

DELEGATED APPLICATION REPORT

Ward: Abbey

App Ref: PL/25/0709 Lawful development: Existing use

Address: 65A BEDFORD ROAD, READING, RG1 7EX

Proposal: Existing use of 65A Bedford Road as a one-bedroom flat (use class C3) on the ground, first and second floor above the 65 Bedford Road retail unit, for more than 4 years.

Received date: 13/05/2025

Extended Target Decision date: 22/09/2025

Case Officer: Nathalie Weekes

1. SITE DESCRIPTION

The site is on the corner of Bedford Road and Stanley Street and comprises three different addresses. On the ground floor at 65 Bedford Road is Advance Windows, a window fitting company with an office at the front of the building on Bedford Road. A separate self-contained one bedroom flat is located with an entrance at the side of the retail premises and residential accommodation above the shop unit known as 65A Bedford Road. 65A is currently being refurbished having been damaged by a previous tenant. To the rear of the 65 Bedford Road, located above the retail unit workshop, is a second flat at 1 Stanley Street.

The premises is located in an air quality management area.

Photos taken at a site visit



2. PROPOSAL AND SUPPORTING INFORMATION

The proposal seeks to demonstrate the use of 65A Bedford Road as a one bedroom flat (use class C3) on the ground, first and second floor above the 65 Bedford Road.

The applicant states that 65a Bedford Road has been occupied by a tenant for 6 years, from 2010 until 2016 when a tenant caused damage to the property and it has since remained vacant and in need of refurbishment.

Planning History

65 1994 - PL940007/CLE Certificate of lawfulness for existing use as retail and B1 light industrial workshop on basement, ground floor and first floor

65a 2017 - PL17/0303/FUL Rear dormer window and front rooflights – *works to covert second floor refused and an informative was added stating that there was no authorised use for the residential elements that should be regularised before a future submission*

65a 2023 - PL23/1411/FUL Internal alterations for a second dormer to be added - *application closed*

65a 2024 - PL24/0901/CLP Change of use from B1 to Residential – *withdrawn – Certificate of lawfulness for proposed use – rather than existing use*

65a 2024 - PL24/1407/FUL Full application for Change of Use for the part ground floor (Class F.2) and the remainder of the ground floor, basement, and ancillary offices on the first floor (Class E g (iii) use) to create a one bedroom flat – *under consideration*.

4. LEGAL AND PLANNING POLICY CONTEXT

Section 10 of the Planning and Compensation Act 1991 established a procedure that enables anyone who wishes to do so, to apply to the local planning authority to determine whether a proposed use or operation, or an existing operational development or an existing use of land, or any other matter constituting a failure to comply with any condition or limitation subject to which planning permission has been granted, is lawful, and if so, be granted a certificate to that effect.

A Lawful Development Certificate is a legal document stating the lawfulness of past, present or future development. If granted by the local planning authority, the certificate means that enforcement action cannot be carried out to the development referred to in the certificate.

However, the certificate will not protect from enforcement action by the planning authority if the specified use or development is then changed 'materially' without a planning application for it.

The certificate is not a planning permission. The planning merits of the use, operation or activity in the application are not relevant. The issue of a certificate depends entirely on factual evidence about the history and planning status of the building or other land and the interpretation of any relevant planning law or judicial authority. The responsibility is on the applicant to provide evidence to support the application.

The NPPG states that “The applicant is responsible for providing sufficient information to support an application. In the case of applications for existing use (section 191 of the Town and Country Planning Act 1990), 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”.

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.

5. CONSULTATIONS

- RBC Council Tax Consultations - 65A Bedford Road has been separately banded for CT purposes since 31.03.2010; our records show this dwelling has been empty & unfurnished since 10.06.2016 and continues to remain empty.

- RBC Private housing - Private Sector Housing records show that we have not been involved with 65a Bedford Rd. However, there are records/requests concerning domestic waste and recycling bins from 2012 onwards. There are no objections to the continued use of 65a Bedford Rd as a flat.
- RBC Environmental Protection – No comments were made at the time of writing this report.
- RBC Electoral Registration Consultations - Please see below the number of electors registered at 65 and 65A Bedford Road.

	65A Bedford Road	65 Bedford Road
2025	0	N/A
2024	0	N/A
2023	0	N/A
2022	0	N/A
2021	0	N/A
2020	0	N/A
2019	0	N/A
2018	0	N/A
2017	0	0
2016	1	0

- RBC Planning Enforcement Consultations – No dealings with the property
- RBC Legal: There are no concerns about the recommendation to grant a Certificate of lawfulness for existing use.

6. SUBMITTED EVIDENCE

The applicant has provided the following evidence to demonstrate the use of 65A Bedford Road as a one bedroom self-contained flat:

Plans/Information Considered

Location plan

BR/PL/03 Floor plans and elevations

Letter from Reading Valuations Office, VOA, dated 30 April 2010 for an appointment to inspect the premises

Letter from Reading Borough Council to confirm the registered address at 65A Bedford Road, dated 26/04/2010

Tenancy agreement for Flat A 65 Bedford Road Reading for a tenant from 01/04/2010

Email from agent to confirm the history of 65A Stanley Street and confirmation that the tenancy ended in 2016 and that business rates and council tax have both been required for the address.

As received 13 May 2025

7. APPRASIAL

In order for the certificate to be granted, it needs to be demonstrated that the 65A was used as a one bedroom flat in C3 use on the date of application, and had been used as such since at least 13 May 2021, or for any continuous 4 year period at some point before the date of application. The application form states that the change of use began in 23/09/1994. Reading Borough Council tax records show that 65A Bedford Road has been individually banded since 31/03/2010 and has been vacant since 10/06/2016. Electoral registration records show an elector registered in 2016 and there are records/requests concerning domestic waste and recycling bins from 2012 onwards.

An informative was placed on an historic planning application 65a 2017 - PL/17/0303 and later mentioned in 2023, that it was advisable to regularise the use as a residential flat. A certificate for

proposed use was applied for in 2024 however this was withdrawn as it was an incorrect type of certificate of lawfulness to regularise the situation. The Council hold no records of planning enforcement on the site.

Turning to the evidence, submitted by the applicant to support the claim made within this application, the PPG makes the position clear on how the evidence submitted is to be considered: "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". At the site visit the case officer confirmed that there is self-contained front door, lockable entrance and entrance hall and separate electric meter. The first floor has three rooms with a separate room in the roof. Rooms on the first floor have been striped back to plaster. There were some boxes stored in a room on the first floor following a flood in the shop premises below.

The applicant has submitted various evidence to demonstrate occupation of 65A Bedford Road. The Council hold information regarding the council tax banding, which supports the applicant's claim in addition to correspondence from RBC's private housing team regarding domestic and recycling waste from 2012 onwards.

The LPA has no sufficient evidence to the contrary to prove that the use property as a one bedroom self-contained flat has been lost, despite the long period of time that the flat has been vacant.

Therefore, on the balance of probabilities it is considered that the certificate should be granted.

8 RECOMMENDATION

The applicant has provided sufficient evidence or other information that satisfies the Local Planning Authority that 65A Bedford Road has been in use as a self-contained one bedroom flat (use class C3) for the requisite 4 year period and there is no evidence to support that this use was changed or lost. The Council holds supporting information for the applicant's claim. It follows that there is sufficient justification to grant the certificate of lawfulness applied for by the applicant.

Recommendation: GRANT Certificate

Location plan

