

Appeal Decision Report

Ward: Katesgrove
Appeal No.: APP/E0345/X/20/3262741
Site: 1 & 2 New Century Place, East Street, Reading
Planning ref: 210259/CLE
Proposal: 135 self-contained studio apartments in Class C3 dwellinghouse use.
Decision level: Delegated
LPA Decision: None (non-determination)
Method: Written representations
Decision: Allowed
Date Determined: 26 July 2021
Inspector: Simon Hand MA

SUMMARY OF DECISION:

Appeal allowed and certificate issued.

The Inspector advised that these two former office blocks had been converted using permitted development rights to C3 dwellings. He considered that the issue was whether they were being used as student accommodation or as separate dwellings.

He considered that student accommodation can also be a flat and likened the situation to houses where students live, but the house would remain in C3 dwellinghouse use. He did not therefore find the fact that the accommodation was primarily occupied by students as conclusive of a student accommodation use.

He noted the particular facilities provided within the blocks (a gym, study rooms, etc.) but he considered that these were not suggestive of a particular use and all could be found in a block of flats aimed at young professionals as much as students.

With reference to Case Law, the Inspector also discussed other matters which may have suggested a different use, such as how energy is calculated and paid for, the nature of the fire alarm systems and the way Building Regulations approval has been given which all suggested student accommodation. Further, he noted that the rents appear to be paid on an academic year basis and that there was tight control over what the occupants can do and even overnight guests were limited to three days only and thereafter they were required to pay. He did not find these matters conclusive either.

His conclusion was that there are two buildings that have been converted into what appeared to be flats which are aimed at young single people and although he conceded that most of these people are students, that did not mean it was a student hall residence. He considered that there was little to suggest that the use was a sui generis student block, but a lot to suggest that it was a C3 dwelling use, and he decided to issue the certificate accordingly.

Head of Planning, Development & Regulatory Services Comment

The background to this appeal was that officers were dealing with an application for a certificate of lawful existing use for the buildings, following concerns that they had been converted into unauthorised student accommodation. Officers were preparing to refuse the certificate when the appeal against non-determination was lodged.

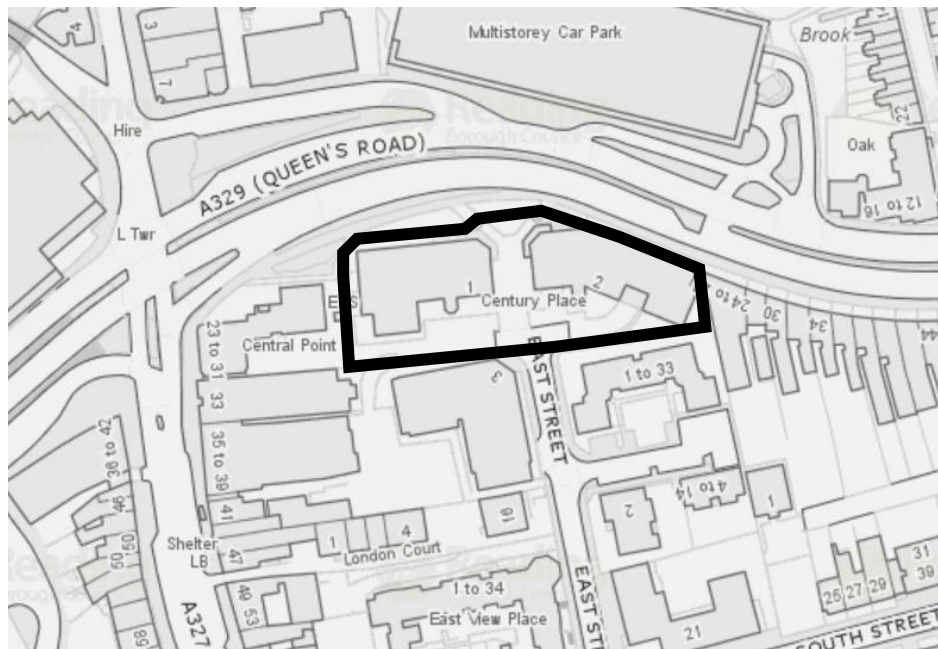
The Local Planning Authority (LPA) had to deal with the appeal and consequently did so. As with many planning matters, it is a matter of judgment on the facts of the case. The LPA considered the use of the buildings as student accommodation and not as ordinary C3 dwelling use accommodation, which was the permitted use.

The Inspector has not found fault with the way in which the developer has converted the buildings and those who reside in them, finding the use and occupancy to be in accordance with the Office Prior Approval decisions which allowed the conversion of the buildings from offices to C3 residential.

In your officers' opinion, this is a very disappointing decision, which does not appear to provide the small residential accommodation which was promised/ envisaged. However, the Inspector has set out his thoughts clearly and legal advice is that he has not erred in Planning Law. This decision is likely to have important implications for other conversions of this type.

The Appellant's separate application for costs against the Council was dismissed.

Site Plan:



Case officer: Richard Eatough