



Appeal Decision

Site visit made on 7 May 2025

by **D Wilson BSc (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 4 June 2025

Appeal Ref: APP/G3110/W/25/3361170

424 Marston Road, Marston, Oxford, Oxfordshire OX3 0JE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Guo Yan Ling Jiang against the decision of Oxford City Council.
 - The application Ref is 24/02555/FUL.
 - The development proposed is the change of use of dwellinghouse (use class C3) to a house in multiple occupation (use class 4).
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development upon the delivery of a balanced mix of households.

Reasons

3. The appeal site contains a two storey residential property which is currently in use as a HMO. The wider area is predominantly residential with many of the houses being of a similar appearance.
4. Policy H6 of the Oxford Local Plan relates to HMO's with the supporting text recognising that HMO's offer the only available and affordable solution than renting individually or buying a property when prices are so high in Oxford. However, it also states that in some areas of Oxford, high concentrations of HMO are resulting in changes to the character of the local area and can contribute to local parking problems and large numbers of transient households. This has led to concerns in some communities that their communities are becoming unbalanced because the number of short-term tenants with less-established community ties has increased.
5. Policy H6 sets out that planning permission for the change of use of a dwelling into a HMO will only be granted where specific criteria are met. Amongst other things, this includes that the proportion of buildings used in full or part as an HMO within 100 metres of street length either side of the site does not exceed 20%.
6. The wording of Policy H6 refers to buildings 'either side', which is clarified by a diagram that the measurement is taken from the centre point of the frontage of the property.

7. The Council have calculated that there are 59 buildings within 100m street length of the appeal site. They have also calculated that of these 59 buildings, 12 properties have been granted a HMO license which is above the 20% limit set by Policy H6.
8. The appellant disputes the number of buildings within 100m street length of the appeal site which resulted from a physical walk along the Marston Road, aided by distance calculation tools and a ruler. However, I have not been provided with any details of the additional buildings that should be included and I cannot be sure that the method outlined within appendix 3.6 of the Local Plan has been used. I therefore have no compelling evidence that the Councils calculation of 59 buildings is incorrect.
9. I note that the appellant considers that many of the HMO's in the area would not meet the required standards, which the proposal would and also whether it is fair to include those that have not been approved. However, Policy H6 is clear that Council will have regard to the number of houses, flats or buildings that are licensed HMOs, or for which a licence application is pending. As such, even if I had evidence to suggest HMO standards were not being met, the Council are not incorrect to include pending applications within their calculations which could also explain the changes in percentages provided by the Council since determining the application.
10. I therefore conclude that the proposed development would conflict with the aims of policy H6 which seeks to avoid high concentrations of properties in HMO use, in order to deliver balanced communities.

Other Matters

11. I note that there are areas within Oxford that have higher percentages of HMO's, some of which are over the 20% limit set by Policy H6. While this may be the case, I have not been provided information of the circumstances of these including the reasons they were granted planning permission by the Council. The presence of areas with higher concentrations of HMO's does not therefore justify allowing the higher percentage that would result from the proposal.
12. The Council have found that the proposed development would not harm the living conditions of neighbouring occupiers. While I have no reason to conclude otherwise, this is a neutral matter.

Conclusion

13. For the reasons given above the appeal should be dismissed.

D Wilson

INSPECTOR