



Decision Notice and Statement of Reasons

Site visit made on 9 December 2025

Decision by Katie McDonald MSc MRTPI

A person appointed by the Secretary of State

Decision date: 28 January 2026

Application Reference: S62A/2025/0139

Site address: Castle House, Brentry Avenue, Bristol BS5 0DL

- 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 11 November 2025 is made by Evans AV Staging Limited and was validated on 9 December 2025.
 - The development proposed is the part demolition and re-building and erection of a second floor extension, to provide 8no. self-contained flats.
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Decision

1. Planning permission is refused for the following reasons:

- 1) The proposal would lead to a loss of an employment site, and it has not been demonstrated that any of the criteria in Policy DM12 of the Site Allocations and Development Management Policies (2014) (SADMP) have been met, that would justify its loss. Therefore, the development would be contrary to Policy BCS8 of the Bristol City Local Plan Core Strategy (2011) (CS) and Policy DM12 of the SADMP.
- 2) The changes proposed, by way of the design, form and appearance would have an unacceptable impact on the existing building, and this would have a resultant adverse impact on the character and appearance of the area, in particular Gaunt's Ham Park. This would conflict with Policies BCS21 and BCS22 of the CS and Policies DM26, DM27, DM29, DM30 and DM31 of the SADMP.
- 3) The development would fail to provide a good standard of accommodation for the future and existing nearby occupiers, resulting in unsatisfactory living conditions. This is owing to inadequate outlook, concerns over sufficient daylight, access to private outdoor amenity space and contamination for future residents and a loss of privacy and overlooking of the private outdoor amenity space for the residents of 41 Brentry Avenue. This would conflict with Policies BCS18 and BCS21 of the CS and Policies DM14, DM17, DM27, DM29, DM30 and DM34 of the SADMP.

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) have been designated for major and non-major applications since 6 March

2024. Although that designation ceased on the 27 January 2026, the Planning Inspectorate will proceed to determine all those applications which were received prior to that date.

3. Consultation was undertaken on 16 December 2025 which allowed for responses by 16 January 2026. Seven interested parties submitted comments, objecting to the proposal. BCC also submitted a written statement.

Main Issues

4. Having regard to the application, comments from interested parties, the statement from BCC, together with what I saw on site, the main issues are:
 - The principle of the proposal in relation to the loss of an employment site.
 - The effect of the proposal on the character and appearance of the area, including Gaunt's Ham Park.
 - The effect of the proposal on the living conditions of the occupiers of existing nearby dwellings, primarily 41 Bretry Avenue, and whether the proposal could provide acceptable living conditions for the future occupiers, with regard to outlook, daylight, access to private amenity space and contamination.
 - Whether the proposal would be provided with sufficient car parking, cycle and refuse storage.

Reasons

Proposal

5. The site is a former milk cooperative building in the Lawrence Hill area of Bristol, currently used for storage. It is a red brick building, with a gable frontage. It is adjacent to a similar designed building to the north east, with dwellings to the south east on Bretry Avenue. Opposite the site is a small car park and the rear and side of the site shares its boundary with Gaunt's Ham Park, a local play area and Local Historic Park and Garden. The site is within walking distance of Lawrence Hill shops and railway station.
6. The proposal is for the partial demolition of the existing building down to street level and the erection of a 3 storey building, with red brick walls and vertical zinc cladding on the upper floor. Based on the details before me, it is proposed to partially demolish the existing building, and to retain/rebuild the Bretry Avenue elevation, the northeast elevation, where it connects through to the remainder of Castle House, and the stone wall which forms the boundary wall to Gaunt's Ham Park. The existing dual-pitched roof would be removed, and a flat-roofed, second-floor extension is proposed in its place, set behind the front gable. The replacement building would contain 8 apartments, with access from Bretry Avenue. A cycle store is proposed in the centre of the building. An internal refuse and recycling store is also proposed internally near the site entrance.

Loss of an employment site

7. Policy BCS8 of the CS sets out that employment land outside of the Principal Industrial and Warehousing Areas will be retained where it makes a valuable contribution to the economy and employment opportunities. Policy DM12 of the SADMP provides assessment criteria, detailing that employment sites should be retained for employment use unless it can be demonstrated that:
 - i. There is no demand for employment uses; or

- ii. Continued employment use would have an unacceptable impact on the environmental quality of the surrounding area; or
 - iii. A net reduction in floorspace is necessary to improve the existing premises; or
 - iv. It is to be used for industrial or commercial training purposes.
8. Retaining valuable employment land is an important part of the council's strategy. It helps to maintain the city's diverse economic base by ensuring a wide variety of business spaces of different types, sizes, quality and cost. The built-up nature of the city means that it is very difficult to physically replace employment sites which are re-developed for alternative uses. Employment land provides continued enterprise and employment opportunities across the city, especially for business start-ups and in those parts of Bristol experiencing persistently high levels of socio-economic deprivation. Maintaining a range of employment sites across the city also helps reduce the need to travel, especially by car.
9. The applicant refers to the site having an unfettered B8 use, and that whilst they are unaware of any complaints having been made about the use, they no longer require the site. Consequently, it could not be guaranteed that future occupiers would not generate noise and disturbance that could have an unacceptable impact on the environmental quality of the surrounding area. They also claim that because the site has no parking, the roads in the vicinity are narrow, and the vehicular access to the building adjoins the pavement, this raises concerns for continued B8 use.
10. However, aside from these claims of future uses – which are entirely unknown and cannot have any material weight – there is simply no evidence before me that the continued employment use would have an unacceptable impact on the environmental quality of the surrounding area. Indeed, there are no complaints about the existing use from the letters submitted from nearby residents. Nor is there any evidence of any substantiated complaints made to BCC's Pollution Control team.
11. The supporting text in the SADMP details that proposals will be expected to demonstrate that the site would continue to have unacceptable environmental effects even if reasonable efforts could be employed to reduce the environmental impacts of the existing use to an acceptable level. The site does not have an unacceptable environmental effect.
12. There is also nothing before me to satisfy the other criteria in Policy DM12 of the SADMP, particularly criteria i. The existing road conditions and proximity of residential properties has been the same for a significant amount of time, and is not justification for the proposal on its own.
13. Therefore, whilst BCC detail that the loss of the employment site is accepted, I cannot conclude the same based on the evidence before me. Therefore, the loss of the employment site would conflict with Policies DM12 and BCS8.

Character and appearance

14. The existing building, whilst being of a functional design, is pleasing to the eye, and forms part of the Victorian industrial evolution of the city, whereby industrial uses were located adjacent to residential workers' housing, with parks and recreation grounds nearby to provide healthy outdoor space to the working classes. The proximity of these features demonstrates the significance of Gaunt's Ham Park, and its identification as a Local Historic Park and Garden. Proposals affecting locally important heritage assets

should ensure they are conserved having regard to their significance and the degree of any harm or loss of significance.

15. The building itself contains high quality detailing and features, such as the round window to the apex on the front elevation, stone header, parapet detailing and cast iron rainwater goods to the front. To the side with Gaunt's Ham Park, there is a stone wall at ground level in the park, likely reaching the finished floor level in the building due to levels changes. This continues along the backs of the dwellings and is a consistent, high quality feature in the park. The dwellings nearby are traditional terraced housing, with vertical emphasis bay windows, pitched roofs with parapet detailing and stone banding.
16. The changes proposed would be substantial, and although the amount of demolition is described by the applicant, I agree with BCC that there remains a substantive degree of ambiguity over the intended extent of the existing building fabric to be retained/removed as the plans do not annotate this.
17. In terms of the proposals, the changes to the front elevation would be poor and illegible, removing the existing strong composition and hierarchy of openings. The main entrance to the flats, whilst in the middle, is squat and loses the vertical emphasis of the existing opening. Furthermore, the window positioned below the retained round feature window appears oddly sized, disproportionate and out of keeping, squashed between the other 2 openings. There is a notable lack of any stone headers to the openings and there is also a lack of any vertical consistency of openings, with doors and windows openings failing to line up across the floors in terms of width. This reduces the quality and coherence of the front elevation.
18. Additionally, whilst there is a set back from the walls, the extent of roof build up would be substantive, occupying most of the roof and resulting in a top heavy appearance, retaining only an extremely small proportion of the existing roof profile to the front. Although the zinc cladding would be appropriate, there is a notable lack of detailing, such as copings, junctions and parapet profiles.
19. The windows that would be inserted into the side elevation overlooking the park and service yard are of a horizontal emphasis. This is at odds with surrounding residential fenestration, and has no relationship with the existing building either. They are poorly placed, out of keeping and disproportionate, and would be highly visible from the park. I accept that there are some full length vertical emphasis windows, but the overall extent of horizontal emphasis windows would be conspicuous.
20. Furthermore, the ground floor full length windows would cut into the stone wall. This is a poor and unnecessary change, that would harm the existing form of the walling, and fail to make a positive contribution to the area's character and identity, and fail to properly conserve the significance of the park. Removal of the barbed wire would be a benefit, but of limited weight in the context of the proposals.
21. Therefore, overall, the changes proposed would have an unacceptable impact on the existing building, and this would have a resultant adverse impact on the character and appearance of the area. This would conflict with Policies BCS21 and BCS22 of the CS and Policies DM26, DM27, DM29, DM30 and DM31 of the SADMP. These seek to safeguard or enhance heritage assets, ensure high quality standards of design that makes a positive contribution to an area's character and identity, creating and reinforcing local distinctiveness, respecting existing development and building lines.

Living conditions

22. The dwelling that adjoins the site, 41 Brentry Avenue, has a rear garden that wraps around the corner element of the site, along with projecting to the rear. The CGI plans before me do not accurately demonstrate this, and the occupier of the neighbouring dwelling has helpfully provided a plan which details their garden. I also observed this on site.
23. The windows proposed to serve flats 1, 4 and to some extent 8, would directly overlook this private garden. The plans indicate that the windows to flats 1 and 4 would have 2 bedrooms that would be obscure glazed to 1.7m. This would, to some degree, prevent direct overlooking. However, the perception of overlooking would remain and the fact that these windows would be directly on the boundary of No 41 would result in a poor effect on the living condition of the occupiers of No 41. Additionally, whilst obscure glazing to 1.7m may alleviate some overlooking, there would still be available views out of the windows. There is also another bedroom window on the return side elevation in both flats, and this would also directly overlook the garden.
24. Furthermore, these rooms would serve bedrooms. To use obscure glazing in them would provide very limited outlook for the future residents (i.e. above 1.7m), and is not something that should be encouraged for habitable spaces. It indicates that the constraints of the site would not enable high quality living conditions for the occupiers of these flats, and this would lead to unacceptable future living conditions. Additionally, flats 1, 4, 5 and 6 are not provided with any private outdoor amenity space, and the space for flats 2 and 3 would be woefully inadequate for a 4 bedroom dwelling. Greater levels of air, or proximity to outdoor open spaces does not compensate for the lack of private space, particularly given most of the flats have 4 bedrooms and are likely to be occupied by families.
25. Outlook from the windows in the opposite side elevation would overlook the service yard of the adjacent industrial building. These windows are single outlook and north facing. Flats 5 and 7 would be subjected to this north east and north west facing outlook, along with a bedroom window in flats 2, 3, and 6 facing north east. Outlook would be poor from these windows, and likely receive low levels of internal lights, especially the bedroom window in flat 2. Lastly, given the service yard is part of a commercial operation, noise arising from this use could negatively impact upon future living conditions. I have no assessment before me that has considered this impact.
26. The trees within the park are close to the building. These trees would overshadow the windows to the flats, and this could lead to future pressure to remove them. Indeed the applicant's statement acknowledges the overshadowing. The trees offer a high level of amenity in this location, and their future removal would be adverse. I do not have any daylight or sunlight calculations before me to assess the exact impact, but based on my visit, I would envisage that the shadow from the trees to these future living areas could be significant due to their proximity and canopy spread.
27. In terms of future living conditions and contamination, the phase one Geo-Environmental Desk Study purports to detail the ground working in the surrounding area. The findings of a preliminary risk assessment consider the overall risk to be low, and recommends "an intrusive investigation be undertaken to establish parameters for the design of foundations, floor slabs and pavement construction". However, BCC's review indicates that there are 2 former mine entries within 50 metres of the site. Figure 5 in the desk study does not identify these. The CL: AIRE Good Practice for Risk Assessment for Coal Mine Gas Emissions October 2021 class mine entries between 20m and 50m of a site a moderate risk zone. The applicant incorrectly

assigns the risk factor of these mines, and whilst pre-commencement conditions could require further studies, I am concerned that the report I have before me is incorrect, and leaving matters to be concluded by condition is not favourable in this instance. Therefore, there is insufficient evidence to conclude on the impact of contamination or mining activities on the future living conditions of the occupiers, or the wider environment.

28. Overall, although internal space standards would be acceptable, the other concerns lead me to conclude that the proposal would not provide high quality future living conditions for the future occupiers, and would have an unacceptable impact on the living conditions of nearby neighbouring occupiers at No 41. Consequently, the proposal would conflict with Policies BCS18 and BCS21 of the CS and Policies DM14, DM17, DM27, DM29, DM30 and DM34 of the SADMP, which seek to safeguard the amenity of existing development and deliver a high-quality environment for future occupiers, achieving appropriate levels of space, privacy, outlook and daylight, and integrating important existing trees.

Car parking

29. The proposal is designed to be car free. Cycle parking, consisting of 26 spaces would be provided internally. I have noted the high amount of objection to the proposal based on the lack of parking, which objectors claim would lead to an increase in parking on street. I noted that the street was heavily trafficked with parked cars on my visit, and there were few spaces to park. There is a small car park opposite the site, which did have plenty of spaces, although I believe that these are private spaces associated with dwellings on surrounding roads, and therefore cannot be considered as part of the scheme.
30. Whilst parking is constrained on street, which is not helped by the narrow roads, the proposal is in a highly accessible location. The Council's Traffic Officer raises no objections to the proposal and having no parking to service the use would be appropriate, encouraging sustainable modes of transport. Furthermore, the existing industrial use also does not have any parking, and therefore, the change in terms of requirements for spaces would be negligible. Consequently, the proposal would be compliant with Policy BCS10 of the CS and Policy DM23 of the SADMP, which aim to promote sustainable transport methods, such as walking, cycling and public transport. Refuse and recycling storage would be acceptable, and compliant with Policy DM32 of the SADMP, which relates to recycling and refuse storage.

Other Matters

31. The Arboriculture Impact Assessment fails to address the impact of removing the side and rear elevations of the building. These construction works could negatively impact the root system of these trees and damage them. However, conditions would enable this impact to be dealt with by way of a construction management plan.
32. The accompanying preliminary ecological report confirms that the site has negligible potential for bird or bat roosting, and no further surveys are required. The report also recommends ecological enhancement measures (bat tubes, swift boxes etc), which could be required by condition.
33. The dwellings would be thermally efficient, achieving at least a 20% reduction in residual carbon emissions using renewable technologies.

Conclusion

34. The proposal would conflict with the development plan as a whole. There is no justification to substantiate the loss of employment land, and this is of substantial weight. There would be harm to the character and appearance of the area, including the significance of Gaunt's Ham Park, which is a non-designated heritage asset. This is of substantial weight. The proposal would fail to provide adequate future living conditions, and harm existing living conditions, and could lead to future pressure to remove the trees in Gaunt's Ham Park. This is also of substantial weight.
35. The proposal would provide 8 dwellings, which would make an efficient use of land and would be family dwellings, meeting an identified need. This is of substantial weight.
36. There would also be associated increases in spending locally through construction and new residents, however, there would be a loss of an employment generating use, and the economic effects would be neutral in the balance. Increased natural surveillance over the park is of neutral weight, given the park is not lacking in this regard. General environmental benefits through the provision of energy-efficient dwellings would ensure policy compliance and does not weigh in favour.
37. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs. This proposal would not meet the needs of the future occupiers because it would fail to provide acceptable living conditions or a high standard of amenity. The effects could harm both health and well-being, and my overall conclusions on future living conditions is such that the benefits of housing become much reduced. It also indicates that the proposal is not sustainable development.
38. Therefore, on balance the adverse effects of granting planning permission significantly and demonstrably outweigh the benefits, when assessed in the policies in the Framework taken as a whole.
39. For these reasons, planning permission is refused.

Katie McDonald

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>