

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 39

CERTIFICATE OF LAWFULNESS FOR A PROPOSED USE OR DEVELOPMENT

To: Pegasus Group
The Columbia Centre
Station Road
Bracknell
RG12 1LP

Application No: 191689
Application type: Certificate of Lawfulness -
Proposed Use or Development

Applicant: Mehek Holdings

The Reading Borough Council hereby certify that on **21/10/2019** the use/operations/matter described in the First Schedule to this certificate in respect of the land specified in the Second Schedule to this certificate, and edged black on the attached plan would have been lawful within the meaning of Section 192 of the Town and Country Planning Act 1990 (as amended), for the following reason(s):

First Schedule: Use of existing outbuilding as part of proposed HMO use (Class C4)

Second Schedule: 27 Brunswick Hill Reading RG1 7YU

Date:



Head of Planning, Development
& Regulatory Services

CONDITIONS & REASONS

1. The proposal has been assessed against the Town and Country Planning Act 1990 (as amended) and Class E, Part 1 and Class L, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015. It can be confirmed that the proposed use of the outbuilding as part of the proposed C4 HMO use as ancillary accommodation would be lawful for planning purposes on the basis that no material change of use would occur provided that the outbuilding was used in the manner set out in the application and as shown on the drawings as received on 22/10/19:

Planning Statement

Proposed Floor Plan

Drawing No: 010 Rev. P3 - Building Control Drawings

Site Location Rev. A (received 23/01/20)

Sufficient evidence has been provided to demonstrate that a Certificate of Lawfulness should be granted for the use of existing outbuilding as part of the proposed HMO use (Class C4).

INFORMATIVES

1. 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-](http://www.reading.gov.uk/media/1412/HMOs-Management-Pack/pdf/HMOs-Management-Pack.pdf)

[Management-Pack.pdf](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.;

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- 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;

Where a condition is imposed requiring the submission and approval of a management plan (usually for larger "sui generis" HMO uses), the Local Planning Authority will expect all the above matters to be addressed

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

<http://www.reading.gov.uk/rubbish>

Information on the collection of bins can be found on the Council's website at:

<http://www.reading.gov.uk/binchanges>

You should be aware that a general principle, housing officers do not consider it acceptable for residents to have to go outside to access kitchen facilities from their living accommodation. The reasons are the increased risk of food contamination, particularly in adverse weather. Such an arrangement would likely give rise to an actionable hazard under Part I of the Housing Act 2004.

2. Your attention is drawn to the requirement for submission of a Building Regulations application for the proposed development. Please contact Building Control on 0118 937 2449 for advice.

3. Complaints are commonly received about noise and dust caused by construction and demolition works, particularly working outside reasonable hours and smoke from bonfires associated with the burning of waste on site. The developer is reminded that construction and demolition associated with the approved development will be subject to environmental health law.

4. During the course of construction, the developer should take care to ensure that no part of this development (foundations, eaves, guttering, etc.) would encroach on, under or across the boundary line with the adjoining property, as the requisite Notice has not been served on the owner of that property. This permission does not confer any right of access onto land that is not under the developer's control. The developer should also be mindful of the obligations and requirements of the Party Wall Act (1996) details of which can be found at:

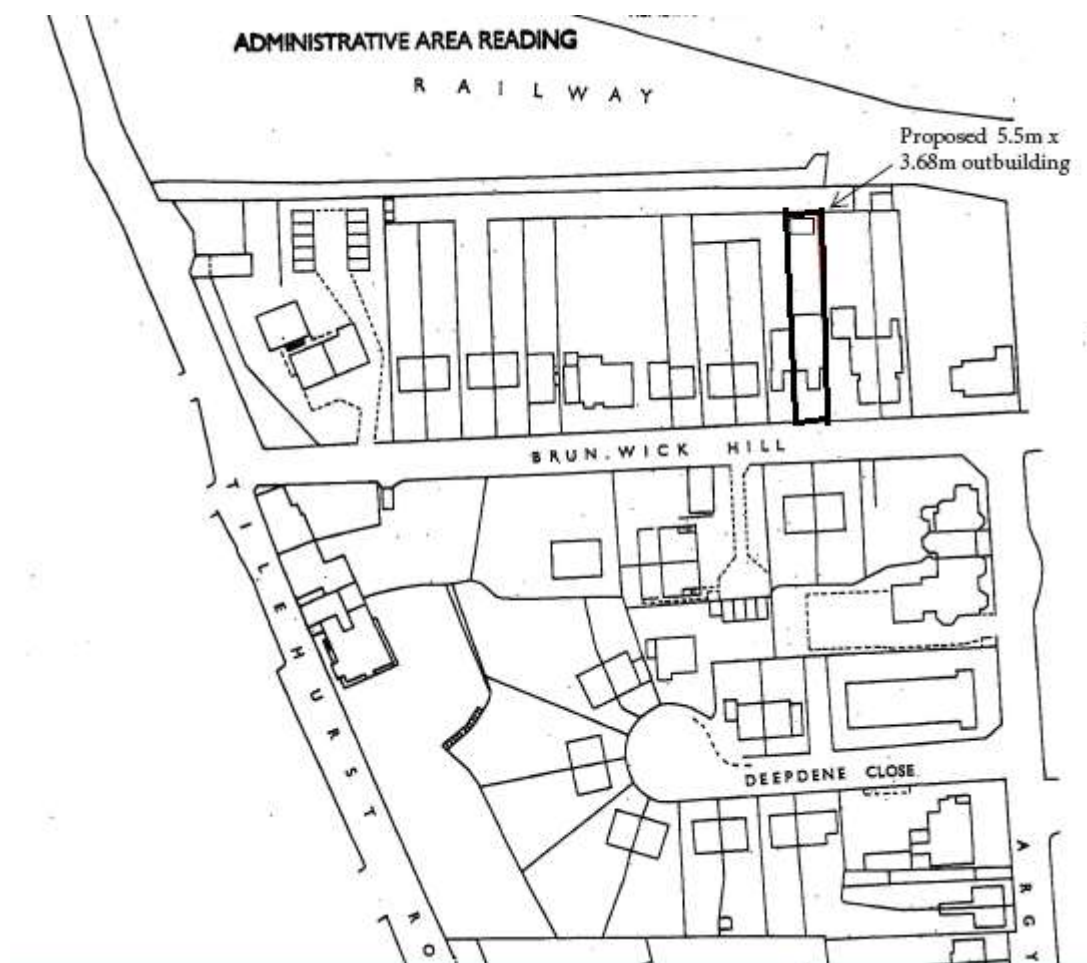
www.communities.gov.uk/publications/planningandbuilding/partywall

Date:



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5. The basic definition of an HMO in the Housing Act 2004 is a dwelling that is occupied by three or more tenants forming two or more households in which a basic amenity is shared (or is missing). A basic amenity is considered to be a toilet, bathroom or kitchen facilities. An HMO becomes licensable if there are five or more occupiers. As a general principle, housing officers do not consider it acceptable for residents to have to go outside to access kitchen facilities from their living accommodation. The reasons are the increased risk of food contamination, particularly in adverse weather. Such an arrangement would likely give rise to an actionable hazard under Part I of the Housing Act 2004.



The Attached Plan

Date:



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Notes

1. This certificate is issued solely for the purpose of section 192 of the Town and Country Planning Act 1990 (as amended).
2. It certifies that the use/operations/matter specified in the First Schedule taking place on the land described in the Second Schedule would have been lawful, on the specified date and, thus, would not have been 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/operations/matter described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use/operations/matter 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. The effect of the certificate is also qualified by the proviso in section 192(4) of the 1990 Act, as amended, which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters relevant to determining such lawfulness.
5. 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/>