

DELEGATED APPLICATION REPORT

Ward: Park

App Ref: PL/25/1355 Lawful development: Existing use

Address: 32 BULMERSHE ROAD, READING, RG1 5RJ

Proposal: Certificate of Lawfulness for existing use as 2no. residential dwellings

Applicant: Mr John Chilvers

Received date: 24/09/2025

Extended Target Decision date: 18/03/2026

Case Officer: Nathalie Weekes

1. SITE DESCRIPTION

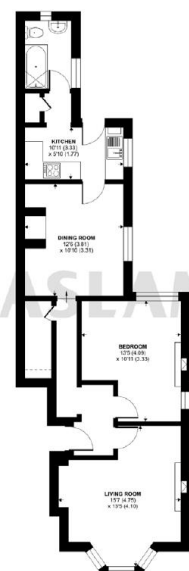
The application site is a three storey semi-detached property and is subject to an Article 4 Direction. The Article 4 Direction came into effect on 16th May 2013 and requires that any conversion of a dwellinghouse (C3) to a small house in multiple occupation (C4) would require planning permission.

The property is split into two flats comprising a one bedroom ground floor flat and a split level three bedroom flat on the first and second floor.

A site visit was undertaken on 26 November 2025 that confirmed the internal layout matches the existing plans submitted.



Floor plan



Ground Floor Plan
(The Garden Flat / No. 32A)



First Floor Plan
(The Top Flat / No. 32B)



Second Floor Plan
(The Top Flat / No. 32B)

32 Bulmershe Road, Reading, RG1 5RJ
Existing Flats Floor Plans
Drawing Reference: 25011-PL-02
Date: 27/11/2025

2. PROPOSAL AND SUPPORTING INFORMATION

The proposal is for a Certificate of Lawfulness for existing use as 2no. residential dwellings.

3. RELEVANT PLANNING HISTORY

None

4. 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 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'.

5. CONSULTATIONS

The following were consulted:

RBC Council Tax - Our records show this property is banded as two separate flats since at least 01.04.1997. Both flats (ground & top floors) are separately let out to different tenants and have been since the date of banding.

RBC Electoral Register - Please see below the number of electors registered at 32 Bulmershe Road and associated flats.

RBC Planning Enforcement – There is no planning enforcement history.

RBC Environmental Protection – No comments received

RBC Legal team - No objections to the recommendation to grant a CLE for the use as described. The applicant has submitted evidence, that is sufficiently precise and unambiguous, to show that 32 Bulmershe Road had been in continuous use as two flats for more than 4 years on 5 September 2025 and so the time limit for enforcement had expired. Nothing has revealed anything to make the applicant's version of events less than probable. There is no relevant Enforcement Notice in force.

	32 Bulmershe Rd	The Garden Flat - Ground Floor	Top Floor
2025	N/A	1	2
2024	N/A	1	2
2023	N/A	2	1
2022	0	2	1
2021	0	1	1
2020	0	1	2
2019	1	2	2
2018	1	2	2
2017	1	N/A	N/A
2016	0	N/A	N/A

6. SUBMITTED EVIDENCE

Overview tables:

Ground floor flat

Start date	End Date	Tenant(s)	Notes and supporting Document
26/10/2011	15/08/2017	1	Assured shorthold tenancy agreement
16/08/2017	01/11/2017		Council tax bill
02/11/2017 -	29/04/2020	2	Assured shorthold tenancy agreement
27/09/2021	Present	1	Assured shorthold tenancy agreement

First/second floor flat

Start Date	End Date	Tenant(s)	Notes and supporting document
23/08/2013	25/08/2016	2	Assured shorthold tenancy agreement
26/08/2016	02/03/2017		Council tax bill
03/03/2017	22/03/2018	3	Assured shorthold tenancy agreement
23/03/2018	20/04/2018		Council tax bill
21/04/2018	20/03/2020	1	Rental statements
30/04/2020	Present	2	Assured shorthold tenancy agreement

Information submitted:

- 25011_6.1_CLU_25.09.05 Cover letter, Weston + co Architects, 5 September 2025
- 25011-PL-01 Location Plan
- No.32 deleted from council tax banding records as a single property on 01/04/1993 (sourced from <https://www.gov.uk/council-tax-bands>)
- Appendix 2: The Garden Flat recorded as a single property for council tax banding on 01/04/1993 (sourced from <https://www.gov.uk/council-tax-bands>)

As received 27 November 2025

- 25011-PL-02 Existing Flats Floor Plans
As received 27 November 2025
- Emails from agent dated 23/02/2026 including tenancy deposit protection agreements, tenancy agreements and extensions, letter from the estate agents, council tax bills, invoices for refurbishment works, maintenance and cleaning
As received 23 February 2026

7. ASSESSMENT

In order for a certificate of lawfulness to be granted for this application, the applicant must demonstrate that the use of 32 Bulmershe Road began more than 4 years before the date of this application of 30/10/2025 for the two self-contained flats. The application form states that the use began at least 10 years from 01/04/1993. Before 25 April 2024, a change of use to residential (such the conversion of a building into flats) could become immune from enforcement after 4 years of continuous use, and afterwards, on or after 24 April 2024, a 10 year period applies. However, as the conversion was substantially completed before 25 April 2024, the 4-year rule still applies.

With regards to internal consultee responses the Council Tax team have confirmed that the properties were separately banded from 01.04.1997 and have been continuously let.

“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”.¹

Tenancy agreements have been provided by the applicant which demonstrate use of the ground floor and first/second floor flats during the relevant time periods.

The floor plan layout for each of the flats, known as ground floor flat and the top flat has been confirmed and the case officer confirmed at the site visit that each flat has a stand alone lockable front door, and electric meters. Each flat had a living room, kitchen, bathroom and bedroom (s). Both flats were occupied during the site visit.

There is no evidence to contradict the claims of existing use.

The front of the house on google maps in March 2009 shows bins outside the property for each of the flats at



¹ <https://www.gov.uk/guidance/lawful-development-certificates#application-and-determination-procedure>

RBC Legal Services are in agreement that the Council does not hold any evidence to contradict the above claims made by the applicant.

The applicant has demonstrated that 32 Bulmershe Road has been in use as x2 residential dwellings, as a 1 bed ground floor flat and 3 bed split level flat over first and second floors, and the LPA has no evidence that this use was then changed or lost. As such, this is considered sufficient to demonstrate the present use of 32 Bulmershe Road in existing use as x2 dwellings as lawful.

8. RECOMMENDATION

GRANT

The applicant has provided sufficient evidence or other information that satisfies the Local Planning Authority that the flats, known as the garden flat and the top flat at 32 Bulmershe Road, have been in existing C3 use as a 1 bed ground floor flat and a 3 bed split level flat over first and second floors, and the use began more than 4 years ago. There is no evidence to suggest this use was changed or lost. It follows that there is sufficient justification to grant the certificate of lawfulness applied for by the applicant.