

DELEGATED APPLICATION REPORT

Ward: Whitley

App Ref: PL/25/1716 Lawful development: Proposed use

Address: FLAT 2, 66 KINGSLEY CLOSE, READING, RG2 8TX

Proposal: Certificate of Lawfulness for Proposed Internal works

Applicant: Mr Hemantkumar Mehta

Received date: 28/11/2025

Target Decision date (agreed extension): 28/01/2026

Case Officer: Sian Hickey

INTRODUCTION

The application site is a two storey semi-detached dwelling. The property is not a listed building and it doesn't fall within a Conservation Area.

The applicant has submitted an application for a lawful development certificate to confirm that the internal works carried out would not constitute development and, therefore, would not require planning permission.



The work consists of:

1. Internal works to reconfigure the layout of the existing first floor flat from one bedroom to two bedrooms.

The application form and supporting statement says that the work was completed in November 2025.

A site visit carried out by the case officer on 18th December 2025 supports the claim.

The flat remains as a C3 dwellinghouse. The works are internal only and there has been no change in the building's external appearance.

DOCUMENTS SUBMITTED

The applicant provided the following documents:

Location Plan
Drawing No HM/2025 – Existing and Proposed Ground Floor Plan
Supporting Statement

PLANNING HISTORY

PL/98/0007 – Certificate of lawfulness for use as two flats. APPROVED 19/06/1998

CONSULTATIONS

None

RELEVANT PLANNING POLICY AND GUIDANCE

National Planning Practice Guidance
Town and Country Planning Act 1990 (as amended)

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”.

ASSESSMENT AND CONCLUSION

In order for the Certificate to be granted, it needs to be demonstrated that the existing internal works carried out would not have required planning permission.

Section 55 of the Town and Country Planning Act 1990 defines what constitutes “development” and outlines categories of work that do not amount to development.

Section 55(2) specifies categories of work that do not constitute development, which include certain minor works and changes that do not significantly alter the use or character of the land.

The elements defined as development includes:

- building operations (e.g. structural alterations, construction, rebuilding, most demolition);
- material changes of use of land and buildings;
- subdivision of a building (including any part it) used as a dwellinghouse for use as two or more separate dwellinghouses

The internal work has been assessed to ensure that it complies with the criteria above.

Internal works to reconfigure the layout of the existing first floor flat from one bedroom to two bedrooms.

The internal works as described above are not considered to be building operations, the use of the land has not been changed, and the existing flat has not been subdivided to create an additional separate dwellinghouse. It can, therefore, be confirmed that planning permission would not have been required for the internal alterations to create an additional bedroom. Therefore, the Local Planning Authority can issue the applicant with a Certificate of Lawfulness.

DECISION

Grant Lawful Development Certificate

