

TOWN AND COUNTRY PLANNING ACT 1990

Statement of Case

Appeal by Mr Stephen Willcox
against Bath & North East Somerset Council's
Enforcement Notice

PINS appeal reference
APP/F0114/C/25/3364346
APP/F0114/C/25/3364347
APP/F0114/C/25/3364348
APP/F0114/C/25/3364349

Fry's Bottom, Chelwood, Bristol



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WILL-21491-1

This Statement of Case (SOC) is submitted in accordance with the requirements of the Start Letter. It is provided in addition to the material already submitted with the appeals.

Weigh Bridge House (WBH)

Despite the name, the building was never a house in the sense of a dwellinghouse within use class C3. No case is made that it is lawful as a dwellinghouse nor that it should be granted permission to be so.

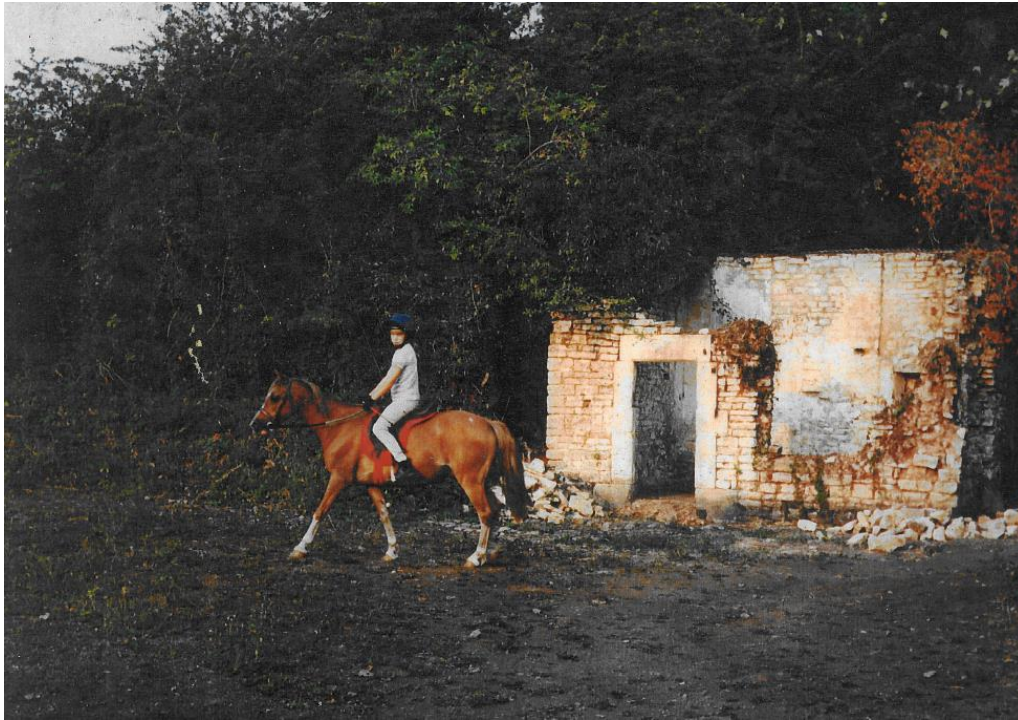
The council's Enforcement Officer (EO) emailed the appellant on 13 October 2023 noting their view that the building was not fitted out for habitation [as a dwellinghouse]. Since it is not and is not being claimed to be a dwellinghouse, that point is less relevant.

The Appellant will provide a full history of the development of the site in evidence to the inquiry. That position is set out here along with the supporting documents that will be relied upon.

On purchasing the site in 1995, the building was largely covered in weeds.



The enforcement is against the whole terrace (as it were) and so the evolution of the structure is important. Three and a half walls are present plus the door frame and lower part of the window frame in the fourth. This photograph was from around 1995 with the Appellant's daughter riding her horse.



The building was restored and fitted with a pitched roof. A stable was mirrored to the rear.





To the rear of the stable block (left hand side) was a wooded bank.

By 2007, the Appellant was using WBH as an office for his work as a district councillor. It was also used for his business as Property Search UK. Below is correspondence from BT regarding setting up a direct debit for payment.

STEPHEN WILLCOX T/A
PROPERTY SEARCH UK
FRYS BOTTOM COLLIERY
FRYS BOTTOM
CLUTTON
BRISTOL
BS39 5QN

British Telecommunications PLC
Direct Debit
:
DURHAM
DH98 1BT

Freefone 0800 800156
12th November, 2008

Dear Customer,

BT Account No: SS 80798127
Originator No: 959488

Please find enclosed information about paying your BT bill by Direct Debit.

Paying by Direct Debit has never been easier - just complete and return the enclosed Direct Debit Instruction. We will then contact your business' Bank or Building Society to make all the financial arrangements. You will be billed on either a quarterly or a monthly basis, whichever you have chosen. The whole amount of the bill will be debited from your account 10 working days after the date of each bill, so you have time to query the amount if necessary.

To arrange to pay your bill by Direct Debit, simply complete the enclosed Instruction and return it to: British Telecommunications PLC, Direct Debit, Durham, DH98 1BT.

Yours sincerely

The council has been aware of the existence and the use of the WBH for decades, although there has been a building in that location for centuries. Below is a letter from the council regarding an update to the rating status of the colliery.



By 2012, the site looked as shown below.



Still at single storey there is the office and next to it is a tack store and feed store (all tiled roofs).

By February 2018, matters had moved on. A second storey had been added to WBH.



By June 2019, matters had moved on further still [below]. WBH is now has an upper floor with windows installed (light through the trees opposite is being reflected by the glass). Next to that is a second storey constructed above the tack room. This is accessible through WBH. At ground level, the tack room (white curtains) remains separate from WBH which is then next to and above it. The hay store/ feed store is to the right of the wooden structure shown with the two dormer windows.

A porch has been added to the front of WBH.



WBH has been put to a number of uses over the years in support of the businesses of the Appellant. Most recently it was the check-in point for riders using the woodland for off-road biking. Since the biking has been enforced against and to avoid the service of a stop notice, that use has ceased.

Stables, tack room and stores

The tack room, equine equipment store, feed store and hay store are clearly associated with the horses kept at the site.

A lean-to stable can be seen in earlier photos. The ground floor structures, excluding WBH, have been used in association with the Appellant's daughter's keeping of horses at the site for at least 17 years. In 2004, her friend, Mary, was looking for somewhere to keep her horse. That horse was accommodated in what is now the tack shed. That horse was there for about three years until 2007. Since then, the tack room, feed store and hay store have been exactly as they are today.

Paragraph 5 of the EN relating to operational development (OD1) specifically states that "this does not require the demolition of the stables". As such, this statement does not cover the site's development from the stables as they were in the late 1990s to how they appear today (shown for the avoidance of doubt as at November 2019, below).

