

Received Date:	3 April 2025
Expires:	29 May 2025
Application Number:	250851
Site:	37 Caribou Walk, Three Mile Cross, Wokingham, RG7 1WR
Application:	Application for a certificate of lawfulness for the proposed erection of a fence to the front garden and retention of the existing hedge.

1. Relevant Planning History

Application Number	Proposal	Decision Date	Decision	Relevant Conditions
020328	Outline application for residential development of approximately 270 units, new vehicular accesses, provision of public open space, footpath links and cycleways.		Non Determ Application Appeal Dismissed	N/A
060202	Outline application for a residential development for the minimum of 300 dwellings plus C2 use (approx 70 bedroom nursing home) and retail floorspace limited to 70 sq m plus creation of new vehicular accesses, provision of public open space, footpath link s and cycleways.	21/03/2007	Refused	N/A
072458	Outline application for the proposed residential development (C3 Use) at a minimum of 30 dpha, plus creation of new vehicular accesses, footpath links , cycleways and public open space.	25/02/2008	Approved	7* See below
091008	Application for submission of details to comply with the following conditions of planning consent O/2007/2268: 6. Samples and details of materials. 7. Boundary treatments. 11. Details of on-site parking for vehicles and turning spaces. 12. Drainage detail s. 13. Bicycle parking. 16. Approved Method Statement for Arboricultural Works Scheme. 17. Hard and soft landscaping proposals. 20. Method Statement for phased programme of archaeological works. 21. Details of existing and finished ground and floor levels . 23. Details of access roads including phasing. 24. Travel Plan. 25. Scheme to deal with site contamination of the site. 26. Details of compost bins for dwelling houses. 27. Details of impact studies of the existing water supply infrastructure. 30. Detai ls of a protected reptiles contingency plan.	15/11/2011	Not proceeded with	N/A

	32. Detailed ecological survey of the hedgerow facing Grazeley Road. 40. Schedule of works to divert footpath number 26. 41. Location of no more than 100 units to be occupied prior to operational completion of Junction 11 and associated Mere oak junction works.			
091912	Reserved Matters application for 272 dwellings on Outline consent O/2007/2268 comprising details of siting, design and external appearance, landscaping and means of access within site and from Grazeley Road.	15/11/2011	Not Proceeded With	N/A
100168	Application for variation to condition 14 of Planning Consent O/2007/2268 to substitute drawing no 2007 2407 016 with drawing no 3419 680 for a priority junction scheme layout in place of approved double mini roundabout.	21/10/2011	Approved	N/A
101468	Application for variation to condition 31 of Planning Consent O/2007/2268 for the condition to be amended as follows: To replace the wording "Shall commence" with the wording "shall be occupied" plus deletion of drawing no's 2007 2407 016 and 2007 2407 01 5 and replacement with "the approved scheme drawings".	21/10/2011	Approved	N/A
101522	Application for variation to condition 14 of Planning consent O/2007/2268 for the substitution of drawing no 2007 2407 015 with drawing no 3419 601 Revision B to reflect amendments to the Basingstoke Road bus gate.	21/10/2011	Approved	N/A
102180	Application for advertisement consent for 1 x non-illuminated display sign and 2 x flags to advertise residential development (retrospective)	06/09/2010	Split Decision	N/A
102544	Reserved Matters application pursuant to Outline consent O/2007/2268 for the erection of 272 dwellings. (Approval of the details of the siting, design (including floor space, height, massing, internal layout and refuse storage and disposal facilities), and external appearance of the building(s), the means of access thereto and the landscape treatment of the site).	21/10/2011	Approved	N/A
110269	Application for submission of details to comply with conditions 1(a) and 25		Pending Decision	N/A

	of planning consent O/2007/2268. 1(a). Details of siting, design and external appearance. 25. Scheme to deal with contamination.			
110273	Variation of condition 2 of planning application RM/2010/2576 to amend the wording from "prior to commencement of any works" to "prior to commencement of construction above ground of any dwelling".	18/04/2012	Approved	N/A
110274	Variation of conditions 1a,6,7 & 17 of planning application O/2007/2268 to amend the wording from "prior to commencement of any works" to "prior to commencement of construction above ground of any dwelling".	18/04/2012	Approved	N/A
110504	Application for submission of details to comply with the following conditions of planning consent O/2007/2268: 35. Protection of watercourse. 37. On-site parking provision during construction period. 42. Construction traffic management plan.	01/11/2012	Split Decision	N/A
111151	Application for submission of details to comply with the following conditions of planning consent O/2007/2268: 11. Details of on site parking for vehicles and turning spaces. 12. Submission of details of drainage incorporating sustainable drainage principles and an assessment of the hydrogeological context of the development. 14. Formation of vehicular accesses and visibility splays. 15. Provision of visibility splays at the intersection of driveway and adjacent footway. 16. Submission of Approved Method statement for Arboricultural Works scheme. 19. Details of sewage disposal/drainage works to be submitted to and approved by District Planning Authority. 20. Submission and approval of method statement relating to archaeological work. 21. Submission and approval of measured survey of the site. 23. Details of access roads. 24. Submission of travel plan. 26. Details of compost bins. 27. Impact studies of the existing water supply infrastructure. 28. Details of 2.5m high acoustic fence along boundary with A33. 30. Details of protected	01/11/2012	Split Decision	

	reptiles contingency plan. 31. Provision of off-site works, comprising new accesses, in accordance with drawings 2007.2407.01 and 2007.2407.016. 32. Submission of detailed ecological survey. 37. Accommodation of site operatives, visitors and construction vehicles within the site. 40. Schedule of works to divert footpath number 26. 41. Completion of junction 11 and Mere oak junction roadworks prior to occupation of more than 100 dwellings. 42. Submission of traffic management plan.			
111622	Application for submission of details to comply with the following conditions of planning consent RM/2010/2576: 2. Detailed design of dwellings.	22/05/2012	Approved	N/A
112481	Application for submission of details to comply with the following conditions of planning consent O/2007/2268: 1a. Details of siting, design, external appearance, means of access and landscaping. 7. Details of boundary treatments. 17. Details of hard and soft landscaping.	01/11/2012	Split Decision	N/A
120642	Application for submission of details to part discharge conditions 1a, 6 and 17 of outline planning consent O/2007/2268. 1a. Details of siting, design and external appearance, access and landscaping. 6. Samples and details of materials. 17. Details of hard and soft landscaping.	17/08/2012	Approved	N/A
120865	Application for a non-material amendment to planning consent RM/2010/2576 to allow removal of Juliet balconies and amend French doors to windows on first and second floors of plots 175-195.	06/12/2012	No objections	N/A
121963	Application for advertisement consent for the proposed erection of 6 x hoarding signs and 9 x fabric flags.	09/11/2012	Approved	N/A
121992	Application for submission of details to comply with the following conditions of planning consent O/2007/2268: 6. Details of materials. 7. Boundary Treatment 17. Details of hard and soft landscaping.			N/A
130264	Application for submission of details to comply with conditions 3,6,8,11, & 12 of planning consent F/2013/2268. 3. Samples and details of materials.	14/01/2014	Approved	N/A

	6. Scheme of landscaping. 8. Programme of archaeological work. 11. Access. 12. Hardstanding/drainage.			
180982	Application for the submission of details to comply with the following condition of planning consent (O/2007/2268) 25/02/2008. 16. Arboriculture 17. Landscaping 24. Travel Plan 25. Contamination 28. Noise 30. Protected Reptiles 32. Survey of hedgerow facing Grazeley Road	14/06/2018	Split Decision	N/A
181785	Application for the submission of details to comply with the following condition of planning consent(O/2007/2268) 25/02/2008. 17. Soft Landscape	18/07/2018	Approved	N/A
212368	Householder application for the proposed loft conversion to form habitable space, and insertion of single pitched roof dormers to front and rear elevations.	02/09/2021	Approved	N/A

*Condition 7 of application 072458 reads:

Before the development hereby permitted is commenced details of all boundary treatment(s) shall first be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the first occupation of the development or phased as agreed in writing by the Local Planning Authority. The scheme shall be maintained in the approved form for so long as the development remains on the site.

2. Site Description

The application site features a two-storey terraced dwelling which is in the middle of a row of three properties. The site benefits from off-street parking and it has a private rear garden. The site is located in a predominantly residential area within the Modest Development Location of Three Mile Cross.

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 permission for the partial removal of the existing hedge and for the proposed erection of ProtectaPet cat fencing to enclose the front garden.

7. Assessment against legislation:

The relevant section of the Town and Country Planning (General Permitted Development) (England) Order 2015 is Schedule 2, Part 2, Class A.

"Development is not permitted by Class A if:

- a) the height of any gate, fence, wall or means of enclosure erected or constructed adjacent to a highway used by vehicular traffic would, after the carrying out of the development, exceed:*
 - i. for a school, 2 metres above ground level, provided that any part of the gate, fence, wall or means of enclosure which is more than 1 metre above ground level does not create an obstruction to the view of persons using the highway as to be likely to cause danger to such persons;*
 - ii. in any other case, 1 metre above ground level;*
- b) the height of any other gate, fence, wall or means of enclosure erected or constructed would exceed 2 metres above ground level;*
- c) the height of any gate, fence, wall or other means of enclosure maintained, improved or altered would, as a result of the development, exceed its former height or the height referred to in paragraph (a) or (b) as the height appropriate to it if erected or constructed, whichever is the greater; or*
- d) it would involve development within the curtilage of, or to a gate, fence, wall or other means of enclosure surrounding, a listed building."*

When assessing 'a)', no fencing would be erected adjacent to a highway that is used by vehicular traffic, and therefore the proposal complies with point 'a)'.

In assessing point 'b)', the submitted documents confirm that the proposed fencing would not exceed 2m from the natural ground level at any point, and therefore the proposal complies with point 'b)'.

For point 'c)', there is no existing fence on site and therefore the proposed fence is not exceeding its former height, thus the proposal complies with point 'c)'.

Finally, looking at point 'd)', there are no listed building on site, and therefore the proposal complies with point 'd)'.

Whilst the proposal complies with Schedule 2 (Part 2) (Class A) of the Town and Country Planning (General Permitted Development) (England) Order 2015, the proposal to alter the front boundary treatment conflicts with condition 7 of planning permission 072458 as the boundary treatment would not be maintained in the approved form. Therefore, permission is not available.

8. Conclusion

The proposed boundary fence constitutes development and this requires planning permission. The proposal complies with Schedule 2 (Part 2) (Class A) of the Town and Country Planning (General Permitted Development) (England) Order 2015. However, permission **IS NOT** available as the boundary treatment would not be maintained in the approved form, and this is secured via condition 7 of planning permission 072458.

DRAFT APPROVED



Development Management Team Leader

Date: 29/05/25