



Appeal Decision

Site visit made on 6 March 2024

by E Worley BA (Hons) Dip EP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 March 2024

Appeal Ref: APP/D3125/W/23/3328108

Mitre House, Lodge Road, Hanborough Business Park, Long Hanborough, Oxfordshire OX29 8LH

- 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 Dr Don Kahawe on behalf of Serendib Global Foods Ltd against the decision of West Oxfordshire District Council.
 - The application Ref 23/00991/FUL.
 - The development proposed is the change of use from office (Use Class B1(a)), to office and conference facilities at ground floor level and 3 two-bedroom serviced accommodation units (Use Class Sui Generis) at first floor level, associated parking and bin storage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the Council's description of development as set out on the Decision Notice in the banner heading above. It excludes superfluous words and provides greater clarity than that used on the application form. It is also the description that is used on the appeal form, Part E of which indicates that the description of development has changed. The Council has also provided written confirmation that the revised description of development has been agreed.
3. Since the appeal was lodged, a revised National Planning Policy Framework (the Framework) has been published. Both parties have had the opportunity to comment on the revised Framework in their submissions and so have not been prejudiced by this change.

Main Issue

4. The main issue is the effect of the proposed development on the supply of employment sites to meet current and future demand.

Reasons

5. The appeal site is occupied by a 2 storey detached office building and parking area located within an existing business park. The surrounding development includes a range of industrial units of various sizes and designs. The site lies between 'Dons House', from which the appellant's food distribution business operates, and a hotel with a café and short term lets which occupies the adjoining land.

6. The appeal would see the change of use of the building from offices to provide office and conferencing facilities at ground floor level and 3 self-contained serviced accommodation units at first floor level. The accommodation would be used either as temporary overnight accommodation for staff visiting or working at the appellant's business or other businesses in the area, or alternatively specifically in association with the training rooms and conference facilities on the ground floor of the building.
7. Given the location of the site, within Hanborough Business Park, which includes office-based, industrial and warehouse/storage uses, it is considered to constitute an existing employment site. Policy E1 of the West Oxfordshire Local Plan (2011-2031) adopted 2018 (LP) seeks to maintain a flexible supply of land for businesses within the area. It sets out that non-employment uses on employment sites will be refused unless specific criteria are met. These include that the site or premises are not reasonably capable of being used or redeveloped for employment purposes; or where the site or premises are considered unsuitable on amenity, environmental or highway safety grounds for employment uses; or where the proposed use includes community, leisure, or retail uses which are complementary and compatible to the functioning of the employment site and the local community, and conform with Policy E6: Town Centres; or where substantial community benefits would be achieved by allowing alternative forms of development.
8. Although the employment use at ground floor level would be retained, in the form of offices/training rooms/conference room, the proposal would see the introduction of overnight accommodation in lieu of the existing office use at first floor level.
9. The serviced accommodation would be in the form of furnished apartments and would each include 2 bedrooms, a bathroom, and a kitchen/dining/living area. They would not be occupied on a permanent basis as residential units but rather on a temporary basis. The units would be used to accommodate employees relocating to the area, working at the site on a temporary basis, or hybrid working between the office and home and would provide independent residential accommodation as opposed to a hotel room. In addition, the appellant indicates that the accommodation would focus solely on business travel, including operating closely with the uses on the ground floor of the building, and would not meet a general desire for overnight accommodation in the locality.
10. On this basis, and in the absence of any details of the proposed 'servicing' arrangements to differentiate the use from a C3 dwellinghouse use¹, the use of the accommodation would be akin to a residential use, albeit on a temporary basis. Therefore, even if the units were to be occupied ancillary to the ground floor of the building or in connection with the wider employment uses in the local area, the use as overnight accommodation would itself not constitute an employment use. Consequently, the proposal would result in a loss of the existing employment space.
11. The appeal submissions indicate that, despite the appellant's best efforts to secure a tenant for the office space, the building has been vacant for several years. However, in the absence of any details of marketing of the building for sale or to let, that has been undertaken, or an explanation as to why the

¹ The Town and Country Planning (Use Classes) Order 1987

floorspace could not continue to be used for employment purposes, there is nothing before me to demonstrate that the premises are not reasonably capable of being used or redeveloped for such uses. Nor are there any grounds to suggest that the premises are unsuitable for employment uses on amenity, environmental or highway safety grounds.

12. Furthermore, while I note the appellant's assertion that the serviced accommodation would be compatible with the wider local area, it would not represent a complementary and compatible community, leisure, or retail use which is specifically supported by Policy E1 of the LP.
13. It is suggested that the proposed accommodation would offer benefits in terms of supporting existing businesses, reducing the need to travel, and would also contribute to the wellbeing of staff. Even if working patterns have changed, with increased distances being travelled by employees, there is no substantive evidence that this has led to an increased demand for overnight accommodation associated with business travel in the locality. Furthermore, there is nothing before me to demonstrate that other facilities in the area would not be available to meet the need for this type of overnight accommodation, that would offer similar benefits in terms of flexibility, privacy, and tranquillity, including the hotel which immediately adjoins the appeal site, which also includes short term lets. Nor is there any evidence that the proposal would offer any demonstrable benefits in terms of reducing the need for employees to travel and their carbon footprint in that regard.
14. The appeal submissions indicate that the proposal would assist in securing the long-term viability of the appellant's business, enabling it to grow, which would offer economic benefits. Nonetheless, given the absence of any detailed financial evidence, there is nothing before me to demonstrate that the business would not be viable without the provision of overnight accommodation. As such, based on the evidence before me, I find that the proposed alternative non employment use would not give rise to substantial community benefits. Moreover, despite the relatively modest amount of floorspace that would be lost due to the proposed change of use, it has not been demonstrated that it would not be to the detriment to the overall provision of existing employment sites.
15. For the foregoing reasons I therefore conclude that the proposal would have an adverse effect on the supply of employment sites to meet current and future demand. Accordingly, it would be contrary to Policy E1 of the LP and the aims of the Framework in relation to the need to support economic growth and productivity.

Other Matters

16. The proposal would re-use a building that is currently vacant, in a location which is accessible by means other than the private car, nonetheless this would not outweigh the policy conflict I have identified. Moreover, whilst the proposal would provide employment opportunities, there is no detailed analysis of the number or types of jobs that would be created. As such, I attribute this limited weight.
17. Hanborough Lodge and Hanborough Lodge Cottage, a Grade II listed building, lies close to the site. I am required to have special regard to the desirability of preserving the setting of the listed building. With respect to the nature of the

development and to its position relative to it, I am satisfied that the setting and significance of the listed building would not be adversely affected.

18. The appeal site is also located a short distance from the boundary of the Cotswold National Landscape (CNL). Given the nature of the proposal, the Council has raised no concerns regarding its effect on the CNL or its setting. Given my observations on site, I have no reason to disagree.
19. The absence of harm to the character and appearance of the area, living conditions of the occupiers of neighbouring properties and future occupiers of the accommodation are neutral matters. Furthermore, the lack of objection from interested parties does itself not render the scheme acceptable.
20. Concerns regarding the way the planning application was considered by the Council fall outside the scope of this decision.

Conclusion

21. For the foregoing reasons the proposed development would conflict with the development plan as a whole and material considerations have not been shown to carry sufficient weight to indicate that a decision should be taken otherwise than in accordance with it. Therefore, the appeal is dismissed.

E Worley

INSPECTOR