

DELEGATED APPLICATION REPORT

Ward: Abbey

App Ref: PL/26/0347 Lawful development: Existing use

Address: 40 ANSTEY ROAD, READING, RG1 7JR

Proposal: Certificate of Lawfulness for existing use as HMO

Applicant: Issam Dabboussi

Received date: 16/03/2026

Target Decision date (agreed extension): 29/05/2026

Case Officer: Sian Hickey

Site Description and Surrounding Area

The application site is a two-storey end-of-terrace dwelling with a basement level and habitable space in the loft. The property has a pitched roof with a front facing dormer window, and patterned brickwork. The surrounding area is a mix of commercial and residential, the Salvation Army Church and Community Centre is located opposite the application site.

The application site is not listed but it does fall within the Castle Hill/Russell Street/Oxford Road Conservation Area. The application site does not fall within the Article 4 area which restricts the conversion from C3 to C4 (Small HMO) and vice versa.

Description of Use or Development

This application seeks to demonstrate the existing use of 40 Anstey 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

None

Consultations

The following were consulted:

RBC HMO team – Response received 20/03/2026

2007 – A five year HMO licence was granted. The licence period was 13/07/2007 to 12/07/2012. The licence listed the following rooms as sleeping accommodation: second floor room; basement front room; ground floor front and rear rooms; and, first floor front room. The licence was for a maximum of five occupiers.

2012 – The licence was renewed for five years. The licence period was 18/10/2012 to 17/10/2017. The licence listed the following rooms as sleeping accommodation: basement front room; ground floor front and rear rooms; first floor front rooms; and, second floor room. The licence was for a maximum of 5 occupiers.

2017 – The licence was renewed for five years. The licence period was 18/10/2017 to 17/10/2022. The licence listed the following rooms as sleeping accommodation: basement room; ground floor front and rear rooms; first floor front room; and, second floor room. The licence was for a maximum of 5 occupiers.

2023 – The licence was renewed for five years. The licence period was 18/10/2022 to 17/10/2022. The licence listed the following rooms as sleeping accommodation: basement; ground floor front; ground floor rear; first floor front; and, second floor. The licence was for a maximum of 5 occupiers. Floor plans were submitted with the application (see attached). I inspected the property during this licensing process and I'm satisfied the floor plan matches what I saw. The licence was revoked in 2025 as the property was sold.

2025 – A five year licence was granted. The licence period was 12/03/2025 to 11/03/2030. The licence listed the following rooms as sleeping accommodation: Basement; ground floor front; ground floor rear; first floor front; and, second floor. The licence was for a maximum of 5 occupiers. Floor plans were submitted with the application (see attached). My inspection notes from this application process support this floor plan. The licence was revoked in December 2025 as the property was sold.

RBC Planning Enforcement – Response received 19/03/2026

No history at this address.

RBC Council Tax – Response received 16/04/2026

Our records show this property has been banded as a single dwelling and banded for CT purposes since at least 01.04.1997. Since 18.12.2024 the property is showing as being let out on a room-to-room basis, we do consider this property to be a HMO for CT purposes from this date.

RBC Electoral Registration – Response received 20/03/2026

Please see below the number of electors registered to vote at 40 Anstey Road, RG1 7JR.

	40 Anstey Road
2026	3
2025	3
2024	3
2023	2
2022	3
2021	2
2020	2
2019	4
2018	2
2017	2

RBC Legal – Response received on 20/05/2026

The statutory declaration submitted demonstrates that the property has been in continuous use as a small HMO for more than 10 years.

As there is no date for when the change of use occurred and it has not been demonstrated that the breach began prior to 2014, the application will be assessed via the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). In particular the conditions of Class L, Part 3, Schedule 2 which I have examined against the evidence provided i.e., the plans which

show there are 5 bedrooms, shared communal area and bathroom and kitchen area and this has been corroborated against a site visit by the planning officer. Therefore, I agree with your comments the property is classed as a small HMO against the conditions and is considered to qualify as permitted development under Class L, Part 3, Schedule 3 of the TCPO 2015.

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

The application site falls outside of the nearby Article 4 areas which removes permitted development rights for changes of use from C3 to C4. The permitted development rights, therefore, remain for this site.

A Certificate of Lawfulness for an existing use as a HMO (Class C4) has been submitted as the applicant considers the change of use falls within the permitted development rights of the property. The property's lawful use is a C3(a) single family dwellinghouse, the planning statement submitted with the application states that the initial change of use of the property is not known, though evidence has been provided to suggest that the change took place at least 10 years prior to the submission of this application. The application says that the change of use began on 01/12/2015. Based on the evidence submitted it is unclear as to when the exact date of the change of use began, and it has not been demonstrated that the breach began prior to 2014, as such the application will be assessed via the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

The application must be assessed to ensure that it complies with the conditions of Class L, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), which relates to small HMOs to dwellinghouses and vice versa.

The Town and Country Planning (Use Classes) Order 1987 (as amended) defines a C4 HMO as small shared houses, occupied by between 3 and 6 unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom.

Permitted development

L. 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.

Development not permitted

L.1 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;- **Complies**

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.- **Complies**

The main consideration is that the proposed use would fall into the C4 (small HMO) category.

The plans submitted indicate that:

- There are 5 bedrooms in total
- The property has communal toilet/shower room, utility and kitchen areas.

A site visit carried out by the planning officer on 14th April 2026 provides good confirmation of the accuracy of the floor plans submitted with the application.

Based on the above information, it is considered that the proposed use would fall within use class C4. As such, the proposed change of use is considered to qualify as permitted development under Class L, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

S191(2)(a) of the TCPA states that development, by way of building operations or change in use, is lawful at any time if no enforcement action can be taken “*whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason.*”

A secondary argument put forward by the applicant in support of the lawfulness of the C4 HMO use is that the use has been continuous for a period exceeding 10 years and is, therefore, immune from enforcement action. Evidence has been submitted to demonstrate the C4 use throughout this period, including statutory declarations, tenancy agreements, supporting statements, and records of rent reviews.

The Statutory Declaration primarily serves to demonstrate that a change of use (under permitted development) was implemented, and the site has not reverted back to a C3 use at any time. However, the evidence provided further supports the claim that the property falls within the C4 HMO use class category.

Conclusion

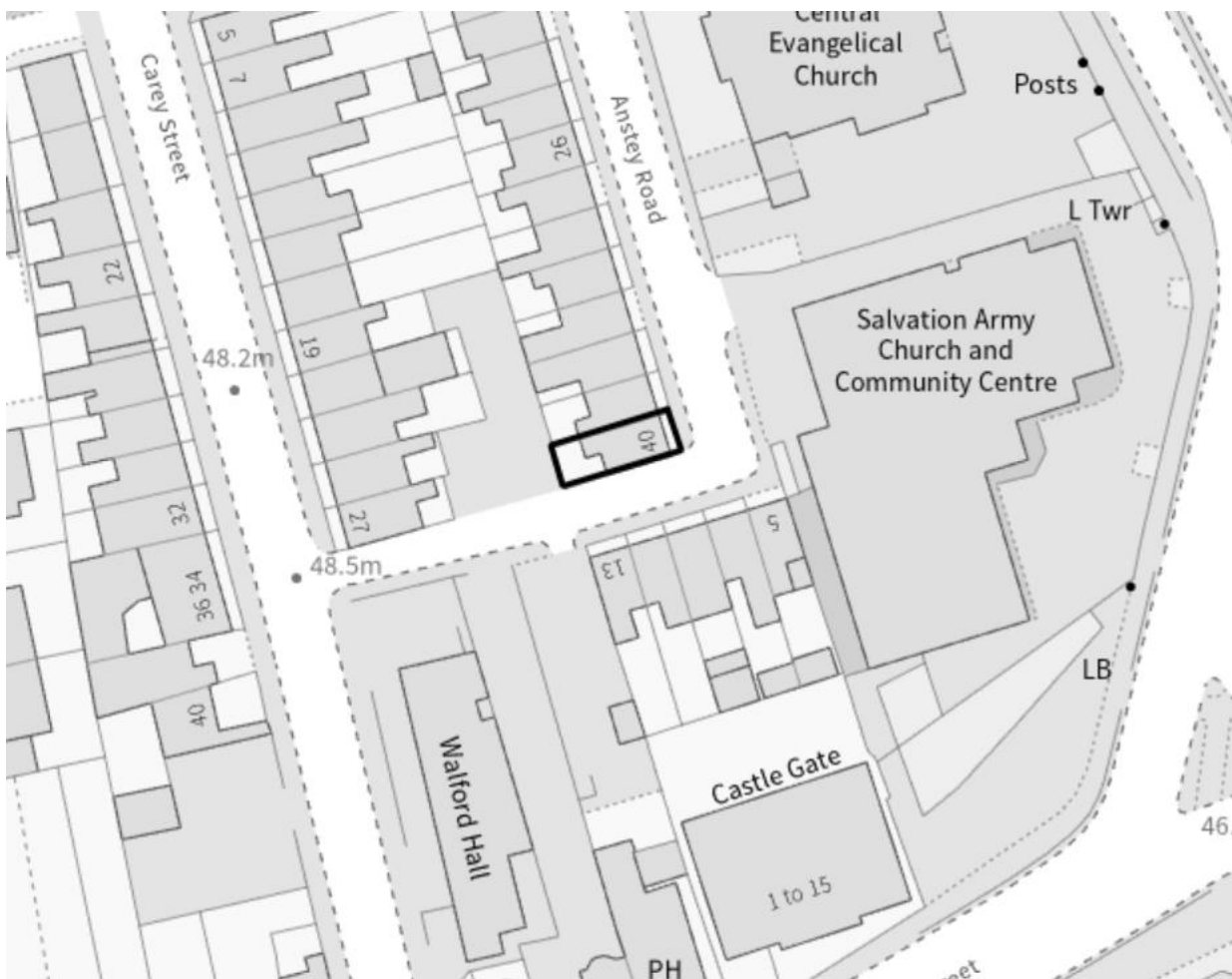
The proposal has been assessed against Class L, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). It can be confirmed that the proposed operation would be lawful for planning purposes on the basis of the following drawings:

- Location Plan received 16/03/2026
- Floor plans received 16/03/2026

Sufficient evidence has been provided to demonstrate that a Certificate of Lawfulness should be granted for the existing use from C3 to C4 small HMO. Therefore, the Local Planning Authority can issue the applicant with a Certificate of Lawfulness for the proposed use and development.

Recommendation

Grant Certificate



The Location Plan (not to scale)