
APPLICATION NO.	P22/S1846/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	13.5.2022
PARISH	FOREST HILL
WARD MEMBER	Tim Bearder
APPLICANT	Mr Romahi
SITE	The Oaks, Old Road, Shotover, OX3 8TA
PROPOSAL	Change of use from existing ancillary use treehouse to dual use as ancillary use treehouse and part-time holiday accommodation use.
OFFICER	Max Gull

1.0 INTRODUCTION AND PROPOSAL

- 1.1 The Oaks is a detached dwelling to the east of the city of Oxford in the parish of Forest Hill with Shotover. The site is within the Oxford Green Belt. It is also over 150m north of a SSSI.
- 1.2 The application seeks planning permission to change the use of an existing tree house currently operating solely as existing ancillary use. The proposal seeks to convert the use of the treehouse to dual use as part ancillary and part-time holiday accommodation.
- 1.3 The tree house in question was built in early 2018 and the application is submitted as part of an on-going enforcement case (See history below).
- 1.4 No site visit was conducted as part of this application. Site visits have been conducted as part of previous applications and given no new built form is being proposed, a site visit was not deemed necessary.

2.0 SUMMARY OF CONSULTATIONS & REPRESENTATIONS

2.1 Forest Hill Parish Council - Fully Supports

County Archaeological Services (SODC) – No Objections

Countryside Officer (South and Vale) – No Objection

Contaminated Land – No Objections

Countryside Access – No comments Received

Neighbour-

Support x4

Objection x4 (Unneighbourly, Green Belt Harm, Harm to SSSI, Highway impact, enforceability)

3.0 **RELEVANT PLANNING HISTORY**

3.1 [SE21/53](#) - (current planning enforcement investigation)

Without planning permission the material change of use of land for independent residential use.

[P21/S1455/PEM](#) - Advice provided (01/06/2021)

Use of treehouse for occasional letting (tourism)

[P16/S1082/HH](#) - Approved (26/05/2016)

Two raised recreational tree houses located north east of the property.

4.0 **ENVIRONMENTAL IMPACT ASSESSMENT**

4.1 N/A

5.0 **POLICY & GUIDANCE**

5.1 **Development Plan Policies**

South Oxfordshire Local Plan 2035 (SOLP) Policies:

DES1 - Delivering High Quality Development

DES2 - Enhancing Local Character

DES6 - Residential Amenity

EMP10 - Development in Rural Areas

EMP11 - Tourism

ENV1 - Landscape and Countryside

STRAT6 - Green Belt

TRANS5 - Consideration of Development Proposals

5.2 **Neighbourhood Plan**

The site is not located within the boundary of any registered neighbourhood plan.

5.3 **Supplementary Planning Guidance/Documents**

South Oxfordshire Design Guide 2016 (SODG 2016)

5.4 **National Planning Policy Framework and Planning Practice Guidance**

5.5 **Other Relevant Legislation**

Human Rights Act 1998

The provisions of the Human Rights Act 1998 have been taken into account in the processing of the application and the preparation of this report.

Equality Act 2010

In determining this planning application, the Council has regard to its equalities obligations including its obligations under Section 149 of the Equality Act 2010.

6.0 **PLANNING CONSIDERATIONS**

6.1 **The relevant planning considerations are the following:**

- **Principle of development**
- **Green Belt**
- **Design and character**
- **Residential amenity**
- **Highway safety**
- **Ecology**

6.2 Principle of development

Policy EMP11 of the Local Plan supports tourism development outside of the built-up areas of towns and villages 'provided that proposals are in keeping with the scale and character of the locality and would not adversely affect heritage assets or their setting'. Policy EMP10 supports rural tourism development provided the character of the countryside is respected. Therefore, subject to the impact on character, the countryside and heritage assets being acceptable, it is considered that the principle of the development is likely to be acceptable.

6.3 Green Belt

Policy STRAT6 requires protection of the Green Belt and its key functions from harmful development. Development is restricted to those limited types of development which are deemed appropriate by the NPPF, unless very special circumstances can be demonstrated. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

The NPPF outlines situations where development in the Green Belt is not inappropriate. One such exemption is the re-use of existing buildings. This is subject to the building being of substantial and permanent construction and the development preserving the openness of the Green Belt and not conflicting with the purposes of including the land within the Green Belt.

The treehouse is a building and is of substantial and permanent construction. As it is an existing building, its re-use can have no impact on the openness of the Green Belt nor conflict with the purposes of including land within it as no operational development is proposed. Therefore, the development is likely to comply with Green Belt policy of STRAT6 and the NPPF.

6.4 Design and character

Policy DES1 requires new development to be of high-quality design. The policy gives a wide range of measures against which development will be assessed, including efficient use of land, net gains and no net loss of biodiversity, sustainability and respect for local character and context. This respect for local character is echoed by policy DES2 which requires new development to be designed to reflect the positive features that make up the character of the local area and it should both physically and visually enhance and complement the surroundings.

Policy ENV1 seeks to protect South Oxfordshire's landscape, countryside and rural areas against harmful development by requiring development to protect and, where possible enhance, features that contribute to the nature and quality of South Oxfordshire's landscapes.

There are no changes proposed to the treehouse so there will be no impact on the character and appearance of the area from built development. The use of a building can have an impact on character if it were to result in excessive car parking, storage of materials etc. that can be out of keeping with the area. In this instance, it is considered that the use of the treehouse for holiday let would not harm the character of the area as the intensity of the use is such that there would not be excessive levels of car parking or other effects that could harm the rural character of the area. Therefore, the development is likely to comply with policies DES1, 2 & ENV1. The lack of harm to the character of the area is also likely to result in compliance with EMP10 & 11.

6.5 Residential amenity

Policy DES6 requires development proposals to demonstrate that they will not significantly impact the amenity of neighbouring uses in relation to loss of privacy, daylight or sunlight, dominance or visual intrusion, noise or vibration, smell, dust, heat, odour, gases or other emissions, pollution, contamination or the use of / or storage of hazardous substances and external lighting.

The assessment of impact of the development on amenity would concern the impact on neighbouring properties and on the amenity of users of the treehouse and The Oaks.

The treehouse is existing so there will be no harm to neighbours through overshadowing, overdominance nor visual intrusion. There is potential for the development to harm neighbours through a loss of privacy and noise and disturbance associated with the separate use of the treehouse. The distance to neighbouring properties well exceeds the minimum distances between habitable windows recommended by the Design Guide. This is considered to prevent any harm through overlooking or a loss of privacy.

The letting of the treehouse on a short-term basis will increase the activity associated with the site as visitors come and go from the site and stay in the building. The trips to and from the site generated by the tourism use of the treehouse are unlikely to result in significant noise and disturbance above and beyond the existing use that would be harmful to neighbour amenity, particularly given that the ancillary use of the treehouse will be retained, meaning it would not be in separate use all the time. The use of the treehouse itself is also unlikely to harm neighbours through noise as the proposed use would generate similar levels of noise as the existing ancillary use that can include guest use and parties etc.

Regarding the amenity of visitors and the existing occupiers, there appears to be at least 40 metres between the treehouse and the host dwelling which should prevent the use of the treehouse on a short-term basis causing a significant reduction in privacy to The Oaks and vice versa. However, the use of the treehouse as permanent separate accommodation on long term tenancies would not be acceptable due to the insufficient level of amenity that would be provided. To ensure this does not occur, conditions have been attached to any potential permission restricting the length of tenancy to ensure both the existing property and the users of the treehouse enjoy sufficient levels of amenity. To enforce this, a condition has also been attached requiring the applicant to keep a logbook recording all occupations of the treehouse which can be reviewed by the local planning authority at any point.

6.6 Highway safety

Policy TRANS5 requires develop proposals to provide for a safe and convenient access for all users to the highway network, provide cycle parking where relevant, be served by an adequate road network which can accommodate traffic without creating traffic hazards or damage to the environment, be designed to enable charging of plug-in and other lower emission vehicles, provide for loading, unloading, circulation and turning space and provide for the parking of vehicles in accordance with Oxfordshire County Council parking standards, unless specific evidence is provided to justify otherwise.

It is reasonable to assume that providing additional tourist accommodation would generate higher levels of traffic activity. However, given the dual use nature of the treehouse increased traffic volume would be sporadic. Given the change of use only applies to one treehouse, the amount of additional vehicular traffic it would produce would be minimal and would not cause undue harm on the highway network.

EV charging and Cycling provision is already available on site, satisfying these elements of the above policy.

6.8 Ecology

Objections have been raised by members of the local community regarding the impact of the proposed change of use on protected species and the SSSI.

The countryside officer was consulted whom made the following comments;

‘The treehouse is located within an area of Lowland mixed deciduous Woodland designated as a priority habitat. Therefore, the impact of the proposal must be considered under Policy ENV2 of the SOLP. Considering this proposal will not result in additional operational development within the Woodland and there is already an established level of use of the Woodland relating to the Tree House (as detailed within the Design and Access Statement) the formal change of use would, in my view, not exacerbate the loss, deterioration or harm to the priority habitat and Policy ENV2 would not need to be fully engaged.’

With due consideration to the comments made, no further action in my view needs to be taken in regard to ecology.

6.7 Community Infrastructure Levy

The proposal is not CIL liable.

6.8 Pre-commencement conditions

No pre-commencement conditions are required.

7.0 CONCLUSION

7.1 Planning permission for the proposed change of use is granted. The proposal in principle is acceptable as it would promote tourism and contribute to the rural economy. Furthermore, the proposed dual use would not materially harm the amenity properties nor cause any harm to the highway network or character of the area. In conjunction with the attached conditions, the proposal accords with relevant planning policy.

8.0 RECOMMENDATION

Grant Planning Permission

- 1 : Approved plans *
- 2 : Dual use ancillary residential or holiday let accommodation
- 3 : Limit on duration of stays in holiday let accommodation



Paul Lucas

Delegated Authority Sign-Off Officer

