

DELEGATED APPLICATION REPORT

Ward: Park

App Ref: PL/25/1493 Lawful development: Existing use

Address: 73 GRANGE AVENUE, READING, RG6 1DL

Proposal: use of original C3 dwellinghouse as a 6-person C4 house in multiple occupation for six residents over a period exceeding 10 years

Applicant: Mr Mushtaq Iqbal

Received date: 20/10/2025

Target Decision date: 15/12/2025

Case Officer: Nathalie Weekes

1. SITE DESCRIPTION

The proposed site is a two-storey middle terraced dwelling along Grange Avenue, Redlands. The Surrounding area is predominantly residential with a mix of Victorian terraced rows.

Site visit photos 26/11/2025

Front elevation



Rear elevation



The application site is not listed, nor within a conservation area.

The proposal site is within the Article 4 area which restricts the conversion from C3 to C4 (Small HMO) and vice versa.

2. PROPOSAL AND SUPPORTING INFORMATION

The application is for a lawful development certificate to confirm that the existing use of the former C3 dwellinghouse as a 6-person C4 house in multiple occupation for six residents has existed over a period exceeding 10 years.

Relevant Planning history

None

RBC records evidence a building regulations application (number 070679) for a loft conversion, completed 26.04.2024. There are no planning applications on file that relate to a loft extension or conversion. The house has been refurbished.

Consultation Responses

There are no statutory consultation requirements for a Certificate of Lawfulness application.

3. RELEVANT PLANNING POLICY AND GUIDANCE

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'.

4. CONSULTATIONS

The following were consulted:

- RBC Planning Enforcement Consultations – There is no planning enforcement history.
- RBC Housing/HMO Consultations – this property is a licensed HMO for 6 people. The licence expires on 19/12/2028.
Regarding any history on this property, there have been a few of inspections carried out by EH on 11/11/2011, 12/12/2011 and 17/05/2019 and there were the following cases logged:
24/9/2019 – HMO Licence renewal – no issues.
13/7/2016 – Complaint resolved informally
11/ 8/2014 – Refuse issues. Resolved informally.
23/ 9/2013 - 30/12/2013 - HMO Licence renewal – no issues. No floor plans.
25/ 3/2011 – HMO licence inspection. Minor issues found.
16/ 6/2008 - 23/ 9/2009 – Initial HMO licence application.
The licence as per usual will only ever state the maximum number of people that can occupy a property at any one time. How many were there at the time, as that information is too fluid to keep track of. Sometimes properties are empty when we inspect as the owner is looking for/signing up tenants.

- Council Tax Consultations - This property is banded as a single dwelling for CT purposes since at least 01.04.1997. We do not consider this property to be an HMO for CT purposes, as the tenants are named on the same tenancy agreements.
- Legal Consultations – The applicant has not provided sufficient evidence to show on the balance of probabilities that the property has been used as a 6 person C4 house in multiple occupation (HMO) over a period exceeding 10 years.
- Electoral Registration Consultations

73 Grange Avenue	No of registered electors
2025	0
2024	1
2023	5
2022	5
2021	5
2020	5
2019	5
2018	0
2017	4
2016	2

- RBC Environmental Protection team – No objections

5. SUBMITTED EVIDENCE

The agent submitted the following information:

- Application form
- 788/3 Location and Block plan
- Reading HMO licence ref 445863894515 - 20 December 2023 to 19 December 2028 licence for a maximum for 6 people living as 6 households regardless of age
- Reading HMO licence 631718 20 December 2018 to 19 December 2023 for up to 6 people
- Reading HMO licence 473629 20 December 2013 to 19 December 2018 for up to 6 people

As received 20 October 2025

6. ASSESSMENT

In order to grant a Certificate of Lawfulness for existing use of 73 Grange Avenue as a C4 HMO, sufficient evidence must be supplied to confirm that the property has been in this use continuously for a period of 10 years up to the date the application was made. The relevant time period is therefore 20th October 2015 to 20th October 2025.

Use Class C4 (houses in multiple occupation) relates to small, shared houses occupied by between three and six unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom.

The application form submitted by the agent states that the property has been used as an HMO for more than 10 years from 20/12/2013. Three HMO licences have been submitted. No other evidence such as assured shorthold tenancy agreements or Tenancy deposit agreements have been provided by the agent and no floor plans were provided to demonstrate how the property has been occupied.

The Council tax department have the property banded as a single dwelling and the electoral roll team have had a maximum of 5 individuals registered to vote at the address. This number is less than the 6 person HMO that is sought. There is no evidence to support that 6 individuals at any one time have occupied 73 Grange Avenue over the last 10 years.

At the site visit on 26 November 2025 only 2 out of 6 rooms were occupied. The property appears to have been refurbished recently and a building regulations certificate was issued in 2024 for loft extension works for which no planning applications or certificates of lawful development for the works are recorded.

The weight given to the property's successive HMO licences has been considered. Planning law is a completely separate legal framework from HMO licencing. The HMO licences just say a property *could* lawfully be used as an HMO. The law on CLEs is focused on how the property is actually used, and for how long. An HMO licence could *help* to show that the property has been used for the requisite amount of time, but only if they are corroborated with other documents like tenancy agreements, tax certificates and floor plans showing shared kitchens / bathrooms etc. The applicant has provided none of this.

The RBC Council tax team have confirmed that the property is banded as a single dwelling. No tenancy agreements for the required period have been provided in evidence. Similarly, the Electoral Services records show a fluctuation in adult occupants, but this is insufficient to prove HMO use.

On balance therefore the evidence provided is not sufficiently precise and unambiguous to support the issuing of a lawful development certificate for existing use. Therefore, this application should be refused and is not immune from enforcement action for breach of the use of the property as a private dwelling for student accommodation contrary to the Article 4 Direction due to the absence of evidence. The NPPG states that 'The applicant is responsible for providing sufficient information to support an application. Insufficient evidence has been provided by the applicant to support that the property has been in use as a 6-person C4 house in multiple occupation over the last 10 years.

7. RECOMMENDATION

Refuse Certificate of Lawful Use.

Location Plan – not to scale

