Boyer

Building 1
Meadows Business Park
Blackwater
Camberley
GU17 9AB

T 01344 753220
F 01344 753221

30th September 2026
Our Ref: 26.1017

Planning Department
Wokingham Borough Council
Shute End
Wokingham
Berkshire
RG40 1BN

Dear Sir/Madam,

Re: 35 Deardon Way, Shinfield, Reading, RG2 9HF – Certificate of Lawfulness for Existing Use

We have been instructed by our client, Mr Christian Goldsbrough, to prepare and submit an application for a Certificate of Lawfulness for Existing Use ('CELUD') relating to the use of 35 Deardon Lane ('Site') as a house in multiple occupation ('HMO'), in Use Class C4.

This application intends to demonstrate that, on the basis of probabilities, the Site has been in use as a HMO for a continuous period of at least ten years and, as such, the existing lawful use of the Site is Use Class C4, HMO.

Site and Surroundings

The Site comprises a two-storey, brick built, detached house located on Deardon Way. The Site benefits from a large rear garden and is typical of other properties located on Deardon Way.

The Site is in use as an HMO (Use Class C4) comprising 7no. bedrooms with shared kitchen, bathroom and living areas. Since 2004, the property has been managed by Stone Place Management Ltd, who have let the house as an HMO for a continuous period from 2004 up to, and including, the present day, a period of over 20 years from the date of this application.

The surrounding area is predominantly residential in character and is made up of a number of houses almost identical in style to the subject property.

The Site is not subject to any site-specific designations on Wokingham Borough's Proposals Map. However, it is identified as falling within the 7km Linear Mitigation Zone for the Thames Basin Heath SPA.

The Site is not listed, nor does it fall within a Conservation Area. Further to this, there are no Article 4 Directions in place which would impact the Site.

Assessment

Section 171B(3) of the Town and Country Planning Act 1990 ('the Act') sets out a time limit of ten years within which enforcement action may take place against the unauthorised change of use of a land or building.

Section 191 of the Act allows that a person may submit an application to a Local Planning Authority ('LPA') to establish that the use of land or buildings is lawful by virtue of the passage of time.

According to the Government's Planning Practice Guidance (Paragraph 006 Reference ID: 17c-006-20140306), the onus is on the Applicant to provide sufficient evidence in support of an application for a Certificate of Lawfulness. However:

"...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."

This application is submitted in September 2026. Therefore, the Applicant needs to demonstrate that the Site has been in continuous use as a HMO since at least September 2016.

In order to demonstrate beyond reasonable doubt that the Site has been in continuous use as an HMO for a period of at least ten years, the following evidence has been submitted in support of this application:

Statutory Declarations

Statutory Declaration 1 - LFM Chartered Accountants, who have acted as the Applicant's accountants, preparing and reviewing the Applicant's financial records and accounts since its incorporation in 2004, have provided a letter, dated 3rd June 2026 (Ref: ME/WR/19223).

The letter confirms that, from the information available including rental income schedules, management accounts, tenancy-related documentation and annual accounts, LFM understand that the Site has been in continuous use as an HMO for over ten years. LFM have confirmed that throughout this period, the rental income generated from the Site has been recorded and reported and that the property has consistently been treated as an HMO investment asset within the business.

In addition to the letter, Mr Matt Ellis, a Partner at LFM Chattered Accountants, has provided a signed Statutory Declaration (dated 22nd September 2026) confirming that the property has been occupied as a HMO and has been accommodated by up to 7 tenants since 2004.

Statutory Declaration 2 - A Statutory Declaration, signed by Mr Christian Goldsbrough (dated 18th September 2026) is also submitted as part of the evidence in support of this application. Mr Golsbrough's Statutory Declaration confirms that he acquired the property in June 2005 and that the property has been continuously used as a 7 bedroom HMO from June 2005 to the

present date. This is further evidence that the property has been in continuous HMO use for a period of at least 20 years and, as such its lawful use therefore is as a HMO (Use Class C4).

A Statutory Declaration should be given substantial weight in terms of determining this application as they are considered to carry the same weight as a sworn affidavit. As such, it is considered that the Statutory Declarations signed by Mr Matt Ellis and Mr Christian Goldsbrough demonstrate beyond reasonable doubt that the Site has been in continuous HMO use for a period exceeding ten years. As such, the Site's legal use is as a HMO (Use Class C4) and, as such, a Certificate of Lawfulness for the existing use should be issued without delay.

Other Evidence

In addition to the Statutory Declarations, other evidence submitted in support of this application includes the following:

- Tenancy Trackers dating back to December 2006;
- Rent Book dated from 2016;
- SPM Accounts dating from 2016; and
- Invoice to Foster Wheeler Energy Ltd dated 15th July 2005.

The evidence listed above is considered to confirm what is stated within the Statutory Declaration in regards to the significant amount of time that the Site has been in use as an HMO, dating back to at least 2005. This is significantly greater than a ten year period.

It is clear from Tenant Tracker 090101 that the Site was in use as a 7-bedroom HMO from at least November 2008, with the Tenant Tracker given names of all tenants as well as details of the rent paid. Indeed Tenant Tracker 130401 2 gives details at row 59 of a tenant from March 2007 (highlighted in yellow and with the Site being referred to as '35DW').

Whilst we consider the evidence submitted in support of this application for a Certificate of Lawfulness for Existing Use more than sufficient to demonstrate beyond reasonable doubt that the property has been in continuous HMO use for a period exceeding ten years, should you require any additional evidence, please do let me know.

Conclusion

As has been demonstrated throughout this Cover Letter and within the supporting evidence documents, including a Statutory Declaration which should be given considerable weight, the Site has been in use as an HMO (Use Class C4) for a considerable amount of time, significantly exceeding the ten year period outlined within Section171B(3) of the Town and Country Planning Act 1990. As such, the Site's lawful use is considered to be as an HMO.

Further to this, the national Planning Practice Guidance makes it clear that a Certificate should be issued unless the Council has evidence to contradict the Applicant's version of events or considers the Applicant's case to be implausible. In the absence of any contradictory evidence, or that the Applicant's case is less than probable, a Certificate of Lawfulness should be issued without delay.

We trust that the enclosed information is sufficient to demonstrate beyond reasonable doubt that the Site has been in use as an HMO for a period exceeding ten years. However, should you have any questions or with to discuss further, please do not hesitate to contact me.

Yours sincerely,

James Doherty MRTPI
Principal Planner

Tel: **07849 629 087**
Email: **jamesdoherty@boyerplanning.co.uk**