
Appeal Decision

Site visit made on 19 May 2025

by David Reed BSc DipTP DMS MRTPI

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 29 May 2025

Appeal Ref: APP/G3110/W/25/3361595
77 Long Lane, Oxford OX4 3TN

- 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 M Dogar against the decision of Oxford City Council.
 - The application Ref 24/01852/FUL, dated 30 July 2024, was refused by notice dated 4 October 2024.
 - The development proposed is the change of use of a dwellinghouse (Use Class C3) to a house in multiple occupation (Use Class C4), demolition of garage and provision of bin and bike stores.
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Decision

1. The appeal is allowed and permission is granted for the change of use of a dwellinghouse (Use Class C3) to a house in multiple occupation (Use Class C4), demolition of garage and provision of bin and bike stores at 77 Long Lane, Oxford OX4 3TN, in accordance with the terms of the application, Ref 24/01852/FUL, dated 30 July 2024, subject to the attached schedule of conditions.

Main Issue

2. The main issue is whether the proposal would lead to an over-concentration of houses in multiple occupation (HMOs) in the area.

Reasons

3. The proposal is for permission to use No 77 Long Lane, originally a three-bedroom semi-detached house, as a house in multiple occupation (HMO) with four bedrooms. The Council do not dispute that the property is currently used for HMO purposes and has an HMO licence, but state that planning permission is also required due to the removal of permitted development rights under an Article 4 Direction which came into effect in February 2012.
4. According to the appellant, the property has been in use as an HMO for around ten years but there is insufficient evidence available to prove this to the Council in order to issue a Certificate of Lawful Use. The Council object to the proposal on the basis that the number of HMOs within 100 m would exceed 20% and thus there would be conflict with Policy H6 of the Oxford Local Plan 2020.
5. No 77 lies at the end of a cul-de-sac with properties lining just one side of the road as the row of houses face a cycle track and then, beyond a hedge, the busy Oxford Eastern By-Pass, a dual carriageway. Within the 100 m distance are a total of 13 properties and of these three, the appeal property No 77, next

door No 75 and No 57 are HMOs, giving a mathematical percentage of 23% HMOs within 100 m, thus exceeding the Policy H6 limit.

6. However, discretion should be exercised as well as mathematics. 23% is only marginally over the policy limit. Further, there is an inherent unfairness in that No 75 does not have planning permission either and there is no explanation why HMO use of No 77 should be refused as a result of the appellant being the first of the two to seek planning permission. If anything, a first come first served approach would be fairer. In addition, No 57 only just falls within the 100 m distance. Within a distance of say 95 m the 20% criterion would be met. Furthermore, No 57 has recently been granted planning permission for HMO use as just four of the 48 dwellings within 100 m of that property are HMOs, a percentage of just 8.3%¹. This indicates that in the area just beyond No 57 there are relatively few HMOs (presumably just one more) and thus in the wider area there is not an over-concentration of HMOs.
7. These factors comprise material considerations that, taken together, indicate a decision contrary to the provisions of Policy H6 of the development plan is warranted in this case.
8. There is no objection to the demolition of the single detached garage adjacent to the property and the erection of cycle and bin stores on the site.
9. The Council has suggested some conditions should the appeal be allowed and these are not disputed by the appellant. The standard implementation time limit is superfluous as the property is already in use as an HMO. Conditions are however necessary to define the approved plans in the interests of certainty and to ensure the cycle and bin stores are erected within a reasonable period² and retained for those purposes at all times thereafter. This is in the interests of promoting sustainable transport and an uncluttered neighbourhood.

Conclusion

10. Having regard to the above the appeal should be allowed.

David Reed

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall be constructed in accordance with the specifications in the application and approved plans listed below, unless otherwise first agreed in writing by the local planning authority:
Existing: Location & Block Plans 24.57-S1.01
Existing: Floor Plans & Elevations 24.57-S2.01
Proposed: Block Plan 24.57-P1.02A
Proposed: Floor Plans & Elevations 24.57-P2.01
Proposed: Bin & Cycle Store Details 24.57-P2.02
- 2) The cycle storage shown on the approved drawings shall be provided and made available within three months from the date of this decision and the

¹ Delegated report for application Ref 24/01945/FUL

² A period of three months is considered appropriate as they are both relatively insubstantial structures

cycle storage shall then remain on site in perpetuity for the purposes of cycle storage only unless otherwise first agreed in writing by the local planning authority.

- 3) The bin storage shown on the approved drawings shall be provided and made available within three months from the date of this decision and the bin storage shall then remain on site in perpetuity for the purposes of storage only unless otherwise first agreed in writing by the local planning authority.