

Delegated Application Report

Target Date: 03/08/21

Address: 24 Zinzan Street

Application No: 210933/CLE

Proposal: Use of lower ground floor as 1x1 bed flat

Case Officer: Tom Hughes

Site Description

The application relates to the lower ground floor of 24 Zinzan Street, a mid-terraced building.

Description of Use or Development

A Lawful Development Certificate for an existing use is sought for the use of the lower ground floor as a 1x1 bed flat. The relevant time period is four years - 08/06/17 to 08/06/21.

Relevant Planning History

021368/FUL - Two storey rear extension and conversion to four flats - Refused 14/01/03

030521/FUL - Change of use to 2x1 bed flats and 1x2 bed maisonette, with two storey rear extension - Permitted 31/07/03

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 lower ground floor has been banded separately for Council Tax purposes since 01/02/16.

Reading Borough Electoral Roll

Number of registered electors at the property:

Year	No. of electors
2021	2
2020	2
2019	4
2018	4
2017	3
2016	6
2015	6
2014	6
2013	6
2012	6
2011	6
2010	6
2009	5
2008	5
2007	3
2006	3
2005	5

Submitted Evidence

Tenancy agreement, for the period 17/10/20 to 16/10/21

Statutory Declaration

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 - 08/06/17 to 08/06/21. The submitted information is not sufficient, and does not cover the entire time period.

There are unaccounted for gaps across the relevant time period in the submitted evidence. Much of the information within the Statutory Declaration can only be considered as supporting/supplementary information. The applicant was invited to supply further evidence, but none has been forthcoming.

Recommendation

REFUSE