

DELEGATED APPLICATION REPORT

Ward: Church ward

App Ref: PL/25/1198 Lawful development: Existing use

Address: 3 CHAGFORD ROAD, READING, RG2 8AY

Proposal: Certificate of lawfulness for the erection of an outbuilding within the rear garden.

Applicant: Mrs L Sadowska

Received date: 26/08/2025

Target Decision date: 16/04/2026

Case Officer: Marcelina Rejwerska

1. SITE DESCRIPTION

The application site is a semi-detached two-storey dwelling on the south side of Chagford Road. The property at the time of this report has been recently granted permission for a two-storey side extension (planning decision ref. PL/23/1357) and has existing single storey rear and side extensions (planning decision ref. PL/24/0320).

2. PROPOSAL AND SUPPORTING INFORMATION

A Certificate of Lawfulness is sought for an existing outbuilding within the rear garden. This outbuilding previously made up the rear/side extension to the host dwelling and was recently severed from the rear extension to become a standalone outbuilding.

3. RELEVANT PLANNING HISTORY

PL/25/1198 CLP - Certificate of lawfulness for the erection of an outbuilding within the rear garden. Application not yet determined.

PL/24/0320 - Retrospective application for single storey rear extension. Application refused and dismissed at appeal.

PL/23/1357 - Two storey side extension, two single storey rear extensions and garage conversion. Permission granted subject to removal of the "garden room".

PL/21/0941 - Single storey side and rear extension. Application refused.

PL/19/1134 - Single storey rear extension (part-retrospective). Permission granted.

PL/18/1220 - Single storey rear extension (retrospective). Application refused.

4. CONSULTATIONS

The following were consulted on the application:

- RBC Planning Enforcement – There is an open case.
- RBC Legal – Application may be contrary to Article 3(4) of the GPDO.

5. LEGAL AND PLANNING POLICY CONTEXT

Section 10 of the Planning and Compensation Act 1991 established a procedure that enables anyone who wishes to do so, to apply to the local planning authority to determine whether a proposed use or operation, or an existing operational development or an existing use of land, or any other matter constituting a failure

to comply with any condition or limitation subject to which planning permission has been granted, is lawful, and is so, be granted a certificate to that effect.

A Lawful Development Certificate is a legal document stating the lawfulness of past, present or future development. If granted by the local planning authority, the certificate means that enforcement action cannot be carried out to the development referred to in the certificate.

However, the certificate will not protect from enforcement action by the planning authority if the specified use or development is then changed 'materially' without a planning application for it.

The certificate is not planning permission. The planning merits of use, operation or activity in the application are not relevant. The issue of a certificate depends entirely on factual evidence about the history and planning status of the building or other land and the interpretation of any relevant planning law or judicial authority. The responsibility is on the applicant to provide evidence to support the application.

The NPPG states that 'The applicant is responsible for providing sufficient information to support an application. In the case of applications for existing use (section 191 of the Town and Country Planning Act 1990), if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicants version of events less than probable, there is no good reason to refuse the application, provided the applicants evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability'.

Equality Act 2010:

In determining this application the Council is required to have regard to its obligations under the Equality Act 2010. However, there is no indication or evidence (including from consultation on the application) that the protected groups identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application. Therefore in terms of the key equalities protected characteristics it is considered there would be no significant adverse impacts as a result of the development.

6. SUBMITTED EVIDENCE

Covering Letter
Proposed and Existing Drawings Nos. 1-10
Received 26 August 2025

Photograph of the outbuilding
Received 16 February 2026

7. ASSESSMENT

A Certificate of Lawfulness for an Existing Development has been submitted as the applicant considers the proposal falls within the permitted development rights of the property. The application is not assessed on the basis of how long the development has been in place, but on the basis of whether the development meets the criteria as set out in the relevant class; however, the assessment has not been completed in this case as the application is contrary to the procedural matters of the GPDO.

Article 3, Paragraph (4) of the GPDO states:

Nothing in this Order permits development contrary to any condition imposed by any planning permission granted or deemed to be granted under Part 3 or Part 13 of the Act otherwise than by this Order.

The most recent planning permission on the site (PL/23/1357) contains Condition 4 which requires the area referred to as “garden room” to be demolished prior to commencement of proposed works. The “garden room” is the area which has been severed to create the outbuilding. Therefore, granting of the Certificate would be contrary to Condition 4 of this planning permission, and the Certificate for this reason should be refused.

It is also noted that the submitted drawings do not accurately reflect the site, as the existing drawings do not show the full extent of the rear extension, and the site block plans do not represent the correct layout and size of the outbuilding.

8. RECOMMENDATION

The application is refused in line with Article 3, Para (4) of the GPDO, as it is the case that retention of the outbuilding would be contrary to Condition 4 of planning permission ref PL/23/1357 which requires the outbuilding to be demolished before the commencement of the proposed works.