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| **EAST AREA PLANNING COMMITTEE** | 5th December 2018 |

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| **Application Number:** | 18/02320/FUL |
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| **Decision Due by:** | 26th October 2018 |
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| **Extension of Time:** |  |
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| **Proposal:** | Change of use from guesthouse (Use Class C1) to a large House in Multiple Occupation (Sui Generis) (Amended Site Location and Amended Plans) |
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| **Site Address:** | 238 Headington Road, Oxford, OX3 7PR, |
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| **Ward:** | Churchill Ward |

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| **Case Officer** | Alice Watkins |  | |
| **Agent:** | Mr Paul Southouse | **Applicant:** | Mr Dai |

**Reason at Committee:** Called in by Councillors S Brown, L Smith, J Fry, C Munkonge, P Kennedy, M Rowley and N Chapman due to loss of Guest House accommodation and concentration of HMOs in the area.

1. **CHANGES to the original published report**

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| **PARAGRAPH** | **AMENDED TEXT from that in the original published report** |
| **10.2** | The starting point for the determination of the application is what the lawful use of the site is. There is some ambiguity as to what this is and a certificate of lawfulness has not been submitted to establish the lawful use. However Officers have investigated to the best of their ability and it is apparent that 238 Headington Road, when occupied by the previous owner, operated as a Guest House for approximately 20 years. It is unclear when or if this use ceased. The information submitted with the current application is limited but the Council has anecdotal evidence that since 2014, the property has been in use as a single dwellinghouse. However in the absence of any evidence it cannot be determined how, when or if the guest house use ceased and how, when or if it was accommodated as a C3 dwelling. The property was purchased by the present owner in April this year and the building is currently vacant. Planning permission was never sought for the use of the property as a Guest House. However officers consider that the use of the site as a Guest House became lawful because of the amount of time it operated as a Guest House and it is likely it would have been immune from any enforcement action after 10 years. It is clear from the evidence available to the Council that the property was in use as a guesthouse for the period of time stated above. If and when the property was occupied again in 2014 as a single dwellinghouse, this change of use would have required planning permission which was not sought or granted. The property would need to be occupied as a single dwellinghouse for a period of at least four years for the use to be lawful and immune from enforcement action. At the present time and in the absence of any evidence to certify the C3 use, Officers are satisfied that the lawful use of the site is a Guest House (Use Class C1) and have therefore assessed the application on this basis. Even if a contrary view is taken, given that the building has not been occupied since April of this year, it could be argued to have a nil use. Officers do not consider the building to be in C3 use. |
| **10.5** | Whilst it would usually be expected that the concentration of HMOs in an area does not exceed 20%, the criteria of Policy HP7 (a) does not apply in this case. The application seeks consent to change the property from a Guest House (Use Class C1) to a large House in Multiple Occupation (Sui Generis). The 20% limit identified under Policy HP7 only relates to the change of use from a single dwellinghouse (Use Class C3). The aim of this policy is to retain the existing housing stock. The proposal would result in a total of 42.31% of properties being in use as HMOs in the area. As explained above, the existing use of 238 Headington Road is considered to be a Guest House (Use Class C1) or a nil use and as the policy only restricts the use of C3 dwellinghouses, it is considered that it would not be reasonable to refuse the application due to the density of HMOs in the area. There are no other relevant planning policies which restrict the density of HMO. As such in this case there would be no conflict with policy in terms of the concentration of HMOs. |