



Decision Notice and Statement of Reasons

Site visit made by R Dickson BSc (Hons) MSc MRTPI on 24 June 2025

Decision By Zoe Raygen DipURP MRTPI

A person appointed by the Secretary of State

Decision date: 27 June 2025

Application Reference: S62A/2025/0103

Site address: Ground Floor Flat, 6 Gordon Road, Clifton, Bristol BS8 1AP

- The application is made under section 62A of the Town and Country Planning Act 1990.
 - The site is located within the administrative area of Bristol City Council.
 - The application dated 24 April 2025 is made by Ms M Lazo and was validated on 6 May 2025
 - The development proposed is for the change of use of vacant pre-school back to single 2 bed flat.
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Decision

1. Planning permission is granted for the “change of use of vacant pre-school back to single 2 bed flat.” in accordance with the terms of the application dated 24 April 2025, subject to the conditions set out in the attached schedule.

Statement of Reasons

Procedural matters

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the application.
3. The application was made under Section 62A of the Town and Country Planning Act 1990, which allows for applications to be made directly to the Planning Inspectorate where a Council has been designated by the Secretary of State. Bristol City Council (BCC) have been designated for non-major applications since 6 March 2024.
4. Publicity of the application has been carried out in the Bristol Evening Post. Consultation was undertaken on 9 May 2025 which allowed for responses by 11 June 2025. No responses from interested parties were received.

5. Bristol City Council (BCC) submitted comments on 11 July 2025 which indicated that no objections were raised with the proposal.
6. I carried out a site visit on 24 June 2025, which enabled me to view the site internally and externally as well as the surrounding area.
7. I have taken account of all written representations in reaching my recommendation.

Main Issues

8. Having regard to the application, the consultation responses, and the information from BCC, together with what I saw on site, the main issues for this application are:
 - the acceptability of the loss of a pre-school, having regard to the development plan;
 - the effect of the proposal on the special interest of the Grade II listed building and the character and appearance of the Clifton Conservation Area (CCA);
 - the effects on the living conditions of the occupiers of nearby residential properties, and whether acceptable living conditions would be provided for future occupiers of the proposal; and
 - whether the proposal provides adequate refuse and recycling and cycle storage.

Reasons

Relevant Planning History and Background

9. The application site is the ground floor of 6 Gordon Road, a Grade II listed semi-detached villa within the CCA. Gordon Road is predominantly residential with a university building and a bar and restaurant near to Queens Road.
10. The host building was split a number of years ago into a garden flat on the lowest floor, the ground floor unit, and first and second floor maisonette. The ground floor unit, which was originally a residential flat, was granted planning consent to become a pre-school for a maximum of 24 children in July 2012¹. Included within this application and a separate application for Listed Building Consent² were alterations to the boundary wall, erection of new gates and railings, and alterations to the drive.
11. Planning permission is now sought for the change of use of the vacant ground floor pre-school to a two bed flat. No external changes are proposed. Internally, the use as a pre-school had retained the original layout of the flat, therefore no internal changes are proposed either.

¹ BCC ref. 12/00010/F

² BCC ref. 12/02574/LA

Loss of the pre-school

12. Policy BCS12 of the Bristol Development Framework Core Strategy (2011) (CS) identifies that existing community facilities should be retained unless it can be demonstrated that there is no longer a need to retain the use or alternative provision is made. The supporting text identifies that community facilities include education establishments, and as such, would include pre-schools.
13. The ground floor unit is currently vacant, with the Montessori pre-school having already been relocated to Hotwells Primary School. During its operation the pre-school faced financial pressure owing to, in part, the constraints of the site. Namely, the restrictions of the number of children able to attend, operating hours, and ability to physically expand. The relocation to an existing education establishment only 1km away has provided an alternative to the pre-school at 6 Gordon Road. As such, the Montessori provision has been retained within the area, and the proposal is in accordance with policy BCS12 of the CS and policy DM5 of the Bristol Local Plan – Site Allocations and Development Management Policies (2014) (LP) which seeks to provide appropriate replacement community facilities.

Heritage assets

14. The host building, No 6, together with 8 Gordon Road, are Grade II listed and are described as being mid to late 19th century villas with a symmetrical front and side entrance porches. As a pair, Nos 6 and 8 are set back from the road, with more outdoor space than most on Gordon Road. No 6 has a mature tree in the garden, which is subject to a tree preservation order.
15. The proposed change of use would not require any external changes to be made. Similarly, no internal changes have been proposed as part of the application as the pre-school use utilised the kitchen and bathroom, which are still in situ. As such, the proposal would not harm the Grade II listed building or its setting.
16. The applicant has suggested that the existing bathroom may be replaced, however these changes do not form part of the proposal before me. Nonetheless, I have attached an informative to this recommendation setting out that any works that would impact internal fixtures, fittings and fabric should be accompanied by either Listed Building Consent or a Listed Building Certificate of Lawfulness.
17. The site is within the CCA, the significance of which appears to derive from the predominantly residential historic terraced properties mixed with the larger semi-detached villas. Most of the residential buildings appear to have been converted to flats.
18. The change of use from a pre-school back to a residential flat would be consistent with the prevailing character of the CCA. While no external alterations are proposed, the use of the ground floor as a residential flat would not harm the significance of the area.

19. Accordingly, the proposal is in accordance with policies BCS21 and BCS22 of the CS, and policies DM26, DM27, DM30 and DM31 of the LP which collectively seek to ensure the proposals preserve and where necessary enhance listed buildings and conservation areas, ensuring that high quality urban design is delivered.

Living conditions

20. The flat would have two bedrooms, which would accommodate up to three people. Policy BCS18 of the CS requires residential developments to provide sufficient space for every day activities and space which should be flexible and adaptable. The Technical Housing Standards – Nationally Described Space Standards (2015) states that a 2 bedroom 3 person flat should have a minimum floor area of 61m². The proposed flat would provide 84.52m² of floor space. The Technical Housing Standards also set out the minimum area required for a double and single bedroom, and the proposed bedroom 1 and 2 exceed the requirement respectively.
21. The ground floor unit has large windows which look out over the outdoor space, which would provide a pleasant outlook, and sufficient light into the rooms for the future occupants. Despite the large windows, given the boundary wall and planting, the flat would not feel overlooked. Similarly, there would not be any overlooking opportunities from the proposed flat into any of the neighbouring buildings, owing to their distance and boundary treatments between them.
22. Given the previous use of the ground floor unit as a pre-school for up to 24 children, the number of vehicle movements and general activity would be significantly reduced as a result of the change of use. As such, the proposal would provide less noise and disturbance than the previous use, and would not harm the living conditions of the neighbouring occupiers.
23. The proposal would provide acceptable living conditions for the future occupants with specific regard to space, light and outlook. It would not harm the living conditions of the neighbouring occupiers either as it would not give rise to any overlooking and would reduce the level of experienced noise and disturbance which resulted from the previous use as a pre-school. The proposal is therefore in accordance with policy BCS18 and BCS21 of the CS, which seeks to protect the living conditions of future and neighbouring occupants.

Refuse, recycling and cycle storage

24. The refuse and recycling boxes and bins are currently stored behind the front boundary wall to the right hand side of the gates. They cannot be seen when standing opposite the site, nor when walking along Gordon Road towards Queens Road. The boxes and bins are only partially visible when walking along Gordon Road in the opposite direction. To my mind, the additional refuse and recycling waste that would be generated as a result of the change of use would be limited and could comfortably be accommodated with the existing facilities.
25. There are two Sheffield cycle stands in the driveway of No 6, which could accommodate 4 cycles. The existing storage is behind the entrance gates and

is therefore a safe and secure storage area. Given the secure nature of the driveway, I find that the existing provision would be adequate.

26. Accordingly, the existing on-site provision of refuse, recycling and cycle storage would be adequate, and would accommodate the needs of the future occupants of the ground floor flat. In this regard, the proposal accords with policy DM23 and DM32 of the LP, and policies BCS10 and BCS15 of the CS which collectively seek to ensure that developments have safe, secure, accessible and usable cycle parking, together with ensuring that satisfactory arrangements for the storage of refuse and recycling is provided.

Conditions

27. I have considered the planning conditions suggested by BCC and I have had regard to the tests set out in the Framework. In the interests of precision and clarity I have amended the wording of the conditions suggested by the Council where they have been imposed.
28. In addition to the standard three-year time limit condition for the change of use; it is necessary to specify the approved plans in the interest of certainty.
29. I have not included the suggested conditions relating to the submission of further details of the cycle storage, and refuse and recycling storage. The proposed change of use would not alter the site externally, and the applicant has not included any additional provision for cycles, refuse or recycling. Given my findings on the existing cycle spaces and refuse and recycling storage, it would be unreasonable for this to be included as part of the approval, and therefore does not meet all of the tests set out in the Framework.
30. The Council has recommended a condition relating to the completion of pedestrian and cycle access, which appears to have been recommended in error. This is not shown on the application plans, nor on any other submission as part of this application. I have therefore not imposed this condition.

Conclusion

31. For these reasons, and having regard to all other matters raised, the proposal accords with the development plan and therefore I conclude that planning permission should be granted.

R Dickson

Appeal Planning Officer

Inspector and Appointed Person's Decision

32. I have considered all the submitted evidence and my representative's recommendation and on that basis planning permission is granted.

Zoe Raygen

Inspector and Appointed Person

Schedule of Conditions

Conditions:

1. The change of use hereby permitted shall begin not later than three years from the date of this decision.

Reason: As required by section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

- Site Location Plan
- Existing and Proposed Floor Plans

Reason: To provide certainty.

END OF CONDITIONS

Informatives:

- i. In determining this application no substantial problems arose which required the Planning Inspectorate, on behalf of the Secretary of State, to work with the applicant to seek any solutions
- ii. The decision of the appointed person (acting on behalf of the Secretary of State) on an application under section 62A of the Town and Country Planning Act 1990 ("the Act") is final, which means there is no right to appeal. An application to the High Court under s288(1) of the Town and Country Planning Act 1990 is the only way in which the decision made on an application under Section 62A can be challenged. An application must be made within 6 weeks of the date of the decision.
- iii. Any works that would impact internal fixtures, fittings and fabric should be accompanied by either Listed Building Consent or a Listed Building Certificate of Lawfulness.
- iv. The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition that development may not begin unless:
 - (a) a Biodiversity Gain Plan has been submitted to the planning authority, and;
 - (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission would be Bristol City Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. This permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because the following statutory exemption is considered to apply:

Development below the de minimis threshold, meaning development which:

- does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and;
 - impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).
- v. These notes are provided for guidance only. A person who thinks they may have grounds for challenging this decision is advised to seek legal advice before taking any action. If you require advice on the process for making any challenge you should contact the Administrative Court Office at the Royal Courts of Justice,

Strand, London, WC2A 2LL (0207 947 6655) or follow this link:
<https://www.gov.uk/courts-tribunals/planning-court>

- vi. Responsibility for ensuring compliance with this Decision Notice rests with Bristol City Council.