Reading
BOROUGH COUNCIL

# TOWN AND COUNTRY PLANNING ACT 1990: SECTIONS 191 and 192 (as amended by section 10 of the Planning and Compensation Act 1991) TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER 1995: ARTICLE 24

## CERTIFICATE OF LAWFUL USE OR DEVELOPMENT

To: c/o Nicola Taplin
130 Galsworthy Drive
Caversham
Reading RG4 6QJ

Application No: 04/00260/CLE/SKH

**Applicant:** Atterbury Homes

The Reading Borough Council hereby certify that on **27th February 2004** the use/operations 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 191 of the Town and Country Planning Act 1990 (as amended), for the following reason(s) and subject to the following condition(s) as may be attached:

**Proposal:** Application for a Certificate of Lawful Existing Use for house subdivided into two self contained flats

**At:** 32 Ardler Road Caversham Reading RG4 5AQ

David Gworthy

Date: 28th April 2004

Head of Planning and Transport

***Please note that the Town and Country Planning (General Development Procedure) (England) (Amendment) Order 2003 and the Planning (Listed Buildings and Conservation Areas) (England) (Amendment) Regulations 2003 reduce the time limit for the submission of an appeal from six months to three months from receipt of this notice in respect of applications made on or after 5 September 2003.**

**NOTES**

**APPEALS**

(1) * If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, he may appeal to the Secretary of State for the Environment in accordance with section 78 of the Town and Country Planning Act 1990 within six months of receipt of this notice. Appeals must be made on a form which is obtainable from the Planning Inspectorate, 3/26 Hawk Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the local planning authority, or could not have been so granted, otherwise than subject to the conditions imposed by them, having regard to the statutory requirements (a), to the provisions of the development order, and to any directions given under the order. He does not in practice refuse to entertain appeals solely because the decision of the local planning authority was based on a direction given by him.

(2) If permission to develop land is refused or granted subject to conditions, whether by the local planning authority or by the Secretary of State for the Environment and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted he may serve on the Common Council, or on the Council of the district in which the land is situated, as the case may be, a purchase notice requiring that council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

(3) In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in section 114 of the Town and Country Planning Act 1990.

(a) The statutory requirements are those set out in section 79(6) of the Town and Country Planning Act 1990, namely sections 70 and 72(1) of the Act.

**BERKSHIRE ACT 1986 – Section 32**

(1) Except as provided in subsection (a) below, where plans for the erection or extension of a building are deposited with a district council in accordance with building regulations, the district council shall reject the plans unless, after consultation with the fire authority, they are satisfied that the plans show –

(a) that there will be adequate means of access for the fire brigade to the building or, as the case may be, to the building as extended; and

(b) that the building or, as the case may be, the extension of the building will not render inadequate existing means of access for the fire brigade to a neighbouring building.

(2) No requirement concerning means of access to a building or to a neighbouring building shall be made under this section in the case of a building to be erected or extended in pursuance of a planning permission granted upon an application made under the Act of 1990, unless notice of the provisions of this section is endorsed on or accompanies the planning permission.

(3) Section 16(7) and (8) and section 36(2) to (6) of the Building Act 1984 (notice of rejection or passing of plans and enforcement of requirements) shall apply as if this section were a section of the said Act 1984.

(4) Any person aggrieved by the action of the district council in rejecting plans under this section, may appeal to a magistrates' court.

(5) In this section references to the adequacy or inadequacy of means of access for the fire brigade shall be construed as references to a means of access adequate or, as the case may be, inadequate for use for fire-fighting purposes by members of one or more fire brigades and their appliances.

**SECTION 76 TOWN AND COUNTRY PLANNING ACT 1990**

76-(1) This section applies when planning permission is granted for any development which will result in the provision –

(a) of a building or premises to which section 4 of the Chronically Sick and Disabled Persons Act 1970 applies (buildings or premises to which the public are to be admitted whether on payment or otherwise);

(b) of any of the following (being in each case, premises in which persons are employed to work) –

(i) office premises, shop premises and railway premises to which the Offices, Shops and Railway Premises Act 1963 applies;

(ii) premises which are deemed to be such premises for the purposes of that Act; or

(iii) factories as defined by section 175 of the Factories Act 1961;

(c) of a building intended for the purposes of a university college or college, or of a school or hall of a university;

(d) of a building intended for the purposes of an institution within the PCFC funding sector; or

of a building intended for the purposes of a school or an institution which provides higher education or further education (or both) and is maintained or assisted by a local education authority.

(2) The local planning authority granting the planning permission shall draw the attention of the person to whom the permission is granted –

(a) in the case of such a building or premises as are mentioned in subsection (1)(a)

(i) to sections 4 and 7 of the Chronically Sick and Disabled Persons Act 1970; and

(ii) to the Code of Practice for Access of the Disabled to Buildings (British Standards Institution code of practice BS 5810: 1979) or any prescribed document replacing that code;

(b) in the case of such premises as are mentioned in subsection (1)(b), to sections 7 and 8A of that Act and to that code or any such prescribed document replacing it;

(c) in the case of such a building as is mentioned in subsection (1)(c), (d) or (e), to sections 7 and 8 of that Act and to Design Note 18 "Access for Disabled People to Educational Buildings" published in 1984 on behalf of the Secretary of State, or any prescribed document replacing that note.

(3) Expressions used in subsection (1)(d) and (e) and in the Education Act 1944 have the same meanings as in that Act.

**HAZARDOUS WASTE AND MATERIALS**

Your attention is drawn to the possibility that development of land or redevelopment of properties will give rise to hazardous material probably in the form of contaminated soil or building construction waste (e.g. asbestos lagging around pipework) needing disposal.

Under the requirements of the Control of Pollution Act 1974 and regulations made thereunder it is an offence if such material is not deposited in appropriate sites licensed by the County Council acting in their capacity as Waste Disposal Authorities and additional procedures may have to be followed.

Details of the sites in Berkshire and advice on suitability of wastes involved and procedures necessary can be obtained from:

Environment Agency, Isis House, Howbery Park, Wallingford, Oxon, OX10 8BD Tel: 01491 832801

There may also be occasions when hazardous substances such as gas from former landfill sites could be a problem. The County Surveyor's Waste Management Group have agreed to list and map all such sites and copies will be available from the above address.

**BUILDING REGULATIONS**

This planning permission does not give approval under the Building Regulations. Before any works are commenced you should check with the Building Control Section of the Planning Department whether any approval is required under the Building Regulations.

Reading BOROUGH COUNCIL

**At:** 32 Ardler Road Caversham Reading RG4 5AQ

**Application Number:** 04/00260/CLE

**CONDITIONS & REASONS**

1. The evidence available demonstrates that the use described above commenced prior to 27th February 2000 (ie 4 years before the date of this application).

**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 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 described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use/operations 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.

David Gworthy

Date: 28th April 2004

Head of Planning and Transport

And

***Please note that the Town and Country Planning (General Development Procedure) (England) (Amendment) Order 2003 and the Planning (Listed Buildings and Conservation Areas) (England) (Amendment) Regulations 2003 reduce the time limit for the submission of an appeal from six months to three months from receipt of this notice in respect of applications made on or after 5 September 2003.**

**NOTES**

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(c) in the case of such a building as is mentioned in subsection (1)(c), (d) or (e), to sections 7 and 8 of that Act and to Design Note 18 "Access for Disabled People to Educational Buildings" published in 1984 on behalf of the Secretary of State, or any prescribed document replacing that note.

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**BUILDING REGULATIONS**

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# Siteplan®

1:500 Scale




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10 0 10 20 30
Metres

READING BOROUGH COUNCIL

ENVIRONMENTAL SERVICES

Centre Coordinates: 472019 174797

National Grid sheet reference at centre of this Siteplan: SU7274NW

Supplied by: Blackwells
Serial Number: 00001043

Ordnance

Description Use WP ☐

Address: 32 Ardler Road, Caversham, Reading.
Application No: 04/00260/CLE
Proposal: Application for Certificate of Lawfulness.

Planning History: N/A

Site Description: Semi detached dwelling house converted into two flats with separate entrances and shared amenity space. There is a one bedroom flat on the ground floor and on the first floor, there is off-street parking. Much of the land to the rear of the property is a old redundant builders yard.

Appraisal:

NATIONAL GUIDANCE:

Circular 10/97 Annex 8 (Lawfulness and Lawful Development Certificate). The property is currently converted into 2 self contained flats. Council tax records show that 2 flats have been billed as separate addresses since 1997. The applicant has also submitted a letter from Southern Electric stating that there have been separate meters at the property for 3 flats since 22.12.1997. The third flat is actually the office of the builder's yard, which is a detached building on the land of this property.

The applicant has not produced any tenancy agreements however the property has recently been bought by Atterbury Homes who have refurbished the property. Tenants have recently moved in again. The Council's Council Tax department are familiar with the property and have confirmed that it has been two separate flats since 1997. It is considered that the above evidence is sufficient.

Recommendation: Approve.

The authorised delegate of the Local Planning Authority is of the opinion that the proposal will not cause material detriment to existing amenity and is designed to be in keeping with the existing building and surrounding area. The proposal therefore warrants approval, subject to appropriate conditions.

View File Copy From OK Cancel

# CASE OFFICER RECOMMENDATION

**Agent:** c/o Nicola Taplin
130 Galsworthy Drive
Caversham
Reading RG4 6QJ

**Application No:** 04/00260/CLE

**Recommendation:** Application Permitted

**Applicant:** Atterbury Homes

**Proposal:** Application for a Certificate of Lawful Existing Use for house subdivided into two self contained flats

**At:** 32 Ardler Road Caversham Reading RG4 5AQ

## CONDITIONS & REASONS

1. The evidence available demonstrates that the use described above commenced prior to 1997 (~~more than~~ ie 4 years ~~from~~ before the date of this application).

27/2/04

**Approved by Planning Manager/Team Leader:** (YES) NO

**Signed:** AM Dame

**Date:** 28/4/04.

TOWN AND COUNTRY PLANNING ACT 1990
section 191 (as amended)
Town and Country Planning General Development (Amendment) Order 1992

04/0260/CLE SKH

**APPLICATION FOR A CERTIFICATE OF LAWFULNESS for a *existing* use or operation or activityin breach of a planning condition**

1 Applicant *(in block capitals)*
Name: ATTERBURY HOMES
Address: —
Tel.No: —

2 Agent *(if any)*
Name: NICOLA TAPLIN
Address: 130 GALSWORTHY DRIVE, CAVERSHAM, READING, RG4 6QJ
Tel. No: 07760 161975 E-Mail : nicolataplin@aol.com

3 (1) Nature of applicant's interest in the land *(eg owner, lessee, occupier):* OWNER
(2) If you do not have an interest:-
(a) give name(s) and address(es) of anyone you know who has an interest in the land;

(b) state the nature of their interest *(if known);*
(c) state whether they have been informed about this application (ring correct answer)
YES NO

4 **Address or exact location of the land to which this application relates:** 32 ARDLER ROAD, CAVERSHAM, READING, BERKS.
Describe here and enclose [2] copies of an OS based plan showing the boundary of the plan edged in red

READING BOROUGH COUNCIL
- 5 MAR 2004
ENVIRONMENTAL SERVICES

5 This application is for: *(tick applicable answer)*
(a) an existing use ✓
(b) an existing operation
(c) an existing use, operation or activity in breach of a condition; being a use, operation or activity subsisting on the date of this application.

6 If there is more than one subsisting use of, or operation or activity on, the land at the date of this application, describe fully each of them and, where appropriate, show to which part of the land each use, operation or activity relates:

---

7 When was the use or activity begun, or the operation substantially completed ?

---

8 Under what grounds is the certificate sought? *(delete those which are not applicable)*

(1) ~~The use began more than ten years before the date of this application; or~~

(2) ~~The use, operation or activity in breach of condition began more than ten years before the date fo this application; or~~

(3) ~~The use began within the last ten years, as a result of change of use not requiring planning permission, and there has not been a change of use requiring planning permission in the last ten years; or~~

(4) ~~The operations were substantially completed more than four years before the date of this application; or~~

(5) The use as a singloe dwellinghouse began more than four years before the date of this application.

(6) ~~Other - specify (this might include claims that the change of use or operation was not development, or that it benefited from planning permission granted under the Act or by the General Development Order)~~

---

9 If the certificate is sought for a use, operation or activity in breach of a condition or limitation, specify the condition or limitation which has not been complied with, and attach a copy of the relevant planning permission.

10 Give any additional information you consider necessary to substantiate your claim *(continue on a separate sheet if necessary)*

The property has been subdivided into 3 flats since November 1996. We have obtained evidence from southern electric that the property was metered separately from this time. The flat 3 does in fact refer to the separate office building which is used in association with the builders yard to the rear.

---

11 List here all the documents, drawings or plans which accompany this application:

Site location plan scale 1:500.

Fax from SOUTHERN ELECTRIC DATED 20.1.04.

---

I/We hereby apply for a lawful use or development certificate under section 191 of the Town and Country Planning Act 1990 in respect of the existing use, operations or activity described in this application and the documents, drawings and plans which accompany it.

I/We enclose the appropriate fee of £55.00.....

Signed. [redacted] ..... Date: 27.2.04.....

on behalf of.....ATTERBURY HOMES.....

*(insert name(s) of applicant(s) if signed by agent)*

Warning : The amended section 194 of the 1990 provides that it is an offence to furnish false or misleading information or to withhold material information with intent to deceive. Section 193(7) enables the Council to revoke, at any time, a certificate they may have issued as a result of such false or misleading information.

# Southern Electric Fax

048260

To: Mr Nigel Elkes Fax 0118 9479353
From: Dave Duncan Tel 08457 444 555 Ext 946/272
Date: Tuesday, 20 January, 2004
Subject: Flat 1, 2 & 3 32 Ardler Road, Caversham, eading
Pages: 1, including this

Nigel,

I have detailed below the meters which have been in the three properties from as far back as my records show. I hope this is what you are looking for, however, please do not hesitate to contact me if you require any further information.

Regards,

[redacted]

Dave Duncan

**Flat 1:**

**Meter # S81C79239 from 22.12.97 - 07.01.98**

**Meter # F91C18870 from 22.12.97 - 21.07.03**

**Meter # L03C11713 from 21.07.03**

**Flat 2:**

**Meter # F93C57449 from 04.11.96 - 21.7.03**

**Meter # L03C11701 from 21.07.03**

**Flat 3:**

**Meter # S75C19141 from 17.06.96**

READING BOROUGH COUNCIL

- 3 MAR 2004

ENVIRONMENTAL SERVICES

Fax



**Nicola Taplin BA(Hons) DipTP MRTPI**

27 February 2004

The Planning Manager
Planning Section
Reading Borough Council
PO Box 17
Civic Centre
Reading
Berkshire
RG1 7TD

Dear Sir

**APPLICATION FOR A CERTIFICATE OF LAWFULNESS FOR THE SUBDIVISION OF 32 ARDLER ROAD, CAVERSHAM INTO TWO SELF CONTAINED FLATS.**

I have been instructed by Atterbury Homes to submit the enclosed application for a Certificate of Lawfulness. The application consists of the following:-

- Completed Application Forms
- 2 Copies of 1:500 site location plan
- A copy of a Faxed letter from Southern Electric dated 20.1.04
- A Cheque for £55 in respect of the planning fee.

The property was subdivided into two self contained flats in November 1996. The two flats have been occupied as two separate dwellings continually since that date. I enclose a copy of a faxed letter from Southern Electric dated 20.1.04 which confirms that the properties have been metered separately since that date. The letter refers to flat 3 which relates to the office on the site which is occupied in association with the builders yard to the rear of the property.

I hope that you are able to issue a Certificate of Lawfulness to confirm that the property now has an authorised use as two separate dwellings. Please do not hesitate to contact me should you require any further information or clarification.

Yours faithfully

[redacted]

Nicola Taplin

Cc: Nigel Elkes – Atterbury Homes.

READING BOROUGH COUNCIL

– 3 MAR 2004

ENVIRONMENTAL SERVICES

130 Galsworthy Drive Caversham Reading Berkshire RG4 6QJ
tel: 0118 9482672 mobile: 07760 161975 email: nicolataplin@aol.com

F.A.O.

Sarah Houmoller

ROAD Arder Road HOUSE NO. OR NAME 32 CARD NO

Builders Yard

| REGISTER NO. | PLAN NO. | DEVELOPMENT | DECISION | DATE |
|---|---|---|---|---|
| 1722 | TP272 | Builders Yard. – superceded | | |
| 1918 | TP315 | Builders storage yard. (9.11.62. Extended 31.12.67) | C. Consent Refuse | 7.3.52 5.7.57 |
| 9263 | 32834 | office, lavatory accomm. | Refuse | 19.1.62 |
| 9741 | 33522 | Showroom, office store | Cons | 6.7.62 |
| 13084 | 33242 | Workshop & store | C. Cons | 1.10.65 |
| 15199 | 6028 | Conversion to offices & flats. | Refuse | 22.12.67 |
| | | | | |
| 85 TP | 977 | 4 dwellings O/A | Refuse | 8.1.86 |
| 86 TP | 381 | 4 dwellings (F) | C/consent | 5/6/86 |
| | | | | |
| 04/00260/ CLF/SKH- | | Application for a Certificate of Lawful Existing use for house divided into two – Self-Contained flats. | | |

P.T.O.

Ordnance Survey®

# Siteplan®

1:500 Scale




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READING BOROUGH COUNCIL
- 3 MAR 2004
ENVIRONMENTAL SERVICES

Centre Coordinates: 472019 174797

National Grid sheet reference at centre of this Siteplan: SU7274NW

Supplied by: Blackwells
Serial Number: 00001043

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