

**CASE OFFICER'S (KJ) REPORT
ON APPLICATION NUMBER
24/01604/CERTE**



**Site: Prospect Cottage
26 Windmill Road
Mortimer Common
Reading
RG7 3RN**

1. Site Description and Proposal

The application site relates to an L-shaped plot comprising a two-storey semi-detached dwelling (no.26 Windmill Road) and detached garage, located behind no.26a Windmill Road. Located within the settlement boundary of Mortimer, the area is predominantly residential in character with residential development surrounding the site.

This application for a certificate of existing lawful development relates to the conversion of the detached garage to a home office. The application form submitted alongside the application states that the home office has been used for over 10 years.

2. Relevant Site History

81/15708/ADD - Extension to existing building to provide stores for pre packed solid food. Approved.

05/01768/FULD - Change of use of shop/retail unit to residential and conversion of existing dwelling to 2 flats. Refused.

06/00620/FULD - Change of use of part of property from retail to 1 bedroom flat. First floor extension and alterations to existing 3 bedroom dwelling. Demolition of double garage to rear property. Withdrawn.

06/01970/FULD - Change of Use of part of property from retail to 1 bedroom flat. First floor extension and alterations to existing 3 bedroom dwelling. Demolition of double garage to rear property. Approved.

3. Representations

None received.

4. Procedural Matters

Section 191 (1) of the Town and Country Planning Act 1990 (as amended) allows any person to ascertain whether any existing use of buildings or operations is lawful. For the purposes of the Act, uses and operations are lawful if at any time no enforcement action may be taken in respect of them

because either they did not involve development, or they do not require planning permission, or the time for enforcement action has expired, or another specific reason under planning legislation.

Section 171b (1) relates to breaches of planning control and states "Where there has been a breach of planning control consisting in the carrying out without planning permission of building, engineering, mining or other operations in, on, over or under land, no enforcement action may be taken after the end of the period of four years beginning with the date on which the operations were substantially completed".

This application seeks confirmation that the conversion of the garage to a home office is lawful. Two invoices have been submitted from the applicant to evidence the materials purchased for the garage conversion and the labour for fitting the interior, dated 1/04/2014 and 02/06/2024 respectively.

5. Assessment

Evidence submitted with the application suggests that refurbishment works were carried out in June 2014 to convert the garage into a habitable office space and therefore more than 10 years from the date of the application. However, it is noted that no other evidence such as an affidavit has been submitted.

Notwithstanding that, the operative planning permissions referred to above did not remove permitted development rights for the conversion of garages or extensions to the permitted dwellings and the works could therefore be undertaken under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 which allows for the enlargement, improvement or other alteration of a dwellinghouse.

The works undertaken do not therefore require planning permission as they are permitted development.

CONCLUSION

A Certificate of Lawfulness can be granted

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