

DELEGATED PLANNING APPLICATION REPORT

Ward: Norcot

App Ref: PL/24/1447

Address: 84 GROVELANDS ROAD, READING, RG30 2NY

Proposals: Certificate of lawfulness for existing use of garden outbuilding as separate self-contained dwelling

Case Officer: Sian Hickey

Date received (valid from): 30/10/2024

Decision date (ext): 17/01/2025

SITE DESCRIPTION

The application site comprises a single storey outbuilding with a flat roof, located in the rear garden of 84 Grovelands Road. The surrounding area is a predominantly residential. The application site is not listed nor within a conservation area.

Site visit date: 14/11/2024



PROPOSAL AND SUPPORTING INFORMATION

The application seeks to demonstrate the existing use of the garden outbuilding as a self-contained residential flat (use class C3).

RELEVANT PLANNING HISTORY

071063 - Proposed two storey rear extension. REFUSED 14/08/2007

070033 - Erection of a single storey rear extension. APPROVED 12/11/2007

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 08/11/2024 .

Please see below number of registered electors at 84 Grovelands Road.

	No. of Registered Electors at 84 Grovelands Road
2024	4
2023	3
2022	5
2021	5
2020	5
2019	4
2018	3
2017	3
2016	3
2015	4

Reading Borough Council, Council Tax – Response received on 12/11/2024

We are not aware of this separate dwelling in the garden of this property for CT purposes.

Reading Borough Council, Enforcement – No response received

Reading Borough Council, Environmental Health – No response received

Reading Borough Council, Legal Services – Response received on 08/01/2024

The evidence seems to be clear that the garden outbuilding has been in use as a separate self-contained dwelling for 4 years.

I agree with your comments the certificate can be safely granted as the period of 4 years has been met 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 the single storey outbuilding in the rear garden of 84 Grovelands Road, Reading, RG30 2NY as a self-contained flat.

- Location Plan received 30 October 2024
- Photographs received 30 October 2024

- Signed Declaration from tenant received 30 October 2024
- Signed Declaration from applicant received 30 October 2024
- 6 Signed Tenancy Agreements received 30 October 2024
- Scaled Floor Plan received on 9 December 2024

ASSESSMENT

In order for a certificate of lawfulness to be granted for this application, the applicant must demonstrate that the outbuilding in the rear garden of 84 Grovelands has been insitu and used as a self-contained residential unit for more than 4 years before the date of this application submitted on 30th October 2024. The application form states that the outbuilding has been let to tenants since 1st February 2020, but the four year period for this application runs from 30 October 2020 – 30 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”

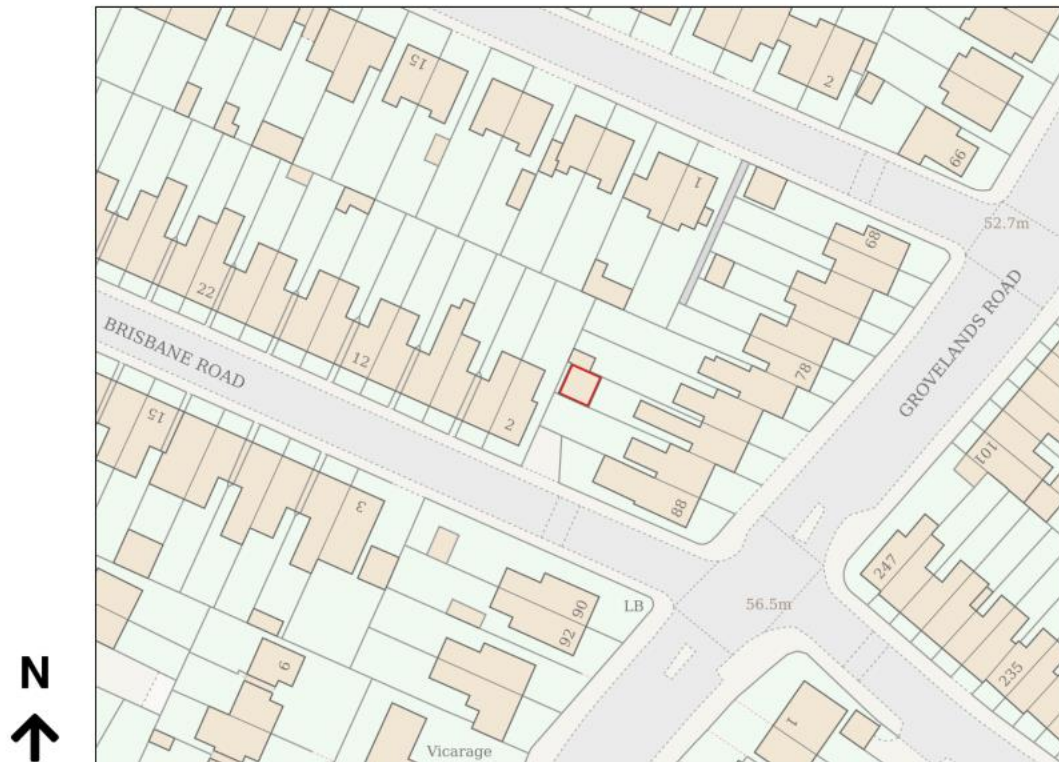
The evidence submitted (tenancy agreements, signed declarations) supports the claim that the rear outbuilding has been in continuous use as a self-contained flat for four years prior to the application being submitted. The site visit carried out by the planning officer on 14th November 2024 provided 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, on the balance of probabilities, it can be confirmed that the rear garden outbuilding has operated as a self-contained flat (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 the single storey outbuilding in the rear garden of 84 Grovelands Road, Reading as a 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)