



Appeal Decision

Site visit made on 16 August 2022

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 January 2023

Appeal Ref: APP/Z0116/W/22/3296077

The Barn, 3 Hunts Lane, Horfield, Bristol, BS7 8UW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Fergus Woods against the decision of Bristol City Council.
 - The application Ref 21/05925/F, dated 3 November 2021, was refused by notice dated 5 January 2022.
 - The development proposed is the change of use of existing garage/store to a single 1 bed dwelling (Use Class C3).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant submitted amended plans to the Council, which the Council considered as draft plans and did not consult upon. Briefly they comprise the addition of a window to the rear elevation.
3. Whilst the changes, on their face, are not extensive, they do represent a noticeable departure from the scheme that the Council considered and that on which the views of third parties were sought. I have some concerns therefore that accepting the amended plans would result in some prejudice to third parties wishing to comment.
4. Having regard to the procedure guide¹, planning appeals should not be used to amend a scheme and any plans submitted should be those that the Council considered at the time they determined the planning application. I have not taken the amended plans into account in making my decision.

Main Issues

5. The main issue are;
 - Whether the proposal would provide acceptable living conditions for future residents, with particular reference to outlook and light;
 - Whether the loss of employment use associated with the proposal would meet the requirements of development plan policy;
 - Whether there is adequate provision for car parking, refuse and cycle storage;

¹ The Planning Inspectorate Procedural Guide – Planning Appeals – England (March 2021)

- The effect of the proposal on the Council's energy and carbon reduction targets.

Reasons

Employment use

6. The Council's submission details that the historic use of the appeal site was as B8, and the appellant notes that it has more recently been used as a hobby workshop and has been vacant for approximately 1 year. As the existing use of the site is B8 the proposal for the conversion of the building to a dwelling would mean the loss of an employment site. This would be in conflict with the aims of Policy BCS8 of the Bristol Development Framework Core Strategy (2011) (CS) and Policy DM12 of the Bristol Local Plan – Site Allocations and Development Management Policies (2014) (SADMP) to protect rural employment uses. These policies indicate that proposals to change use to any non-employment-generating purpose will need to demonstrate, amongst other criterion, that there is no demand for employment use and that continued employment use would have an unacceptable impact on the environmental quality of the surrounding area.
7. In order to demonstrate that there is no demand for employment use Policy DM12 details that the building should be marketed. The appeal is supported by an Economic Statement and letter from Hollis Morgan (Land and Property Auctions) which details a number of constraints with regards to the continued use of the building for employment purposes. These include, but are not limited to, the small scale of the building, restricted vehicular access, cost of improving the building and lack of running water/WC. Whilst these detail potential constraints, no marketing assessment has been submitted which could ascertain whether there could be the potential to continue the employment use. Additionally, there are likely to be constraints and costs in converting the building to a dwelling.
8. There is no substantive evidence here to indicate that either the market conditions or the individual characteristics of the site mean that that an employment use could not resume. Whilst the B8 use appears to have ceased, the effect of the proposal would still be the permanent loss of a potential employment site.
9. As such, I find on the first main issue that the proposed development would not be acceptable bearing in mind policies related to retention of employment uses. It would conflict with CS Policy BCS8 and SADMP Policy DM12 which seek, amongst other things, to safeguard existing employment uses. It would also be contrary to paragraph 81 of the National Planning Policy Framework (the Framework) which states that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

Living conditions of future occupants

10. The proposed development would have glazed double doors to the front elevation, an obscure glazed window into the bathroom and three rooflights. Additionally, ventilation bricks located at eaves levels at several locations through the building would be retained.

11. The glazed door and two rooflights would provide natural light into the living/kitchen/dining area and a further roof light would provide natural light to the bedroom. The combination of window, doors and roof lights would ensure that the proposed development and the internal rooms would not be unduly gloomy to the detriment of their usability. The windows, doors and retention of ventilation bricks would also ensure that the proposal would be adequately ventilated. Whilst there would be limited outlook, outlook would be provided via the glazed double doors which would look over the proposed parking area and towards the access road in to the site.
12. With regards to private amenity space, the only private external space would be used for the proposed car parking and cycle and bin storage. As such there would be no private amenity space. I note the appellants assertion that this area could be used for amenity space, however it is the only place provided on the plans for the parking of cars.
13. I have had regard to the appellants submission in relation to nearby public open spaces. During my site visit I noted that the open space, which includes Horfield Common, was within easy walking distance to the appeal site. Whilst this would offer open space for future residents, this would not be private space that they would be able to utilise for activities such as drying washing. As such, I can only afford this limited weight.
14. Whilst I have not found harm with regards to light, outlook and ventilation, the proposed development would have an unacceptable effect upon the living conditions of future occupiers with regard to amenity space. This would be contrary to CS Policies BCS15, BCS18 and BCS21 which seek, amongst other things, to ensure that developments provide sufficient space for everyday activities and create a high quality environment for future occupiers. The proposal is also at odds with the advice set out in paragraph 130 of the Framework that seeks high standards of amenity for existing and future users.

Parking and cycle and refuse storage

15. The appellant has indicated that cycle and refuse storage would be provided within the open space to the front of the appeal site, adjacent to the parking area. A block plan has been provided by the appellant demonstrating that there is sufficient space for cycle storage and refuse alongside the parking area. Additionally, within the appellant submission a plan details that, albeit not a straight access, there would be an unobstructed access for pedestrians from the access to the front door.
16. During my site visit I noted that there was sufficient space in front of the appeal building to accommodate parking and cycle and refuse storage. Whilst the parking space is shorter than required by the Council, I am mindful that this area has previously been utilised for the parking of a vehicle associated with the appeal building. I am not aware or have been provided with any evidence to suggest that there have been parking problems associated with the minor reduction in required length of such a space. Whilst I have had regard to the concerns relating to the width of the pedestrian access gate, I noted during my visit that both sides of the gates are easy to open and therefore should a wider access be required then the wider side could be utilised. Even if a car was to be parked there would be adequate space to manoeuvre a bicycle to the storage area.

17. I note that full details of the cycle and refuse storage have not been provided however, this could be conditioned, were I minded to allow the appeal. However, as I am dismissing the appeal on other issues, I have not pursued this matter further.
18. For the reasons set out above I consider that the development would make adequate provision for parking, cycle and refuse storage. Accordingly, I find no conflict with CS Policies BCS10 and BCS15 and SADMP Policies DM23 and DM32 which seek, amongst other things, to ensure that developments provide sufficient parking and cycle storage space and storage for refuse and recycling. The proposal also complies with paragraph 111 of the Framework which seeks to ensure that development does not have an unacceptable impact on highway safety.

Energy and carbon reduction targets

19. Policy BCS14 of the CS requires that developments include measures to reduce carbon dioxide emission from energy use in accordance with an energy hierarchy. Additionally, developments are expected to reduce carbon dioxide emissions from residual energy use in the building by at least 20%.
20. The proposed development would provide four solar panels which would be linked to underfloor heating and an EV charging point for electric vehicles. An existing log burner in the building would remain. No other methods of heating have been proposed. I note that the Council have not considered the underfloor heating due to this information not appearing on the submitted plans. However, a pre-commencement condition could be reasonably applied requiring the submission of an energy statement and conditions used to confirm compliance with the measures contained within. Nonetheless, as I am dismissing this appeal due to my findings on another substantive matter I have not pursued this matter further.
21. The proposed development would make adequate provision to reduce carbon dioxide emissions from energy use. Accordingly I find no conflict with CS Policy BCS14 which seeks, amongst other things, to ensure that developments include measures to reduce carbon dioxide emissions. The proposal would also comply with paragraph 154 of the Framework which seeks to ensure that developments reduce greenhouse gas emissions.

Other Matters

22. The Council cannot demonstrate the supply of housing sites required by the Framework. I am therefore taken to paragraph 11 of the Framework. The most important policies would be out of date. As the conversion of a building to a single dwelling, the proposal would make a very limited contribution to any housing undersupply. The scale of the scheme would accordingly limit its associated socio-economic benefits. Paragraph 81 of the Framework states that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. Paragraph 130 of the Framework requires that developments have a high standard of amenity for existing and future users. I have found that the proposal would cause unacceptable harm on the provision of employment land and on the living conditions of future occupiers in the manner I have described above. I ascribe significant weight to these harms which would be long lasting. Therefore, and in regard to the specific

circumstances of this case, the adverse impacts of granting a planning permission would significantly and demonstrably outweigh the benefits. It would not therefore be sustainable development for which the presumption in favour applies.

Conclusion

23. For the above reasons, there are no relevant material considerations, including the approach of the Framework, that would indicate a decision otherwise in accordance with the development plan. It is for this reason that the appeal should be dismissed.

Tamsin Law

INSPECTOR