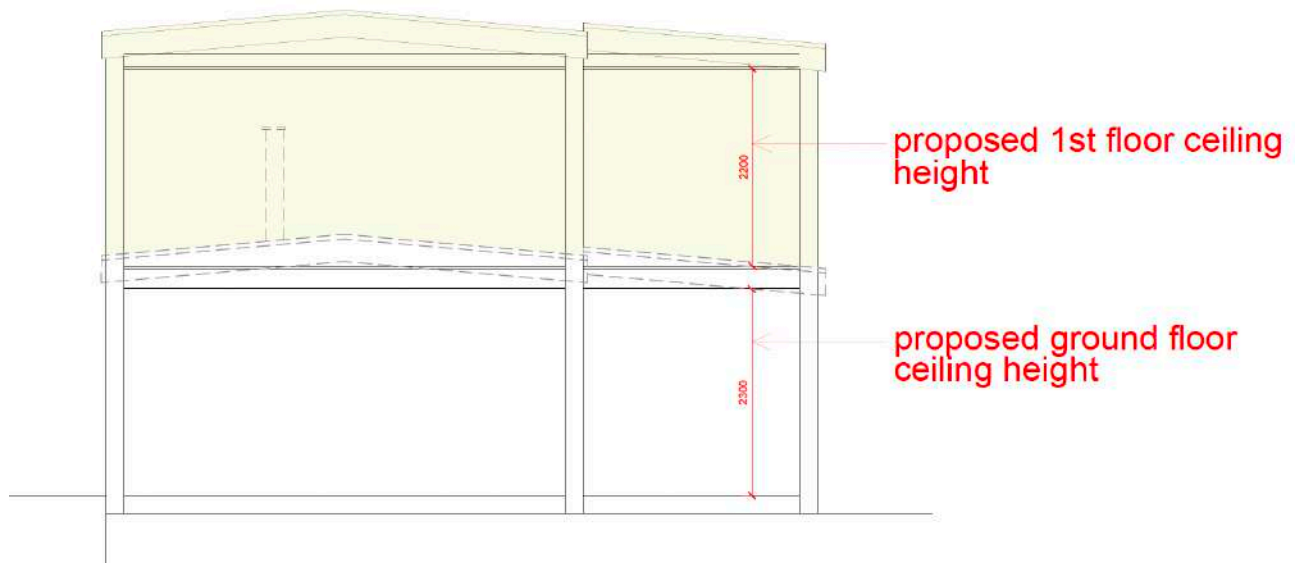
(f) following the development the height of the highest part of the roof of the dwelling house would exceed the height of the highest part of the roof of the existing dwelling house by more than—

- (i) 3.5 metres, where the existing dwelling house consists of one storey; or
- (ii) 7 metres, where the existing dwelling house consists of more than one storey;

RESPONSE

The existing property measures 2.3 meters high to eaves, the extended property will measure 4.5 meters to eaves, a +2.2 meters, so the host building is policy compliant to this regard.

PROPOSED SECTION



(g) the dwelling house is not detached and following the development the height of the highest part of its roof would exceed by more than 3.5 metres—

- (i) in the case of a semi-detached house, the height of the highest part of the roof of the building with which it shares a party wall (or, as the case may be, which has a main wall adjoining its main wall); or
- (ii) in the case of a terrace house, the height of the highest part of the roof of every other building in the row in which it is situated;

RESPONSE

The existing property is detached, so the host building is policy compliant to this regard.

(h) the floor to ceiling height of any additional storey, measured internally, would exceed the lower of—

- (i) 3 metres; or
- (ii) the floor to ceiling height, measured internally, of any storey of the principal part of the existing dwelling house;

RESPONSE

A section drawing is submitted with the application and shows that the host building is policy compliant to this regard

(i) any additional storey is constructed other than on the principal part of the dwelling house;

RESPONSE

The proposed first floor is constructed solely on the principal part of the existing dwelling house, the host building is policy compliant to this regard

(j) the development would include the provision of visible support structures on or attached to the exterior of the dwelling house upon completion of the development; or

RESPONSE

No such external support structures are planned or needed, the steel work required to support the proposed first floor extension will be constructed internally, using a structural goal post type design and cross member supports. The final design will be supplied to building control by the structural engineers but it is clear that no external supports will be required, the host building is policy compliant to this regard

(k) the development would include any engineering operations other than works within the curtilage of the dwelling house to strengthen its existing walls or existing foundations.

RESPONSE

No such additional works are planned or needed, the host building is policy compliant to this regard

Summary

The host C3 Residential house fulfils the policy requirements to benefit from Permitted Development Rights to add an additional storey.

As set out on page 3 of this document under the heading Housekeeping, the Council have made reference by way of informative 5, to the site not benefiting from Permitted Development Rights, as they consider the site to be a mixed use.

I will now seek to address this point to ensure that the Council do not error in their decision, which would result in a costly appeals procedure with a full application for costs.

Council's Position

Decision Notice 233177 Date: 6/3/24

Informative 5 of the decision notice says;

The applicant is reminded that the dwelling on site does not benefit from Permitted Development rights as the use of the site is a mixed use of leisure/recreation and residential.

Response

Firstly it is important to acknowledge that the description contained on the application form for the consented additional works to the existing C3 Dwelling House was as shown below;

Site Area What is the measurement of the site area? (numeric characters only). 600.00 Unit Sq. metres
Description of the Proposal Please note in regard to: • Fire Statements - From 1 August 2021, planning applications for buildings of over 18 metres (or 7 stories) tall containing more than one dwelling will require a 'Fire Statement' for the application to be considered valid. There are some exemptions. View government planning guidance on fire statements or access the fire statement template and guidance. • Permission In Principle - If you are applying for Technical Details Consent on a site that has been granted Permission In Principle, please include the relevant details in the description below. • Public Service Infrastructure - From 1 August 2021, applications for certain public service infrastructure developments will be eligible for faster determination timeframes. See help for further details or view government planning guidance on determination periods. Description Please describe details of the proposed development or works including any change of use Re-shaping of an existing dwelling to conform with volume limits Has the work or change of use already started? ☐ Yes ☒ No

And not as set out on the decision notice of the Council, there is no record held in the Applicants file or the Councils online file, as to ever agreeing to this change of description, being seen as an attempt to introduce a description to try and impose additional development controls, by removing PD Rights.

The Council undertook statutory consultations on the 4th January 2024 and I include from the Councils online files, a copy of the consultation letter, which clearly shows the proposal as;

Date: 4 January 2024
Application: 233117



**WOKINGHAM
BOROUGH COUNCIL**

Development Management &
Compliance

P.O. Box 157

Shute End, Wokingham

Berkshire, RG40 1BN

Tel: (0118) 974 6000

Minicom No: (0118) 974 6991

Dear ,

Full Planning Approval Consultation

Application Number: 233117

Applicant: Cristopher Williams

Site Address: Atlanta, Wargrave Road, Remenham, Wokingham, RG9 3JD

Parish: Remenham

Grid Reference: Easting - 477127, Northing - 181990

Type of Development: Minor All other developments

Proposal: Full application for the proposed re-shaping of an existing dwelling to conform with volume limits.

Case Officer: Marcus Watts

Planning Informative 5

The applicant is reminded that the dwelling on site does not benefit from Permitted Development rights as the use of the site is a mixed use of leisure/recreation and residential.

Core Legal Position

Under the Town and Country Planning Act 1990 and guidance in the National Planning Policy Framework, planning conditions must be:

- Precise
- Unambiguous
- Enforceable
- Reasonable
- Necessary

This is reinforced in the Planning Practice Guidance.

It is clear that planning informative 4, is not a compliant planning condition, and by the wording used, is not seeking to remove PD rights and or condition their removal.

- Phrases like “*The applicant is reminded...*” are standard wording for informative and not conditions.

For a condition to remove PD rights under the Town and Country Planning (General Permitted Development) (England) Order 2015, it must:

- Be clearly framed as a **condition**, not guidance
- Explicitly state that **PD rights are withdrawn**
- Usually include wording like “Notwithstanding the provisions of...”
- Be tied to a planning justification

This wording within the decision notice, condition 4, does none of that — it:

- Doesn’t impose a restriction
- Doesn’t reference the GPDO
- Doesn’t prohibit development

Importantly

No conditions were attached to the decision notice, imposing a restriction of the use of the residential dwelling for leisure purposes only.

Summary

The informative 5 has not removed the Permitted Development Rights of the Property, I will proceed to examine the mixed use the Council claim to exist, as justification for removing Permitted Development Rights.

Mixed Use

The Council have sought to introduce a mixed planning unit, of residential and leisure use.

It is clearly set out within the Governments Town and Country Planning Act, that the Permitted Development Rights apply to a dwellinghouse.

“Class AA - enlargement of a dwellinghouse by construction of additional storeys

Permitted development

AA. The enlargement of a dwellinghouse consisting of the construction of—

- (a) up to two additional storeys, where the existing dwellinghouse consists of two or more storeys; or
- (b) one additional storey, where the existing dwellinghouse consists of one storey,

immediately above the topmost storey of the dwellinghouse, together with any engineering operations reasonably necessary for the purpose of that construction.

I have set out the evidence of the Inspectors appeal decision and the relevant para of that decision notice, whereby the lawful dwelling was rightly described and decided to be a dwellinghouse.

In principle the PD Rights apply to the C3 Residential Dwelling and its curtilage



The Planning Inspectorate

Appeal Decisions

Hearing Held on 17 and 18 October 2023

Site visit made on 18 October 2023

by Paul Freer BA (Hons) LLM PhD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 November 2023

Appeal A Ref: APP/X0360/C/22/3313844

Land at Atlanta, Wargrave Road, Remenham, Wokingham RG9 3JD

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (1990 Act) as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Christopher Williams against an enforcement notice issued by Wokingham Borough Council.
- The enforcement notice was issued on 6 December 2022.
- The breach of planning control as alleged in the notice is, without planning permission, (1) the material change of use of the Land to residential, and (2) operational development comprising the erection of a dwellinghouse (Building A), the erection of an ancillary storage building (Building B), and the erection of a raised platform (decking) (C).
- The requirements of the notice are:
 - i) Cease the residential use of the Land.
 - ii) Demolish Buildings A and B and the raised platform (decking) (C) marked on the attached Plan.
 - iii) Remove all resultant material and debris resulting from step (ii) from the Land.
 - iv) Restore the Land to its former condition prior to the breaches of planning control taking place.
- The period for compliance with the requirements is six months.
- The appeal is proceeding on the grounds set out in section 174(2) (a), (b), (c), (d), (f) and (g) of the 1990 Act. Since an appeal has been brought on ground (a) and the requisite fee has been paid, an application for planning permission is deemed to have been made under section 177(5) of the 1990 Act.

The Council did not allege a mixed use of Residential and Leisure.

Planning Permission Ref: F/2002/6163- REFUSED (no mixed use introduced)

5. The initial use and development of the appeal site is set out in a Statutory Declaration dated 21 April 2021 made by Mr Williams. In his Statutory Declaration, Mr Williams confirms that he acquired the appeal site in December 1999. At that time, there were already two structures on the site, described as sheds, measuring some 7.0m by 2.5m and 2.5m by 2.5m respectively³. In March 2002, Mr Williams submitted a planning application to replace those sheds with a single wooden building for use as a leisure store and changing room (Council Ref: F/2002/6163). Planning permission was refused in June 2002 for a single reason, specifically that the development would be at direct risk of flooding and would increase the risk of flooding elsewhere.

Para 34, we do get a conclusion decision in relation to the description and the material change of use of the land, together with a correction to the notice.

34. The appeal on ground (b) therefore succeeds in respect of the material change of use of the Land to residential and the operational development comprising the erection of an ancillary storage building (Building B), but fails in all other respects. I will correct and vary the notice accordingly.

The change of use of the land is to that of residential, together with the building being assessed as a residential dwelling (C3).

The identified red line area of land subject to the change of use as described at Para 34.



The Planning Inspectorate

Plan

This is the plan referred to in the Lawful Development Certificate dated: 23 November 2023

by Paul Freer BA (Hons) LLM PhD MRTPI

Land at: Atlanta, Wargrave Road, Remenham, Wokingham RG9 3JD

Reference: APP/X0360/X/22/3303555

Scale: Not to scale



Burdle

The Inspector made reference in their decision to a mooring application and that this is a sui generis use, linking this to a possible mixed use at the site, although this was qualified at Para 33, by the Inspector setting out that they have not undertaken a formal assessment as they were not required to do so for the purposes of this appeal.

It is also noted that Inspector at Para 44 and 45 concludes that a mooring is simply a place where a boat is moored, and that this property has these features at the riverside on which a boat could be moored (this is seen in the imagery within this document)

45. However, that would just be an assumption. The Oxford English Dictionary (OED) defines a mooring as a 'place where a boat is moored'. That description could equally apply to any part of the river frontage: indeed, there is a timber platform on the river frontage of the appeal site which I now understand is used to embark onto boats, and which in my view could potentially qualify as a mooring as defined in the OED. Moreover, the 1989 permission refers to a 'slipway'. At the Hearing, the existing feature was consistently referred to by the appellant as a "wet dock" rather than a mooring which, as a layman on such matters, to my mind connotes a difference between the two things.
46. Consequently, the application does not specify with sufficient precision the 'mooring' for which the LDC is sought. For the reasons set out in the PPG, that could lead to uncertainty and ambiguity in the future. I am therefore not persuaded that, on the balance of probability, the mooring was lawful on the date that the application was made.

The important factors here to consider, is that there is no formal planning permission, changing the use of the land within the red line boundary, as shown at page 13 to a mixed use or a sui generis leisure plot or that of a commercial mooring, but there is a consent determining that this land is residential Para 33.

At Para 47 the Inspector allows part of the appeal, in relation to a replacement roof, but dismisses the remainder of the appeal B (Para 39 sets out the 3 elements under consideration).

39. The development for which a certificate of lawful use or development is sought is in three parts: the amenity building, storage and mooring. It is convenient to consider these separately.

The mooring element of the LDC was dismissed and so no lawful development certificate creating a possible mix use was granted.

Site Characteristics

When I visited the site, I observed and assessed that there is a C3 Residential dwelling occupying the site, together with a driveway for several cars and a lawn area all within the same confined and fenced areas.

I am of the professional opinion from that site visit, that the site fulfils the criteria assessment of a primary planning unit comprising a C3 Residential dwelling with its curtilage.



BELOW: view from inside the C3 Residential Dwelling

NB: I draw the readers attention to the moored boat at the riverside as described by the inspector.



Site Summary & Conclusion

The house, driveway and garden, share one joined and open space contained within a fence which clearly sets out the boundary of the property.

The ordinary person visiting the site would take the view that the property is a house within its garden and a driveway.

There are only 2 access points to the property, 1 being from Wargrave Road by way of the double gated driveway, the other being by boat from the River Thames.

The mooring of a boat available at Atlanta, is restricted to being at the Riverside boundary, within the main body of the River Thames, this being outside of the residential red line curtilage, or within the slip way which is within the red line residential curtilage.

In either event, the opportunity to moor a boat is not available commercially or to third parties, being solely for private use of the residents of Atlanta.

There is no separate or defined independent access to any riverside mooring or use of the slip way inlet by any other person.

The private mooring at Riverside and or within the slip way inlet, are operating entirely as an ancillary function to the principle use of the site, being a C3 Residential Dwelling, in much the same way as parking a car would.

Even if the private mooring were to be regarded as forming a separate planning unit or giving rise to a mixed-use character, this does not, as a matter of law or planning principle, remove permitted development rights associated with the dwellinghouse. There is no mechanism within the GPDO or wider planning framework by which such rights are extinguished solely by the presence of a secondary leisure use. In the absence of any condition, Article 4 Direction, or specific statutory restriction, the dwellinghouse retains its entitlement to permitted development.

Conclusion

The assessment of the lawful use of the site falls to be determined as a matter of fact and degree. In accordance with *Burdle v Secretary of State for the Environment*, the identification of the planning unit and its primary use depends on the functional and physical relationship of the various activities taking place on the land. In this case, the dwellinghouse and associated private mooring form either a single planning unit characterised by residential occupation with incidental leisure use, or at most a composite use in which the residential use remains plainly primary.

The dwellinghouse continues to meet the test set out in *Gravesham Borough Council v Secretary of State for the Environment and O'Brien*, in that it provides the facilities for day-to-day private domestic existence.

The fact that occupation may be intermittent (holiday/weekend/rentals/friends and family), does not of itself displace its character as a dwellinghouse.

On the evidence, the pattern of occupation does not demonstrate a level or intensity of use such as to give rise to a material change from C3 residential use. There is no substantive alteration in the character of the use of the property, nor has any alternative use become dominant.

Accordingly, the primary use of the planning unit remains residential.

In those circumstances, and in the absence of any condition, direction or statutory restriction removing such rights, the dwellinghouse retains its status for the purposes of the Town and Country Planning (General Permitted Development) (England) Order 2015. The existence of the mooring, whether considered ancillary or as part of a mixed-use character, does not operate to extinguish permitted development rights. There is no provision within the GPDO or wider planning framework by which such rights are lost solely by reason of a secondary or parallel leisure use.

For clarity sake, there has been no condition imposed to remove the PD rights of the property and there are no Article 4 Directions in place.

Permitted Development Rights apply to this property and the proposal is policy compliant.

Site Images





