

DELEGATED APPLICATION REPORT

Ward: Southcote Ward

App Ref: PL/26/0737 Lawful development: Proposed use

Address: 18 MONCK COURT, SOUTHCOTE ROAD, READING, RG30 2AF

Proposal: Proposed use as supported accommodation for 1 to 2 young people aged 16 to 17 with floating/visiting support (Class C2) (amended description)

Applicant: Ms Gracie Duncan

Received date: 04/06/2026

Target Decision date: 30/07/2026

Case Officer: Marcelina Rejwerska

1. SITE DESCRIPTION

The application site comprises a two-bedroom flat on the second floor of Monck Court, a three-storey block of flats accessed from Parkhouse Lane. The surrounding area is residential, comprising various densities of houses, including a number of low-density blocks of flats.

2. PROPOSAL AND SUPPORTING INFORMATION

A Certificate of Lawfulness is sought for the proposed use of the flat as supported accommodation for 1 to 2 young people aged 16 to 17 with floating/visiting support (Class C2).

The proposal originally described the use as Class C3(b); however, this has been assessed and the proposal is not considered to fall within this class. This is discussed within this report.

2.1. Information submitted:

Location Plan

Supporting Statement

Received 4 June 2026

Floor Plan

Received 2 July 2026

3. RELEVANT PLANNING HISTORY

None relevant.

4. CONSULTATIONS

No consultations were undertaken as it is not required for an application of this type, however, the RBC Legal Department were consulted to provide advice on whether the development can be described as Class C3(b). The advice provided is that the proposal does not fall into the definition of Class C3(b) but instead can be described as Class C2.

5. 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 “In the case of applications for proposed development, an applicant needs to describe the proposal with sufficient clarity and precision to enable a local planning authority to understand exactly what is involved. In determining an application for a prospective development under section 192 of the Town & Country Planning Act a local planning authority needs to ask “if this proposed change of use had occurred, or if this proposed operation had commenced, on the application date, would it have been lawful for planning purposes.”

6. APPRAISAL

A Certificate of Lawfulness for a Proposed Development has been submitted as the applicant considers the proposal falls within the permitted development rights of the property. The assessment of the proposal rests on whether the proposed use would fall into Class C3b or Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987. The onus is on the applicant to provide sufficient information to clearly and precisely describe the proposed development. The planning merits of the case are not relevant.

18 Monck Court is a 2-bedroom flat, currently in C3(a) use as a dwellinghouse by “*a single person or by people to be regarded as forming a single household.*”. The proposal has two relevant use classes to be considered:

- C3(b) – a dwellinghouse used by “*not more than six residents living together as a single household where care is provided for residents*”
- C2 – *Residential institutions - Use for the provision of residential accommodation and care to people in need of care (other than a use within class C3 (dwelling houses)*

The Use Classes Order defines care as:

“personal care for people in need of such care by reason of old age, disablement, past or present dependence on alcohol or drugs or past or present mental disorder, and in class C2 also includes the personal care of children and medical care and treatment”

This definition only extends to the general personal care of children in respect of C2 use. For C3(b) use to apply, it seems the children would have to need care by reason of “*old age, disablement, past or present dependence on alcohol or drugs or past or present mental disorder*”. The supporting statement does not mention any of those specific reasons for needing care; the letter states that the care is “*providing support in life skills leading to independent living for the occupants*”. Therefore, the proposal does not meet the criteria for C3(b) and falls more into C2 (where the meaning of “care” extends to the “personal care of children” generally).

A change from one class to another is not necessarily a material change in use. A material change is question of fact and degree; the proposed use must be compared to the character of the existing use. The supporting statement does detail the character of the proposed use: the children will have their own rooms; support workers have scheduled visits. The statement describes a floating support setup rather than children under constant supervision. The floorplan is consistent with a C3 dwelling, showing two bedrooms, a bathroom and a living/dining room.

The proposal does not fit the definition of “care” for class C3(b); the closest fit is the category of “personal care for children” which only applies to C2. In conclusion, the appropriate classification of the use would be Class C2 under this proposal, but the character of the use would not change sufficiently to constitute a material change in use. As there would be no material change in use, there would be no development, meaning the proposal would be lawful.

Having reviewed the submitted information it is considered that the applicant has provided sufficient information, to demonstrate that the proposal would not be a material change of use as defined by Section 55 (1) of the Town and Country Planning Act 1990.

7. CONCLUSION

The proposal has been assessed against the Town and Country Planning Act 1990 (as amended) and the Town and Country Planning (Use Classes) Order 1987 (as amended) and it has been confirmed that the proposal would be lawful, on the basis of the submitted information.

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

8. RECOMMENDATION

GRANT CERTIFICATE