

**TOWN AND COUNTRY PLANNING ACT 1990: SECTIONS 191 and 192 (as amended
by section 10 of the Planning and Compensation Act 1991)
THE TOWN & COUNTRY PLANNING
(DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015
: ARTICLE 35 CERTIFICATE OF LAWFUL USE**

To: Ms Lucy Elmes
120 Whitley Street
Reading
RG2 0EQ

Application No: 220557
Application type: Certificate of Lawfulness -
Existing Use

Applicant: Ms Lucy Elmes

The Reading Borough Council hereby certify that on **12 April 2022** the use described in the First Schedule to this certificate in respect of the land specified in the Second Schedule to this certificate, and edged red on the plan below was lawful within the meaning of section 191 of the Town and Country Planning Act 1990 (as amended), for the following reason(s):

1. 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.

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

Second Schedule: 120 Whitley Street Reading

Date: 13 June 2022



Assistant Director of Planning, Transport and
Public Protection Services *RE*



Reading
Borough Council
Working better with you

120 Whitley Street, Reading, RG2 0EQ



Date: 13 June 2022

Assistant Director of Planning, Transport and
Public Protection Services

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Notes

1. This certificate is issued solely for the purpose of section 191 of the Town and Country Planning Act 1990 (as amended).
2. It certifies that the use specified in the First Schedule taking place on the land described in the Second Schedule was lawful, on the specified date and, thus, was not liable to enforcement action under section 172 of the 1990 Act on that date.
3. This certificate applies only to the extent of the use described in the First Schedule and to the land specified in the Second Schedule and identified on the above plan. Any use/operations/matters which is/are materially different from that/those described or which relate/s to other land may render the owner or occupier liable to enforcement action.
4. 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.

Further information can be viewed at: <https://acp.planninginspectorate.gov.uk/>

INFORMATIVES

1. The Local Planning Authority has worked positively and proactively with the applicant to resolve relevant matters to allow the application to be granted within the agreed extended timescale for the decision to be issued.
2. The applicant's attention is drawn to the requirements of the Housing Act 2004 (and regulations made under the legislation) with respect to occupancy levels of the property, licensing and management. More information about these requirements can be obtained from the Private Sector Housing Team on 0118 937 2151 or at www.reading.gov.uk.
3. The Council expects all properties in HMO use to be properly managed in accordance with requirements under the Housing Acts and associated regulations. The Council publishes comprehensive information in its Houses in Multiple Occupation Management Pack, <http://www.reading.gov.uk/media/1412/HMOs-Management-Pack/pdf/HMOs-Management-Pack.pdf>. Landlords/ owners are advised to follow the advice in the pack to ensure compliance with the requirements of the Housing Acts. Landlords/ owners are advised that a property specific management plan should be drawn up. This plan should be given to all occupants/tenants, preferably as part of their tenancy agreement or contract. The operation of the property should be undertaken in accordance with the approved management plan.

A good management plan will include matters related to:

- Responsibilities and standards for the management of internal communal areas including kitchens, dining areas, living rooms and shared bathrooms;
- Responsibilities and standards for the management of common parts, fixtures, fittings and appliances. These must be maintained in good and clean

decorative repair, maintained in a safe and working condition and kept reasonably clear from obstruction, e.g. banisters and handrails, stair coverings, windows, lighting, gardens and yards, walls and fences, etc.;

- Responsibilities and standards for the management of external areas in terms of landscaping, maintenance and tidiness, in particular areas visible from the public highway or street. This will include matters relating to the erection of Satellite dishes and television aerials;
- Responsibilities and standards for the use and tidiness of bins, binstores, and rubbish in the use of the property along with appropriate facilities to enable the recycling of waste that meets the Council's current practices;
- Responsibilities and standards for the parking of cycles.
- An undertaking to ensure all occupants/tenants will be provided with a copy of the management plan as part of their tenancy agreement or contract and the importance of complying with its measures emphasised;

Applicants should note that information on the collection of rubbish and the collection of bins can be found on the Council's website at:

<https://www.reading.gov.uk/waste-and-recycling/>