

DELEGATED APPLICATION REPORT

Ward: Redlands Ward

App Ref: PL/25/1677 Lawful development: Existing use

Address: 41 CARDIGAN ROAD, READING, RG1 5QL

Proposal: Certificate of Lawfulness for Existing Use as a C4 House in Multiple Occupation

Applicant: Tamina Oliver

Received date: 21/11/2025

Target Decision date: 23/01/2026

Case Officer: Sian Hickey

Site Description and Surrounding Area

The proposal site is a two-storey mid-terraced dwelling along Cardigan Road, Redlands. The property has a pitched roof and patterned brickwork. The surrounding area is predominantly residential with a mix of Victorian terraced rows.

The application site is not listed, nor in a conservation area. South Park conservation area is located at the rear of the application site.

The proposal site is within the Article 4 area which restricts the conversion from C3 to C4 (Small HMO) and vice versa, which came into force 16th May 2013.

Description of Use or Development

This application seeks to demonstrate the existing use of 41 Cardigan Road as a (Use Class C4) Small House in Multiple Occupancy (HMO).

A C4 HMO covers properties occupied by 3-6 unrelated individuals, sharing basic amenities (kitchen, bathroom, living space).

Relevant Planning History

PL/09/1774 - Single storey rear extension and first floor rear extension. REFUSED

PL/10/0187 - First Floor Extension (resubmission of 09/01606/FUL). APPROVED

PL/25/0370 – Certificate of Lawfulness for a C4 HMO. WITHDRAWN

Consultations

The following were consulted:

RBC HMO team – No record of the property being a HMO, licenced HMO or having a current licence.

RBC Planning Enforcement – No history of relevance.

RBC Council Tax – Our records show this property is a single dwelling and has been banded since at least 01.04.1997. We do not consider this property to be an HMO for CT purposes, as the tenants are liable as they are named on the same tenancy agreement and the property is let out as a whole, rather than room to room lets.

RBC Electoral Registration – Please see the number of electors registered at 41 Cardigan Road:

2025 - 3

2024 - 2

2023 - 0

2022 - 2

2021 - 2
2020 - 2
2019 - 1
2018 - 0
2017 - 0
2017 - 0
2016 - 2

RBC Legal – I note this is an application to demonstrate the existing use of 41 Cardigan Road as a class C4 small HMO. The relevant time period the applicant must prove is 10 years (prior to the date of application) which is from 21 November 2015 to 21 November 2025.

The applicant has provided tenancy agreements, gas safety certificates, email correspondence and deposit protection certificates to cover the relevant time period, and there are no gaps in occupation.

Therefore, I agree with your recommendation that the certificate can be safely granted. It is clear the property has been in use as a small HMO for more than 10 years and there is no conflicting evidence which contradicts the applicant's version of events.

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".

Appraisal

In order for the certificate to be granted, it needs to be demonstrated that the property has been in continuous use as a C4 small HMO for 3 to 6 persons for a period of 10 years prior to the date of the application. As such, the relevant time period is: **21/11/2015 - 21/11/2025**. The application form states that the use began on 1st August 2011, which is before the designation of the article 4 direction for the area in May 2013.

The tenancy period for the first set of 3 Assured Shorthold Tenancy agreements provided by the applicant runs from 01/09/2015 – 31/08/2016. Tenancy agreements along with other evidence has also been

provided from 01/09/2015 up until the present day and cover the whole of the relevant time period. There are no obvious gaps in the evidence which indicate an abandonment of the use.

In terms of evidence that the Council holds, the Council Tax (CT) team confirm the property has been banded for CT purposes since at least 01.04.1997, however, the council does not consider this property to be an HMO for CT purposes as the tenants are all named on the same tenancy agreements and, therefore, liable for the CT charge. In terms of planning, the property is still a House of Multiple Occupancy (HMO) as it is a group of unrelated individuals sharing a house.

It is evident from the evidence provided that the C4 small HMO use has been continuous during the relevant period.

Conclusion

It is considered that the premises at 41 CARDIGAN ROAD, READING, RG1 5QL has been in use as a C4 small HMO for three to six persons for a period of at least 10 years. It is, therefore, considered that a Certificate of Lawfulness for the use of the building as a C4 small HMO for three to six persons should be granted.

Recommendation

Grant Certificate

