

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/OD3**

**PINS Ref: APP/F0114/C/25/3364348**

Tadman Planning Consultants have been instructed by 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 Councils enforcement action.

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

Without Planning Permission, the importation of material and carrying out of Engineering Operations in the form of the construction of access tracks, and construction of dams in a water course.

It can be confirmed that the local residents are in full agreement with all of the reasons stated by the Council in issuing the enforcement notice however we have only provided comments on the main areas of concern below.

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

**Ground A Appeal:**

**Impact on the Green Belt**

The site is within the Green Belt where inappropriate development is by definition harmful to the Green Belt 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 certain forms of other development are not inappropriate development including engineering works but only where they preserve its openness and do not conflict with the purposes of including land within it.

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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.

While the engineering works carried out are not inappropriate development, the activity from importing the material and the construction of the access tracks and construction of dams is considered to be of such magnitude that they are harmful to openness and the visual character of the site.

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.

### **Impact on Highway Safety**

The previous and continuing importing of material to the site to create new tracks and 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 material is being imported onto the site on a regular basis.

These increased highway movements, both to create the vend as part of the 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.

### **Impact on Ecology, Biodiversity and the Clutton Dismantled Railway and Fry's Bottom Site of Nature Conservation Interest:**

An Ecology Impact Assessment or Ecological Assessment, with any accompanying necessary surveys, have not been submitted to demonstrate that the development has not adversely affected the ecology and biodiversity of the area including any protected species including bats.

The site also has numerous nature and green infrastructure designations and Development Plan policies including:

Clutton Dismantled Railway and Fry's Bottom designated Site of Nature Conservation Interest (SNCI) – Policy NE3  
Green infrastructure network – Policy NE1  
UK Priority Habitats – Policy NE3  
Ecological Network – Policy NE5  
Nature Recovery Network (NRN) Woodland Core Existing and Strategic Network – Policy NE5

Due to the lack of information the appeal has failed to demonstrate that the unauthorised tracks and dams have not, as is suspected, significantly harmed the ecology and biodiversity of the site, particularly the SNCI, it will be difficult to define what the baseline for the reports are and therefore understand the damage caused and the level of mitigation required.

Local residents are also concerned that the imported soil and material contains invasive plant species with Himalayan Balsam having been seen growing in the site from soil recently imported onto the site.

Himalayan Balsam is listed on Schedule 9 of the Wildlife and Countryside Act in England and Wales and it's on the Government's list of Invasive Non-Native Plant Species of Concern. It is an offence to cause it to grow in the wild.

Therefore, the failure to provide a full ecological assessment of the site, including all necessary surveys, means that the proposal can only be found unacceptable against part 15 of the NPPF and Policies NE1, NE3 and NE5 of the Development Plan.

#### **Biodiversity Net Gain:**

A Biodiversity Gain Metric has not been submitted which is a statutory requirement for a development such as this and which is also contrary to Policy NE3A of the Development Plan.

Similar to the Ecological Assessment above, it is going to be hard to define the baseline biodiversity value of the site given the destruction of biodiversity that seems to have already occurred due to the creation of the unauthorised track and dams on the site.

#### **Impact on Trees and Woodlands:**

A Tree Survey or Arboricultural Statement has not been submitted even though the site has previously been stated to contain approx. 10,000 trees. It is highly likely that the creation of the tracks and dams will have caused unacceptable harm to the trees, particularly their root structures and a tree survey should therefore have been submitted.

It is also therefore unclear whether the site contains ancient woodland which is specifically protected from harm by paragraph 186 of the NPPF.

Furthermore, it is understood that the site currently benefits from a felling licence from the Forestry Commission which includes a substantial re-planting condition of which no mention is made within the application. Details of the re-planting, including the number and type of trees, their location and size, should form part of the application, particularly as it is hard to understand how re-planting can successfully co-exist with the tracks and dams.

The proposal has failed to demonstrate that the unauthorised works would not have a harmful impact on the trees and woodland and therefore is contrary to Policy NE6 of the Local Plan Partial Update along with part 15 of the NPPF.

#### **Harm to the Landscape:**

The creation of the unauthorised tracks and dams have created un-natural landforms and resulted in the importation of inappropriate materials. The size of the tracks and dams have

had a harmful impact on the natural contours of the land and its historic character which, in turn has had a harmful impact on the character and appearance of the surrounding area and in particular the landscape character of the area. As such it is contrary to policies NE2 of the Local Plan Partial Update, Policy D2 of the BANES Placemaking Plan and the policies contained within the NPPF.

### **The Appellant's Case:**

The following points are made with specific regard to the Appellant's case:

The submission states that the tracks are 'modest in scale compared to the overall size of the woodland'.

This is disputed by the local residents who have expressed the view that, over the last few years the tracks have been continuously widened and built up in height. In addition to tracks huge areas have been built up in height simply to accept huge quantities of waste. An area adjacent to the pond has been built up by nearly 2 metres. An entire valley has been filled and grassed over. Great care appears to be taken to cover these areas in top soil to hide the activity.

The fact that the tracks have not been surfaced in tarmac does not overcome the harm identified above.

The importation of material has no doubt supported the economic viability of the Appellant's business although there is no evidence to demonstrate how the tracks and dams created support the forestry uses on the site given their size and number. The previous authorised use of the site for forestry operated well with minimal tracks and the application has failed to demonstrate how the tracks and dams support the operation of this business. In any case any economic benefit would be short lived and would not outweigh the harms identified above and caused to the site.

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

The above information sets out the reasons why planning permission should not be granted for the importation of material and the carrying out of Engineering Operations in the form of the construction of access tracks, and construction of dams in a water course and is clearly contrary to the policies outlined above.

### **Ground D Appeal**

The Appellant has provided evidence via a felling licence, dated 10 July 2013 of a plan that they state clearly shows the extent of the tracks that were present on the site at that time.

However, in direct contradiction of this, an application for forestry tracks was submitted to the Council in 2023 which, on the existing plans, only shows two tracks. The proposed plan shows the addition of two tracks. The application was supported by a document which confirmed that the proposed tracks did not, at that time, exist.

The existing and proposed plans plus statement are attached.



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The residents would like to assert that, in their view, the number of tracks existing on the site in 2013 bear no relation to the number of tracks now existing on the site and that the majority of these were created on the land within the last few years.

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

[Redacted list of residents]

Yours sincerely

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