

Town and Country Planning Act 1990: sections 191 and 192

**Town and Country Planning (General Development Management Procedure)
(England) Order 2010: article 35**

CERTIFICATE OF LAWFUL USE OR DEVELOPMENT

Think Architecture Consultants Ltd
Miss Julie Shawley
The Studio
6 The Drive
Oakley
Basingstoke
RG23 7DA

Applicant: Kierish Developments Ltd

PART I - DETAILS OF APPLICATION

Date of Application

23rd May 2024

Application No.

24/01099/CERTP

THE PROPOSAL AND LOCATION OF THE DEVELOPMENT:

Conversion of existing double garage into habitable accommodation, filling in the covered link between the garage and the house, a new flat roof over the existing garage, link and existing single storey side extension. New driveway in permeable surfacing.

2 West End Road Mortimer Common Reading RG7 3SY

PART II - DECISION

West Berkshire Council hereby certify that on 23rd May 2024 the operation or use described in the First Schedule of this certificate in respect of land specified in the Second Schedule to this certificate and edged red on the plan attached to this certificate, 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):**

1. The proposed in-filling and opening alterations to the garage constitutes permitted development under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), in particular Schedule 2, Part 1, Class A. The re-roofing is permitted under Class C, and the driveway alterations under Class F.

The permitted development rights have not been removed from the application site.

The use of the existing garage as living space for use by the occupants of the main dwelling would not be a material change of use and therefore does not fall within the statutory definition of 'development' which is set out in section 55 of the Town and Country Planning Act 1990.

As such, the described development is lawful for the purposes under section 192 of the Town and Country Planning Act 1990, and an application for planning permission from the local planning authority is not required.

FIRST SCHEDULE:

Conversion of existing double garage into habitable accommodation, filling in the covered link between the garage and the house, a new flat roof over the existing garage, link and existing single

storey side extension. New driveway in permeable surfacing.

SECOND SCHEDULE:

2 West End Road Mortimer Common Reading RG7 3SY

Decision Date :- 30th July 2024

Bob Dray
Development Manager

Notes

1. This certificate is issued solely for the purposes of Section 192 of the Town and Country Planning Act 1990 (as amended).
2. It certifies that the use/operations/matter specified in the First Schedule proposed to take 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 use/operations/matter described in the First Schedule and to the land specified in the Second Schedule and identified in the attached plan. 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 this 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 instituted or the operations begun, in any of the matters relevant to determining such lawfulness.

If the applicant is aggrieved by the decision of the local planning authority he may, by notice, appeal to the First Secretary of State for the DCLG in accordance with Section 195 of the Town and Country Planning Act 1990. (Appeals must be made on a form which is obtainable from The Planning Inspectorate. Room 3 O/P, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN) or online at www.planninginspectorate.gov.uk.