



Appeal Decision

Site Visit made on 19 October 2021

by A Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 01 November 2021

Appeal Ref: APP/Z0116/W/21/3278413

269 Lodge Causeway, Fishponds, BRISTOL, BS16 3RA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 3, Class M of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).
 - The appeal is made by Mr Ben Elliot of Coral Real Estate against the decision of Bristol City Council.
 - The application Ref 21/01236/COU, dated 27 March 2021, was refused by notice dated 12 May 2021.
 - The development proposed is prior notification for conversion of rear part of retail (Use Class A1) to one dwelling (Use Class C3) under Schedule 2, Part 3, Class M of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 20 July 2021, following the Council's decision, the Government published its revised National Planning Policy Framework (the Framework). Both parties have had an opportunity to comment on the revisions where they may be relevant to the case, and any comments received have been taken into account in determining the appeal.
3. The appellant submitted an updated plan during the appeal process to show additional information relating to the bin store. This is supplementary information that has not altered the proposal. I do not consider the interests of any party to be prejudiced if I take the revised plan into account. I shall therefore determine the appeal on this basis.

Main Issue

4. The main issues are:
 - a) whether the proposal would be permitted development, and
 - b) the transport and highways impacts of the development.

Reasons

Permitted Development

5. From 6 April 2021, Article 3(9A) of The Town and Country Planning (General Permitted Development) (England) (Amendment) Regulations 2020 provides that Schedule 2 does not permit any new dwellinghouse where the gross

internal floorspace is less than 37m². The submitted plans show that the internal floor area of the proposed unit would fall significantly below this requirement.

6. It follows that as my decision must be made in accordance with the legislation in force at the time, I must conclude that the proposal would not be permitted development.

Transport and highways impacts

7. The reason for refusal on the Council's Decision Notice relates to whether the proposed facilities for refuse and recycling storage would be acceptable under the prior approval matter set out in Paragraph M.2 (1) (a) of Schedule 2, Part 3 of the GPDO. Refuse and recycling storage would be provided at the rear of the site. Occupiers of the proposed dwelling would need to move stored material from this location to the highway on collection days, which would involve navigating a considerable length of an unadopted lane.
8. At my visit I saw that several existing dwellings use the lane for such purposes, and information before me suggests that bins and other receptacles are moved to the end of the lane to be collected from Lodge Causeway on collection days. At my visit I saw that the junction is wide enough for such purposes and that no bins are stored permanently in this area.
9. Although the distance between the site and the collection area at the junction of the lane and Lodge Causeway is in excess of the Council's guidance, I am satisfied that it is not excessive. Furthermore, I give weight to the significant number of residential units that use the rear lane for the same purpose. The proposed bin store would be convenient for the occupiers of the proposed unit to access on a day to day basis. I can thus see no reason why the proposal would result in the storage of waste and recycling receptacles on the highway.
10. The amended detail on the submitted plan demonstrates that the proposed store would be appropriately sized, and I can see no reason why its use would conflict with the storage of commercial waste material arising from the use of other parts of the building.
11. In summary I am satisfied that the transport and highways impacts of the proposal would be acceptable, and that it would accord with Policy BCS10 of the Bristol Development Framework Core Strategy 2011 and Policies DM23 and DM32 of the Bristol Local Plan Site Allocations and Development Management Policies 2014, which together seek to ensure the provision of safe streets and suitable provision for recycling and refuse storage.

Other Matters

12. The Council accepts that paragraph 11 (d) of the Framework is engaged for planning applications due to its failure to deliver sufficient numbers of new dwellings, with reference to the 2020 Housing Delivery Test. However, in determining this appeal my assessment of the proposal against the Framework is limited to those matters set out in Paragraph M.2 (1) of Schedule 2, Part 3 of the GPDO. Therefore, the subject of housing delivery has no bearing on the outcome of this permitted development appeal.

Conclusion

13. Although I have found that the transport and highways impacts of the proposal would be acceptable I have found that the proposal would not be permitted development. Therefore, for the reasons above, the appeal should be dismissed.

A Tucker

INSPECTOR