



Appeal Decision

Site visit made on 11 July 2023

by O Marigold BSc DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 July 2023

Appeal Ref: APP/G3110/W/23/3317443

67 Mill Street, Oxford OX2 0AL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Gerrit Groenewold against the decision of Oxford City Council.
 - The application Ref 22/02895/FUL, dated 7 December 2022, was refused by notice dated 1 February 2023.
 - The development proposed is change of use from House in Multiple Occupation (Use Class C4) to part Bed and Breakfast, short-term letting (Sui Generis) and part dwellinghouse (Use Class C3).
-

Decision

1. The appeal is allowed and planning permission is granted for proposed change of use from House in Multiple Occupation (Use Class C4) to part Bed and Breakfast, short-term letting (Sui Generis) and part dwellinghouse (Use Class C3) at 67 Mill Street, Oxford OX2 0AL in accordance with the terms of the application, Ref 22/02895/FUL, dated 7 December 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin no later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, Block Plan, Ground Floor Plan as Existing, Ground Floor Plan as Proposed, First Floor Plan as Existing, First Floor Plan as Proposed, Proposed Landscaping Plan.
 - 3) The development hereby permitted shall not be occupied until the Traffic Regulation Order relating to 67 Mill Street has been amended, removing the Short Stay Accommodation Rooms the subject of this permission from eligibility for residents' visitors' parking permits.

Preliminary Matter

2. I have used the description of the proposal as set out in the Council's Decision Notice, which is more accurate than that used in the planning application form. The appellant has previously agreed to this change and has used the revised description in the appeal form. As such, I am satisfied that no parties have been prejudiced by my using this description.

Main Issue

3. The main issue is whether the proposal would be a suitable location for tourist accommodation, having regard to the strategy of the Development Plan.

Reasons

4. The site consists of a building currently in use as a House of Multiple Occupation (HMO). It lies at the corner of Russell Street and Mill Street, not far from the main arterial route of Botley Road. The area consists predominantly of tight-knit terraced dwellings, but with some other uses locally, such as the adjacent Porterhouse public house and accommodation. The proposal seeks to change the use of the appeal building to a flat and three rooms for short stay letting.
5. Policy V5 of the Oxford Local Plan 2036 (OLP), adopted June 2020, recognises the economic benefits of tourism to the City, with an unmet need for holiday and short-stay accommodation. However, the supporting text to the Policy also refers to the significant impacts of such accommodation, in particular by adding pressure on the highway network including from additional congestion and parking.
6. The Policy seeks to meet the need for tourist accommodation by permitting new sites for such uses only in specific identified locations. Relevant to this appeal, these include the City Centre and Botley Road. The proposal is not within the Centre or on Botley Road and so it would conflict with the locational requirements of Policy V5.
7. However, the site is close to both Botley Road and the City Centre. Both are within easy walking distance, with the Centre being accessed using the nearby bridges at Botley Road and Osney Lane over the railway line. The Council also seeks to protect the vitality and viability of the City Centre by focusing tourist accommodation there. However, because of its relatively close proximity to the Centre and its linkages to it and to Botley Road, as well as its small scale, the proposal would do little to undermine this aim.
8. The site is a short distance away from Oxford's railway and bus stations, and the bus stops for the Park and Ride system. Car parking on-street is restricted, being within the West Oxford Controlled Parking Zone. As such, visitors to the proposal may well travel by means other than the private car. It would therefore be unlikely to result in the sort of traffic-related pressures identified by Policy V5. This would be particularly true if a condition was imposed limiting eligibility for parking permits.
9. The proposal would provide the opportunity for additional short-stay and tourist accommodation that is needed in the City, together with a C3 flat, in a location close to the City Centre. Furthermore, although small, the proposal and its occupants would have a modest positive effect to the economy of the City.
10. I have found that the proposal would conflict with OLP Policy V5. However, for the reasons given above, I give little weight to this conflict and greater weight to the benefits of the proposal. I therefore consider that the proposal would be a suitable location for tourist accommodation, having regard to the strategy of the Development Plan.

Other Matters

11. Residents have raised concerns about the effect of the proposal on nearby properties, including the effects of deliveries at anti-social hours and additional household waste generated. The area is primarily in quiet residential use, although there are some existing and developing commercial uses nearby.

12. The proposal may well result in additional comings and goings. However, the proposal is small in scale and so its additional impact would be minor, particularly given the site's current lawful HMO use. The inclusion of the C3 flat within the proposal means that housing stock would not be lost. If occupied by the manager, the flat may also have a moderating influence on the short-stay occupiers, if necessary.
13. I have little reason to believe that short-stay occupants would generate more waste than HMO occupants. The Council does not dispute that the proposal would comply with the non-locational requirements of OLP Policy V5 (a) to (c), including that it would not generate unacceptable levels of noise and disturbance to nearby properties. I see no reason to disagree. Concerns have been raised that a precedent would be set for similar uses, but I have considered the proposal on its own individual merits.

Conditions

14. The Council has provided a list of conditions, which I have assessed and where necessary amended, having regard to the advice in the Planning Practice Guidance. As well as the standard time limit for commencement, a condition requiring adherence to the approved plans is necessary for certainty.
15. In the interests of highway safety and to prevent parking inconvenience to local residents, a condition excluding visitors to the short stay accommodation from eligibility for parking permits is necessary. However, the site already consists of a form of residential use that I understand benefits from parking permit eligibility. As such, it would not be reasonable to exclude occupants or visitors of the proposed C3 flat from being able to have permits. The Council has confirmed that a condition worded as such would be enforceable.
16. The Council has suggested a condition regarding external facing materials. However, no external physical changes are proposed, meaning that such a condition is unnecessary.

Planning Balance and Conclusion

17. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission, and therefore appeals, must be determined in accordance with the development plan, unless material considerations indicate otherwise.
18. The proposal would conflict with the Development Plan, read as a whole. However, in this case for the reasons given above, I have found that material considerations indicate that planning permission should be granted. The appeal should therefore be allowed.

O Marigold

INSPECTOR