

PROPOSED LAWFUL CERTIFICATE **DRAFT DECISION NOTICE**



Application Number: 250144

Draft Recommendation: Wokingham Borough Council hereby certify that on 28 January 2025 (being the date of application for this certificate), and subject to any conditions or informatives below, the use/operations/matter described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto, and edged red on the attached plan **would not have been lawful** within the meaning of Section 191/192 of the Town and Country Planning Act 1990 (as amended) or section 26H (2) of the Planning (Listed Buildings & Conservation Areas) Act 1990 (as amended), for the following reason(s):

1. The proposed erection of a detached pool house including lower ground floor level, outdoor swimming pool and associated structures to rear constitutes development requiring planning permission. Permission is not available under Article 3 of the Town and Country Planning (General Permitted Development) Order 2015, because the proposal is outside the curtilage of the dwellinghouse and not for a purpose incidental to the enjoyment of the dwellinghouse. The proposed development is therefore not in accordance with Schedule 2 (Part 1) (Class E) of the Order.
2. The proposed erection of a detached pool house including lower ground floor level, outdoor swimming pool and associated structures to rear constitutes development requiring planning permission. Permission is not available under Article 3 of the Town and Country Planning (General Permitted Development) Order 2015, because the proposal has more than one storey and would exceed the building height limitations as set out within Schedule 2 (Part 1) (Class E) of the Order.
3. The proposed erection of a detached pool house including lower ground floor level, outdoor swimming pool and associated structures to rear constitutes development requiring planning permission. Permission is not available under Article 3 of the Town and Country Planning (General Permitted Development) Order 2015, because the excavation of a large basement is likely to constitute an engineering operation separately to the building operations. As such, the proposed development would not qualify for permitted development.

Informatives

1. This decision is issued in respect of plans numbered (9107-104) (9107-105) (9107-106) (9107-107) (9107-108) received by the Local Planning Authority on 22/01/2025.

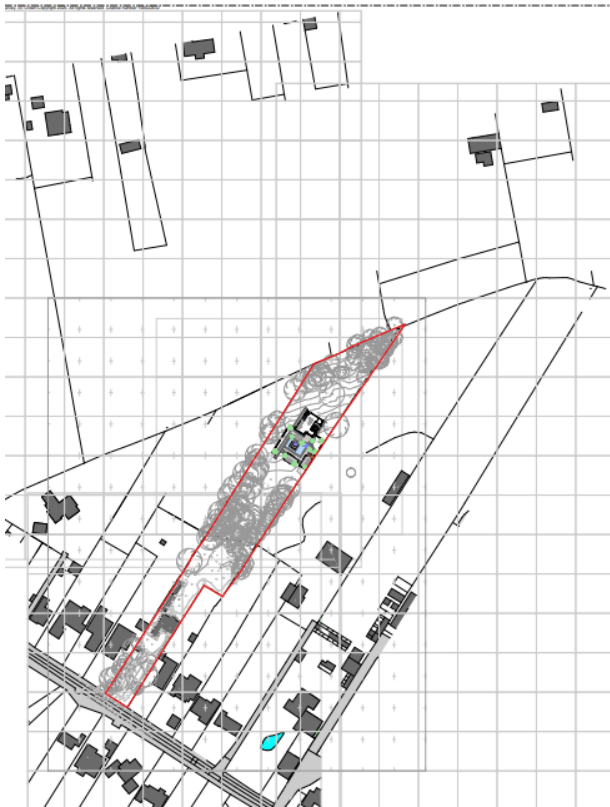
FIRST SCHEDULE

Proposal: Application for a certificate of lawfulness for the proposed erection of a detached pool house including lower ground floor level, outdoor swimming pool and associated structures to rear.

SECOND SCHEDULE

Address: Silver Birches, Heath Ride, Finchampstead, Wokingham, RG40 3QJ

PLAN



Scale - 1:1250

HMM

Recommendation agreed:

Date: 21 March 2025