



Appeal Decision

Site visit made on 29 October 2025

by N Bromley BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 November 2025

Appeal Ref: APP/G3110/W/25/3369328

331-331a Banbury Road, Oxford, Oxfordshire OX2 7PL

- 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 P Horne, of d'Overbroeck's Oxford against the decision of Oxford City Council.
 - The application Ref is 24/02635/FUL.
 - The development proposed is change of use of dwellings (Class C3) to boarding house accommodation (Class C2).
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Decision

1. The appeal is dismissed.

Main Issue

2. Whether the proposed development would result in the unacceptable loss of dwellings.

Reasons

3. The appeal site comprises a pair of four-bedroom, semi-detached houses located along Banbury Road, close to the city centre. The site has a shared parking forecourt to the front, and each property has a separate private garden to the rear.
4. Banbury Road is a busy route into the city centre with high levels of vehicle movements and pedestrian footfall. The site adjoins a large sixth form campus, but the surrounding roads largely have a residential character with a range of buildings, set within spacious plots. There is an abundance of mature trees along the main road and within the grounds of buildings, and the area has an attractive, verdant, residential character.
5. Policy H5 of the Oxford Local Plan 2036 (the Local Plan) seeks to resist the loss of one or more self-contained dwellings, including family homes, except in specified circumstances. The policy's supporting text at paragraph 3.26 sets out that it will be important to ensure that the existing stock of homes is protected, particularly those that are best suited for family living; otherwise, the benefits of building new housing would be undermined.
6. As a proposed school boarding house, the main parties accept that the change of use of the two dwellings would not meet any of the specified circumstances set out in Policy H5 of the Local Plan. Indeed, on the evidence before me, I see no reason to disagree, and the proposal would therefore conflict with Policy H5 of the Local Plan.

7. Consequently, I conclude that the proposed development would result in the unacceptable loss of dwellings, which would conflict with Policy H5 of the Local Plan.

Other Matters

8. The National Planning Policy Framework (the Framework) states that the planning system should be genuinely plan led. The development plan is the starting point for decision making and I must make my decision in accordance with it unless other considerations indicate otherwise. In this case, the conflict with local policy for development involving the loss of dwellings draws the scheme into conflict with the development plan read as a whole.
9. The proposed development would provide high quality accommodation for 16 students in a sustainable location, maintaining and enhancing the business and operational model of the school. Located immediately adjacent to the sixth form campus, the proposal would also provide logistical and financial benefits to the school. In particular, it would help to alleviate commuting pressures and enhance student safeguarding and welfare.
10. I acknowledge that the management of student accommodation away from the campus is likely to pose a number of challenges for the school, but I am not persuaded that the existing boarding accommodation elsewhere is wholly unsuitable and inefficient or that travelling arrangements from these properties for the students is not feasible. Furthermore, while it is the case that Policy H8 restricts possible locations for new student accommodation, there is no substantiated evidence to demonstrate that other properties and sites have been explored, and if they have, the reasons for discounting them. Likewise, even though the appellant suggests that new, purpose-built accommodation would not suit the operational needs of the school because of timeframes and delivery, there is otherwise limited evidence before me.
11. Housing supply and delivery in the city is good and although the loss of two four bedroom family homes would not compromise the existing stock of two- and three-bedroom homes, the appeal scheme would result in the loss of two family dwellings, nonetheless. Indeed, the properties would continue to offer desirable family accommodation, despite the suggestion that one of the houses has had little interest as a family dwelling, as well as concerns about its affordability, particularly on the rental market. There is also limited evidence that noise and disturbance, and odour, from activities at the school has a negative effect on the occupancy rate of the two dwellings.
12. I accept that no objections have been raised with regards to neighbouring living conditions, the standard of internal and outdoor amenity space, highways and parking, cycle and bin storage and the effect on trees, but these are a requirement of planning policy, and they carry limited positive weight in the planning balance.
13. My attention has been drawn to a previous appeal decision¹ which was allowed. In that case, although that proposal resulted in the loss of a dwelling, contrary to Policy H5 of the Local Plan, there were other material considerations that outweighed the conflict with the policies of the development plan. In particular, it related to one property which had limitations on its occupancy, and the Inspector

¹ Appeal Ref: APP/G3110/W/23/3329980 - Acorn House, Stansfeld Park, Quarry Road, Oxford, Oxfordshire OX3 8SB.

found that even if the appeal was dismissed there was no certainty that it would be available as an open market dwelling. As such, it was concluded in the particular circumstances of that case that there were other material considerations which justified a decision which was not in accordance with the development plan.

14. The circumstance of that previous appeal differentiates it from the proposal before me. Given this, it does not add weight in favour of the development. Accordingly, as I am required to do, I have determined the case before me on the site-specific circumstances and on its own merits.
15. Overall, although the proposal would provide economic benefits to the school and I give great weight and positive support for the provision of new student accommodation, to support the school, as referenced in the Framework, there would be conflict with specific policies of the development plan. While the proposal may not conflict with other policies, I consider that it would conflict with the development plan as a whole.
16. Taking the above matters into consideration, the benefits would not outweigh the identified harm of the loss of two dwellings to the housing stock in the area. As such, the other considerations before me do not indicate that I should make a decision other than in accordance with the development plan.

Conclusion

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

N Bromley

INSPECTOR