

DELEGATED PLANNING APPLICATION REPORT

Ward: Coley

App Ref: PL/25/0958 Lawful development: Existing use

Address: 237 OXFORD ROAD, READING, RG1 7PX

Proposal: Certificate of lawfulness for existing use of the top floor as 2No 1-bed self-contained flats

Applicant: Mr Omprakash Gehlot

Received date: 04/07/2025

Target Decision date: 17/10/2025 (agreed extension)

Case Officer: Sian Hickey

SITE DESCRIPTION

The site comprises a four storey (lower ground, upper ground, first and second floor) mid-terrace property on the south side of Oxford Road. This application relates solely to the top floor. The property is a listed building and falls within the Castle Hill/Russell Street/Oxford Road Conservation Area.

GRADE: II

DATE LISTED: 14 December 1978

List Entry Number: 1113548

Statutory Address: PROSPECT TERRACE, 237-247, OXFORD ROAD

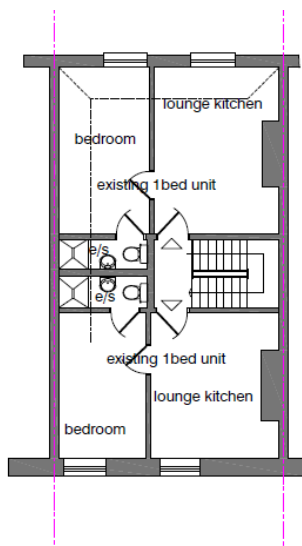
OS GRID REFERENCE: SU 70424 73420

The listing description is noted as:

OXFORD ROAD (South Side) Nos 237 to 247 (odd) (Prospect Terrace)

Including No 2 Lorne Street. Early-mid C19 altered. 3 storeys and basement. Red brick. Hipped slate roof with ridge chimneys, Nos 141-147 with flat eaves. 2 ranges of glazing bar sash windows each, some altered, No 141 has early C20 square bay to basement and 1st 2 floors. Nos 237-243 retain elegant segmental arched doorways with radiating and wreathed fanlights, Greek key fret lintels supported on fluted Doric columns; 6 panel doors. No 145 has modern doorway. No 147 a 6-panel door in single storey extension to right which has square marginally glazed fanlight flanked by brackets on narrow panelled pilasters. Lorne Street door (No 2) has lost its gate and retains only its contemporary footscrapers.

The floor plan below shows the layout of the two flats on top floor of the property, known as flats 5 and 6:



Site visit date: 16th September 2025



PLANNING HISTORY

PL/09/1384 - Replacement windows and doors. Approved 12/02/2010.

PL/14/1573 - Replace existing UPVC windows and rear french doors with painted timber, double glazed windows and doors. Approved 27/11/2013.

PL/16/0520 - Change of use of from house in multiple occupancy to self-contained flats 8 no. units. Withdrawn

PL/16/0521 (LBC) - Change of use of from house in multiple occupancy to self-contained flats 8no. units. Withdrawn

PROPOSAL

Application for a Lawful Development Certificate for existing use under section 191 of the Town and Country Planning Act 1990. A certificate is sought to confirm the existing use of the top floor of the property as two self-contained flat (current Use Class C3) based on evidence that the use has been in existence for at least 4 years continuously before the application was submitted.

To comply with section 191(5) or 192(3) of the Act the applicant needs to submit evidence to substantiate the claim for the established existing use.

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 – One case at this property (ref PE/13/0087) Unauthorised change of use to self-contained flats.

Reading Borough Council, Environmental Health – No comments

Reading Borough Council, HMO - No cases related to this property since 2020

Reading Borough Council, Electoral Registration – Only flat 3 is shown as having any registered electors during the qualifying time period.

Reading Borough Council, Council Tax – Response received on 20/06/2024

The system shows flats 5 & 6 Separately banded for Council Tax purposes. Flat 5 is banded from 03/02/2017, and flat 6 is banded from 01/01/2017. Both flats have been in occupation since date of banding.

It is assumed that flats 5 & 6 are on the top floor.

Reading Borough Council, Legal Services – Response received on 08/10/2025

I am satisfied that the applicant has submitted evidence, which is sufficiently precise and unambiguous, to prove the purported use of Flats 5 and 6 for more than 4 years from the date of application. Further, I am satisfied that nothing from the Council's own enquiries and site visits has revealed anything that would make the applicant's version of events less than probable. For that reason, I have no concerns about your recommendation to grant the requested CLE, provided that the enforcement history referred to in your report did not result in the issue of an EN or BCN.

Officer note: the enforcement team confirmed on 10/10/2025 that having looked at the Register, they can find nothing to suggest that formal enforcement action has been taken in relation to the property.

SUBMITTED EVIDENCE

The applicant has provided the following evidence to support the use of the top floor of the property at 237 OXFORD ROAD, READING, RG1 7PX as 2 x 1-bed, self-contained flats:

- Drawing No. OxR237: 104 – Existing Floor Plans received 4th July 2025
- Drawing No. OxR237: 101 – Block Plan received 4th July 2025
- Planning Statement received 4th July 2025
- Affidavit for flat 5, dated 25/02/2022, received 4th July 2025
- Affidavit for flat 6, dated 03/02/2022, received 4th July 2025
- Email confirming release of tenancy for flat 5 dated 20/01/2025 received 4th July 2025
- Electrical installation certificate for flat 6 dated 23/3/21, received 4th July 2025
- Tenancy Agreement, dated 01/02/15 – 31/07/15 (then periodic), received 11th June 2024
- Remittance Advice letter for flat 5, invoice date 27/08/25, received 9th September 2025
- Explanation email from agent received 9th September 2025
- Location Plan received 9th September 2025

ASSESSMENT

In order for a certificate of lawfulness to be granted for this application, the applicant must demonstrate that the use of the top floor of the property at 237 OXFORD ROAD, READING, RG1 7PX as 2x self-contained flats began more than 4 years before the date of this application on 4th July 2025. The 4 year period for this application runs from 4th July 2021 – 4th July 2025.

With regards to internal consultee responses the Council Tax team have confirmed that the flat has been separately banded since 2017.

The Planning Enforcement Team has confirmed that there is one record of enforcement history at this address for the change of use of the property to flats.

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, sworn affidavits, emails, remittance advice letter) supports the claim that the top floor of the property has been in continuous use as two self-contained flats for 4 years prior to the application being submitted.

It is clear from the evidence provided that the present tenant in flat 5 has occupied this flat since 03/02/2017. The sworn affidavit was signed and dated by this tenant on 03/02/2022. The applicant has confirmed via email that the same tenant is still occupying flat 5 and has provided an invoice for the rent for flat 5 dated 27/08/2025.

With regard to flat 6, the previous tenant signed and dated a sworn affidavit on 25/02/2022 confirming he had moved into the property mid-2007. A signed tenancy agreement has been submitted for this tenant for the period 1/2/15 – 31/7/2015, the tenancy then continued periodically. Emails have been submitted to confirm the release of the tenancy by his next of kin on 20 January 2025. After this date it took some time for the flat to be cleared and cleaned, and therefore, the applicant has confirmed the bills for the flat along with the Council Tax in the applicant’s company name. The use of the flat was not lost or changed.

The site visit carried out by the planning officer on 16th September 2025 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 top floor of the property at 237 OXFORD ROAD, READING, RG1 7PX has been in use as 2x self-contained flats (Use Class C3 residential) for a period of 4 years or more and is therefore immune to enforcement action with regards to its use.

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 top floor of 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 top floor of the property at 237 OXFORD ROAD, READING, RG1 7PX as 2x self-contained 1-bed flats (flats 5 and 6 (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.



Informative

The building to which this application relates is a Listed Building and, therefore, retrospective Listed Building Consent may be required for any works which have been implemented in order to facilitate the existing use. For the avoidance of doubt, the approval of this certificate implies no approval of Listed Building Consent.