

PROPOSAL

Lawful development certificate for existing use of property as five self-contained flats

Address:

995A Oxford Road, Reading RG31 6TL

PROPOSAL DESCRIPTION

995A Oxford Road is a two storey detached property located in a wholly residential area in Reading.

The proposal is for Lawful Development Certificate for the existing use of property as five self-contained flats, as outlined in the application form.

Currently there are five flats in the property, Flat 1 on the ground floor, Flat 2, 3, 4 on first floor and Flat 5 on the second floor.

MATERIAL CONSIDERATIONS

The Town and Country Planning Act 1990: Section 191 as amended by section 10 of the Planning and Compensation Act 1991 Town and Country Planning (Development Management Procedure) (England) Order 2015, is relevant for the determination.

Relevant schedule

The relevant section of the TCPA 1990 has been included below, which states

(1) If any person wishes to ascertain whether—

(a) any existing use of buildings or other land is lawful;

(b) any operations which have been carried out in, on, over or under land are lawful; or

(c) any other matter constituting a failure to comply with any condition or limitation subject to which planning permission has been granted is lawful,

he may make an application for the purpose to the local planning authority specifying the land and describing the use, operations or other matter.

(2) For the purposes of this Act uses and operations are lawful at any time if—

(a) no enforcement action may then be taken in respect of them (whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason); and

(b)they do not constitute a contravention of any of the requirements of any enforcement notice then in force.

(3)For the purposes of this Act any matter constituting a failure to comply with any condition or limitation subject to which planning permission has been granted is lawful at any time if—

(a)the time for taking enforcement action in respect of the failure has then expired; and

(b)it does not constitute a contravention of any of the requirements of any enforcement notice or breach of condition notice then in force.

(3A)In determining for the purposes of this section whether the time for taking enforcement action in respect of a matter has expired, that time is to be taken not to have expired if—

(a)the time for applying for an order under section 171BA(1) (a “planning enforcement order”) in relation to the matter has not expired,

(b)an application has been made for a planning enforcement order in relation to the matter and the application has neither been decided nor been withdrawn, or

(c)a planning enforcement order has been made in relation to the matter, the order has not been rescinded and the enforcement year for the order (whether or not it has begun) has not expired.

(4)If, on an application under this section, the local planning authority are provided with information satisfying them of the lawfulness at the time of the application of the use, operations or other matter described in the application, or that description as modified by the local planning authority or a description substituted by them, they shall issue a certificate to that effect; and in any other case they shall refuse the application.

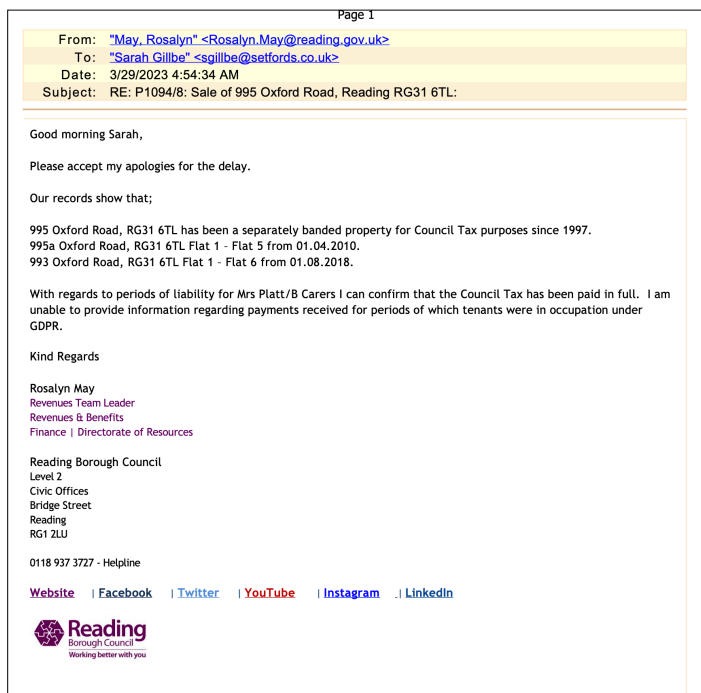
EVIDENCE SUBMITTED

HM Land Registry Official Copy Entries and filed plan Title number WM----- confirming sole ownership of property 995/995A Oxford Road

Statutory Declaration from the owner confirming that property has been split into five individual self-contained flats since 2003.

Written Confirmation by Reading Borough Council that 995A Oxford Road has been separately banded as five flats since 2010.

Written Confirmation by Reading Brough Council that Council tax has been paid in full to todays date for all the five flats.



All properties have separate UPRNs as follows:

Flat 1: 310084096

Flat 2: 310084097

Flat 3: 310084098

Flat 4: 310084099

Flat 5: 310084100

Energy performance certificates for all five flats – Valid until 2027

All the five apartments have separate utility supplies as shown in below pictures

Bank statements showing examples of these payments since 2017

Flat 1

AST from 2014 available here, with bank statements showing rent paid in full to date

Flat 2

Barbara has paid council tax on/off since 2017 across flats 2-5 where there has been a vacancy. To make up 4 years of continuous evidence she is providing historical ASTs to fill in the gaps.

Flat 3

Barbara has paid council tax on/off since 2017 across flats 2-5 where there has been a vacancy. To make up 4 years of continuous evidence she is providing historical ASTs to fill in the gaps.

Flat 4

Barbara has paid council tax on/off since 2017 across flats 2-5 where there has been a vacancy. To make up 4 years of continuous evidence she is providing historical ASTs to fill in the gaps.

Flat 5

Barbara has paid council tax on/off since 2017 across flats 2-5 where there has been a vacancy. To make up 4 years of continuous evidence she is providing historical ASTs to fill in the gaps.

ASSESSMENT OF EVIDENCE

The onus is upon the applicant to provide sufficient information to demonstrate “on the balance of probability” that the building has been used continuously as self-contained flats in excess of four years.

Based on the provided information it is therefore clearly demonstrated that 995A Oxford Road has been occupied as five self-contained flats for a continuous period of 4 plus years.

Provided information also clearly demonstrated the use of flats has not been changed for a period of more than 4 years continuously.

It is considered that, on the balance of probability, the building has been sub-divided into five self-contained one bedroomed flats, which have been in continuous use for in excess of four years and are therefore exempt from enforcement action. The use is therefore considered lawful.

CONCLUSION

It is therefore respectfully requested that sufficient evidence has been provided to demonstrate that, on the balance of probability, the present use of the property as five self-contained flats commenced more than four years before the date of the application and has been in continuous use since that date. The use is therefore should be considered to be lawful.