

DELEGATED PLANNING APPLICATION REPORT

Ward: Park

App Ref: 240266/CLE

Address: 26 Amity Road, Reading, RG1 3LJ

Proposals: Certificate of Lawfulness for Existing use as 2 X self-contained flats

Case Officer: Sian Hickey

Date received (valid from): 29 February 2024 **Target Decision date:** 5 June 2024

SITE DESCRIPTION

The application site comprises a mid-terrace two storey dwelling on the east side of Amity Road. The immediate surrounding area is residential with terraces of similar design. The application site is not listed nor within a conservation area.

Site visit date: 02/05/2024



PROPOSAL AND SUPPORTING INFORMATION

The application seeks to demonstrate the existing use of the 26 Amity Road as 1x 1-bedroom self-contained flat and 1x 2-bedroom self-contained flat (use class C3).

RELEVANT PLANNING HISTORY

030433 - Certificate of lawfulness for a single storey rear extension. REFUSED

Equality Act 2010:

In determining this application the Council is required to have regard to its obligations under the Equality Act 2010. However, there is no indication or evidence (including from consultation on the application) that the protected groups identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application. Therefore in terms of the key equalities protected characteristics it is considered there would be no significant adverse impacts as a result of the development.

CONSULTATIONS

Reading Borough Council, Electoral Registration - Response received on 29/04/2024

Number of registered electors at the residential property using data from the Electoral Register that are electronically stored (Xpress): Pending elector numbers not provided.

Number of Registered Electors at 26 Amity Road	
Year	
2024	2
2023	2
2022	2
2021	2
2020	2
2019	2
2018	4
2017	3
2016	3
2015	2

Reading Borough Council, Council Tax - Response received on 25/04/2024

26 AMITY ROAD is split into two separate flats on our system, both flats have been separately banded for CT purposes since 04.09.2019; both flats have been separately let out to tenants and occupied since the date of banding.

Reading Borough Council, Enforcement - Response received on 30/04/2024

No records for this property

Reading Borough Council, Environmental Health - No response received

Reading Borough Council, Legal Services - Response received on 24/05/2024

The evidence seems to be clear that the property has been used as two dwellings for over 4 years, and we don't hold any contradictory evidence (and in fact the Council Tax evidence is corroborative).

SUBMITTED EVIDENCE

The applicant has provided the following evidence to support the use of 26 Amity Road as 1x 1-bedroom self-contained flat and 1x 2-bedroom self-contained flat:

- Location Plan received 5th March 2024
- Tenancy Agreement, Ground Floor Flat, dated 2 November 2018, received 5 March 2024
- Tenancy Agreement, Ground Floor Flat, dated 1 August 2019, received 5 March 2024
- Tenancy Agreement, Ground Floor Flat, dated 1 August 2020, received 5 March 2024
- Tenancy Agreement, Ground Floor Flat, dated 1 March 2022, received 5 March 2024
- Tenancy Agreement, Ground Floor Flat, dated 1 April 2023, received 15 May 2024
- Variety of Bank Statements, February 2023 - March 2024, received 15 May 2024

- Electrical Certificate, Ground Floor Flat, dated 20 January 2017, received 5 March 2024
- Gas Certificate, Ground Floor Flat, dated 6 March 2020 received 5 March 2024
- Gas Certificate, Ground Floor Flat, dated 6 March 2021 received 5 March 2024
- Gas Certificate, Ground Floor Flat, dated 9 March 2018 received 5 March 2024
- Gas Certificate, Ground Floor Flat, dated 9 March 2019 received 5 March 2024
- Gas Certificate, Ground Floor Flat, dated 10 March 2017 received 5 March 2024
- Gas Certificate, Ground Floor Flat, dated 20 February 2022 received 5 March 2024
- Gas Certificate, Ground Floor Flat, dated 20 February 2023 received 5 March 2024
- Electrical Certificate, First Floor Flat, dated 17 March 2023, received 5 March 2024
- Electrical Certificate, First Floor Flat, dated 19 April 2013, received 5 March 2024
- Electrical Certificate, First Floor Flat, dated 20 January 2017, received 5 March 2024
- Tenancy Agreement, First Floor Flat, dated 10 March 2022, received 5 March 2024
- Tenancy Agreement, First Floor Flat, dated 10 July 2018, received 5 March 2024
- Tenancy Agreement, First Floor Flat, dated 10 August 2019, received 5 March 2024
- Tenancy Agreement, First Floor Flat, dated 10 May 2021, received 5 March 2024
- Drawing No.9318-101 - Existing Floor Plans, received 1 May 2024
- Variety of bank statements, April 2020 - March 2021, received 3 May 2024
- Deposit protection email, dated 2 May 2024, received 3 May 2024
- End of tenancy email, dated 31 January 2024, received 3 May 2024

ASSESSMENT

In order for a certificate of lawfulness to be granted for this application, the applicant must demonstrate that the use of 26 Amity Road as 2x self-contained flats began more than 4 years before the date of this application of 29 February 2024. The application form states that the use of both flats began in 2018, but the four year period for this application runs from 29th February 2020 - 29th February 2024.

With regards to internal consultee response; the Council Tax team have confirmed that the flats are separately banded and have been since at least 04/09/2019.

The Planning Enforcement Team has confirmed that there are is no enforcement history at this address.

Turning to the evidence submitted by the applicant to support the claims made within this application, the PPG makes the position clear on how the evidence submitted is to be considered. It says:

“In the case of applications for existing use, if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant’s version of events less than probable, there is no good reason to refuse the application, provided the applicant’s evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability”

The evidence submitted (tenancy agreements, bank statements, gas certificates and electrical certificates) supports the claim that the property has been in continuous use as two self-contained flats for four years prior to the application being submitted. The site visit carried out by the planning officer on 2nd May 2024 provided a good confirmation of the floor plans accuracy which further supports the claim. In the absence of evidence to contrary and corroborating evidence held by the Council (Council Tax records, Electoral register data) on the balance of probabilities, it can be confirmed that 26 Amity Road has operated as two self-contained flats (Use Class C3 residential) for a period of 4 years and is therefore immune to enforcement action.

On this basis, and without being made aware of any information to the contrary, the Certificate should be granted. The certificate will relate only to the subject land, by reference to the plan shown below.

RECOMMENDATION
GRANT CERTIFICATE

The applicant has provided sufficient evidence or other information that satisfies the Local Planning Authority that the use of 26 Amity Road as 1x 1-bedroom self-contained flat and 1x 2-bedroom self-contained flat (C3 use) began more than 4 years ago and there is no evidence to suggest this use was lost or changed. It follows that there is sufficient justification to grant the certificate of lawfulness applied for by the applicant.

