

**TOWN AND COUNTRY PLANNING ACT 1990: SECTION 191 (as amended by
Section 10 of the Planning and Compensation Act 1991)**

**THE TOWN & COUNTRY PLANNING
(DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015
: ARTICLE 39**

To: The Keen Partnership
The Courtyard
Edinburgh Road
Reading
RG30 2UA

Application No: 230667
Application type: Certificate of Lawfulness -
Existing Use or Development

**CERTIFICATE OF LAWFUL USE OR DEVELOPMENT (EXISTING)
REFUSAL NOTICE**

Applicant: Mr M Gulfraz

The Reading Borough Council hereby notify you that your application received on **16 May 2023** for a Certificate of Lawful Use or Development (within the meaning of Section 191 of the Town and Country Planning Act 1990) for the use described in the First Schedule in respect of land specified in the Second Schedule is REFUSED for the reasons below:

1. The applicant has not provided sufficient evidence or other information that satisfies the Local Planning Authority that the first floor of 109A Oxford Road has been used as 1 x 2 bed dwelling has been as for more than 4 years prior to 16 May 2023. It follows that there is no justification to grant the certificate of lawfulness applied for by the applicant.

Date: 12 December 2023



Assistant Director of Planning, Transport and
Public Protection Services *J.P.M.*



First Schedule

Certificate of Lawfulness for Existing use as 1 x - 2 bed dwelling ('Flat 1') at first floor level.

Second Schedule

109a Oxford Road Reading RG1 7UD



Please read the notes attached.

Informatives

1. Whilst it is noted that the site location plan submitted by the applicant shows the red line boundary of the site comprising both No's 109 and 109a Oxford Road, it is clear

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based on the remainder of the submission that the application relates solely to 109a Oxford Road and the application has duly been assessed on this basis.

2. The Local Planning Authority has worked positively and proactively with the applicant. However, the applicant's agent has not responded to feedback provided on 17/11/23 and therefore the decision to refuse the application has been taken.
3. In reaching this decision the local planning authority has taken the following submitted information into consideration:

AP-9191 - Approved Floor Plans (As Approved 140959)

AP-9191 - As Built Floor Plans

Tenancy agreements -

01/10/2018 - 30/09/2019, Tenant is Reading City Estates Ltd,

01/10/2019 - 30/09/2020, Tenant is Reading City Estates Ltd,

01/10/2020 - 30/09/2021, Tenant is Reading City Estates Ltd,

01/10/2021 - 30/09/2022, Tenant is Reading City Estates Ltd,

01/10/2022 - 30/09/2023, Tenant is Reading City Estates Ltd,

Letters from Mr Sales and Lettings

Letter dated 03/05/2023 signed by Sher Afgun of the Accounts Dept.

Letter dated 03/05/2023, not signed by a specific person.

Photos of Flat 1

Letter from The Keen Partnership (undated) 'Application for a Lawful use (of an existing use for more than 4 years) relating to the upper floors of 109A Oxford Road Reading. Namely flat 1 as the other flat is lawful'.

Email from Keen Partnership 'RE: 230667 - 109a Oxford Road, Reading', dated and received 25/05/2023.

Date: 12 December 2023



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Notes

If you are aggrieved by the decision of the Council, you may appeal to the Secretary of State under Section 195 of the Town and Country Planning Act 1990.

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>.

If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.