



Appeal Decision

Site visit made on 23 July 2024

by Martin Allen BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 September 2024

Appeal Ref: APP/Z0116/X/23/3330680

361 Two Mile Hill Road, St George, Bristol BS15 1AF

- The appeal is made under section 195 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for a certificate of lawful use or development (LDC).
 - The appeal is made by L Cherry against Bristol City Council.
 - The application ref 23/00908/CP is dated 3 March 2024.
 - The application was made under section 192(1)(a) of the Town and Country Planning Act 1990 as amended.
 - The use for which a certificate of lawful use or development is sought is described as the "conversion of the rear area of the shop premises into a 1 bedroom flat. There is no requirement to alter any existing external doors or windows."
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether or not the proposed development accords with the requirements of the relevant sections of The Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO) in order to comprise permitted development.

Reasons

3. Part 3, Class MA of the GPDO permits development consisting of the change of use of a building and any land within its curtilage from a use falling within Class E (Commercial, business and service) to a use falling within Class C3 (dwellinghouses).
4. The Council, within its Statement of Case, indicate that the proposal would comply with the relevant limitations as set out in paragraph MA.1 of the GPDO. There is nothing before me that would lead me to find otherwise. However, paragraph MA.2 sets out that before the proposed development is begun, an application must be made to the local planning authority for a determination as to whether the prior approval of the authority will be required in respect of a number of stated matters.
5. No such application for a determination has been made in this respect and as a consequence, until the requisite application and determination are made, the proposed development would not be lawful. Accordingly, I determine that the proposed development would not comply with Class MA, Part 3 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015, and thus is not permitted development.

Conclusion

6. For the reasons given above I conclude that the appeal should fail. I will exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act (as amended).

Martin Allen

INSPECTOR