

18 June 2025

Planning Inspectorate

Dear Inspector

**Town and Country Planning Act 1990**

**Appeals by Mr Stephen Willcox**

**Site Addresses: Weigh Bridge House, Fry's Bottom, Chelwood, Bristol, BS39**

**5QN and Fry's Bottom, Chelwood, Bristol, BS39 5QN**

**Council Ref: 23/00023/UNDEV/COU1**

**PINS Ref: APP/F0114/C/25/3364349**

Tadman Planning Consultants have been instructed by a group of residents living locally to the above site to make a representation on the above Enforcement Appeal on their behalf. Their names and addresses are provided at the end of this letter.

Overall we seek to object to the unauthorised works on the site and support the Council's enforcement action.

The appeal relates to the following breach of planning control as set out in the Enforcement Notice:

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.

It should be noted that no comments are made in respect of the equestrian use of the site.

The Appellant has appealed against the Enforcement Notice on Grounds A, B, C, D and F on which we have the following comments:

**Ground A Appeal:**

While the Enforcement Notice includes a range of uses, the Ground A Appeal only relates to the production of firewood on the site and the equestrian use of part of the site.

**Firewood Production**

The information submitted argues that the firewood production referred to in the Enforcement Notice is entirely ancillary to the forestry use on the site, a lawful use, and does not constitute a material change of use.

The statement is short but includes a justification as to why the use does not constitute a material change of use and a few bullet points attempting to demonstrate that the use is in line with Green Belt Policy, both at a local and national level.

A Ground A appeal has been made on the basis that planning permission should be granted for the unauthorised use. However, the information submitted clearly seeks to justify that the use is lawful, which would be a ground C appeal.

There is therefore little to no information to justify or explain why planning permission should be granted.

Notwithstanding the above, we have assessed the existing firewood production use as follows:

While it is agreed that firewood production can represent an ancillary forestry use, it is considered that, in this case, the use has expanded to such an extent that a material change of use has occurred for the following reasons:

- Wood is being imported onto the site for firewood production on a regular basis by articulated lorries.
- The logs are not a by-product, they are being felled specifically for processing on site as firewood
- The use has widened to such an extent as to require numerous ancillary facilities such as an oil tank, kiln and generator
- The firewood production use is operated within a barn that in itself requires planning permission. It is assumed that the use could not operate without such a barn to store the wood, dry it and also store the wood cutting/splitting equipment

Turning to whether planning permission should be granted, the Council's Enforcement Report that accompanied the Enforcement Notices sets out the harms that are currently being caused by the unauthorised uses which we fully agree with.

The identified harms are also reasons why the proposals are contrary to policy and should not be granted planning permission. We are not intending to comment on all the planning considerations of the proposal, as the Council will no doubt do this adequately, but we do raise three concerns as follows:

### **Impact on the Green Belt and Openness of the Green Belt**

Common to both aspects of the Ground A appeal submitted is the impact of the uses on the Green Belt.

The site is within the Green Belt where inappropriate development is by definition harmful and should not be approved except in very special circumstances. Development is strictly controlled and is only allowed in the circumstances listed in paragraph 154 of the NPPF unless very special circumstances exist.

In this respect paragraph 154 states that material changes of use of land are not inappropriate development in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it.

While the mix of uses could be considered to be not inappropriate, this is only where they would preserve openness and not conflict with the purposes of including land within it.

When considering harm to the openness of the Green Belt this is not isolated to the provision of buildings or physical changes to land, it also includes activity from the use of the land, alien features and vehicles toing and froing from the site.

In this case the activity and noise resulting from the firewood processing use of the site is excessive. Such a level of activity and noise would be a feature/experience that is alien to the site's previously (when in its authorised use as forestry) peaceful and low level use and is considered to have a significant and unacceptable harmful impact on the openness of the Green Belt in this location.

The development will therefore have a greater impact on the openness of the Green Belt than the existing authorised development/use of the site which is contrary to part 13 of the NPPF, particularly paragraph 154, and Policy CP8 of the of the Bath & North East Somerset Core Strategy and Policy GB1 of the Bath & North East Somerset Placemaking Plan and therefore constitutes inappropriate development within the Green Belt for which no Very Special Circumstances appear to exist to outweigh the harm.

### **Harm to Residential Amenity**

The local residents have explained that the firewood production use is operated approx. 10 hours per day mostly from Friday evening to Sunday evening. The noise generated by the chainsaws and firewood production equipment is loud, intrusive and harmful to the amenity of the occupiers of the neighbouring dwelling.

These concerns are not new, when planning permission was granted for the forestry building on the site (ref: 22/03198/FUL) in January 2023, the delegated report raised concerns about the potential use of the site for the processing of firewood on anything other than an occasional basis and acknowledged that such a use could have a significant impact on residential amenity.

As a result, a condition was specifically attached stating:

No Timber Processing, beyond the cutting of logs for drying, shall be carried out within the application site.

Reason: To safeguard the residential amenities of occupiers of nearby properties in accordance with policy D6 of the Bath and North East Somerset Placemaking Plan.

While the application site was smaller than that to which the Enforcement notice applies, it can reasonably be assumed that the Council would have refused permission had there been any intention at that time for the building and application site to be used for firewood production.

The concerns raised by local residents and the Council, at the time of dealing with the forestry building application, have now been proven to be true and the noise is having a unacceptable detrimental impact on the neighbours amenity. The proposal would therefore be contrary to Policy D6 of the Placemaking Plan for Bath and North East Somerset (2017) and part 12 of the NPPF.

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### **Harm to Highway Safety**

The use of the site for firewood production has increased the number of vehicle movements on the narrow lanes surrounding the site. The lanes accessing the site are single track with few passing places. The local residents have provided the Council with evidence that large articulated lorries are bringing imported wood for processing which are inappropriate for the rural nature of the surrounding highway network.

The use also results in numerous firewood deliveries from the site which has also increased movements on the lanes surrounding. These increased highway movements, both as part of the unauthorised firewood processing use, and the other unauthorised uses on the site, have caused damage to the surrounding roads and verges, particularly in winter time, which is indicative of the harm that is being caused.

The use is therefore considered to have a harmful impact on highway safety which is contrary to Policy ST7 of the Local Plan Partial Update and part 9 of the NPPF.

### **Conclusion on Ground A Appeal**

The above information sets out the reasons why planning permission should not be granted for the firewood production business. While we have only raised harm to residential amenity and highway safety within this objection letter, the additional reasons set out in the Council's Enforcement Report are equally relevant and agreed with.

Based on the information submitted, it is clear that the Appellant has fundamentally misunderstood the point of a Ground A appeal as the submission makes the case for the firewood production use being ancillary to the forestry use rather than providing a case as to why planning permission should be granted.

As the case is limited to only two uses, it can only therefore be assumed that they are not seeking permission for the other uses which include storage, motorbike trials practice, a waste transfer site and associated structures. It would therefore be unreasonable to both the Council's case and the right of residents to make representations against the grant of planning permission for the uses, were further information on the other uses, including a justification on why permission should be granted, to be submitted during the appeal process, namely within the Statement of Case and/or any Proofs of Evidence.

### **Ground B Appeal**

The Ground B Appeal relates to the production of firewood, equestrian use, waste transfer site and storage on the site.

### **Firewood Production**

Again, the argument is made within the Appellant's submission that the use is ancillary to the forestry use of the land and, for the reasons already set out on the Ground A appeal above, the use is not considered to be ancillary and comprises a material change of use.

It is unclear why the Appellant has chosen to claim that this use has not occurred as the Ground A and B appeal evidence clearly demonstrates that it is occurring otherwise, why

would they apply for planning permission for it or claim that the use is ancillary to the forestry use and therefore lawful.

### **Waste Transfer Site**

From the evidence provided to the Council, and which they will no doubt provide within their statement of case and proof of evidence, the site has been used by a skip hire business with the storage of numerous green skips. The skips leave the site empty and are returned full with soil, rubble and other waste. The majority, if not all, of the waste is then tipped on the site.

The use has been reported to the Environment Agency who it is understood have visited the site and are liaising with the Council in this regard.

The level of waste being brought to the site is considered to be of such magnitude that it forms a material change of use. Furthermore, the assertion that the waste is being used to repair and improve forestry tracks is challenged, the principal act of disposing of the waste on the site is for its disposal, any repair or otherwise to forestry tracks is simply a coincidence.

Therefore, it is clear that a breach has occurred and planning permission would have been required for the use of the site as a waste transfer site.

### **Storage**

The site is being used for the storage of shipping containers and cars. This is clear from photographs of the site that will be included in the Council's evidence. Planning permission would also have been required for the use and the buildings and structures on the site.

### **Ground C Appeal**

The Ground C Appeal only relates to the production of firewood, equestrian use, waste transfer site and storage on the site.

### **Firewood Production**

Again, for the reasons already set out on the Ground A appeal above, the use is not considered to be ancillary and comprises a material change of use for which planning permission is required.

The Appellant claims that the planning permission for a forestry building in 2023 (ref: 22/03198/FUL) 'for a building for the principal purpose (the other being storage of associated equipment) of reducing the moisture content of wood before it is sold for firewood, viz the production of firewood'.

The statement goes on to state that the Council cannot therefore 'prevent the production of firewood, since that was the purpose of the building, along with the storage of forestry equipment that is necessary for the proposed expansion of the planting at the site (10,000 new trees) and the linked on-going work to instal a deer fence of approximately two miles around the perimeter to better protect those young trees.'

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This is a misinterpretation of the permission granted. The description of the planning permission was for the 'erection of a forestry building for the storage of felled trees/logs and timber (Retrospective)'.

This use is materially different to the unauthorised processing of timber for firewood of a scale that forms the basis of the enforcement notice. The description refers to felled trees/logs which would typically comprise the trunks of the trees having been felled and cut into manageable lengths for removal from the forest floor to the storage building.

This description does not include the processing of those logs for firewood which requires the wood to be split and cut into much smaller pieces of wood ready for burning in a wood stove or open fire.

In any case, as already explained above, a condition was attached to the permission preventing the use of the application site, and therefore the building within, for any timber processing, beyond the cutting of logs for drying.

In light of the above it is considered that the firewood processing use is a material change of use and does require planning permission.

### **Waste Transfer Site**

It is claimed within the Appellant's statement that the depositing of the waste on the land is permitted development under Schedule 2, Part 9, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015, for 'The carrying out on land within the boundaries of an unadopted street or private way of works required for the maintenance or improvement of the street or way'.

However, it is understood that the waste has been tipped in numerous areas across the site, significantly altering the contours of the land, and has also been used to create additional roads and tracks and therefore is not confined to repair of existing tracks.

However, even where the tipping has been in the location of the original tracks on the site, of which there were few, the level of tipping goes above and beyond anything that could reasonably be described as maintenance or improvement.

Notwithstanding this, there are permitted development rights afforded to sites in forestry use under Schedule 2, Part 9, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 for the formation, alteration and maintenance of private ways. However, even if this were to apply to the unauthorised works, in order to benefit an application for the prior approval of the Council would need to have been submitted prior to the works commencing. Such an application was not submitted.

In fact, the Appellant applied for prior approval for the creation of forestry tracks on the site in 2023 (ref: 23/03035/AGRN) although it was subsequently withdrawn. The Appellant therefore clearly understands the need for prior approval for forestry tracks.

### **Storage**

As above, the site is being used for the storage of shipping containers and cars. This is clear from photographs of the site that will be included in the Council's evidence.

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**Ground D Appeal:**

The Ground D Appeal only relates to the production of firewood, equestrian use and storage on the site.

It is understood that the site has been in use for forestry for many years, however it is considered that a material change of use to the mix of uses specified in the Enforcement Notice has occurred within the last ten years meaning that the uses are not lawful and are subject to enforcement action.

This objection is being submitted on behalf of the following residents:

[REDACTED]

Yours sincerely

**Rachel Tadman MA MRTPI**  
**Tadman Planning Consultants Ltd**