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Planning Service  
Wokingham Borough Council  
SUBMITTED VIA PLANNING PORTAL

10 January 2025

Dear Sir or Madam,

**Application for certificate of lawful development for proposed swimming pool outbuilding**

This letter accompanies an application for a Lawful Development Certificate for the erection of an incidental outbuilding to the dwellinghouse Warren Crest Farm, Finchampstead.

The application is for proposed development and is made under Section 192 of the Town and Country Planning Act 1990 (as amended).

The outbuilding is to provide incidental facilities for the enjoyment of the household of Warren Crest Farm, namely a swimming pool and gym with sauna and shower.

**Site and surroundings**

Warren Crest Farm is located to the south of Wick Hill Lane, which at this point is a restricted byway branching in a south-easterly direction from the B3430 within Wick Hill, Finchampstead. The lane serves several substantial detached dwellings, set in generous grounds.

The application site is not in an area designated as Green Belt or in a National Landscape. The site is not in a Conservation Area or of any other designation that would limit householder permitted development rights. Permitted development rights to erect outbuildings have not been restricted or removed under any previous planning permission.

This application relates to the dwellinghouse and associated residential land known as Warren Crest Farmhouse. The house is a two-storey detached dwelling with double garage of twentieth century construction built in brick with a tile roof. It benefits from a driveway to the front and private gardens to the side and rear. Alongside the garden is an open fronted building used as a domestic store and car port. The building is not a listed building and there are none in the near vicinity.

The property benefits from extant planning permission 241564 that allows extension of the dwellinghouse.

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The proposal is to erect a detached outbuilding to the west of the dwellinghouse. The building is to provide incidental facilities for the household in the form of a swimming pool, gym, and sauna. A toilet and shower are also provided to allow use of the facilities (shower between use of sauna and pool, etc).

This application seeks the Council's acknowledgement that the applicant is able to erect the building as permitted development under Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

### **Proposed outbuildings**

The proposed outbuilding is for a purpose incidental to the enjoyment of the dwellinghouse, and thus a building allowed by Class E permitted development rights.

The proposed swimming pool is for the enjoyment of the applicants' family, the householders. Its dimensions (10m x 5m) are reasonable for a private family pool, as found in appeal 3198510 at Youngs Cottage, Wargrave. The dimensions of the pool are the principal factor that dictate the building size. The outbuilding also includes a small gym for the family and a sauna. A w.c. is provided, a reasonable provision for the building. Also provided is a simple shower room to allow users to rinse between sauna/gym and pool (and vice versa).

All proposed facilities are considered reasonably incidental to the family home, no primary accommodation is included in the proposal. As earlier noted, the house benefits from unfettered permitted development rights for outbuildings; they are not restricted under any previous permission or other site designation.

Discussion follows of the building against disqualifying criteria under Class E. For ease the criteria of the Order are italicised with discussion in plain font.

- (a) *permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class G, M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use);*

The dwellinghouse is longstanding, it was not constructed under any of the permitted development rights referenced.

- (b) *the total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);*

The development would not result in more than 50% of the total area of the curtilage being covered by buildings as demonstrated by the submitted site plan.

- (c) *any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse;*

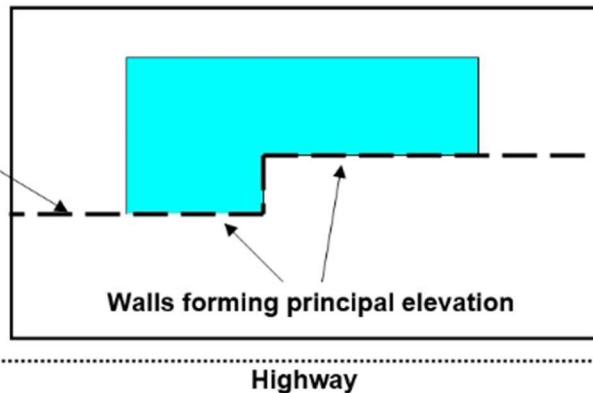
No part of the proposed building would be sited on land forward of a wall forming the principal elevation of the original dwellinghouse.

The house has not been extended forward previously, therefore the front wall of the existing dwellinghouse is the principal elevation of the original dwellinghouse. The principal elevation in this case is staggered; the correct

point of reference is therefore the front (northern) wall of the dwelling closest to the proposed building (i.e. the wall to the western side of the north elevation). This is confirmed in Government technical guidance an extract of which is provided below.

Where the principal elevation comprises more than one wall facing in the same direction, all such walls will form part of the principal elevation and the line for determining what constitutes 'extends beyond a wall' will follow these walls:

Any building etc between this line and the highway will **not** be permitted development and will require an application for planning permission



*Extract: Guidance Permitted development rights for householders: technical guidance  
Updated 10 September 2019, DLUHC<sup>1</sup>*

The proposed outbuilding is not forward of the principal elevation of the dwelling as defined in technical guidance as demonstrated by the submitted site plan, an annotated extract of which is below.



*Extract: proposed site plan; principal elevation of original dwelling shown by green dashed line*

<sup>1</sup> Guidance accessed online 10/01/2025: <https://www.gov.uk/government/publications/permitted-development-rights-for-householders-technical-guidance/permitted-development-rights-for-householders-technical-guidance#class-e-buildings-etc>

- (d) *the building would have more than a single storey;*

The proposed building would be single storey as shown on the submitted plans.

- (e) *the height of the building, enclosure or container would exceed—*
  - (i) *4 metres in the case of a building with a dual-pitched roof,*
  - (ii) *2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse, or*
  - (i) *3 metres in any other case;*

The proposed building is located more than two metres from the boundary of the curtilage and has a dual pitch roof of less than 4m height when measured against the highest adjacent ground level as required under the Government's published Technical Guidance which states:

*"Height" - references to height (for example, the heights of the eaves on a house extension) is the height measured from ground level. (Note, ground level is the surface of the ground immediately adjacent to the building in question, and would not include any addition laid on top of the ground such as decking. Where ground level is not uniform (for example if the ground is sloping), then the ground level is the highest part of the surface of the ground next to the building.)*

The ridge height is 3.94m, less than the 4m threshold of permitted development.

- (f) *the height of the eaves of the building would exceed 2.5 metres;*

The eaves of the building do not exceed 2.5 metres in height when measured against the highest natural ground level in line with the Technical Guidance.

The eaves have a maximum height of 2.45m.

- (g) *the building, enclosure, pool or container would be situated within the curtilage of a listed building;*

The building is not located in the curtilage of a listed building.

- (h) *it would include the construction or provision of a verandah, balcony or raised platform;*

The proposal does not include a verandah, balcony or raised platform.

- (i) *it relates to a dwelling or a microwave antenna; or*

The proposed building is not a dwelling or a microwave antenna.

- (j) *the capacity of the container would exceed 3,500 litres.*

The proposed building is not a container within the meaning of the Order.

- (k) *the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses)*

The dwellinghouse was not building under Part 20 of the Schedule.

- E.2* With regard to provisions E.2 the proposal site is not on land within a National Landscape (AONB), the Broads, a National Park, or a World Heritage Site, the provisions of this section are therefore not relevant to this application.
- E.3* The site is not on article 2(3) land the provisions of E.3 are therefore not a relevant consideration.

### **Conclusion**

The works shown on the submitted drawings comprising erection of a detached swimming pool outbuilding are considered to be permitted development for the reasons outlined above and we believe that this application has discharged the onus upon the applicant to prove that the works proposed are permitted development.

We therefore trust that a Lawful Development Certificate will be granted. Should there be any disagreement with our assessment we would be pleased to discuss.

Yours faithfully,



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