

On Behalf of: Mr Stephen Holley
C/o Mr Stephen Holley
Siskins
Oxford
OX15BJ

APPLICATION FOR PLANNING PERMISSION

Town and Country Planning Act 1990

DECISION DATE: 17th November 2023

PROPOSAL: Change of use from dwellinghouse (Use Class C3) to House in Multiple Occupation (Use Class C4). Provision of cycle storage (Retrospective)

AT: 187 Divinity Road Oxford Oxfordshire

NOTICE OF REFUSAL OF PLANNING PERMISSION

23/02001/FUL

Following consideration of the application in respect of the proposal outlined above it was resolved to **REFUSE PLANNING PERMISSION** for the following reasons:-

REASONS :

- 1 The proportion of buildings used in full or part as Houses in Multiple Occupation (HMOs) within 100 metres of street length either side of the application site exceeds 20% and therefore the unauthorised use has led to a harmful impact in terms of creating an over-concentration of HMOs. The over-concentration of HMOs is detrimental to the mix of housing and the objectives of creating sustainable and balanced communities. The development proposed is therefore contrary to Policy H6 of the Oxford Local Plan 2036 and the Local Planning Authority finds no basis for making an exception to this policy based on other site-specific considerations.
- 2 No details of bin storage have been provided and therefore the proposal fails to make provision for appropriate bin storage. As such, the proposal would fail to meet the requirements of the day to day needs of occupiers and is contrary to Policies DH7, RE7 and H6 of the Oxford Local Plan 2036.

INFORMATIVES :-



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- 1 In accordance with guidance set out in the National Planning Policy Framework, the Council tries to work positively and proactively with applicants towards achieving sustainable development that accords with the Development Plan and national planning policy objectives. This includes the offer of pre-application advice and, where reasonable and appropriate, the opportunity to submit amended proposals as well as time for constructive discussions during the course of the determination of an application. However, development that is not sustainable and that fails to accord with the requirements of the Development Plan and/or relevant national policy guidance will normally be refused. The Council expects applicants and their agents to adopt a similarly proactive approach in pursuit of sustainable development.

PLEASE NOTE All local plan policies and proposals which are relevant to this decision are specified in the list below which forms part of this decision notice. However, in circumstances whereby this notice relates to a refusal of planning permission, the particular policies and proposals in each local plan which form the basis for the Council's refusal to grant planning permission are referred to in the reasons for refusal set out above.

M1 - Oxford Local Plan 2036

M1 - Prioritising walking, cycling, and public transport

M3 - Oxford Local Plan 2036

M3 - Motor vehicle parking

M5 - Oxford Local Plan 2036

M5 - Bicycle Parking

S1 - Oxford Local Plan 2036

S1- Presumption in favour of sustainable development

DH1 - Oxford Local Plan 2036

DH1 - High quality design and placemaking

DH7 - Oxford Local Plan 2036

DH7 - External servicing features and stores

H6 - Oxford Local Plan 2036

H6 - Houses in Multiple Occupation (HMO)

H14 - Oxford Local Plan 2036

H14 - Privacy, daylight and sunlight

H16 - Oxford Local Plan 2036

H16 - Outdoor amenity space standards

RE2 - Oxford Local Plan 2036

Oxford Local Plan 2036

Policy RE2 - Efficient use of land

RE3 - Oxford Local Plan 2036

Oxford Local Plan 2036

Policy RE3 - Flood risk management

RE4 - Oxford Local Plan 2036

RE4 - Sustainable and foul drainage, surface and groundwater flow

RE7 - Oxford Local Plan 2036
RE7 - Managing the impact of development



David Butler
Head of Planning and Regulatory Services

Please quote reference number 23/02001/FUL in all communications

IT IS IMPORTANT THAT YOU SHOULD READ THE NOTES ACCOMPANYING THIS NOTICE

GUIDANCE NOTES FOR APPLICANTS WHERE AN APPLICATION HAS BEEN REFUSED

You are reminded that you can submit another similar application for development without needing to pay a fee provided it is submitted by the same applicant on the same site and within 12 months of the date of registration of the original application.

The Council offers pre-application advice for which there are separate fees for householder, listed buildings and other types of application. You can see further information on pre-application advice and download the necessary form to apply for this at www.oxford.gov.uk/PageRender/decP/Pre-Application_Advice_occw.htm

1. PLANNING APPLICATIONS AND APPLICATIONS FOR LISTED BUILDING CONSENT AND CONSERVATION AREA CONSENT.

1. If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission, he or she may appeal to the Secretary of State for the Environment under Section 78 of the Town and Country Planning Act 1990 (or Section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Regulation 8 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 in respect of listed buildings in conservation areas), within six months of the date of this notice. **If the refusal is against a Householder application, received after 5th April 2009, the appeal must be lodged within 12 weeks of this notice.** (Appeals must be made on a form which is obtainable from the The Planning Inspectorate, Customer Support Unit, Room 3/15 Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Tel. 0117 372 6372) www.planning-inspectorate.gov.uk). The Secretary of State has power to allow a longer period for the giving of notice of appeal but will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears that permission for the proposed development could not have been granted by the Local Planning Authority having regard to the statutory requirements, to the provision of the development order, and to any directions given under the order. The Secretary of State does not in practice refuse to entertain appeals solely because the decision of the Local Planning Authority was based on a direction given by her or him.
2. If the applicant intends to submit an appeal to be examined by an Inquiry, then the applicant must notify the Local Planning Authority (planningappeals@oxford.gov.uk) and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are available online at <https://www.gov.uk/government/collections/casework-dealt-with-by-inquiries>.
3. If permission is refused by the Local Planning Authority or by the Secretary of State for the Environment and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he or she may serve on the Oxford City Council a purchase notice requiring the Council to purchase her or his interest in the land under Section 137 of the Town and Country Planning Act 1990 or Section 32 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Regulation 9 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 in respect of listed buildings and buildings in conservation areas.
4. In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to her or him. The circumstances in which such compensation is payable are set out in Section 114 and Part II of Schedule 3 of the Town and Country Planning Act 1990 (or Section 27 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Regulation 9 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 in respect of listed buildings).

2. APPLICATION FOR CONSENT TO DISPLAY ADVERTISEMENTS

If the applicant is aggrieved by the decision of the Local Planning Authority to refuse consent, he or she may appeal to the Secretary of State for the Environment in accordance with Regulation 17 and Part 3 of Schedule 4 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 within eight weeks of the receipt of this notice. (Appeals must be made of a form which obtainable from The Planning Inspectorate, Customer Support Unit, Room 3/15 Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Tel. 0303 444 5000) www.planning-inspectorate.gov.uk).

