



# ET Planning

## Certificate of Lawful Proposed Development

Client:

Fraser Nash

259 Oxford Road,

Reading, Berkshire, RG1 7PY

*"Certificate of lawful proposed development for the change of use  
of a dwellinghouse (Use Class C3) to a HMO (Use Class C4)."*

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### **Appendix 1: Pre-App Response**

## **1. Introduction**

- 1.1 This statement is produced to support a planning application for a Certificate of Lawful Proposed Development under Section 192 of the Town and Country Planning Act 1990, for the proposed change of use of a residential dwellinghouse (Use Class C3) to a 6 person House of Multiple Occupation (Use Class C4) at 259 Oxford Road, Reading, Berkshire, RG1 7PY.
- 1.2 This planning statement will introduce the meaning of 'development' in accordance with the Town and County Planning Act 1990 and introduce the allowances of the General Permitted Development Order 2015. The statement will set out how the development accords with the provisions of the General Permitted Development Order (GDPO) to enable determination by officers at the Council. The conclusion reached is that the proposed change of use described is Permitted Development.
- 1.3 In addition to this report, the application is accompanied by the appropriate certificate application forms, appendices and plans prepared by Reading Design Studio Ltd.
- 1.4 The relevant application fee will be submitted by the applicant separately.

## **2. Site Location and Description**

- 2.1 The application site comprises a 3 storey, mid-terraced dwellinghouse situated on the Southern side of Oxford Road. The surrounding character of the site is mixed use, comprising three storey residential dwellings on the Southern side of Oxford Road, with commercial uses on the Northern side of the carriageway, providing future occupiers with a wide array of amenities within walking distance.
- 2.2 The application site is situated within a sustainable location, within walkable distance to amenities along Oxford Road as well as multiple bus stops situated along Oxford Road providing ample, regular services to Reading station, Wokingham Road and Purley. The application site is not situated within an Article 4 direction area.

## **3. Assessment of Proposal and Relevant legislation**

- 3.1 Section 55(1) of the Town and Country Planning Act 1990 defines development as 'the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land'
- 3.2 The application seeks a Certificate of Lawfulness for the proposed change of use of the property from a dwellinghouse (Use Class C3) to a House in Multiple Occupation (HMO) falling within Use Class C4.
- 3.3 Under the Town and Country Planning (Use Classes) Order 1987 (as amended), Use Class C3 relates to dwellinghouses occupied by a single person, a family, or up to six residents living together as a single household. Use Class C4, introduced via the Town and Country Planning (Use Classes) (Amendment) (England) Order 2010, relates to small HMOs occupied by between three and six unrelated

individuals who share basic amenities such as kitchen and bathroom facilities.

- 3.4 The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) provides permitted development rights for certain changes of use. Specifically, Schedule 2, Part 3, Class L grants permitted development rights for a change of use from Use Class C3 (dwellinghouse) to Use Class C4 (small HMO). Accordingly, planning permission is not required for such a change of use, provided that these permitted development rights have not been removed.
- 3.5 A pre-application enquiry was submitted to Reading Borough Council (Ref: PL/26/0072) (**Appendix 1**), which confirmed that the application site is not located within an Article 4 Direction area and therefore permitted development rights for changes of use from C3 to C4 remain in place. Furthermore, the Council advised that, based on available planning records, the lawful use of the property is considered to be Use Class C3 (dwellinghouse).
- 3.6 In addition, the pre-application response confirmed that a change of use from a dwellinghouse to a small HMO (up to six occupants) would not require planning permission in the absence of any restrictive planning conditions or Article 4 Direction. There is no evidence to suggest that any planning condition exists which would remove these permitted development rights at the application site.
- 3.7 Section 192 of the Town and Country Planning Act 1990 (as amended) enables any person to apply for a Certificate of Lawfulness for a proposed use or development. The purpose of this application is to establish whether the proposed development would be lawful if carried out at the time of the application.

- 3.8 The assessment of a Certificate of Lawfulness is a legal determination based on the facts of the case and the relevant legislation. It does not involve an assessment of planning merits. The key considerations are whether the proposed use falls within the relevant Use Class and whether it benefits from permitted development rights under the GPDO, taking into account any site-specific restrictions.
- 3.9 In this instance, the proposal seeks to change the use of the property from Use Class C3 to Use Class C4, which is explicitly permitted under Schedule 2, Part 3, Class L of the GPDO. Given that the site is not subject to an Article 4 Direction and there are no known planning conditions restricting such a change of use, the proposal constitutes permitted development.
- 3.10 Accordingly, the proposed change of use from a dwellinghouse (Use Class C3) to a small HMO (Use Class C4) would be lawful and would not require planning permission.
- 3.11 For the avoidance of doubt, Schedule 2, Part 3, Class L is copied in its entirety below;

### ***"Permitted development***

*Development consisting of a change of use of a building—*

*(a) from a use falling within Class C4 (houses in multiple occupation) of the Schedule to the Use Classes Order, to a use falling within Class C3 (dwellinghouses) of that Schedule;*

*(b) from a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order, to a use falling within Class C4 (houses in multiple occupation) of that Schedule.*

- 3.12 The application site complies with this.

### ***Development not permitted***

*Development is not permitted by Class L if it would result in the use—*

*(a) as two or more separate dwellinghouses falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order of any building previously used as a single dwellinghouse falling within Class C4 (houses in multiple occupation) of that Schedule; or*

*(b) as two or more separate dwellinghouses falling within Class C4 (houses in multiple occupation) of that Schedule of any building previously used as a single dwellinghouse falling within Class C3 (dwellinghouses) of that Schedule.”*

- 3.13 The property is a single dwellinghouse and therefore (a) and (b) do not apply.

## **4. Conclusion**

- 4.1 I trust that the above is of assistance and hope that it suitably demonstrates that the proposals comprise Permitted Development in accordance with Schedule 2, Part 3, Class L of the Town and Country Planning (General Permitted Development Order) (GDPO) 2015 (as amended).
- 4.2 It is respectfully requested that a certificate of lawfulness for the proposed development is granted. If there is any further information you require, please do let us know.



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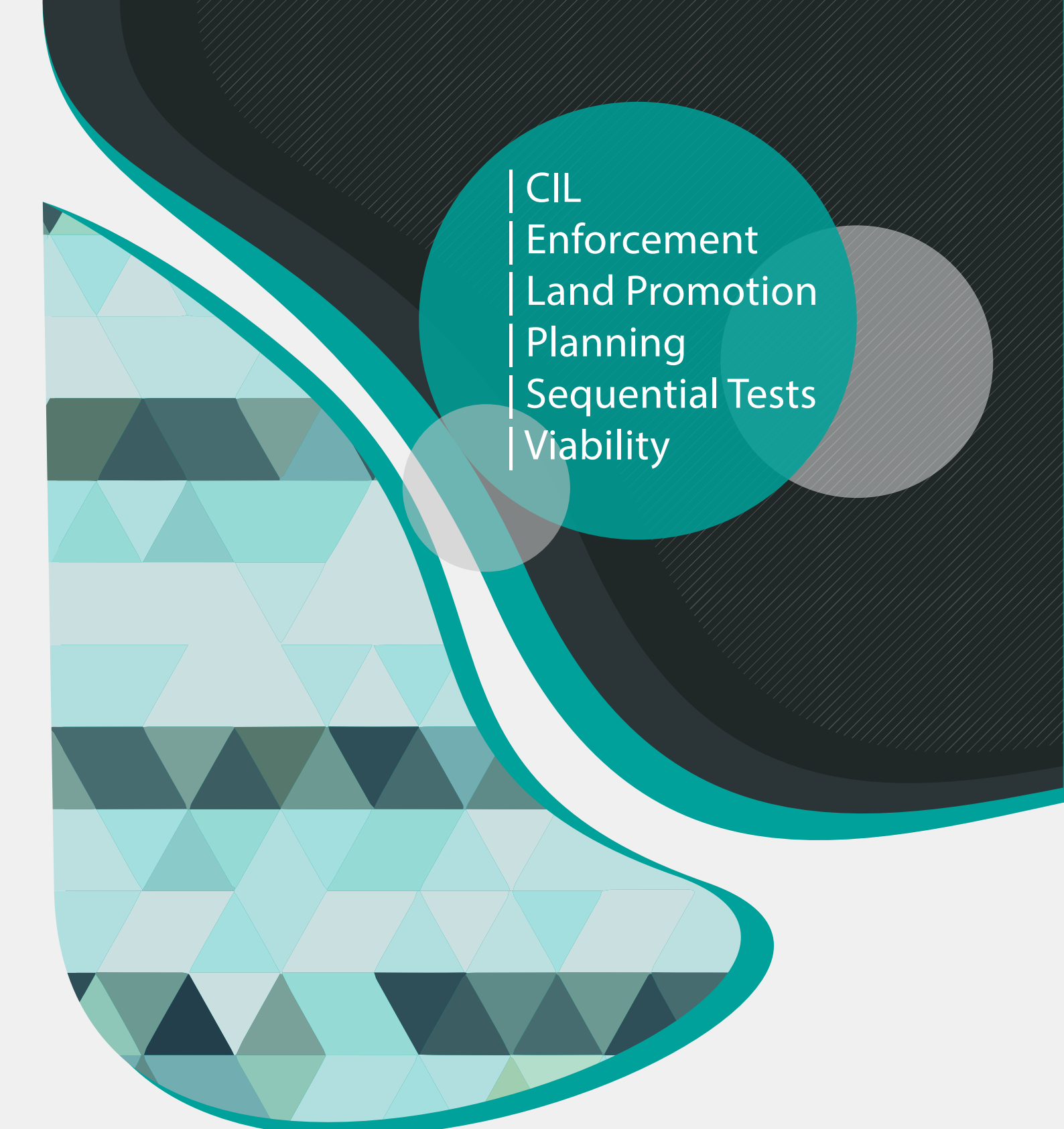
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### Editorial Assistance Only

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