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## Decision Notice and Statement of Reasons

Site visit made on 02 January 2026

**By N Robinson BA (Hons) MA MRTPI**

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

**Decision date: 6 January 2026**

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### **Application Reference: S62A/2025/0135**

**Site address: 66 Church Road, Bristol BS5 9JY**

- 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 20 October 2025 is made by Harry Cockram and was validated on 14 Nov 2025.
- The development proposed is demolition of existing buildings on site and the erection of a three storey building comprising 6no flats, and 3no. Terraced dwellinghouses.

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### **Decision**

1. Planning permission is refused for the development described above, for the following reasons:
  - 1.) The proposal would lead to an unjustified loss of retail floorspace, contrary to Bristol Development Framework Core Strategy (2011) policy BCS7.
  - 2.) The development would appear as an incongruous form of development that would not contribute positively to the area's character and appearance. Therefore, the scheme conflicts with Bristol Development Framework Core Strategy (2011) policy BCS21 and policies DM26, DM27 and DM29 of the Local Plan – Site Allocations and Development Management Policies (2014)

### **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 (BCC) has been designated for non-major applications since 06 March 2024.
3. Consultation was undertaken on 20 November 2025 which allowed for

responses by 18 December 2025. BCC submitted an officer report on 18 December 2025. The consultation response sets out the Council's comments in relation to the development and a list of suggested conditions. I have taken account of all written representations in reaching my decision.

4. I carried out an accompanied site visit on 02 January 2026 which enabled me to view the site and the surrounding area.

## **Background**

### *Planning history*

5. **S62A/2025/0112**- Demolition of existing buildings on site and the erection of a three storey building comprising 6no flats and 3no terraced dwellinghouses. Refused.

**21/04754/F**- Demolition of existing buildings and erection of a mixed use development comprising 8 residential apartments and houses, 2 ground floor commercial units (Class E), and 1 office unit (Class E). Approved.

**19/02665/F**- Demolition of existing buildings on site and erection of a three storey building fronting Church Road, to contain 4No. apartments (Use Class C3) and a ground floor retail/business unit. 3No. three storey townhouses (Use Class C3) fronting Dove Lane. Refused.

**17/04072/F**- Demolition of existing buildings on site and erection of a three storey building fronting Church Road, to contain three apartments (Use Class C3) and a ground floor retail/business unit, plus 3 x three storey townhouses (Use Class C3) fronting Dove Lane. Refused.

## **Main Issues**

6. Having regard to the application and BCC's statement and the consultation responses, I consider the main issues for this application are:

- *whether the principle of the proposed development is acceptable;*
- *the effect of the proposal on the character and appearance of the area;*
- *the effect of the proposal on the highway network and highway safety;*
- *the effect of the proposal on the living conditions of the occupiers of 1-4 Cowper Street; and*
- *whether the development would provide appropriate living conditions for future occupiers.*

## **Reasons**

### *Principle of development*

7. The site comprises a vacant 2-storey building with a semi-covered storage yard to the rear which forms part of a row of vacant commercial buildings facing Church Road. The proposal seeks to demolish the existing buildings and erect 6 flats and 3 dwellings.

8. The site was previously occupied as a retail business with residential accommodation above and is not within an identified retail centre. The proposal would result in the loss of a retail unit. Bristol Development Framework Core Strategy (2011) (CS) policy BCS7 states that single shops away from identified centres should be retained where they remain viable and provide an important service to the local community.
9. The applicant sets out that the site has been vacant since 2000 and is in a poor condition and thus it is suggested that the use of the site has been abandoned. Caselaw establishes that in assessing whether a use has been abandoned, it is necessary to consider the period of non-use, the physical condition of the land or building, whether there had been any other use, and the owner's intentions as to whether to suspend the use or to cease it permanently<sup>1</sup>.
10. Based on the evidence before me, the use of the building ceased over 25 years ago, and there is no suggestion that it has been used for an alternative use since. However, whilst I observed at my site visit that the building is in poor condition, there is no evidence before me, for example in the form of a structural survey, which sets out the condition of the building or that it can no longer function for its consented use. I note that planning application 21/04754/F granted planning permission for a development which included a commercial use within the application site. Whilst there is no evidence before me that this permission was implemented, and whilst it is stated that the applicant has neither the ability nor the intention to implement this permission, nonetheless this consent indicates that there was an intention to retain a commercial use on the site. It cannot therefore be said that there was any intention to cease commercial use of the site permanently. Thus, it has not been satisfactorily evidenced that the commercial use has been abandoned.
11. Considering the above it is necessary, as required by CS policy BCS7, to consider whether the unit remains viable and if it provides an important service to the local community. In support of the proposal the applicant references the nearby Lawrence Hill local centre, which, it is stated, provides further retail opportunities. Whilst noting the role played by this local centre, in addition to nearby commercial units on Church Road, there is nonetheless no evidence before me that the property has ever been marketed. Given this, there is no compelling evidence that there is no demand for the building as a commercial unit or that it would not provide an important service to the local community, were it to be brought back into active use. Consequently, the proposal would result in an unjustified loss of retail floorspace. Conflict therefore arises with those aims of CS Policy BCS7 set out above.

#### *Character and appearance*

12. The site occupies a prominent corner plot at the junction between Church Road and Dove Lane and forms part of a row of 2-storey buildings fronting Church Road, an arterial route. Buildings on Church Road are typically 2 or 3

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<sup>1</sup> Trustees of Castell-y-Mynach Estate v Taff-Ely BC [1985] JPL 40

storeys tall and of a varying design. Dove Lane is a narrow side street which provides access to 2 apartment blocks, Moorfield Close and a factory.

13. The proposal would be 3 storeys in height with a flat roof to the site frontage facing Church Road, falling to 2-storeys to the rear. The 3-storey part of the development would be finished with rubble stone to the ground floor and vertical bands of facing brick and stone to the upper floors and the 2-storey part of the development would be finished with brick with stone columns surrounding windows and a pitched concrete tile roof. The external finishes and fenestration would not appear out of character with the surrounding development.
14. Whilst acknowledging that the building's ridge height has been reduced when compared to an earlier proposal<sup>2</sup>, the 3-storey height of the development facing Church Road would nonetheless be significantly taller than the remainder of the row, appearing disjointed when viewed in relation to the remainder of the 2-storey terrace. Whilst the proposal would not preclude the redevelopment of the remainder of the terrace, the development would nonetheless harmfully disrupt the coherence of the terraced block. In this regard the proposal differs from the previously approved<sup>3</sup> flat-roofed design to the corner building which included a consistent building height to the row.
15. Additionally, the 3-storey development along Dove Lane, a narrow side street, would introduce dominant built form to the secondary frontage. This would appear discordant when read in the context of the 2-storey development on the arterial route Church Road. This would confuse the hierarchy of development and the legibility of streets in the area, detracting from the character and appearance of the area.
16. Drawing on the above the proposal would have a harmful effect on the character and appearance of the area. It would be contrary to CS policy BCS21 and policies DM26, DM27 and DM29 of the Site Allocations and Development Management Policies Local Plan, July 2014 (DMP) which require that new buildings be designed to a high standard and that development contribute positively to the creation of quality urban design. The proposal would also be contrary to the National Planning Policy Framework (the Framework) which indicates that decisions should ensure that developments are sympathetic to local character.

#### *Effect on the Highway network and highway safety*

17. The vehicular entrance to the neighbouring factory comprises a gap between buildings and the front door of unit 9 would be in proximity to this access, leading the Inspector in decision S62A/2025/0112 to conclude that there would be limited intervisibility between the front door to unit 9 and drivers exiting the factory, with a resultant harmful impact on highway safety.
18. The current submission shows that the terraced houses along Dove Lane would front onto a footpath 1.5m in width. I am satisfied, on the basis of the

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<sup>2</sup> Application reference S62A/2025/0112

<sup>3</sup> Application reference 21/04754/F

evidence before me and my observations on site, that this setback would allow for adequate intervisibility between the front door of unit 9 and the vehicular access of the factory. Given this, I am satisfied that the development would provide safe access to unit 9 and would not increase the chance of an accident occurring between pedestrians accessing or exiting this property and vehicles exiting the factory.

19. The proposal would not make provision for any off-road car parking and there is limited capacity within the surrounding area for on-street parking. Nonetheless, the site is located within convenient reach of day-to-day services and facilities and is accessible by different means of transport including by foot and public transport. Future occupiers would also be provided with adequate secure cycle storage, which would likely lessen reliance on the private car. It would thus be feasible for occupants to live in the properties without the need for a car and who would be able to travel for work, education, services or leisure by public transport, bicycle or on foot.

20. Interested parties have raised concerns regarding the impact of the closure of Dove Lane during the construction of the development. The submission provides limited details on the effects of construction on the highway network or how these effects would be managed. Nonetheless, there is no indication that the effects of the construction of the development on the operation of Dove Lane could not be satisfactorily addressed through a condition requiring the submission and approval of a Construction Management Plan.

21. In light of the above the proposal would not have a harmful impact on the highway network or highway safety. Therefore, the scheme would accord with LP policies DM2 and DM23 which seek to encourage development proposals where sustainable travel patterns can be achieved.

#### *Living conditions- neighbouring residents*

22. The proposal would introduce development close to the rear of Nos 1-4 Cowper Street. The proposal does not include any first or second floor windows in the rear elevation of the development, and thus, occupiers of Nos 1-4 would not be overlooked by occupiers of the proposed dwellings. The ridge height of the proposed development would be similar to that shown in application S62A/2025/0112 in which the Inspector found that the development would not encroach upon a 25-degree line drawn from the rear windows of Nos 1-4. Given the similarities between the current proposal and application S62A/2025/0112, and based on the evidence before me and my observations on site, there is no indication that the current proposal would result in a loss of light to rear windows to Nos 1-4.

23. In light of the above, the proposal would safeguard the living conditions of the occupiers of Nos 1-4 Cowper Street. Therefore, in relation to this issue the development would accord with CS Policy BCS21 and DMP policies DM27 and DM29 which indicate that development will be expected to safeguard the amenity of existing development.

#### *Living conditions- future occupiers*

24. The individual rooms and overall dwelling/ flat sizes would meet the floor areas required by the Nationally Described Space Standards. All habitable rooms would include at least one opening and there is no indication that these rooms would fail to receive adequate levels of natural light or that they would provide inadequate outlook.

25. The flats would not have any external amenity space, and the houses would have small gardens. However, the site is in proximity to several large areas of public open space, including Netham Park and St George Park in which some of the needs of future occupiers could be met.

26. The development would provide an appropriate living environment for residents in accordance with CS policies BCS18 and BCS21 and DMP policies DM2 and DM30 which require developments to provide a good standard of accommodation for future occupiers.

### **Other Matters**

27. The Council's flood risk manager comments that a detailed sustainable drainage strategy is required. This information does not form part of the proposal. As the site is within a Development High Risk Area, The Coal Authority comments that consideration will need to be given to the implications for stability and public safety risks posed by the coal mining legacy. I am satisfied this matter could be satisfactorily resolved through the submission of a detailed sustainable drainage strategy, which takes into account the interaction between hydrology, drainage and ground stability, and that this detail could be secured by a suitably-worded condition.

28. The applicant states that the proposal would be exempt from the statutory biodiversity net gain requirement, as it would affect less than 25m<sup>2</sup> of non-priority habitat. I am satisfied, on the basis of the evidence before me, that the proposal could be considered as exempt, having regard to the de minimis threshold.

30. The Council has identified the proposal as being chargeable development under The Community Infrastructure Levy (CIL) Regulations 2010. I have no reason to conclude otherwise, and this is capable of being a material consideration as a local finance consideration. The Council advise that a sum of £52,946.43 has been calculated based on the information provided. Were the development acceptable and permission granted, it would be for the Council as the charging authority to issue a Liability Notice following the grant of planning permission.

### **Planning Balance**

31. The Council accepts that it is unable to demonstrate a 5-year housing land supply. Paragraph 11d of the Framework indicates that, in such circumstances, 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, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and

providing affordable homes, individually or in combination.

32. The provision of 9 residential units would accord with the Framework's objective of significantly boosting the supply of homes. The Framework states that substantial weight should be given to the value of using suitable brownfield sites within settlements for homes. There would be investment and employment during construction, and spending in the local economy by future occupants thereafter. There would be a contribution toward infrastructure from the CIL payment. Having regard to the overall scale of the proposal, these benefits collectively attract moderate weight.
33. On the other hand, the proposal would result in harm to the character and appearance of the area and thus would conflict with chapter 12 of the Framework which seeks to ensure the creation of high-quality buildings and places, and which sets out that good design is a key aspect of sustainable development. Conflict also arises with chapter 8 of the Framework which indicates that established shops should be retained for the benefit of the community.
34. Whilst the Framework seeks to significantly boost the supply of housing, the adverse impacts would be permanent and would significantly and demonstrably outweigh the benefits of the delivery of 9 dwellings, when assessed against the policies in the Framework taken as a whole. Thus, the proposal would not constitute a sustainable form of development in terms of the Framework and does not benefit from the presumption in favour of sustainable development.

## **Conclusion**

35. For these reasons the proposal does not accord with the development plan and there are no material planning considerations which indicate that permission should be forthcoming in spite of this conflict. Therefore, I recommend that planning permission should be refused.

*N Robinson*

Inspector and Appointed Person

## **Informatics:**

- 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 ("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>

## **Appendix 1 - Consultee responses**

Bristol City Council