

DELEGATED PLANNING APPLICATION REPORT

Ward: Abbey

App Ref: 240748/CLE

Address: 155 Oxford Road, Reading, RG1 7UY

Proposals: Top Flat, 155 Oxford Road used as a self-contained dwelling for more than 10 years.

Case Officer: Huimin Chen

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

Decision date (ext): 24/12/2024

SITE DESCRIPTION

The site address is the Top Flat, 155 Oxford Road, which can be accessed via a passageway from 8 Goldsmid Road. See the Google Earth image below. The studio flat is an open-plan space that combines the living, sleeping, and kitchen areas into one cohesive room. The bathroom is the only separate area. The application site is listed, and it falls within the Castle Hill/Russell Street/Oxford Road Conservation Area.



Site visit date: 11/07/2024

PROPOSAL AND SUPPORTING INFORMATION

The application seeks to demonstrate Top Flat, 155 Oxford Road, Reading has been in continuous use as a self-contained, 1-bed, residential flat for more than 10 years (use class C3).

RELEVANT 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 Goldsmith Road, Reading used as a self contained unit for more than 10 years. – Approved

240750 – Certificate of lawfulness for residential dwelling at Flat 4, 8 Goldsmid Road, Reading used as a self contained unit for more than 10 years. – Approved

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.

	Top Floor Flat, 155 Oxford Road
2024	1
2023	1
2022	1
2021	0
2020	0
2019	0
2018	1
2017	1
2016	1
2015	0
2014	1

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

This flat has been separately banded for CT purposes since 19.05.2008. The flat has been separately let out to various tenants since the date of banding.

Reading Borough Council, Legal Services – Response received on 19/12/2024

We have reviewed the evidence provided and it is clear that there has been a breach of planning condition so the enforcement period for eligibility is 10 years.

The applicant has submitted ten years' worth of evidence to support their application that the top floor flat has been in use as a self-contained dwelling for more than 10 years, 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 Top Flat, 155 Oxford Road, Reading as 1-bedroom self-contained 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 (A), dated 14 December 2013, received 11th June 2024
- End of tenancy email, date 13 June 2014, received 11th June 2024
- Tenancy Agreement (B), dated 24 June 2014, received 11th June 2024
- End of tenancy email, date 23 December 2014, received 11th June 2024
- Tenancy Agreement (C), dated 16 January 2015, received 11th June 2024
- End of tenancy email, date 3 January 2016, received 11th June 2024
- Tenancy Agreement (D), dated 4 January 2016, received 11th June 2024
- End of tenancy email, date 1 July 2016, received 11th June 2024
- Tenancy Agreement (E), dated 1 July 2016, received 11th June 2024
- End of tenancy email, date 31 July 2017, received 11th June 2024
- 1 PP Signed Statement for the vacancy of 48 days, received 22nd October 2024
- Tenancy Agreement (F), dated 18 September 2017, received 11th June 2024
- End of tenancy email, date 17 March 2018, received 11th June 2024
- Tenancy Agreement (G), dated 19 March 2018, received 11th June 2024
- End of tenancy email, date 18 September 2018, received 11th June 2024
- Tenancy Agreement (H), dated 22 September 2018, received 11th June 2024
- End of tenancy email, date 14 July 2019, received 11th June 2024
- Tenancy Agreement (I), dated 27 July 2019, received 11th June 2024
- End of tenancy email, date 16 January 2020, received 11th June 2024
- 1 PP Signed Statement for the vacancy of 53 days, received 22nd October 2024
- Tenancy Agreement (J), dated 20 March 2020, received 11th June 2024
- End of tenancy email, date 2 March 2022, received 11th June 2024
- Tenancy Agreement (K), dated 12 March 2022, received 11th June 2024
- End of tenancy email, date 17 June 2022, received 11th June 2024
- Ongoing Tenancy Agreement (L), dated 17 June 2022, received 11th 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

ASSESSMENT

In order for a certificate of lawfulness to be granted for this application, the applicant must demonstrate that the use of top flat, 155 Oxford Road as 1x self-contained 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 response; the Council Tax team have confirmed that the flat has been separately banded since 19th May 2008.

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”

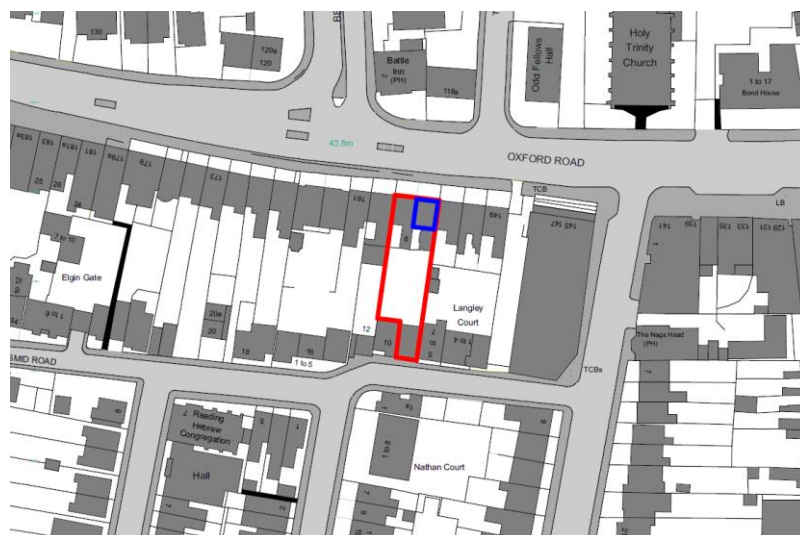
The evidence submitted (tenancy agreements, emails) supports the claim that the property has been in continuous use as one self-contained flat for 10 years prior to the application being submitted. The site visit carried out by the planning officer on 11th July 2024 provided good confirmation of the floor plans' accuracy, which further supports the claim. In the absence of evidence to the contrary and corroborating evidence held by the Council (Council Tax records, Electoral register data) on the balance of probabilities, it can be confirmed that top flat, 155 Oxford Road has operated as one self-contained flat (Use Class C3 residential) for a period of 10 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 Top flat, 155 Oxford Road, Reading as 1x 1-bedroom self-contained 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.



Location Plan (not to scale)