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| <b>Received Date:</b>      | 24 October 2024                                                                              |
| <b>Expires:</b>            | 19 December 2024                                                                             |
| <b>Application Number:</b> | 242583                                                                                       |
| <b>Site:</b>               | 4 Deacon Close, Wokingham, RG40 1WF                                                          |
| <b>Application:</b>        | Application for a certificate of lawfulness for the proposed use of a room as a home office. |

## 1. Relevant Planning History

| Application Number | Proposal                                                                                                              | Decision Date | Decision | Relevant Conditions |
|--------------------|-----------------------------------------------------------------------------------------------------------------------|---------------|----------|---------------------|
| 241135             | Householder application for proposed garage conversion to create habitable accommodation and changes to fenestration. | 07/06/2024    | Approval | None                |
| 24988              | Semi-detached house and garage                                                                                        | 21/02/1986    | Approved | None                |
| 24387              | Outline residential development                                                                                       | 17/10/1985    | Approved | None                |

## 2. Site Description

Two storey semi-detached dwelling finished in red brick and roof tiles.

## 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.
- The site is located within the Major Development Location of Wokingham.

## 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:**

The application proposes to use a room currently described as study on the submitted plans, as a home office. The site benefits from recent planning permission for the conversion of the garage into additional habitable room (study) under Ref. 241135. The applicant has confirmed that this permission has been fully implemented.

#### **7. Assessment against legislation:**

The first matter to consider is whether or not the proposal constitutes development. Section 55 of the Town and Country Planning Act 1990 (TCPA) states that “development” means the carrying out of building, engineering, mining or other operations on land, and “building operations” includes demolition, rebuilding, structural alterations or additions to buildings. Given the nature of the proposal, which would not constitute a material change of use of the land/planning unit, the fact that it would not involve increase in volume of the existing dwelling, nor alterations to it (as these have been done as part of a previous planning consent 241135), it is considered that the use of the subject room as a home office does not constitute a building operation according to section 55 of the TCPA 1990 and as such, the proposal would not be considered development.

#### **8. Conclusion:**

The proposed use of the study room as a home office for the occupier of the dwellinghouse does not constitute development and thus would not have required planning permission. Accordingly, the Council would not have been in a position to take enforcement action in respect of it and the proposal thus would have been lawful.

DRAFT APPROVED



Development Management Team Leader

Date: 8 November 2024