

Received Date:	28 January 2026
Expires:	25 March 2026
Application Number:	253135
Site:	Shinfield Infant And Nursery School, School Green, Shinfield, Wokingham, RG2 9EH
Application:	Application for a certificate of lawfulness for the proposed creation of a new footpath with associated works.

1. Relevant Planning History

Application Number	Proposal	Decision Date	Decision	Relevant Conditions
16844	Demolition of chimney Shinfield Primary School	7 th June 1982	Approved	N/A
43168	Erection of a modular building for use as nursery school	31 st December 1994	Approved	N/A
000345	Details to comply with condition 02 of consent 99/70622/F for the approval of elevations	16 th May 2000	Approved	N/A
000859	Details to comply with condition 02 of consent 99/70621/LA for the approval of elevations.	16 th May 2000	Approved	N/A
021598	Proposed erection of covered walkway between 2 existing school buildings.	18 th June 2003	Approved	N/A
021599	Proposed erection of covered walkway between 2 school buildings, one of which is a listed building.	18 th June 2003	Approved	N/A
071697	Proposed erection of glazed corridor/play area between main and terrapin buildings, single storey extension to form store and accessible toilet plus erection of section of security fence.	20 th July 2007	Approved	N/A
070140	Proposed erection of glazed corridor/play area plus single storey extension to form store and accessible toilet, doorway alterations and insertion of glazed hatch within reception area. Erection of section of security fencing.	3 rd August 2007	Approved	N/A
080995	Listed Building Application for the erection of a single storey extension to school to create link between main building of school and nursery unit.	2 nd September 2008	Application Withdrawn	N/A
080996	Proposed erection of a single storey extension to school to create link between main building of school and nursery unit.	2 nd September 2008	Application Withdrawn	N/A

081209	Proposed erection of a single storey extension to school to create link between main building of school and nursery unit.	28 th November 2008	Approved	N/A
080336	Listed building application for the proposed erection of a single storey extension to school to create link between main building of school and nursery unit.	28 th November 2008	Approved	N/A
091744	Application for submission of details to comply with following conditions 3 and 4 of planning consent F/2008/2177. Conditions are as follows:- 3. Samples and details of materials to be used in the construction of external surfaces to be submitted. 4. Detailed drawings and/or samples of materials, as appropriate in respect of new joinery including moulding profiles to be submitted.	11 th June 2009	Approved	N/A
131682	Proposed extension to south of existing assembly hall to create new classroom and associated corridor, plus alterations to fenestration. Extending existing footpath to meet new classroom external doors and moving existing external seating area within courtyard.	12 th August 2013	Approved	N/A
132299	Listed building application for the proposed extension to south of existing assembly hall to create new classroom and associated corridor, plus alterations to fenestration. Extending existing footpath to meet new classroom external doors and moving existing external seating area within courtyard.	12 th August 2013	Approved	N/A
130393	Proposed demolition of existing glazed corridor link between Rollalong and main building and formation of new pedestrian access to covered canopy and erection of new reception waiting area and new glazed ramped corridor.	20 th August 2013	Approved	N/A
130734	Listed building application for the proposed demolition of existing glazed corridor link between Rollalong and main building and formation of new pedestrian access to covered canopy and erection of new	20 th August 2013	Approved	N/A

	reception waiting area and new glazed ramped corridor .			
141131	Proposed erection of multi purpose school hall with ancillary parking and landscaping & hard play spaces, plus internal works to existing school building to create new classrooms. Change of use of agricultural land to school grounds.	25 th June 2014	Approved	N/A
141065	Listed Building Consent for the proposed erection of new multi purpose school hall with ancillary parking and landscaping. Proposed internal alterations and minor window and door changes to existing school buildings.	24 th July 2014	Approved	N/A
142832	Application for submission of details to comply with the following conditions of planning consent F/2014/0537: 2. Material samples 5. Surface water drainage 6. Ventilation and filtration 7. Plant and machinery noise 8. Noise from school hall 10. Proposed footpath 11. Crossing point 12. Cycle shelter 13. Site compound 17. Landscaping scheme 18. Boundary treatments 19. Rear vehicular access	6 th January 2016	Approved	N/A

2. Site Description

This application site relates to Shinfield Infant School, located in Shinfield, Wokingham.

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 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 7) (Class N) grants planning permission for “Non-domestic extensions and alterations”.

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:

Application for a certificate of lawfulness for the proposed creation of a new footpath with associated works on a public highway

7. Assessment against legislation:

Part 9 Class A of the General Permitted Development Order refers to the carrying out by a highway authority—

(a) on land within the boundaries of a road, of any works required for the maintenance or improvement of the road, where such works involve development by virtue of section 55(2)(b)107 of the Act; or

(b) on land outside but adjoining the boundary of an existing highway of works required for or incidental to the maintenance or improvement of the highway.

The proposed improvements to the road include the creation of a footpath within highway land and is therefore permitted development. The plans have been amended during the application to ensure the certificate only relates to land on the public highway.

Conclusion:

The proposed creation of a new footpath with associated works constitutes development requiring planning permission. Permission is granted under Article 3 of the Town and Country Planning (General Permitted Development) Order 2015, the proposal being in accordance with Schedule 2 (Part 9) (Class A) of the Order.

DRAFT APPROVED *MC*

Development Management Team Leader

Date: 21.04.2026