



Appeal Decision

Site visit made on 22 February 2022

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 February 2022

Appeal Ref: APP/Z0116/W/21/3282201

66 Bath Buildings, Montpellier, Bristol, BS6 5PU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class C, of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).
 - The appeal is made by Mr Alex Mcfarlane-Watts of Montpellier Enterprises Ltd against the decision of Bristol City Council.
 - The application Ref 20/06283/CU, dated 28 December 2020, was refused by notice dated 3 March 2021.
 - The development proposed is to convert the shop into a small cafe serving hot food and beverages.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed development complies with the conditions, limitations or restrictions applicable to Schedule 2, Part 3, Class C of the GPDO and is therefore permitted development.

Reasons

3. Part 3, Class C of the GPDO permitted the change of use of a building from a use falling within Class A1 (shops) to a use falling within Class A3 (restaurants and cafes) subject to specific conditions, limitations and restrictions. However, amendments to the use class order mean that A1 and A3 uses are now both considered to be within the new Class E¹.
4. Associated with these changes the prior approval process under Schedule 2, Part 3, Class C², under which this proposal was made has been revoked. Any decision must be made in accordance with the legislation in force at the time. As the prior approval process under which the appeal was made is no longer in place, I have no option but to dismiss the appeal.
5. Given that I am dismissing the appeal on this matter, it is not necessary for me to consider the prior approval matters or any other matters raised by the parties.

¹ The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (as amended)

² The Town and Country Planning (General Permitted Development Order) (England) (Amendment) (No. 2) Order 2021/814

Conclusion

6. The appeal is therefore dismissed.

Stuart Willis

INSPECTOR