



## Decision Notice and Statement of Reasons

Site visit made on 11 December 2025

**By J Hobbs MRTPI MCD BSc (Hons)**

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

**Decision date: 23 December 2025**

---

**Application Reference: S62A/2025/0130**

**Site address: 2 Merton Road, Bristol BS7 8TL**

- 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 6 October 2025 is made by MSJ Developments (Bristol) Ltd and was validated on 29 October 2025.
  - The development proposed is erection of a second-floor extension to the above property, and the change of use to 5 no. small houses in multiple occupation (Use Class C4); including creation of ancillary storage area.
- 

### Decision

1. Planning permission is refused for the development described above, for the following reasons:
  - 1) The proposed development would fail to provide an acceptable standard of accommodation and fail to create a high-quality environment for future occupants; contrary to Policy BCS21 of the Bristol Development Framework Core Strategy 2011 and policies DM27 and DM30 of the Bristol Local Plan – Site Allocations and Development Management Policies, July 2014.

### Statement of Reasons

#### Procedural matters

2. The application was made under Section 62A of the Town and Country Planning Act 1990 (the 1990 Act), 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) has been designated for non major applications since 6 March 2024.
3. Consultation was undertaken on 4 November 2025 which allowed for responses by 2 December 2025. Only the Council responded to the consultation. The Council's response comprises an Officer Report and

includes internal consultee responses. The Council's response sets out its objection to the proposal. I have considered all written representations in making my decision. I also carried out a site visit on 11 December 2025, which enabled me to view the site and the surrounding area.

4. On 16 December 2025, the Government published a consultation on proposed reforms to the National Planning Policy Framework (the Framework). Whilst broad changes to the structure of the Framework are proposed as part of this consultation, these proposals could be subject to further change and can only be given very limited weight at this stage. It has therefore not been necessary to consult the parties on the changes.

## **Main Issues**

5. The main issues are:

- whether it has been demonstrated that the loss of an employment use would be acceptable;
- whether the proposal would provide acceptable accommodation for future occupants;
- the effect of the proposal on the character and appearance of the area;
- the effect of the proposal on the living conditions of nearby occupants;
- the effect of the proposal on highway safety, with particular regard to vehicle parking; and
- whether the application site is a suitable location for new houses in multiple occupation (HMOs).

## **Reasons**

### *Background*

6. Planning permission<sup>1</sup> (the Extant Permission) was granted for the conversion of the application property to 6no self-contained flats. It is not disputed by the parties, that this permission is extant.
7. An application<sup>2</sup> for planning permission under section 62A of the 1990 Act for the erection of a second floor extension and change of use to 6no. small HMOs (use class C4) was refused by the Planning Inspectorate, on behalf of the Secretary of State on 7 August 2025. That application was refused as the proposed development would fail to provide an acceptable and healthy standard of accommodation for future occupants. The applicant has sought to address that reason for refusal within the application that is before me.

### *Loss of employment floorspace*

8. Policy BCS8 of the Bristol Development Framework Core Strategy 2011 (CS) indicates the employment land outside of Principal Industrial and Warehousing Areas will be retained where it makes a valuable contribution to the economy and employment opportunities. Policy DM12 of the Bristol Local Plan – Site Allocations and Development Management Policies, July

---

<sup>1</sup> Planning permission Ref. 23/02268/F

<sup>2</sup> Application Ref. S62A/2025/0090

2014 (SADMP) explains that employment sites should be retained for employment uses, unless it can be demonstrated that there is no demand for employment uses; the continued use would have an unacceptable impact; a net reduction in floorspace is necessary to improve the existing premises; or, it is to be used for industrial or commercial purposes.

9. No substantive evidence has been submitted to support the proposed loss of an employment use. Nevertheless, the development permitted by the Extant Permission would lead to the loss of the employment use. Given planning permission has been granted for that scheme, and it is extant there is a greater than theoretical possibility that the employment use would be lost regardless of whether I grant planning permission, or not. In this instance, the material considerations outweigh the conflict with CS Policy BCS8 and SADMP Policy DM12. The proposed loss of an employment use would therefore be acceptable.

#### *Living conditions – future occupants*

10. The proposed scheme is similar to the proposal that was before the Inspector when they refused the previous application under section 62A of the 1990 Act. However, the applicant has amended the configuration of the ground floor in an attempt to overcome the previous reason for refusal.
11. All of the bedroom windows within the ground floor HMO would face onto the vehicular access and commercial service yard to the side of the application building. This area is semi-private but would be used by several people including those who would not live in the building. People walking or driving past the ground floor windows would have direct views into the bedrooms from a very short distance. These bedrooms would be the only private habitable room for future occupants. Consequently, future occupants of these rooms would be harmfully overlooked by people using the vehicular access and service yard.
12. The ground floor bedroom windows could be obscure glazed; this would restrict views into the bedrooms and provide appropriate levels of privacy for future occupants. Nonetheless, all of these bedrooms only have one window. If they were obscure glazed, even partially, the outlook from these bedrooms would be limited. A limited outlook from these windows, within the only private habitable room, would be overbearing on future occupants. As such, the use of obscure glazing may mitigate any harmful effect with regard to privacy, but it would have an equally harmful effect on the living conditions of future occupants, but with regard to outlook instead.
13. A Noise Report<sup>3</sup> has been submitted with the application. The Report summarises the noise environment in the area and concludes that opened windows cannot be relied upon for background ventilation. Therefore, acoustic trickle ventilation would be required.
14. A reliance on trickle ventilation may not be unusual in an urban environment. However, an inability to rely on opening windows for ventilation, in combination with the concerns with regard to privacy and

---

<sup>3</sup> Noise Report for Planning, Acoustics Report A2291 R01, June 2025

outlook highlighted above, would result in the ground floor accommodation being oppressive to future occupants and harmful to their living conditions.

15. For clarity, the position of the proposed windows on the first and second floor would not cause harm with regard to privacy, as views of internal spaces would be extremely limited from the vehicular access and service yard. Whilst future occupants of these rooms could not rely on the opening of windows for background ventilation, there would be no harm to future occupants' living conditions, with regard to outlook or privacy. As such, the first and second floor accommodation would not be oppressive and would not harm the living conditions of future occupants.
16. The bedrooms and communal spaces within each of the HMOs would be of an appropriate size and comply with the Council's HMOs licensing standards. Moreover, the number of bathrooms and toilets would also meet these standards. Although all of the bedrooms would be single aspect, each HMO would have windows in multiple elevations, and the communal living space would have a different aspect to the bedrooms in most instances. Therefore, this arrangement would be acceptable when taking account of the constraints of the site.
17. There would be no private external amenity space within the proposed development. However, none would be provided within the development permitted by the Extant Permission. In that instance, the Council considered a lack of private external amenity space to be acceptable given the constraints of the site and the provision of a nearby high-quality green space. As above, there is a greater than theoretical possibility that the Extant Permission would be implemented which would result in a residential development with no private external amenity space. As such, this is a material consideration which I ascribe significant weight to. In this scenario, a lack of private external amenity space would be acceptable.
18. Overall, I conclude that the proposal would not provide acceptable accommodation for future occupants. The proposal would be contrary to SADMP policies DM27 and DM30 and CS Policy BCS21. These policies indicate that the layout and form of development will be expected to enable proposed developments to achieve appropriate levels of privacy and outlook; and alterations to existing buildings will be expected to safeguard the amenity of the host premises; amongst other matters.

#### *Character and appearance*

19. The application site is located within an Industrial Estate to the rear of commercial properties on Gloucester Road. The buildings along Merton Road are separate from those on Gloucester Road and are utilitarian in appearance with various external finishes. The application property is brick built and has a complex roof form.
20. The proposed elevations would include a significant amount of render, and the proposal would lead to the loss of some detailing, particularly to the upper sections. However, the simple design of the proposed development would assimilate with the appearance of nearby buildings. The proposed

frontage onto Merton Road would have limited visual interest, but this would be in keeping with the appearance of other buildings along the road.

21. The proposal includes the upwards extension of part of the building and an alteration of the roof, to form a mansard roof. The form, scale and massing of the proposed development would be similar to nearby buildings and would not appear out of place. Furthermore, the proposed development would not extend beyond the existing building footprint and would still appear distinct from properties on Gloucester Road.
22. The proposal would not have a harmful effect on the character and appearance of the area. In this regard it would comply with CS Policy BCS21 and SADMP policies DM26 and DM30, where they indicate that development in Bristol will be expected to reinforce local distinctiveness, amongst other matters. The proposal would also be in accordance with paragraphs 124 and 125 of the Framework as it would make an effective use of land and would comprise the reuse of brownfield land within a settlement.

#### *Living conditions – neighbouring occupants*

23. The proposed development would extend along the rear of 365, 367, 371, and 375 Gloucester Road. The ground floors of these buildings accommodate commercial uses. However, the upper floors include dwellings. Moreover, some of the buildings include private external amenity spaces to the rear.
24. Whilst the upper floor windows would only be a moderate distance from nearby dwellings, an intimate relationship between dwellings is typical in the area. Furthermore, the private external amenity areas are often enclosed by buildings or tall boundary treatments. Therefore, sufficient separation between the application building and nearby dwellings and private external amenity spaces would be retained to ensure that the proposal would not have a harmful effect on the living conditions of nearby occupants with regard to light, outlook, and privacy. Moreover, given the surrounding noise environment, the proposed change of use would not harmfully increase the amount of noise and disturbance experienced by nearby occupants.
25. The proposal includes the installation of air source heat pumps. If I were granting planning permission, a condition could be attached which would ensure that appropriate acoustic mitigation could be secured to mitigate any harmful effect caused by the air source heat pumps.
26. I conclude that the proposal would not have a harmful effect on the living conditions of nearby occupants. In this regard, the proposal would comply with CS Policy BCS21 and SADMP policies DM2 and DM30 which indicate that development in Bristol will be expected to safeguard the amenity of existing development, and proposals for shared housing will not be permitted where the development would harm the residential amenity of the locality, amongst other matters.

## Highway Safety

27. The Council forecast that 40% of occupants in HMO developments would own a car. Given the size of the proposed development this would equate to 8 occupants of the HMOs owning vehicles. The proposed development does not include any off-street car parking. During my site visit I observed that opportunities to park a car near to the application site are very limited.
28. Nonetheless, the area is well served by public transport, and the application site is in proximity to several services and facilities, such as convenience stores. This would reduce future occupants' reliance on private motor vehicles. Furthermore, whilst opportunities may be limited, there would be the ability for future occupants to safely park vehicles in the local area. In addition, Appendix 2 of the SADMP applies maximum car parking levels; therefore, the proposal would be in accordance with the SADMP. The proposal would also be in accordance with CS Policy BCS10 which directs development to locations where sustainable travel patterns can be achieved.
29. On balance, I conclude that the proposal would not have a harmful effect on highway safety, with regard to vehicle parking. The proposal would comply with CS Policy BCS10 and SADMP policies DM2 and DM23, where they indicate that development proposals will be expected to provide an appropriate level of parking, amongst other matters.

## *Location and principle of development*

30. SADMP Policy DM2 outlines that proposals for shared housing will not be permitted where the development would harm the residential amenity or character of the locality, as a result of one of the specified circumstances, or would create or contribute to a harmful concentration of such uses.
31. The specified circumstances include where it would result in levels of activity that would cause excessive noise and disturbance to residents; levels of on-street parking that cannot be reasonably accommodated; detrimental impact of physical alterations to buildings; or inadequate storage for recycling/refuse and cycles. As detailed within this decision, the proposal would not cause any of these identified harms.
32. The Managing the development of HMOs SPD<sup>4</sup> supports SADMP Policy DM2. It advises that a harmful concentration of HMOs could occur at either a Street Level or Neighbourhood Level. At the Street Level it would occur when an existing dwelling is sandwiched between two HMOs. The proposal would not result in an existing dwelling being sandwiched between two HMOs. At a Neighbourhood Level the SPD advises that a harmful concentration could occur when HMOs comprise of 10% or more of the dwelling stock within a 100m radius.
33. Without the proposed development, 11.2% of the dwelling stock within a 100m radius of the application site are HMOs, this would increase to 15.2%

---

<sup>4</sup> Managing the development of homes in multiple occupation, Supplementary Planning Document, 3 November 2020

if the proposed development were constructed. As such, the proposed development could result in a harmful concentration of HMOs when assessed at a Neighbourhood level.

34. Notwithstanding this, SADMP Policy DM2 indicates that a harmful concentration would only occur if it would exacerbate existing harmful conditions, including noise, disturbance, or parking conditions, or it would reduce the choice of homes in the area by changing the housing mix. As above, the proposal would not exacerbate existing harmful conditions. Furthermore, it would not reduce the choice of homes in the area; instead, it would add to it through the creation of new dwellings. Accordingly, the proposal would not create or contribute to a harmful concentration of HMOs.
35. The proposal would also be in accordance with CS policies BCS18 and BCS20 which indicate that all new residential development should contribute to a mix of housing tenures; and higher densities of development will be sought close to centres.
36. I conclude that the application site would be an appropriate location for new HMOs. The proposal would comply with SADMP Policy DM2 and CS policies BCS18 and BCS20, for the reasons given above.

### **Other Matters**

37. The Council has indicated that the proposed development could prejudice future development to the east, due to the presence of several windows within the side elevation. However, I am unaware of any proposal to develop the neighbouring site whether this be part of a planning application or development plan allocation. Therefore, it is unclear how the proposed development would prejudice the future development of that site.
38. If I were not dismissing the application for other reasons, conditions could be attached to a planning permission which would ensure that a policy compliant sustainability rating could be achieved and to ensure that any concerns with land contamination would be addressed.
39. The proposal includes a shared external amenity area, which would accommodate cycle and refuse storage. The proposed storage would be of a sufficient size to meet the demand generated for these facilities by the proposed development.
40. The development would not affect priority habitat, nor would it affect more than 25m<sup>2</sup> of habitat with a biodiversity value greater than zero or 5m of linear habitat on site. As such, the proposed development would comply with the de minimis exemption, stated within The Biodiversity Gain Requirements (Exemptions) Regulations 2024. Consequently, if the proposed development were permitted, the biodiversity gain planning condition would not apply.
41. The Council has identified the proposal as being chargeable development under The Community Infrastructure Levy Regulations 2010. I have no

reason to consider otherwise, and this is capable of being a material consideration as a local finance consideration.

## **Planning Balance**

42. As the development plan does not support development which would be harmful to the living conditions of future occupants in any instance, the proposal would be contrary to the development plan when read as a whole. The applicant contends that the Council can, at most, demonstrate 2.4 years' supply of deliverable housing land. The Council does not dispute this. This position represents a significant shortfall in housing land supply.
43. As the Council cannot demonstrate a five-year supply of deliverable housing land, footnote 8 of the Framework establishes that the policies which are most important for determining the application are out of date. In accordance with the presumption in favour of sustainable development, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
44. The proposed development would result in residential accommodation that would be harmful to the living conditions of its future occupants. It would be contrary to paragraphs 129 and 135 of the Framework, where they indicate that planning decisions should support development that makes efficient use of land, taking into account the importance of securing well-designed and healthy places, and planning decisions should ensure that developments create places with a high standard of amenity. The effect of the proposed development would be significant and long lasting. As such, I ascribe very substantial weight to the harm.
45. The proposed development would support the Government's objective of significantly boosting the supply of homes. The Framework recognises the important contribution that small and medium sites can make to meeting the housing requirement of an area. It also indicates that planning decisions should promote an effective use of land and seeks to use brownfield land. The proposed development would also be located close to a local centre where there are several services and facilities as well as a good provision of public transport. Therefore, the proposal would be in accordance with paragraphs 110 and 115 of the Framework. There would also be economic benefits associated with the construction period and from an increased population living in the area. In accordance with paragraph 125 of the Framework, I give substantial weight to the value of using suitable brownfield land within settlements for homes and I ascribe substantial weight to the overall benefits of the proposal.
46. For the reasons given above, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The proposed development would therefore not benefit from the presumption in favour of sustainable development.



## **Conclusion**

47. The proposal would conflict with the development plan, when read as a whole, and the material considerations, including the presumption in favour of sustainable development, do not indicate that a decision should be made other than in accordance with the development plan. Therefore, the application should be dismissed, and planning permission should be refused.

*J Hobbs*

Inspector and Appointed Person

## **Informatives:**

- i. In determining this application the Planning Inspectorate, on behalf of the Secretary of State, has worked with the applicant in a positive and proactive manner. In doing so the Planning Inspectorate gave clear advice of the expectation and requirements for the submission of documents and information, ensured consultation responses were published in good time and gave clear deadlines for submissions and responses.
- 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 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>