



DELEGATED APPLICATION REPORT

Ward: Abbey Ward

App Ref: PL/25/1298 Lawful development: Existing use

Address: FLAT 2, 4 MASON STREET, READING, RG1 7PD

Proposal: Certificate of existing lawfulness for a self-contained flat

Applicant: Mr Eduart Aliseni

Received date: 12/09/2025

Target Decision date: 07/11/2025

Case Officer: Catrin Davies

1. SITE DESCRIPTION

The application site relates to a two storey dwelling with a basement level located on the northern side of Mason Street. Mason street is characterised as a row of two storey terrace houses.

2. PROPOSAL AND SUPPORTING INFORMATION

The application is for a Certificate of Existing Lawful Development under Section 191 of the Town and Country Planning Act 1990 (as amended). The applicant is seeking to demonstrate that the basement has been used as an independent unit (Class C3) for a continuous period of at least 4 years and therefore not requiring planning permission.

The application is supported by several tenancy agreements and statutory declaration from neighbouring flat.

3. PLANNING HISTORY

PL/25/1297- FLAT 1, 4 MASON STREET, READING, RG1 7PD: Certificate of existing lawfulness for a self-contained flat at basement level. Granted.

PL/25/1116- 4 MASON STREET, READING: Change of use from one dwelling to three flats with part 2 part single storey rear extension and internal alterations. Under consideration.

PL/22/1834- 4 Mason Street Reading RG1 7PD: Two storey rear extension and refurbishment of 3 no flats and Loft conversion. Withdrawn.

4. CONSULTATIONS

RBC Council Tax Consultations:

No comment

RBC Private housing:

Private Sector Housing team's records show limited involvement over the years:

- The property was brought to our attention only once, as the result of a fire in the basement due to a battery on a Deliveroo bike on 9/ 9/2021.

- 1st Visit - Emergency Prohibition Order (EPO) was issued for the basement only. LL completed the emergency work, and the EPO was lifted.
- 2nd Visit - Carried out on 29/10/2021. To establish the extent of further work required to each flat or the building. The building conversion did not appear to be a new one. At the time of this inspection all three flats were occupied. However, access was not gained to the basement flat during this visit.
- The property was found to be converted in to three self-contained flats:
 - ~ Basement Flat – Access/entrance from front external basement well only.
 - ~ Ground Floor Flat – Access/entrance via steps to the front of the building and main front entrance door leading on to communal hallway and staircase. The sole entrance to this flat was from the hallway.
 - ~ First Floor Flat - Access/entrance via steps to the front of the building and main front entrance door leading on to communal hallway, staircase and first floor landing. The sole entrance to this flat was from the first-floor landing.
- Sometime between 9/9/2021 and 16/6/2022 the owner at the time, Mr Rajan Kochhar, sold the property to Aliseni Brothers Ltd, 25 Norton Road, Reading. RG1 3QH. Mr Kochhar the did not notify anyone to say the property was on the market the market or a sale was imminent.
- 3rd Visit – On 16/8/2022 with one of the new owners, Mr Eddie Aliseni, who wished to regularise the building. At the time of this inspection all three flats were occupied with two in the basement, two in the ground floor and one in the first floor flat. All occupants were tenants in 2021.
- The new LL was advised to contact Planning and Building Control to obtain established use and resolve any upgrades required or unauthorised work issues under Building Regulations. As he wanted to remove the property from the definition of being a s257 HMO (converted property without building regulations).

PSH team have no objections to this application.

RBC Environmental Protection:

No comment

RBC Electoral Registration Consultations:

Number of electors registered at the site.

	4 Mason Street	Basement Flat	Ground Floor Flat	Flat 1	Flat 2	Flat 3
2025	N/A	N/A	N/A	1	0	0
2024	N/A	N/A	N/A	1	0	0
2023	1	N/A	N/A	N/A	0	0
2022	1	N/A	0	N/A	0	0
2021	1	0	N/A	N/A	N/A	N/A
2020	1	0	N/A	N/A	N/A	N/A
2019	2	2	N/A	N/A	N/A	N/A
2018	2	N/A	N/A	N/A	N/A	N/A
2017	3	N/A	N/A	N/A	N/A	N/A
2016	4	N/A	N/A	N/A	N/A	N/A

RBC Planning Enforcement Consultations:

No comment

RBC Legal

Satisfied that the applicant has submitted evidence, that is sufficiently precise and unambiguous, to show that the basement flat has been used as a single dwelling for more than 4 years.

5. 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.

6. SUBMITTED EVIDENCE

The applicant has provided the following evidence to demonstrate the use of 4a Mason Street as one bedroom unit:

Location plan

Drawing 9107-102

Tenancy agreement covering 30th October 2020-19th October 2021

Tenancy agreement covering 19th July 2022-18th July 2023

Tenancy agreement covering 19th July 2023-18th July 2024

Tenancy agreement covering 19th July 2024-19th July 2025

Statutory declaration

Letter from Private sector housing

7. APPRAISAL

The application is for a Certificate of Existing Lawful development for the use of the ground floor of an existing building within use Class C3 (dwellinghouses). The purpose of this Certificate of Lawfulness has been described as to establish whether the use has been for a continuous uninterrupted period of 4 years before the date of the application and is therefore immune from enforcement action. The standard of proof in considering such applications is on the balance of probability and the onus is on the applicant to demonstrate that the site has been used for the requisite period.

The NPPG (lawful development certificates section) states that an application needs to describe precisely what is being applied for (not simply the use class) and the land to which the application relates. Without sufficient or precise information, a local planning authority may be justified in refusing a certificate. The guidance further states that the applicant is responsible for providing sufficient information to support an application. There is no good reason to refuse an application for existing use, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability.

The application form states the breach began on the 04-06-2011. It is claimed that there is evidence to demonstrate that on the balance of probabilities the building has been in residential use in excess of 4 years prior to the date of this application.

The time limits for the taking of enforcement action are set out in s172(b) of the Town and Country Planning Act 1990 (as amended). The time periods for taking enforcement action were amended by Section 115 of the Levelling-up and Regeneration Act 2023, this introduced a change from 'four years to ten years' for sites in England. The Levelling-up and Regeneration Act 2023 included transitional provisions. Essentially the time limits for enforcement do not apply where the operations were substantially completed, or the breach occurred before the new regulations came into force on 25th April 2024.

The submitted evidence is summarised as follows:

Evidence	Dates
Tenancy agreement Mr Radu	30th October 2020-19th October 2021
Tenancy agreement Mr Beckhauser and Mrs Gonzela	19th July 2022-18th July 2023
Tenancy agreement Mr Beckhauser and Mrs Gonzela	19th July 2023-18th July 2024
Tenancy agreement Mr Beckhauser and Mrs Gonzela	19th July 2024-19th July 2025
Statutory declaration Mr Bilui	Stating Mr Radu lived in Flat 2 from October 2020 until July 2022
Private Sector housing letter	21st March 2025

The evidence shows flat 2 was rented out since October 2020, there is a gap in tenancy agreement between Mr Radu and Mr Beckhauser and Mrs Gonzela, however the statutory declaration by Mr Bilui confirms Mr Radu lived in flat 2 until July 2022. The private sector housing letter confirms a site visit took place on September 2021 and the building consisted of 3 separate planning units. The planning officer attended the site on 1/10/25 and the officer observed the ground floor forms its own separate unit.

The Local Planning Authority have no evidence to the contrary or which would make the version of events described by the applicant within their supporting evidence to be less than probable. It is therefore considered; on the balance of probability the basement flat has been used as an independent residential unit for over 4 years.

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.

8. RECOMMENDATION

GRANT CERTIFICATE

The applicant has provided sufficient evidence or other information that satisfies the Local Planning Authority that the ground floor has been used as a independent residential unit continuously for over 4 years It follows that there is sufficient justification to grant the certificate of lawfulness applied for by the applicant.



Location Plan