

DELEGATED APPLICATION REPORT

Ward: Battle

App Ref: PL/25/1035 Lawful development: Existing use

Address: 450 OXFORD ROAD, READING, RG30 1EE

Proposal: Flat 3,4 & 5 of 450 Oxford Road have been used as x3 self-contained properties continuously for more than 4 years.

Applicant: Mr Chris Noble & Jones Property Management

Received date: 21/07/2025

Target Decision date: 10/06/2026 (agreed extension of time)

Case Officer: Marcelina Rejwerska

1. SITE DESCRIPTION

The application site relates to Flat 3 located within the rear extension of the Grade II listed, detached dwelling on the north side of Oxford Road. The building is in use as an office on the ground floor and residential units above. The listing reads as follows:

OXFORD ROAD 1. 5128 (North Side) SU 67 SE 16/364 21.1.76. No 450 II 2. Small late C18 symmetrical house with stucco front and brick block eaves cornice. Steep gable end old tiled roof with flanking chimneys. 3 windows, glazing bar sashes in nearly flush frames. Central flush panel door in architrave case and flat trellis work canopy (arched blank fan behind canopy). A well proportioned elevation.

The application site also includes an outbuilding to the side of 450 Oxford Road and at the rear of 452-456 Oxford Road, comprising flats 4 & 5. The flats are accessed via a narrow footpath down the side of 450 and 452 Oxford Road, which has a timber lockable gate.

450 Oxford Road is subject to a Planning Enforcement investigation into the unauthorised alterations to the front façade of the property.

2. PROPOSAL AND SUPPORTING INFORMATION

The application seeks to demonstrate the use of Flats 3, 4 & 5 at 50 Oxford Road, Reading RG30 1EE as 3x self-contained dwellings for more than 4 years.

3. RELEVANT PLANNING HISTORY

- PL/25/0182 – Retrospective application for AC units at GF level over 1m from boundary on modern part of Grade II Listed Building. Application permitted.
- PL/13/1613 – Single storey side extension to create additional office space. Application permitted.
- PL/13/1655 – Single storey side extension to create additional office space. Application permitted.
- PL/07/1015 – Construction of rear single storey extension. Application refused and allowed at appeal.
- PL/07/1014 - Construction of rear single storey extension. Application refused and allowed at appeal
- PL/06/1311 – Change of use from dwellinghouse to 2 x 1 bedroom flats at first floor and office accommodation (A2 Use) at ground floor with a single storey rear extension with basement. Application permitted.
- PL/06/1312 – Change of use from dwellinghouse to 2 x 1 bedroom flats at first floor and office accommodation (A2 Use) at ground floor with a single storey rear extension with basement. Application permitted.
- PL/05/1236 – Change of use from dwellinghouse to 2x1 bed flats (first floor) and A2 use (ground floor) and single-storey rear extension. Application withdrawn.

- PL/05/1237 – Change of use from dwellinghouse to 2x1 bed flats (first floor) and A2 use (ground floor) and single-storey rear extension. Application withdrawn.
- PL/05/0680 – Erection of Methodist Church (amendment to previously approved scheme 96/0874/FD which is under construction). Application permitted.
- PL/03/1285 – Change of use from approved community rooms to 2 flats – external alteration, canopy over side door, internal alteration, repositioning of stairs. Application permitted.
- PL/03/0460 – Change of use from community rooms to two flats. Application permitted.
- PL/96/0637 – Erection of new church building including raising land levels, demolition of Elm Park Hall and provision of car parking, change of use of 450 Oxford Road from residential to counselling rooms ancillary to church. Application permitted.

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	Consultation response received on 28 July 2025	I can confirm there are 3 dwellings separately banded at this property for CT purposes, Flats 1 & 2 have been banded since 01.03.2008 and occupied since this date. Flat 3 has been banded since 06.09.2010 and occupied since this date.
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RBC Electoral Registration	Consultation response received on 29 July 2025	Year	Flat 3	Flat 4	Flat 5
		2025	1	2	1
		2024	1	2	1
		2023	1	2	1
		2022	1	2	1
		2021	1	2	1
		2020	1	2	1
		2019	1	0	1
		2018	2	0	1
		2017	2	0	1
		2016	0	0	0
RBC Street Naming and Numbering	Consultation response received on 5 November 2025	We only have Flats 1-3 in the Local Land and Property Gazetteer.			
RBC Private Sector Housing	Consultation response received on 8 December 2025	There are no relevant housing complaints or property inspections at Flats 4&5.			
RBC Planning Enforcement	Consultation response received on 24 July 2025	There are a number of historic / closed enforcement cases. There is one open investigation but not related to the use as flats.			
RBC Building Control	Consultation response received on 5 November 2025	No correspondence relating to Flats 4&5 via emails. Nothing in the system relating to Flats 4&5.			
RBC Legal Services	Final comments received on 6 May 2026.	Certificate can be granted.			

6. SUBMITTED EVIDENCE

Location Plan
 PL-EX.01 450 Oxford Rd Plans
 Front Sheet 5
 Flat 5 450 Oxford Road EPC, dated 15 January 2025
 Flat 3 450 Oxford Road EPC, dated 15 January 2025
 Flat 4 450 Oxford Road EPC, dated 7 June 2017
 Electrical Installation Certificate MAE9227 Flat 3 450 Oxford Road, dated 28 February 2020
 Electrical Installation Certificate MAE9362, Flat 5 450 Oxford Road, dated 22 June 2021
 McCarthy Properties Tenancy Agreement, Flat 5, starting date 31 May 2017
 McCarthy Properties Tenancy Agreement, Flat 4, starting date 6 June 2024

McCarthy Properties Tenancy Agreement, Flat 4, starting date 2 December 2020 and associated Notice, Confirmation of Notice, Closing Inventory dated 1 June 2024
McCarthy Properties Tenancy Agreement, Flat 3, starting 1 May 2020

All evidence submitted to the LPA on 21 July 2025

7. ASSESSMENT

In order for a certificate of lawfulness to be granted for this application, the applicant must demonstrate that the use of Flats 3, 4 & 5, 450 Oxford Road, Reading RG30 1EE as 3x self-contained residential units (Class C3) began more than 4 years before the date of this application on 22 July 2025. The application form states that the use began on 31 May 2017.

With regards to internal consultee comments, the Council Tax records show that Flat 3 has been banded since 2010 and occupied since then; however, Flats 4&5 were not known to Council Tax at the time of the consultation. While all 3 flats have evidence of occupants registering with Electoral Roll since at least 2017, all other Council departments consulted on the application had no knowledge of Flats 4&5.

Turning to the evidence, submitted by the applicant to support the claim made within this application, the PPG makes the position clear on how the evidence submitted is to be considered:

“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”

The applicant has submitted various evidence to demonstrate occupation of Flats 3, 4 & 5. The front sheet submitted by the applicant states that all 3 flats have been occupied by the same tenants since at least 2020 for Flats 3 & 4 and since 2017 for Flat 5. The applicant has also submitted tenancy agreements for all flats which demonstrate continuous occupancy over the qualifying period. Other supporting documents have also been submitted such as EPC certificates.

To conclude, while there is limited evidence held by the Council, the evidence submitted by the applicant is considered sufficient to demonstrate the continuous use and occupancy of all three flats.

8. RECOMMENDATION

The applicant has provided sufficient evidence or other information that satisfies the Local Planning Authority that the use of Flat 3,4&5, 450 Oxford Road as three self-contained flats (Use Class C3) began more than 4 years ago and there is no evidence to suggest that this use was changed or lost. It follows that there is sufficient justification to grant the certificate of lawfulness applied for by the applicant.

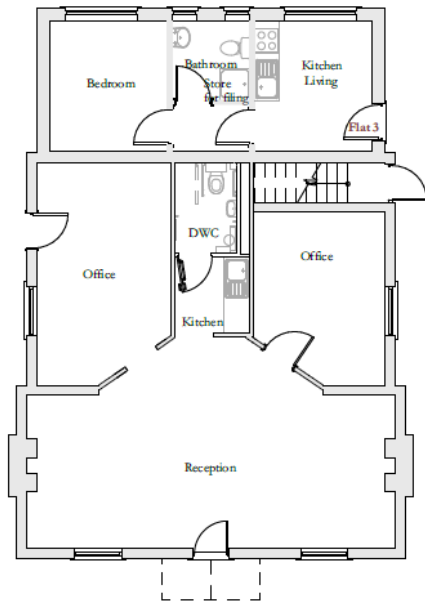
LOCATION PLAN

1:1250

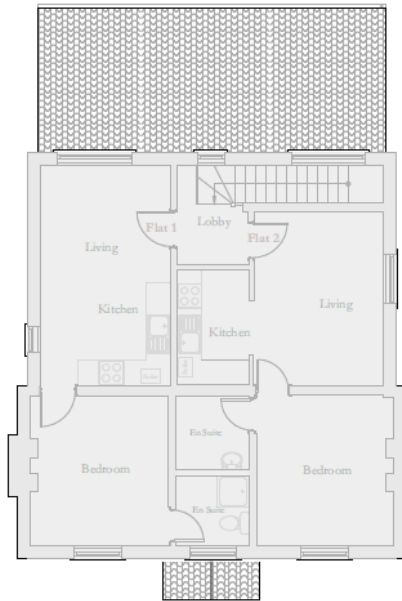


FLOOR PLAN

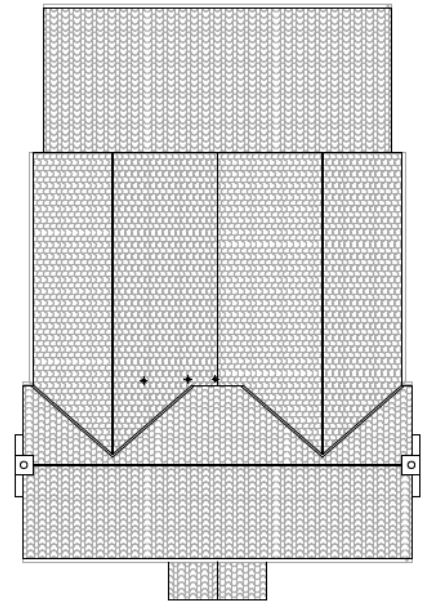
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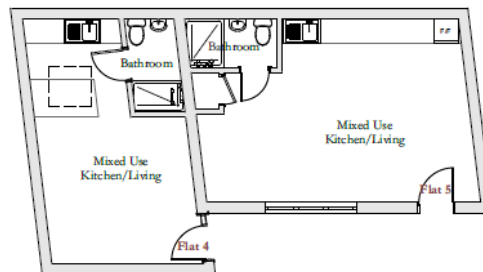
Ground Floor Plan



First Floor Plan



Roof Plan



Ground Floor Plan (4&5)