



Appeal Decision

Site visit made on 28 May 2024

by G Roberts BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4TH June 2024

Appeal Ref: APP/Z0116/W/23/3333809

45 Mayfield Park North, Speedwell, Bristol, BS16 3NH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr L Stinchcombe (Milestones Trust Ltd) against Bristol City Council.
 - The application Ref. 23/02042/F was dated 23 May 2023.
 - The application is for a change of use from residential care home (Use Class C2) to residential dwelling (Use Class C3).
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Decision

1. The appeal is allowed and planning permission granted for the change of use from residential care home (Use Class C2) to residential dwelling (Use Class C3) at 45 Mayfield Park North, Speedwell, Bristol, BS16 3NH in accordance with the terms of the application, Ref. 23/02042/F, dated 23 May 2023 and subject to the conditions listed below.
 - 1) The development hereby permitted shall begin before the expiration of three years from the date of this permission.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 001 (Location Plan & Site Block Plan); 200 (Proposed Floor Plans & Elevations).
 - 3) No part of the residential use hereby permitted shall be first occupied until detailed specifications for the refuse and recycling store including its type, appearance, scale and capacity as well as its precise location within the site, have been submitted to and approved in writing by the Local Planning Authority. Thereafter, all refuse and recyclable materials associated with the permitted residential use shall either be stored within the dedicated store/area as shown on the approved plans or internally within the permitted dwelling. No refuse or recycling material shall be stored or placed for collection on the adopted highway (including the footway) except on the day of collection.
 - 4) No part of the residential use hereby permitted shall be first occupied until detailed specifications of secure and covered cycle storage including its type, appearance, scale and capacity as well as its precise location within the site, have been submitted to and approved in writing by the Local Planning

Authority. Thereafter, the approved cycle store shall be kept free of obstruction and available for the parking of cycles only.

Preliminary & Other Matters

2. A revised version of the National Planning Policy Framework (Framework) was published in December 2023. However, the relevant policies broadly remain unchanged.
3. Since the appeal against non-determination was lodged, the Council has provided an Assessment & Appeal Statement (AAS) within which they set out their appraisal of the appeal proposal and their decision, had they retained the jurisdiction to do so. The Appellant has had the opportunity to respond to this as part of any final comments and therefore they would not be prejudiced by my taking this into account.
4. The AAS indicates that planning permission for the change of use of the appeal site to a care home was granted in February 1998 and that the current proposal simply involves reverting the use from a care home to its former use as a single family dwelling. As I observed on site, the appeal property forms part of a pair of semi-detached properties within a predominantly residential area and sustainable location.
5. The AAS notes that whilst no evidence has been submitted in relation to the loss of the care home, there are no policies in the Bristol Core Strategy (June 2011) (BCS) or in the Bristol Site Allocations & Development Management Plan (July 2014) (BDMP) that require such evidence to be provided. In view of this, the Council raise no objection to the appeal proposal in land use terms.
6. The AAS continues by confirming that as no external alterations are proposed and as the residential use would be no more intensive than the care home use, the appeal proposal would not impact on the character and appearance of the area or on the living conditions of neighbouring occupiers. As such, the AAS finds that the proposal would accord with policy BCS21 of the BCS and policies DM26 and DM27 of the BDMP.
7. The AAS also finds that the proposed use would accord with policies BCS10, BCS18 and BCS21 of the BCS and policies DM23, DM27 and DM32 of the BDMP in offering high quality living conditions to future occupiers, appropriate off-site parking and access, refuse provision and cycle spaces (subject to appropriate conditions). Consequently, the AAS concludes that the proposal satisfies all the relevant policy considerations and recommends that permission be granted.
8. Based on my observations on site and my review of the relevant development plan policies, I fully concur with the Council's assessment and its findings as set out within the AAS. There is no evidence before me that would lead me to reach a different finding or to question the acceptability of the proposed change of use.
9. In view of the above and as the appeal proposal is acceptable there is no need for me to consider the proposed change of use further. As there have also been no comments from interested parties and the appeal site is not subject to any policy or heritage designations, there are no 'other matters' that I need to have regard to.

Conditions

10. I have considered the Council's suggested conditions, set out in the AAS, against the advice in the Framework and the Planning Practice Guidance chapter on the use of planning conditions. No final comments were received from the Appellant in response to the Council's suggested conditions.
11. A condition relating to compliance with the approved plans is reasonable and necessary in the interests of ensuring that the development is of a high quality and reflects the details set out in the application.
12. Conditions requiring the submission and approval of refuse/recycling provision and secure cycle storage are also reasonable and necessary in order to safeguard local amenities, ensure a high quality development and ensure that adequate refuse, recycling and cycle facilities are provided and available to future occupiers.

Conclusion

13. For the reasons given above and having taken all the matters raised into account, I conclude that the appeal should be allowed.

G Roberts

INSPECTOR