

Flat E, 551 Oxford
Road, Reading,
RG30 1HJ



**Certificate of Lawful
Development Evidence
Document**

**Retrospective change of use
application**

Issue: Planning

Date: Oct 2023

Ref: 573b

Client: Mr M Grant



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Site: Flat E, 551 Oxford Rd, RG30 1HJ

0.1 Introduction

This document has been prepared to explain and present evidence to support a Certificate of Lawful Development application at 551 Oxford Street, Reading. The mid terrace, 3 storey building which includes some commercial office space to the ground floor has established residential accommodation above and behind. The property historically been sub-divided into 4 dwellings, for which this application seeks a CLD (Certification of Lawful Development) for the ground floor rear dwelling, Flat E, as illustrated on the submitted plan 573-03b-00.

0.2 Relevant legislation

The statutory framework for such applications and their determination is detailed in Sections 191 to 193 of the Town and Country Planning Act 1990. Lawful development is described as development where no enforcement action has been taken and after 4 years is then immune from enforcement action.

With respect to the evidence to support the use, The National Planning Guidance confirms the following principle:

The applicant is responsible for providing sufficient information to support an application, although a local planning authority always needs to co-operate with an applicant who is seeking information that the authority may hold about the planning status of the land. A local planning authority is entitled to canvass evidence if it so wishes before determining an application. If a local planning authority obtains evidence, this needs to be shared with the applicant who needs to have the opportunity to comment on it and possibly produce counter-evidence.

*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.

This guidance confirms that the applicant only needs to meet the evidence test of **"balance of probability"**. Further the local authority does not need to corroborate the applicant's evidence for it to be considered as accurate and acceptable.

0.3 Property location and history

The building is located halfway along Oxford Road, centrally within in a small terrace of Victorian properties similarly containing residential over retail/commercial. The front elevation of the property faces north and addresses Oxford Road, the rear elevation faces south over the shared communal garden. This shared garden provides amenity space for a number of nearby properties. This garden is also the main access route, by way of a shared pathway that spurs off Wantage Road to the west, that serves Flat 4 and other dwellings.

The property is owned by Mr M. Grant, and when purchase the property was already occupied as a residential dwelling. The submitted plan ref 573-03b-00, illustrates the extent and precise location of the dwelling seeking this Certificate of Lawful Development. The 1 bed dwelling has its own front door, which is off a small yard, accessed via the shared garden with No. 549 Flat 4.

Within [appendix A](#), images of the property and dwellings can be viewed, and it is quite clear that the character and age of the property interior is commensurate with works that would have been completed in excess of 4 years ago.

0.4 Evidence

As part of this CLD application, evidence has been provided to explain the use, amount and timescales of occupation to illustrate at least 4 years of continued occupation, which is required for immunity of enforcement action and therefore permissible for a CLD. The property is visible from the public garden, so there can be no suggestion that the works have in any been hidden from the local planning authority. The nearby property 551b, which also shares the same access and communal garden, was recently allowed a CLD as a dwelling within appeal APP/E0345/X/22/3310197.

The list of evidence below generally refers to the last 4 years, but if required the applicant can produce more, that said, we do not see it relevant to the outcome of this application as we only need to demonstrate the last 4 years.

Evidence 1 - Layout and Existing Condition

Proposed plan and general condition of the property seen within the photos in [appendix A](#) illustrate the internal layout, which is structurally sound and appropriately used as C3 residential accommodation. The style and condition, furthermore illustrates that it was refurbished in excess of 4 years ago.

Evidence 2 - Tenancy Agreements, Rent payments & Deposits

The dwelling has been let during for in excess of 4 years on AST (Assured Shorthold Tenancy) Agreements. Within [appendix B](#), a copy of these agreements have been provided. The contract illustrates that Mrs Josephine Webb resided at the property from the 15th of July 2019 until the 26th May 2023, which covers a period of 3 years and 11 months. The notice terminating this agreement can be found in [appendix C](#). From the 1st of June 2023 until present, the property is occupied by Mr Gareth Hughes, the AST agreement is within [appendix D](#), with the accompanying statement from the letting agent (Lansleys), within [appendix E](#). This illustrates continued occupation for in excess of 4 years.

It should be assumed that if the AST is fixed term, and the tenant continues to reside at the property, the agreement will automatically convert to a rolling periodic tenancy. The tenant signed this agreement, which converted to a periodic tenancy and still resides at the property.

Evidence 3 - Bank Statement rent roll.

A collection of bank statements, within [appendix F & G](#), have current and previous the tenants rent transaction area highlighted. These statements date back to the August 2019, please note that the first payment was cash and then paid to bank direct, the second payment on September 2019 was from the tenant. This illustrates at least 4 years and 2 month of continued occupancy.

Evidence 4 - Affidavit.

Within [appendix H](#), the applicant has provided an affidavit stating that he has managed the property since the 1st Feb 2019 (4 years 6 months).

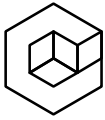
Summary

This report presents robust evidence that illustrates "on the balance of probability" that the property has been used as a residential dwelling for in excess of 4 years. It should therefore be reasonable for the LPA to formalise this situation and present a Certificate of Lawfulness confirming this fact.

Appendix A

Property condition photos





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912a/CLD/ISSUE 01