

DELEGATED APPLICATION REPORT

Ward: Katesgrove

App Ref: 220557/CLE

Address: 120 Whitley Street, Reading, RG2 0EQ

Proposals: Certificate of Lawfulness for existing use of the building as a 7-bedroom (7-person) large-HMO (Sui Generis) (amended description)

Case Officer: Mr Jonathan Markwell

Applicant: Ms Lucy Elmes

Date received (valid from): 12/04/2022

Target Date: Originally 07/06/2022, but an extension of time was subsequently agreed until 14/06/2022

Site Description and Surrounding Area

The proposal site is a two-storey mid-terrace building on the west side of Whitley Street, between the junctions with Millman Road (to the south) and the roundabout with Christchurch Road (to the north). There are existing projections into the front and rear roofslopes, creating space for accommodation at ground, first and second floor level. The surrounding area is considered largely residential but with a mix of uses nearby, such as the Reading Hindu Temple and designated Whitley Street major local centre commercial uses (both to the north).



Photograph from officer site visit on 6 June 2022

The application site is not listed, nor in a conservation area. The proposal site is, however, located within an Article 4 area, restricting the change of use from

residential (Use Class C3) to small HMO (Use Class C4). The Article 4 Direction was introduced on 16/05/2012. The site is also within an Air Quality Management Area.

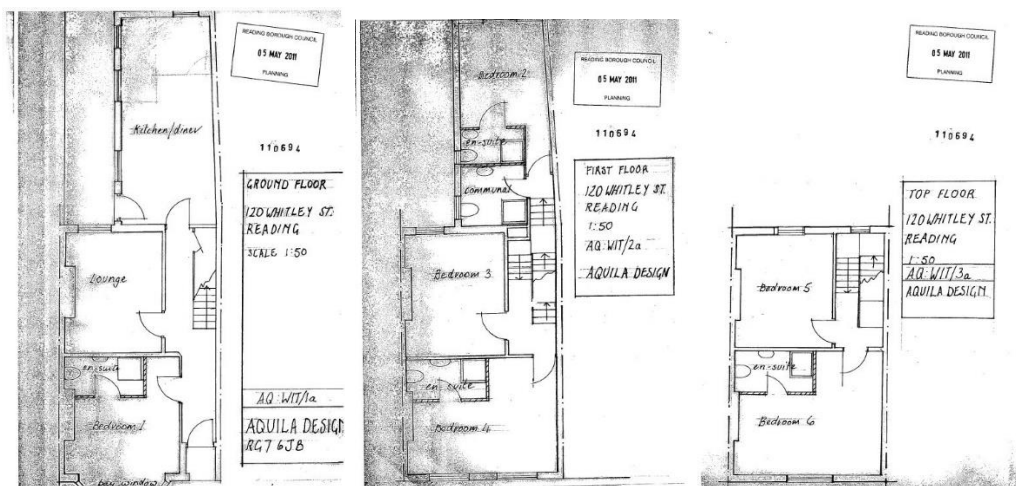
Description of Use

This application seeks to demonstrate the existing use of 120 Whitley Street, Reading, RG2 0EQ as a 7 person, 7 bedroom large HMO (Sui Generis use class).

During the course of the application the applicant clarified / confirmed it was a 7 person / 7 bedroom large HMO being sought by this CLE, with the number of people/bedrooms not being wholly clear in the original submission.

Relevant Planning History

110262 - Certificate of lawfulness for proposed use of property as HMO under Use Class C4. Granted 30/06/2011.



Floor plans submitted at the time of application 110262

Applicant: Mrs Lucinda Elmes

The Reading Borough Council hereby certify that on 5th May 2011 the use/operations described in the First Schedule to this certificate in respect of the land specified in the Second Schedule to this certificate, and edged black on the attached plan is/are lawful within the meaning of Section 192 of the Town and Country Planning Act 1990 (as amended), for the following reason(s) and subject to the following condition(s) as may be attached:

First Schedule: Certificate of lawfulness for proposed use of property as HMO under Use Class C4

Second Schedule: 120 Whitley Street Reading Berkshire

CONDITIONS & REASONS

1. The use of the property as a HMO under class C4 would have little greater impact than the existing use and is therefore not considered to constitute a material change of use. As such a certificate should be granted.

Extract from decision notice.

Analysis of evidence

The evidence from the Council's records supports the proposition that the building was in use as a sui generis HMO from at least 1996, and the rear ground floor room was in use as a self-contained studio flat from at least 2004.

From 2004 the use was as sui generis HMO (with at least 6 occupants but possibly more) and a self-contained studio flat. The Council's planning legal officer considers that this use has become immune and therefore lawful, by virtue of the fact that the use of the self-contained flat became immune from enforcement no later than 2008, while the use of the remainder of the building as a HMO was unchanged from previous use as an HMO.

It is considered that the Council would not have been able to enforce against the use as a HMO after 2006 as by that time ten years of such a use could have been demonstrated (1996-2006). Equally, it could not have been able to enforce against the use as an HMO and self-contained flat after 2010 as such use would by then have been immune under the 4-year rule (2006-2010). In any case, in the legal officer's opinion, it is likely that an Inspector would have viewed the change from HMO to HMO plus a self contained studio flat as not being a material change of use. An example is the appeal decision 2131679, where the Inspector considered a change of use of a licensed HMO to self-contained flats as a non material change; he considered that the occupants were already likely to have been living semi-independent lives and the installation of private bathroom facilities did not significantly alter the nature of the occupation; there had previously been eight units and there were still eight units.

This application was submitted as a change of use from C3 to C4. The applicant claims that the lawful use of the property is that of a dwellinghouse. As demonstrated above, the Council clearly has evidence to suggest that this is not the case and the actual use of the property has been for multiple occupation by 7 or 8 persons (with one unit being self contained); the building has not been used as a dwellinghouse since at least 1996. As the use of the property as a C4 HMO would be likely to have little greater impact than the existing use, this is not considered to constitute a material change of use and therefore a certificate could be granted.

Recommendation - Grant Certificate

Extract from officer delegated report

Relevant Planning Policy and Guidance

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 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’.

Consultations

Reading Borough Council, Electoral Registration - Response received on 04/05/2022

Number of registered electors at the residential property using data from the Electoral Register that are electronically stored (Xpress):

Year	Property Number of Registered Electors	Property Number of Registered Electors	Property Number of Registered Electors	Property Number of Registered Electors	Property Number of Registered Electors	Property Number of Registered Electors	Property Number of Registered Electors
	FLAT 1	FLAT 2	FLAT 3	FLAT 4	FLAT 5	FLAT 6	FLAT 7
2022	0	2	1	1	1	1	1
2021	0	2	1	1	1	1	1
2020	0	2	1	0	1	1	1
2019	0	1	1	0	1	1	1
2018	1	0	1	0	0	1	1
2017	1	0	1	0	0	1	1
2016	1	0	0	1	0	1	1
2015	0	0	0	1	0	1	1
2014	0	0	0	0	1	1	0
2013	0	0	1	1	1	1	0
2012	0	0	1	0	1	0	0
2011	1	0	1	0	0	1	0
2010	0	1	1	0	0	1	0
2009	0	0	1	0	0	1	0
2008	0	0	1	0	0	1	0
2007	0	0	0	0	1	1	0
2006	2	0	0	0	1	1	0
2005	2	0	1	0	0	1	1
YEAR DATA ELECTRONICALLY STORED							

Reading Borough Council, Environmental Health - No response received.

Reading Borough Council, HMO Team - After specific questions regarding the evidence was raised by the LPA, the HMO Team confirmed on 26/5/22 the following:

On whether there is a current HMO licence for the property, it was confirmed:

- 1) The last licence expired on 02/11/2021. The HMO team received an application for the licence to be renewed 07/10/2021. Following a delay caused by moving to a new licence system, a draft licence renewal was issued on 18/05/2022, covering the period from 03/11/2021 to 02/11/2026 for a maximum of 7 people living as 7 households.

In terms of HMO licence ref 556521 (start date 3-11-16; expiry date 2-11-21) permitting occupation by a maximum of 11 people, but this was later varied by 597330 (start date 27-9-18; expiry dated 2-11-21) which permitted up to 7, the HMO Team was asked for any clarifications regarding this and whether any information was held regarding whether more than 7 occupiers even occupied the property:

- 2) The initial licence was for the property to be used as temporary emergency accommodation. This type of accommodation has looser room size standards than our normal licensed HMOs. It looks like the licence holder asked for a variation as the property was no longer to be used as temporary emergency accommodation.

Reading Borough Council, Council Tax - No response received. However, it is known that the property is listed under the HMO code for Council Tax purposes on a list received by the LPA from the Revenues & Benefits Team on 10/05/2022.

Officer web-search 25/05/2022

<https://www.tax.service.gov.uk/check-council-tax-band/property/33702165>

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Property information for

120, WHITLEY STREET, READING, RG2 0EQ

Local Authority	Reading
Local authority reference number	00094650120002
Council Tax band	D
Improvement indicator	No
With effect from	
Mixed-use property	No
Court code	None

[▶ What does my property information mean?](#)

Reading Borough Council, Enforcement - Response received on 29/04/2022

In summary, the property was investigated in 2005 for an unauthorised change of use to flats. The case was closed on 15/08/2005.

Reading Borough Council, Legal Services - Response received on 08/06/2022 advising satisfaction that the Certificate of Lawfulness can be granted. The applicant has provided a plethora of evidence in support of the use with very little intervals (can't call it breaks at all given the 10 year period) in between tenancies.

In addition, the case officer undertook an accompanied site visit to the property on 06/06/2022, whereby access was provided to each of the bedrooms and the communal areas of the property. It was verified that the layout / number of

bedrooms aligned with the floor plan information provided during the course of the application by the applicant on 26/05/2022.

Submitted Evidence

The applicant provided the following evidence to support the use of 120 Whitley Street, Reading, RG1 5NQ as a 7 person, 7 bedroom large HMO (Sui Generis) on 12/04/2022:

- Location Plan 120 Whitley Street, Reading, RG2 0EQ
- Supporting statement Certificate for the existing use of development as a large-HMO (sui generis) by ET Planning
- Statutory Declaration by Lucinda Mary Elmes dated 11/04/2022, summarised as stating:
 - 1) 120 Whitley Street, Reading, RG2 0EQ has been a house of multiple occupation with 7 bedrooms since February 2012.
 - 2) There have been 7 tenants paying rent in the property since that date on a consistent basis.
 - 3) I have evidenced this fact by tenancy agreements for the 7 bedrooms dating back to this time. I purchased the property in 2011 and I am the landlord.
 - 3) The independent residential use of the building as an HMO for 7 people has been continuous since it commenced.
 - 4) Initial tenancy agreements were signed for a 6 month term. In a couple of instances, the tenants left early but the majority completed their 6 month term or stayed longer on a rolling month to month contract with one months' notice of termination.
 - 5) Small gaps between tenants facilitated the cleaning and /or redecoration of the bedroom along with marketing.
 - 6) Where available, I have provided email evidence of termination to show occupants stayed longer than their initial 6month term.
- Schedule of tenants, rooms, start / finish dates and evidence submitted (see table below)
- Unsigned letter from Gerry Richardson of PP Electrical Services dated 25/02/2022 stating "I have been contracted by Lucy Elmes to do electrical works at Whitley Street since 2011 to do electrical inspections, fire alarm and lighting safety checks. In doing so I needed to gain entry into the communal areas and the individual rooms. I can certify that this property has been let out as a 7 bed HMO since this time".
- Unsigned letter from Rob Stokes of Affordable Plumbing dated 25/02/2022 stating "I have been contracted by Lucy Elmes to do plumbing and boiler works at Whitley Street since 2011 which includes maintaining the room ensembles. In doing so have needed to gain entry into the communal areas and the individual rooms. I can certify that this property has been let out as a 7 bed HMO since this time".
- Letter from RBC HMO Team dated 17/03/2011 Ref HMO/LJG/002513 confirming a mandatory HMO licence (Ref 251231) was issued to the previous owner on 23rd June 2009, permitting a maximum of 7 occupants to occupy the property at any one time.

- Copy of HMO licence Ref 386281 (start date 3-11-2011; expiry date 2-11-2016) permitting maximum of 2 people per room at ground floor front, first floor front and second floor front rooms and 1 person per room at first floor middle, first floor rear and second floor rear rooms and the total number must not exceed 6.
- Copy of HMO licence 386281 (start date 12-4-12; expiry date 2-11-2016) permitting maximum of 2 people per room at ground floor front, first floor front and second floor front rooms and 1 person per room at ground floor middle, first floor middle, first floor rear and second floor rear rooms and the total number must not exceed 7.
- Copy of HMO licence 556521 (start date 3-11-16; expiry date 2-11-21, as follows:

This licence permits occupation of this property by a maximum of 11 people as temporary accommodation; this is based on kitchen and bathrooms amenities where all occupants (except babies under 1 year) count as whole numbers. The three rooms (ground floor middle, first floor middle and second floor rear rooms) that share the communal bathroom must have no more than 4 persons at any one time.

The maximum number of occupants for each room/letting is shown in the table below and at no time can exceed the number above: *Children between 0 -10 years = 0.5 persons, children over 10 years and adults = 1 person*

Room / Letting (description of location)	Maximum Number of Occupants Permitted
Ground floor front room (en suite)	2 persons maximum
Ground floor middle room	1.5 persons maximum
First floor front room (en suite)	2 persons maximum
First floor middle room	1.5 persons maximum
First floor rear room (en suite)	1 person maximum
Second floor front room (en suite)	2 persons maximum
Second floor rear room	1 person maximum
All other rooms	Not to be used for sleeping

- Copy of HMO licence 597330 (start date 27-9-18; expiry date 2-11-2021) permitting maximum of 2 people per room at ground floor front, first floor front and second floor front rooms and 1 person per room at ground floor middle, first floor middle, first floor rear and second floor rear rooms and the total number must not exceed 7.
- Screenshots of emails (15 pages) from between 2012 and 2021 regarding moving out dates (summaries in the table below)
- Summary of Assured Shorthold Tenancy Agreement evidence and move-out dates/correspondence

Name (as per ASTA)	Room (as per ASTA)	start date (as per ASTA)	finish date (as stated by applicant, or as per screenshots of emails provided by the applicant)	Assured Shorthold Tenancy Agreement (ASTA) or other evidence
Catarina Nogueira Rendeiro	1	20/02/2012	Screenshot of email (dated 11/06/14) stating leaving August 2014	8 page scanned contract
Laura Meredith	1	22/08/2014	Screenshot of email stating moving out 7/3/15	11 page scanned contract
Jonathan McNulty	1	10/03/2015	Screenshot of email stating intention to move out on 10/9/15	12 page scanned contract

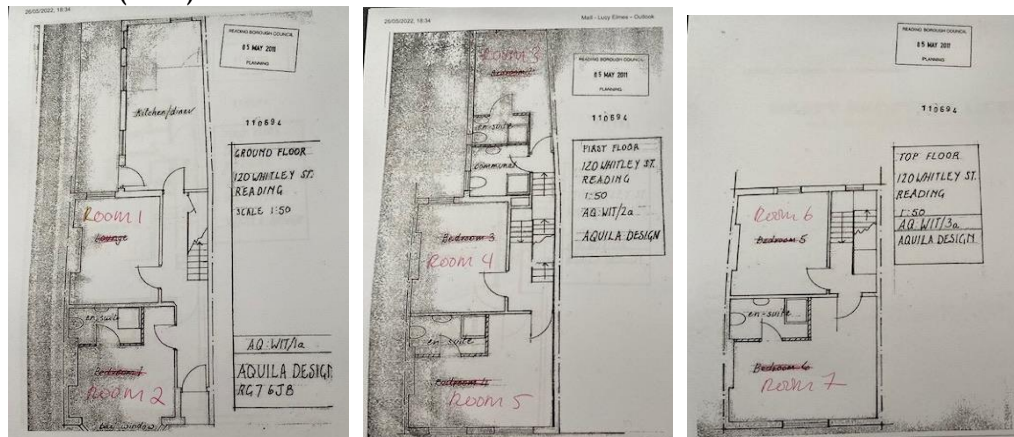
Stephanie Samuel	1	22/09/2015	Email stating vacating on 10/5/17	11 page ASTA
Chimaobi Dennar	1	06/08/2017		12 page ASTA
Lucy Hunt	1	09/11/2017	10/05/2018	12 page ASTA
Joshua Salvage	1	23/06/2018	22/06/2019	12 page ASTA
Ionut Predateanu	1	03/09/2019	02/03/2020 - Screenshot of SMS conversation stating this.	16 page ASTA
Alex Bush	1	03/03/2020	28/02/2021	16 page ASTA
Besma Elkharroubi	1	26/05/2021	current	14 page unsigned ASTA
Jamie Foy	2	27/09/2011	Screenshot of email dated 4/7/13 asking for reference	8 page scanned contract
Muhammad Zeeshan	2	14/07/2013	Screenshot of email indicating vacating room on 13/3/14	12 page scanned contract
Rachel Jenkins	2	02/03/2014	Screenshot of email stating 4 weeks' notice period will begin on 3/6/16	11 page ASTA
Guanren Wang	2	09/07/2016	Screenshot of email stating rent payments until 13/5/17	11 page ASTA
Francois Du Toit	2	15/07/2017	Screenshot of email correspondence stating expiry on 15/10/17	12 page ASTA
Chima Dennar	2	22/10/2017	21/09/2018 / Notice to leave email stating no longer required by 2/9/18	12 page ASTA
Esther Ajayi	2	29/09/2018	31/04/20	18 page unsigned ASTA
Gabriela Parasca	2	07/06/2020	Screenshot of email stating leaving on 25/02/2021	16 page ASTA
Justin Rowlands	2	23/03/2021	current	18 page ASTA
Keren Hack	3	27/09/2011	Screenshot of email indicating leaving by 26/5/14	7 page scanned contract
Thomas Dingwall	3	05/06/2014	Screenshot of email from 26/11/14 detailing room check out charging.	12 page scanned contract
Travis Kennard	3	15/12/2014		11 page ASTA
Helena Burmicz	3	21/03/2015	Screenshot of email from 29/06/16 detailing room check out charging.	11 page ASTA

Dr Jeffrey Armstrong	3	11/07/2016	Screenshot of email indicating moving out on 13/5/17	11 page ASTA
Clive Sheldon Fernandez	3	06/07/2017	current	12 page ASTA
Edna Nyangale	4	22/09/2011	Screenshot of email indicating leaving on 13/5/17	Pages 2 & 12 of ASTA
Marcus Rowbotham	4	23/07/2017	Screenshot of emails regarding return of deposit 4/4/18	12 page ASTA submitted by applicant on 26/05/22, after initially being omitted from submission by mistake (following officer feedback)
Aida Malodovan	4	04/04/2018	12/09/2020	12 page ASTA
Toma Kopanarov	4	15/09/2020	Screenshot of email seeking termination of ASTA on 31/12/2021	16 page ASTA
Ioanna Vrettou	4	22/02/2022	current	14 page unsigned ASTA
Ian Williams	5	27/09/2011	Screenshot of email correspondence about deposit and leaving from 8 & 9/12/12	8 page scanned contract
Miss Charlotte Pennock	5	01/12/2012	Screenshot of email correspondence on 3 & 6/2/14 about notice periods.	11 page scanned contract
Helena Burmicz	5	05/03/2014		11 page ASTA
Travis Kennard	5	21/03/2015	Screenshot of 1 month notice period given on 19/9/16	12 page ASTA
Marcin Psztyc	5	30/11/2016	Screenshot of email correspondence stating vacating room on 14/5/17.	11 page ASTA
Ewelina Wesola	5	29/07/2017	28/01/2019	12 page ASTA
Judit Demeter	5	18/02/2019	current	16 page ASTA
Rachel Middle	6 5	27/09/2011	Screenshot of email from 3/7/13 saying I have been on tour for a year and Whitley Street was the last place I lived and asking for a reference - applicant says left summer 2012	8 page scanned contract

Laurens Watts	6	27/06/2012	Screenshot of email correspondence about return of deposit 21/5/17	11 page ASTA
Jonathan Pascoe	6	28/08/2017	27/08/2018 / Screenshot of email correspondence relating to intention to leave by 27/8/18	12 page ASTA
Toma Kopanarov	6	28/08/2018		12 page ASTA
Besma Elkharroubi	6	26/04/2021	25/04/2021	14 page ASTA
Marcus Arpino	6	03/05/2021	current	18 page ASTA
Graham Skelton	7	27/09/2011	Email correspondence stating vacating room on 16/11/12	8 page scanned contract
Miss Najeeba Farouk	7	18/11/2012	Screenshot of email giving notice on 18-4/14, but asking to stay until end of May	11 page scanned contract
Alan Brook	7	01/06/2014	Screenshot of email given notice period - vacate by 30/4/17.	Pages 2 & 12 of ASTA
Thomas Sampson	7	08/07/2017	07/07/2018 / screenshot of email giving 1 month notice on 4/6/18 & check-out on 29/6/18	12 page ASTA
Sainabou Mboge	7	17/08/2018	12/04/2019 / screenshot of email regarding deposit return dated 12/4/19	12 page ASTA
Ionut Predateau	7	14/04/2019	02/09/2019	no contract, deposit certificate invoice instead Later confirmed by applicant on 26/5/22 that this was stated by mistake
Michalis Antonakoudis	7	14/05/2019	current	16 page ASTA

- Erroneously (as confirmed by the applicant on 26/05/2022) submitted ASTAs:
 - Florin-Constantin Sveica in relation to the property at: Room 4, 14 Burns Close, Popley, Basingstoke, RG24 9DB signed 08/03/2022
 - Saira Shah in relation to the property at: Room 5, 5 Baker Street, Reading, RG1 7XT relating to a period from 03/03/2018 to 02/09/2018
- Email from applicant (replying to officer queries and clarifications email sent on 25/05/2022) on 26/05/2022:
 - Agree that the application description and be assessed on the basis of a 7 bedroom 7 person large HMO

- Room numbers are different to the floor plan submitted as part of the previous CLE application from 2011 (see relevant history above) *“Soon after this date I decide that a lounge was not required and so this become bedroom 1 and all other bedroom numbers increased by 1”*.
- Submission of Marcus Rowbotham tenancy agreement and request for Ionut Predateau (room 7), Florin-Constantin Sveica and Saira Shah information to be discarded as submitted by mistake.
- In response to the request for clarity over the HMO licence permitting up to 11 people between 3-11-16 and 27-9-18, the applicant confirmed: *“At one point I considered renting the rooms to families via the council and so varied the licence to include more people but I didn't go ahead with this strategy and stayed with single professionals (as evidenced by all of the tenancy agreements.) I didn't vary back the licence to 7 people until 2018 as there was no need (I was still complying with the licence conditions by renting to less people) until I had to refinance and get the correct amount of people on the licence for mortgage reasons”*.
- Email from applicant (replying to officer follow up queries and clarification email sent on 26/05/2022) on 26/05/2022:
 - Copy of marked up floor plans (originally submitted for the 2011 application at the site - see relevant history section above) specifying the room number of bedrooms at ground (1&2), first (3,4&5) and second (6&7) floor level.



- Extract of Draft HMO dated 18/05/2022 covering the period of 03/11/2021 - 02/11/2022 for 7 people living as 7 households.

Assessment

In order for a certificate of lawfulness to be granted for this application, the applicant must demonstrate that the use as 120 Whitley Street as a 7 bedroom, 7 person large HMO (Sui Generis use class) began more than 10 years before the date of this application of 12/04/2022. The application form states that the use began or building works were substantially completed on 31/08/2011.

With regards to internal consultee responses, the Council Tax Team evidence shows the property has a HMO code for Council Tax purposes. This isn't definitive evidence in support or against the CLE as submitted.

The electoral roll evidence shows entries throughout 'flats' 1 to 7 at various times, with there being at no point more than 7 persons on the electoral roll in the relevant 10 year period. Gaps can be expected in electoral rolls records as the submission of such information is not compulsory, meaning this evidence is not considered to be definitive in the determination of this CLE.

In terms of the information from the HMO team, this tallies with information provided by the applicant. The HMO team was specifically asked whether they held any evidence demonstrating an occupancy of greater than 7 persons, as permitted by the HMO licence between 3-11-16 and 27-9-18, but could not.

The Planning Enforcement response relates to matters prior to the relevant time period in this CLE application.

The lack of a response from the Environmental Health team is not considered to be material in the determination of the CLE, bearing in mind the HMO team reply.

Turning to the evidence submitted by the applicant to support the 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**".*

In this instance the applicant has submitted a variety of information and evidence to support the application.

First, a Statutory Declaration has also been provided to support the application. The Statutory Declaration is signed and dated 11/04/2022 (extract provided above), and is also co-signed by a solicitor. This is considered to be precise and unambiguous in nature in support of the CLE. This weighs in favour of the CLE application.

This is complemented by a plethora of tenancy agreement / moving out correspondence covering tenants for each of the 7 bedrooms sought by this CLE. The tenancy agreements are a combination of full agreements or extracts (exact details specified in the table above), all referencing the names of the tenants, the property address, the room number, the name of the Landlord, the start date of the agreement (with agreements rolling on beyond the initial 6 month period). In general terms the information provided demonstrates tenancy agreements were in place for the overwhelming majority of the time during the relevant 10 year period. Whilst there are some gaps in each of the room dates (typically only 1-2 months at most), this is not uncommon within such properties with move-out / move-in arrangements and marketing involved in obtaining new tenants. The evidence provided weighs in favour of the CLE application,

It is noted that the applicant also submitted letters from an electrician and plumber, who were said to have undertaken works at the building since 2011, verifying the

terms of the application. However, this evidence was in the form of an unsigned, computer typed word document, so is not robust as a signed / witnessed by a solicitor piece of evidence and therefore has not been given significant weight by the LPA in this application.

The officer site visit on 06/06/2022 confirmed the layout of the building was as per the marked up floor plan submitted during the course of the application by the applicant.

The only potential competing evidence the Council holds is in relation to the HMO licence from a period of 03/11/2016 to 27/09/2018 allowing up to 11 people at the property. There is however no evidence in any of the records held by the Council that this occurred in practice, or more precisely that more than 7 persons occupied the property. In addition, the applicant explained in email correspondence during the course of the application that consideration was given to renting the rooms to families via the Council, but this was not followed through, as demonstrated during the continuation of tenancy agreements during this time. The LPA does not have any evidence itself to dispute this explanation provided by the applicant.

Conclusion

It is considered that the applicant has provided sufficient evidence to justify the CLE application, through a variety of information from various sources and there being no substantially contrary evidence available to the LPA. two gaps previously questioned, with the use as a small HMO resuming following these gaps and there is no evidence before officers that would suggest any intervening use.

On the balance of probabilities, it is therefore considered to have been suitably demonstrated that 120 Whitley Street has been a continuously occupied as a 7 person 7 bedroom HMO (Sui Generis) for a ten-year period prior to the receipt of this application.

Recommendation

Grant

The applicant has provided sufficient evidence or other information that satisfies the Local Planning Authority that the use of 120 Whitley Street as a 7 person, 7 bedroom Large HMO (Sui Generis use class) has been ongoing continuously for at least ten years. It follows that there is sufficient justification to grant the certificate of lawfulness applied for by the applicant.

Informatives

IF1 - Positive and Proactive - Approval

IF26 - Housing Act

IF27 - HMO Management Plan

120 Whitley Street, Reading, RG2 0EQ

