

DELEGATED PLANNING APPLICATION REPORT

Ward: Abbey

App Ref: PL/24/1289

Address: 24 & 24A Charles Street, Reading, RG1 7DB

Proposals: Existing use as x2 self-contained flats

Case Officer: Sian Hickey

Date received (valid from): 01/10/2024

Decision date (ext): 02/04/2025

SITE DESCRIPTION

The site address is 24 & 24a Charles Street in Reading. 24 is a two-bed self-contained flat split across the ground and first floor levels of the property. 24a is a one-bed self-contained basement flat. The application site is not listed, nor does it fall within a Conservation Area or an Article 4 Direction area.

Site visit date: 24/10/2024

PROPOSAL AND SUPPORTING INFORMATION

The application seeks to demonstrate that 24 Charles Street, Reading has been in continuous use as 2x self contained residential flats for more than 4 years (use class C3).

RELEVANT PLANNING HISTORY

020074 - Conversion of 3 storey house to 3 one bedroom flats. REFUSED 11/ 7/2002

040234 - Retrospective application for the conversion of a three storey house into a 1 bed basement flat and a 2 bed maisonette. REFUSED 6/ 7/2004 and dismissed at appeal.

110542 - Retrospective change of use from single dwelling to 1 x 2 bedroom and 1 x 1 bedroom flats (Resubmission of 11/00027/FUL). WITHDRAWN

111144 - Retrospective change of use from single dwelling to 1 x 2 bedroom, 1 x 1 bedroom flats and a two storey rear extension. WITHDRAWN

111319 - Two storey rear extension. WITHDRAWN

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 08/10/2024

This property has been served with a PCN which has not been returned.

Reading Borough Council, Environmental Health – No response received

Reading Borough Council, Electoral Registration – Response received on 09/10/2024

Please see below, number of registered electors for no.24, 24A and 24B Charles Street.

	24	24A	24B
2024	1	1	2
2023	1	1	2
2022	1	1	2
2021	1	1	2
2020	0	2	2
2019	0	0	1
2018	0	0	1
2017	1	0	0
2016	1	0	0
2015	1	0	0

Reading Borough Council, Council Tax – Response received on 08/10/2024

This property is listed on the CT system under two separate dwellings, as follows:
24 CHARLES STREET TOP FLAT - banded since at least 01.04.1997
BASEMENT FLAT(A) 24 CHARLES STREET – banded since 21.08.2003

Both dwellings have been separately let out to different tenants since the date of banding.

Reading Borough Council, Legal Services – Response received on 28/02/2025

The property is a house that has been converted into two self-contained flats – one in the basement (number 24A) and one spread across the ground and first floors (number 24). This application was submitted on 1 October 2024. The system shows numerous planning applications have been made but they have all either been refused, had appeals dismissed, or been withdrawn.

There is also a record of a Planning Enforcement Notice from 2005. The Enforcement Notice stated that use of the property as two self-contained flats was a breach of planning control and required cessation of the use of the building for any use other than a single dwelling.

The file does refer to the Enforcement Notice having been complied with by February 2006, but that is irrelevant in this context because s181(1) of the Town and Country Planning Act explicitly says that compliance with a notice does not discharge it. Therefore, the Enforcement Notice is still in force.

Certificates of lawful development are governed by s191 of the Act. S191(2)(b) requires that the use or operations cannot contravene any Enforcement Notice then in force. This case fails that requirement - the use clearly contravenes the 2005 Enforcement Notice and that Enforcement Notice is still in force. The certificate cannot be granted for this reason.

Advice

Certificates of lawful development are governed by s191 of the Act. S191(2)(b) requires that the use or operations cannot contravene any EN then in force. This case fails that requirement -

the use clearly contravenes the 2005 EN and that EN is still in force. For that reason, my advice is that a certificate of lawful development should not be granted for this property.

SUBMITTED EVIDENCE

The applicant has provided the following evidence to support the use of 24 Charles Street, Reading as 2x self-contained flats:

- Location Plan received 12th December 2024
- Tenancy Agreement, Basement Flat dated 01/04/2019 – 31/03/2020 received 12th December 2024
- Tenancy Agreement, Basement Flat dated 01/04/2020 – 31/03/2021 received 12th December 2024
- Tenancy Agreement, Basement Flat dated 01/04/2021 – 31/03/2022 received 12th December 2024
- Tenancy Agreement, Basement Flat dated 01/04/2022 – 31/03/2023 received 12th December 2024
- Tenancy Agreement, Basement Flat dated 01/04/2023 – 31/03/2024 received 12th December 2024
- Tenancy Agreement, Basement Flat dated 01/06/2024 – 31/05/2025 received 12th December 2024
- Tenancy Agreement, Top Flat dated 01/04/2019 - 31/03/2020 received 13th December 2024
- Tenancy Agreement, Top Flat dated 01/04/2020 - 31/03/2021 received 13th December 2024
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- Tenancy Agreement, Top Flat dated 01/04/2022 - 31/03/2023 received 13th December 2024
- Tenancy Agreement, Top Flat dated 01/04/2023 - 31/03/2024 received 13th December 2024
- Tenancy Agreement, Top Flat dated 01/06/2024 - 31/05/2025 received 13th December 2024
- Signed declaration from applicant, dated 24th July 2024, received 20th December 2024
- Photos, received 20th December 2024
- Drawing No. 9393-103 rev B – Existing Floor Plans received 31st January 2025

DISCUSSIONS WITH AGENT

During the course of the application process, the agent was advised that the certificate can not be granted as there is an Enforcement Notice still in force. The agent provided a copy of a letter from a Principal Enforcement Officer, dated 13th February 2006, confirming that the Enforcement Notice had been complied with. However, s181(1) of the Town and Country Planning Act explicitly says that compliance with a notice does not discharge it. Therefore, the Enforcement Notice is still in force.

ASSESSMENT

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 development is contrary to an enforcement notice which is in force, and is therefore not lawful development under s191(2)(b) of the Town and Country Planning Act 1990, as per the advice above from RBC Legal Services.

The information submitted is immaterial and has not been considered as the CLE fails on the initial procedural point.

On this basis, the Certificate should not be granted.

RECOMMENDATION

REFUSE CERTIFICATE

The development is contrary to an enforcement notice which is in force, and is therefore not lawful development under s191(2)(b) of the Town and Country Planning Act 1990.



Location Plan (not to scale)

Informative

1. As there is an Enforcement Notice still in force at the property, the Planning Enforcement Team will be notified that the Certificate of Lawfulness application has been refused.