

APPLICATION NO.	P20/V0214/FUL
SITE	Ripon Lodge, Woodland Walk, Jarn Way, Boars Hill, Oxford, OX1 5JF
PARISH	WOOTTON
PROPOSAL	Conversion of residential house to allow B&B accommodation for academics visiting Peking University (Change of description only 15 July 2020)
WARD MEMBER(S)	Val Shaw
APPLICANT	Prof Guy Liu
OFFICER	Lewis Dixey

RECOMMENDATION

Planning Permission subject to the following conditions:

Standard Conditions:

- 1. TL1 - Time limit - Full Application (Full)**
- 2. Approved plans**

Compliance:

- 3. The site shall be used solely as bed and breakfast accommodation for academics visiting Peking University, and a bedroom for an on-site manager, and shall not be used for any other purpose without a prior grant of planning permission.**

1.0 INTRODUCTION AND PROPOSAL

- 1.1** The application comes to committee having been called in by the local ward member, Val Shaw. A significant number of local residents also object to the proposal.
- 1.2** The application site comprises a large detached house, Ripon Lodge, located on a sizeable plot on the northern side of Jarn Way, opposite the site of Foxcombe Hall, in Boars Hill. A neighbouring house, Tall Trees, is found to the west, and other neighbouring houses, Broadgates and Hollydene, are to the east and north-east of the site. To the north and north-west are woods and open land that form part of the setting of Jarn Mound, owned by Oxford Preservation Trust. Highway access is obtained onto Jarn Way at the front of the site. The site lies within Boars Hill, in the Oxford Green Belt.
- 1.3** That application seeks planning permission to change the use of Ripon Lodge to bed and breakfast accommodation for academics visiting Peking University, which in 2016 secured ownership of the Foxcombe Hall site opposite from its former owners, the Open University. The accommodation would be able to house a maximum of nine guests as well as the owner/manager. No structural changes or external alterations are proposed to the house, which has already

	<ul style="list-style-type: none">• The principle of converting a residential house to commercial use in this quiet area of residential Green Belt• It is a clear expansion of a commercial use outside of its established confines into a residential area of the Green Belt• The accommodation is not needed as Peking University has planning permission for visitor accommodation on the Foxcombe Hall site• A dangerous precedent for future similar applications by the same applicant• The proposal is inappropriate development in the Green Belt• Increased levels of traffic from that of its use as a house, on an unsuitable lane that is well used by walkers• It is an unsuitable, unsustainable location, where occupiers will have to use cars or taxis, causing traffic problems• This application is piecemeal, and is connected with likely future applications on Foxcombe Hall - any approval will prejudice the consideration of these future applications and may prove not needed• Some works have already been carried out• It is contrary to a restrictive covenant (this is not a material planning consideration)• The applicants appear to ignore planning restrictions (this is not a material planning consideration)
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3.0 **RELEVANT PLANNING HISTORY**

3.1 **Ripon Lodge:**

[P20/V0085/PD](#) - (09/03/2020)

Conversion of a residential house into a B&B with 5 guest rooms. No structural change or building work involved, except health and safety system updating and room decorating. Response: Planning Permission is Required

[P96/V0172](#) - Approved (23/04/1996)

Erection of Porch/Conservatory extension.

Foxcombe Hall:

[P18/V1964/FUL](#) – Withdrawn (30/08/2019)

Demolition of the existing 'Laboratory Building', and redevelopment to provide a purpose built student accommodation facility of up to 91 study rooms, subterranean teaching space, dining areas, gymnasium, and a 196 seat lecture theatre, including alteration to an existing administrative building and the provision of a publicly accessible cafe and WCs, to serve as an Oxford campus for PHBS-UK (amended transport statement received 6th August 2019).

[P17/V3013/FUL](#) – Approved (02/02/2018)

Extension and alterations to provide 10 en suite rooms for visitors accommodation (as amended by drawings received 22 January 2018)

[P17/V2693/FUL](#) – Approved (01/12/2017)

Enclose courtyard with glass atrium, relocate entrance, replacement of windows and internal refurbishment.(as amended by drawings received 8 November 2017 and 17 November 2017).

4.0 **ENVIRONMENTAL IMPACT ASSESSMENT**

4.1 The proposal does not fall within the prescribed limits of development that requires an Environmental Impact Assessment

5.0 **MAIN ISSUES**

5.1 Officers consider the main issues to be as follows:

- The principle of development, including the impact on the character and appearance of the area
- Impact on residential amenity
- Highways impact
- Other matters

5.2 **Principle and the Impact on the Area**

The application seeks permission for a change of use to allow the dwelling to be converted to bed and breakfast accommodation for academics visiting Peking University, which is based at the Foxcombe Hall site. The building would provide five guest rooms and one for the owner/manager with a maximum capacity of nine guests. The description of the proposed works has been amended to prescribe that the accommodation is to be used specifically by academics connected with Peking University, and is not intended for use by the general public. The effect of this is that the proposed use is “*sui generis*” and does not fall within a Use Class. Therefore, there would be no ability to materially change the use of the property to anything else, including a commercial B&B, without the need for planning permission. As an additional control it is recommended that a restrictive condition is imposed.

5.3 The site falls within the Oxford Green Belt which offers protection against inappropriate development. Policy CP13 of the Local Plan 2031 Part 1 and paragraph 46 d) of the NPPF confirm that the re-use of an existing building is appropriate in the Green Belt provided the openness of the Green Belt is preserved, provided the re-use is not in conflict with the purposes of the Green Belt, and provided the building is of permanent and substantial construction. In assessing this application, officers are also very mindful of current national and

local policy on supporting educational development. Policy CP30 of LPP1 and paragraph 94 of the NPPF give support for expanding existing educational facilities. Paragraph 94 states that local planning authorities should give “great weight to the need to ...expand or alter schools”.

- 5.4 These national and local policies provide the framework to assess the application. The Green Belt imposes significant controls on development and, as is often the case in planning, it is a question of whether an appropriate balance can be found between what can appear to be competing policy objectives, that of meeting the needs of an existing educational use, whilst protecting the openness and purposes the Green Belt.
- 5.5 Turning to the tests for re-use, the existing building is clearly of permanent and substantial construction. The application does not propose any external change to the existing building. No increase in built volume is proposed. Therefore, there would be no impact on the openness of the Green Belt.
- 5.6 Of the five purposes of the Green Belt (paragraph 134 of the NPPF), officers consider this part of the Oxford Green Belt serves two: to preserve the setting and special character of Oxford, and to assist in safeguarding the countryside from encroachment. Apart from Foxcombe Hall, the character of the area is one of low density, residential housing set within verdant plots and interspersed green spaces. The proposal is clearly linked to the educational site opposite, and will support its use. The close proximity of the site to Foxcombe Hall maximises the potential for intervening travel to be on foot, which has significant advantages in terms of sustainability. The proposal is for visitors to be collected on UK arrival, and to be taken on departure, by bus, and for them to stay for periods of time, which substantially reduces the potential for the daily traffic movements that would be reasonably associated with commercial B&B's.
- 5.7 Officers have carefully weighed the effect of the proposal on the area, and on the area's contribution to the Green Belt, against the “great weight” encouraged by national and local policy for supporting educational uses. The likelihood is that the main form of daily travel to and from the site will be by foot as guests travel to and from Foxcombe Hall. Although this pattern of daily movement will differ to that of a house, movement by foot by relatively small numbers of guests is unlikely to cause a material change in local levels of activity or disturbance. Arrivals and departures of guests by the intended bus are likely to be relatively infrequent. There will be deliveries to the site on a regular basis, as there could be to a house, and guests will potentially travel further afield to and from the site by vehicle for a variety of purposes, as could members of a household. Overall, when assessed in the balance, and when compared to the benchmark of the reasonable expectation of the impacts of the use of the site as a single house occupied potentially by a larger family, officers conclude that the effect on the purposes of the Green Belt in this location will be acceptable. On this basis, officers conclude that the proposal is appropriate development in the Green Belt.
- 5.8 There is significant local objection to the proposal. One of the principal strands of the objections relate to the effect on the Green Belt, and to the effect on the

residential character of the area, of what is seen as a breach of commercial activity beyond the established limits of the Foxcombe Hall site. Officers consider it is important to note that the proposed use is residential in character. There is no proposal for teaching to take place on the site, or for any other use associated with the academic practises of Peking University. This is one of the reasons behind officers seeking a much more restrictive description for the application, and for recommending the restrictive condition.

- 5.9 Local objectors also question the need for the proposal in light of a recent planning permission to use The Lodge on the Foxcombe Hall site for visitor accommodation (ref P17/V3013/FUL). Officers would advise that the needs for the operational management of the site in pursuit of its objectives are largely a matter for the applicant. This application should be assessed on its own, individual planning merits.
- 5.10 There is also local concern that, if allowed, this will set a precedent for future applications by the same applicant on other houses in the area, and that it will unfairly bias the balance of considerations that relate to any future application for development on the Foxcombe Hall site. An application for the development of the Foxcombe Hall site for lecture space, study bedrooms and administrative accommodation was made in 2018, but was withdrawn in August 2019 following officer concerns regarding the scale of the proposal (ref P18/V1964/FUL). Some objectors consider the proposed re-use of Ripon Lodge should not be considered in isolation from a wide scheme for the Foxcombe Hall site.
- 5.11 On the first point, members are aware that the concept of precedent does not generally apply to planning applications, and that each application on each individual site will have unique circumstances that require a fresh consideration of material planning considerations in each case. For example, this site is so close to Foxcombe Hall that a degree of weight can be given to sustainability, and to the close relationship between the proposal and the educational use, that may well not apply to the same degree to another site. Were a future application to be made on another house, it would need to be assessed on this and a number of other considerations that will be particular to the site.
- 5.12 Similarly, if members decide to grant planning permission for this proposal, officers consider there is no reasonable basis for stating that this will weaken, or alter in any way, the authority's position with regard to any future application on the Foxcombe Hall site. Any such future application will also be assessed against the relevant material considerations that relate to that particular site. Officers consider the proposal for Ripon Lodge can be reasonably assessed at this point in time, as it stands, and that, in light of the support expected to be given to educational development contained in national policy, it would be unreasonable to refuse the application on the grounds that it is piecemeal.
- 5.13 It is noted that some relatively limited works to Ripon Lodge have been carried out. Officers consider these works have not altered the lawful use of the site as a house.

5.14 **Impact on Residential Amenity**

Policy DP23 of the Local Plan Part 2 relates to residential amenity and states; Development proposals should demonstrate that they will not result in significant adverse impacts on the amenity of neighbouring uses. The change of use as proposed does not result in any harmful impacts in terms of loss of light or privacy or overlooking, as the existing building remains physically unchanged.

5.15 Local objectors are concerned that the use will bring about an intensification of impacts on residents. In assessing this, officers are mindful of the nature of the proposal as outlined in the application, particularly the likely predominance of foot traffic as the means of daily travel from the site to Foxcombe Hall, and that occupants are likely to be staying for periods of time. Consequently, the impacts on neighbours are not considered to be so different, in aggregate, from the reasonable expectations for a large house in this location, with daily car trips and other activity associated with what could easily be a larger family, as to amount to harm that would justify refusal of the application.

5.16 In terms of the management of the use the proposal includes owner accommodation within the building. This will maintain an on-site presence to manage the use, with the ability to respond quickly to any potential issues should they arise

5.17 Therefore, the proposal does allow for the operation of the accommodation to be run in a way which should not result in any detrimental impact on residential amenity in this location. As such the proposal is considered acceptable in terms of impact on residential amenity and therefore compliant with policy DP23 of the LPP2.

5.18 **Highways Impact**

Local objectors are also concerned about intensification of traffic, and the impact on the local highway network. The County Highways Officer has carefully assessed this impact. He is very mindful of national policy contained in paragraph 109 of the NPPF, which states: “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or if the residual, cumulative impacts on the road network would be severe.”

5.19 With the amended description of the application, and the clear potential for all daily trips to be made between the site and Foxcombe Hall by occupants by foot, the County Highways Officer is satisfied that the impact on the local road network will be acceptable. When compared to the existing situation, there is no evidence to reasonably justify that there will be an unacceptable impact on highway safety or that the cumulative impact on the road network will be severe.

5.20 The existing site offers four parking spaces, and this is to be retained. The existing garage building is also to be unaltered.

5.21 **Other Matters**

The waste management officer raises no objection and advises that a commercial waste contract is set up for this property. The site offers separate detached storage space for waste and recycling bins.

5.22 Several objections mention a restrictive covenant on the property. It should be noted that covenants are an entirely separate area of law to the planning process and are not material considerations in the planning decision-making process.

6.0 **CONCLUSION AND PLANNING BALANCE**

6.1 The proposal is for the re-use of an existing building, of permanent and substantial construction, in the Green Belt. No enlargement of the building is proposed. The particular details of the proposal mean it should provide opportunities for locally sustainable trips for guests who will be engaged at the academic institution based directly opposite the site. Guest arrivals and departures are likely to be occasional and the use will be primarily residential in nature. Regular comings and goings by vehicle are not likely to be materially different to the range that could occur for a single larger household. Officers attach great weight to the proposal to support an existing educational site, as expected to do by national policy, and consider there will be no harm to the openness or to the purposes of the Green Belt. The impact on neighbours is acceptable, and it cannot be demonstrated that there will be either an unacceptable impact on highway safety or a severe cumulative effect on the road network, as required by national policy. In the absence of any negative weight that can be attached to the proposal, in the form of identified harm from any material consideration, officers consider the outcome of the planning balance is that the proposal complies with the provisions of the development plan, in particular policies CP13, CP30, CP37, DP16 and DP23 of the adopted Vale of White Horse Plan 2031. The proposal is also considered to comply with the provisions of the National Planning Policy Framework and the council's adopted Design Guide SPD 2015

The following planning policies have been taken into account:

Vale of White Horse Local Plan 2031 Part 1 policies;

CP01 - Presumption in Favour of Sustainable Development

CP13 - The Oxford Green Belt

CP30 - Further and Higher Education

CP37 - Design and Local Distinctiveness

Vale of White Horse Local Plan 2031, Part 2 policies

DP16 - Access

DP23 - Impact of Development on Amenity

DP28 - Waste Collection and Recycling

National Planning Policy Framework 2019

National Planning Practice Guidance 2014 - 2019

Vale of White Horse Design Guide SPD 2015

Equalities Act 2010

The proposal has been assessed against section 149 of the Equalities Act. It is considered that no identified group will suffer discrimination as a result of this proposal

Human Rights Act, 1998

The application has been assessed against Schedule 1, Part 1, Article 8, and against Schedule 1, Part 2, Article 1 of the Human Rights Act, 1998. The harm to individuals has been balanced against the public interest and the officer recommendation is considered to be proportionate.

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