



Decision Notice and Statement of Reasons

Site visit made on 17 July 2025

Decision by C Shearing BA (Hons) MA MRTPI

A person appointed by the Secretary of State

Decision date: 23 July 2025

Application Reference: S62A/2025/0109

Site Address: 237/237A Gloucester Road, Bristol BS7 8NX

- 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 30 May 2025 is made by CDC Properties Ltd and was validated on 10 June 2025.
 - The development proposed is described as 'change of use from 2no. self-contained flats by a single person or household (use class C3a) to 2no. small dwellinghouses in multiple occupation (use class C4), including the erection of a cycle and refuse/ recycling stores'.
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Decision

1. Planning permission is granted for change of use from 2no. self contained flats by a single person or household to 2no. small dwellinghouses in multiple occupation, including the erection of cycle and refuse/ recycling stores, in accordance with the application dated 30 May 2025, subject to the conditions set out in the schedule below.

Statement of Reasons

Procedural Matters

2. 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 (the Council) have been designated for non major applications since 6 March 2024.
3. Consultation was undertaken which allowed for responses by 16 July 2025. Responses were received from the parties listed in Appendix 1 and a number of interested parties and local residents also submitted responses. The Council's response comprised an officer report and sets out the reasons that the Council raise no objection to the proposal. I have taken account of all written representations in reaching my decision. I also carried out a site

visit on 17 July 2025, which enabled me to view the site and the surrounding area.

Main Issues

4. The main issues for this application are: whether the site is suitably located for two new HMOs; the effects of the proposal on the living conditions of nearby occupants, and; effects on parking.

Reasons

5. Policy DM2 of the Council's Site Allocations and Development Management Policies 2014 (the SADMP) relates to proposals including the conversion of existing dwellings into HMOs and is supported by the 'Managing the development of houses in multiple occupation' Supplementary Planning Document 2020 (the SPD).
6. The SPD acknowledges that HMOs form a significant part of the city's private rented provision, providing homes and contributing to people's housing choice. It states HMOs are generally more affordable and flexible and therefore suitable for younger people and other households that are not living as families, and can provide positive social benefits to their occupiers. The SPD finds that higher numbers of HMOs in recent years reflect changes in the city's housing market, as increasing numbers of individuals are unable to buy a home or rent a flat in the city. However, in acknowledging that they have the potential to create harmful effects, policy DM2 together with the SPD, seek to ensure that new HMOs would not harm residential amenity and the character of an area and they seek to avoid harmful concentrations of HMOs from occurring.
7. The SPD sets out how harmful concentrations will be considered using two tests. The Council have provided relevant figures based on its data in relation to the number of licensed HMOs (mandatory and additional licenses) as well as HMOs that have been granted planning permission and do not currently have a license. Those figures suggest there are 7 HMOs within 100m of the application site, amounting to 4.46% of residential properties. The two additional HMOs proposed would not therefore result in the 10% threshold being breached. Together with information provided by the applicant, I am satisfied that the HMOs nearby referred to in the comments of local residents have been accounted for. I do not have details as to whether the adjacent Meditation Centre provides HMO accommodation. However, even if it did, it is not likely that this would result in the 10% threshold for the neighbourhood being exceeded, as set out in the SPD. With regard to the second test of the SPD, given the locations of the other HMOs nearby, harmful sandwiching of residential properties between HMOs would not occur as described in the SPD.
8. For these reasons, and having regard to the provisions of the SPD, the site would be suitably located for two new HMOs and the proposal would not result in a harmful concentration. It would comply with the relevant part of policy DM2 of the SADMP.

Effects on Living Conditions

9. The application site is tightly enclosed by other residential properties to the north and east, and policy DM2 also states that HMO development should not result in levels of activity that cause excessive noise and disturbance to residents.
10. Occupants of HMOs would be likely to have their own individual routines and carry out activities independently of other occupants within the building, unlike if it were occupied by a family group. Activities would therefore be likely to be intensified from the site. The front doors to the units would, however, be positioned on the front of the building where they would be close to the busy road and where there is a greater level of prevailing background noise. On this basis the proposal would be unlikely to result in noise disturbance arising from the increased use of the building's entrances.
11. Future occupants may also use the garden area to the rear which adjoins other private gardens. However, given its size and as the garden would be directly accessible only from the ground floor unit, a significant increase in noise disturbance would be unlikely to occur. I note the Council's Pollution Control Officer was consulted on the proposal and raised no objections regarding potential noise and disturbance. Legislation exists outside the planning process should anti-social behaviour or excessive noise in those spaces occur.
12. The proposal does not include any other external alterations to the building and the internal layouts are proposed to be retained. While some of the windows have outlook to the side, including towards neighbouring windows, the circumstances would not be notably different to how those rooms have previously been used.
13. For these reasons taken together, the proposal would not cause unacceptable harm to the living conditions of nearby occupants. It would comply with the part of DM2 referred to above as well as policy DM25 of the SADMP and policy BCS21 of the Bristol Core Strategy 2011 (the CS) relating to amenity and noise disturbance.

Parking

14. I observed during my site visit that opportunities to park a car near the application site are severely limited. While this was only a snap-shot in time in the middle of the day, this finding is consistent with the conditions referred to by local residents in their comments.
15. The proposed HMOs would be positioned in a highly sustainable location, being within easy walking distance of services and facilities capable of meeting the day to day needs of future occupants, as well as frequent bus services. Together these attributes would significantly reduce the need for future occupants to travel and the proposal includes provision of cycle storage in an easily accessible location at the front of the building. I have also had regard to the findings of the Inspector in the appeal decision

evidenced by the applicant¹ who found that evidence suggested that car ownership for rented accommodation would likely be at a lower level than other forms of accommodation.

16. Having considered these matters in combination, I have no strong reason to find that the proposal would significantly increase pressure on local parking or that it would, in turn, prejudice highway safety. The proposal would be compliant with policy BCS10 of the CS which requires development proposals to be located where sustainable travel patterns can be achieved and proposals should minimize the need to travel, especially by private car. The absence of parking would also comply with policy DM23 and associated Appendix 2 of the SADMP, which sets a maximum parking standard. Given this finding, the proposal would also comply with policy DM2 where it refers to parking levels.

Other Matters

17. The proposal would provide suitably sized bedrooms and communal areas for future occupants, and I observed those rooms to be well proportioned and with good natural lighting and opportunities for ventilation. Overall the proposal would provide a suitable standard of accommodation for future occupiers, compliant with the relevant development plan policies and the standards set out in the SPD.
18. The proposed cycle and refuse storage would be positioned at the front of the building, where they would be visible and prominent in views from the road given their raised location. The submitted details show the cycle store would be timber clad over a steel frame and the bin store similarly finished with softwood. While they would appear as functional structures, given their materials together with the varied character of the surrounding area, their visual effects would be acceptable. The absence of areas for soft landscaping is acceptable, given this area is already predominately paved.
19. Concerns have been raised by an interested party that the change to the character of the area could make it more difficult for families to find accommodation. However, the proposal before me would not result in the loss of typical family accommodation and, for the reasons set out above, harm to the character of the area through a harmful concentration of HMOs or otherwise, has not been found in this instance.
20. The Council have stated the proposal would not be liable for a payment to the Community Infrastructure Levy (CIL) and I have no strong reason to reach a different view. However, this would be a matter for the Council as the CIL Collecting Authority.
21. The applicant has set out the reasons they consider the proposal would be exempt from the statutory biodiversity net gain requirement. In summary this is because the proposal relates to the change of use of the existing building impacting less than 25sqm of non-priority habitat. I have no strong

¹ APP/Z0116/W/23/3335671

reason to reach a different view and I am satisfied the proposal can be considered as exempt, having regard to the de minimis threshold.

22. The applicant asserts that paragraph 11d) of the National Planning Policy Framework (the Framework) should be engaged in the assessment of this application. This is because the applicant asserts the Council do not have a 5 year land supply for housing. Even if this were the case, the policies in the Framework which protect areas or assets of particular importance do not provide a strong reason to refuse the development, nor have I identified any adverse impacts of doing so. Accordingly, the proposal would also benefit from the presumption in favour of sustainable development set out in the Framework.

Conditions

23. The Council have suggested a number of conditions which could be imposed if planning permission were granted. I have imposed a condition to secure delivery and retention of the refuse store, although I do not consider it reasonable for planning purposes to condition refuse to be placed on the highway only on collection days, particularly since other powers exist to assist with this should it occur.

Conclusion

24. For these reasons, and having regard to all other matters raised, the proposal would comply with the development plan and planning permission is granted.

C Shearing

Inspector and Appointed Person

Schedule of Conditions

Conditions:

1. The development 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: 4415.PL.01/A, 4415/PL.02/A, 4415.PL.03/A.
Reason: To provide certainty.
3. Prior to the first occupation of any part of the building, the cycle and refuse storage facilities shall be installed in full and in accordance with the details shown on the approved plans. Those facilities shall be maintained thereafter and shall remain available for use as such at all times.
Reason: To ensure appropriate cycle and refuse storage for future occupiers, and to comply with policy DM2 of the SADMP.

End of Schedule

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 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. Based on the information available 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).

- iii. 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.
- iv. 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>
- v. Responsibility for ensuring compliance with this Decision Notice rests with Bristol City Council and any applications related to the compliance with the conditions must be submitted to the Council.

Appendix 1 - Consultee responses

Bristol City Council- Local Planning Authority