



## Decision Notice and Statement of Reasons

Site visit made on Tuesday 9 December 2025

**By H Butcher BSC (Hons) MSc PGDIP MRTPI**

**A person appointed by the Secretary of State**

**Decision date: 12 December 2025**

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**Application Reference: S62A/2025/0125**

**Site address: 16 Elmgrove Road, Fishponds, Bristol BS16 2AX**

- 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 15 September 2025 is made by Mr Andrew Lee of MKJ Construction Limited and was validated on 23 October 2025.
  - The development proposed is a change of use from a dwellinghouse occupied by people to be regarded as forming a single household (Use Class C3a) to a small dwellinghouse in multiple occupation for 3-6 people (Use Class C4), including the erection of a cycle and refuse/recycling stores.
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### Decision

1. Planning permission is refused for the development described above, for the following reasons:
  - 1) The development would lead to a harmful concentration of houses in multiple occupation within the locality, contrary to policy DM2 of the Bristol Local Plan – Site Allocations and Development Management Policies (adopted July 2014) and Supplementary Planning Document: Managing the development of houses in multiple occupation (November 2020).

### 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 have been designated for non-major applications since 6 March 2024.
3. Consultation was carried out which allowed for responses by 28 November 2025. Responses were received from the parties listed in Appendix 1.

Bristol City Council submitted a statement which sets out the Council's objections to the proposed development. A number of interested parties and local residents also submitted responses. I have taken account of all written representations in reaching my decision. I also carried out an access required site visit which enabled me to view the site and the surrounding area.

### **Main Issue**

4. The main issue is whether the development would lead to a harmful concentration of houses in multiple occupation in the locality.

### **Reasons**

5. The application site is a terraced dwelling within an area of Bristol which is subject to an Article Four Directive. This requires planning permission for a change of use to C4 House in Multiple Occupation (HMO).
6. Policy DM2 of the Bristol Local Plan – Site Allocations and Development Management Policies (LP) sets out that proposals for, amongst other things, the conversion of existing dwellings to be used as houses in multiple occupation, will not be permitted where the development would create or contribute to a harmful concentration of such uses within a locality.
7. Supplementary Planning Document: Managing the development of houses in multiple occupation (November 2020) (SPD) explains that a harmful concentration can arise at a localised level when an existing dwelling is sandwiched between two HMOs. Such an arrangement can intensify impacts on individual households and create an imbalance between HMOs and other housing at street level. I concur with this approach as an HMO is generally a more intensive use than that of a single household. Potential sandwiching situations are provided in the SPD, which include up to three single residential properties in a street located between two single HMO properties.
8. The Council state that the current use of 22 Elmgrove Road is as an HMO and local residents confirm this. It was also treated as an HMO in the 2022 appeal decision<sup>1</sup> at the application site. The fact that No. 22 might currently be empty or not have an HMO License would not alter the use class of the property for planning purposes. Furthermore, not having planning permission or a certificate of lawful use for the use of No. 22 as an HMO does not necessarily mean it is not an HMO.
9. There is no substantive evidence before me that the current use of No. 22 is not an HMO. In which case, the change of use of 16 Elmgrove Road would mean a sandwiching situation would occur where up to three single residential properties would be located between two single HMO properties. It follows that the development would conflict with Policy DM2 of the LP and the SPD. It would also conflict with the relevant provisions of Policy DM30 of the LP which seek to safeguard the amenity of neighboring occupiers.

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<sup>1</sup> APP/Z0116/W/22/3292393

10. The Council have referred to Policy BCS18 of the Core Strategy (2011). However, I find no conflict with this policy which seeks to provide a mix of housing tenures, noting that the proposal would provide accommodation for single person households, for which there is a need in the city.

### **Other Matters**

11. The proposal includes a bicycle storage unit and unsecured refuse and recycling receptacles in the front garden. This would dominate the frontage of the property to the detriment of the streetscene. It has been variously discussed, both at the previous appeal and in the Council's statement, that the cycle store could be sited in the rear garden. At the time of my site visit the rear lane access had been blocked and was inaccessible due to undergrowth. Nevertheless, it would be possible for bicycles to be wheeled through the property and out to the rear to be stored securely. This could be controlled by condition if permission was granted. Similarly, a condition could be imposed to secure an adequate refuse and recycling store in the front garden. This matter does not, therefore, form a reason for refusal.
12. The proposal relates to the change of use of the existing building impacting less than 25m<sup>2</sup> of non-priority habitat. Consequently, the proposal would be exempt from the statutory biodiversity net gain requirement.
13. As Community Infrastructure Levy (CIL) Collecting Authority, the Council have confirmed that the application is not liable for a payment to the CIL.

### **Conclusion**

14. For the reasons given, and having regard to all other matters raised, the proposal does not accord with the development plan and therefore Planning permission should be refused.

*H Butcher*

Inspector and Appointed Person

**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. 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>
- iv. Responsibility for ensuring compliance with this Decision Notice rests with Bristol City Council.

## **Appendix 1 - Consultee responses**

Bristol City Council  
The Coal Authority