

TOWN AND COUNTRY PLANNING ACT 1990: SECTIONS 191 and 192 (as amended by section 10 of the Planning and Compensation Act 1991)

THE TOWN & COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015: ARTICLE 39

CERTIFICATE OF LAWFULNESS FOR A PROPOSED DEVELOPMENT

To: Mr Gerard OBrien
33 Winterberry Way
Caversham
Reading
RG4 7XA

Application No: 201161
Application type: Certificate of Lawfulness -
Proposed Use or Development

Applicant: Mr Gerard OBrien

The Reading Borough Council hereby certify that on **18/08/2020** the matter described in the First Schedule to this certificate in respect of the land specified in the Second Schedule to this certificate, and edged red on the plan below would have been lawful within the meaning of Section 192 of the Town and Country Planning Act 1990 (as amended), for the following reason(s):

First Schedule: Certificate of Lawfulness for proposed summer house

Second Schedule: 33 Winterberry Way Caversham Reading RG4 7XA

Date: 2 October 2020



Head of Planning, Development
& Regulatory Services *JBM*



CONDITIONS & REASONS

1. The proposal has been assessed against the Town and Country Planning Act 1990 (as amended) and Class E, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). It can be confirmed that the proposed operation would be lawful for planning purposes on the basis of the use proposed (an outbuilding incidental to the enjoyment of the house and specified on the application form to be a snooker room ancillary to the main house) and the following drawings / information submitted:

Location Plan
Existing Block Plan
Proposed Block Plan
Received 18th August 2020

Proposed Ground Floor Plan
Proposed Elevations - WALL A, WALL D, WALL 1, WALL 2
Received 17th August 2020

33 Winterberry Way Title Deed BK322491
33 Winterberry Way Title Plan
Land transfer to - 33 Winterberry Way Plan Drawing No: 38506
Land on the west side of 33 Winterberry Way Title Deed and Plan BK497337

Date: 2 October 2020

Head of Planning, Development
& Regulatory Services *JBM*

Photo from rear of house looking towards purchased land
Photo looking from existing rear garden to the purchased land
Photo looking from purchased land to rear of house
Received 22nd September 2020

Sufficient evidence has been provided to demonstrate that a Certificate of Lawfulness should be granted for the proposed outbuilding. Therefore the Local Planning Authority can issue the applicant with a Certificate of Lawfulness for the proposed development.

INFORMATIVES

1. The outbuilding hereby permitted shall not be occupied at any time other than for purposes incidental to the residential use of the dwelling known as 33 Winterberry Way, else enforcement action may be taken. Reason: To accord with the conditions of Class E, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), which relates to 'buildings etc incidental to the enjoyment of a dwellinghouse'.
2. Your attention is drawn to the possible requirement for submission of a Building Regulations application for the proposed development. Please contact Building Control on 0118 937 2449 for advice.
3. During the course of construction, the developer should take care to ensure that no part of this development (foundations, eaves, guttering, etc.) would encroach on, under or across the boundary line with the adjoining property, as the requisite Notice has not been served on the owner of that property. This permission does not confer any right of access onto land that is not under the developer's control. The developer should also be mindful of the obligations and requirements of the Party Wall Act (1996) details of which can be found at:
<https://www.gov.uk/guidance/party-wall-etc-act-1996-guidance>
4. Complaints are commonly received about noise and dust caused by construction and demolition works, particularly working outside reasonable hours and smoke from bonfires associated with the burning of waste on site. The developer is reminded that construction and demolition associated with the approved development will be subject to environmental health law.
5. The Local Planning Authority has worked positively and proactively with the applicant to resolve relevant matters to allow the certificate to be issued within the prescribed target or agreed extended timescale for the decision to be issued.

Date: 2 October 2020



Head of Planning, Development
& Regulatory Services *JBM*

Notes

1. This certificate is issued solely for the purpose of section 192 of the Town and Country Planning Act 1990 (as amended).
2. It certifies that the matter specified in the First Schedule taking place on the land described in the Second Schedule would have been lawful, on the specified date and, thus, would not have been liable to enforcement action under section 172 of the 1990 Act on that date.
3. This certificate applies only to the extent of the matter described in the First Schedule and to the land specified in the Second Schedule and identified on the plan above. Any use/operations/matter which is/are materially different from that/those described or which relate/s to other land may render the owner or occupier liable to enforcement action.
4. The effect of the certificate is also qualified by the proviso in section 192(4) of the 1990 Act, as amended, which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters relevant to determining such lawfulness.
5. If you are aggrieved by the decision of the Council, you may appeal to the Secretary of State under Section 195 of the Town and Country planning Act 1990.

Further information can be viewed at: <https://acp.planninginspectorate.gov.uk/>