

Appendices

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Appendix 1

BCC HMO Concentration Information

HMO Concentration - Priory Road/Elmdale Road

Simon Fletcher [REDACTED]
To: Colin Pemble [REDACTED]

28 September 2022 at 06:59

Hi Colin

Results below.

Kind regards

Simon

Selected UPRN - 000000180600 - Flat 1 9 Priory Road Clifton Bristol BS8 1TU

Number of HMO Properties within 100m - **19**

Number of Residential Properties within 100m - **98**

Percentage of HMOs within 100m of selected UPRN - **19.39%**

Ward of selected UPRN - Central

Number of HMO Properties within Central - **658**

Number of Residential Properties within Central - **13232**

Percentage of HMOs within Central - **4.97%**

From: Colin Pemble [REDACTED] >
Sent: 27 September 2022 16:49

To: Simon Fletcher

Subject: HMO Concentration - Priory Road/Elmdale Road

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Hi Simon,

I've been asked to review planning issues related to a site in Clifton and one of the potential uses is as a HMO. I'm thus making contact to find out what the existing concentration of HMOs is within a 100m radius. The site address is [no. 9 Priory Road, Clifton, Bristol, BS8 1TU](#) as indicated on the map below.



Could you have a look at the information you have and in due course provide the information?

Regards,

Colin

Aspect360 Ltd - Planning and Development Consultants

45 Oakfield Road • Clifton • Bristol • BS8 2AX • UK

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Appendix 2

LSO Ward & Bristol Accommodation Data

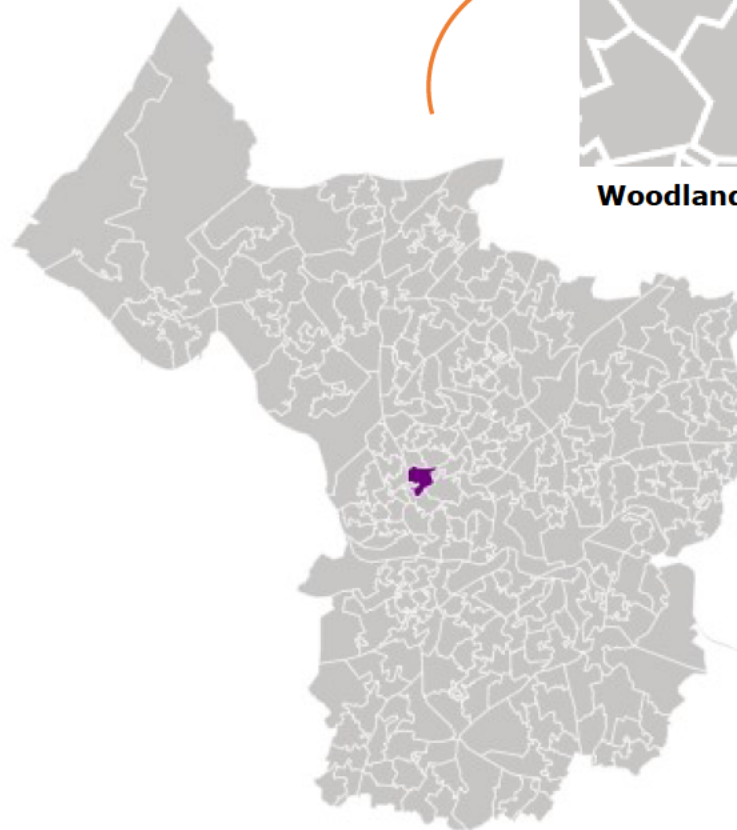
Appendix 2:

2021 Census - Accommodation Type

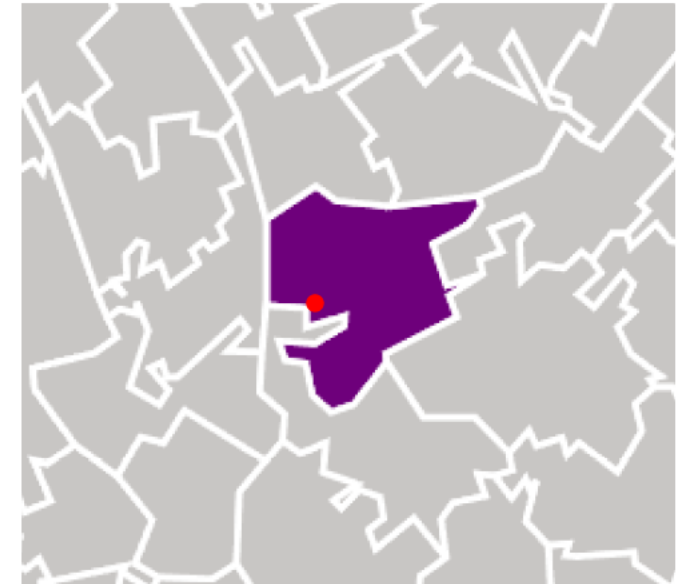
Data for Bristol, the Central Ward and the Woodland Road Lower Super Output Area



Bristol Ward Map showing the Central Ward



Bristol's Lower Super Output Areas



Woodland Road Lower Super Output Area

ref. E01014358

● = the site location



Accommodation Type Area Profile

Select a geography:

2021 Lower Super Output Area

Select an area:

Woodland Road

Change topic:

Accommodation Type Area Profile

Click to
View

Accommodation Type	Households	% of total households
Whole house: Detached	10	1.6%
Whole house: Semi-detached	40	6.6%
Whole house: Terraced	57	9.4%
In a purpose-built block of flats or tenement	187	30.8%
Part of a converted or shared house, including bedsits	279	45.9%
Part of another converted building, for example, former school, church or warehouse	20	3.3%
In a commercial building, for example, in an office building, hotel or over a shop	15	2.5%
A caravan or other mobile or temporary structure	0	0.0%

Data for selected area:

Woodland Road

Total households

608

People living in flats,
apartments or
maisonettes

Number for area

501

% for area

82.4%

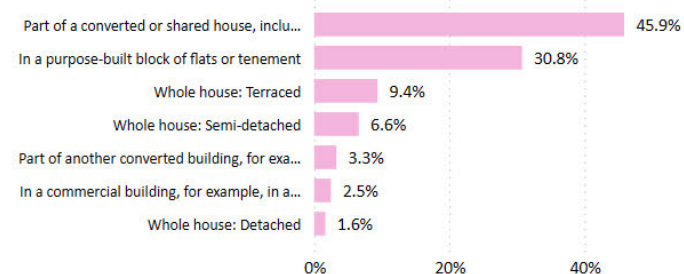
% for Bristol

35.2%

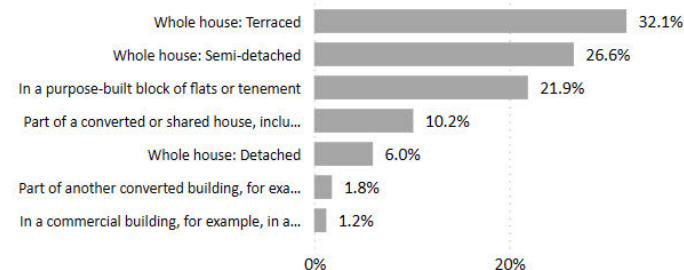
% for England & Wales

21.7%

% of households for area



% of households for Bristol



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Accommodation Type Area Profile

Select a geography:

Ward

Select an area:

Central

Change topic:

Accommodation Type Area Profile

 Click to
View

Accommodation Type	Households	% of total households
Whole house: Detached	38	0.6%
Whole house: Semi-detached	113	1.7%
Whole house: Terraced	273	4.2%
In a purpose-built block of flats or tenement	4,664	71.9%
Part of a converted or shared house, including bedsits	532	8.2%
Part of another converted building, for example, former school, church or warehouse	581	9.0%
In a commercial building, for example, in an office building, hotel or over a shop	269	4.1%
A caravan or other mobile or temporary structure	20	0.3%

Data for selected area:

Central

Total households

6,490

 People living in flats,
apartments or
maisonettes

Number for area

6,046

% for area

93.2%

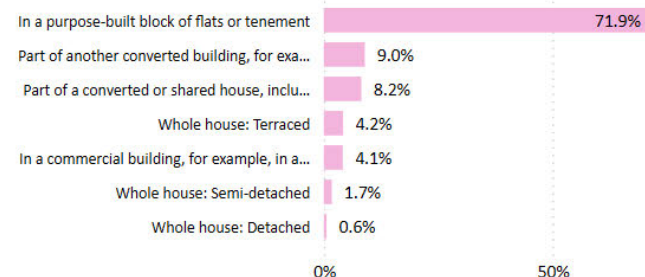
% for Bristol

35.2%

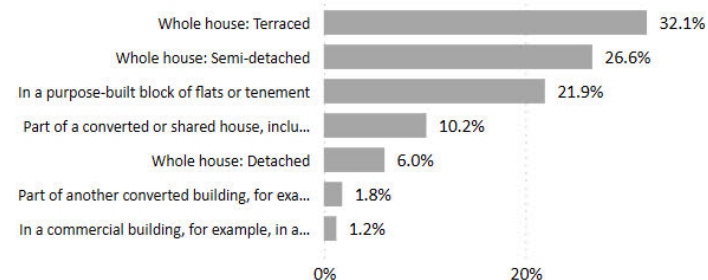
% for England & Wales

21.7%

% of households for area



% of households for Bristol



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Accommodation Type Area Profile

Select a geography:

Local Authority

Select an area:

Bristol

Change topic:

Accommodation Type Area Profile

Click to View

Accommodation Type	Households	% of total households
Whole house: Detached	11,550	6.0%
Whole house: Semi-detached	51,061	26.6%
Whole house: Terraced	61,440	32.1%
In a purpose-built block of flats or tenement	42,039	21.9%
Part of a converted or shared house, including bedsits	19,494	10.2%
Part of another converted building, for example, former school, church or warehouse	3,490	1.8%
In a commercial building, for example, in an office building, hotel or over a shop	2,380	1.2%
A caravan or other mobile or temporary structure	184	0.1%

Data for selected area:

Bristol

Total households

191,638

People living in flats, apartments or maisonettes

Number for area

67,403

% for area

35.2%

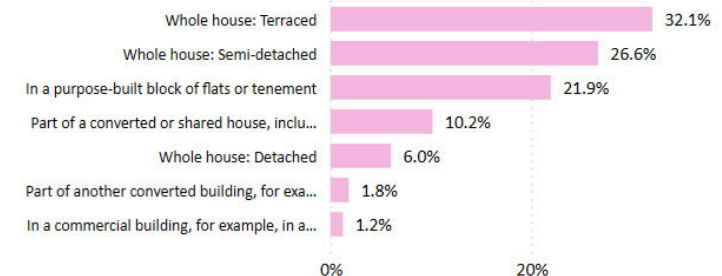
% for Bristol

35.2%

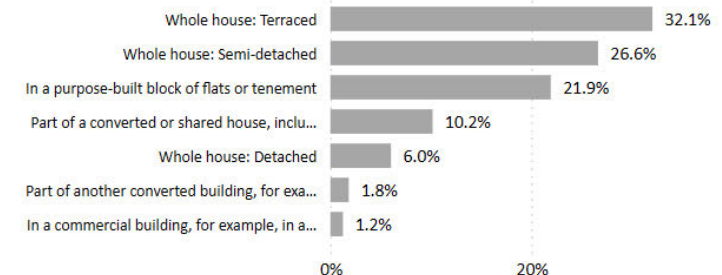
% for England & Wales

21.7%

% of households for area



% of households for Bristol



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Appendix 3

3260047 & 3260048 - Appeal Decisions

Appeal Decisions

Site visit made on 11 January 2021

by Neil Pope BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 January 2021

Appeal A Ref: APP/Z0116/W/20/3260047

Land to the rear of 85, Whiteladies Road, Clifton, Bristol, BS8 2NT.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Eastman Estates Ltd against the decision of Bristol City Council.
 - The application Ref. 20/01032/F, dated 4/3/20, was refused by notice dated 4/9/20.
 - The development proposed is the partial demolition of modern brick rear wall and construction of a 2-storey building for use as a 6 bedroom HMO (sui generis student use) with associated refuse and cycle storage (agreed amended description).
-

Appeal B Ref: APP/Z0116/Y/20/3260048

Land to the rear of 85, Whiteladies Road, Clifton, Bristol, BS8 2NT.

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Eastman Estates Ltd against the decision of Bristol City Council.
 - The application Ref. 20/01033/LA, dated 4/3/20, was refused by notice dated 4/9/20.
 - The works proposed are the partial demolition of modern brick rear wall and construction of a 2-storey building for use as a 6 bedroom HMO (sui generis student use) with associated refuse and cycle storage (agreed amended description).
-

Decisions

1. The appeals are allowed. Planning permission and listed building consent are granted for the proposed partial demolition of modern brick rear wall and construction of a 2-storey building for use as a 6 bedroom HMO (sui generis student use) with associated refuse and cycle storage at land to the rear of 85, Whiteladies Road, Clifton, Bristol, BS8 2NT. The permission and consent are granted in accordance with the terms of the respective applications, Refs. 20/01032/F and 20/01033/LA, dated 4/3/20, and subject to the conditions set out in the attached Schedule.

Preliminary Matters

2. Prior to the Council's determination of the applications amended plans were submitted. These show a proposed 6 bedroom hipped roof building, clad in natural slates, rather than a mansard style metal standing seam roof building. I have determined the appeals on the basis of these amended plans.
3. An application for costs was made by the appellant against the Council in respect of appeal B. This application is the subject of a separate Decision.

Main Issues

4. The two main issues are: firstly, whether the proposal would be likely to result in any population imbalance within the local community and harm the amenity

of the local area (appeal A only) and; secondly whether the proposal would preserve the settings of the grade II listed buildings at 83, 85 and 87 Whiteladies Road and preserve or enhance the character or appearance of the Whiteladies Road Conservation Area (WRCA) (appeals A and B).

Reasons

Planning Policy

5. The development plan includes the 2011 Bristol Core Strategy (CS) and the Council's 2014 Site Allocations and Development Management Policies Local Plan (LP). The most important policies to the determination of appeal A¹ are CS policies BCS18 (housing type), BCS20 (effective and efficient use of land), BCS22 (heritage assets) and LP policies DM2 (shared and specialist housing) and DM31 (heritage assets).
6. Policies BCS22 and DM31 do not reflect the 'heritage balance' contained within paragraph 196 of the National Planning Policy Framework (the Framework). This would limit the weight to be given to any conflict with these policies.
7. In determining appeal A, I have also taken into account the Council's Supplementary Planning Document (SPD) 'Managing the development of houses in multiple occupation', which it adopted in November 2020.

Population Imbalance / Amenity (Appeal A only)

8. CS policy BCS18 requires all new residential development to maintain, provide or contribute to a mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities. Amongst other things, such development should aim to contribute to the diversity of housing in the local area and help to redress any housing imbalance that exists. This policy is consistent with some of the housing objectives contained within the National Planning Policy Framework (the Framework).
9. LP policy DM2, amongst other things, recognises that shared housing provides an important contribution to people's housing choice and aims to ensure that future specialist housing for students meets appropriate standards and is sensibly located. Such development is not permitted where it would harm the residential amenity or character of the locality or create or contribute to a harmful concentration² of such uses within a locality.
10. The Council's recently adopted SPD is aimed at providing further guidance on implementing LP policy DM2 in relation to houses in multiple occupation (HMO). Amongst other things, the SPD identifies situations where harmful HMO concentrations are likely to arise. These include the 'sandwiching' of residential properties and areas where more than 10% of dwellings are occupied as HMOs.
11. Some interested parties have asserted that the proposal would result in a harmful 'sandwiching' effect. However, this has not been argued by the Council³ which, instead, is concerned over the amount of HMOs within this part of Clifton. It has calculated⁴ that the proportion of HMO accommodation within

¹ The provisions of section 38(6) of the Planning and Compulsory Purchase Act 2004 are not engaged in appeal B.

² Exacerbating any existing harmful conditions or reducing the choice of homes by changing the housing mix.

³ Within the officer's report it is explained why the proposal would not result in such an effect.

⁴ Based on licensing data held under Part 2 of the Housing Act 2004.

- 100m of the centre of 85 Whiteladies Road is about 14%. This rises to about 18% when taken from the centre point of the appeal site.
12. Whichever of the above figures are used, the proposed development would exceed the 10% threshold specified within the SPD. This tends to weigh against granting planning permission and suggests that there may be an existing harmful concentration of HMOs within the area and that the proposal would exacerbate this harmful impact.
 13. I note that the area is the subject of an Article 4 Direction controlling the change of use of properties to small HMOs. I also note the concerns of the ward Member and some residents regarding the increase in student population. However, there is no cogent evidence before me to demonstrate any harm to the mix and balance of housing/population or to the character or amenity of the local area as a consequence of the existing proportion of HMOs.
 14. Moreover, it has not been demonstrated how, if at all, the proposed development would exacerbate any existing harmful impact, including any reduced social cohesion or community engagement, as a result of any ensuing demographic imbalance. Some interested parties have drawn attention to the changing nature of some retail and business premises within the local area. However, there is no suggestion of any likely reduction in community services as a consequence of any increase in the student/transient population from the appeal scheme. Far greater challenges and changes to the composition of local retail and commercial areas are likely to occur as a result of the current pandemic rather than the proposed six student bedrooms.
 15. The proposal would not result in the loss of existing family or other housing and could help reduce the pressure to convert the stock of existing housing to student accommodation. There would be no reduction in the choice of homes available within the area. The proposed development would be located to the rear of some business and commercial premises along the normally bustling Whiteladies Road⁵ and would front Hampton Lane which also contains a mix of uses⁶. The increase in activity associated with six new student bedrooms within this part of Clifton would be very modest and unlikely to cause excessive noise and disturbance to existing residents. Most students are respectful of their neighbours but, if required, separate legislation exists to address any anti-social behaviour.
 16. The site's convenient location to the University and public transport services would limit the generation of motor vehicle traffic from the proposed development⁷. Adequate provision would be made for cycle parking and refuse/recycling storage and there is nothing before me to indicate any harmful increase in pressure for on-street parking or undue risk to highway safety. The proposed accommodation would offer a good standard of living and would be designed to avoid any significant loss of privacy⁸ for neighbouring residents.

⁵ I visited the site during a national lockdown due to the COVID-19 pandemic. However, I have experienced the activities taking place along Whiteladies Road on numerous previous occasions.

⁶ I note from the officer's report that development to the rear of Whiteladies Road and Cotham Hill was described as having a "semi-industrial" and "intimate" character.

⁷ As I saw during my visit, part of the site is used for car parking and there is unlikely to be any significant increase in motor vehicle traffic.

⁸ This matter was carefully considered within the officer's report and no harm was identified to neighbouring residents in this "tight, urban, mews style street". This included the occupiers of 15A, due to the size and positioning of the proposed windows. I agree with the Council's assessment on this matter.

17. Given the above, I conclude on the first main issue that the proposal would be unlikely to result in any population imbalance within the local community and would not harm the amenity of the local area. The proposed development accords with the provisions of CS policy BCS18 and LP policy DM2.

Settings of grade II listed buildings / WRCA (Appeals A and B)

18. The Council withheld listed building consent on the basis that without planning permission in place for development of the site there would be unjustified harm to the setting of adjacent listed buildings⁹. Given the similarities in the relevant statutory duties¹⁰ regarding listed buildings, it is unclear why there was no 'duplicate' reason for refusal in respect of the planning application.
19. The appeal site forms part of the surroundings in which Nos. 83, 85 and 87 Whiteladies Road are experienced. It also lies within the WRCA. The above noted statutory duties regarding listed buildings are therefore engaged, as well as the separate duty¹¹ in respect of conservation areas.
20. Over time, there have been numerous changes to the settings of these mid-19th century listed buildings¹², including the large two storey 20th century extension to the rear of No.85 and the loss of rear garden spaces. There is nothing before me to demonstrate that the appeal site, which includes a hard surfaced car parking area with a small section of modern brick wall topped with concrete coping stones, contributes to the significance of these listed buildings. As I saw during my visit, this section of wall also appears to have a significant structural defect. Its removal would not have any adverse impact upon the significance or settings of these listed buildings.
21. I note the contents of the Council's Whiteladies Road Conservation Area Enhancement Statement (1993). The WRCA is a sizeable area that includes a principal shopping street along Whiteladies Road, as well as residential areas that contain a variety of house types and different sized dwellings. The significance of this designated heritage asset is mainly derived from its architectural qualities, which include the contribution made by the numerous listed buildings, as well as its historic attributes, which include the irregular street grids, plot layouts, trees and garden spaces that all form an integral part of this suburb of Bristol. As I noted during my visit, the narrow width of Hampton Lane and the siting of some buildings close to the edge of the carriageway creates something of an intimate character in parts of this street.
22. It would appear that the primary historic function of Hampton Lane was to provide access to the rear of properties on Whiteladies Road and Cotham Hill. As already noted, this lane now includes a mix of uses and buildings of various sizes and styles, such as the mews style houses at 15A and 16 Hampton Lane and the new three storey building (student HMO) at 91 Hampton Lane. I agree with the Council's officers that the appearance of the appeal site is somewhat

⁹ In an email of 22 December 2020, the Council clarified that it was primarily concerned with the setting of 85 Whiteladies Road and "to a lesser extent" also 83 and 87 Whiteladies Road. The Council also informed me that whether the development would enhance the character or appearance of the WRCA was not discussed by members of the Planning Committee. I note that the LPA has not identified any harm to the WRCA and within the committee report the officers identified a negligible degree of harm to the settings of adjacent listed buildings and an enhancement to the character and appearance of the WRCA.

¹⁰ Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

¹¹ Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

¹² The significance (heritage interest) of these buildings is primarily derived from their architectural interest, which includes their double-depth plan, limestone ashlar walls, traditional detailing and late Georgian style.

cluttered, disordered and does not amount to a high quality environment. It does not contribute to the significance of the WRCA.

23. The removal of the small section of brick wall within the appeal would not harm the character or appearance of the WRCA and the historic layout of this plot would still be discerned. Given my finding above in respect of the impact upon the settings of Nos. 83, 85 and 87 Whiteladies Road, listed building consent should not be withheld. Appeal B should therefore be allowed.
24. The proposed two storey building would be built close to the edge of Hampton Lane. The Council has calculated that it would be 5.7 metres high to eaves and 7.7m to the ridge. The roof would include a gable facing this street and would be hipped to the sides and rear. Some solar panels would be affixed to the south facing roof slope. The front and rear elevations would be stepped by way of projecting two storey elements. These would terminate at eaves level with flat roofs. The building would be finished with a blue brick plinth and buff brick walls and the roof would be clad using natural slate. A low natural stone wall would be provided adjacent to Hampton Lane and there would be bin and cycle storage facilities at the rear of this new building.
25. The proposed building would be designed to a high standard and would be of comparable height to other two storey buildings within the street. I agree with the Council's officers, that it would offer a revised form of enclosure to Hampton Lane and would result in a successful transition between the single storey buildings to the south and the taller building at 91 Hampton Lane. The appellant's architect has given thoughtful consideration to the proposed design.
26. I conclude on the second main issue that the proposal would preserve the settings of the grade II listed buildings at 83, 85 and 87 Whiteladies Road and result in a modest enhancement to the character and appearance of the WRCA. It would accord with the provisions of CS policy BCS22 and LP policy DM31.

Other Matters

27. The proposed development would entail the more efficient use of previously developed urban land for housing in accordance with CS policy BCS20. It would increase the stock of housing available within this part of the city and occupiers of the building would help support local services and facilities. The development would also provide some limited support to the construction industry. These public benefits weigh in favour of granting permission/consent.

Planning Conditions

28. In addition to the 'standard' conditions requiring development/works to commence within a period of three years, in the interests of certainty conditions would be necessary specifying the approved drawings.
29. Some pre-commencement conditions have been suggested by the LPA. The appellant's agent has agreed that these would be necessary if the appeals were to be allowed. There are some exceptional circumstances that would justify attaching some of these conditions¹³, such as the need to limit the risk of congestion on and damage to the highway (Construction Management Plan, survey of the highway and reinstatement of the footway), the need to ensure

¹³ Appeal A only.

adequate drainage (submission of drainage details) and the need to provide adequate living conditions for occupiers of the building (noise assessment).

30. In both appeals, conditions would be necessary to safeguard the settings of the above noted listed buildings and the character and appearance of the WRCA (details of the proposed recessed brick panels and the external materials). Separate conditions would be necessary (appeal A) to ensure adequate climate change mitigation was secured and to achieve the sustainable credentials of the proposal (the proposed photovoltaic system and those matters set out in the Sustainability Statement submitted in support of the proposals).
31. Conditions would also be necessary (appeal A) to ensure adequate arrangements for waste management, pedestrian and cycle access to the site and safeguarding public health in the event of any unexpected land contamination being discovered. Where necessary, and in the interests of concision, I have modified some of the suggested conditions. Other conditions suggested to me would not meet the tests in paragraph 55 of the Framework.

Overall Conclusions

32. Given all of the above, I conclude that both appeals should succeed.

Neil Pope

Inspector

SCHEDULE OF CONDITIONS

Appeal A (Planning Permission)

1. The development hereby permitted shall begin before the expiration of three years from the date of this decision.
2. The development hereby permitted shall be undertaken in accordance with the following approved drawings: 1:1,250 scale site location plan [ref. 1670(L)00]; 1:200 scale proposed site plan [ref. 1670(L)120 Rev A]; 1:100 scale proposed ground floor plan [ref. 1670(L)121 Rev B]; 1:100 scale proposed first floor and roof plan [ref. 1670(L)122 Rev D]; 1:100 scale proposed east elevation [ref. 1670(L)124 Rev D]; 1:100 scale proposed north elevation [ref. 1670(L)125 Rev C]; 1:100 scale proposed west elevation [ref. 1670(L)126 Rev C]; 1:100 scale proposed south elevation [ref. 1670(L)127 Rev C]; 1:200 scale proposed west elevation street context [ref. 1670(L)131] and; 1:50 scale proposed sections [ref. 1670(L)130].
3. No development shall commence until details of the following have been submitted to and approved in writing by the Local Planning Authority:
 - a) a Construction Management Plan;
 - b) a survey of the condition of the existing highway along this section of Hampton Lane;
 - c) details of the reconstruction of the footway along this section of Hampton Lane and a timetable for undertaking such works;
 - d) the proposed foul and surface water drainage details;
 - e) a noise risk assessment of the development, including details of noise

insulation measures.

The development shall be undertaken in accordance with the approved details.

4. No development shall proceed above slab level until details of the proposed photovoltaic system to be used in the building, including the expected annual energy generation and a timetable for providing this system, has been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details and the approved system shall be retained for use thereafter.
5. No development shall proceed above slab level until details of the proposed recessed brick panels (including reveal depth) and those materials specified on the approved drawings, including the proposed buff coloured clay facing bricks, the Staffordshire blue coloured plinth bricks, the natural slates to be used on the roof and the natural stone and coping to be used on the low section of roadside wall, have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.
6. The development shall be undertaken in accordance with the details specified in the Waste Management Plan dated 27 February 2020 and submitted with the application. Except on collection days, the bins shall be stored in the facilities shown on the approved plans.
7. In the event that contamination is found at any time when carrying out the approved development, it shall be reported immediately to the Local Planning Authority (LPA). An investigation and risk assessment shall then be undertaken in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11', and where remediation is necessary a remediation scheme shall be prepared which ensures the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. Following completion of measures identified in the approved remediation scheme a verification report shall be prepared, which is subject to the approval in writing of the LPA.
8. The building hereby approved shall not be occupied until the means of access for pedestrians and cyclists have been constructed in accordance with the details shown on the approved plans. These accesses shall thereafter be retained.
9. Insofar as the development relates to a 6 bedroom building as opposed to a 9 bedroom building, it shall be undertaken in accordance with the Climate Change & Sustainability Statement dated 14 February 2020, and submitted with the application.

Appeal B (Listed Building Consent)

1. The works hereby permitted shall begin before the expiration of three years from the date of this decision.
2. The works hereby permitted shall be undertaken in accordance with the following approved drawings: 1:1,250 scale site location plan [ref. 1670(L)00];

1:200 scale proposed site plan [ref. 1670(L)120 Rev A]; 1:100 scale proposed ground floor plan [ref. 1670(L)121 Rev B]; 1:100 scale proposed first floor and roof plan [ref. 1670(L)122 Rev D]; 1:100 scale proposed east elevation [ref. 1670(L)124 Rev D]; 1:100 scale proposed north elevation [ref. 1670(L)125 Rev C]; 1:100 scale proposed west elevation [ref. 1670(L)126 Rev C]; 1:100 scale proposed south elevation [ref. 1670(L)127 Rev C]; 1:200 scale proposed west elevation street context [ref. 1670(L)131] and; 1:50 scale proposed sections [ref. 1670(L)130].

3. No works shall proceed above slab level until details of the proposed recessed brick panels (including reveal depth) and details of those materials specified on the approved drawings, including the proposed buff coloured clay facing bricks, the Staffordshire blue coloured plinth bricks, the natural slates to be used on the roof and the natural stone and coping to be used on the low section of roadside wall, have been submitted to and approved in writing by the Local Planning Authority. The works shall be undertaken in accordance with the approved details.

Appendix 4

Extant Planning Permission for Dwelling



Appeal Decision

Site visit made on 28 October 2022

by Lewis Condé BSc (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 December 2022

Appeal Ref: APP/Z0116/W/22/3301596

6 Tyndalls Park Road, Cotham, Bristol BS8 1PY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr R. Bendle against the decision of Bristol City Council.
 - The application Ref 21/01703/X, dated 25 March 2021, was refused by notice dated 28 January 2022.
 - The application sought planning permission for 'Demolition of boundary wall and construction of a two storey building containing 1no. residential unit with associated provision of amenity space, refuse and cycle storage' without complying with a condition attached to planning permission Ref 20/01279/F, dated 7 August 2020.
 - The condition in dispute is No 12 which states that: 'The development shall conform in all aspects with the plans and details shown in the application as listed below, unless variations are agreed by the Local Planning Authority in order to discharge other conditions attached to this decision.
1593 (L) 01B Location plan, received 18 March 2020
1593 (L) 45C Proposed site and ground floor plan, received 18 March 2020
1593 (L) 51B Proposed East elevation, received 18 March 2020
1593 (L) 52D Proposed North elevation, received 18 March 2020
1593 (L) 41C Proposed block plan 1 to 200, received 22 July 2020
1593 (L) 40C Proposed block plan 1 to 500, received 22 July 2020
1593 (L) 46C Proposed First floor and roof plans, received 22 July 2020
1593 (L) 53D Proposed West elevation, received 22 July 2020
1593 (L) 50C Proposed South elevation, received 22 July 2020'
 - The reason given for the condition is: 'For the avoidance of doubt'.
-

Decision

1. The appeal is allowed and planning permission is granted for the demolition of boundary wall and construction of a two storey building containing 1no. residential unit with associated provision of amenity space, refuse and cycle storage at rear of 6 Tyndalls Park Road, Bristol, BS8 1PY without complying with condition 12 previously attached to planning permission Ref 20/01279/F, dated 7 August 2020, subject to the conditions set out in the attached schedule.

Preliminary Matter

2. The site address in the banner heading above is taken directly from the planning application form. The address on the Council's decision notice relates to 'Rear of 6 Tyndalls Park Road', which is consistent with the site address on the original planning permission ref: 20/01279/F, and which has also been stated on the appeal form. It is on this basis that the appeal has been

determined and I have used the amended address in the formal decision above.

Background and Main Issues

3. Planning permission was granted in August 2020 for a detached dwelling at the site under permission reference: 20/01279/F. The appellant is now seeking to alter the scale and design of the dwelling, through varying a condition on that permission which specified the approved plans. The existing permission is a material consideration in this case, but I have come to my decision based on the circumstances of the site and the details of the scheme before me.
4. Therefore, the main issues are:
 - The effect of the development on the character and appearance of the area, having particular regard to whether the character or appearance of the Whiteladies Road Conservation Area (CA) would be preserved or enhanced; and
 - The effect of the development on the living conditions of the occupiers of the basement flat at No 6 Tyndalls Park Road (No. 6) and whether the future occupiers of the proposed development would have acceptable living conditions, with specific regard to the effect on the outlook from their outdoor spaces.

Reasons

Character and Appearance and the CA

5. The appeal site is located to the rear of No. 6 Tyndalls Park Road and comprises an enclosed car parking area set behind high rubblestone walls and timber gates. Access to the site is off Elmdale Road.
6. The site lies within the Whiteladies Road Conservation Area (CA). The heritage significance of the CA is largely derived from its cohesive traditional architecture, including high-quality detailing and the frequent use of local stone. In the immediate vicinity of the appeal site, the CA is mainly characterised by substantial period villas of grand proportions and robust build quality. However, many of the properties, have been converted into flats, offices or uses associated with the University of Bristol. In addition, the area also contains examples of more modern infill development.
7. The previously approved dwelling at the site would have the general characteristics of a traditional coach-house located to the rear of 6 Tyndall Park Road. However, it would display a modern appearance that would contrast with immediate neighbouring properties.
8. The appellant is now seeking to utilise existing foundations present at the site. I understand that the foundations were installed in the 1990s as part of an unrelated planning permission for a garage development. In doing so, the dwelling now proposed would be increased in height from that approved under application 20/01279/F. Notably, the eaves height would be raised, whilst the overall ridge height of the roof would increase by approximately 760mm. The proposal would also no longer require a stepped access to the property.
9. Despite the marginal increase in height, the building would remain subservient in scale to the surrounding properties, whilst the footprint and siting of the

development would be consistent with that previously approved. As such, the proposed building would not appear cramped within its plot.

10. Furthermore, although the proposed dwelling would be more prominent within the street scene, including its front windows, it would continue to utilise appropriate materials. Its overall contemporary design would also be subordinate in appearance to the grander scale and features of the surrounding properties. Due to its overall modest scale and appropriate detailing, I consider that the proposed dwelling would assimilate well within the streetscene and would not appear as a discordant feature.
11. Overall, I consider that the proposed design of the development would be appropriate to the site context. The character and appearance of the CA would be preserved and the scheme would be sympathetic to the character and appearance of the area. The appeal scheme is therefore in accordance with Policies BCS21 and BCS22 of the Bristol Development Framework Core Strategy (adopted 2011) (Core Strategy) and Policies DM26, DM27, DM29 and DM31 of the Site Allocations and Development Management Policies Local Plan (adopted 2014) (SADMP). Together these policies, amongst other matters, seek to ensure that new development is of a high-quality design that positively contributes towards local character and distinctiveness and that it conserves or enhances heritage assets.
12. The development would also satisfy the requirements of Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 and the Framework insofar as it relates to conserving the historic environment.

Living Conditions

13. The amenity space serving No. 6's basement unit is largely enclosed behind a high fence topped with a trellis, along with high boundary walls. The space is limited in size, while stepped access to the basement unit and storage of refuse bins further reduces its practical use. Nevertheless, it provides sufficient room to sit outside. Indeed, a small external table and chair were present at the time of my site visit. However, due to the limited size of the amenity space, the existing boundary enclosures have a rather imposing impact on the use of this space.
14. The proposed new dwelling would not be particularly perceptible when sat in the amenity space of No. 6's basement unit. This is because only a small amount of the proposed roof is likely to be visible above the existing boundary fence. Furthermore, due to the distance that the proposal would be set from the common boundary with No. 6, and the angled nature of its pitched roof, it would not materially increase the sense of enclosure when viewed from No. 6's external garden space.
15. Turning to the living conditions of the future occupiers of the proposal, due to its location and footprint, the proposed dwelling would not affect the overall quantum of amenity space nor its positioning. The increased height of the proposal would further enclose the development's external space, however, not to an extent that would lead to material harm to the enjoyment of that space. The area would therefore remain of a sufficient quality to ensure that potential future occupiers of the dwelling would have acceptable living conditions having regard to outdoor space.

16. Consequently, I find that the proposal would not cause harm to the living conditions of the occupiers of the basement flat at No. 6 and would provide acceptable living conditions for the future occupiers of the proposed development, having regard to outdoor space. Accordingly, the proposal would comply with Policy BCS21 of the Core Strategy and Policies DM27 and DM29 of the SADMP. Together these policies, amongst other matters, seek to safeguard the amenity of neighbouring occupiers and create a high-quality environment for future occupiers. The development would also accord with the aims of the Framework, in respect of providing a high standard of amenity for existing and future users.

Other Matters

17. The appellant has highlighted the potential benefits associated with the proposed development's use of the existing foundations at the site. This would include reduced environmental impacts, preserving the structural integrity of historic boundary walls, and providing the proposed dwelling with level access. However, given I have found that the proposed development would accord to the Council's development plan policies, these potential benefits have not been determinative in my decision.

Conditions

18. Allowing the appeal grants a new planning permission. The Planning Practice Guidance (PPG) advises that planning permission cannot be granted under Section 73 to extend the time limit within which a development must be started, accordingly a condition is attached to clarify that permission must commence within the time-limit of the original permission.
19. The guidance in the PPG also makes clear that decision notices for the grant of planning permission under section 73 should also restate the conditions imposed on earlier permissions that continue to have effect. As I have no information before me about the status of the other conditions imposed on the original planning permission, I shall impose all those that I consider remain relevant. In the event that some have in fact been discharged, that is a matter which can be addressed by the parties.
20. A pre-commencement condition relating to the detailed design of a sustainable drainage system is necessary in the interest of surface water flood risk. Conditions relating to the details of PV panels to be installed, as well as the incorporation of energy efficient measures, are required so that the development contributes to mitigating and adapting to climate change. Further detailed drawings of external elements of the development are required to ensure the quality of finish, in the interests of the character and appearance of the area.
21. Conditions relating to the provision and maintenance of cycle parking are necessary to ensure provision and encourage a sustainable form of transport. There is a need for a condition requiring the implementation of an area for refuse and recycling facilities. This is to safeguard the visual amenity of the area and the amenities of the occupiers of the dwelling. A condition requiring the completion and retention of pedestrian and cyclist access is needed in the interest of highway safety.

22. Restrictions on permitted development rights relating to extensions to the dwelling, and the erection of outbuildings, are necessary to safeguard the amenity of the occupiers of the development and adjoining residents. Similarly, conditions relating to obscure glazing in relevant windows, and restricting the insertion of additional windows into the building, are needed to safeguard the privacy of adjoining occupiers.
23. Finally, a condition requiring development be undertaken in accordance with the updated approved plans is necessary for clarity and certainty.

Conclusion

24. For the reasons given above, I conclude that the appeal should be allowed. I shall therefore grant a new planning permission with condition 12 varied and subject to the additional conditions below.

Lewis Condé

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of the original permission Reference 20/01279/F (which was granted on 7 August 2020).
- 2) The development hereby approved shall not commence until a Sustainable Drainage Strategy and associated detailed design, management and maintenance plan of surface water drainage for the site using SuDS methods has been submitted to and approved in writing by the Local Planning Authority. The drainage strategy must demonstrate that the proposed drainage system will limit discharge to the capacity of the existing sewer network or existing discharge rate. The approved drainage system shall be implemented in accordance with the approved Sustainable Drainage Strategy prior to the use of the building commencing and maintained thereafter for the lifetime of the development.
- 3) Prior to the installation of the PV panels hereby approved, details (including the exact location (to include the optimisation of positioning), dimensions, design/ technical specification and method of fixing) relating to the equipment shall be submitted to and agreed in writing by the Local Planning Authority. The approved equipment shall be installed and operational prior to the first occupation of the use which they serve and retained as operational thereafter in perpetuity.
- 4) Detailed drawings at the scale of (1:100) of the following shall be submitted to and be approved in writing by the Local Planning Authority before the relevant part of work is begun. The detail thereby approved shall be carried out in accordance with that approval.
 - (a) All new windows, doors and gates
 - (b) All Roof Coverings
 - (c) External cladding
 - (d) All Balustrade/balcony materials
 - (e) Stone work details
 - (f) Rainwater Goods
- 5) No building or use hereby permitted shall be occupied or the use commenced until the cycle parking provision shown on the approved plans has been completed, and thereafter, be kept free of obstruction and available for the parking of cycles only.
- 6) No building or use hereby permitted shall be occupied or use commenced until the refuse store and area/facilities allocated for storing of recyclable materials, as shown on the approved plans have been completed in accordance with the approved plans.

Thereafter, all refuse and recyclable materials associated with the development shall either be stored within this dedicated store/area, as shown on the approved plans, or internally within the building(s) that form part of the application site. No refuse or recycling material shall be stored or placed for collection on the adopted highway (including the footway), except on the day of collection.

- 7) No building or use hereby permitted shall be occupied or the use commenced until the means of access for pedestrians and/or cyclists have been constructed in accordance with the approved plans and shall thereafter be retained for access purposes only.
- 8) The development hereby approved shall incorporate the energy efficiency measures, renewable energy, sustainable design principles and climate change adaptation measures into the design and construction of the development in full accordance with the energy and sustainability statements (Climate Change and Sustainability Statement, by Environomic dated 13 June 2019) prior to first occupation. A total 20% reduction in carbon dioxide emissions beyond Part L 2013 Building Regulations in line with the energy hierarchy shall be achieved through improved building fabric, and a 20% reduction in carbon dioxide emissions below residual emissions through renewable technologies (solar panels) shall be achieved.
- 9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) no extension or enlargement (including additions to roofs) shall be made to the dwellinghouse(s) hereby permitted, or any detached building erected, without the express permission in writing of the council.
- 10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) no windows, other than those shown on the approved plans shall at any time be placed in the elevation of the building/extension hereby permitted without the grant of a separate planning permission from the Local Planning Authority.
- 11) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) the proposed specified windows shall be glazed with obscure glass and shall be permanently maintained thereafter as obscure glazed.
- 12) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - 1593 (L) 01B Location Map (Date on drawing 03/12/15);
 - 1593(L) 40D Proposed block plan 1 to 500 (Date on drawing 14/01/19);
 - 1593(L) 45D Proposed site & ground floor plans (Date on drawing 14/01/19);
 - 1593(L) 46E Proposed first floor and roof plans (Date on drawing 14/01/19);
 - 1593(L) 50E Proposed south elevation plans (Date on drawing 14/01/19).
 - 1593(L) 51D Proposed east elevation (Date on drawing 14/01/19);
 - 1593(L) 52F Proposed north elevation (Date on drawing 14/01/19);
 - 1593(L) 53F Proposed west elevation (Date on drawing 15/01/19); and
 - 1593 L 55B – Proposed section AA (Date on drawing 15/01/19).



Responsibility is not accepted for errors made by others scaling from this drawing. All construction information should be taken from figured dimensions only.

D	Building raised for level entry, steps removed	11.03.21
C	Balcony removed	22.07.20
	PLANNING SUBMISSION	22.01.20
B	Plan updated	22.01.20
A	Roof plan updated	25.11.19
	PLANNING SUBMISSION	26.06.19
REV	NOTE	DATE

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Project 6 Tyndalls Park

Drawing Title Proposed Block Plan

Drawing No. 1593(L)40

Scale @A3	drawn by	Date	Rev
1:500	LH	14/01/19	D



Responsibility is not accepted for errors made by others scaling from this drawing. All construction information should be taken from figured dimensions only.



D	Building raised for level entry	11.03.21
C	Balcony removed	22.07.20
	PLANNING SUBMISSION	22.01.20
B	Building frontage amended, bikes and bins amended	22.01.20
A	Building Frontage amended	21.10.19
	PLANNING SUBMISSION	26.06.19
REV	NOTE	DATE

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Project **6 Tyndalls Park**

Drawing Title **Proposed Site Plan/
Ground Floor Plan**

Drawing No. **1593(L)45**

Scale @A3	drawn by	Date	Rev
1:100	LH	14/01/19	D



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E	Note amended	30.11.21
D	Building raised for level entry	11.03.21
C	Balcony removed, Juliet balcony added	22.07.20
	PLANNING SUBMISSION	22.01.20
B	Bikes and bins amended	22.01.20
A	Building Frontage amended	21.10.19
	PLANNING SUBMISSION	26.06.19
REV	NOTE	DATE



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Project	6 Tyndalls Park		
Drawing Title	Proposed First Floor and Roof Plan		
Drawing No.	1593(L)46		
Scale @A3	drawn by	Date	Rev
1:100	LH	14/01/19	E

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MATERIAL
CLADDING MATERIALS: NEW STONE TO
MATCH EXISTING GARDEN WALL
BLUE SEMI-ENGINEERING BRICKS FOR
PLINTH
WESTERN RED CEDAR CLADDING TREATED
WITH OSMO UV RESISTANT OIL
WINDOWS: VELFAC 200 SERIES IN RAL 7015
RAINWATER GOODS: ALUMINIUM PROFILES
IN RAL 7015
ROOF: NATURAL SLATE AND SINGLE PLY
MEMBRANE TO FLAT ROOF

E	Note and line removed	17.03.21
D	Building raised for level entry	11.03.21
C	Balcony removed, Juliet balcony added	22.07.20
	PLANNING SUBMISSION	22.01.20
B	End elevation updated	25.11.19
	PLANNING SUBMISSION	26.06.19
A	Note amended	16.05.19
REV	NOTE	DATE



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Project 6 Tyndalls Park

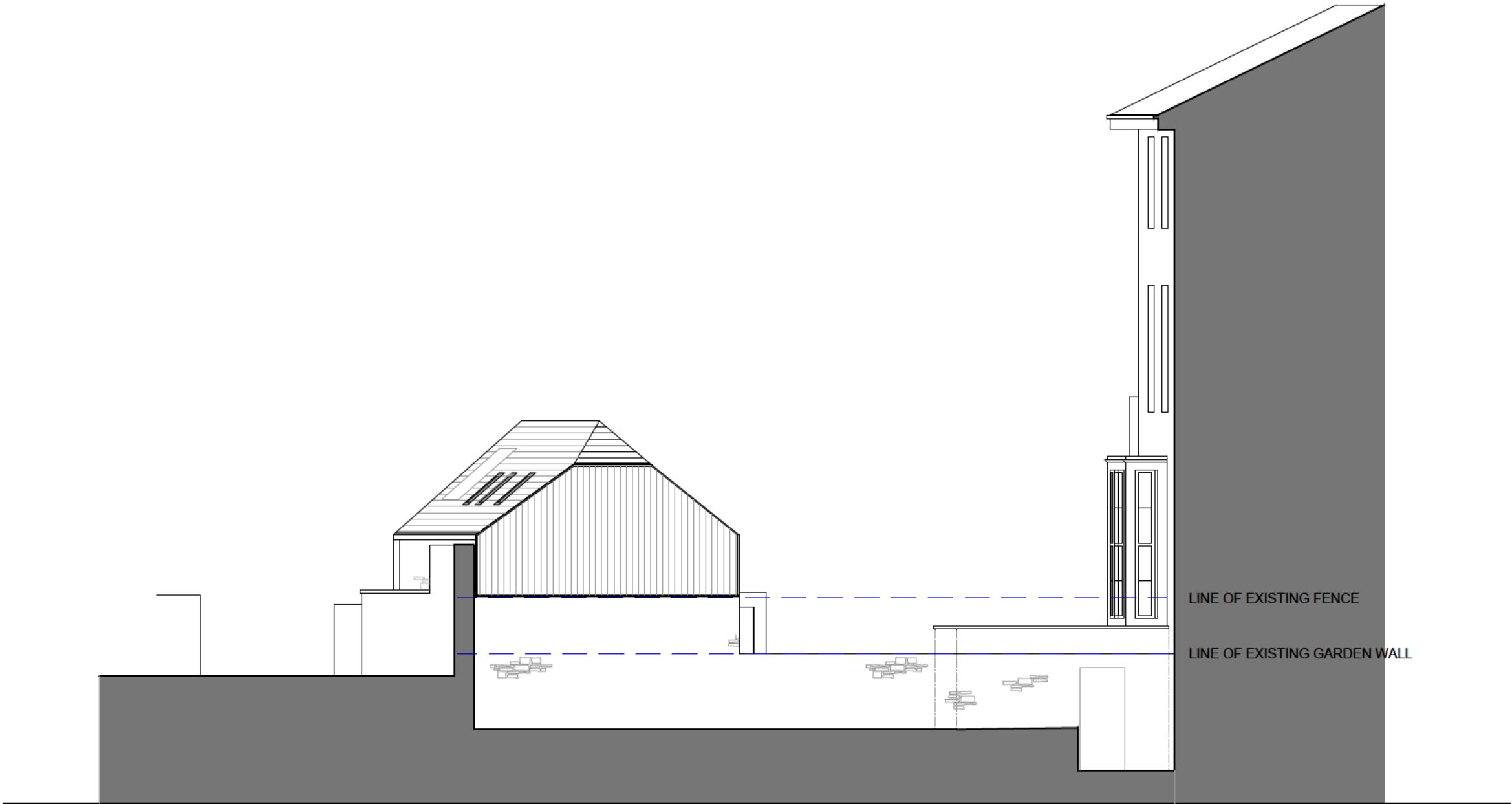
Drawing Title Proposed South Elevation

Drawing No. 1593(L)50

Scale @A3	drawn by	Date	Rev
1:100	LH	14/01/19	E



Responsibility is not accepted for errors made by others scaling from this drawing. All construction information should be taken from figured dimensions only.



MATERIAL
CLADDING MATERIALS: NEW STONE TO MATCH EXISTING GARDEN WALL
BLUE SEMI-ENGINEERING BRICKS FOR PLINTH
WESTERN RED CEDAR CLADDING TREATED WITH OSMO UV RESISTANT OIL
WINDOWS: VELFAC 200 SERIES IN RAL 7015
RAINWATER GOODS: ALUMINIUM PROFILES IN RAL 7015
ROOF: NATURAL SLATE AND SINGLE PLY MEMBRANE TO FLAT ROOF

D	Scale bar added	12.11.21
C	Building raised for level entry	11.03.21
	PLANNING SUBMISSION	22.01.20
B	Outline amended	25.11.19
	PLANNING SUBMISSION	26.06.19
A	Note amended	16.05.19
REV	NOTE	DATE



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Drawing Title Proposed East Elevation

Drawing No. 1593(L)51

Scale @A3	drawn by	Date	Rev
1:100	LH	14/01/19	D



Responsibility is not accepted for errors made by others scaling from this drawing. All construction information should be taken from figured dimensions only.



MATERIAL
CLADDING MATERIALS: NEW STONE TO MATCH EXISTING GARDEN WALL
BLUE SEMI-ENGINEERING BRICKS FOR PLINTH
WESTERN RED CEDAR CLADDING TREATED WITH OSMO UV RESISTANT OIL
WINDOWS: VELFAC 200 SERIES IN RAL 7015
RAINWATER GOODS: ALUMINIUM PROFILES IN RAL 7015
ROOF: NATURAL SLATE AND SINGLE PLY MEMBRANE TO FLAT ROOF

F	Scale bar added	12.11.21
E	Building raised for level entry	11.03.21
	PLANNING SUBMISSION	22.01.20
D	Window removed	22.01.20
C	Elevation updated	22.11.19
	PLANNING SUBMISSION	26.06.19
B	Elevation 2 updated	25.05.19
A	Note amended	16.05.19
REV	NOTE	DATE



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Drawing Title Proposed North Elevation

Drawing No. 1593(L)52



Scale @A3	drawn by	Date	Rev
1:100	LH	14/01/19	F

Responsibility is not accepted for errors made by others scaling from this drawing. All construction information should be taken from figured dimensions only.



MATERIAL
CLADDING MATERIALS: NEW STONE TO
MATCH EXISTING GARDEN WALL
BLUE SEMI-ENGINEERING BRICKS FOR
PLINTH
WESTERN RED CEDAR CLADDING TREATED
WITH OSMO UV RESISTANT OIL
WINDOWS: VELFAC 200 SERIES IN RAL 7015
RAINWATER GOODS: ALUMINIUM PROFILES
IN RAL 7015
ROOF: NATURAL SLATE AND SINGLE PLY
MEMBRANE TO FLAT ROOF

F	Scale bar added	12.11.21
E	Building raised for level entry	11.03.21
D	Balcony removed, Juliet balcony added	22.07.20
	PLANNING SUBMISSION	22.01.20
C	Railing added	22.01.20
B	Elevation updated	22.11.19
	PLANNING SUBMISSION	26.06.19
A	Note amended	16.05.19
REV	NOTE	DATE



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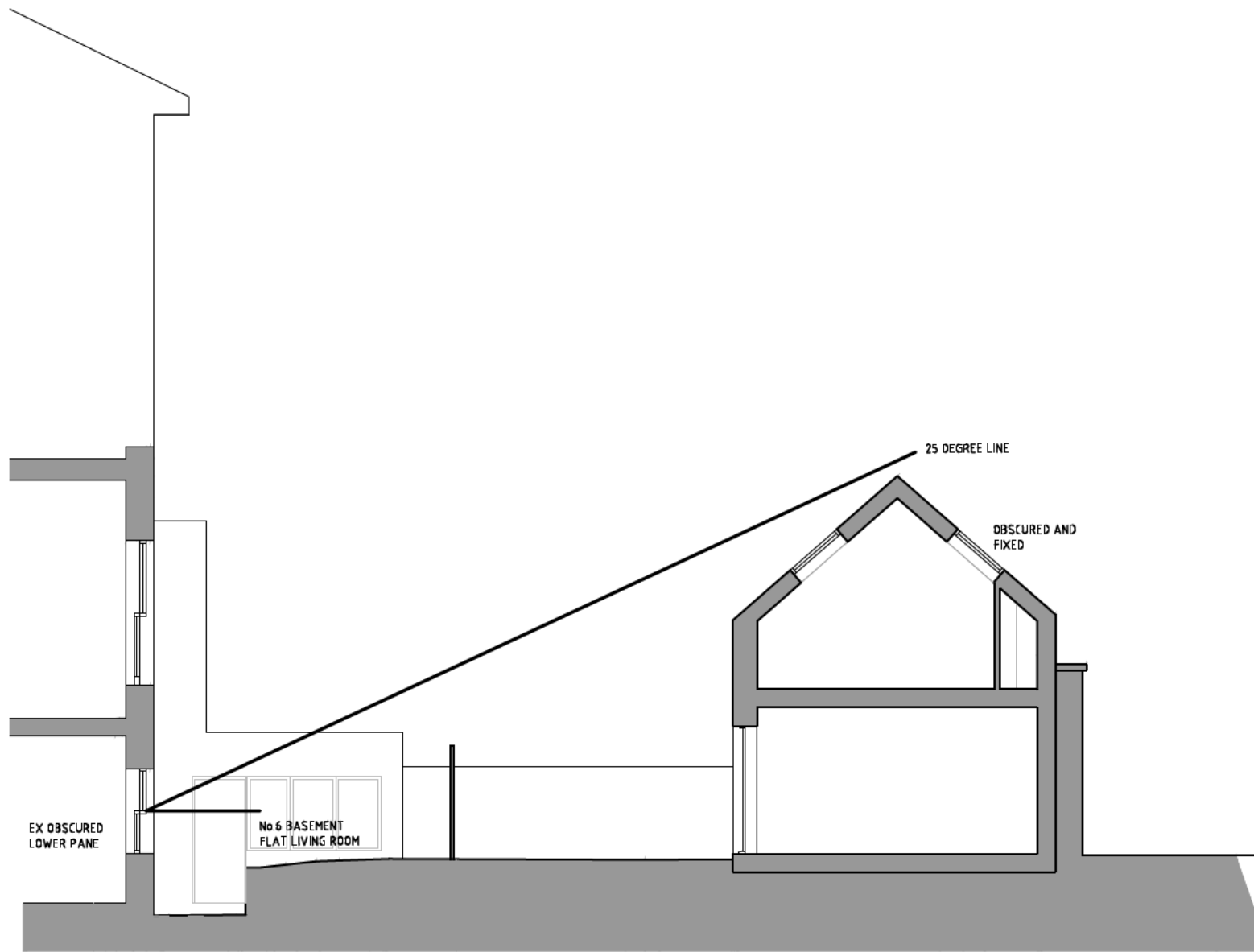
Drawing Title Proposed West
Elevation

Drawing No. 1593(L)53

Scale @A3	drawn by	Date	Rev
1:100	LH	15/01/19	F



Responsibility is not accepted for errors made by others scaling from this drawing. All construction information should be taken from figured dimensions only.



MATERIAL
CLADDING MATERIALS: NEW STONE TO MATCH EXISTING GARDEN WALL
BLUE SEMI-ENGINEERING BRICKS FOR PLINTH
WESTERN RED CEDAR CLADDING TREATED WITH OSMO UV RESISTANT OIL
WINDOWS: VELFAC 200 SERIES IN RAL 7015
RAINWATER GOODS: ALUMINIUM PROFILES IN RAL 7015
ROOF: NATURAL SLATE AND SINGLE PLY MEMBRANE TO FLAT ROOF

B	Building raised for level entry, 25 degree line added	30.11.21
	PLANNING SUBMISSION	26.06.19
A	Note amended	16.05.19
REV	NOTE	DATE



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Project 6 Tyndalls Park

Drawing Title Proposed Section A-A

Drawing No. 1593(L)55

Scale @A3	drawn by	Date	Rev
1:100	LH	15/01/19	B



Appendix 5

Certificate of Lawfulness for Existing Development



**Town and Country Planning Act 1990 (as amended): Section 191
Town and Country Planning (Development Management Procedure)
(England) Order 2015: Article 39**

Certificate of lawfulness for an existing use or development

Decision: Certificate of Lawfulness be issued

Application No. 23/03045/CE

First Schedule: Application for a Lawful Development Certificate for an Existing Use or Operation or Activity - Confirmation that consented application ref: 21/01703/X as allowed by appeal ref. APP/Z0116/W/22/3301596 has been lawfully implemented.

Second Schedule: 6 Tyndalls Park Road, Cotham, Bristol, BS8 1PY.

The council hereby certifies that on **3 August 2023** (the date the application was made), the use/operations described above in the First Schedule, in respect of the land specified in the Second Schedule, and in respect of drawings detailed below, was lawful within the meaning of the Section 191 of the Town and Country Planning Act 1990 (as amended), for the following reason(s):-

1. Based on the information submitted, there is sufficient evidence to conclude that the development has lawfully commenced prior to the expiry of planning permission 21/01703/X as allowed by appeal ref. APP/Z0116/W/22/3301596. A Lawful Development Certificate can therefore be granted.

Plans and drawings

The plans that were formally considered as part of the application are as follows:

Location plan, received 3 August 2023

Date of Notice: 25.09.24

Advices

1. This certificate is issued solely for the purpose of Section 191 of the Town and Country Planning Act 1990 (as amended).
2. It certifies that the use/operations specified in the First Schedule taking place of the land described in the Second Schedule was lawful on the specified date and, thus, was not liable to enforcement action under Section 172 of the 1990 Act on that date.
3. This certificate applies only to the extent of the use/operations described in the First Schedule and to the land specified in the Second Schedule and identified on the

attached plan. Any use/operation, which is materially different from that described or which relates to other land, may render the owner or occupier liable to enforcement action.

4. The effect of the certificate is also qualified by the proviso in Section 192(4) of the 1990 Act, as amended, which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operation begun, in any of the matters relevant to determining such lawfulness.