



Appeal Decision

Site visit made on 14 April 2026

by Martin Allen BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 May 2026

Appeal Ref: APP/D0121/W/25/3374470

Longwood House, Former Stable Block, Bridge Road, Bleadon, North Somerset, BS24 0AU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Ms Tracy Heppenstall against the decision of North Somerset Council.
 - The application Ref is 25/P/0081/CM2A.
 - The development proposed, as described in the application form, is the Conversion of hair salon to single storey bungalow as annex to Long Wood House.
-

Decision

1. The appeal is dismissed.

Background and Main Issue

2. Class MA of Part 3, Schedule 2 of the General Permitted Development Order (GPDO) permits the change of use of commercial, business and service uses falling within Class E to a use falling within Class C3 (dwellinghouses) subject to a number of limitations. Article 3(4) of the GPDO specifies that nothing in the order permits development contrary to any condition imposed by any planning permission granted or deemed to be granted under Part 3 of the Town and Country Planning Act 1990, otherwise than by the GPDO.
3. The main issue is whether or not the proposal would be permitted development, having regard to the specific development that is proposed, as well as the operation of Article 3(4).

Reasons

Proposed development

4. As set out above, the GPDO permits the change of use of a building from a commercial use falling within Use Class E, to a use falling within Use Class C3. The Town and Country Planning (Use Classes) Order 1987 (as amended) defines this use class as “*use as a dwellinghouse*”.
5. The Council refused the application, in part, due to the proposed development comprising an annex, and not an independent dwellinghouse. Despite the contention of the appellant within the appeal statement that a standalone residential unit was applied for, that is not what is stated on the application form. The section of the form where the proposed works are described states “*Conversion of hair salon to single storey bungalow as annex to Long Wood*”

House.” This clearly, and unambiguously, states that the development would be an annex associated with the main dwelling of Long Wood House. This is further supported by the plans and flood risk assessment submitted referring to an annex. I have therefore assessed the scheme on the basis of which it was submitted, that of an annex.

6. The use of a building as an annex, while associated with a dwelling, is not in itself the use of that building as a dwellinghouse; it is ancillary or incidental to it. In my view, to accord with the permitted development right a scheme must comprise the use of a building as a dwellinghouse in its own right. As such, the proposal, being for an annex use, would not fall within the scope of Class MA of Part 3, Schedule 2 of the GPDO.

Article 3(4)

7. Article 3(4) of the GPDO states “*Nothing in this Order permits development contrary to any condition imposed by any planning permission granted or deemed to be granted under [Part 3 or Part 13] of the Act otherwise than by this Order.*” As such, in order to benefit from the GPDO provisions a development must not be contrary to any condition on an existing planning permission.
8. The Council also contend that the development would be contrary to condition 3 of planning permission 15/P/0631/F, which states “*The use hereby permitted shall be restricted to that of a Hairdresser as described in the application and shall not be used for any other purpose without the prior approval of the Local Planning Authority.*”
9. Caselaw¹ has established that a condition limiting or restricting the activities within a building does nothing more than define the scope of a permission. The first part of the condition “...*the use hereby permitted shall be restricted to that of a Hairdresser as described in the application...*” goes no further than defining what was permitted at that time. To exclude the application of the GPDO, there must be something more.
10. Caselaw² further establishes that a permission and its conditions must be interpreted objectively as a whole and in doing so, the question is what a reasonable reader would understand the words to mean, reading the condition in the context of the other conditions and of the consent as a whole. The judgement also sets out that to “exclude the application of the GPDO, the words used in the relevant condition, taken in their full context, must clearly evince an intention on the part of the local planning authority to make such an exclusion.”
11. The condition goes on to state “...*and shall not be used for any other purpose without the prior approval of the Local Planning Authority....*” This wording is clear and straightforward that it seeks to prevent any other uses taking place within the building, even those that may be permitted by the GPDO. On an ordinary reading of the condition, the reference to the prior approval of the Local Authority would refer to either the grant of express planning permission or possibly other written agreement. It would not in my view refer to an application for a determination as to whether prior approval is required within the scope of the GPDO.

¹ Dunoon Developments Ltd v SSE & Poole BC (1993) 65 P&CR 101

² Dunnett Investments Ltd v SSCLG & East Dorset DC [2017] EWCA Civ 192

12. Therefore, I find that the condition is sufficient to confine the use of the building to a Hairdresser use only, and that the proposed development would conflict with this condition. As such, the proposal would not be permitted development, by reason of the operation of Article 3(4).

Other Matters

13. The appellant's statement of case refers to a condition attached to a previous planning permission (06/P/0481/F) which was removed by the approval of 15/P/0631/F. While I note that the latter permission sought the removal of condition 3 of 06/P/0481/F, which imposed a personal condition on the use of the building, permission 15/P/0631/F imposed a new condition on a new planning permission and as such this new condition remains extant and relevant.

Conclusion

14. For the reasons given above the appeal should be dismissed.

Martin Allen

INSPECTOR