

Delegated Application Report**Target Date:** 09/03/20**Address:** 551b Oxford Road**Application No:** 200036/CLE**Proposal:** Use of building to rear of 551 Oxford Road as self-contained dwelling**Case Officer:** Tom Hughes**Site Description**

The application relates to an outbuilding to the rear of 551 Oxford Road, a mid-terraced building.

Description of Use or Development

A Lawful Development Certificate for an existing use is sought for the use of the outbuilding as a self-contained dwelling. The relevant time period is four years - 13/01/16 to 13/01/20.

Relevant Planning History

None.

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 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'.

Consultations

Reading Borough Council Tax

Advised that the outbuilding has been banded as a separate dwelling for Council Tax purposes since 29/06/01.

Reading Borough Legal Services

Due to the manner in which the submitted evidence has been presented, particularly the rent books, and lack of signatures from the applicant/tenant, this is more akin to a personal note, so no legal reliance can be placed upon it. The evidence cannot therefore be accepted.

Submitted Evidence

Planning Statement

Drawing No: 02 - Site Location

Drawing No: 02-01 - Block Plan

Drawing No: 01 - Existing Floor Plan

Statutory Declaration, made by applicant (owner), dated 13/12/19, that the building has been occupied by tenants as an independent dwelling since 2003

Statutory Declaration, made by applicant (owner), dated 30/07/20, that the building has been in situ since at least 02/03/00, that it has been permanently let under Assured Shorthold Tenancy Agreements, that tenants have been in receipt of housing benefit, and that periods where housing benefit was discontinued are due to when tenants did not qualify or were being investigated for their eligibility

Statutory Declaration, made by applicant (owner), dated 05/01/21, confirming tenancy arrangements with details of rent books

Various evidence, before relevant time period, including tenancy agreements and council tax correspondence, for period from 2001 to April 2006

Analysis of Evidence

In order for a Certificate to be issued, the Local Planning Authority must be provided with sufficient evidence to satisfy that the use has been ongoing in a continuous fashion for the relevant time period. The relevant time period dates back from the date of valid receipt of the application. In this instance, the relevant time period is four years - 13/01/16 to 13/01/20. The submitted information is not of a sufficient quality that legal reliance can be placed upon it.

Much of the information can only be considered as supporting/supplementary information. The applicant was invited to supply further evidence, but none has been forthcoming.

Recommendation

REFUSE