

DELEGATED APPLICATION REPORT (Certificate of Lawfulness for proposed use)

Ward: Coley

App Ref: PL/25/0459

Address: Unit C3, Reading Link Retail Park, Rose Kiln Lane, Reading, RG2 0SN

Proposal: Certificate of Lawful Use to confirm the proposed use of Unit C3 of Reading Link Retail Park within all sub-categories of Use Class E of the Town and Country Planning Act 1990.

Applicant: Sorbon Estates

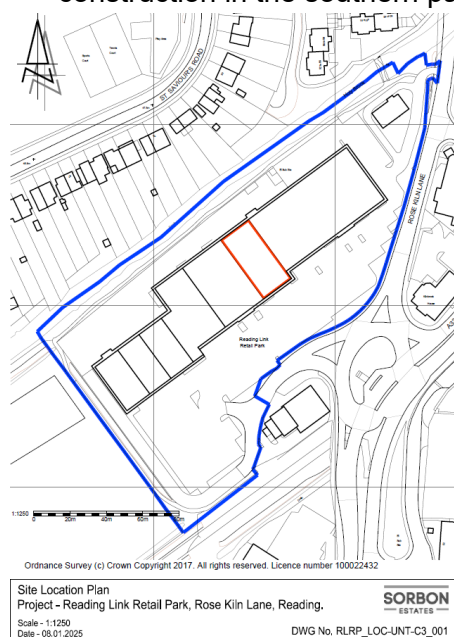
Date received (valid from): 28/03/2025

Expiry Date: Originally 23/05/2025, but an extension of time has been agreed with the agent until 24/10/2025, as per Article 38 (10) (b) of the Town and Country Planning (Development Management Procedure) (England) Order 2015

Case Officer: Jonathan Markwell

1. Application Site

1.1 The application site is Unit C3 within the Reading Link Retail Park, as shown on the site location plan submitted with this application (see below left). The unit is presently part of a larger unit (comprising Unit D) occupied by Matalan, with an internal roller shutter within the unit meaning Units C3 and D could be separated internally if required. At the time of the unaccompanied officer site visit on 23/09/2025, Unit C3 comprised part of the wider Matalan store, whilst also including an ancillary Card Factory concession. The retail park comprises a row of 6 units (individually identified, as per a plan shown below right approved as part of 141216 – see relevant history). All of the units are occupied, as follows: Bensons for Beds (1A), Magnet Kitchens (1B), Sports Bike Shop (1C), The Food Warehouse (C1), Home Bargains (C2) and Matalan (C3&D). Furthermore, a drive-thru coffee shop has opened in recent years in the north-east corner of the retail park (as per planning permissions PL/22/0737 & PL/22/0736) and a gym is presently under construction in the southern part of the site (as per planning permission 231077).



Left: Site Location Plan, as submitted. Right: Historic plan identifying each unit.

- 1.2 The retail park is located to the south-west of Reading Town Centre, is accessed off Rose Kiln Lane and is adjacent to the A33 (both of which are part of the classified highway network), which is a key vehicular route running between the town centre (to the north) and M4 Motorway (to the south). The site is within an air quality management area and an area of archaeological potential. To the north of the site is the Holy Brook, which is an area of identified biodiversity interest, while to the west the Kennet and Holy Brook Meadows are a major landscape feature.



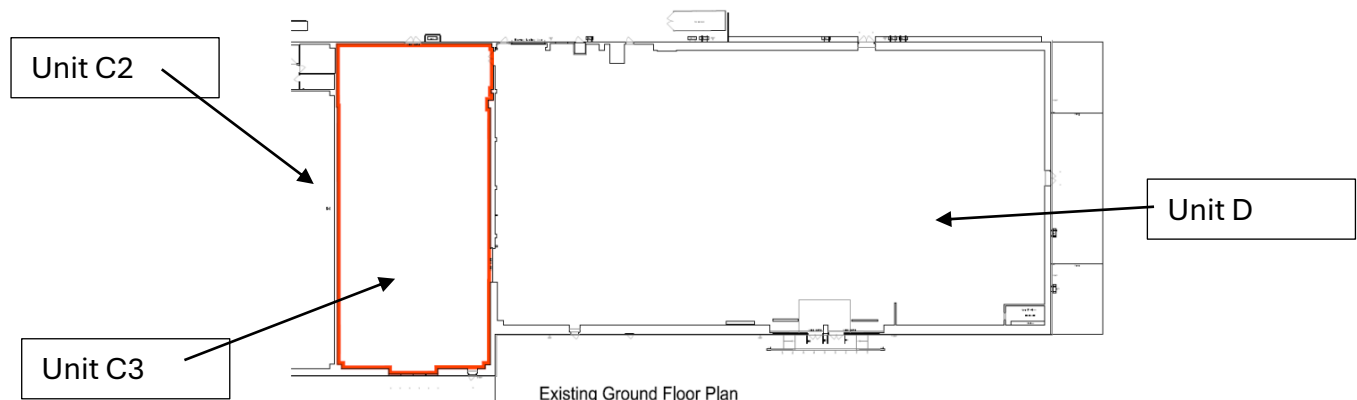
Above: Unaccompanied officer site visit photographs on 23/09/2025



Above: Aerial view accessed via Google Maps (prior to construction of Starbucks)

2. Proposal

2.1 This is an application for a Lawful Development Certificate for a Proposed use being lawful for planning purposes under section 192 of the Town and Country Planning Act 1990 (as amended). More specifically, as per the application form and extracts of the supporting letter submitted as part of the application (see below), the proposed use is Class E and the proposal seeks to “confirm the proposed use of Unit C3 of Reading Link Retail Park within all sub-categories of Use Class E of the Town and Country Planning Act 1990”, as per the supporting letter, with the application form providing further clarification that the proposal seeks confirmation of a “transition from Class E(a) to any use within Class E”.



Above: Marked up extract of plan RLRP PLN-UNT-C3 001 - Ground Floor Plan - Unit C3

Below: Extracts from the submitted application form:

Information About The Proposed Use(s)	
If you consider the proposed use is within a 'Use Class' in the Town and Country Planning (Use Classes) Order 1987 (as amended), state which one:	
Class E	
Is the proposed operation or use:	
☐ Temporary ☒ Permanent	
If temporary please give details:	
Please state why you consider that a Lawful Development Certificate should be granted for this proposal:	
Please see attached covering letter	

b) Change of use of the land or building(s)?		☒ Yes	☐ No
If Yes to b, please give a full description of the scale and nature of the proposed use, including the processes to be carried out, any machinery to be installed and the hours the proposed use will be carried out:			
Transition from Class E(a) to any use within Class E			

Dear Sir / Madam

CERTIFICATE OF LAWFULNESS – PROPOSED USE – SECTION 192 OF THE TOWN AND COUNTRY PLANNING ACT 1990
UNIT C3, READING LINK RETAIL PARK

On behalf of our client, Sorbon Estates, we are instructed to submit an application for a Certificate of Lawful Use to confirm the proposed use of Unit C3 of Reading Link Retail Park within all sub-categories of Use Class E of the Town and Country Planning Act 1990. Alongside this covering letter, the application submission comprises the following documents and plans:

Above: extract from the supporting letter by Turley.

2.2 Information considered:

- Application for a Lawful Development Certificate for a Proposed use or development, dated 21/03/2025
- RLRP_LOC-UNT-C3_001 - Site Location Plan
- RLRP_PLN-UNT-C3_001 - Ground Floor Plan - Unit C3
- RLRP_PLN-UNT-C3_001 - Ground Floor Plan - Unit C3 (Specifies the GEA of the unit)
- CERTIFICATE OF LAWFULNESS – PROPOSED USE – SECTION 192 OF THE TOWN AND COUNTRY PLANNING ACT 1990 UNIT C3, READING LINK RETAIL PARK Letter by Turley, dated 19/03/2025
- 210406 Decision Notice, dated 25/06/2021
- 151032 Decision Notice, dated 12/08/2015
- As all received on 25/03/2025
- Email from Turley 'RE: Reading Link Retail Park, Reading (PL/25/0459)', dated and received 08/10/2025
- Email from Turley 'RE: Reading Link Retail Park, Reading (PL/25/0459)', dated and received 14/10/2025
- Email from Turley 'RE: Reading Link Retail Park, Reading (PL/25/0459)', dated and received 17/10/2025

3. Relevant Planning History

3.1 The site was originally developed for bulky good retail purposes in the late 1980's based upon planning permissions (ref. 87TP536 and 87TP537, as allowed on appeal in August 1988). Since then the site has been subject to a variety of applications, with those considered relevant to this application listed below:

3.2 87/TP/536 – Non-food retail warehousing on land south of Holy Brook and light industrial buildings for high-tech uses including ancillary offices and storage on land

north of Holy Brook with parking, servicing and landscaping. Refused, but subsequently allowed on appeal on 18/08/1988.

- 3.3 87/TP/537 – Non-food retail warehousing on land north of Holy Brook and residential units on land north of Holy Brook, with parking, servicing and landscaping. Refused, but subsequently allowed on appeal on 18/08/1988.

15. the non-food retail premises hereby permitted shall not be used for the sale of goods other than DIY, furniture, beds, carpets and floor coverings, electrical and auto parts and shall not be used for any other purpose within Class A1 of the Town and Country Planning (Use Classes) Order 1987;

- 3.4 93/00409/VC (PL/93/0123) – Removal of condition 13 of planning consents 87/TP/536 and 87/TP/537 resulting in there being no restriction on goods sold from retail unit A. Granted 23/09/1993.

- 3.5 99/00235/FUL (PL/99/1935) – Subdivision of existing retail unit and introduction of new doors. Granted 02/06/1999.

- 3.6 99/00549/VARIAT (PL/99/1449) - Variation of Condition 14 of Planning Consent 87/TP/536/7 to amend the upper limit of gross retail floorspace from 6,500 square metres to 7,100 square metres. Granted following completion of Legal Agreement 20/10/2000.

- 3.7 99/00709/VARIAT (PL/99/2558) - Variation of condition 13 of planning consents 87/TP/536 and 537 to extend the range of goods that can be retailed from Unit C3 – Granted 25/11/1999. (Essentially enabled Matalan at unit D to extend their operations into unit C3)

Additional condition:

For the purposes of the sale clothing, household goods, textiles, china, glassware, pottery, and seasonal items Unit C3 shall not be occupied independently of adjacent unit D.

Reason: Permission would not normally be granted for an extension to the range of goods to be sold from Unit C3 but for the particular circumstances of the occupiers of the adjacent unit, who is the applicant, and in order to ensure that the retail character of the Reading Link Retail Park does not change to the detriment of the vitality and viability of the town centre and local shopping centres.

- 3.8 00/00083/FUL (PL/00/0154) - Addition of new entrance to retail unit, and alterations to existing glazing. Granted 09/03/2000 (relating to the Matalan unit).

- 3.9 00/00935/VARIAT (PL/00/0677) - Variation of condition 14 of planning permissions 87TP536 and 87TP537 to amend the upper limit of gross retail floorspace from 7,100 square metres to 7,860 square metres by the insertion of a mezzanine floor within unit D. Granted 21/11/2001.

- 3.10 01/00873/VARIAT (PL/01/1285) - Variation of condition 14 of consents 87TP536 and 87TP537 to amend the upper limit of gross retail floorspace from 7,860

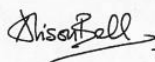
square metres to 9,230 square metres by the insertion of a mezzanine floor within unit B1. Granted 05/12/2002.

- 3.11 11/00983/VARIAT (PL/11/0378) - Operation of outline permission for Residential and Retail and retail development on land west of Rose Kiln Lane as permitted by 01/00873/VARIAT (the original permission) without complying with condition 13 of the original planning permission to allow for the sale of an extended range of Class A1 retail products in Unit C2. Granted 06/03/2012.

13. Unit C2 hereby permitted shall not be used for the sale of goods other than: ambient food and drinks goods; health and beauty products, books and stationary, DIY and garden goods, furniture and home furnishings, beds, carpets and floor coverings, electrical and photographic goods, auto parts and accessories, cycles, products for and including domestic pets, sports and leisure goods, clothing and footwear, household products and goods, toys and seasonal items and ancillary items and for no other purpose within Class A1 of the Town and Country Planning (Use Classes) Order 1987.

Condition 13a:

Date: 6th March 2012



Head of Planning & Building Control 



Within Unit C2 hereby permitted, the sale of ambient food and drink shall not exceed 30% of the net sales area, the sale of household and health and beauty goods shall not exceed 20% of the net sales area, the sale of home furnishings shall not exceed 15% of

the net sales area, the sale of toys shall not exceed 10% of the net sales area, the sale of books and stationary shall not exceed 10% of the net sales area, the sale of garden products shall not exceed 5% of net sales area and the sale of clothing and footwear shall not exceed 5% of the net sales area.

Condition 13b:

For the purposes of the sale of clothing, household goods and textiles, china, glassware, pottery and seasonal items Unit C3 shall not be occupied independently of adjacent Unit D.

Condition 13c:

Unit D hereby permitted shall not be used for the sale of goods other than non-food retail goods and for no other purpose within Class A1 of the Town and Country Planning (Use Classes) Order 1987.

Condition 13d:

All other non-food retail premises hereby permitted shall not be used for the sale of goods other than DIY, furniture, beds, carpets and floor coverings, electrical and auto parts and shall not be used for any other purpose within Class A1 of the Town and Country Planning (Use Classes) Order 1987.

Reason: as the site lies outside an existing shopping centre and to enable the local planning authority to control the range of goods to be sold to safeguard the vitality and viability of existing shopping centres.

RBCS Policy CS25 (Scale and Location of Retail, Leisure and Culture Development)

- 3.12 141216 (PL/14/1216/VAR) - Operation of outline permission for Residential and Retail and retail development on land west of Rose Kiln Lane without complying with condition 13 of 01/00873/VARIAT (as amended by 11/0098/VARIAT) to allow for an extended range of goods that can be sold from Units 1A, 1B and 1C Reading Retail Park. Granted following completion of s106 legal agreement 24/02/2015.

13. Unit 1C hereby permitted (formerly known as Unit B) shall not be used for the sale of goods other than food and drinks and ancillary products.

Date: 24th February 2015

G. L. Johnson
Head of Planning, Development
& Regulatory Services



Unit 1B (formerly part of Unit A) and Unit C2 hereby permitted shall not be used for the sale of goods other than: ambient food and drinks goods; health and beauty products, books and stationary, DIY and garden goods, furniture and home furnishings, beds, carpets and floor coverings, electrical and photographic goods, auto parts and accessories, cycles, products for and including domestic pets, sports and leisure goods, clothing and footwear, household products and goods, toys and seasonal items and ancillary items and for no other purpose within Class A1 of the Town and Country Planning (Use Classes) Order 1987.

Condition 13a: Within Unit 1B (formerly part of Unit A) and Unit C2 hereby permitted, the sale of ambient food and drink shall not exceed 30% of the net sales area, the sale of household and health and beauty goods shall not exceed 20% of the net sales area, the sale of home furnishings shall not exceed 15% of the net sales area, the sale of toys shall not exceed 10% of the net sales area, the sale of books and stationary shall not exceed 10% of the net sales area, the sale of garden products shall not exceed 5% of net sales area and the sale of clothing and footwear shall not exceed 5% of the net sales area.

Condition 13b: For the purposes of the sale of clothing, household goods and textiles, china, glassware, pottery and seasonal items Unit C3 shall not be occupied independently of adjacent Unit D.

Condition 13c: Unit D hereby permitted shall not be used for the sale of goods other than non-food retail goods and for no other purpose within Class A1 of the Town and Country Planning (Use Classes) Order 1987.

Condition 13d: All other non-food retail premises hereby permitted shall not be used for the sale of goods other than DIY, furniture, beds, carpets and floor coverings, electrical and auto parts and shall not be used for any other purpose within Class A1 of the Town and Country Planning (Use Classes) Order 1987.

See attached plan for location of the approved units referred to in this condition

Reason: as the site lies outside an existing shopping centre and to enable the local planning authority to control the range of goods to be sold to safeguard the vitality and viability of existing shopping centres.

RBCS Policy CS25 (Scale and Location of Retail, Leisure and Culture Development)



Plan showing units as now proposed (ref Conditions 13, 14 & 15)

3.13 151032 (PL/15/1032) – Application for removal or variation of a condition following grant of planning permission. Granted 12/08/2015.

13. Amended Condition 13:

Unit C1 hereby permitted shall not be used for the sale of goods other than food and drinks and ancillary products.

Units 1C and C2 hereby permitted shall not be used for the sale of goods other than: ambient food and drinks goods; health and beauty products, books and stationary, DIY

Date: 12 August 2015

G. L. Johnson
Head of Planning, Development
& Regulatory Services



and garden goods, furniture and home furnishings, beds, carpets and floor coverings, electrical and photographic goods, auto parts and accessories, cycles, products for and including domestic pets, sports and leisure goods, clothing and footwear, household products and goods, toys and seasonal items and ancillary items and for no other purpose within Class A1 of the Town and Country Planning (Use Classes) Order 1987.

Condition 13a: Within Units 1C and C2 hereby permitted, the sale of ambient food and drink shall not exceed 30% of the net sales area, the sale of household and health and beauty goods shall not exceed 20% of the net sales area, the sale of home furnishings shall not exceed 15% of the net sales area, the sale of toys shall not exceed 10% of the net sales area, the sale of books and stationary shall not exceed 10% of the net sales area, the sale of garden products shall not exceed 5% of net sales area and the sale of clothing and footwear shall not exceed 5% of the net sales area.

Condition 13b: For the purposes of the sale of clothing, household goods and textiles, china, glassware, pottery and seasonal items Unit C3 shall not be occupied independently of adjacent Unit D.

Condition 13c: Unit D hereby permitted shall not be used for the sale of goods other than non-food retail goods and for no other purpose within Class A1 of the Town and Country Planning (Use Classes) Order 1987.

Condition 13d: All other non-food retail premises hereby permitted shall not be used for the sale of goods other than DIY, furniture, beds, carpets and floor coverings, electrical and auto parts and shall not be used for any other purpose within Class A1 of the Town and Country Planning (Use Classes) Order 1987.

Reason: as the site lies outside an existing shopping centre and to enable the local planning authority to control the range of goods to be sold to safeguard the vitality and viability of existing shopping centres.

RBCS Policy CS25 (Scale and Location of Retail, Leisure and Culture Development).

- 3.14 210406 (PL/21/0406) - Operation of outline permission for Residential and Retail and retail development on land west of Rose Kiln Lane without complying with condition 13(d) of 01/00873/VARIAT (as amended by 11/00983/VARIAT and 141216/VAR) to allow an extended range goods and services that can be sold from and carried out at Unit 1A Reading Link Retail Park. Granted 21/06/2021.

Amended Condition 13:

13. Unit 1C hereby permitted shall not be used for the sale of goods other than food and drinks and ancillary products.

Units 1B and C2 hereby permitted shall not be used for the sale of goods other than: ambient food and drinks goods; health and beauty products, books and stationary, DIY

Date: 25 June 2021


Head of Planning, Development
& Regulatory Services



and garden goods, furniture and home furnishings, beds, carpets and floor coverings, electrical and photographic goods, auto parts and accessories, cycles, products for and including domestic pets, sports and leisure goods, clothing and footwear, household products and goods, toys and seasonal items and ancillary items and for no other purpose within Class A1 of the Town and Country Planning (Use Classes) Order 1987.

Condition 13a: Within Units 1B and C2 hereby permitted, the sale of ambient food and drink shall not exceed 30% of the net sales area, the sale of household and health and beauty goods shall not exceed 20% of the net sales area, the sale of home furnishings shall not exceed 15% of the net sales area, the sale of toys shall not exceed 10% of the net sales area, the sale of books and stationary shall not exceed 10 % of the net sales area, the sale of garden products shall not exceed 5% of net sales area and the sale of clothing and footwear shall not exceed 5% of the net sales area.

Condition 13b: For the purposes of the sale of clothing, household goods and textiles, china, glassware, pottery and seasonal items Unit C3 shall not be occupied independently of adjacent Unit D.

Condition 13c: Unit D hereby permitted shall not be used for the sale of goods other than non-food retail goods and for no other purpose within Class A1 of the Town and Country Planning (Use Classes) Order 1987.

Condition 13d as amended: Unit 1A shall only be used for display or retail sale of goods (other than food sales and hot food sales (Class E(a)), indoor sport, recreation or fitness (Class E(d)) and creche, day nursery or day centre (Class E(f)) and for no other purpose within Class E of The Town and Country Planning (Use Classes) Order 1987 (as amended).

Reason: as the site lies outside an existing shopping centre and to enable the local planning authority to control the range of goods to be sold and uses taking place to safeguard the vitality and viability of existing local centres.
RBLP 2019 Policy RL2 (Scale and Location of Retail, Leisure and Culture Development)

- 3.15 211418 (PL/21/1418) – Operation of outline permission for Residential and Retail and retail development on land west of Rose Kiln Lane without complying with condition 12 of 01/00873/VARIAT (as amended by 11/00983/VARIAT, 141216/VAR and 210406/VAR) to enable the operation of a 24-hour gym at Unit 1A Reading Link Retail Park. Granted 06/06/2024.

[Officer note: the above permission, whilst being the most recent permission relating to the application site and wider Reading Link Retail Park, has not been implemented and therefore the 2021 permission (ref. 210406) remains the extant permission for the retail park].

- 3.16 PL/25/0787 - External alterations to Units C1, C2, C3 and Unit D comprising new shopfronts on front elevation and installation of roller shutter doors on rear elevation. Current application under consideration by the Local Planning Authority.

4. Consultations

4.1 RBC Legal Services: Advise that the restriction on Unit C3 means it cannot have unfettered Class E use, because this could create a situation where there is conflict with the condition. For example, if Unit C3 were to be used for clothing use independently of Unit D, that would breach condition 13b.

4.2 A CLP could confirm that can be used for many uses within Class E, but not all. If used for some uses ("the sale of clothing, household goods and textiles, china, glassware, pottery and seasonal items") independently of Unit D, that would breach a condition. So, following the *Lazari** line of cases, this would mean there has to be an implied exclusion of the use classes order (albeit a fairly limited one); if the UCO allowed it to change to one of the prohibited uses independently of Unit D, then the condition would make no sense.

* Lazari is the High Court case of Lazari Properties 2 Limited versus the Secretary of State for Levelling up, Housing and Communities and the London Borough of Camden; Neutral Citation Number: [2023] EWHC 2026 (Admin); Claim No: CO/3206/2022 dated 04/08/2023.

- 4.3 Public consultations – none required to be undertaken for this type of application.

5. Legislative Context

- Town and Country Planning Act 1990 (as amended)
- Town and Country Planning (Development Management Procedure) (England) Order 2015
- General Permitted Development Order 2015 (as amended)
- Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020
- National Planning Practice Guidance (PPG)

5.1 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.

5.2 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.

5.3 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.

5.4 Planning Practice Guidance (PPG) on Lawful Development Certificates (2014 onwards) sets out the procedure for assessing applications for certificates of lawfulness:

A local planning authority needs to consider whether, on the facts of the case and relevant planning law, the specific matter is or would be lawful. Planning merits are not relevant at any stage in this particular application or appeal process.

In determining an application for a prospective development under [section 192](#) a local planning authority needs to ask “if this proposed change of use had occurred, or if this proposed operation had commenced, on the application date, would it have been lawful for planning purposes?”

Paragraph: 009 Reference ID: 17c-009-20140306

Revision date: 06 03 2014

5.5 Under section 57(1) of the Town and Country Planning Act 1990 (TCPA90), planning permission is required for the carrying out on land of any development. Section 55(1) sets out that ‘development’ includes “the making of any material change in the use of any buildings or other land”.

5.6 Section 55(2)(f) of the TCPA90 provides that: *“The following operations or uses of land shall not be taken for the purposes of this Act to involve development of the land— (f) in the case of buildings or other land which are used for a purpose of any class specified in an order made by the Secretary of State under this section, the use of the buildings or other land or, subject to the provisions of the order, of any part of the buildings or the other land, for any other purpose of the same class.”*

5.7 The Commercial, Business and Service use class provides for use, or part use, for all or any of the purposes set out in that Class”. The Town and Country Planning Act (Use Classes) (Amendment) (England) Regulations 2020, which came into force on 1 September 2020, created a new Use Class E (Commercial, Business and Service).

5.8 The extract below from the Planning Portal website provides an overview of the nature of Class E and what uses were revoked on 1st September 2020:



In 11 parts, Class E more broadly covers uses previously defined in the revoked Classes A1/2/3, B1, D1(a-b) and 'indoor sport' from D2(e):

- **E(a)** Display or retail sale of goods, other than hot food
- **E(b)** Sale of food and drink for consumption (mostly) on the premises
- **E(c)** Provision of:
 - **E(c)(i)** Financial services,
 - **E(c)(ii)** Professional services (other than health or medical services), or
 - **E(c)(iii)** Other appropriate services in a commercial, business or service locality
- **E(d)** Indoor sport, recreation or fitness (not involving motorised vehicles or firearms or use as a swimming pool or skating rink,)
- **E(e)** Provision of medical or health services (except the use of premises attached to the residence of the consultant or practitioner)
- **E(f)** Creche, day nursery or day centre (not including a residential use)
- **E(g)** Uses which can be carried out in a residential area without detriment to its amenity:
 - **E(g)(i)** Offices to carry out any operational or administrative functions,
 - **E(g)(ii)** Research and development of products or processes
 - **E(g)(iii)** Industrial processes

5.9 A change can be made to buildings or land that are in lawful Class E use for any of these purposes, to any other of these purposes, and this will not amount to development requiring planning permission.

5.10 However, changes to the Classes Order do not override any existing planning conditions or planning obligation which specifically prohibit the change of the existing use to other uses within the same class and/or other permitted changes of use.

6. Assessment

6.1 As per the proposal section above, based on the application form and supporting letter, it is evident to note at the outset that the applicant is seeking to “*confirm the proposed use of Unit C3 of Reading Link Retail Park within all sub-categories (officer emphasis) of Use Class E of the Town and Country Planning Act 1990*”, with it also clarified that the proposal seeks confirmation of a “*transition from Class E(a) to any use (officer emphasis) within Class E*”.

6.2 It is acknowledged that the applicant’s supporting letter references that the application is first submitted in the context of Section 57(1) of the Town and Country Planning Act 1990, which confirms that planning permission is required for the carrying out of any development of land. It is also submitted within the context of Section 55 (1) (meaning of “development” and “new development”), where it is confirmed that “development” means the making of any material change in the use of any buildings or other land. Further, by virtue of s55(2)(f) the applicant is seeking to demonstrate that buildings for any other purpose of the same class shall not be taken to involve development of the land. In this instance the applicant is referring to the Class E use created by The Town and Country Planning Act (Use Classes) (Amendment) (England) Regulations 2020. Hence, the applicant’s supporting letter states:

The active planning permission authorises the use of Unit C3 for retail purposes, formerly Class A1. In accordance with Regulation 7 of the Town and Country Planning Act (Use Classes) (Amendment) (England) Regulations 2020, these units would have transitioned from Use Class A1 (retail) to Use Class E (commercial, business and service) on 1 September 2020⁴.

In the absence of a planning condition or obligation specifying the use classes permitted from the unit or limiting permitted development rights to other uses, it is considered therefore that Unit C3 benefits from Class E consent. As such, as of 1 September 2020 any proposed change of use of floorspace in Unit C3 may be used for any of the uses within Use Class E without the need to apply for planning permission in accordance with Section 57 Town and Country Planning Act 199, subject to restrictions on Class E(a) as currently identified within Condition 13b.

- 6.3 It is noted that the final sentence of the above references the applicant's viewpoint and acknowledgement to the Class E use sought being "subject to restrictions on Class E(a) as currently identified within condition 13b". This acknowledged caveat is referenced again in the final paragraph of the summary section of the applicant's supporting statement:

SUMMARY

It is our professional opinion that Unit C3 operated within Class A1 (retail) use until such time this use was superseded in legislation by regulation 7 of the Town and Country Planning Act (Use Classes) (Amendment) (England) Regulations 2020. As such time, the use of the units has transitioned from Use Class A1 (retail) to Use Class E (commercial, business and service).

There are no conditions or obligations attached to the operative planning permission for Unit C3 which states that the use of the unit is limited to Class A1 use only or specifies the uses permitted from the unit. Whilst condition 13b restricts the sale of specific goods when the unit is occupied independently, this condition does not provide any stipulation that the unit cannot be used for any other purpose within Class A1 of the Town and Country Planning (Use Classes) Order 1987 (now Class E(a)).

We would invite the Council to confirm that any proposed future use of Unit C3 by a Class E Use would be acceptable through granting of a Certificate of Lawfulness for proposed use to that effect. This would confirm the ability for the use of the unit within any of the sub classes within Class E without needing planning permission for change of use. It is accepted that when operating within Use Class E(a), the unit is restricted from the sale of *clothing, household goods and textiles, china, glassware, pottery and seasonal items* unless combined with adjacent Unit D and can agree to reference to that being provided within the certificate.

- 6.4 The caveat is considered to represent a contradiction in the submission by the applicant. The application form and beginning of the supporting statement were clear in the applicant seeking all Class E uses being permitted, but the later references to acknowledged restrictions within Class E(a) are putting forward a different proposition. The agent was advised of this in feedback provided via email on 03/10/2025:

...your application will not be able to be supported by the local planning authority (LPA).

More specifically, the restriction on Unit C3 (by virtue of the wording of condition 13b) means it cannot have the unfettered Class E use your application is seeking. This is because this could create a situation where there is conflict with the condition. For example, if Unit C3 were to be used for clothing use independently of Unit D, that would breach condition 13b. Officers are not persuaded by the approach you have indicated within your supporting letter (extracted below), with it being unclear what the effect of the 'reference' stipulated would be. Your proposal is on the one hand applying for an

unfettered Class E use, but your commentary below then makes a clear admission that if in some Class E(a) uses, then the unit needs to be combined with Unit D. The LPA's viewpoint is that this in itself means it cannot be a true unfettered use, with that restriction in place.

*We would invite the Council to confirm that any proposed future use of Unit C3 by a Class E Use would be acceptable through granting of a Certificate of Lawfulness for proposed use to that effect. This would confirm the ability for the use of the unit within any of the sub classes within Class E without needing planning permission for change of use. It is accepted that when operating within Use Class E(a), the unit is restricted from the sale of *clothing, household goods and textiles, china, glassware, pottery and seasonal items* unless combined with adjacent Unit D and can agree to reference to that being provided within the certificate.*

I am also advised that there is case law, such as the High Court case of Lazari Properties 2 Limited (CO/3206/2022) in 2023, which backs up the above.

6.5 The agent responded as follows on 08/10/2025 (relevant extract below):

In regards to the universal use of Class E, we acknowledge that the existing decision notice restricts the use of the Unit C3 and the tandem occupation Unit D (the below example references the sale of clothing). We fully accept that this existing condition will remain in place and continue to control the occupation of Unit C3 for those retail purposes. However, this condition has no implications on the use of the unit within the other Class E sub categories. We consider, as a point of law, that the use of C3 can be used for all uses within Class E, and this does not conflict with the restrictions within the condition attached to the extant permission. This does not mean unrestricted Class E use, merely the ability for the unit to be used within all the sub categories of Class E but still within any other controls applied by other conditions to the consent. We note that Condition 13b does not reference the Use Class Order (as amended), unlike the occupation of other units within the Reading Link as listed within Condition 13 (a), (c), (d).

We would be happy to discuss an alternative wording for the Certificate of Lawfulness to clarify this, as it is not the intention of the application to seek confirmation that 'unfettered' Class E is permitted. The intention of the Certificate is to confirm Unit C3 can be used within all the sub categories of Class E, with Class E(a) use being limited by condition 13b when in tandem occupation with Unit D.

6.6 This response was duly considered by officers, with the following further feedback provided on 14/10/2025 (relevant extract below), with more explicit references to the original submission made in this response:

It appears to me that there was a contradiction in your original submission. The application form and outset of your supporting letter made it clear that you were seeking all Class E uses to be permitted – as per the extracts below:

Information About The Proposed Use(s)
If you consider the proposed use is within a 'Use Class' in the Town and Country Planning (Use Classes) Order 1987 (as amended), state which one:
Class E
Is the proposed operation or use:
☐ Temporary ☒ Permanent
If temporary please give details:
Please state why you consider that a Lawful Development Certificate should be granted for this proposal:
Please see attached covering letter

b) Change of use of the land or building(s)? ☒ Yes ☐ No
If Yes to b, please give a full description of the scale and nature of the proposed use, including the processes to be carried out, any machinery to be installed and the hours the proposed use will be carried out:
Transition from Class E(a) to any use within Class E

Dear Sir / Madam

CERTIFICATE OF LAWFULNESS – PROPOSED USE – SECTION 192 OF THE TOWN AND COUNTRY PLANNING ACT 1990
UNIT C3, READING LINK RETAIL PARK



On behalf of our client, Sorbon Estates, we are instructed to submit an application for a Certificate of Lawful Use to confirm the proposed use of Unit C3 of Reading Link Retail Park within all sub-categories of Use Class E of the Town and Country Planning Act 1990. Alongside this covering letter, the application submission comprises the following documents and plans:

Then later in your supporting letter a slightly different position is referenced, as per the part of your letter which I extracted into my email of 3rd October to you. Your email below then specifies “The intention of the Certificate is to confirm Unit C3 can be used within all the sub categories of Class E, with Class E(a) use being limited by condition 13b when in tandem occupation with Unit D”. This is considered to be a shift in position in comparison with the extracts above of your original submission. As per paragraph 005 of the PPG (Ref ID: 17c-005-20140306) “an application needs to describe precisely what is being applied for (not simply the use class)... without sufficient or precise information, a local planning authority may be justified in refusing a certificate”.

I note your response states “We note that Condition 13b does not reference the Use Class Order (as amended), unlike the occupation of other units within the Reading Link as listed within Condition 13 (a), (c), (d)”. In direct response, I would point out that condition 13a doesn’t explicitly reference the UCO either. Moreover, as per the Lazari case, the condition does not have to explicitly refer to the GPDO/UCO.

Accordingly, in overall terms, the previous feedback dated 3rd October remains unchanged

6.7 The agent replied later on 14/10/2025, stating (relevant extract below):

I think there may be confusion in that the use of the Unit C could be used for all sub-categories of Class E, when it is not in tandem occupation with Unit D. Where applicable, the existing condition would apply that would restrict the use, but were an alternative occupier to Unit D be found, then Unit C could be used any sub-classes with Class E. The existing condition does not prevent Class E(a) merely some of the uses within it, within a particular situation.

To this end, would the LPA be supportive of the application subject to the agreement of the extension of time and the proposed description of the Certificate be updated to avoid any ambiguity to the following

“Confirm Unit C3 can be used within all the sub categories of Class E, with Class E(a) use being limited by condition 13b when in tandem occupation with Unit D”.

We trust that this will prevent further confusion on the matters.

6.8 The agent was advised that amendments to the proposals would not be entertained as part of the application and any alternative proposal would need to be progressed through a separate application.

6.9 Bearing in mind the correspondence above, more explicitly in terms of the wording of condition 13, it is clarified, as per the planning history section above, that the most recently implemented permission at the site as a whole, for which Unit C3 forms a part, is considered to be permission PL/21/0406. Condition 13 of that permission is as follows:

Amended Condition 13:

13. Unit 1C hereby permitted shall not be used for the sale of goods other than food and drinks and ancillary products.

Units 1B and C2 hereby permitted shall not be used for the sale of goods other than: ambient food and drinks goods; health and beauty products, books and stationary, DIY and garden goods, furniture and home furnishings, beds, carpets and floor coverings, electrical and photographic goods, auto parts and accessories, cycles, products for and including domestic pets, sports and leisure goods, clothing and footwear, household products and goods, toys and seasonal items and ancillary items and for no other purpose within Class A1 of the Town and Country Planning (Use Classes) Order 1987.

Condition 13a: Within Units 1B and C2 hereby permitted, the sale of ambient food and drink shall not exceed 30% of the net sales area, the sale of household and health and beauty goods shall not exceed 20% of the net sales area, the sale of home furnishings shall not exceed 15% of the net sales area, the sale of toys shall not exceed 10% of the net sales area, the sale of books and stationary shall not exceed 10 % of the net sales area, the sale of garden products shall not exceed 5% of net sales area and the sale of clothing and footwear shall not exceed 5% of the net sales area.

Condition 13b: For the purposes of the sale of clothing, household goods and textiles, china, glassware, pottery and seasonal items Unit C3 shall not be occupied independently of adjacent Unit D.

Condition 13c: Unit D hereby permitted shall not be used for the sale of goods other than non-food retail goods and for no other purpose within Class A1 of the Town and Country Planning (Use Classes) Order 1987.

Condition 13d as amended: Unit 1A shall only be used for display or retail sale of goods (other than food sales and hot food sales (Class E(a)), indoor sport, recreation or fitness (Class E(d)) and creche, day nursery or day centre (Class E(f)) and for no other purpose within Class E of The Town and Country Planning (Use Classes) Order 1987 (as amended).

Reason: as the site lies outside an existing shopping centre and to enable the local planning authority to control the range of goods to be sold and uses taking place to safeguard the vitality and viability of existing local centres.

RBLP 2019 Policy RL2 (Scale and Location of Retail, Leisure and Culture Development)

- 6.10 Based on the above, there is considered to evidently be a restriction on Unit C3, by virtue of the wording of condition 13b. This means the unit cannot have an unfettered Class E use (which is essentially what the submission by the applicant seeks), because this could create a situation where there is conflict with the condition. For example, if Unit C3 were to be used for clothing use independently of Unit D, that would breach condition 13b. Officers are not persuaded by the suggested approach of the applicant, who suggests this can be 'referenced' on a positive decision notice. Instead, it is evident that on the one hand the applicant has applied for an effectively unfettered Class E use, but on the other hand readily concede that if in some E(a) uses, then Unit C3 needs to be combined with the Unit D; this, in itself, means it cannot benefit from a true unfettered use, given the restriction.
- 6.11 More explicitly, if Unit C3 were used for any of the following Class E uses: the sale of clothing, household goods and textiles, china, glassware, pottery and seasonal items, on an independent basis to Unit D, that would breach condition 13b of permission PL/21/0406, which is in force at the site.
- 6.12 Linking all of the above back to the question at paragraph 009 of the PPG on Lawful Development Certificates (Reference ID: 17c-009-20140306) if the sale of clothing, household goods and textiles, china, glassware or pottery and seasonal items, on an independent basis to Unit D had commenced, on the application date, would it have been lawful for planning purposes? The answer is no, owing to condition 13 of permission PL/21/0406, and therefore this certificate is refused.

Summary

Reading Link Retail Park has an extensive planning history since its original permission, with a series of variation of condition applications to the original permission.

The most recently implemented permission at the site is permission PL/21/0406 (granted as part of a s73 variation of condition permission). This sets out the use restrictions to the building under condition 13 of the permission. This, in so far as Unit C3 is concerned, only permits the sale of clothing, household goods and textiles, china, glassware, pottery and seasonal items (all Class E(a) uses) in combination with adjacent Unit D. Units C3 and D presently form one

single large unit (when viewed externally – internally a roller shutter could divide the units, but this was in an up position at the time of the unaccompanied officer site visit on 23/09/2025 and trading as a single unit) occupied by Matalan that complies with the condition.

It follows therefore that if Unit C3 were used for any of the following Class E uses: the sale of clothing, household goods and textiles, china, glassware, pottery and seasonal items, on an independent basis to Unit D, that would breach condition 13b of permission PL/21/0406, which is in force at the site. Hence, the proposal to confirm the proposed use of Unit C3 of Reading Link Retail Park within all sub-categories of Use Class E of the Town and Country Planning Act 1990 and, more specifically, transition from Class E(a) to any use within Class E, cannot be supported on this basis.

Recommendation – refuse Certificate of Lawfulness for proposed use, for the following reason:

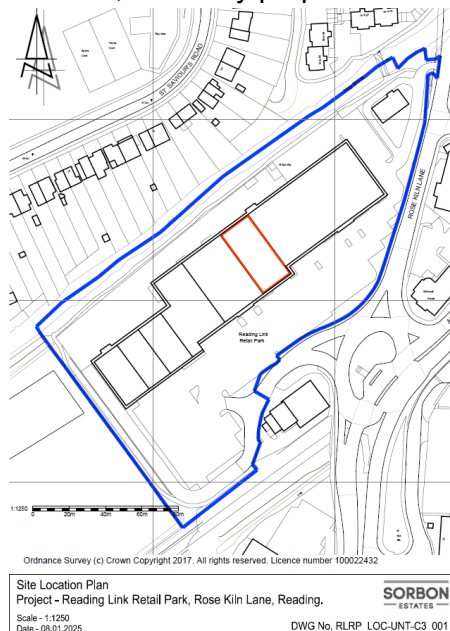
1. The proposed use of Unit C3 of Reading Link Retail Park within all sub-categories of Use Class E of the Town and Country Planning Act 1990, and more specifically the transition from Class E(a) to any use within Class E, is hereby refused, by virtue of Condition 13b of permission PL/21/0406 (original reference 210406, as granted on 25/06/2021) only permitting the sale of clothing, household goods and textiles, china, glassware, pottery and seasonal items (all Class E(a) uses) when Unit C3 is combined with Unit D.

Informatives:

1. The Local Planning Authority has worked positively and proactively with the applicant to provide feedback on the proposals and provide an opportunity to withdraw the application prior to a formal decision being issued. However, that option has not been taken up within the agreed extended timescale and therefore the decision to refuse the application has been taken.
2. This certificate of lawfulness application was submitted without the benefit of first seeking pre-application advice from the Local Planning Authority, which can often result in the avoidance of refusal of applications. Please see the following link to the Council's pre-application service here: <https://www.reading.gov.uk/planning-and-building-control/planning-applications/before-making-a-planning-application/pre-application-planning-advice/>
3. In reaching this decision, the local planning authority has taken into consideration the following information submitted by the applicant:
 - Application for a Lawful Development Certificate for a Proposed use or development, dated 21/03/2025
 - RLRP_LOC-UNT-C3_001 - Site Location Plan
 - RLRP PLN-UNT-C3 001 - Ground Floor Plan - Unit C3
 - RLRP PLN-UNT-C3 001 - Ground Floor Plan - Unit C3 (Specifies the GEA of the unit)

- CERTIFICATE OF LAWFULNESS – PROPOSED USE – SECTION 192 OF THE TOWN AND COUNTRY PLANNING ACT 1990 UNIT C3, READING LINK RETAIL PARK Letter by Turley, dated 19/03/2025
 - 210406 Decision Notice, dated 25/06/2021
 - 151032 Decision Notice, dated 12/08/2015
- As all received on 25/03/2025
- Email from Turley 'RE: Reading Link Retail Park, Reading (PL/25/0459)', dated and received 08/10/2025
 - Email from Turley 'RE: Reading Link Retail Park, Reading (PL/25/0459)', dated and received 14/10/2025
 - Email from Turley 'RE: Reading Link Retail Park, Reading (PL/25/0459)', dated and received 17/10/2025

Plans for inclusion on decision notice, for clarity purposes:



Extract of RLRP_LOC-UNT-C3_001 - Site Location Plan



Above: Marked up extract of plan RLRP PLN-UNT-C3 001 - Ground Floor Plan - Unit C3