

DELEGATED APPLICATION REPORT

Ward: Abbey

App Ref: PL/25/0959 Lawful development: Existing use

Address: 140 CHATHAM STREET, READING, RG1 7HT

Proposal: Certificate of Lawfulness for Existing use of the property as a one bedroom C3 use basement flat and a five bedroom C4 HMO to ground, first and second floor.

Applicant: Mr Antonio Mariano

Received date: 04/07/2025

Extended Target Decision date: 29/10/2025

Case Officer: Nathalie Weekes

1. SITE DESCRIPTION

The application site comprises a mid terrace 4 storey dwelling including a self contained x1 bedroom basement flat on the northern side of Chatham Street in an AQMA and in the Reading Central Area. 140 Chatham street is divided into a studio flat in the basement and a self contained HMO comprising the ground, first and second floor levels. The property has a garden and a garage to the rear of the site. The property is not within an Article 4 area (HMOs).

Chatham Street is characterised by a mix of uses comprising a mixture of single-family dwelling houses, a number of recent flat conversions and commercial uses.



Fig 1 Site photo – Google Maps

2. PROPOSAL AND SUPPORTING INFORMATION

The proposal is for a Certificate of Lawfulness for Existing use of the property as a one bedroom C3 use basement flat and a five bedroom C4 HMO to ground, first and second floor.

3. RELEVANT PLANNING HISTORY

None

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 is 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 planning permission. The planning merits of 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 applicants version of events less than probable, there is no good reason to refuse the application, provided the applicants evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability'.

5. CONSULTATIONS

The following were consulted:

RBC Council tax - Our records show we have the main house is use as a HMO for CT purposes, it's been banded since at least 01.04.1997.

We have what's known as 140A separately banded since at least 01.04.1997 and separately let out to tenants, which must be the basement flat.

RBC Environmental health - I have checked our records for the above mentioned property I can confirm that the property has a HMO licensing history that goes back to 2006. This relates to the ground, first and second floors. The current HMO licence is in place until 14th October 2028.

The only data we hold in relation to the basement was some issues with the guarding to the basement stairwell. There is no indication that the basement forms part of the HMO licence.

RBC Electoral register - Certificate of Lawfulness for Existing use of the property as a one-bedroom C3 use basement flat and a five-bedroom C4 HMO to ground, first and second floor.

Year	Number of registered electors	Number of registered electors
	140	140A(not sure if this is the basement flat or a separate property)
2025	5	1

2024	5	1
2023	2	1
2022	3	1
2021	3	1
2020	3	2
2019	1	2
2018	0	1
2017	1	1
2016	1	1

RBC Planning enforcement – There is no planning enforcement history.

RBC Environmental protection – No comments

RBC Legal team - No objections to the recommendation to grant a CLE for the use as described. From the available evidence, it appears that the basement flat has been in use since at least 16 February 2018 and the HMO has been in use since at least 3 May 2014. There is no Enforcement Notice in force. Both uses are therefore now immune from planning enforcement.

6. SUBMITTED EVIDENCE

Overview table

5 bedroom HMO – information only provided for 1 room

Tenancy Start Date	Tenancy End Date	Tenant(s)	Agent	Notes and supporting Document	Gap/time period vacant if any
Room 1					Documents provided for room 1 only
30/06/2013	29/12/2013	1	N	Assured shorthold tenancy agreement date	
03/05/2014	02/05/2015	1	N	Assured shorthold tenancy agreement date	Letter from agent states that the tenancy rolled over until the new version was created in March 2024
24/03/2024	23/03/2025	1	N	Assured shorthold tenancy agreement date	

Basement studio flat – 140A Chatham Street

Tenancy Start Date	Tenancy End Date	Tenant(s)	Agent	Notes and supporting Document	Gap/time period vacant if any
16/02/2018	15/02/2019	2	N	Assured shorthold tenancy agreement	
16/02/2019	15/02/2020	2	N	Assured shorthold tenancy agreement	
30/04/2020	29.04.2021	2	N	Assured shorthold tenancy agreement	
01/11/2021	31/10/2022	1	N	Assured shorthold tenancy agreement, electrical check, EPC, tenancy documents	
01/11/2022	31/10/2023	2	N	Assured shorthold tenancy agreement, electrical check, EPC, tenancy documents	
01/11/2023	31/10/2024	2 +	N	Assured shorthold tenancy agreement, electrical check, EPC, tenancy documents	
01/12/2023	31/10/2024	2	N	Assured shorthold tenancy agreement, electrical check, EPC, tenancy documents	

Information submitted

- Summary of documents submitted
- Ground floor plan
- First floor plan
- Second floor plan
- Basement flat floor plan
- 140 Chatham Street licence HMO, expires 19 July 2007 to 18 July 2012
(Basement is considered a separate dwelling – licence restrictions for Ground floor front and rear bedrooms, first floor bedroom and second floor front and rear bedroom – two persons and no sleeping accommodation in any other part of the house)
- 140 Chatham Street licence HMO, dated 26/09/2012 – 26/09/2017

- 140 Chatham Street licence HMO, decided 12/10/2018, dated 15 Oct 2018 – 12/10 2023
- LICENCE REFERENCE: RBC-304915913837 cover letter from Reading Borough Council to Welldone Building and Appliances Repair services confirm the granting of an HMO certificate, dated 13 March 2024 for an HMO licence from 13 October 2023 to 14 October 2028.

140 Chatham Street
Room 1 only

- 140(1)chs_ast_2013 – 01-2012 Assured shorthold tenancy agreement – room only dated 30.06.2013, 30/06/2013 – 29/12/2013
- 140(1)chs_14-25 2012 -version 01-2014 000465 Assured shorthold tenancy agreement dated 03/05/2014, from 03/05/2014 to 02/05/2015 with a statutory declaration letter from applicant to state that the tenant in room 1 has been resident since 3 May 2014 and did not have a new tenancy agreement until March 2024. (*Case officer: This is a letter to accompany the statutory declaration and is not dated.*)
- Assured shorthold tenancy agreement - V1JW13052019 Deposit date 24/03/2024, from 24/03/2024 to 23/03/2025 for use of the bathroom, kitchen and garden shared areas.

Basement maisonette

- 140(a)chs_16.02.2018-15.02.2019 – 621 V3 JW 180817 V1JW14052019 Assured shorthold tenancy agreement dated 16.02.2018, (*p6 has a different ref 2017 621V3 JW 070717*)
- 140(a)chs_16.02.2019-15.02.2020 – V2JW24042018 Assured shorthold tenancy agreement dated 17.02.2019,
- 140(a)chs_30.04.2020-29.04.2021 – V1JW14052019 Assured shorthold tenancy agreement dated 30.04.2020,
- 140(a)chs_01.11.2021-31.10.2022 - V1JW14052019 Assured shorthold tenancy agreement dated 01.11.2021 and tenancy deposit scheme, How to rent guide and addendum to tenancy agreement
 - 140 CS BAS Electrical Installation condition report and schedule of test results, Welldone Ltd, 17 March 2021 – 17 March 2026
 - 8358-6120-5049-1582-1922 EPC basement maisonette, assessment date 22 October 2018, until 22 October 2028, Elmhurst energy systems
 - National residential landlords association tenancy checklist 01.11.2021
- 140(a)chs_01.11.22.-31.10.23, V1JW14052019 Assured shorthold tenancy agreement dated 01.11.2022, addendum to tenancy agreement, tenancy deposit scheme, MBYeaGxdZ7 tenancy deposit protection certificate, How to rent
 - Electrical installation condition report 140CS BAS, 17 March 2021 and schedule of test results.
 - 8358-6120-5049-1582-1922 EPC basement maisonette, assessment date 22 October 2018, until 22 October 2028, Elmhurst energy systems
 - National residential landlords association tenancy checklist 01.11.2022
- 140(a)chs_01.11.2023-31.10.2024, V1JW14052019 Assured short tenancy, addendum to tenancy agreement, tenancy deposit scheme, How to rent
 - Electrical installation condition report 140CS BAS, 17 March 2021 and schedule of test results.

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 - National residential landlords association tenancy checklist 01.12.2023
- 140(a)chs_01.12.24-18.09.25_court_notice – 5A411355, Bailiff No.1, 140 CLS/tenants Notice of appointment (with Bailiff), date 18 September 2025
- 140 Chatham Street - Statutory declaration by tenant stating they moved into the property on 3 May 2014 and the property was sub-divided as shown on the plans attached. Signed on 3 June 2025 and witnessed by Hira MahmoodLLB solicitor, submitted with a translators certificate.
- Property sales description advert, Patrick Williams 2001 for a four storey investment property with 'a self contained basement flat with five further bedrooms within the remainder of the property'.
- Fee calculation summary - PP-14138841

As received 4 July 2025

- PP-14138841v1 Location Plan
- CIL

As received 9 July 2025

7. ASSESSMENT

In order for a certificate of lawfulness to be granted for this application, the applicant must demonstrate either that the use of 140 Chatham Street as a HMO began more than 10 years before the date of this application of 04/07/2025 and for at least 4 years before 04/07/2025 for the basement self contained flat. The application form states that the use began at least 10 years before from 03/05/2014.

With regards to internal consultee response; the Council Tax team have confirmed that the ground, first and second floors of the property have been banded as a HMO since 01/04/1997 and that the basement flat has been banded separately since 01/04/1997 and that the dwelling has been separately let by tenants since the date of banding.

HMO certificates have been provided for the ground, first and second floor from 17 July 2007 to 14 October 2028.

"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"

Tenancy agreements have been provided by the applicant which demonstrate use at 140 Chatham Street HMO only for room 1 for the same tenant and the basement at 140A Chatham Street as a basement flat for different tenants for the relevant time periods.

Although there is an absence of information provided for rooms 2, 3 4 and 5 of the HMO, a statutory declaration has been submitted and witnessed and stamped by a solicitor.

RBC Legal Services are in agreement that the Council does not hold any evidence to contradict the above claims made by the applicant.

The applicant has demonstrated that 140 Chatham Street in use as a large HMO, and the LPA has no evidence that this use was then changed or lost. As such, this is considered sufficient to demonstrate the present use of 140 Chatham Street a 5 bedroom HMO C3 and a separate one bedroom basement flat at 140A Chatham Street as lawful.

8. RECOMMENDATION

GRANT

The applicant has provided sufficient evidence or other information that satisfies the Local Planning Authority that the use of the ground floor, first floor and second floor of 140 Chatham Street has been in use as a 5 bedroom self contained HMO use class C3 begun more than 10 years ago and the self contained one bedroom basement flat has been in use for more than 4 years. There is no evidence to suggest each of these uses were changed or lost. It follows that there is sufficient justification to grant the certificate of lawfulness applied for by the applicant.

Informative

Positive and Proactive – Approval