

## Sam Grant

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**From:** Sam Grant  
**Sent:** 17 April 2025 11:19  
**To:** Edward Downing  
**Cc:** Tilney, Duncan; Williams, Helen; John White  
**Subject:** RE: 23/00023/UNDEV - Enforcement Notices - AGM 2021 103t

Dear Ed,

I am well thanks, I hope you are too.

I will address your points below: (Your questions of COU1 are addressed in one response)

- COU1 – As we have discussed in the past during the assessment of the prior notification application for the access tracks, we consider the whole woodland to be one planning unit as there is no discernible boundaries between where the different uses are taking place. As we consider the site to be one planning unit, we have assessed the whole site is within a mixed use. From your question it would seem to imply that you consider there is a possibility that different planning units exist on with the land, if this is the case, could you please specify them?
- OD3 – We determined this requirement was appropriate as we consider it would have been extremely difficult for us to identify and map all of the tracks that have been constructed on the land. We consider the requirement to be clear, all access tracks and dams within the site, apart from the dam and access track marked by the blue and purple lines on the enforcement notice plan, are required to be removed via the enforcement notice. One of the reasons why it was done in this negative way to ensure that the notice did not grant planning permission to the tracks within the wood land that had been missed out of the requirement.

Alongside this, there is the requirement to restore the land to its previous condition prior to the unauthorised development taking place. The appropriateness of this requirement has been tested at appeal before (APP/P0119/C/20/3262533) where the inspector stated “Step 6 (the aforementioned requirement) does no more than require the land to be restored to its condition before the breach took place. As the landowner, the appellant is in the best position to know what this was, and the requirement is perfectly valid.” As your client has stated to me may times, he has an intimate knowledge of this land, so he would have the knowledge of the condition of the land prior to the alleged unauthorised development taking place. We therefore consider the requirement of this enforcement notice to be clear.

If you have any questions regarding the above, please let me know.

Kind regards,

**Sam Grant MPlan MRTPI**

Senior Planning & Enforcement Officer  
Development Management  
Bath & North East Somerset Council  
Email: [Sam\\_Grant@bathnes.gov.uk](mailto:Sam_Grant@bathnes.gov.uk)  
Phone: 01225 477480

***\*Please note: We are currently experiencing a significant increase in workload in the Enforcement Team which is having an impact on our ability to respond within our published service standard timescales. We are having to prioritise cases and workloads carefully and whilst we will review each case and query received, it may take longer than usual to respond\****

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**From:** Edward Downing <edward@agm-ltd.co.uk>

**Sent:** 16 April 2025 10:46

**To:** Sam Grant <Sam\_Grant@BATHNES.GOV.UK>

**Cc:** Tilney, Duncan <D.Tilney@stephens-scown.co.uk>; Williams, Helen <h.williams@stephens-scown.co.uk>; John White <john@agm-ltd.co.uk>

**Subject:** Re: 23/00023/UNDEV - Enforcement Notices - AGM 2021 103t

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You don't usually receive emails from this address. Make sure you trust this sender before taking any actions.

Dear Sam,

Hope you are well?

As you know Mr Willcox and myself have met with Solicitors to discuss the issued enforcement notices and have received some feedback.

I was hoping you could take the below into consideration. We aren't looking to conduct our appeal via informal correspondence, only simplifying the process:

COU1 – The alleged change of use is that the entire red line changed to a mixed use. That doesn't make sense. There cannot be a mixed use for equestrian and waste transfer station. Can we have a better description of the alleged breach and geographical extent.

COU1 – Which area do you allege there is storage?

COU1 – It cannot be sustainable that there is a use of the whole of the site as a waste transfer station. Where does the LPA allege that this use is occurring/ has occurred?

OD3 – It would be useful to clarify which tracks and dams you are referring to. We cannot be faced with a potential criminal liability for failing to remove something that hasn't been identified to us as being part of the activity enforced against.

If you could please take the above into consideration it would be very much appreciated.

Kind regards,

Ed

**Edward Downing BSc (Hons)**  
Head of Planning

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**From:** Sam Grant <[Sam\\_Grant@BATHNES.GOV.UK](mailto:Sam_Grant@BATHNES.GOV.UK)>

**Date:** Friday, 21 March 2025 at 17:39

**To:** stephen willcox <[stephenwillcox89@gmail.com](mailto:stephenwillcox89@gmail.com)>

**Cc:** David Paull <[David.Paull@porterododson.co.uk](mailto:David.Paull@porterododson.co.uk)>, Edward Downing <[edward@agm-ltd.co.uk](mailto:edward@agm-ltd.co.uk)>

**Subject:** 23/00023/UNDEV - Enforcement Notices

Dear Mr Willcox,

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

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

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I write to advise that Bath and North East Somerset Council has issued 4 Planning Enforcement Notices on the above land. These notices (and accompanying maps) are attached to this email.

The Planning Enforcement Notices are in respect of the following breaches 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.**

**Without Planning Permission, the construction of a non-agricultural storage building.**

**Without Planning Permission, the importation of material and carrying out of Engineering Operations in the form of the expansion of a level area of hardstanding.**

**Without Planning Permission, the construction of a dwelling house**

**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.**

A copy of the Planning Enforcement Notices and report are enclosed.

Please note that unless an appeal is made to the Secretary of State (at the Planning Inspectorate), the Planning Enforcement Notice will take effect on **23<sup>rd</sup> April 2025** and you must then ensure that the steps needed to comply with the notice are taken within the periods specified. If you fail to comply with the requirements of the notice then you will leave yourself open to prosecution. If you wish to appeal against the notice, you should first read carefully the enclosed **“Explanatory Note”**. Please note: your appeal must be received by the Planning Inspectorate before the **23<sup>rd</sup> April 2025** on which date the notice takes effect.

A copy of these notices and accompanying report is displayed at both site entrances and served on you at 3 Mendip Cottages, Clutton Hill, Clutton, Bristol , BS39 5QQ.

Information on how to appeal is included as an annex to each notice.

Should you have any questions as to what is required of you, please contact me as soon as possible.

Regards,

**Sam Grant MPlan MRTPI**

Senior Planning & Enforcement Officer  
Development Management  
Bath & North East Somerset Council  
Email: [Sam\\_Grant@bathnes.gov.uk](mailto:Sam_Grant@bathnes.gov.uk)  
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