



Appeal Decision

Site visit made on 7 February 2024

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 April 2024

Appeal Ref: APP/G3110/W/23/3329980

Acorn House, Stansfeld Park, Quarry Road, Oxford, Oxfordshire OX3 8SB

- 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 The Oxford Trust against the decision of Oxford City Council.
 - The application Ref 22/02982/FUL, dated 13 December 2022, was refused by notice dated 23 March 2023.
 - The development proposed is for the change of use of the dwelling, known as Acorn House, or 'centre management' (as per 16/02618/FUL), from Class C3 (Dwellinghouse) to Class F1 (Learning and non-residential institutions) as well as a single storey rear extension and other associated minor changes to the building.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of the dwelling, known as Acorn House or 'centre management'. (as per 16/02618/FUL), from Class C3 (dwellinghouse) to Class F1 (learning and non-residential institutions) as well as a single storey rear extension and other associated minor changes to the building at Acorn House, Stansfeld Park, Quarry Road, Oxford, Oxfordshire OX3 8SB in accordance with the terms of the application, Ref 22/02982/FUL, dated 13 December 2022, subject to the conditions in the Schedule of Conditions to this decision.

Background and Main Issue

2. The Local Planning Authority's ('LPAs') second reason for refusal ('RfR') relates to the impact of the construction of the proposed rear extension on trees.
3. As part of the appeal an Arboricultural Report has been submitted. This provides justification for the removal of a single hedge in association with the proposed development. In addition, it outlines a scheme of protection measures to be applied during construction phase of development to avoid harm to nearby trees.
4. Consequently, the LPA is no longer contesting the second RfR, subject to the imposition of a planning condition on any grant of consent.
5. The LPAs third RfR required additional information regarding roosting bats. Additional ecological information has been submitted to accompany the appeal. The submitted details comprise a letter from an Ecologist outlining their findings from a visit to the site. The conclusions of this inspection are that the existing bat box at the site is not in use and appears not to have been utilised by roosting bats previously. Whilst it could still be used theoretically, it may therefore be replaced without the need for European Protected Species Licence.

6. As a result, the LPA is of the view that the third reason for refusal falls away, subject to appropriate conditions.
7. I have also considered the submitted evidence in light of the Council's second and third RfR and I am satisfied that the issues raised by these could be addressed by conditions if the appeal were to succeed.
8. Accordingly, the main issues are: i) whether the proposed loss of a dwelling is justified; and ii) whether the proposed extension would render the quality of the dwelling unacceptable for future use.

Reasons

Loss of dwelling

9. The proposal relates to a 2 storey, 3 bedroom dwelling, which is located adjacent to the Stansfeld Park Education Centre ('the Education Centre').
10. The Education Centre is operated by Oxford Trust and on the information before me is aimed at supporting early years/primary school children to access outdoor/indoor science education.
11. Due to the increase in outreach work with local schools, the Oxford Trust has identified a need for more storage space on site for equipment in order to support staff operations. Furthermore, the Oxford Trust advises that the space created as a result of this proposal will enable the education outreach team to operate more efficiently and reach their specific targets for engagement, whilst allowing for the possibility of additional resources (both kit and staff) to be added to meet the additional need or for a more specialised approach to be taken.
12. Therefore, Oxford Trust wish to extend and relocate their current educational outreach storage/preparation space to the appeal property. The Oxford Trust also advise that the appeal property is no longer needed for the housing of management for the site.
13. Nevertheless, the proposal would result in the net loss of a dwelling. Given the scale of the objectively assessed housing need in Oxford, there is an acute need for housing. To ensure that the existing stock of homes is protected, Policy H5 of the Oxford Local Plan 2036, Adopted 2020 ('LP') says that permission will not be granted for any development that results in the net loss of one or more self-contained dwellings on a site, including family homes except for a number of exceptions.
14. One such exception is a change of use of a dwelling to form a primary health care facility, children's nursery or community hub providing community benefits and for which the applicant can demonstrate a local need. In such cases, the additional criteria should all be satisfied.
15. The Oxford Trust's outreach work covers activities in primary schools within Oxfordshire and Buckinghamshire and programmes carried out 'in-community' within Oxford city, Oxfordshire libraries and special projects with Special Education Needs organisations in both counties. As such, the proposal itself would not form a community hub, rather this would provide storage and preparation space associated with an existing educational use.

16. Therefore, the proposal would result in the loss of a dwelling and does not meet with the exceptions set out in Policy H5 of the LP. Consequently, the proposal conflicts with the overarching aims of this Policy.

The effect of the proposed extension on the quality of the dwelling

17. Based on the site plan as edged red, the proposed rear extension would remove most of the private rear outdoor amenity space to support the dwelling.
18. However, based on my conclusion, I have found that the proposal can be supported. Therefore, the appeal property would no longer function as a dwelling. As such, the proposal would not be contrary to the aims and objectives of Policy H16 of the LP, which requires that houses of 1 or more bedrooms should provide a private garden, of adequate size and proportions for the size of house proposed.

Other Considerations

19. The existing dwelling was granted planning permission as a house for a site manager. Indeed, Condition 10 of permission ref. 03/1572/FUL confirms that the dwelling shall be limited for use in connection with the study centre. Whilst there has been a subsequent planning permission to redevelop the wider site, on the information before me, this has not affected the planning status of the existing dwelling. Therefore, there are limitations to the occupancy of the appeal property as a dwelling.
20. Irrespective of the above, the appeal property is privately owned. As such, and notwithstanding that there is an acute need housing in Oxford, there is no certainty that if this appeal were not to succeed, the appeal property would be occupied as a dwelling.
21. As already stated, the appeal property is located adjacent to the Education Centre which forms part of a wider education/research facility. Therefore, for practical and logistical reasons its use in association with the wider site would be logical.
22. Although I have found that the proposal does not specifically result in the creation of a 'community hub', this would improve access to and extend the capacity of Oxford Trusts role as a community provider, through its outreach and learning programs. Consequently, the proposal is supported by LP Policy V7, which says that, in principle, applications to extend capacity, improve access and make more intensive cultural/community use of existing sites will be supported.
23. Together, the above considerations provide substantial support in favour of the proposal.

Conditions

24. In addition to the standard timescale condition for the implementation of the planning permission, I have imposed a condition specifying the approved plans and documents in the interests of certainty. I have also specified a condition requiring that the proposed rear extension is finished in the external materials as specified on the approved drawings.

25. To safeguard all retained trees, it is necessary to impose a condition requiring a tree protection scheme and arboricultural method statement. A condition requiring that site clearance works and the replacement of the existing wooden bat box are undertaken by a qualified ecologist is necessary to safeguard protected species.
26. The Council has suggested a condition removing permitted development rights which would facilitate the use of roof of the proposed extension as a balcony / terrace or as an access. Because the proposed extension is for the purposes of Use Class F1, this would not benefit from any such provisions. Therefore, such a condition is not necessary.
27. Conditions 4 and 5, which prevent any development approved from commencing until they have been complied with, are considered fundamental to the development hereby approved. It is necessary for these to take the form of 'pre-commencement' conditions in order to have their intended effect. Where necessary and in the interests of flexibility, clarity and precision, I have altered the conditions to better reflect the relevant guidance.

Planning balance and Conclusion

28. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that decisions on planning applications should be made in accordance with the development plan unless material considerations indicate otherwise.
29. There is conflict with the development plan because the proposal would result in the loss of a family dwelling. However, based on my findings, even if I were to dismiss this appeal, there is no certainty that the appeal property would be available as an open market dwelling. As such, and because the proposal relates to a single dwelling, the extent of the conflict is relatively small. There would therefore be limited harm to the Council's overall strategy for retaining existing family homes.
30. On the other hand, the proposal would make use of a building to support and improve Oxford Trusts role as a community education provider, through its outreach and learning programs. This would provide tangible social benefits with regard to supporting the areas educational needs for which there is local policy support.
31. Therefore, in my view, the aforementioned benefits would outweigh the conflict with the development plan. Consequently, in the particular circumstances of this case there are material considerations which justify a decision other than in accordance with the development plan.
32. For the above reasons, I conclude that the appeal should be allowed.

M Aqbal

INSPECTOR

Schedule of Conditions

- 1) The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be undertaken in accordance with the following approved plans and documents:
Site Location Plan – Drw. 01 Rev D;
Existing Block Plan – Drw. 02 Rev D;
Existing Elevations – Drw. 08 Rev C;
Existing Ground Floor Plan – Drw. 04 Rev B;
Existing First Floor Layout – Drw. 05 Rev B;
Proposed Block Plan – Drw. 03 Rev E;
Proposed Elevations – Drw. 9 Rev C;
Proposed Ground Floor Plan Rear Extension – Drw. 06 Rev B;
Proposed First Floor Plan – Drw. 07 Rev E;
and BSG ecology letter dated 13 August 2023.
- 3) The external materials to be used for the proposed rear extension shall be as specified on the approved drawings.
- 4) Prior to commencement of the extension hereby permitted, a qualified ecologist shall:
 - a) Supervise clearance works comprising the removal of planters and lifting of any garden paving slabs from the development site in accordance with the measures set out in the BSG ecology letter dated 13 August 2023.
 - b) Replace the existing timber bat box to the west elevation of the dwelling at the development site with a new timber bat box in accordance with the measures set out in the BSG ecology letter dated 13 August 2023.
- 5) No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved.