

DELEGATED APPLICATION REPORT

Ward: Katesgrove Ward

App Ref: PL/25/0644 Lawful development: Existing use

Address: 92 NORTHUMBERLAND AVENUE, READING, RG2 7PP

Proposal: Certificate of Lawfulness for Existing Use as a Large HMO with a maximum of 7 residents for more than 10 years (amended).

Applicant: Liz Bowman

Received date: 30/04/2025

Target Decision date: 07/07/2025

Case Officer: Huimin Chen

SITE DESCRIPTION

The application site is a two-storey semi-detached property. It is not a listed building, nor does it fall within a Conservation Area. An Article 4 Direction has been in force since May 2013, removing the permitted development right to convert a C3 dwelling to a C4 small HMO.

PROPOSAL AND SUPPORTING INFORMATION

The Certificate seeks to confirm that the property at 92 Northumberland Avenue, Reading, has been in use as a large HMO with a licence since 2007 and has continuously operated with a maximum of 7 residents since then.

RELEVANT PLANNING HISTORY

PL/02/0088 - Rear and side single storey extension. Approved on 17/04/2002.

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, Planning Enforcement Consultations – Response received on 20/5/2025.

No case records from PE.

Reading Borough Council, Council Tax Consultations – Response received on 21/05/2024.

Our records show this property has been banded as a single dwelling since at least 01.04.1997. We have this property as an owner-occupied property, the historic notes only confirm that the owner had a lodger from 01.01.2005 and the single persons discount was removed from this date. We have no further notes to show who has been living here.

Reading Borough Council, Electoral Registration Consultations – Response received on 21/05/2024.

	92 Northumberland Avenue
2025	4
2024	4
2023	4
2022	2
2021	1
2020	2
2019	2
2018	1
2017	1
2016	1

Reading Borough Council, Private Sector Housing(HMO team) Consultations – Response received on 30/05/2025.

- The property has been known to the Private Sector Housing team as an HMO since May 2005.
- The HMO was first licenced in April 2007 with maximum occupation allowed being 7.
- Licence has been renewed every 5 years since with no issues.
- Private Sector Housing team have not received any complaints concerning deficiencies, disrepair, or management issues.

Therefore, I have no comments or objections to the above application.

Reading Borough Council, Environment Protection – Response received on 11/06/2025.

No comments.

Reading Borough Council, Legal Consultations – Response received on 27/06/2025.

I have reviewed all the submitted evidence and note that this an application for an existing use as a large HMO with a maximum of 7 residents for more than 10 years.

While the applicant has not provided all tenancy agreements or a statutory declaration in support of the application, the submitted bank statements demonstrate consistent monthly rental income over a ten-year period. Additionally, the property has held an HMO licence since 2007.

In light of this, we are satisfied that the evidence presented is clear, precise, and unambiguous. As there is no contradictory evidence before us, we consider that the certificate can be safely granted.

SUBMITTED EVIDENCE

- Application form received on 30/04/2025
- Site Plan
- Location Plan
- Floor Plans as Existing
- HMO License from 2007 to 2027
- Payment Receipt for HMO License from 2012 to 2017
- Bank Statement periods: 01/04/2015 – 28/12/2017, 06/01/2018 – 12/07/2018, 13/07/2018 – 04/01/2019, 02/01/2019 – 31/12/2019, 04/01/2020 – 14/07/2020, 15/07/2020 – 21/12/2020, 25/04/2022 – 30/04/2025
- Email confirms applicant and her friend were residents during 21/12/2020 to 26/02/2022

- Room 3 Tenancy Agreement with J.M. from 27/02/2022 until present (12/05/2025); Room 1 Tenancy Agreement with R.D. from 03/01/2025 until present (12/05/2025); Room 4 Tenancy Agreement with D.N. from 24/11/2023 until present (12/05/2025); Room 5 occupied by applicant's friend from 10/09/2022 until present (12/05/2025); Room 6 Tenancy Agreement with T.H. from 13/11/2022 until present (12/05/2025); Room 7 Tenancy Agreement with S.G.L. from 31/01/2024 until present (12/05/2025).

Received on 12/05/2025.

ASSESSMENT

In order for a certificate of lawfulness to be granted for this application, the applicant must demonstrate that the use of the single dwelling, 92 Northumberland Avenue, Reading, has been continuously operated as a large HMO with a maximum of 7 residents for more than 10 years before the date of this application on 30th April 2025. The 10-year period for this application runs from 30th April 2015– 30th April 2025.

With regard to the internal consultee response, the Council Tax team has confirmed that the application site has been branded as a single dwelling since at least 1st April 1997 and is an owner-occupied property. The historic notes indicate that the owner had a lodger from 1st January 2005, and the single person discount was removed from that date.

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"

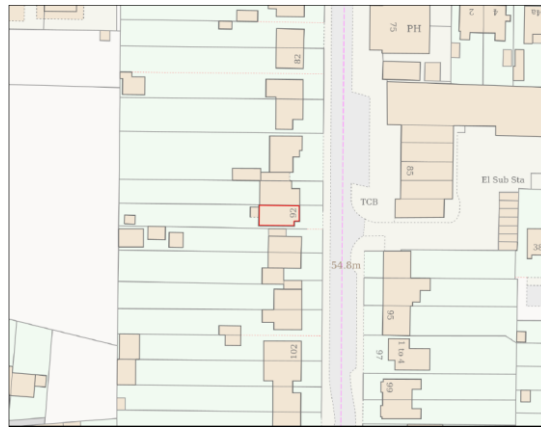
The evidence submitted (including tenancy agreements, bank statements, and payment receipts) supports the claim that the single dwelling has been in continuous use as a large HMO with a maximum of 7 residents for at least 10 years prior to the submission of the application. The site visit carried out by the planning officer on 29th May 2025 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 the single dwelling at 92 Northumberland Avenue, Reading, has operated as a large HMO with a maximum of 7 residents (Sui Generis use) for a period of 10 years and is therefore immune from 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 dwelling at 92 Northumberland Avenue, Reading, has operated as a large HMO with a maximum of 7 residents (Sui Generis 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)