

Address: 21 Queensborough Drive, Reading

Application No: 210571/CLP

Proposal: Application for a Lawful Development Certificate for a Proposed use of an existing room as a florist

- as an online business with no client appointments
- over a maximum of 5 weekdays between the hours of 09.00 to 17:00 and on Saturdays between the hours of 09:00 to 14:00
- for up to a maximum of 2 to 3 deliveries a week
- with 2 to 3 cars parked on the drive

Case Officer: Nathalie Weekes

Introduction & Proposal

The application site is a two storey detached residential property within a cul-de-sac of other detached dwellings of varying design, although they are all of a similar character.

The building is not a Listed Building and is not in a Conservation Area.

The applicant proposes a change of use for an existing room as a florist

- as an online business with no client appointments
- over a maximum of 5 weekdays between the hours of 09.00 to 17:00 and on Saturdays between the hours of 09:00 to 14:00
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Plans Submitted:

The applicant submitted the following plans:

Location Plan

As received on 14 April 2021

Email as sent on 29 April 2021, 21:19

As received 29 April 2021

Title deeds BK141425, edition 20 November 2001 21 Queensborough Drive

Title deeds BK141425, edition date 19.08.2014 21 Queensborough Drive

As received 5 July 2021

Relevant Planning History:

110625 Two storey side extension and single storey rear extensions permitted 6 September 2011

Summary of Consultations:

Transport was consulted but consultations were not required for an application of this type.

Transport had no objections. The property in question is currently provided with three driveway spaces along with a garage and therefore sufficient parking is provided that would comply with the Councils standards. The proposal is likely to resulting an intensification of vehicle movements but given that the business would not generate customers visiting the property

as it based on line this intensification would not be such that it would have a severe impact on the highway network.

Communication with applicant

The applicant provided additional information regarding the proposed change of use and agreed to amend the description..

It was explained to the applicant that if additional hours for the use as a florist are needed, above those outlined for this proposal for a lawful development certificate, a full planning application would be required.

Relevant Planning Policy & 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 a planning permission. The planning merits of the 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 "In the case of applications for proposed development, an applicant needs to describe the proposal with sufficient clarity and precision to enable a local planning authority to understand exactly what is involved. In determining an application for a prospective development under section 192 of the Town & Country Planning Act a local planning authority needs to ask "if this proposed change of use had occurred, or if this proposed operation had commenced, on the application date, would it have been lawful for planning purposes."

Assessment:

A Certificate of Lawfulness for a Proposed Development has been submitted as the applicant considers the proposal falls within the permitted development rights of the property.

In order to satisfy Section 192 of the Town and Country Planning Act 1990, the application should include the following information:

- Specify the land the subject of the application (including a plan identifying the land) **Yes**

- Describe the use or operations proposed ***Yes it will be in an internal room only***
- If the proposal includes a building, plans or drawings should be included to indicate its size and siting, sufficient to enable a determination to be made. ***Location plan and photos of the room provided - There will be no changes to the existing property.***
- Indicate the paragraph of section 192(1) under which the application is being made (ie. use or operations) ***It will be a change of use from a C3(a) room to a florist.***
- In the case of an application involving a proposed use, indicate the use of the land at the date of the application (or, if not used, the purpose for which it was last used) ***It has been a residential dwelling class C3 (a).***
- Indicate any Use Class which the applicant considers applicable to the proposed use ***The application proposes only the room changes use to Class E***
 - ***the use of existing room as a florist as an online business with no client appointments***
 - ***over a maximum of 5 weekdays between the hours of 09.00 to 17:00 and on Saturdays between the hours of 09:00 to 14:00***
 - ***for up to a maximum of 2 to 3 deliveries a week***
 - ***with 2 to 3 cars parked on the drive***
- The applicant's reasons, if any, for regarding the use or operations proposed as lawful ***Reasons given - it would be de minimis and would not materially change the use of the property as a whole, would not involve large numbers of appointments, or unusual activities in a residential area and would not be during antisocial hours.***
- Such other information as the applicant considers to be relevant ***If the house is sold the room would revert to residential use.***
- A statement setting out the applicant's interest in the land, and the name and address of any other person known to the applicant to have an interest in the land. ***Title deeds have been submitted.***

Conclusion

The proposal has been assessed against section 192 of the Town and Country Planning Act 1990 and it has been confirmed that the proposal would be lawful, on the basis of the submitted location plan received on 14 April 2021 and land registry deed received on 5 July 2021. The proposed use as outlined is considered de minimis and would not materially change the lawful use of the property as a whole. This is the reason planning permission is not required and why the certificate of lawfulness is being granted

Therefore the Local Planning Authority will, on this occasion, issue the applicant with a Certificate of Lawfulness for the proposed development.

Recommendation:
GRANT Certificate

Location plan (not to scale)

