

DELEGATED APPLICATION REPORT

Ward: Battle

App Ref: PL/25/1169 Lawful development: Existing use

Address: 1 LITTLE JOHNS LANE, READING

Proposal: 1x bed flat 1B (ground floor), 1 bed flats 1C and 1D (first floor) of 1 Little Johns Lane have been used as self-contained properties for more than 4 years (Amended)

Applicant: Noble Noble & Jones Property Management

Received date: 18/08/2025

Target Decision date: 13/1/26 (Ext)

Case Officer: Alison Amoah

1. SITE DESCRIPTION

Site visit date: 17th October 2025

The application site relates to a 2- storey building comprising 8 no. flats (1A-1H), but the CLE relates to 3 of these, namely 1B – a 1-bed at ground floor and 1C and 1D both 1 bed flats at first floor, on the western side of Little Johns Lane.

2. PROPOSAL AND SUPPORTING INFORMATION

Applications for a Lawful Development Certificate for existing use under section 191 of the Town and Country Planning Act 1990. A certificate is sought to confirm that the existing use 1x 2 bed ,1x studio and 1x 1 bed flat (current Use Class C3) based on evidence that the use has been in existence for at least 4 years continuously before the application was submitted.

To comply with [section 191\(5\)](#) or [192\(3\)](#) of the Act the applicant needs to submit evidence to substantiate the claim for the established existing use.

The submitted application form identifies that the use commenced on 31st May 2015 (although some of the tenancies commenced before that time).

Submitted Plans and other information considered:

As received 18th August 2025:

- Application Form
- Location Plan
- Floor Plans
- ***Tenancy Agreements –***

Flat 1B (ground floor)

15/05/2018 to present (rolling tenancy)

Flat 1C (first floor)

1/11/2014-28/5/2024 (rolling tenancy)

18/6/2024-17/12/2024

30/1/2025-present (rolling tenancy)

Flat 1D (first floor)

17/7/2020- present (rolling tenancy)

- **Other Evidence**

Flat 1B

Deposit Protection Certificate 18/5/2018
Landlord Gas Safety Record 1/5/25
Electrical Installation Condition Report 20/6/25

Flat 1C

Gas Safety Certificate 25/8/24
Energy Performance Certificate 20/2/25
Electrical Installation Condition Report 21/1/25
Closing Inventory of Fixtures, Fittings and Furnishings 28/5/24
Letter from McCarthy Properties Reading Limited re notice of vacating 2024
Letter from tenant re 2 months' notice 28/3/24
Certificate of Tenancy Deposit Protection 6/5/2015
Moving in Inventory of Fixtures, Fittings and Furnishings 18/6/24
Letter from McCarthy Properties Reading Limited re notice of vacating 2024
Email from tenant re 2 months' notice 24/10/24
Deposit Protection Service June 2024
Deposit Protection Certificate 29/1/25

Flat 1D

Deposit Protection Certificate 20/7/20
Energy Performance Certificate 17/6/16
Gas Safety Certificate 28/2/25
Electrical Installation Condition Report 20/6/25

3. RELEVANT PLANNING HISTORY

91/01172/FUL (PL/91/0980) - Construction of 3 single bedroomed self-contained flats with parking spaces and communal garden area on land fronting Little Johns Lane. Refused 5th March 1992; Allowed on appeal

12/00134/CLE (PL/12/0063) – (1A) Certificate of Lawfulness for use of the property as a self-contained studio flat (Use Class C3) – Approved 5th July 2012

PL/16/0360/FUL - Extensions to Flat 1B and 1C from 1 bedroom flats to 2 bedroom flats – Approved 11th May 2016

PL/18/1642/CLE - Use as 3x1 bed flats (Class C3) – Refused 4th May 2022

PL/23/1228/CLE - (1E) The property has been used as C3 dwelling for more than 4 years – Approved 17th October 2023

PL/23/1234/CLE - (1F) The property has been used as C3 dwelling for more than 4 years - Approved 17th October 2023

PL/23/1227/CLE - (1G) The property has been used as C3 dwelling for more than 4 years - Approved 17th October 2023

PL/23/1226/CLE - (1H) The property has been used as C3 dwelling for more than 4 years - Approved 17th October 2023

4. CONSULTATIONS

Planning Enforcement:

Case ref: PE/07/0054 - 6 flats built instead of approved parking spaces (as under ref: 98/0049 approved under appeal, for three single-bedroomed self-contained flats with parking spaces and communal garden area.) This was flats at 1 Little Johns Lane (rear), which agent stated had been there for 4 years at that time.

Council Tax:

I can confirm we do have Flats B/C/D OF 1 Little Johns Lane on our system and separately banded for CT purposes since at least 01.04.1997. These flats have been occupied since the date of banding.

Electoral Registration:

The number of electors registered at Flats 1B-1D Little Johns Lane is as follows:

	Flat B	Flat C	Flat D
2025	1	0	1
2024	1	0	1
2023	1	1	1
2022	1	1	1
2021	1	1	1

Legal: I am satisfied that the applicant has submitted evidence, that is sufficiently precise and unambiguous, to show that Flats B, C and D have been used as single dwellings for more than 4 years. Further, nothing in your own enquiries has revealed any information that would make the applicant's version of events less than probable. Therefore, I have no concerns about your recommendation to grant a CLE authorising the use of Flats B, C and D as 3 one-bed flats.

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.

Section 191 of the Town and Country Planning Act 1990 is the relevant section dealing with issues for Certificates of Lawful Existing Use or Development. This section provides the mechanism for any person to ascertain whether an existing use or development would be lawful, which is by the submission of an application. Section 191(2) states that the use will be lawful if no enforcement action could be taken in respect of the use and that the use or development does not constitute a contravention of any of the requirements of an Enforcement Notice then in force. If there is a Notice in force, then the time period for the Certificate cannot run in relation to that particular breach.

Section 191(4) provides that if the LPA is satisfied that the existing use or development is lawful, then a Certificate must be granted. The burden of proof to prove that this use has existed for 4 years rests with the applicant and the test is on the balance of probabilities. Additionally, as a local authority we are advised that if we have no evidence to the contrary and the applicant's evidence is sufficiently clear and unambiguous then the certificate should be granted. Section 191(4) further provides that the authority can grant such certificate as described in the application or such description as modified or substituted by us.

The NPPG states that *"The applicant is responsible for providing sufficient information to support an application. 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."*

6. ASSESSMENT

In order for a certificate of lawfulness to be granted for this application, the applicant must demonstrate that the use of 1B, C and D Little Johns Lane as 3x 1 beds, began more than 4 years before the date of this application of 18th August 2025 and has been in continuous use as three flats for the relevant time period which is **18/8/21-18/8/25**. On the application form it states that the use of all flats began 31st May 2015, however, an email from the agent (21/11/25) clarified that this should have read 31/5/2013.

With regards to internal consultee responses the Council Tax Team has confirmed that the flats have been separately banded since 1997.

The Planning Enforcement Team has confirmed that there are no active enforcement cases at this address and that there was a case in 2007 for 6 flats.

The Electoral Registration Team has confirmed that 1 person per flat has been registered for 2021-2025 for Flats B and D and for 2021-2023 for flat C.

The evidence that the LPA holds, as above, would not fully support the case that the flats have been in continuous use for at least 4 years.

Turning to the evidence submitted by the applicant to support the claims made within this application, the PPG makes the position clear on how the evidence submitted is to be considered. It says: *"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"*

A review of the evidence submitted, which includes tenancy agreements and some utility related documentation does not fully support the claim that the property has been in use as 3x 1 bed flats for at least four years, prior to the application being submitted as there are gaps in tenancy within the qualifying period of 18/8/21-18/8/25.

For Flat B there is a gap of 1 month between 29/5/24 and 17/6/24 and a gap between 18/12/24 and 29/1/25

An email from the agent dated 21st November 2025 provides the following explanations: For the period 29/5/24-17/6/24 this was a period for refurbishment following a long tenancy period. For the period 18/12/24-29/1/25 this was, because the tenant to occupy was a council tenant and could not move in until the end of January 2025. There are also other periods, prior to the dates of the evidence submitted which show that the use obtained immunity from enforcement in another period. It is considered that the evidence

alone is “*sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability*” and that the use as C3 flats was not lost during the period of no tenancies.

The site visit carried out by the planning officer on 17th October 2025 confirmed the floor layout of the flats, although an amended floor plan was requested and provided to address the incorrect information showing the door to Flat 1C being part way along a communal corridor.

In the absence of evidence to the contrary and corroborating evidence held by the Council (Council Tax records, Enforcement) on the balance of probabilities, it can, therefore, be confirmed that 1 Little Johns Road (Flats B, C and D) has operated as three self-contained flats (Use Class C3 residential) for a period of at least 4 years and is, therefore, immune to enforcement action.

The applicant has provided sufficient evidence or other information that satisfies the Local Planning Authority that the use of Flats B, C & D of 1 Little Johns Lane as three self-contained 1x bedroom flats – 1 at ground floor (1B) and 2 at first floor (1C & 1D), began more than 4 years ago and there is no evidence to suggest this use was lost or changed. There is sufficient justification to grant the certificate of lawfulness applied for by the applicant.

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 three flats within 1 St Johns Road, shown edged red on the plan below.

7. CONCLUSION

In the absence of the information or evidence to contradict or make the applicant's version less probable, on balance, it is considered that Flats B, C & D at the premises 1 Little Johns Lane have been in use as three self-contained 1x bed flat at ground floor (1B), 2x 1 beds at first floor (1C & 1D) for a period of at least 4 years and there is no evidence to suggest that this use was changed or lost. It follows that there is sufficient justification to grant the certificate of lawfulness applied for by the applicant.

8. RECOMMENDATION

GRANT Certificate



Not to scale