

DELEGATED PLANNING APPLICATION REPORT

Ward: Katesgrove

App Ref: PL/24/1386

Address: 114 Southampton Street, Reading, RG1 2QX

Proposals: Existing use as a 1x 1-bedroom self-contained flat on the ground floor and 1x 2-bedroom self-contained flat on the first floor (use class C3)

Case Officer: Sian Hickey

Date received (valid from): 18/10/2024

Decision date (ext): 18/12/2024

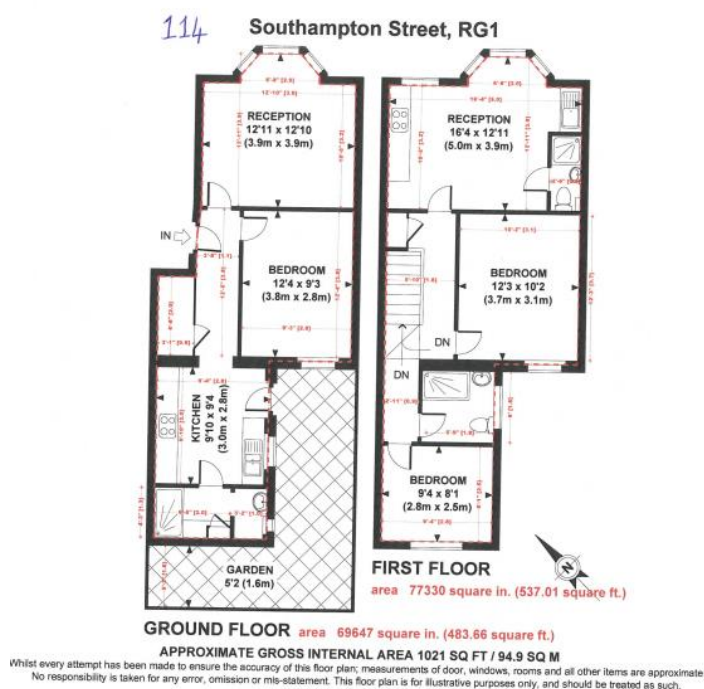
SITE DESCRIPTION

The application site comprises a mid-terrace two storey dwelling on the west side of Southampton Street. The surrounding area is a mix of commercial and residential. The application site is not listed nor within a conservation area. The site does lie within an Article 4 Direction area which removes permitted development rights for a change of use from C3 to C4 small HMO (for 3-6 unrelated persons).

Site visit date: 29/10/2024

PROPOSAL AND SUPPORTING INFORMATION

The application seeks to demonstrate the existing use of 114 Southampton Street as 1x 1-bedroom self-contained flat and 1x 2-bedroom self-contained flat (use class C3).



RELEVANT PLANNING HISTORY

None

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 22/10/2024

Please see below number of registered electors at 114 Southampton Street, from 2015 – 2024.

	Registered Electors at 114 Southampton Street
2024	2
2023	2
2022	2
2021	2
2020	2
2019	4
2018	3
2017	2
2016	1
2015	1

Reading Borough Council, Council Tax – Response received on 24/10/2024

We only have this property banded as a single dwelling since 01.04.1997. We do consider this property to be a HMO for CT purposes since 2006.

Reading Borough Council, Enforcement – Response received on 23/10/2024

No records for this property

Reading Borough Council, Environmental Health – No response received

Reading Borough Council, Legal Services – Response received on 12/12/24

Having reviewed all the evidence supplied, it is clear the property has been used as a 1x 1-bedroom self-contained flat on the ground floor and 1x 2-bedroom self-contained flat on the first floor (use class C3). Therefore, the enforcement period for eligibility is 4 years prior to the submission of the application (18 October 2024).

The applicant has provided photo evidence, a floor plan and tenancy agreements for the ground and first floor flat from 2020, which covers the 4-year period to support their application.

As a result, we consider 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 evidence to support the use of 114 Southampton Street, Reading, RG1 2QX as 1 x 1-bedroom self-contained flat and 1x 2-bedroom self-contained flat.

The following evidence was received on 17 October 2024:

- Location Plan
- Floor Plans
- Photographs
- Signed Statutory Declaration from applicant (date 24/09/24)
- Tenancy Agreement, Top Floor Flat, 30/04/2021 to 29/04/2022 then periodic
- Deposit Protection Certificate, Top Floor Flat (deposit collected date 29/04/21) for period 30/04/2021 – 29/04/2022
- Tenancy Agreement, Ground Floor Flat, 10/02/2024 to 09/02/2025 then periodic
- Deposit Protection Certificate, Top Floor Flat (deposit collected date 3/3/22) for period 01/04/2024 – 31/03/2025
- Deposit Protection Certificate, Top Floor Flat (deposit collected date 10/7/24) for period 10/07/2024 – 09/07/2025

The following evidence was received on 25 November 2024:

- Employment letter for proof of address
- Tenancy Agreement, Top Floor Flat, 01/04/2022 to 31/03/23
- Deposit Protection Certificate, Top Floor Flat (deposit collected date 03/03/22), for period 01/04/22 – 31/3/23
- Tenancy Agreement, Top Floor Flat, 01/04/23 to 31/03/24
- Deposit Protection Certificate, Top Floor Flat (deposit collected date 03/03/22), for period 01/04/23 – 31/03/24
- Tenancy Agreement, Top Floor Flat, 01/04/24 to 31/03/25
- Deposit Protection Certificate, Top Floor Flat (deposit collected date 03/03/24), for period 01/04/24 – 31/03/25

The following evidence was received on 26 November 2024:

- Deposit Protection Certificate, Ground Floor Flat (deposit collected date 05/02/21), for period 10/02/21 to 09/02/22
- Tenancy Agreement, Ground Floor Flat, 10/02/23 to 9/02/24
- Deposit Protection Certificate, Ground Floor Flat (deposit collected date 5/2/21), for period 10/02/22 to 9/2/23
- Tenancy Agreement, Ground Floor Flat, 29/07/20 to 28/07/21
- Tenancy Agreement, Ground Floor Flat, 10/02/21 to 09/02/2022
- Deposit Protection Certificate, Ground Floor Flat (deposit collected date 26/07/20), for period 27/07/20 to 28/7/21
- Tenancy Agreement, Ground Floor Flat, 10/02/22 to 09/02/2023
- Deposit Protection Certificate, Ground Floor Flat (deposit collected date 17/12/22), for period 10/02/23 to 09/02/24
- Deposit Protection Certificate, Ground Floor Flat (deposit collected date 17/12/22), for period 10/02/24 to 09/02/25

ASSESSMENT

In order for a certificate of lawfulness to be granted for this application, the applicant must demonstrate that the use of 114 Southampton Street as 2x self-contained flats began more than 4 years before the date of this application of 18 October 2024. The application form states that the use of both flats began on 27 June 2020, but the four year period for this application runs from 18 October 2020 – 18 October 2024.

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, deposit protection certificates, signed declaration) 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 14th November 2024, along with the photographs submitted by the applicant, provides a good confirmation of the floor plans accuracy which further supports the claim. In the absence of evidence to contrary, on the balance of probabilities, it can be confirmed that 114 Southampton Street 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 114 Southampton Street 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.



Location Plan (not to scale)