

DELEGATED PLANNING APPLICATION REPORT

Ward: Norcot

App Ref: 231011/CLE

Address: 130 Beecham Road, Reading, RG30 2RE

Proposals: Use of dwellinghouse as two separate self contained flats. Flat 1 ground floor, flat 2 1st floor.

Case Officer: Marcie Rejwerska

Date received (valid from): 20 July 2023
(ext.)

Target Decision date: 28 September 2023

1. SITE DESCRIPTION

The application site comprises a two-storey end-terrace dwelling on the west side of Beecham Road. The immediate surrounding area is residential with similarly designed Victorian terrace rows. The application site is not listed nor in a conservation area. The property is not within an Article 4 Direction area.



130 Beecham Road as seen from Beecham Road. Image taken from Google Maps on 18.09.2023.

2. PROPOSAL AND SUPPORTING INFORMATION

The application seeks to demonstrate the existing use of 130 Beecham Road, Reading RG30 2RE as 2 flats; 1x 1 bedroom ground floor and 1x1 bedroom first floor.

3. RELEVANT PLANNING HISTORY

None.

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

Equality Act 2010:

In determining this application the Council is required to have regard to its obligations under the Equality Act 2010. However, there is no indication or evidence (including from consultation on the application) that the protected groups identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application. Therefore, in terms of the key equalities protected characteristics it is considered there would be no significant adverse impacts as a result of the development.

5. CONSULTATIONS

Reading Borough Council, Electoral Registration - Response received on 04/08/2023

- Number of electors at the property:

Year	No. of electors GF	No. of electors FF
2023	0	2
2022	0	2
2021	0	2
2020	0	2
2019	1	2
2018	1	1

Reading Borough Council, Environmental Health - Response received on 22/08/2023

- No comments to make.

Reading Borough Council, Private Sector Housing - Response received on 15/08/2023

- I would advise that I have checked our records and there are no records on the Environmental Health database that these flats have been used as self contained flats.

Reading Borough Council, Council Tax - Response received on 15/08/2023

- Our records show this property is split into two separate flats, known as ground floor flat and top floor flat. Both flats have been separately banded for Council Tax purposes from 12.05.2001; both flats have been separately let out and occupied since the date of banding.

Reading Borough Council, Enforcement - Response received on 18/09/2023

- We have no case record for that property so unable to comment from an enforcement history perspective.

Reading Borough Council, Legal Service - Response received on 19/09/2023

- The evidence the Council holds backs up the applicant's version of events, and we do not appear to have any contradictory evidence which would make it less than probable.

6. SUBMITTED EVIDENCE

The applicant provided the following evidence to support the use of 130 Beecham Road as 2x flats:

- PP-12327812v1 Location Plan, dated 20 July 2023, received 20 July 2023
- "RE: First Floor Flat, 130 Beech Road, Reading" Letter from Jon Hallett Limited, dated 11 April 2001, received 20 July 2023
- "RE: Ground Floor Flat, 130 Beech Road, Reading" Letter from Jon Hallett Limited, dated 25 April 2001, received 20 July 2023
- H9186355-17 Discount Insurance Policy Certificate, dated 25 May 2023, received 20 July 2023
- H9186355-16 Discount Insurance Policy Certificate, dated 6 June 2022, received 20 July 2023
- H9186355-15 Discount Insurance Policy Certificate, dated 1 June 2021, received 20 July 2023
- H9186355-14 Discount Insurance Policy Certificate, dated 1 June 2020, received 20 July 2023
- H9186355-13 Discount Insurance Policy Certificate, dated 28 May 2019, received 20 July 2023
- LAC 773967 Landlord/Homeowner Gas Safety Record, dated 11 October 2022, received 20 July 2023
- AGEN 035149 Landlord/Homeowner Gas Safety Record, dated 28 September 2021, received 20 July 2023
- AGEN 035106 Landlord/Homeowner Gas Safety Record, dated 26 January 2020, received 20 July 2023
- AGEN 032711 Landlord/Homeowner Gas Safety Record, dated 20 September 2019, received 20 July 2023
- AGEN 030421 Landlord/Homeowner Gas Safety Record, dated 25 September 2018, received 20 July 2023

- Rental Agreement Assured Shorthold Tenancy, Ground Floor Flat 130 Beecham Road, dated 12 February 2016, received 20 July 2023
- Rental Agreement Assured Shorthold Tenancy, Ground Floor Flat 130 Beecham Road, dated 12 May 2020, received 20 July 2023
- Rental Agreement Assured Shorthold Tenancy, First Floor Flat 130 Beecham Road, dated 29 July 2017, received 20 July 2023
- LAC 773945 Landlord/Homeowner Gas Safety Record, dated 28 September 2022, received 20 July 2023
- AGEN 035150 Landlord/Homeowner Gas Safety Record, dated 29 September 2021, received 20 July 2023
- AGEN 035103 Landlord/Homeowner Gas Safety Record, dated 22 September 2020, received 20 July 2023
- AGEN 032710 Landlord/Homeowner Gas Safety Record, dated 25 August 2019, received 20 July 2023
- AGEN 030420 Landlord/Homeowner Gas Safety Record, dated 25 September 2018, received 20 July 2023

7. ASSESSMENT

In order for a certificate of lawfulness to be granted for this application, the applicant must demonstrate that the use of 130 Beecham Road as 2x flats began more than 4 years before the date of this application of 20 July 2023. The application form states that the use began on 1 May 2001.

With regards to internal consultee response; the Council Tax team have confirmed that the property is banded as 2 separate flats (ground floor and first floor) since 12 May 2001.

The Enforcement team have confirmed that 130 Beecham Road has not been investigated for any planning breaches.

Turning to the evidence submitted by the applicant to support the claims made within this application, the PPG makes the position clear on how the evidence submitted is to be considered. It says:

“In the case of applications for existing use, 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”

Tenancy agreements, gas certificates, insurance certificates and correspondence with lettings agents in 2001, have been submitted by the applicant. The tenancy agreements have been signed by tenants.

There are only two tenancy agreements for the Ground Floor flat, dating to 2016 and 2020, and only one tenancy agreement for the First Floor flat dating from 2017. The agent has confirmed that this is because the tenancy agreements continued after their 6 month agreement period on a statutory periodic tenancy basis. This is considered sufficient justification.

RBC Legal Services are in agreement that although no evidence has been provided to demonstrate how long the tenancies lasted, the evidence that the Council holds by way of Council Tax and Electoral Registration information, supports the applicant’s claim that the tenancies continued on a rolling basis. The Council does not hold any contradictory evidence.

RECOMMENDATION GRANT

The applicant has provided sufficient evidence or other information that satisfies the Local Planning Authority that the use of 130 Beecham Road as 2x self-contained flats (1x ground floor and 1x first floor) began more than 4 years ago and there is no evidence to suggest this use was changed or lost. It follows that there is sufficient justification to grant the certificate of lawfulness applied for by the applicant.

Informative

Positive and Proactive - Approval

