

**IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED BY THE PLANNING  
AND COMPENSATION ACT 1991, AND LEVELLING UP AND REGENERATION ACT  
2023)**

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**ENFORCEMENT NOTICE – 23/00023/UNDEV/COU1**

**Issued by: Bath and North East Somerset Council (“the Council”)**

- 1. THIS NOTICE** is issued by the Council because it appears to them that there has been a breach of planning control, within paragraph (a) of section 171A(1) of the above Act, at the land described below. They consider that it is expedient to issue this notice, having regard to the provisions of the development plan and to other material planning considerations. The Annex at the end of the notice and the enclosures to which it refers contain important additional information.0

**2. THE LAND TO WHICH THIS NOTICE RELATES**

Fry's Bottom, Chelwood, Bristol (hereafter known as “the Land”). Outlined in Red on the attached plan \*This Notice does not relate to the buildings in the approximate location marked with the purple hatching on the attached plan\*

**3. THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL**

Without Planning Permission, the change of use of land from forestry to a mixed use consisting of forestry, storage, firewood production, motorbike trials practice, equestrian, a waste transfer site and associated structure (circled in red in Image 1 attached to this notice).

**4. REASONS FOR ISSUING THE NOTICE**

The Council considers it expedient to carry out enforcement action and issue an enforcement notice for the following reasons:

- 4.1** It appears to the Local Planning Authority that the breach of planning control, as described under section 3 of the Notice, has not occurred for a period in excess of

10 years and may not therefore be deemed to be immune from enforcement action under Part VII, section 171B of the Town and Country Planning Act 1990 (as amended).

- 4.2 The unauthorised use is situated within the Green Belt, where material changes of use are capable of being appropriate development provided that they preserve openness and do not conflict with the purposes of including land within it. Stored skips and vehicles on the land, together with all the activity and associated paraphernalia of the wider use significantly erode the openness of the Green Belt, and fails to safeguard the countryside from encroachment, and therefore would result in inappropriate development. The development further harms the visual amenity of the Green Belt. Therefore, the principle of development is unacceptable, and the change of use is contrary to policy CP8 and DW1 of the Bath and North East Somerset Core Strategy, and Policy GB1 of the Bath and North East Somerset Placemaking Plan, and Section 13 of The National Planning Policy Framework.
- 4.3 The Council does not have sufficient information to demonstrate the unauthorised use does not result in the introduction of traffic of excessive volume onto an unsuitable road system, that could prejudice the highway safety of the surrounding road network. Therefore, the proposal is contrary to Policy ST7 of the Local Plan Partial Update.
- 4.4 The Council has insufficient information to give confidence that the unauthorised use has not caused any damage and will not cause further damage to a designed Site of Nature Conservation Interest (SNCI) and Priority Habitat (Lowland Mixed Deciduous Woodland). As a result, the development is contrary to the Natural Environment and Rural Communities Act 2006 (NERC), the NPPF, Policy NE3 of the Local Plan Partial Update and Policy CNP15 of the Clutton Neighbourhood Plan.
- 4.5 The Council has insufficient information to give confidence that the unauthorised use has not caused and will not cause any adverse impact on trees and woodlands of wildlife. As such the proposal is contrary to Policy NE6 of the Local Plan Partial Update 2023.
- 4.6 The noise generated by the unauthorised use (unfettered storage use, the use of the site as a motorbike trails practice site and for firewood production), by reason of its proximity to neighbouring residents and the noise generated, has resulted in the increase in the noise and perceived disturbance of the site. This is causing a significant adverse impact and significant harm to the residential amenities of the neighbouring occupiers, Contrary to Policy D6 of the Bath and North East Somerset Placemaking Plan.
- 4.7 The unauthorised change of use does not contribute or respond to the local context and does not maintain the character and appearance of the surrounding area. As

such it is contrary to policies NE2 of the Local Plan Partial Update, Policy D2 and NE2A of the BANES Placemaking Plan and the NPPF.

4.8 The Local Planning Authority has insufficient information to demonstrate that that unauthorised use has not and would not significantly adversely affect people, land, infrastructure, resources and the environment. As such, the development is contrary to Policy 12 of the West of England Joint Core Wase Strategy 2011.

4.9 The Council has insufficient information to give confidence that the authorised use:

a) does not give rise to polluting emissions which have an unacceptable adverse impact on air quality, health, the natural (in particular designated wildlife sites) or built environment or local amenity of existing or proposed uses from air polluting activities, or

b) is not located where it would be at unacceptable risk from, or be adversely affected by existing sources of odour, dust and /or other forms of air pollution

As such the development is contrary to Policy PCS3 of the Bath North East Placemaking Plan.

4.10 The Council has insufficient information to give confidence that:

1) the development does not cause significant harm or risk of significant harm to health or the environment or cause pollution of any watercourse, water body or aquifer

2) remediation measures are put in place as appropriate, and

3) any identified potential harm can be suitably mitigated

Contrary to policy PCS5 of the Bath and North East Somerset Local Plan Partial Update 2023.

4.11 The harm to the Green Belt and the other harms identified are not clearly outweighed by any other considerations weighing in favour of the development, and consequently the very special circumstances needed to justify the development have not been found to exist.

## **5. WHAT YOU ARE REQUIRED TO DO**

Requirement 1: Cease the use of land for the mixed use consisting of forestry, storage, firewood production, motorbike trials practice, equestrian and a waste transfer site (For the avoidance of doubt, this requirement does not require the cessation of the lawful use of the land as Forestry)

Requirement 2: Remove all items stored on the land not relating to its lawful forestry use (including but not limited to Vehicles, Skips and waste).

Requirement 3: Remove the wooden structure circled in red in Image 1 attached to this notice and remove the resultant materials from the land.

Requirement 4: Restore the land to its previous condition prior to the breach specified in part 3 of this notice took place.

**6. TIME FOR COMPLIANCE**

Requirements 1, 2, 3 & 4: 6 months from the date this notice takes effect.

**7. THIS NOTICE TAKES EFFECT**

This notice takes effect on 23<sup>rd</sup> April 2025, unless an appeal is made against it beforehand.

**Dated: 21.03.2025**

**Signed:** 

**On behalf of: Bath and North East Somerset Council**

**Address to which all communications should be sent:**

**Planning Services - Planning Enforcement**  
Bath & North East Somerset Council  
Lewis House  
Manvers Street  
Bath BA1 1JG

Tel: 01225 394041

Email: [Planning\\_Enforcement@bathnes.gov.uk](mailto:Planning_Enforcement@bathnes.gov.uk)

## **EXPLANATORY NOTE**

### **YOU'RE RIGHT OF APPEAL**

There is a right of appeal to the Secretary of State (at the Planning Inspectorate) against this Enforcement Notice.

If you appeal against this Notice, any appeal must be received or posted in time to be received by the Secretary of State BEFORE the date this Notice takes effect.

Unless an appeal is made, as described below, the Enforcement Notice will take effect on the date specified in paragraph 7 and you must then ensure that the required steps, for which you may be held responsible, are taken within the period(s) specified in the Notice.

Failure to comply with an enforcement notice which has taken effect can result in prosecution and/or remedial action by the Council.

### **Lodging your appeal**

Any appeal to the Secretary of State must be made in writing. Enclosed is an information sheet from the Planning Inspectorate which provides further information on how to obtain appeal forms and lodge an appeal.

As mentioned above, the appeal must be submitted in good time so that it is received by the Secretary of State BEFORE the date on which the Enforcement Notice takes effect.

### **Grounds of appeal**

Under section 174 of the Town and Country Planning Act 1990 (as amended) you may appeal on one or more of the following grounds:-

- (a) That planning permission should be granted for what is alleged in the notice.
- (b) That the breach of control alleged in the enforcement notice has not occurred as a matter of fact.
- (c) That there has not been a breach of planning control
- (d) **That, at the time the enforcement notice was issued, it was too late to take enforcement action against the matters stated in the notice.**
- (e) The notice was not properly served on everyone with an interest in the land.
- (f) The steps required to comply with the requirements of the notice are excessive, and lesser steps would overcome the objections.
- (g) The time given to comply with the notice is too short.

Please be aware that not all of these grounds may be relevant to you.

When you submit your appeal, you should state in writing the ground(s) on which you are appealing against the Enforcement Notice and you should also state briefly the facts upon which you intend to rely in support of each of those grounds of appeal. If you do not do this when you make your appeal, the Secretary of State will send you a notice requiring you to do so within 14 days.

### **Deemed planning application fee**

If you appeal under Ground (a) above, this is the equivalent of applying for planning permission for the development detailed in the Enforcement Notice and you will have to pay a fee of **£1156** to the Local Planning Authority (payable to Bath and North East Somerset Council). Joint appellants need only pay one set of fees.

The fee is double that which would be payable for a corresponding planning application that was made at the time the enforcement notice was issued, as set out in regulation 10(3) of the 2012 Fees Regulations.



Customer Support Team  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol  
BS1 6PN

Direct Line: 0303 444 5000

Email: [enquiries@planninginspectorate.gov.uk](mailto:enquiries@planninginspectorate.gov.uk)

Direct Line 0303-444 5000

### **THIS IS IMPORTANT**

If you want to appeal against this enforcement notice you can do it:-

- on-line at the Planning Casework Service area of the Planning Portal ([www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs)); or

by getting enforcement appeal forms by phoning us on 0303 444 5000 or by emailing us [enquiries@planninginspectorate.gov.uk](mailto:enquiries@planninginspectorate.gov.uk)

**You MUST make sure that we receive your appeal before the effective date on the enforcement notice.**

In exceptional circumstances you may give notice of appeal by fax or letter. You should include:

- the name of the local planning authority;
- the site address;
- your address; and
- the effective date of the enforcement notice.

We **MUST** receive this before the effective date on the enforcement notice. This should **immediately** be followed by your completed appeal forms.



Image 1





