

Delegated Application Report

Target Date: 16th of September 2020
Address: 108 Salisbury Road, Reading, RG30 1BN
Application No: 200754
Case Officer: Mr James Schofield
Proposal: Application for a Lawful Development Certificate for a Proposed use to change use from dwelling house C3 to house in multiple occupation C4.

Introduction and Proposal

This certificate of lawfulness for proposed change of use from a dwelling house (C3) to a small house in multiple occupation (C4).

Plans Submitted

The applicant supplied the following;

Dwg No: 911 [S] 01 Rev A Existing Ground Floor Plan
Dwg No: 911 [S] 02 Rev A Existing First Floor Plan
Dwg No: 911 [PL] 01 Proposed Ground Floor Plan
Dwg No: 911 [PL] 02 Rev B Proposed First Floor Plan
Dwg No: 911 [S] 00 Site Location Plan
Dwg No: 911 [S] 001 Existing Site Plan
Dwg No: 911 [PL] 001 Rev A Proposed Site Plan
As received 3rd of June 2020

Relevant Planning History

No relevant planning history.

Summary of Consultations

No formal consultations were undertaken for this case as they would be of no consequence in the determination of an application of this type. Regardless, four objections from neighbours were received on the basis of the proposal potentially creating detrimental impacts upon car parking, noise generation and the amount of and siting of bin storage. While the council acknowledges the concerns of local residents, it is important to explain that while traffic, residential amenity and character impacts would matter under local policy these residents may be more familiar with, the decision for this case will have to be based solely national permitted development rules. As such, considerations not explicitly identified by the The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) cannot lawfully be taken into account for the assessment of this application.

Relevant Planning Policy and Guidance

National Planning Practice Guidance
The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO)
Town and Country Planning (Use Classes) Order 1987 (as amended),

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Assessment

A Certificate of Lawfulness for a change of use class from C3 to C4 has been submitted to the Local Planning Authority as the applicant considers the proposal falls within the permitted development rights of the property and would be lawful by virtue of the GPDO and thus would not require a planning permission.

The proposed must be assessed to ensure that it complies with the conditions of Section 191 as amended by section 10 of the Planning and Compensation Act 1991, the Town and Country Planning Act 1991 and the Town and Country Planning (General Permitted Development) (England) Order 2015, which allows for applicants to seek a Lawful Development Certificate to establish whether:

- An existing use of land, or some operational development, or some activity in breach of a planning condition, is lawful
- A proposed use of buildings or other land, or some operations proposed to be carried out in, on, over or under land, would be lawful.

Furthermore, the Town and Country Planning (General Permitted Development) (England) Order 2015 allows for the automatic permitted change of use between various classes.

As such, it is important to ascertain which class the application site is currently within and whether the proposed change of use is identified as permitted in the order.

A previous application (ref: 191889) established the site was in use class C3 as of November 2019.

The proposed change of use would be to class C4. Class L of Part 3 of the GPDO indicates changes between C3 and C4 and vice versa are permitted development provided they would not result in the use-

- (a) as two or more separate dwellinghouses falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order of any building previously used as a single dwellinghouse falling within Class C4 (houses in multiple occupation) of that Schedule; or
- (b) as two or more separate dwellinghouses falling within Class C4 (houses in multiple occupation) of that Schedule of any building previously used as a single dwellinghouse falling within Class C3 (dwellinghouses) of that Schedule.

The proposal complies with part (a) and (b) of Class L, Part 3 of the GPDO. Class C4 is defined by the Town and Country Planning (Use Classes) Order 1987 (as amended) as the *'Use of a dwellinghouse by not more than six residents as a "house in multiple occupation"'* which would be the case in this instance.

Recommendation

The proposal has been assessed against the Town and Country Planning Act 1990 (as amended) and the Town and Country Planning (General Permitted Development) (England) Order 2015.

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It can be confirmed that the proposed change of use from C3 to C4 would be lawful for planning purposes within **use class C4** on the basis of drawings received on:

June 3rd 2020

Sufficient evidence has been provided to demonstrate that a Certificate of Lawfulness should be granted for the proposed use.

Informatives

Building Regulations

Encroachment and Party Wall Act

Construction and Demolition