

DELEGATED PLANNING APPLICATION REPORT

Ward: Abbey

App Ref: 240750/CLE

Address: Flat 4, 8 Goldsmid Road, Reading, RG1 7LR

Proposals: Residential dwelling at Flat 4, 8 Goldsmid Road, Reading used as a self contained unit for more than 10 years.

Case Officer: Sian Hickey

Date received (valid from): 18/06/2024

Decision date (ext): 08/11/2024

SITE DESCRIPTION

The site address is Flat 4, 8 Goldsmid Road, which lies entirely on the second floor level of 157 Oxford Road. The application site is accessed from a passageway via 8 Goldsmid Road. See google earth image below. The studio flat consists of a sitting room/bedroom/kitchen with separate bathroom. The application site is listed, and it falls within the Castle Hill/Russell Street/Oxford Road Conservation Area.



Google image

Site visit date: 11th July 2024

PLANNING HISTORY

061123 - Change of use from A2 (Offices) to residential to form 4 self-contained flats. Permitted subject to legal agreement 29/03/2007.

240749 – Certificate of lawfulness for residential dwelling at Flat 3, 8 Goldsmid Road, Reading used as a self contained unit for more than 10 years. To be determined.

PROPOSAL

Application for a Lawful Development Certificate for existing use under section 191 of the Town and Country Planning Act 1990. A certificate is sought to confirm that the existing use as a self-contained flat (current Use Class C3) based on evidence that the use has been in existence for at least 4 years continuously before the application was submitted.

To comply with section 191(5) or 192(3) of the Act the applicant needs to submit evidence to substantiate the claim for the established existing use.

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, Enforcement – Response received on 20/06/2024

No records/history for this property

Reading Borough Council, Environmental Health – No response received

Reading Borough Council, Electoral Registration – Response received on 03/07/2024

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

	Flat 1	Flat 2	Flat 3	Flat 4
2024	2	1	3	1
2023	1	1	3	1
2022	0	1	3	0
2021	0	1	3	0
2020	2	0	3	0
2019	2	0	3	0
2018	1	1	4	0
2017	1	1	2	1
2016	1	0	2	1
2015	1	0	2	1
2014	0	2	0	3

Reading Borough Council, Council Tax – Response received on 20/06/2024

This flat has been separately banded for CT purposes since 01.07.2009. The flat has been separately let out to different tenants, since the date of banding.

Reading Borough Council, Legal Services – Response received on 25/10/2024

We have reviewed the evidence and it is clear that there has been a change of use to part of the building to be used as a single dwellinghouse (use class C3) so the enforcement period for eligibility is 4 years.

The applicant has submitted over ten years' worth of evidence to support their application and we consider that the certificate can be safely granted as the evidence is precise and unambiguous and we do not hold any contradictory evidence to state otherwise.

SUBMITTED EVIDENCE

The applicant has provided the following evidence to support the use of Flat 4, 8 Goldsmid Road, Reading as 1x self-contained studio flat:

- Drawing No. 9285-100 - Location Plan received 11th June 2024
- Affidavit signed by applicant, dated 17 April 2024, received 11th June 2024
- Tenancy Agreement, dated 19 August 2013, received 11th June 2024
- Bank statement date 31/07/13 showing rent payment, received 11th June 2024
- End of tenancy email, dated 3 September 2014, received 11th June 2024
- Tenancy Agreement, dated 19 September 2014, received 11th June 2024

- Bank statement date 21/11/14 showing rent payment, received 11th June 2024
- End of tenancy emails, dated 24 February 2016, received 11th June 2024
- Tenancy Agreement, dated 2 February 2016, received 11th June 2024
- Bank statement date 29/02/16 showing rent payment, received 11th June 2024
- End of tenancy email, dated 9 December 2017, received 11th June 2024
- Tenancy Agreement, dated 4 April 2018, received 11th June 2024
- Bank statement date 20/04/18 showing rent payment, received 11th June 2024
- Tenancy Agreement, dated 5 October 2018, received 11th June 2024
- Bank statement date 18/10/18 showing rent payment, received 11th June 2024
- Tenancy Agreement, dated 10 July 2019, received 11th June 2024
- End of tenancy email, dated 21 January 2022, received 11th June 2024
- Tenancy Agreement, dated 21 February 2022, received 11th June 2024
- End of tenancy email, dated 1 May 2023, received 11th June 2024
- Tenancy Agreement, dated 13 June 2023, received 11th June 2024
- Email agreeing to new periodic tenancy, dated 16/4/2024, received 11th June 2024
- Photographs received 12th June 2024
- Drawing No. 9285-103 – Existing Ground and First Floor Plan received 8th July 2024
- Drawing No. 9285-104 – Existing Second Floor Plan received 8th July 2024
- Selection of emails from tenants and letting agents, received 15th October 2024
- Additional signed statement from applicant, dated 14/10/24, received 15th October 2024

ASSESSMENT

In order for a certificate of lawfulness to be granted for this application, the applicant must demonstrate that the use of flat 4, 8 Goldsmid Road as 1x self-contained studio flat began more than 10 years before the date of this application on 18th June 2024. The 10 year period for this application runs from 18th June 2014 – 18th June 2024.

With regards to internal consultee responses the Council Tax team have confirmed that the flat has been separately banded since 1st July 2009.

The Planning Enforcement Team has confirmed that there 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, signed statements, emails, bank statements) supports the claim that the property has been in continuous use as one self-contained studio flat for 10 years prior to the application being submitted. The site visit carried out by the planning officer on 11th July 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 Flat 4, 8 Goldsmid Road has operated as one self-contained studio flat (Use Class C3 residential) for a period of 10 years and is therefore immune to enforcement action with regards to its use.

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 Flat 4, 8 Goldsmid Road, Reading as 1x self-contained studio flat (C3 use) began more than 10 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.



