



PLANNING BY DESIGN

FROM CONCEPT TO COMPLETION

**Planning Statement / Evidence to verify application
for:**

**Lawful Development Certificate for proposed
immaterial garage alterations at 33 Chestnut Avenue,
RG41 3HW**

Constructed by Planning By Design on behalf of Anubhav Sinha

Version	Date	Prepared by
1	13/02/2025	KE

The Application

Planning By Design (**The agent**) has been instructed to act on behalf of Anubhav Sinha (**the applicant**) to prepare and submit an application for a Lawful Development Certificate under Section 192 of the Town and Country Planning Act 1990 (as amended) to Wokingham Borough Council (**the Planning Authority**) for proposed immaterial garage alterations (**the proposal**) at 33 Chestnut Avenue RG41 3HW (**the site**).

This planning statement/evidence to verify application has been drawn in support of this application to demonstrate how the proposal is acceptable and does not constitute development under Section 55 of the Town and Country Planning Act 1990 (as amended).

Site Location

The site, 33 Chestnut Avenue, is a detached two-storey dwelling, with an integral garage, situated within a well-established suburban residential area in Woosehill, Wokingham. The surrounding neighbourhood is characterised by similar modern detached and semi-detached homes, with a consistent suburban grain. The property occupies a standard residential plot with driveway parking to the front and a private rear garden, reflecting the prevailing pattern of development in the area. The site benefits from convenient access to local amenities, services and public transport links, making it a highly accessible and sustainable residential location.

Planning Designations

- Bat Roost Habitat Model
- SSSI Impact Risk Zone
- Water Utility Consultation Zone

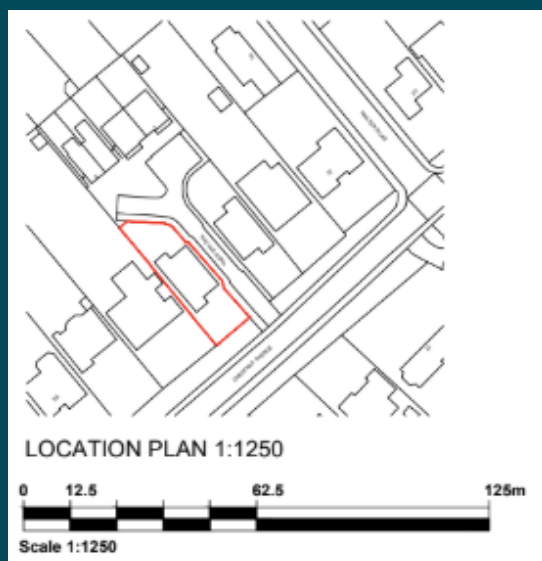


Fig.1 – Site location plan

Planning History

The planning history of the site is detailed in the table below:

Ref	Application	Decision
071958	Proposed erection of 2 x 4 bed detached dwellings and 5 x 3 bed cottages plus associated access and parking. Demolition of existing dwellings.	Refused
081284	Proposed erection of 2 x detached and 4 x semi-detached dwellings plus associated access and parking. Demolition of existing dwellings.	Approve
102175	Application to extend implementation date of planning consent F/2008/0790 for a further 3 years (Proposed erection of 2 x detached and 4 x semi detached dwellings plus associated access and parking. Demolition of existing dwellings)	Approve
130140	Application for submission of details to comply with the following conditions of extant consent EXT/2010/0925: 3. Samples and details of materials 4. Tree protection measures 5. Hard and soft landscaping scheme 6. Details of driveway construction 11. Scheme to deal with contamination	Approve
131692	Application for submission of details to comply with the following condition of planning consent EXT/2010/0925: 10. Driveway details.	Approve
132032	Application for a certificate of lawfulness for the proposed creation of new vehicular access.	Withdrawn
141654	Application to vary condition 10 of EXT/2010/0925 to either be removed entirely or reworded as follows :- " The existing vehicular accesses for number 31 and 33 Chestnut Avenue shall be retained in accordance with plan reference number 3132/22c".	Approve
141989	Application for submission of details to comply with condition 3 of planning consent EXT/2010/0925. 3. Samples and details of materials.	Approve
142527	Application for a non-material amendment to planning consent EXT/2010/0925 to allow for amendments to elevation plans for plots 1 and 2 to increase the size and number of high level rooflights.	Approve

Condition 7 of the relevant permission (102175) states:

“Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), the garage accommodation on the site shall be kept available for the parking of vehicles ancillary to the residential use of the site at all times. It shall not be used for any business nor as habitable space.”

However, planning permission is not required for internal amendments to the garage provided it continues to function as a garage. As will be discussed further below, this remains the case here, as the proposal does not amount to a garage conversion, and a vehicle will still be able to park within the allocated garage space. The works are therefore immaterial in planning terms and do not require planning permission.

The Proposal

The purpose of this certificate of lawfulness application is to request a record of legal clarity that the proposed alterations to the garage at the site would be considered lawful. The application consists of fitting wall-to-wall functional cabinets within the garage for incidental personal usage as storage and a domestic hobby-based workspace.

The works will be fully reversible, entirely domestic in nature, and will not affect the continued use of the space as a garage. They will not result in the creation of a habitable room, nor will they involve any alterations to the external elevations of the property. As demonstrated on the submitted plans, ample space will remain for the occupants to park a vehicle off-street within the garage

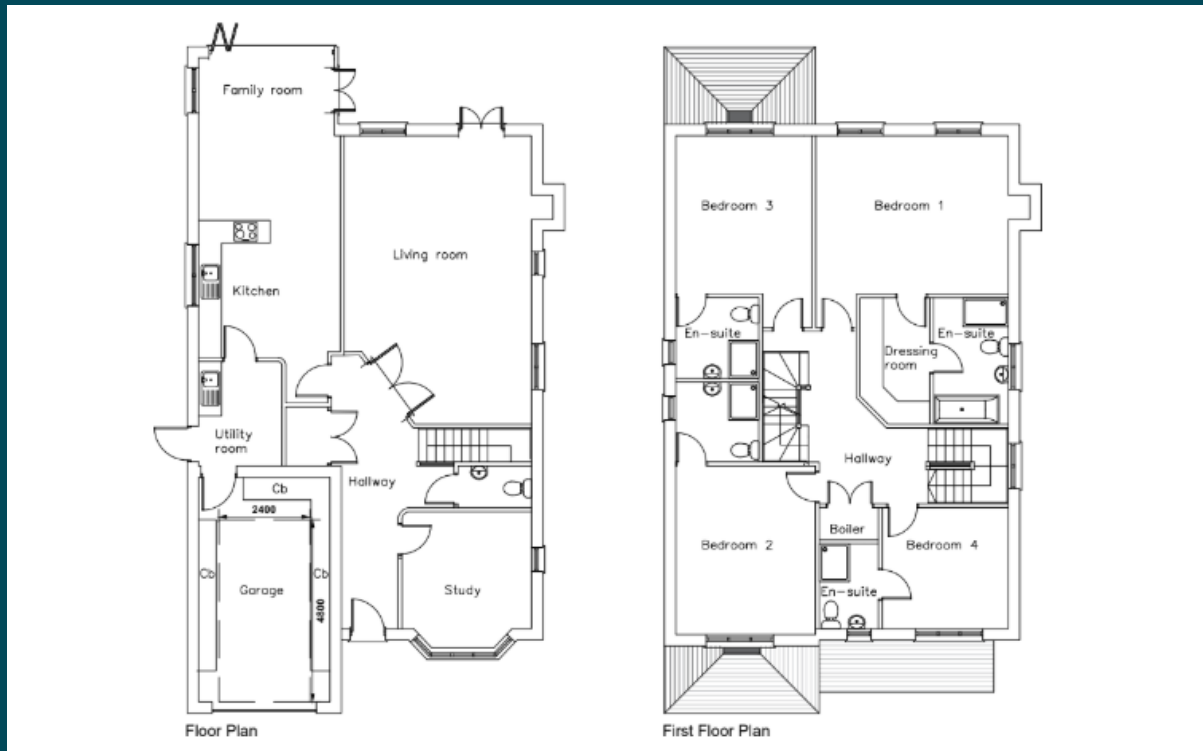


Fig.2 – Proposed plans



Fig.3 – Proped elevations

Planning Legislation

Section 192 of the Town and Country Planning Act 1990 (as amended)

192 - Certificate of lawfulness of proposed use or development reads as follows:

“(1)If any person wishes to ascertain whether,

(a)any proposed use of buildings or other land; or

(b)Any operations proposed to be carried out in, on, over or under land would be lawful; he may make an application for the purpose to the local planning authority specifying the land and describing the use or operations in question.

(2)If, on an application under this section, the local planning authority is provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect; and in any other case, they shall refuse the application.

(3)A certificate under this section shall,

(a)specify the land to which it relates;

(b)describe the use or operations in question (in the case of any use falling within one of the classes specified in an order under section 55(2)(f), identifying it by reference to that class);

(c)Give the reasons for determining the use or operations to be lawful; and

(d)Specify the date of the application for the certificate.”

(4)The lawfulness of any use or operations for which a certificate is in force under this section shall be conclusively presumed unless there is a material change, before the use is instituted or the operations are begun, in any of the matters relevant to determining such lawfulness.

Section 55 of the Town and Country Planning Act 1990 (as amended)

Section 55 of the Town and Country Planning Act 1990 defines “development”. Planning permission is required for most forms of “development” (unless excluded by Section 57). However, Section 55(2) states, amongst other things, that

“(2)The following operations or uses of land shall not be taken for the purposes of this Act to involve development of the land—

(a)the carrying out for the maintenance, improvement or other alteration of any building of works which—

(i)affect only the interior of the building, or

(ii)do not materially affect the external appearance of the building,

and are not works for making good war damage or works begun after 5th December 1968 for the alteration of a building by providing additional space in it underground;

(b) the carrying out on land within the boundaries of a road by a F2. . . highway authority of any works required for the maintenance or improvement of the road [F3 but, in the case of any such works which are not exclusively for the maintenance of the road, not including any works which may have significant adverse effects on the environment];

(c) the carrying out by a local authority or statutory undertakers of any works for the purpose of inspecting, repairing or renewing any sewers, mains, pipes, cables or other apparatus, including the breaking open of any street or other land for that purpose;

(d) the use of any buildings or other land within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse as such;

(e) the use of any land for the purposes of agriculture or forestry (including afforestation) and the use for any of those purposes of any building occupied together with land so used;

(f) in the case of buildings or other land which are used for a purpose of any class specified in an order made by the Secretary of State under this section, the use of the buildings or other land or, subject to the provisions of the order, of any part of the buildings or the other land, for any other purpose of the same class.

(g) the demolition of any description of building specified in a direction given by the Secretary of State to local planning authorities generally or to a particular local planning authority.]

Assessment

In line with the purpose of Section 192 of the Town and Country Planning Act 1990, which enables applicants to seek confirmation that proposed operations would be lawful if carried out at the time of the application. The certificate is sought solely to provide formal clarity and certainty.

In this case, the internal cabinetry and workspace installation do not constitute development and would therefore be lawful without the need for planning permission. The alterations are entirely internal, reversible, and incidental to the residential use of the dwelling, falling outside the scope of “development” under Section 55 of the Town and Country Planning Act 1990. The works comprise wall-to-wall storage cabinets and a small domestic hobby workspace, with no external changes proposed, and the garage will remain fully capable of accommodating vehicle parking in accordance with Condition 7 of permission 102175.

As the garage’s functional purpose is retained, the proposal does not give rise to a material change of use or the creation of a habitable room. The space will continue to operate as a garage with ancillary domestic storage and a hobby bench, consistent with the lawful use of the property as a single dwellinghouse.

Given the absence of external alterations, the retention of the parking function, and the wholly domestic and incidental nature of the works, the proposal is immaterial in planning terms and fully compliant with relevant national legislation. No adverse impact would arise on the character of the dwelling, the surrounding area, or the planning designations affecting the site

Furthermore, the proposal is compliant with the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), specifically Part 1, Class A, which permits internal alterations to a dwellinghouse where no enlargement, external change, or alteration to the principal elevation is proposed. As the works do not affect the external appearance of the building and do not alter the building's footprint, height, or elevations, they fall squarely within the parameters of permitted development.

Conclusion

The proposed internal works fall outside the definition of "development" under Section 55 of the Town and Country Planning Act 1990 and are compliant with the Town and Country Planning (General Permitted Development) Order 2015, Part 1, Class A. The garage will remain fully functional for vehicle parking, with no external alterations and no creation of habitable space. The works are therefore lawful, immaterial in planning terms, and do not require express planning permission. We respectfully request that the Local Planning Authority issue a Certificate of Lawfulness on this basis. Should any further clarification be required, we would be pleased to assist.