

**PLANNING, DESIGN & SUSTAINABILITY
STATEMENT**

RELATING TO

**COPPER BEECHES, BATH ROAD, KNOWL
HILL, READING RG10 9UT**

MLP REF: BR/17/1898

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Mark Leedale Planning
Chartered Town Planning Consultant
20 Hurlands Place,
Farnham,
Surrey GU9 9HX
01252 718855
markleedale4@gmail.com

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1.0 INTRODUCTION

- 1.1. This application seeks retrospective permission for the creation of 9 flats at a former guest house. Having regards to planning policy at both national and adopted local plans, as well as all other material planning considerations, it is clear that the development is policy compliant.

- 1.2. There are no other material considerations eal is made under section 78 of the Town and Country Planning Act 1990 (as amended). It is in respect of the refusal of an application for the erection of 14 dwellings of which 6 are affordable, and associated works. The site is at land to the north of Meadow Way which is the development of 9 houses off Newbury Road (A339), Headley RG19 8JY.

- 1.3. This Statement sets out the relevant planning history and policies; and the planning case as to why permission should be granted. It concludes as follows:
 - It is acknowledged that as of March 2025 the local authority could not demonstrate a deliverable supply of 5 years of housing land. The shortfall of 2.5 years as of March 2025 is, by any judgement, significant and when set against Ministerial/Government commitment to provide for an accelerate housing provision, it is clear that this must be afforded significant weight in the determination of planning applications for housing.
 - Having regard to this acknowledged position policies of the Local Plan in so far as they relate to housing and countryside designations are out of date and the 'tilted balance' as set out in Framework24 must be engaged.
 - When engaged and having regard to green belt and countryside policies relating to the reuse of existing buildings, as well as the concept of isolation, the balance must fall in favour of the benefits of housing provision.

- The other material planning considerations relating to parking, residential amenity and the provision of a range of dwellings for community needs are ones to which weight must be given.
- The other material consideration in the submission is that the flats have been occupied for a considerable length of time and would be lawful under the meaning expressed in the Act. This has not been formalised due to the fact that one flat has been sub-divided into two studios and the upper floor flats, whilst the subject of AST's are nearing refurbishment at this time. As such and whilst tenanted, they could not be considered as being lawful at the time of application. Nevertheless, this is material and details can be provided beyond the current submission, should they be required.

1.2 On the basis of the foregoing and given the housing land supply difficulty, along with policies pertaining to the use of buildings outside of settlements and within the green belt, the 'tilted' balance should fall in favour of the granting of planning permission for what is sustainable development.

2.0 **RELEVANT PLANNING HISTORY**

2.1. The Officer report on March 2023 (230133) usefully summarises the planning history as follows:

The planning history for the main building on site and the use of the land as a whole is complex and has been subject to several enforcement investigations. In short, the whole site was initially a single dwellinghouse with various ancillary outbuildings until 1991 when consent was granted for a change of use from a dwelling to a guest house. Following this, the main building has been converted, without planning permission, to 2 x 1-bed flats and 6 x studio flats. This is noted in the Officers Report for application ref 200436 and reaffirmed recently in enforcement investigation ref RFS/2021/086714.

While a Certificate of Existing Lawful Development application has not been submitted to confirm that this change in use is lawful, recent enforcement investigations have concluded that the flats are immune from enforcement action due to the length of time since they were established (well over four years).

- 2.2. This application for an extension to the dwelling was granted in March 2023. The lawfulness position has changed to the 10 year position and reference to this is set out below.
- 2.3. In January 2015 a Certificate was issued under s.191 for the use as a two bedroom bungalow and CLE/2014/2540 refers. The same position was established for a further dwelling under CLE/2015/2540 with the determination made in April 2015.
- 2.4. Subsequently under reference 162196 a s.191 Certificate was issued for the of the adjacent land as a residential garden.
- 2.5. In March 2023 application referred to above related to permission for extensions to the lawful dwelling (230133 refers).
- 2.6. Thus as far back as 2016 it was recognised that the main building had been sub-divided to form flats and, at this time the 4 year rule applied under s.191 and s171B.
- 2.7. This position remains for the building and an application under s.191 a Certificate could be sought for flats 5, 6, 7, 8 and 9. Flats 10 and 11 as shown on the submitted plans have been formed by the sub-division of what was flat 10 are do not satisfy the test of s.191 to which reference is made below. Flats 3 and 4 on the first floor are not occupied at this time and are the subject of refurbishment which is nearing completion. The details below show the longevity of their occupation and that they are the presently subject of AST's. We are mindful that the test is, in part, that they be occupied at the time of application and this has not been progressed at this time.

3.0. **PLANNING POLICIES**

- 3.1. The relevant development plan policies are set out in the adopted Core Strategy (2010) and the adopted MDDDPD (2014). They are as follows:

Adopted Core Strategy

- CP1 - Sustainable Development
- CP3 - General Principles for Development
- CP7 - Biodiversity
- CP9 - Scale and Location of Development Proposals
- CP11 - Proposals Outside Development Limits
- CP12 - Green Belt

Manging Development Delivery DPD

CC01 - Presumption in Favour of Sustainable Development

CC02 - Development Limits

TB01 - Development within the Green Belt

3.2. The relevant aspects of Framework24 are as follows:

- 11(d) where the policies of the development plan are out of date granting permission unless the impacts would significantly or demonstrably outweigh the benefits of so doing.
- Small and medium sites can make an important contribution to housing delivery (73).
- The avoidance of isolated homes in the countryside unless the development would involve the reuse or sub-division of an existing building (84).
- The subdivision of buildings to provide for housing needs (125)
- The reuse of buildings in the green belt is not inappropriate development (154(h)iv).
- The development of homes should not be regarded as inappropriate where, inter alia, it reuses existing buildings and does not fundamentally undermine the purposes of the green belt and openness - the concept of grey belt (155).

3.3. The development plan was adopted in 2010 and 2014. As such it would carry full weight in decision making. However, this position would change subject to the revised planning policy - vis. a vis. the 5 year housing land supply position. The current position is that the local authority cannot deliver 5 years supply of housing land and the shortfall of 2.5 years is significant. The development plan is therefore out of date and the tilted balance of Framework24 applies where the onus is to grant permission unless the development would significantly or demonstrably outweigh the benefits of so doing.

4.0 THE APPLICATION OF PLANNING POLICY

4.1. The case for the development is set out in relation to the following matters.

1. The application process and housing delivery
2. The starting point for determination
3. Is the wider visual impact acceptable on the openness of the green belt?
4. Are there any other material planning considerations?

The application process and housing delivery

- 4.2. It is clear from the Statement of March 2025 that the local authority cannot deliver a 5 year supply of housing land. The published figure at this time was 2.5 years of deliverable supply and by any reasonable judgement this is a significant shortfall.
- 4.3. The contribution of 9 dwellings to this supply position is, we suggest, a significant one and should be afforded considerable weight in the determination of this application.
- 4.4. It is also material that the development which is the subject of this application provides for a sector of the community for which there is need and this is evidenced by the period of occupation which is detailed below. This includes the provision of small rented accommodation where the level of demonstrated occupation evidences the fulfilment of housing need.
- 4.5. Weight should be afforded to this matter in light of the Government's widely acknowledged commitment to promote the delivery of housing which has fallen since the 1970's and now represents a "chronic" shortage of affordable housing (The finances and sustainability of the social housing sector DCLG May 2024) and a pressing "housing crisis" (Rt Hon Angela Rayner July 2024).

The starting point for determination & effect on openness

- 4.6. It is acknowledged that in the situation where there is a deliverable supply of housing land the countryside policies of the Local Plan (CP11) may restrict the provision of housing in this location. In saying this, policy CP11(3) allows for the conversion of buildings. This is further reflected in Framework24 policy pertaining to the green belt. That is to say the use of an existing building is not inappropriate, in so far as it exists. This is an important starting principle from which the applicant may draw comfort.
- 4.7. There is the additional relaxation of green belt purposes in Framework24 where the concept of grey belt refers. Plainly an existing building which is adjacent to other development is one which constitutes a grey belt position and the longevity of use reinforces this position, as is detailed below.
- 4.8. Thus the planning balance involving the use of buildings which are set against the proximate position of existing dwellings within and outside of Copper Beeches, is one against which the 'tilted balance' may be applied.

- 4.9. In this case, there is no effect on openness and the site plan - 24/947-03 - as well as observation shows that the building as used for flatted development is achieved without extension. Furthermore, the car parking can and is (in part) provided on the existing hardstanding and disused tennis courts in the manner shown. As such there is no effect on openness and the site is visually discrete from public vantage points along Bath Road (A4).
- 4.10. Returning to the position expressed in the most recent housing land supply appraisal, it is clear that the shortfall is significant. National policy and Ministerial Statements are of wholly positive intent on the matter of boosting housing land and development. It is stated that the reversion to a deliverable standard methodology as opposed to the advisory position will ensure that the "chronic" shortage of housing will be addressed.
- 4.11. In such circumstances the lpa will be familiar with paragraph 11 of the 2024 Framework vis. a vis. whether any adverse impacts of granting permission for the housing would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole.
- 4.12. As such, the tilted balance along with relevant planning policies must assess whether granting permission would result in "adverse impacts which would demonstrably outweigh" (Framework 11) the benefits of housing.
- 4.13. In respect of the concept of isolation as expressed in Framework24 (84) it is clear that this allows as a statement of positive intent "the development would involve the sub-division of an existing residential building(d). It is accepted that the previous lawful use was as a guest house although the position as detailed above is that the residential use is longstanding. We return to this below.
- 4.14. Setting this aside and in the application of Braintree (Braintree DC v SSCLG 2018), the application dwellings are proximate to the lawful dwellings granted in 2014 and 2015 as well as others along Bath Road (A4). In this context it is reasonable to say that they are not, in the terms of Framework24, "isolated".
- 4.15. In summary, the reuse of the building to form the described dwellings is one which is planning policy compliant and the determination must be made on this basis unless material considerations indicate otherwise.

- 4.16. Not least of these material considerations is the accepted and acknowledged shortfall of deliverable housing and significant weight must be attached to this in the determination of this application. It is clear from appraisal that the granting of permission would not “significantly or demonstrably outweigh the benefits” of housing provision given the significant shortfall in provision.

Other material considerations

- 4.17. Having established the planning policy position and that of the ‘tilted balance’ it is incumbent in light of Framework24 and the legislation to assess whether there are any other material considerations which are not capable of resolution and therefore represent “significant and demonstrable” harm.
- 4.18. What is clear from appraisal and the position expressed by the local authority (as referred to above), is that the longevity of use is one which would be lawful under the meaning expressed in the Act. Since this time the 4 year rule has been superseded by the 10 year position and no application has been made. In fact the applicant’s mother previously operated the visitor accommodation and this ceased on her passing in August 2005. Thereafter, the conversion to flats took place and the table below shows the nature of the occupation for the past 10 years.

Flat	Dates	Tenant(s)
3	24.9.2013 - 1.7.2018	T Stephens & Ms A Verber
	1.7.2018-7.2.2018	C Coroghan
	7.2.2018-1.2.2019	M Lee
	1.2.2019-1.6.2019	K Macintire
	1.6.2019-1.3.2021	D Morris
	1.3.2021-27.5.21	P Crowther
	27.5.2021-1.11.2021	Ms J Jankulov
	1.11.2021-29.04.2022	I Carroll
	29.4.2022-present	P Parkinson
4	12.2.2014-10.12.2015	N McNab
	10.12.2015-27.3.2016	N Davies
	31.3.2016-31.10.2016	P Tegazzini
	31.10.2016-1.1.2017	M Aylward
	1.1.2017-1.4.2018	SD Harvey & Ms L Jenner
	6.4.2018-1.8.2018	J Sparks
	8.8.2018-7.1.2023	R Westwood
	15.1.2023-presnet	M Lewis

5	26.8.11-4.11.2016	Ms C Kinnear & J Hetherington
	4.11.2016-31.3.2017	D Johnson
	31.3.2017-17.6.2019	R Hall
	17.6.2019-6.6.2020	P Rawcliffe
	17.6.2020-1.12.2020	Ms A Little & Ms S Thornten
	11.12.2020-27.5.2021	Ms J Jankulov
	27.5.2021-9.4.2024	D Guest
	9.4.2024-12.9.2024	H Khan
	13.9.2024-3.11.2024	J deSousa
	12.11.2024-1.7.2025	D Singh
	1.7.2025-present	A Wynyard
6	24.4.2014-15.7.2014	Ms D Greaves
	15.7.2014-25.10.2015	K Crockett
	25.10.2015-25.7.2016	D Brock
	25.7.2016-22.3.2017	S Brewer
	25.3.2017-1.8.2017	Ms K Mkrtchyan
	1.8.2017-30.9.2017	Ms J Moon
	30.9.2017-27.9.2018	C Katsikogiannis
	27.9.2018-12.6.2020	R Hardy
	12.6.2020-9.7.2023	M Cassell
	17.3.2023-12.1.2024	P Stubbs
	12.1.2024-27.8.2024	Mr L Marsh
	27.8.2024-current	O Bolton
7	30.9.2011-1.11.2021	I Ballis
	1.11.2021-2.5.2023	P Malec
	2.5.2023-27.9.2024	A Pall
	27.2.2024-present	J McJames
8	4.7.2011-5.2.2024	P Flannery
	5.2.2024-2.11.2025	S Dipper
	12.2.2025-5.8.2025	M Collis
	5.8.2025-present	N Schembri
9	10.8.2013-16.5.2025	A Nowak
	16.5.2025-9.7.2025	G Passerini
	21.8.2025	A Gamblin
10	1.8.2024-present	R Kelly
10&11	22.8.2015-31.12.2019	S Jales
	31.12.2019-27.5.2021	L Grey
	27.5.2021-8.4.2024	H Khan
11	23.8.2024-10.4.2025	S Grosse-Jager
	10.4.2025-present	A Crook

- 4.19. It is apparent from the information provided to us in the form of AST's, as well as information from the applicant, that flats 5, 6, 7, 8 and 9 have been occupied as such for a lawful period should an application be submitted under s.191.
- 4.20. Whilst flat 10 (now 10 and 11) have been altered such that lawfulness as existing could not be claimed, the building has been occupied as a larger flat. The sub-division into two studios was a consequence of demand for this form of accommodation.
- 4.21. Flats 3 and 4 on the first floor have AST's in place and their current vacancy has been agreed with tenants so as to allow refurbishment and improvement of the accommodation. It follows that lawfulness could only be submitted at the time of their occupation, which is imminent. The current position is acknowledged and can be seen on the site visit.
- 4.22. The effect of this longevity of occupation is one which is material and should be afforded weight in the determination of this application.
- 4.23. The longevity of occupation as detailed above is one which can be verified by the production of AST's and other evidence although this is not the current intention of the applicant.
- 4.24. The experience and continuous occupation of the accommodation is one which reflects a response to demand and the rental levels employed by the owner. This is evidence of demand from a sector of the community for small rented accommodation and much of this has been for short term periods either connected with work placement or other circumstances. This is material and weight in the determination may be attached to this matter in so far as, evidentially, it has met a housing need for a sector of the community.
- 4.25. The development is not the subject of BNG requirements in so far as it falls within the list of exemptions as a retrospective development. This aside, policy CP7 may reasonably be employed in the provision of biodiversity gain and this can be secured through appropriately worded planning conditions.

- 4.26. In terms of residential amenity policies CP3(a) and general development management application refers to the amenity of residents and adjoining occupiers. In this case tenants benefit from the substantial ground around the site for amenity purposes. The site is contained by landscape and the respective distances to adjoining dwellings and amenity space have not resulted in any overlooking from flats 3 and 4 on the first floor. There is no conflict with planning policy.
- 4.27. Parking provision is shown on the submitted site plan and experience has shown that this adequately serves the accommodation and the needs of tenants most of whom as single persons.

5.0. **THE PLANNING BALANCE**

- 5.1. Having regard to the foregoing, the following points are made by way of conclusion:
- The lpa helpfully acknowledges that as of March 2025 it could not demonstrate a deliverable supply of 5 years of housing land. The shortfall of 2.5 years as of March 2025 is significant. When this is set against Ministerial/Government commitment to provide for an accelerate housing provision, it is clear that this must be afforded significant weight in the determination of planning applications for housing.
 - The development plan in respect of housing provision is out of date and the and the 'tilted balance' as per Framework24 must be engaged in the determination of this application.
 - The green belt and countryside policies relating to the reuse of existing buildings, as well as the concept of isolation, are material and the development is not inappropriate. This and the 'tilted balance' must fall in favour of the grant of planning permission.
 - The other material planning considerations relating to parking, residential amenity and the provision of a range of dwellings for community needs are ones to which weight must be given. All are satisfactorily resolved and this is demonstrated.
 - The other material consideration in the submission is that the flats have been occupied for a considerable length of time and would be lawful under the meaning expressed in the Act. Papers to this effect can be provided if required.

- This position has not been formalised due to the fact that one flat has been sub-divided into two studios (10 and 11) and the upper floor flats (3 and 4), whilst the subject of AST's are being refurbished at this time. Thus on application they could not, at this immediate time, be considered as being lawful. This position will change in the very near future.

5.2 On the basis of the foregoing and given the housing land supply difficulty, along with policies pertaining to the use of buildings outside of settlements and within the green belt, the 'tilted' balance should fall in favour of the granting of planning permission for what is sustainable development.