

DELEGATED APPLICATION REPORT

Ward: Battle ward

App Ref: PL/25/0936 Lawful development: Existing use

Address: 455-459 OXFORD ROAD, READING, RG30 1HD

Proposal: 455-459 Oxford Road 2nd floor flats 4 (studio) & 6 (1-bedroom) have been used as x2 self-contained properties (Class C3) for more than 4 years continuously (amended description).

Applicant: Noble & Jones Property Management

Received date: 01/07/2025

Target Decision date: 15/09/2026 (agreed extension of time)

Case Officer: Marcelina Rejwerska

1. SITE DESCRIPTION

The application site comprises a mid-terrace mixed-use property on the south side of Oxford Road, comprising a beauty salon on the ground floor and residential flats above and at the rear of the site contained within an outbuilding.



Figure 1 Photo of the front of the site taken from Oxford Road by the case officer on 19 November 2025

2. PROPOSAL AND SUPPORTING INFORMATION

The application seeks to demonstrate the use of Flats 4 & 6 on the first floor at 455-459 Oxford Road (2nd floor) as 2x self-contained dwellings for more than 4 years. These previously comprised a 1x 1-bedroom unit as permitted under PL/02/1355).

3. RELEVANT PLANNING HISTORY

PL/11/0832 - Certificate of Lawfulness for three 1-bedroom flats in a detached building to the rear; 2 x 1 bedroom flats and 2 x studio flats on the first floor, and 2 x studio flats on the second floor. Certificate granted.

PL/02/1355 - Change of use of ground floor shop to beauty salon (Use Class D1). Conversion of 1st floor and attic auxiliary storage/ office use into 3x 1 bed flats and 2 studio flats with bin storage/ bike storage and amenity. 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 5 March 2026.	Flat 4 has been banded since 01.06.2004. Flat 6 has been banded since 01.02.2005.		
RBC Electoral Registration	Consultation response received on 12 September 2025.	Year	Flat 4	Flat 6
		2025	1	1
		2024	1	1
		2023	1	1
		2022	1	1
		2021	1	0

		2020	1	0
		2019	1	0
		2018	1	2
		2017	0	2
		2016	1	0
RBC Private Sector Housing	Consultation response received on 25 September 2025.	There is a history of complaints and concerns with regards to different units within the building.		
RBC Planning Enforcement	Consultation response received on 28 August 2025.	No history of use.		
RBC Legal Services	Consultation response received on 4 September 2026.	My advice is that a CLE can be granted in this case.		

6. SUBMITTED EVIDENCE

Location Plan
9423-8 PL-EX.01-01 Existing Floor Plan
Front Sheet

Flat 4

McCarthy Properties Tenancy Agreement, starting 28/05/2019
Deposit Protection Scheme Certificate, dated 12/06/2019
Building Regulations Compliance Certificate, Mark Allen Electrics, dated 23/02/2021
Landlord Gas Safety Record, Apollo XL Heating Services, dated 19/01/2024
Energy Performance Certificate, dated 28/03/2019

Flat 6

Front Sheet 2
McCarthy Properties Tenancy Agreement dated 12/02/2020
Electrical Installation Condition Report, dated 15/12/2025
Landlord Gas Safety Record, dated 10/07/2025
Energy Performance Certificate, dated 14/01/2025

7. ASSESSMENT

In order for a certificate of lawfulness to be granted for this application, the applicant must demonstrate that the use of Flats 4 & 6, 455-459 Oxford Road, Reading as 2x self-contained residential units (Class C3) began more than 4 years before the date of this application on 2 July 2025. The application form states that the use began on 27 September 2010.

With regards to internal consultee comments, the Council Tax records show that both flats have been banded since before their use, and the Electoral Roll records show that there have been residents registered to vote

for both units within the relevant timeframe. There has been no Enforcement notice served for the subdivision of the original 1-bed flat which would prevent the granting of a Certificate. The RBC Legal department has confirmed that the Certificate can be granted based on the evidence.

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 4 & 6. The tenancy agreements show that both flats have been occupied by the same tenants since 2019 and 2020. Other evidence in the form of gas and electrical certificates has been submitted, but these are all dated in 2025 for Flat 6. This, however, is not significant enough to warrant a refusal. Overall, on the balance of probabilities, the Certificate can be granted.

8. RECOMMENDATION

The applicant has provided sufficient evidence or other information that satisfies the Local Planning Authority that the use of Flats 4&6 of 455-459 Oxford Road, Reading as two self-contained flats (Flat 4 – studio flat, Flat 6 – 1 bedroom flat) began more than 10 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

Scale 1:1250



FLOOR PLAN

Scale 1:100

