



Appeal Decision

Inquiry Held on 21 May 2025 and 11 September 2025

Site visit made on 21 May 2025

by Paul Freer BA (Hons) LLM PhD MRTPI

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 02 October 2025

Appeal Ref: APP/Z0116/C/24/3354593

Land at 57 Islington Road, Southville, Bristol BS3 1PZ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Willow Woods Homes Ltd against an enforcement notice issued by Bristol City Council.
 - The enforcement notice was issued on 2 October 2024.
 - The breach of planning control as alleged in the notice is, without planning permission, the change of use to House in Multiple Occupation (HMO) (Use Class C4).
 - The requirements of the notice are to cease the use of the property as a House in Multiple Occupation (HMO) (Use Class C4).
 - The period for compliance with the requirements is 10 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended.
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Summary Decision: the appeal is dismissed and the enforcement notice is upheld with a correction as set out in the Formal Decision below

Procedural matters

1. This appeal was heard at the same Inquiry as an appeal against the issue of an enforcement notice relating to another property owned by the same appellant at 229 Coronation Road, Southville, Bristol (APP/Z0116/C/24/3354995). All evidence in relation to that appeal was given under oath by way of affirmation. In the interest of consistency, evidence in relation to this appeal was also given under oath, notwithstanding that this appeal did not turn on matters of fact.
2. The breach of planning control alleged in the notice is, without planning permission, the change of use of the appeal property to a House in Multiple Occupation (HMO) falling within Use Class C4 as set out in the Town and Country Planning (Use Classes) Order 1987 (UCO). For the purposes of the UCO, an HMO falling within Use Class C4 is defined as the use of a dwellinghouse by not more than six residents as a "house in multiple occupation".
3. There is reference in some third-party representations to the appeal property being used as a 'large' HMO occupied by up to nine individuals. This would fall outside of the use as an HMO falling within Use Class C4 of the UCO. However, the appellant has not made an appeal on Ground (b) as set out in section 174(2) of the Town and Country Planning Act 1990 (1990 Act): namely that, in

respect of any breach of planning control that may be constituted by the matters stated in the notice, those matters have not occurred. This is a tacit acceptance on the part of the appellant that the property has only been used as an HMO occupied by six residents or less and therefore falling within Use Class C4. This was subsequently confirmed in oral evidence to the Inquiry by Miss Claire Shepherd, appearing in her capacity as Director of Willow Woods Homes Ltd.

4. The Council cites Policy H6 of the Bristol Local Plan Publication Version November 2023 in the reasons for issuing the enforcement notice. In summary, this emerging policy provides that proposals for the development of houses in multiple occupation will not be permitted where the development would harm the residential amenity or character of the locality or create or contribute to a local imbalance of such uses. This policy is still the subject of discussion about some of the criteria within it and the Examining Inspector requested the submission of additional information. I was advised that the Council provided that information in July of this year but at the time of the Inquiry the Planning Inspectorate had not responded to that information.
5. It therefore appears to me that, aside from the broad direction of travel, the detail of Policy H6 is still in a state of flux. Accordingly, I cannot be certain that Policy H6 will emerge unchanged from the adoption process. For that reason, I attach only minimal weight to the emerging policy as a material consideration.

The Enforcement Notice

6. The breach of planning control as alleged in the notice is, without planning permission, the change of use to a House in Multiple Occupation (Use Class C4). The change of use of the land is not, in itself, development requiring planning permission for the purposes of section 55(1) of the 1990 Act. I shall therefore correct the notice to refer to a *material* change of use of the land as defined in section 55(1) of that Act as constituting development. At the Inquiry, neither party objected to the notice being corrected in this respect and I am therefore satisfied that no injustice would be caused by so doing.

The appeal on ground (a) and the deemed planning application

7. The ground of appeal is that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted. The Council has stated one substantive reason for issuing the enforcement notice, from which the main issues raised are:
 - the effect, if any, on the living conditions of the occupiers of surrounding residential properties, particularly in relation to noise disturbance, and
 - the effect, if any, of the development on the character and amenity of the area, specifically whether it provides adequate facilities for the storage of refuse
8. These main issues need to be considered in the context of the development plan when read as a whole, including policies aimed at achieving an appropriate housing mix and balanced communities: the Council's Supplementary Planning Document 'Managing the development of houses in multiple occupation' (SPD) and policies in the National Planning Policy Framework (Framework).

9. A total of 20 representations were received in response to the notification of this appeal. That represents a significant proportion of the residential properties on this stretch of Islington Road. All object to the development: there are no representations in support of the development. It is convenient to break down the reasons for issuing the Enforcement Notice into the two main themes set out in those representations: noise disturbance and the storage of refuse.

Noise disturbance

10. Several representations refer to excessive noise from the property, with some making the point that being terraced houses noise travels significantly. The occupier of one dwelling complains that there is constant noise from the occupiers of the appeal property, specifically from individuals that were staying in the large front room on the first floor. A different neighbour describes the level of noise they have endured as “maddening”, whereas another complains that the noise which comes from the appeal property means that they can be kept awake until the early hours of the morning regardless of which day of the week it is. One local resident refers to late-night noise emanating from the appeal property causing significant disruption, especially for families with young children.
11. The salient point is that is that the above objections on noise grounds all come from the occupiers of the same stretch of Islington Road in which the appeal property is located. Moreover, it is apparent from the addresses of the residents who describe the adverse effects of excessive noise on their residential amenity that these effects are not just confined to the occupiers of the immediately adjoining properties but are experienced over a wider distance.
12. In response, Miss Shepherd explained in her oral evidence to the Inquiry that the property had been taken back to brick following purchase and had been soundproofed. She also pointed out that no informal complaints had been made to her, or formal complaints made to the Council’s Environmental Health team. That may be the case but Statutory Nuisance pursuant to the Environmental Protection Act 1990 is a separate legislative regime to the Town and Country Planning 1990 Act.
13. Furthermore, as a matter of principle, noise disturbance does not need to reach the level deemed to be a Statutory Nuisance in order for it to adversely affect the living conditions of occupiers of a residential property. In this case, that much is evidenced by the comments made in representations, which reveal that the living conditions of occupiers of residential properties in a significant proportion of Islington Road are being adversely affected by noise emanating from the appeal property when occupied as an HMO.
14. I conclude that the development unacceptably harms the living conditions of the occupiers of surrounding residential properties in terms of noise disturbance. I therefore conclude that the development is contrary to Policies DM2 and DM35 of the Bristol Local Plan – Site Allocations and Development Management Policies. These policies state, amongst other things, that the conversion of existing dwellings to be used as houses in multiple occupation will not be permitted where the development would harm the residential amenity or character of the locality as a result of levels of activity that cause excessive noise and disturbance.

Storage of refuse

15. Another consistent theme of the representations received is that the residents of the HMO at 57 Islington Road do not treat the front of the property with appropriate care and attention. They describe how the small front yard of the property has, for the last few years, been full of rubbish and building material. As a result of this, the recycling and waste bins are regularly left out on the pavement in front of the property instead of in the front yard. The representations point out that this is in stark contrast with the other nearby properties, which generally have well-kept and cared-for front yards. Other representations describe how bins are perpetually left out on the street, obstructing the pavement and from where they are blow over and spew rubbish onto the street.
16. Embedded in Miss Tay's Proof of Evidence is a series of photographs showing the front of the appeal property. These were taken on 15 April 2025, which I recognise is after the enforcement notice was issued. The photographs show two blue bags hanging over the front railings, and the front garden itself being in an unkept condition. The blue bags appear to be filled with building materials, which Miss Shepherd confirmed in cross-examination to be tiles and that they had now been removed. Nevertheless, the appearance of the front garden in those photographs, as well as the bags overhanging the railings, is entirely consistent with appearance of the front garden of the appeal property as described in representations.
17. Following the second session of the Inquiry, the appellant provided a revised Block Plan (Drawing No. 57/IR/S/108/HMO Rev a) that showed the proposed refuse storage to be relocated such that it does not obstruct the pedestrian gate at the front of the property. This would overcome the Council's objection to the previous location for the proposed refuse storage. The Council considers the proposed refuse storage to be acceptable in all other respects. I see no reason to take a different view. Accordingly, I am satisfied that this reason for issuing the Enforcement is capable of being overcome in a scenario where I would be in a position to impose such a condition. However, for reasons set out below, that is not an option open to me.
18. I conclude that the development unacceptably harms the character and amenity of the area insofar as does not currently provide adequate facilities for the storage of refuse. I therefore conclude that the development is contrary to Policy DM2 of the Bristol Local Plan – Site Allocations and Development Management Policies which, amongst other things, states that development will not be permitted where it would harm the residential amenity or character of the locality as a result of inadequate storage for refuse.

Housing mix and achieving a balanced community

19. The Council's SPD identifies the threshold proportion of 10% of HMOs in any neighbourhood as the likely tipping point, beyond which negative impacts to residential amenity and character are likely to be experienced and housing choice and community cohesion start to weaken. There is no dispute that the percentage of dwellings in use as HMOs in the Southville area of Bristol is currently less than 8% of the total dwelling stock. This is well below the threshold of 10% identified in the SPD, and I am therefore satisfied that an appropriate mix of housing tenures would be maintained should the appeal succeed.

20. The Strategic Housing Market Assessment for the area, published in November 2023, predicts that for the period 2020-2040 single person households will represent 32% of the overall household growth, whilst families with dependent children will make up approximately 19% of the overall household growth. The need for HMO households (both student and non-student) is therefore predicted to exceed that for families with children. Furthermore, the Equalities Screening for the SPD recognises that it is possible that a reduction in the supply of HMOs at a local level may have a disproportionate impact on the groups who typically occupy this type of accommodation.
21. Both Policy BCS18 and Policy DM2 in the adopted development plan recognise the need to create balanced communities and seek to accommodate HMOs where there would not be unacceptably harm to residential amenity or the character of the locality. Consequently, whilst there may be a need for HMOs in this part of Bristol, the policies in the development plan must be read as whole, such that the recognised need for HMOs must be balanced against other considerations on a site-specific basis. In this case, the significant level of harm to the living conditions of the occupiers of surrounding residential properties due to noise disturbance, and harm to the character of the locality arising from the inadequate storage for refuse, outweigh the need for HMO accommodation.
22. I conclude that the development accords with Policy BCS18 of the Bristol Development Framework Core Strategy and Policy DM2 of Bristol Local Plan – Site Allocations and Development Management Policies insofar as it contributes to a mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities, but conflicts with these policies when read as a whole.

Overall conclusions against the development plan

23. Although the use of the appeal property as an HMO contributes to a mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities, it adversely affects the living conditions of the occupiers of residential properties in Islington Road by reason of noise disturbance and harms the character and amenity of the area. Compliance with policies in the development in relation to the former is outweighed by the failure to comply with development plan policies in other respects. I therefore conclude that the breach of planning control alleged in the notice is contrary to the development plan when read as a whole.

Other considerations

24. Section 38(6) of the Planning and Compulsory Purchase Act 2004 indicates that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be in accordance with the plan unless material considerations indicate otherwise. I have found that the breach of planning control alleged in the enforcement notice fails to accord with the development plan when read as a whole. It is therefore necessary for me to consider whether there are any material considerations of sufficient weight to indicate that determination should be made otherwise than in accordance with the development plan
25. Paragraph 4.1 of the Council's SPD indicates that proposals for the introduction of new HMOs resulting in an existing residential property or properties (Use

Class C3) being sandwiched by HMOs on both sides are unlikely to be consistent with Local Plan policy. The application of the 'Sandwiching Assessment' set out in the Council's SPD to the appeal property is explained in Section 6 of Miss Tay's Proof of Evidence¹, which was helpfully expanded upon in giving her oral evidence.

26. As explained by Miss Tay, No. 57 Islington Road is directly opposite No. 66 Islington Road, a dwelling in C3 use. The property to the east of that (No.64 Islington Road) is diagonally opposite the appeal property and is also in C3 use. As Miss Tay accepted in giving her evidence, the inclusion of No. 64 in the Sandwiching Assessment is "less strong" due to the extent to which it is diagonally 'opposite' the appeal property. I would put it higher than that and would describe it tenuous at best. For that reason, I have not included it in my assessment.
27. To the west of No.66 Islington Road is No. 68, which is again in C3 use. To the west of that is No.70 Islington Road, which is an HMO. Directly to the rear of No.66 Islington Road is No. 28 Park Road, which is an HMO. The three properties to the east of that (Nos. 30, 32 and 34 Park Road) are also HMOs, although to my mind these properties are not directly relevant to the Sandwiching Assessment in this case.
28. The issue in dispute is whether or not Islington Road is a 'Separating Road' for the purposes of the Sandwiching Assessment set out in the SPD. The Council's SPD does not define what a 'Separating Road' is for the purposes of the Sandwiching Assessment. The SPD does, however, state that sandwiching situations apply irrespective of limited breaks in building line, such as a vehicular or pedestrian access, apart from a separating road. I concur with Miss Tay that a building line follows the line created by the frontages of buildings.
29. In this case, Islington Road comprises two rows of terraced houses fronting each other separated by the vehicular/pedestrian carriageway. Significantly, Islington Road is relatively narrow in width, such that occupiers of properties on one side of the road are at least more likely to be aware of activities (noise, movements, etc) taking place in the dwelling(s) on the opposite side of the road. In this respect, Islington Road may as a matter of fact and degree be distinguished from other roads in Bristol not having the same tight urban grain.
30. There are no breaks in that building line relevant to the Sandwiching Assessment in this case, and the appeal property is located some distance from where the building line changes at the junction with Camden Road. Consequently, I consider that Islington Road is not a 'Separating Road' for the purposes of the Sandwiching Assessment set out in the SPD.
31. This interpretation is supported by the example shown in Fig.3: Situation 2 of the SPD, which shows a road between properties which does not prevent a sandwiching situation. In that example, the properties identified as being 'sandwiched' are positioned opposite each other across a road. This is a direct parallel with the appeal property in Islington Road.
32. This is entirely logical, insofar as the use of a property as an HMO could affect a property on the opposite side of the road, particularly in the tight urban grain

¹ Including in diagrammatic form.

representative of some areas of Bristol. Indeed, this situation is likely to apply in the majority of locations within Bristol where there are concentrations of HMOs. Accordingly, any other interpretation of the term 'Separating Roads' in the SPD would result in the Sandwiching Assessment being disapplied in the majority of cases, rendering the SPD of limited value as guidance for the interpretation of Policy DM2. That cannot have been the Council's intention in adopting the SPD.

33. In the case of 57 Islington Road, the views expressed by residents rehearsed above in terms of noise disturbance are good evidence that living opposite an HMO can affect the living conditions enjoyed by the occupiers of a residential property. I note that objections on the grounds of noise disturbance have been received from a significant proportion of the properties in this stretch of Islington Road, and not just the immediately adjoining dwellings. This further suggests that Islington Road is not a 'Separating Road' for the purposes of the Sandwiching Assessment set out in the SPD.
34. The appellant refers to an appeal decision in relation to a proposed HMO at 163 Wordsworth Road, Horfield, Bristol (APP/Z0115/W/25/3360210) in paragraph 14 of which the Inspector specifically referred to the physical relationship and proximity of between the HMO and dwellings as being a material consideration. In allowing the appeal, the Inspector found that the separation between and associated boundary treatment would have a mitigating effect on disturbance originating from the HMOs.
35. As Miss Tay explained in her oral evidence to the second session of the Inquiry, the circumstances in relation to Wordsworth Road are different to those in Islington Road. The former is some two metres wider than Islington Road and is of a different character, comprising a mixture of pairs of semi-detached houses and short sections of terraced housing. The houses are typically set back from highway, in some cases with boundary treatments. In contrast, Islington Road comprises of two rows of terraced houses directly facing each other with only limited space in front the dwellings and front boundary treatments the typically comprise low walls and railings.
36. It follows that the proposal in relation to 163 Wordsworth Road is not directly comparable to the development that is before me. Consequently, whilst I concur with the Inspector in that case that the physical relationship and proximity of between the HMO and dwellings is a material consideration, the conclusion that the Inspector reached on the facts before him/her is necessarily different to my conclusion reached on the facts and circumstances in relation to Islington Road.
37. For the reasons set out above, I conclude that the breach of planning control alleged in the enforcement notice does not accord with the Council's SPD in this respect. The SPD is intended as guidance to assist in the implementation of a current development plan policy, specifically Policy DM2 of the Bristol Local Plan – Site Allocations and Development Management Policies, and was prepared in accordance with part 5 of the Town and Country Planning (Local Planning) (England) Regulations 2012. Accordingly, the SPD is a material consideration to which I attach considerable weight.
38. Paragraph 61 of the Framework indicates that the overall aim should be to meet an area's identified housing need, including with an appropriate mix of housing types for the local community. This weighs in favour of the

development. However, the Framework goes on to state at paragraph 135(f) that planning decisions should ensure that developments create places with a high standard of amenity for existing and future users. For the reasons set out above, I have found that the development causes a significant level of harm to the living conditions of the occupiers of surrounding residential properties due to noise disturbance. These competing considerations cancel each other out, such that the development is not in accordance with the Framework when read as a whole. For that reason, in this case the Framework is a neutral consideration in the overall planning balance.

39. The appellant contends that there is a 'fallback' position available to her insofar as, in her view, the noise and disturbance generated by the use of the property as an HMO would not be significantly different than that associated with the lawful use of the property as a C3 dwelling². In this context, the appellant draws my attention to the findings of the Inspector in relation to 163 Wordsworth Road (APP/Z0115/W/25/3360210) in which he/she considered the fallback position at paragraph 13 and concluded that:

"Whilst there is the potential for a 6 bedroom HMO to have greater a greater level of noise, disturbance and activity than a 6 bedroom dwelling, I do not consider the difference would be harmfully significant. In this case, the fallback position, being a 6 bedroom dwelling, has the potential to generate similar levels of activity."

40. The appellant explains that reconfiguration of the appeal property would not require any substantial structural works and could be easily accomplished. It is therefore clear that this an option that is entirely open to the appellant and one which the appellant would pursue. Indeed, it would be the logical response in the event that the Enforcement Notice is upheld. I am therefore satisfied that the fallback position on which the appellant relies is more than a merely theoretical prospect.
41. Two points arise from this: one of principle, and one relating to the specific facts and circumstances of this case.
42. In terms of the principle involved, I acknowledge that use of the property as a 'small' HMO has the *potential* to generate similar levels of activity to a 6-bedroom dwelling. However, in practice, I am not persuaded that this would always or even usually be the case. For example, in a situation where a dwelling was occupied by a family with young children the pattern and level of movements would be very different to that if the property was occupied by (say) a family with grown up children. In the former scenario, the family would be more inclined to leave the house at the same time and undertake activities together as one family. The associated pattern of movements and disturbance generated would then be typically different, and potentially with potential less impact on amenity, than in other scenarios.
43. I also take the point made by Miss Tay in relation to the reasons why 'small' HMOs are in a separate Use Class than C3 dwellings. Whilst ordinarily planning permission would not be required for a change of use between these Use Classes, it is reasonable to conclude that the Government identified some

² Including C3(b) not more than six residents living together as a single household where care is provided to residents and C3(c) for not more than six residents living together as a single household where no care is provided to residents, the latter potential to provide housing for asylum seekers.

difference in the characteristics of these uses, sufficient to require that they should be in different Use Classes.

44. Indeed, it is significant that Bristol City Council initiated a series of Article 4 Directions across the city in those areas where concentrations of HMOs were at their highest³. This can only be viewed as an indication that the Council considered the character of HMOs is different to that of C3 dwellings and can (and I put no higher than that) in large concentrations give rise to a significant change in the character and amenity of an area. The additional level of control afforded by Article 4 Directions, and which the Council sought to adopt, would not be necessary if the impacts associated with a 'small' HMO were typically the same as a 6-bedroom dwelling.
45. In terms of the specific facts and circumstances of this case, the use of the appeal property as an HMO has generated a significant level of objection on the grounds of noise disturbance and in terms of the character and amenity of the area (the storage of refuse). Whilst it is theoretically possible that the use of the appeal property as a dwelling falling within the C3(c) Use Class could give rise to similar impacts, that level of noise disturbance is unlikely to arise from the use of a C3 dwelling, particularly a dwelling occupied by a single household. Similarly, as demonstrated by other properties in Islington Road, a property occupied by a single household is less likely to give rise to issues relating to the character and amenity of the area.
46. In reaching that conclusion, I am mindful that because planning permission is required for change of use of the appeal property to an HMO, I am potentially in a position to impose a condition requiring the provision of facilities for the storage of refuse. As indicated above, this would overcome the objection raised by the Council in terms of the character and amenity of the area and without which I found the development to be contrary to the development plan in that respect.
47. This would not apply should the appeal property revert to a use falling within Use Class C3(b) or C3(c), in which scenario occupation of the property by six residents living together as a single household could potentially generate an equivalent amount of refuse to the use as an HMO and thereby result in the same harm to the character and amenity of the area. This is a factor that weighs in support of the appellant's fallback position, and which I have taken into account. However, as evidenced by the condition of the front gardens of properties in Islington Road that are in occupation as a C3 dwelling in the photographs taken by Miss Tay (and my own observation at the site visit), this is shown not to be a significant issue.
48. Looking at the 'fallback' issue in the round, and considering the potential use of the appeal property for uses falling within Use Classes C3(a), C3(b) and C3(c), I am not persuaded that the *potential* impacts resulting from that use would be as harmful as those that are *known* to arise from the use of the appeal property as a HMO. Similarly, I am not persuaded (and it was no part of the appellant's case) that the potential impacts arising from the fallback position open to the appellants would be more harmful than those arising from the use of the appeal property as an HMO.

³ Including the area of South Bristol in which the appeal site is located.

49. In considering whether a fallback position would justify the grant of planning permission, the question to be asked is whether the 'fallback' would be less desirable than that for which planning permission is sought, or at least equally harmful in terms of its impacts. In this case, I consider that the appellant's fallback position would on balance be preferable to the breach of planning control that has taken place, such that it does not justify the grant of planning permission.
50. The Council proposed two conditions to be imposed in the event that I was minded to allow the appeal. These conditions require the submission of details regarding the storage of refuse and cycle storage respectively. As indicated above, I am satisfied that the storage of refuse could be adequately achieved through the provision and retention of the facilities shown on Drawing No. 57/IR/S/108/HMO Rev a. That same drawing also showed the location of secure cycle storage to the rear of the property and, whilst this would erode the amount of outdoor amenity space that would be available to the occupiers of the property (to which the Council raises no objection), I am satisfied that the imposition of such a condition would overcome any concerns in that respect.
51. However, whilst I am satisfied that both conditions would be reasonable and necessary to make the development acceptable in planning terms, in my view the harms identified above are intrinsic to the breach of planning control that has occurred and could not be overcome by the imposition of these or any other conditions.
52. Both the appellant and the Council have referred me to appeal decisions in support of their respective cases. I have read all those decisions, but in the interest of conciseness do not rehearse them here. The salient point is that each of the appeal decisions referred to turned on facts that are materially different to those in this case. In particular, the use of the appeal property as an HMO has generated a significant level of objection from the occupiers of dwellings across a significant proportion of Islington Road in terms of noise disturbance. That level of local objection is not a factor in any of the appeal decisions that have been provided to me. On this basis alone, the appeal proposal can therefore be immediately distinguished from the other cases to which I have been referred.
53. The theme that does arise from the appeal decisions to which I have been referred is that Inspectors have been consistent in undertaking a two-stage process in which they first establish whether 'sandwiching' is occurring and then look at the local context and relationship with neighbouring properties. Consequently, whilst the general principles remain applicable and the balancing exercise remains broadly the same, the findings of the Inspectors based on those site-specific facts do not assist in me in determining this appeal. I have therefore based my Decision on the merits of the development in the context of the facts and circumstances that apply in this case.

Conclusion on ground (a) and the deemed planning application

54. For the reasons set out above, the breach of planning control alleged in the notice is contrary to the development plan. The harms that I have identified cannot be overcome by the imposition of suitably worded conditions. Having weighed the factors in support of the development and all other material considerations, I am not persuaded that there are any material considerations

of sufficient weight, either taken individually or cumulatively, to indicate that determination should be made otherwise than in accordance with the development plan. Accordingly, I conclude that planning permission ought not to be granted for the matters stated in the notice.

Conclusion

55. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with a correction and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Formal Decision

56. It is directed that the enforcement notice is corrected by:

- in paragraph 3 of the notice, inserting the word 'material' immediately before the word 'change'

57. Subject to that correction, the appeal is dismissed and the enforcement notice is upheld.

Paul Freer
INSPECTOR

APPEARANCES

For the appellant (appearing as both advocate and witness)

Mr John Rooney MRTPI

Planning Associate, Stokes Morgan
Planning

He called:

Miss Claire Shepherd

Director, Willow Woods Homes Ltd

For the Local Planning Authority

Mr Roy Pinney

Planning Lawyer, Legal Services,
Bristol City Council

He called:

Miss Kayna Tay MSc MRTPI

Principal Planning Officer, Bristol City
Council

DOCUMENTS SUBMITTED AT THE INQUIRY

1/ Drawing No. 57/IR/S/108/HMO Rev a