

DELEGATED APPLICATION REPORT

Ward: Tilehurst

App Ref: PL/25/1819 Lawful development: Existing use

Address: 5 BRAMBLE CRESCENT, TILEHURST, READING, RG30 4TX

Proposal: Certificate of Lawfulness for Existing Conservatory in rear garden

Applicant: Mrs Malkiat Kaur

Received date: 18/12/2025

Target Decision date: 24/04/2026

Case Officer: Gary Miles

1. SITE DESCRIPTION

The application site consists of a two-storey semi-detached property located on the west side of Bramble Crescent. The surrounding area is predominantly residential. The building is not listed, nor in a conservation area. Permitted development rights appear to remain intact. The area is not subject to an Article 4 restriction.

Site visit date: 19th March 2026



2. PROPOSAL AND SUPPORTING INFORMATION

This is a Certificate of Lawfulness application for an existing conservatory in rear garden, extends across the width of the property and has a projection of 3.8m and an overall maximum height of 2.5m.

Plans & documents considered:

Application Form signed and dated Dec 25

Drawing no: SBCT-PL-100 Location and Block Plan, dated Oct 25

Drawing no: SBCT-PL-200 Existing Plans, dated Oct 25

Drawing no: SBCT-PL-400 Existing Elevations, dated Oct 25

Four separate aerial view images from Google Earth dated March 2014 showing conservatory as described in place.

Signed declaration stating conservatory has been in place for more than 10 years, dated December 2025

Received by the Local Planning Authority on 18th December 2025

3. RELEVANT PLANNING HISTORY

PL/14/0467 Retrospective application for conservatory to rear of existing dwelling, including a reduction in its width. Refused.

PL/08/1538 Single storey and two storey rear extension. Granted.

PL/08/1618 Single storey and two storey rear extension. Withdrawn.

PL/03/0730 Single and two storey rear extension. Granted.

4. CONSULTATIONS

None.

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 if 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 a planning permission. The planning merits of the 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 applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability".

6. ASSESSMENT

In order for the certificate to be granted, it needs to be demonstrated that the conservatory at the rear of the property measuring 3.8m in depth but 2.5m in height has been in place for a period of 10 years prior to the date of the application. As such the time period is: **March 2014 – December 2025**

A signed and dated statutory declaration from the owner has been provided to cover the whole period. There appears to be no gaps in the evidence.

7. CONCLUSION

It is considered that a conservatory in the rear garden of the premises at 5 Bramble Crescent has been in place for a period of at least 10 years. It is, therefore, considered that a Certificate of Lawfulness for existing conservatory should be granted.

8. RECOMMENDATION

Grant Certificate

Location Plan





Google Aerial Image of conservatory in place in 2014.