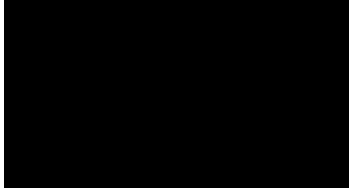


STEPHEN JEFFREY WILCOX



**Our ref: 23/00023/UNDEV**

**Date: 26<sup>th</sup> March 2024**

Dear Mr Wilcox,

**Town and Country Planning Act 1990 (as amended)**

Site Location: **Site Of Old Colliery, Fry's Bottom, Chelwood, Bristol, Bath And North East Somerset**

Re: **Breach of Conditions 4, 5 & 6 of 22/03198/FUL**

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Further to recent discussions with your agent, the Council has reasons to believe that you may be in breach of the following conditions of 22/03198/FUL (the 'forestry' building):

**4 - Cease of Forestry Operations (Compliance)**

*If the use of the building for the purposes of Forestry within the unit permanently ceases within 10 years from the date on which the development was substantially completed then, within six months from the date on which the forestry use ceased the building must be removed from the land and the land must, so far as is practicable, be restored to its condition before the development took place, or to such condition as may have been agreed in writing between the local planning authority and the developer.*

*Reason: Reason: To ensure the proposal complies Green Belt policy, including CP8 of the adopted Core Strategy and policy GB1 of the Placemaking Plan for Bath and North East Somerset (2017) and part 13 of the NPPF*

**5 - Forestry Use (compliance)**

*The hereby approved barn shall be retained in Forestry use only.*

*Reason: To ensure the proposal complies Green Belt policy, including CP8 of the adopted Core Strategy and policy GB1 of the Placemaking Plan for Bath and North East Somerset (2017) and part 13 of the NPPF*

*6 - Timber Processing (Compliance)*

*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.*

As part of the Councils investigations into these potential breaches of planning control, it has been considered necessary to prepare a Planning Contravention Notice (PCN) asking questions regarding the use of the land/site.

I have also sent a copy of this notice to your agent via Email.

If you wish to discuss this matter further, please contact me 01225 477480 or [Sam\\_Grant@bathnes.gov.uk](mailto:Sam_Grant@bathnes.gov.uk).

Yours



Sam Grant MRTPI  
**Senior Planning and Enforcement Officer**  
Development Management

**IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY**

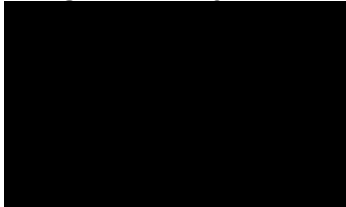
**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED BY THE PLANNING  
COMPENSATION ACT 1991)**

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**PLANNING CONTRAVENTION NOTICE**

**Served by: Bath and North East Somerset Council**

**To: Mr STEPHEN JEFFREY WILCOX**



- 1. THIS NOTICE** is served by the Council because it appears to it that there may have been a breach of planning control, within section 171A(1) of the above Act, at the land described below. It is served on you as a person who appears to be the owner or occupier of the land or has another interest in it, or who is carrying out operations in, on, over or under the land or is using it for any purpose. The Council require you, in exercise of their powers under section 171C(2) and (3), so far as you are able, to provide certain information about interests in, and activities on, the land.

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

The land at Site Of Old Colliery, Fry's Bottom, Chelwood, Bristol, Bath And North East Somerset, shown edged in **RED** on the attached plan. (Location Plan taken from 22/03198/FUL)

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

Breach of Conditions 4, 5 & 6 of 22/03198/FUL

**4. WHAT YOU ARE REQUIRED TO DO**

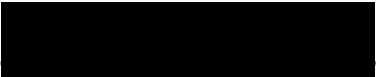
In exercise of its powers under Section 171C(2) and (3) of the Act the Council requires you, as far as you are able, to give them the following information in writing **within twenty one days** beginning with the day on which this Notice is served on you:

**Question 1**

What is the full name and address of any freeholder(s) of “the Land”?

**Reply:**

Mr Stephen Willcox



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**Question 2**

What is the full name and address of any leaseholder(s) of “the Land”?

**Reply**

N/A

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**Question 3**

What is the full name and address of any mortgagee(s) of “the Land”?

**Reply:**

N/A

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**Question 4**

What is the full name and address of any occupier(s) of “the Land”?

**Reply:**

N/A

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**Question 5**

What is the full name and address of any other person(s) having either a financial or personal interest in "the Land"? Please state the nature of such interest:

N.B. This may include a spouse or business partner or else any other person using or occupying "the Land" for any purpose:

**Reply:**



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**Question 6**

What is the current use of the land?

**Reply:**

Forestry - including incomplete forestry building, not yet

finished and therefore not substantially complete.

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**Question 7**

When did this use commence?

**Reply:**

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**Question 8**

What is the use of the current use of the building permitted by 22/03198/FUL?

**Reply:**

Forestry - to store the machinery solely used for felling the trees at Fry's inline with the felling licence, but it's not been substantially completed so cannot store logs at current time. Inline with the permitted plans, the following is still required - panelling/sheeting to the three sides of the building, enclosing the front of the building to reduce light spill, reinforced concrete floor and internal lighting plan to created (currently the shell in situ has no lighting). The building cannot be used as a storage and drying facility in its current state and therefore is a strong indicator of it being not 'substantially complete'

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**Question 9**

When did this use commence?

**Reply:**

August 2023 is when the current tree feller started on site

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**Question 10**

Is the Building permitted by 22/03198/FUL or the land currently used by a company called 'Somerset Forestry' or any other company or individual? (if so, please provide their Name)

**Reply:**

A company called 'Somerset Forestry' do not occupy or use the site. Investigations show that a company called Somerset Forestry Ceased Trading in March 2023. My contracted Tree Feller, employed by myself, is felling the trees on site inline with the Forestry Commission Felling Licence, up to 2027. Machinery used solely for felling at Fry's is kept on site as the Tree Feller is based in Scotland. He will be commuting from Scotland for the next three years to solely fell at Fry's Bottom.

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**Question 11**

If the answer to question 10 was in the affirmative, please state what 'Somerset Forestry' or the named individual or company use the land or building for and when this use commenced?

**Reply:**

My fully licenced Tree Feller uses the site solely for felling at Fry's Bottom. He commenced works in August 2023. He is employed by myself and does not use the site as a base for any other works. As mentioned he is based in Scotland.

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**Question 12**

Are any raw forestry products (un-processed felled timber) imported into the land? If so, please state the source of these materials.

**Reply:**

NONE

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**Question 13**

Is any timber processed on the land? If so, please provide details of what processing takes place on the land? (Such as chopping raw timber into fire wood)

**Reply:**

Naturally, some processing of trees occurs during the felling process, with trees and logs being cut. Trees are felled and placed in piles throughout the forest. Logs are then brought up to the top of the site with the intention of storing and drying once the building has been completed.

Some logs are then processed into smaller pieces and taken away from site. This is an ancillary use to Forestry and has been occurring on site since 1995. It does not require planning permission.

**Question 14**

Condition 5 of 22/03198/FUL sates:

*Forestry Use (compliance)*

*The hereby approved barn shall be retained in Forestry use only.*

*Reason: To ensure the proposal complies Green Belt policy, including CP8 of the adopted Core Strategy and policy GB1 of the Placemaking Plan for Bath and North East Somerset (2017) and part 13 of the NPPF*

Do you consider the current use of the barn is in accordance with the above condition?

If so, please state why?

**Reply:**

The barn is not complete so cannot comply with the condition at this stage. It is in the same condition as it was when planning was applied for in 2022. Within the delegated report (dated 13th January 2023) the Officer confirms that the building is **PARTIALLY COMPLETE**. As such it is clear that the building does not appear to have been viewed as complete by the LPA. Therefore it is clearly arguable that the prohibition on continued use found in condition 4 is not an issue at this stage.

Some machinery used solely for felling at Frys is kept around the site, which would be inline with the condition.

**Question 15**

Condition 5 of 22/03198/FUL states:

*6 - Timber Processing (Compliance)*

*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.*

Do you consider the current use of the barn is in accordance with the above condition?

If so, please state why?

**Reply:**

Barn is not complete so does not need to be in accordance with the above condition

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**Question 16**

If any forestry equipment or other machinery is being stored in the Barn approved by 22/03198/FUL, is this equipment only being used for forestry activities within 'Fry's Bottom Woods' (Land Registry Title number: AV181253). If not, please state what it is being used for.

**Reply:**

Machinery stored on site is solely used for work at Fry's Bottom and will be up to 2027. As mentioned the licensed feller is based in Scotland.

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**Time within which the information must be provided:** within twenty-one days, beginning with the day on which this notice is served on you

## **5. OPPORTUNITY TO MAKE REPRESENTATIONS IN RESPONSE TO NOTICE**

If you wish to make an offer to apply for planning permission, or to stop carrying out any operations or activities, or to undertake remedial works; or to make any representations about this notice, the Council, or representatives of the Council, will be available. Please contact the case officer Sam Grant, Senior Planning & Enforcement Officer on [Sam\\_Grant@bathnes.gov.uk](mailto:Sam_Grant@bathnes.gov.uk) or 01225 477480 if you wish to make representations.

## **6. WARNING**

It is an offence to fail, without reasonable excuse, to comply with any requirements of this notice within twenty-one days beginning with the day on which it was served on you. The maximum penalty on conviction of this offence is a fine of £1000 (Level 3 on the Standard Scale). Continuing failure to comply following a conviction will constitute a further offence. It is also an offence knowingly or recklessly to give information, in response to this notice, which is false or misleading in any way. The maximum penalty on conviction of this offence is a fine of £5000 (level 5 on the standard scale).

## **7. ADDITIONAL INFORMATION**

If you fail to respond to this notice, the Council may take further action to deal with the suspected breach of planning control. In particular, they may issue an enforcement notice, under section 172 of the 1990 Act, requiring the breach, or any injury to amenity caused by it, to be remedied.

If the Council serve a stop notice, under section 183 of the 1990 Act, section 186(5)(b) of the 1990 Act provides that should you otherwise become entitled (under section 186) to compensation for loss or damage attributable to that notice, no such compensation will be payable for any loss or damage which could have been avoided had you given the Council the information required by this notice, or had you otherwise co-operated with the Council when responding to it.

**Dated:** 26.03.2024

**Signed:**

A black rectangular box redacting the signature of Neil Howat.

**Name:** Neil Howat – Planning Enforcement Team Manager

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

**TOWN AND COUNTRY PLANNING ACT 1990**  
**SECTION 171C**

**REPLY FORM**

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

In reply to your Notice dated **26<sup>th</sup> March 2024** under the above Act requiring me to give certain information relating to the land at **Site Of Old Colliery, Fry's Bottom, Chelwood, Bristol, Bath And North East Somerset** ("the Land as outlined in RED on the attached plan).

**I HEREBY STATE** that the answers to the questions set out in the Notice returned herewith comprise a true and correct statement of all the information required by the said Notice so far as the same is within my knowledge.

Dated:.....**21/05/2024**..... Signed:.....

FULL NAME in block capitals: **AGM Ltd**  
**On behalf of Stephen Willcox**.....

FULL ADDRESS .....  
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