

DELEGATED APPLICATION REPORT

Ward: Katesgrove

App Ref: PL/26/0100 Lawful development: Existing use

Address: 39 SPRING TERRACE, READING, RG2 0BD

Proposal: Existing C4- 5 people House of Multiple Occupation

Applicant: Mr Manjot Sidhu

Received date: 27/01/2026

Extended Target Decision date: 27/04/2026

Case Officer: Nathalie Weekes

1. SITE DESCRIPTION

The application site is a three storey, five bedroom, post war end of terrace house. There is off street parking for one car (accessed from the end of Essex Street – rear of the house). The front door of the house is from the northern side, accessed by foot only), with a small front garden. Other parking in the vicinity is restricted, including a parking permit scheme.

The property is split into 5 bedrooms. A site visit was undertaken on 17 March 2025 that confirmed the internal layout matches the existing plans submitted.

The site is located within the Part of Park, Redlands, Katesgrove Article 4 area for small houses in multiple occupation which has been in force since May 2023 to remove rights to convert a C3 dwelling to a small C4 HMO.

2. PROPOSAL AND SUPPORTING INFORMATION

The proposal is for a Certificate of Lawfulness for existing use as C4- 5 people House of Multiple Occupation.

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 has been banded for CT purposes since at least 01.04.1997.

We do not class this property as a HMO for CT purposes as the property is let out to tenants all named on the same tenancy agreement.

RBC Electoral Register - Please see below the number of electors registered at 39 Spring Terrace, RG2 0BD.

39 Spring Terrace

2026 1

2025 1

2024 1

2023 0

2022 3

2021 3

2020 3

2019 3

2018 0

2017 2

RBC Planning Enforcement – There is no planning enforcement history.

RBC Environmental Protection – No comments received

RBC HMO team – This property has been known to us as an HMO since 2006 and has been licensed since April 2007. Inspections have been carried out in 2007, 2011 and 2024 by the HMO Team.

RBC Legal team – No response has been provided at the time of writing this report. Officers have taken into consideration all information submitted to make a decision on the balance of probabilities.

6. SUBMITTED EVIDENCE

Overview table

Start Date	End Date	Tenant(s)	Notes and supporting Document
1 July 2016	30 June 2017	5	Tenancy agreement
1 July 2017	30 June 2018	5	Tenancy agreement
1 July 2018	30 June 2019	5	Tenancy agreement

1 July 2019	30 June 2020	5	Tenancy agreement
1 July 2020	30 June 2021	5	Tenancy agreement
1 September 2021	30 June 2022	5	Tenancy agreement
1 July 2022	30 June 2023	4	Tenancy agreement
1 July 2023	30 June 2024	5	Tenancy agreement
1 July 2024	30 June 2025	5	Tenancy agreement
1 July 2025	30 June 2026	5	Tenancy agreement

Information submitted:

Evidence as received 27 January 2026

- A – 1000 Rev A Site Location plan & Block plan
- A-1010 Rev A Existing ground, first second floor plans
- RBC HMO licence for a property up to 6 people - 27 April 2007 – 26 April 2012
- RBC HMO licence for a property up to 6 people - 8 February 2019 – 7 February 2024
- RBC HMO licence for a maximum of 5 people – 18 Sept 2024
- 237256 Landlord/homeowner gas safety record 19/07/2019
- 296288 Landlord/homeowner gas safety record 7/7/2021
- 19/05/2016 Building regulation compliance safety certificate, Cert no 15294401
- Receipt Home & Office fire extinguishers, 30 July 2020
- Receipt Home & Office fire extinguishers, 28 July 2021
- Receipt Home & Office fire extinguishers, 2 August 2022
- Receipt Home & Office fire extinguishers, 8 August 2023
- Receipt Home & Office fire extinguishers, 6 August 2024
- Receipt Home & Office fire extinguishers, 12 August 2025
- Tenancy agreements 2017 to 2026

Evidence as received 30 March 2026

- Tenancy agreement 2016 to 2017

Evidence as received 7 April 2026

- Statutory declaration, signed by a solicitor (no stamp)

7. ASSESSMENT

In order for a certificate of lawfulness to be granted for this application, the applicant must demonstrate that the use of 39 Spring Terrace began more than 10 years before the date of this application of 27/01/2026 for the use as a 5 bedroom HMO. The application form states that the use began at least 10 years ago from 04/06/2007.

With regards to internal consultee responses the Council Tax team have confirmed that the property has been banded for Council tax since at least 01/04/1997 but is not classed as an HMO as the property is let out to tenants all named on the same tenancy agreement.

“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 39 Spring Terrace as a C4 HMO from 1 July 2016 to 30 June 2026. The required time period for evidence to be provided is from 27/01/2016 to 27/01/2026. There is a gap in evidence provided from 27 January 2016 to 1 July 2016. A statutory declaration has also been provided.

The floor plan layout for 39 Spring Terrace was confirmed by the case officer at the site visit.

The Council does not hold any evidence to contradict the above claims made by the applicant.

Sufficient evidence has been provided by the applicant to demonstrate that 39 Spring Terrace has been in use as a 5 bedroom HMO, 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 39 Spring Terrace in existing use as a 5 bedroom HMO as lawful.

8. RECOMMENDATION

GRANT

The applicant has provided sufficient evidence or other information that satisfies the Local Planning Authority that the dwelling, known as the 39 Spring Terrace, has been in existing C4 use as a 5 bed HMO, and the use began more than 10 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.

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