

DELEGATED APPLICATION REPORT

Ward: Tilehurst Ward

App Ref: PL/26/1028 Lawful development: Existing use

Address: 12 WALNUT WAY, TILEHURST, READING, RG30 4TQ

Proposal: Garage Conversion and removal of kitchen wall

Applicant: Mrs L Gahlot

Received date: 31/07/2026

Target Decision date (agreed extension): 29/09/2026

Case Officer: Sian Hickey

Site Description and Surrounding Area

The application site is a two-storey semi-detached dwelling. The surrounding area is a mix of commercial and residential. The application site is not listed, nor does it fall within a Conservation Area.



Description of Use or Development

This application seeks to demonstrate that the partial conversion of the garage to habitable accommodation, while retaining a storage area at the front and the existing garage door, would constitute lawful development as it falls within the permitted development rights of the property.

Relevant Planning History

None

Consultations

The following were consulted:

RBC Legal – Response received on 16/09/2026

This application is for an existing use/development, the applicant is unable to establish when the use of the garage started. Therefore, the relevant legislation this matter needs to be assessed against is Class A, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Based on the information provided, the partial garage conversion would qualify as permitted development under Class A.

Therefore, the certificate can be safely granted for the existing partial garage conversion, and there is no conflicting evidence which contradicts the applicant's version of events.

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"*.

Appraisal

The application site does not fall within an Article 4 Direction Area which removes permitted development rights for the property.

The original planning permission for the application site ref 0000014549 does not remove permitted development rights for the property.

The permitted development rights, therefore, remain for this site.

A Certificate of Lawfulness for an existing part garage conversion has been submitted as the applicant considers the works fall within the permitted development rights of the property. The property's lawful use is a C3(a) single dwellinghouse, the application form submitted with the application states that the current owner purchased the property in 2011 and the part garage conversion had already taken place. A storage area to the front of the garage has been retained behind the existing garage door.

Based on the evidence submitted it is unclear as to when the exact date of the partial garage conversion took place. As such, the application will be assessed via the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

The application must be assessed to ensure that it complies with the conditions of Class A, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, which relates to the 'enlargement, improvement or other alteration of a dwellinghouse'.

Permitted development

The relevant conditions of the GPDO for a rear extension to a dwelling, which is not listed or in a conservation area, are as follows:

A.1 Development is not permitted by Class A if:

A.1 (a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use); **complies**

A.1 (b) as a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse); **complies**

A.1 (c) the height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse; **complies**

A.1 (d) the height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse; **complies**

A.1 (e) the enlarged part of the dwellinghouse would extend beyond a wall which (i) forms the principle elevation of the original dwellinghouse; **complies** or (ii) fronts a highway and forms a side elevation of the original dwellinghouse; **complies**

A.1 (f) subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and – (i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, **complies** or (ii) exceed 4 metres in height; **complies**

A.1 (g) for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and – (i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, **complies** or (ii) exceed 4 metres in height; **complies**

A.1 (h) the enlarged part of the dwellinghouse would have more than a single storey and – (i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, **complies**, or (ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse; **complies**

A.1 (i) the enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres; **complies**

A.1 (j) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would – (i) exceed 4 metres in height, **complies** (ii) have more than a single storey, **complies** or (iii) have a width greater than half the width of the original dwellinghouse; **complies** or

A.1 (k) it would consist of or include – (i) the construction or provision of a verandah, balcony or raised platform, **complies** (ii) the installation, alteration or replacement of a microwave antenna, **complies** (iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, **complies** or (iv) an alteration to any part of the roof of the dwellinghouse. **Complies.**

A.2 In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if:

A.2 (a) it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles; **not applicable, not on article 2(3) land**

A.2 (b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; **not applicable, not on article 2(3) land** or

A.2 (c) the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse. **not applicable, not on article 2(3) land**

Conditions

Development is permitted by Class A subject to the following conditions:

A.3 (a) the materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior of the dwellinghouse; **not applicable**

A.3 (b) any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must be (i) obscure-glazed, **not applicable** and (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; **not applicable** and

A.3 (c) where the enlarged part of the dwellinghouse has more than a single storey, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse **not applicable**

A site visit carried out by the planning officer on 18th August 2026 provides good confirmation of the accuracy of the floor plans submitted with the application.

Based on the above information, it is considered that the partial garage conversion would qualify as permitted development under Class A, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

S191(2)(a) of the TCPA states that development, by way of building operations or change in use, is lawful at any time if no enforcement action can be taken “*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.*”

Conclusion

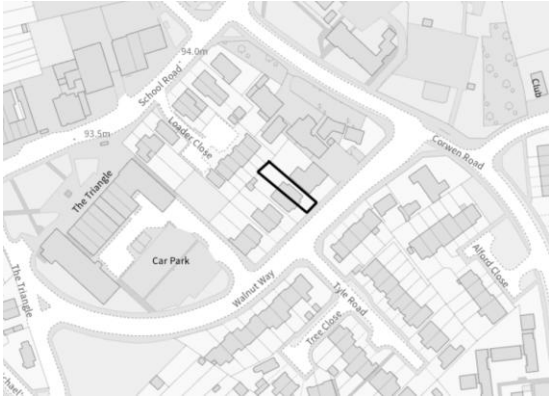
The partial garage conversion has been assessed against Class A, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). It can be confirmed that the operation would be lawful for planning purposes on the basis of the following drawings:

- Drawing No. 12WW.MP100 – Part Garage Conversion and Internal Alteration Existing Use Plan and Elevations received 24th August 2026

Sufficient evidence has been provided to demonstrate that a Certificate of Lawfulness should be granted for the existing partial garage conversion. Therefore, the Local Planning Authority can issue the applicant with a Certificate of Lawfulness for the proposed use and development.

Recommendation

Grant Certificate



The Location Plan (not to scale)