

Our Ref: MM/KN0173/25

28 November 2025

Reading Borough Council
Planning
Council Civic Offices
Bridge Street
Reading
RG1 2LU

via the Planning Portal

Dear Sir/Madam,

**Certificate of Lawfulness (Section 191 of the Town and Country Planning Act (1990))
The Southcote Beefeater, Southcote Lane, Reading, RG30 3AB
Planning Portal Reference: PP-14516749**

We have been instructed by Whitbread PLC to submit to you the enclosed application for a Certificate of Lawful Existing Use under Section 191 of the Town and Country Planning Act 1990 for:

“Use of the premises as a standalone restaurant falling within Use Class E ‘Commercial, Business and Service’ of the Use Classes Order without reference to associated or ancillary hotels or residential use”

The application has been submitted electronically via the Planning Portal and along with the application form, comprises the following:

- Location Plan;
- Covering Letter;
- Copies of dated Beefeater Menus;
- Copies of dated Floor Plan;
- Team data sheet;
- Statutory Declaration signed by Managing Director of UK Hotels and Restaurants at Whitbread Plc.

Introduction

This application is submitted to obtain a formal legal Certificate from the Council in relation to the use of land and buildings comprising The Southcote (identified with a red line on the enclosed site location plan) as a restaurant within Use Class E (formerly Use Class A3). This Certificate seeks to confirm the use of the Southcote as a restaurant use.



The application provides evidence that for in excess of 10 years the primary purpose and function of the premises has been as a restaurant for the sale of food and drink for consumption on the premises. Whilst it is not disputed that the Southcote serves alcoholic drinks, the sale and consumption of alcoholic drinks at the premises is ancillary to the main use of the premises. As such, the Southcote is by definition a restaurant within Use Class E of the Town and Country Planning (Use Classes) Order 1987.

The Site

The site comprises the establishment known as the Southcote, which operates under the Beefeater brand. The restaurant comprises a standalone building that functions independently.

Legislation and Case Law

This application is made in accordance with Section 191(1) of the Town and Country Planning Act 1990, which states that if any person wishes to ascertain that an existing use of buildings and land is lawful, they may make an application for this purpose to the local planning authority specifying the land and describing the use.

If on an application under this section, the local planning authority, are provided with information satisfying them of the lawfulness at the time of the application of the use, they are required to issue a Certificate to that effect.

Case law has established that the onus and burden of proof is on the applicant to prove, on the balance of probabilities, that the Certificate of Lawfulness should be granted. Clear guidance on these matters is also contained within the NPPG, which states that *“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”*.

Use Classes Order

It is evident from the site’s planning history that it trades under Class E, Class E being introduced in The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020.

It bears consideration to consider the definition of Class E(b), the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises. This has a basis in the former, Class A3 ‘Food and Drink’ of the Town and Country Planning (Use Classes Order) 1987.

The enclosed Statutory Declaration, signed by Simon Ewins, Managing Director for UK Hotels and Restaurants of Whitbread PLC on 29th October 2025, clearly evidences the position that this site has traded as a Restaurant consistently for in excess of 10 years. During this time, food sales have made up on average 66.4% of sales from the site. It should be noted that the 33.6% beverage sales includes



drinks bought in conjunction with a meal, which is the predominant form of drinks purchases at this site and across the Whitbread network. As such, the figure at the site for solus drinks purchases - as would normally be seen at a Public House or Bar - is much lower than the figure noted above.

Existing Lawful use of the site

This application seeks a Certificate of Lawful Existing Use for the use of the premises as a restaurant within Use Class E 'Commercial, Business and Service'.

The submitted Statutory Declaration, signed by Simon Ewins, Managing Director of UK Hotels and Restaurants for Whitbread Plc very clearly supports the site subject of this application to have remained in Restaurant use (only), for a period of in excess of 10 years. During this period, food sales have predominated at the site (66.43%), even when drinks bought in conjunction with a meal are excluded from the above figure.

Additional evidence to support the applicant's case is set out below under the following headings:

- Food offer, operation and brand history;
- The layout of the premises; and
- Trading data.

Food Offer, Operation and Brand History

For a period in excess of 10 years, the restaurant has retained an extensive food menu with a wide selection of starters, mains, and desserts and a children's menu. Included within our submitted evidence is sample menus relating to the site over recent years.

Evidently the scale and choice offered from the menu has remained that which is reflective of a restaurant, as opposed to that which might be seen within a Public House, where a much more constrained choice of food options would generally be offered.

Food is available on site from 1200 until 2300 daily from Mondays to Saturdays and between 1200 until 1030 on Sundays. It is important to note that this restaurant does not serve breakfast.

To encourage day time dining, within these menus, there is consistency in the provision of a commercial offer aimed at encouraging trade from 1200 to 1700, labelled menu as the "Daytime Menu" which is available between 1200 until 1700 from Mondays to Fridays.

The general menu is served throughout the whole day and continued to so do so over the years. There is clear consistency between the 2015 example menus and those of 2025. These menus consistently show the extent of the food provided at the Southcote and the consistency in such provision.



As is confirmed within the submitted Statutory Declaration, reservations are taken for tables in advance, by in-person booking, phone or email. Customers without reservations ('walk-ins') can be seated if there is available space.

Customers are welcomed at the front door desk by a server who greets them, checks their reservation, or, if a walk-in, advises them of availability for a table. A server then takes them to their allocated table and menus are provided. Food and drink orders are taken by servers from the Customers whilst they are seated at their table. Plated food and drinks are then brought to them. A bill is presented at the end of the meal for payment, which includes an optional service charge. Included within our submission is a handbook which indicates the operational processes which underpin the day-to-day running of these units and clear prioritisation of the breakfast/ food provision within the premises.

On a daily basis the restaurant is staffed by 10 servers, 2 bar staff, 8 kitchen staff (comprising chef, assistant chef etc), 1 restaurant manager, 1 general manager, 1 team leader, all of who are responsible for front of house, back of house/ kitchen and the wider restaurant respectively and 1 cleaning staff member. These numbers are the average figures for the past ten years and highlight the scale of operation at the Southcote in a restaurant capacity. There is evidently a clear use of the site as a restaurant having regard to the sheer number of staff employed and the provision of management for the various areas. The operation and staffing are clearly reflective of a restaurant use.

Through the use of Google Street View Imagery we are able to confirm the use of the site as the current branding for a period in excess of 10 years. This is visible in **Exhibit 1**.

Layout

The internal layout of the premises has remained materially unchanged since the commencement of its use as a restaurant and has done so for a continuous period exceeding ten years. Photographic extracts from Google Street View (**Exhibit 1**) together with the floor plan (**Exhibit 2**) provide clear evidence of the uninterrupted restaurant use of the site.

Figure 3 within **Exhibit 2** illustrates the layout configuration of the premises. As shown, the restaurant area extends across the entirety of the ground floor and comprises the majority of the available floorspace. Drawing no. 215020/7.0 - Rev. A (dated April 2016) indicates approximately 176 restaurant covers, which has remained the case to present day.

The floor plan consistently depicts the premises arranged for dining, with tables and chairs occupying the principal areas, thereby evidencing that the primary activity has been the consumption of food.

In addition, the floor plan confirms the presence of a large kitchen equipped with restaurant-scale refrigeration and freezer facilities. The scale and specification of this kitchen are wholly consistent with restaurant operations and would not be characteristic of premises whose principal function is the sale and consumption of alcoholic drinks or where food provision is ancillary. This further substantiates that the lawful and established use of the premises is as a restaurant.



Trading Data

	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025
Food	67.5%	68.2%	67.7%	67.2%	67.4%	70.1%	68.2%	64.1%	63.9%	64.4%	62.0%
Drink	32.5%	31.8%	32.3%	32.8%	32.6%	29.9%	31.8%	35.9%	36.1%	35.6%	38.0%

Table 1: Trading Data of the Southcote Restaurant 2015-2025

The site's trading data since 2015 confirms that 67.5% of purchases made from the restaurant were for food. The remaining 32.5% comprised the sale of beverages. As we have already noted, this 32.5% figure is somewhat misleading, as it includes drinks purchases bought in conjunction with the purchase of a meal - purchases that would be expected in any restaurant.

Unfortunately, the manner in which my client records purchases does not allow drink purchases to be split between those made in conjunction with meals, or those bought as a solus purchase. As the Statutory Declaration outlines, drinks bought in conjunction with meals is the predominant form of beverage purchase across the Whitbread estate and also at this site. As a result, solus beverage purchases are significantly lower than the 32.5% figure noted above.

The data clearly shows that the dominant use of the premises has been and continues to be the sale of food, providing clear evidence that in planning terms the premises is a restaurant where the sale of alcoholic drinks is ancillary. It is clearly not a drinking establishment where the sale of food is ancillary nor is it a mixed use given the sale of food comprises 66.4% of sales.

Conclusion

This application is submitted to formally confirm the established use of the premises known as the Southcote as a restaurant within Class E. The application clearly and robustly demonstrates that the premises have traded as a restaurant since at least 2015 with the sale of alcoholic drinks ancillary to the main use of the premises.

Accordingly, we respectfully request that Certificate of Lawful Existing Use for the use of the premises as a restaurant within Class E of the Town and County (Use Classes) Order 1987 (as amended) is granted without delay.



If there are any queries or you require any additional information, please do not hesitate to contact me.

Yours faithfully,



Muzammal Mahmood MCD MRTPI
Planner

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Exhibit I: Photos of Site

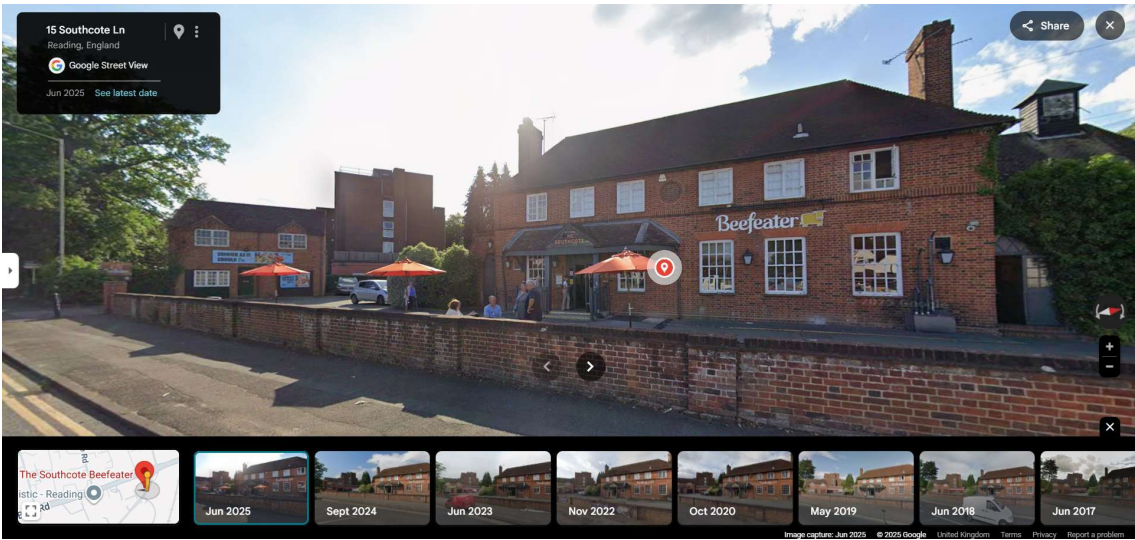


Figure 1: Photos of Site dated June 2025 (C) Google Street View 2025



Figure 2: Photos of Site dated July 2009 (C) Google Street View 2025



FIRE SAFETY NOTES REFER TO THE ALARM LOGGING FOR DETAILS

NOTES

1. The fire safety plan is based on the current fire safety regulations and standards. It is intended to provide a general overview of the fire safety measures in place. It is not intended to be a substitute for a detailed fire safety assessment or a fire safety plan. The fire safety plan should be reviewed and updated regularly. The fire safety plan should be reviewed and updated regularly. The fire safety plan should be reviewed and updated regularly.

FIRE ESCAPE ROUTES

2. The fire escape routes are indicated by the red lines. The fire escape routes should be kept clear at all times. The fire escape routes should be kept clear at all times. The fire escape routes should be kept clear at all times.

FIRE FIGHTING EQUIPMENT

3. The fire fighting equipment is indicated by the symbols. The fire fighting equipment should be used in accordance with the manufacturer's instructions. The fire fighting equipment should be used in accordance with the manufacturer's instructions. The fire fighting equipment should be used in accordance with the manufacturer's instructions.

LEGEND

4. The legend is provided for reference. The legend is provided for reference. The legend is provided for reference.

SCALE

5. The scale is provided for reference. The scale is provided for reference. The scale is provided for reference.

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