

Application for Permission in Principle

Town and Country Planning Act 1990

Town and Country Planning (Permission in Principle) (Amendment) Order 2017

Permission in principle may be granted for minor housing-led development only. Article 5B of the Permission in Principle (Amendment) Order 2017 sets out development that is specifically excluded from a grant of permission in principle and this includes habitats and EIA development.

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Find contact details for Local Planning Authorities: <https://www.planningportal.co.uk/lpasearch>

If printed, please complete using block capitals and black ink.

| 1. Applicant Name and Address | 2. Agent Name and Address |
|--|--|
| Title: <input type="text" value="Mr"/> First name: <input type="text" value="S"/> | Title: <input type="text" value="Mr"/> First name: <input type="text" value="John"/> |
| Last name: <input type="text" value="Willcox"/> | Last name: <input type="text" value="White"/> |
| Company (optional): <input type="text"/> | Company (optional): <input type="text"/> |
| Unit: <input type="text"/> Number: <input type="text"/> Suffix: <input type="text"/> | Unit: <input type="text"/> Number: <input type="text"/> Suffix: <input type="text"/> |
| Building name: <input type="text" value="The Old Weigh Bridge House"/> | Building name: <input type="text" value="Studio 160"/> |
| Address 1: <input type="text"/> | Address 1: <input type="text" value="3 Edgar Buildings"/> |
| Address 2: <input type="text"/> | Address 2: <input type="text" value="George Street"/> |
| Address 3: <input type="text"/> | Address 3: <input type="text"/> |
| Town: <input type="text" value="Clutton"/> | Town: <input type="text" value="Bath"/> |
| County: <input type="text"/> | County: <input type="text"/> |
| Country: <input type="text"/> | Country: <input type="text"/> |
| Postcode: <input type="text" value="BS39 5QQ"/> | Postcode: <input type="text" value="BA1 2FJ"/> |

3. Description of the proposed development including any non-residential development

Permission in Principle for the Conversion of the former Weigh Bridge House into a C3 Residential Dwelling

Net number of dwellings: Min: Max: Amount of non-residential use(s) (e.g. floorspace or area):

(Can be expressed as a range, a maximum or a fixed amount)

4. Site information

Description and amount of existing use(s) of site:

The site contains the former Weigh Bridge House used as part of the previous Colliery and an outbuilding. It is been used for many various activities connected with the businesses on site since the owner purchased the site in 1995 including storage and stabling to the rear.

Site Area (hectares):

If you propose to attach any supporting information relating to known or likely constraints on the site please briefly describe what information you intend to provide.

Existing Plans
Indicative Proposed Plans

5. Site Address Details

Please provide the full postal address of the application site.

Unit: House number: House suffix:

House name:

Address 1:

Address 2:

Address 3:

Town:

County:

Postcode (optional):

Description of location or a grid reference - must be completed if postcode is not known:

Easting: Northing:

Description:

6. Authority Employee / Member

It is an important principle of decision-making that the process is open and transparent. For the purposes of this question, "related to" means related, by birth or otherwise, closely enough that a fair-minded and informed observer, having considered the facts, would conclude that there was bias on the part of the decision-maker in the local planning authority.

Do any of the following statements apply to you and/or agent? ☐ Yes ☒ No

With respect to the authority, I am:

- (a) a member of staff
- (b) an elected member
- (c) related to a member of staff
- (d) related to an elected member

If Yes, please provide details of their name, role and how you are related to them

7. Declaration

I/We hereby apply for permission in principle as described in this form. I/We confirm that to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.

Signed - Applicant

Or signed - Agent

Date (DD/MM/YYYY):
(date cannot be pre-application)

29/08/2023

8. Checklist

Please read the following checklist to make sure you have sent all the information in support of your proposal. Failure to submit all information required will result in your application being deemed invalid. It will not be considered valid until all information required by the Local Planning Authority has been submitted.

The original and 3 copies of a completed and dated application form: ☒

The original and 3 copies of the plan which identifies the land to which the application relates: ☒

The correct fee: ☒

Any supporting information: ☒

9. Applicant Contact Details

Telephone numbers

Country code:

National number:

Extension:

Country code:

Mobile number (optional):

Country code:

Fax number (optional):

Email address:

10. Agent Contact Details

Telephone numbers

Country code:

National number:

Extension:

Country code:

Mobile number (optional):

Country code:

Fax number (optional):

Email address:

john@agm-ltd.co.uk

Planning Statement

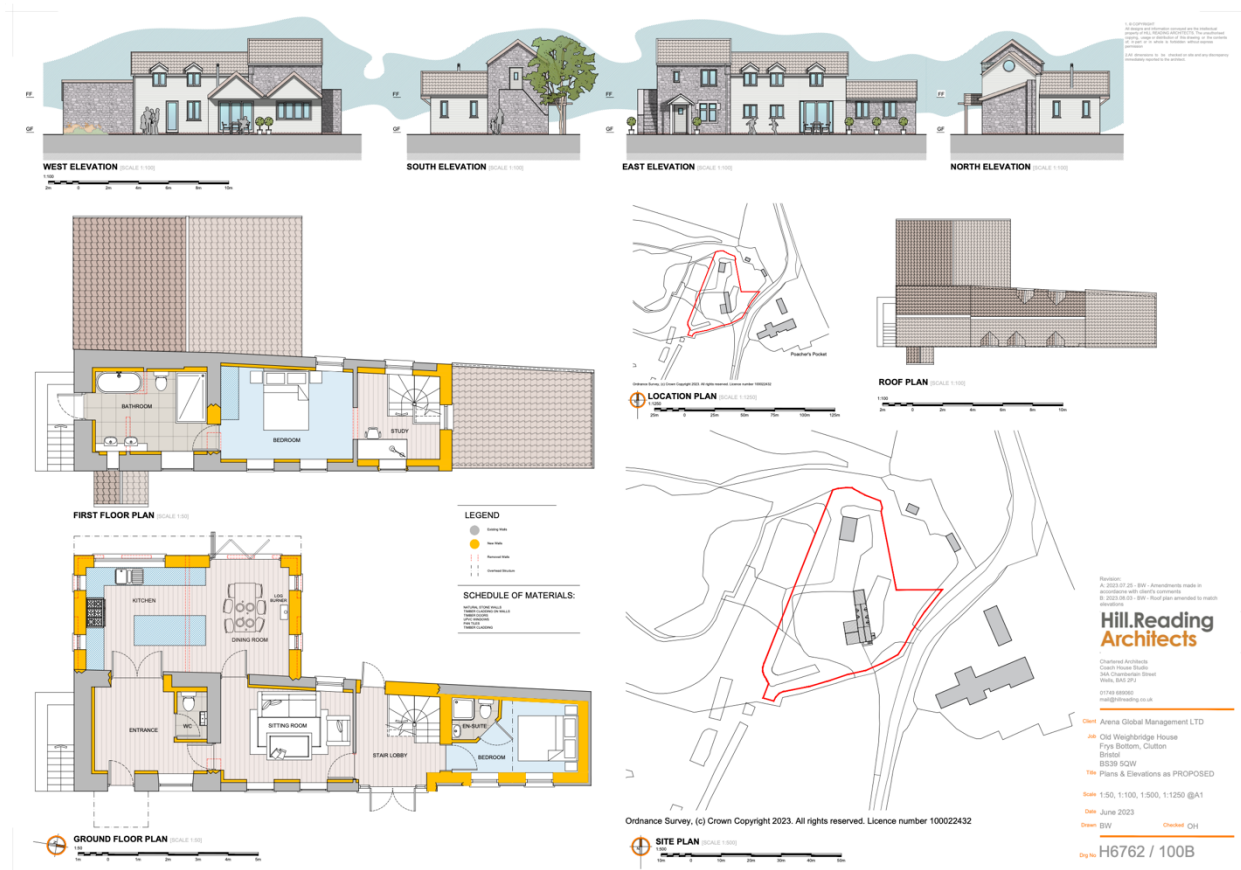
**Weigh Bridge House, Fry's Bottom, Clutton, BS39
5QW**



Planning Statement

Permission in Principle for the Reuse of a Rural Building to a Residential Dwelling.

Weigh Bridge House, Fry's Bottom, Clutton, BS39 5QW



CONTACT

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DOCUMENT CONTROL

| | |
|---------------------|---------------|
| Job No. | AGM 2021 103h |
| Prepared For | Mr Willcox |
| Date | August 2023 |

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|--------------------|----------------|-------------------|----------------------|
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| Status | CHECKED | | |

| Revisions | | | | |
|------------------|-------------|---------------------------|-----------|-----------------|
| No. | Date | Summary of Changes | By | Approved |
| | | | | |
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Documents Submitted Alongside This Statement:

| Document | Produced By |
|--|--------------|
| H6762 / 001A – Existing Plans | Hill Reading |
| H6762 / 100B – Indicative Proposed Plans | Hill Reading |

1. EXECUTIVE SUMMARY

- 1.1.1 Arena Global Management Limited (AGM Ltd) is an independent and specialist town planning consultancy in the Bath region. AGM Ltd has prepared this Design & Access and Planning Statement on behalf of Mr S. Willcox.
- 1.1.2 This application forms part of a Permission in Principle Application for the Conversion of a Rural Building to a Residential Dwelling at Weigh Bridge House, Fry's Bottom.
- 1.1.3 The proposed development consists of;
- The Conversion of a Rural Building to a Residential Dwelling.
- 1.1.4 This statement is set out in the chapters laid out in the contents.
- 1.1.5 This statement should be read in conjunction with the accompanying documents listed below:
- Existing Plans
 - Indicative Proposed Plans
- 1.1.6 Both Local and National Planning Policy has been carefully considered in developing the proposal and it is understood that the proposed development is in accordance with all relevant planning policy. Therefore, it should be found permissible.

2. SITE BACKGROUND

2.1 The Site

- 2.1.1 The former Fry's Bottom Colliery site was purchase, alongside Fry's Bottom Wood, by the applicant in May 1995 and has since been in use for a number of industrial activities. The former Weigh Bridge House was originally built in conjunction with the colliery on site, and the mine manager's accommodation, which was built in 1756 and is located across the road from Fry's Bottom. The accommodation is now known as Poacher's Pocket and is privately owned.
- 2.1.2 Since 1995, the primary use of Fry's Bottom Wood, has been for the use of Fry's Bottom Timber which has felled and replanted trees across the woodland for the use of timber and logs. Woodland Grant Schemes and Felling Licenses have been obtained since 1995. Under the applicant's ownership Weigh Bridge House has had various uses to support the business at Fry's Bottom, with a number of small extensions added, e.g. the erection of wooden stables and an open store room. Due to permission being granted in 2023 for the erection of a forestry building, Weigh Bridge House has now become surplus to requirements and its conversion is proposed.
- 2.1.3 Over the last couple of years, the applicant has invested a substantial amount of capital into Fry's Bottom Timber to help future proof the business. Maintaining the woodland has meant that the felling of the trees has become necessary. As a result, the applicant submitted a planning application in 2022 for a forestry building to securely keep all his equipment for the business and the felled logs. Originally this application was refused, but has since been permitted, however, it has caused significant delays in felling at Fry's Bottom. A year later felling has commenced and following the clearance, preparation will be started for the planting of upwards of 10,000 new trees. The whole programme, from felling to replanting, will take a minimum of a 10 year period.
- 2.1.4 The applicants have now retired from their day to day jobs but remain passionate and continue to work on Fry's Bottom Timber, located at the woodland. It is proposed that Weigh Bridge House should be used as a small residential dwelling for the use of the applicant and his wife. This would allow the applicants to manage the running of Fry's Bottom Timber, as well as the labour intensive planting and restocking of Fry's Bottom Wood.

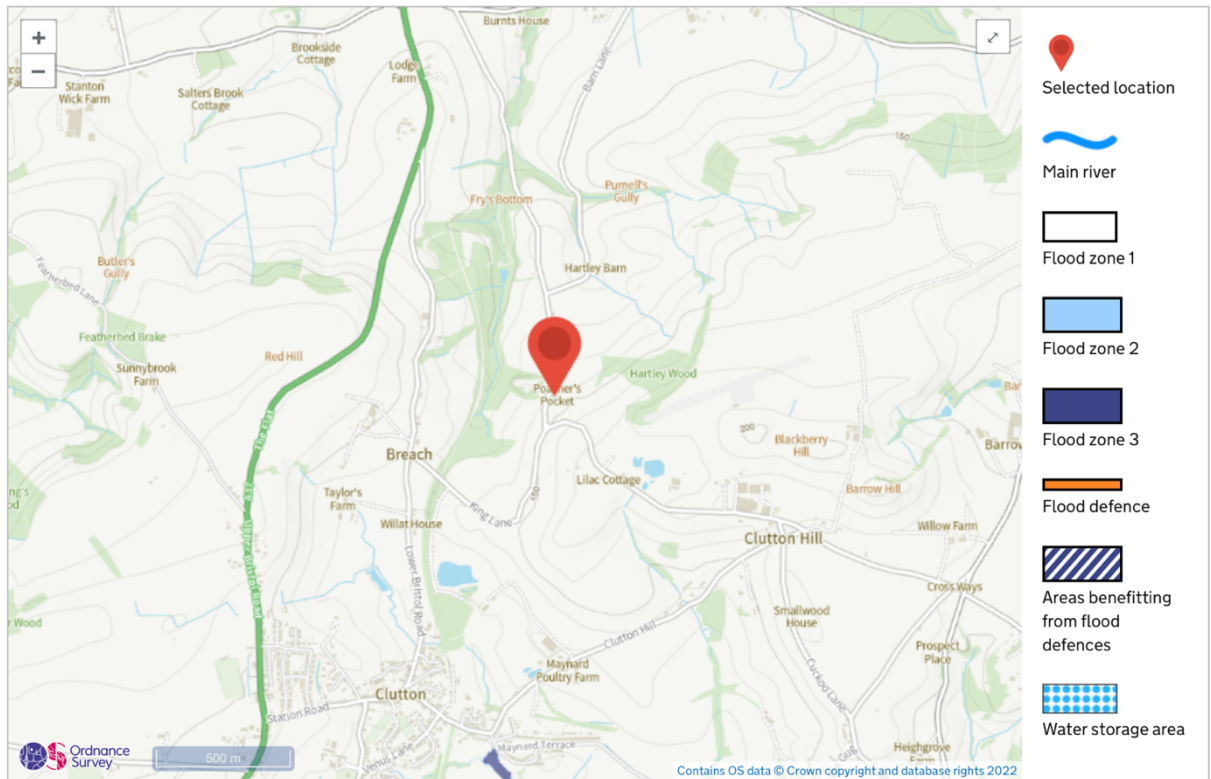
2.2 Site Location

2.2.1 The application site is located to the north east of Clutton and is accessed by King Lane, which connects the Site to the village of Clutton, as well as Chelwood and the A368 to the north.

2.2.2 Google Earth map:



2.2.3 OS map:



2.2.4 The site is located within Flood Zone 1 and therefore it is considered that there is limited flood risk. As a result, an FRA is not required.

2.3 Local and National Designations

- Green Belt
- Ecological Network
- Sites of Nature Conservation

2.4 Surrounding Development

2.4.1 The application site is located on the eastern edge of Fry's Bottom Wood and is surrounded by agricultural fields. The site is approximately 20m from Poachers Pocket (residential dwelling).

2.5 Relevant Planning History

23/02618/NMA: Non-Material Amendment to application 22/03198/FUL (Erection of a forestry building for the storage of felled trees/logs and timber (Retrospective)). July 2023. Decision: Approve.

22/03198/FUL: Erection of a forestry building for the storage of felled trees / logs and timber (Retrospective). August 2022. Decision: Permitted.

99/02213/AGRN: Detached forestry building. Decision: Application Permitted.

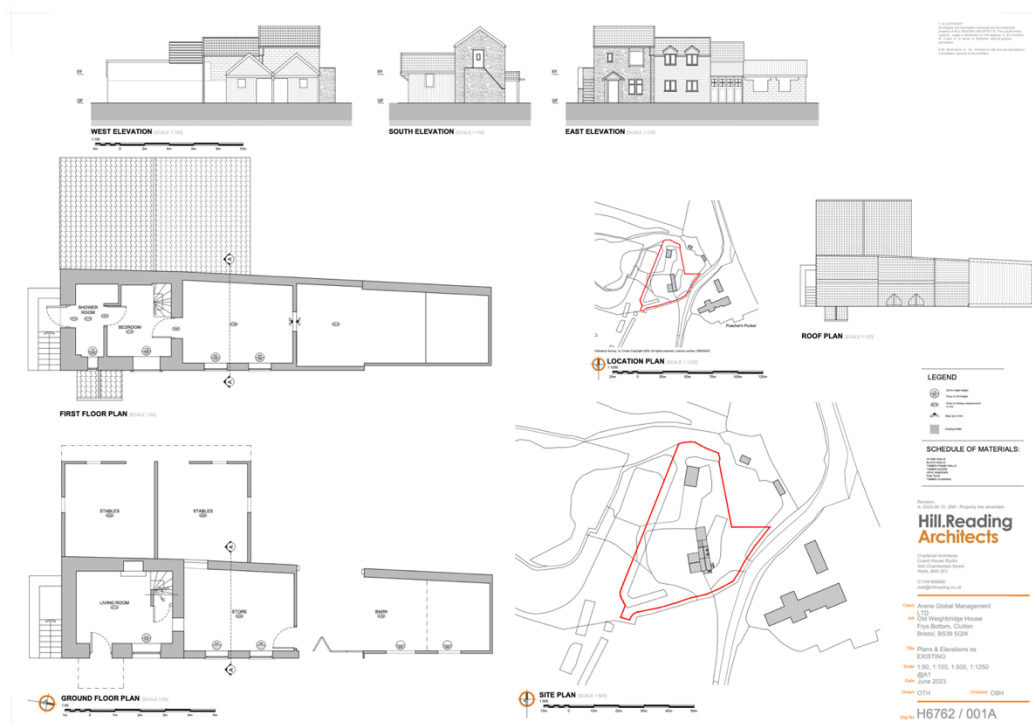
3. THE PROPOSED DEVELOPMENT

3.1 Proposed Development Summary

- 3.1.1 This application seeks a Permission in Principle (PIP) for the conversion of a rural building into a C3 Residential Dwelling.
- 3.1.2 The Planning Statement will cover the background to the application and provide the necessary information to enable its determination by the Council. Other matters outside of the scope of the PIP should be considered at the 'Technical Details' consent stage. There is therefore no requirement for technical reports to accompany this submission.

3.2 Weigh Bridge House

- 3.2.1 The property, known as Weigh Bridge House, has been designed to replicate the existing building but improve the building visually, while providing space to accommodate the applicant and his wife. At current, there are three separate parts to the building, cumulating from a variety of different extensions which have all used a range of materials. As the building has been used for a number of uses, e.g.; stables, a residential dwelling, storage, the building does not currently flow together and has a number of open spaces.
- 3.2.2 Existing site plans:



3.3 Access and Parking

- 3.3.1 Access is served via an existing established access to the east of the site, via Fry's Bottom Lane. As a result, there will be no detrimental impact on the highway.
- 3.3.2 A separate access is in use for the forestry building and the plan would be to fence off the boundary between the new dwelling and its curtilage with the forestry building access route. Details of which would be provided at the technical details stage.

3.4 Ecology

- 3.4.1 No external lighting is proposed for the site at this stage.
- 3.4.2 No trees or hedges will be affected in the proposed development, due to the conversion of the existing building. There will also be no detrimental impact on the existing hedgerow as the access is established. As this application is for permission in principle, details including a PEA and PRA will be supplied at technical details stage.

3.5 Sustainability

- 3.5.1 The applicant has proposed the use of PVs across the roof of the approved forestry building at Fry's Bottom Wood, which would in turn benefit the proposed residential dwelling economically and sustainably, reducing the amount of carbon emitted from the dwelling. At the technical details stage a full Sustainable Construction Checklist will be provided in compliance with Policy SCR1.
- 3.5.2 Rainwater harvesting has been suggested to be used within the proposed residential dwelling.

3.6 Similar Permissions in BANES

- 3.6.1 **22/04931/FUL:** Conversion of kennels, associated buildings (Use Class Sui Generis) and associated development to 4no residential dwellings (Use Class C3). March 2023. Decision: Approved.
- 3.6.2 **21/05000/FUL:** Conversion of garage into dwelling (Resubmission). December 2022. Decision: Approved.
- 3.6.3 **22/03854/FUL:** Conversion of existing outbuilding into a new, three bedroom dwelling, and associated adjustments to the existing vehicular access and landscaping. December 2022. Decision: Approved.

3.7 Conclusion

- 3.7.1 The chapter has discussed the proposal for the Conversion of a Rural Building to a Residential Dwelling at Fry's Bottom Wood in Clutton. This application has been designed to blend with the existing buildings and designs on site and to provide a small, practical family home for the applicant. Each aspect of the proposal is in line with the family business located on site and will continue to help with the maintenance of Fry's Bottom Wood.

4. PHOTOGRAPHS OF THE SITE



5. LOCAL PLANNING POLICY

5.1.1 The following policies from the B&NES Core Strategy (adopted July 2014) document and Placemaking Plan (adopted July 2017) document have been taken into consideration when assessing the principle of development.

- Policy SD1: Presumption in Favour of Sustainable Development
- Policy D2: Local Character and Distinctiveness
- Policy D6: Amenity
- Policy CP8: Green Belt
- Policy RE6: Re-use of Rural Buildings

5.1.2 **Policy SD1: Presumption in Favour of Sustainable Development** - This policy states that “When considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework”. The proposed development supports a local family run business at Fry’s Bottom Wood. The conversion of the rural building to a residential dwelling will provide a home for the family to continue to support the business and help to maintain and enhance the woodland at Fry’s Bottom. As a result, the proposal conforms to this objective, supporting the rural economy.

5.1.3 **Policy D2: Local Character and Distinctiveness** - This policy states that "Development proposals will be supported where they contribute positively to and do not harm local character and distinctiveness". The proposed development has been designed to maintain the character of the original Weigh Bridge House, but improve the quality the façade of the extensions attached to the building. The proposed designs are a substantial visual improvement to the existing building and should therefore be supported under Policy D2.

5.1.4 **Policy D6: Amenity** – This policy states that ‘development must provide for appropriate levels of amenity and must:

- a) Allow existing and proposed development to achieve appropriate levels of privacy, outlook and natural light.
- b) Not cause significant harm to the amenities of existing or proposed occupiers of, or visitors to, residential or other sensitive premises by reason of loss of light, increased noise, smell, overlooking, traffic or other disturbance.

- c) Allow for provision of adequate and usable private or communal amenity space and defensible space.
- d) Include adequate storage and functional arrangements for refuse and recycling.
- e) Ensure communal refuse and recycling provision is appropriately designed, located and sized'.

5.1.5 The proposed development will convert an unused rural building to a residential dwelling and will therefore improve the use of the current building and surrounding site. Due to the location of the building and surrounding developments, the proposed residential dwelling achieves appropriate levels of privacy and natural light for the property, as well as the neighbouring property known as the Poacher's Pocket. The proposed use will not impact on noise, smell or traffic and will provide adequate amenity space for the occupants. The proposed development should therefore be found permissible under Policy D6.

5.1.6 **Policy CP8: Green Belt** – Within Policy CP8 it states that 'The openness of the Green Belt will be protected from inappropriate development in accordance with national planning policy.' The proposed development meets Policy CP8 within the Bath and North East Somerset Core Strategy and Placemaking Plan, and Chapter 13 within the NPPF. As stated in the section below, the development will see the reuse of a permeant building within the Green Belt and therefore it should be supported.

5.1.7 **Policy RE6: Re-use of a Rural Building** – This policy states that the Conversion of a building or buildings to a new use in the countryside outside the scope of Policies RA1, RA2 and GB2 will only be permitted, provided:

- 1) its form, bulk and general design is in keeping with its surroundings and respects the style and materials of the existing building
- 2) the building is not of temporary or insubstantial construction and not capable of conversion without substantial or complete reconstruction or requires major extension
- 3) the proposal would enhance visual amenity and not harm ecological function (e.g. bat roost)
- 4) the proposal does not result in the dispersal of activity which prejudices town or village vitality and viability
- 5) where the building is isolated from public services and community facilities and unrelated to an established group of buildings the benefits of re-using a redundant or disused building

and any enhancement to its immediate setting outweighs the harm arising from the isolated location

6) the development would not result, or be likely to result, in replacement agricultural buildings or the outside storage of plant and machinery which would be harmful to visual amenity;

7) in the case of buildings in the Green Belt, does not have a materially greater impact than the present use on the openness of the Green Belt or would conflict with the purposes of including land within the Green Belt.

8) The integrity and significance of buildings and farmsteads of architectural and historic interest and of communal, aesthetic and evidential value are safeguarded consistent with Policy HE1.

- 5.1.8 The proposed development to convert a rural building to a residential development will be in keeping with the rural style of the existing, original building, while also enhancing the area. The conversion of the building will help to support a rural business, owned by a local family. The proposed development meets all of the above criteria and should therefore be permissible under Policy RE6 of the Core Strategy and Placemaking Plan produced by Bath and North East Somerset.

6. NATIONAL PLANNING POLICY

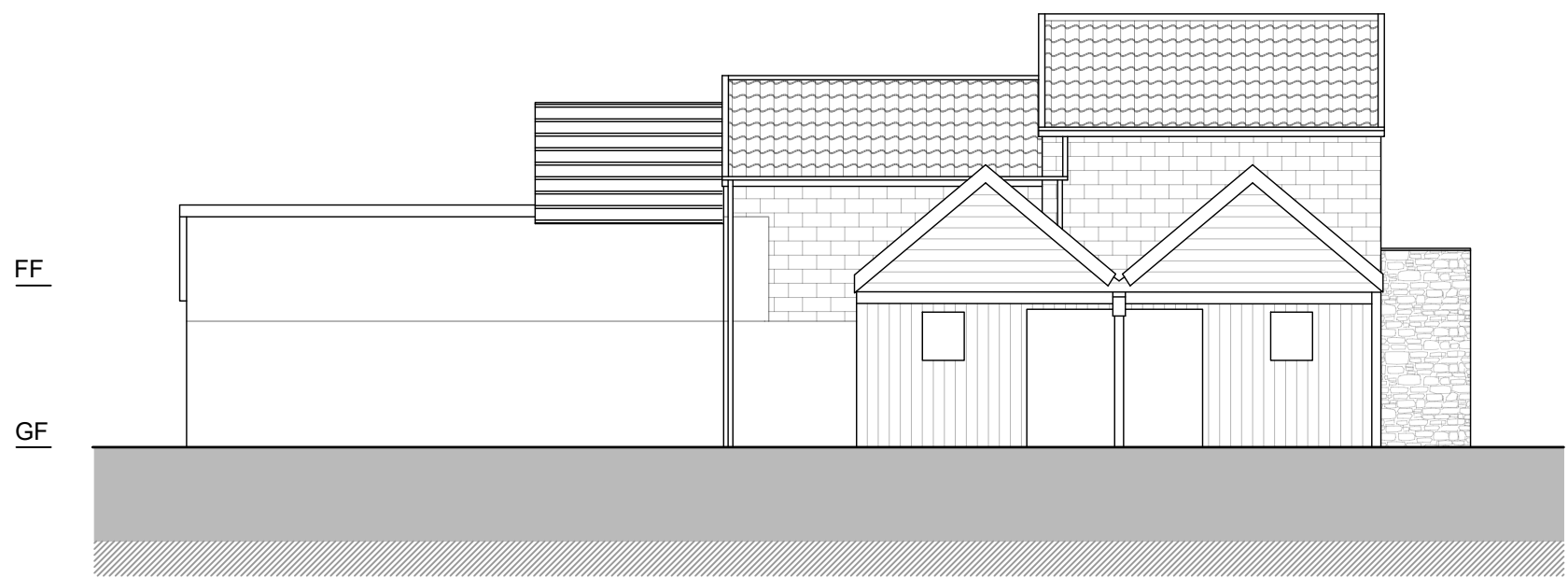
- 6.1.1 Legislation and the National Planning Policy Framework (NPPF) require that planning applications are to be decided in accordance with the statutory development plan for an area unless other material planning considerations indicate otherwise. As a matter of policy, the Government has stated in the NPPF (Paragraph 11) that this means approving development proposals that accord with the Development Plan without delay.
- 6.1.2 The National Planning Policy Framework (NPPF) (updated in July 2021) sets out the Government's planning policies for England and how these are expected to be applied. The NPPF must be taken into account in the preparation of Local Plans and is a material consideration in planning decisions.
- 6.1.3 The following Chapters have been deemed relevant to this application:
- Chapter 6: Building a strong, competitive economy.
 - Chapter 13: Protecting Green Belt land.
- 6.1.4 **Chapter 6: Building a strong, competitive economy** – Within this Chapter it is stated within section 80 that 'Planning Policies Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:
- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
 - b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
 - c) the development would re-use redundant or disused buildings and enhance its immediate setting;
 - d) the development would involve the subdivision of an existing residential building; or
 - e) the design is of exceptional quality, in that it:
 - is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
 - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.'

- 6.1.5 The proposed development falls under section c, as it will re-use a disused building at Fry's Bottom Wood. The redevelopment of the building will dramatically improve the character of the building and enhance its longevity. Consequently, the proposed development should be supported and found permissible under Chapter 6 of the NPPF.
- 6.1.6 **Chapter 13: Protecting Green Belt land** – Within Chapter 13, under section 150, it is stated that a number of other forms are 'not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:
- a) Mineral extraction;
 - b) Engineering operations;
 - c) Local transport infrastructure with can demonstrate a requirement for a Green Belt location;
 - d) The re-use of building provided that the buildings are of a permanent and substantial construction;
 - e) Material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
 - f) Development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order'.
- 6.1.7 The proposed development to convert a rural building to a residential dwelling at Fry's Bottom meets section d, within section 150 of the NPPF. The building is of a permanent and substantial structure and has been in use for hundreds of years. The building has previously been used as a small dwelling for the use of the colliery and would be ideal for the use of the applicant and his wife, in line with their forestry business located on site. The proposed development should therefore be found permissible under Chapter 13 of the NPPF.

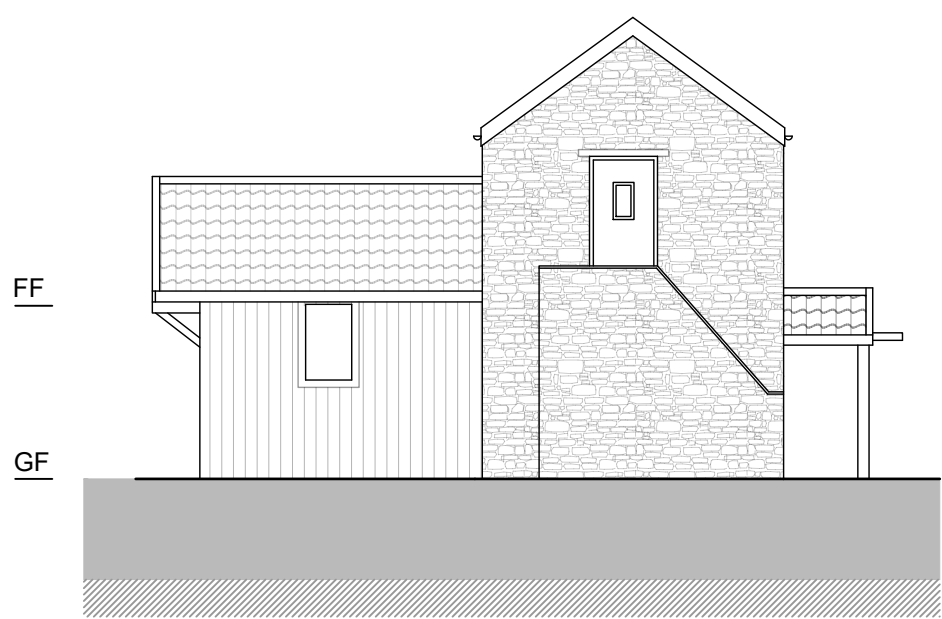
7. CONCLUSION

- 7.1.1 This Design and Access Statement is for an application for Permission in Principle for the Conversion of a Rural Building to a Residential Dwelling at Fry's Bottom, Clutton, BS39 5QW.
- 7.1.2 The application has been submitted to gain Permission in Principle for the Conversion of the Rural Building to a Dwelling for the use of the applicants. The rural building has been used for storage for a number of years, however, since permission was granted in early 2023 for the erection of a forestry building on site, Weigh Bridge House has now become surplus to requirements.
- 7.1.3 At current Weigh Bridge House consists of the main building, stables and open storage. The conversion of the building will significantly improve the visual impact of the building, as well as the overall site. The proposed drawings have been designed to echo that of the original building, ensuring that the new extensions replicate it. The proposed development will consist of natural stone and will have timber cladded walls and doors. The building will be fitting in the local setting and will uphold the local character of the area.
- 7.1.4 Within planning policy, the proposal should be supported specifically under Policy CP8 and Policy RE6 within the Core Strategy and Placemaking Plan produced by Bath and North East Somerset, and Chapter 13 within the National Planning Policy Framework. Each of the above policies state that the reuse of rural buildings within the Green Belt should be permitted, providing that the building is of a permeant and substantial structure. As a result, the conversion of the rural building should be granted as both local and national planning policy supports it.
- 7.1.5 As discussed, this application seeks Permission in Principle (PIP) for the conversion of a rural building into a C3 residential dwelling. Other matters outside of the scope of the PIP should be considered at the 'Technical Details' consent stage. There is therefore no requirement for technical reports to accompany this submission.

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2. All dimensions to be checked on site and any discrepancy immediately reported to the architect.



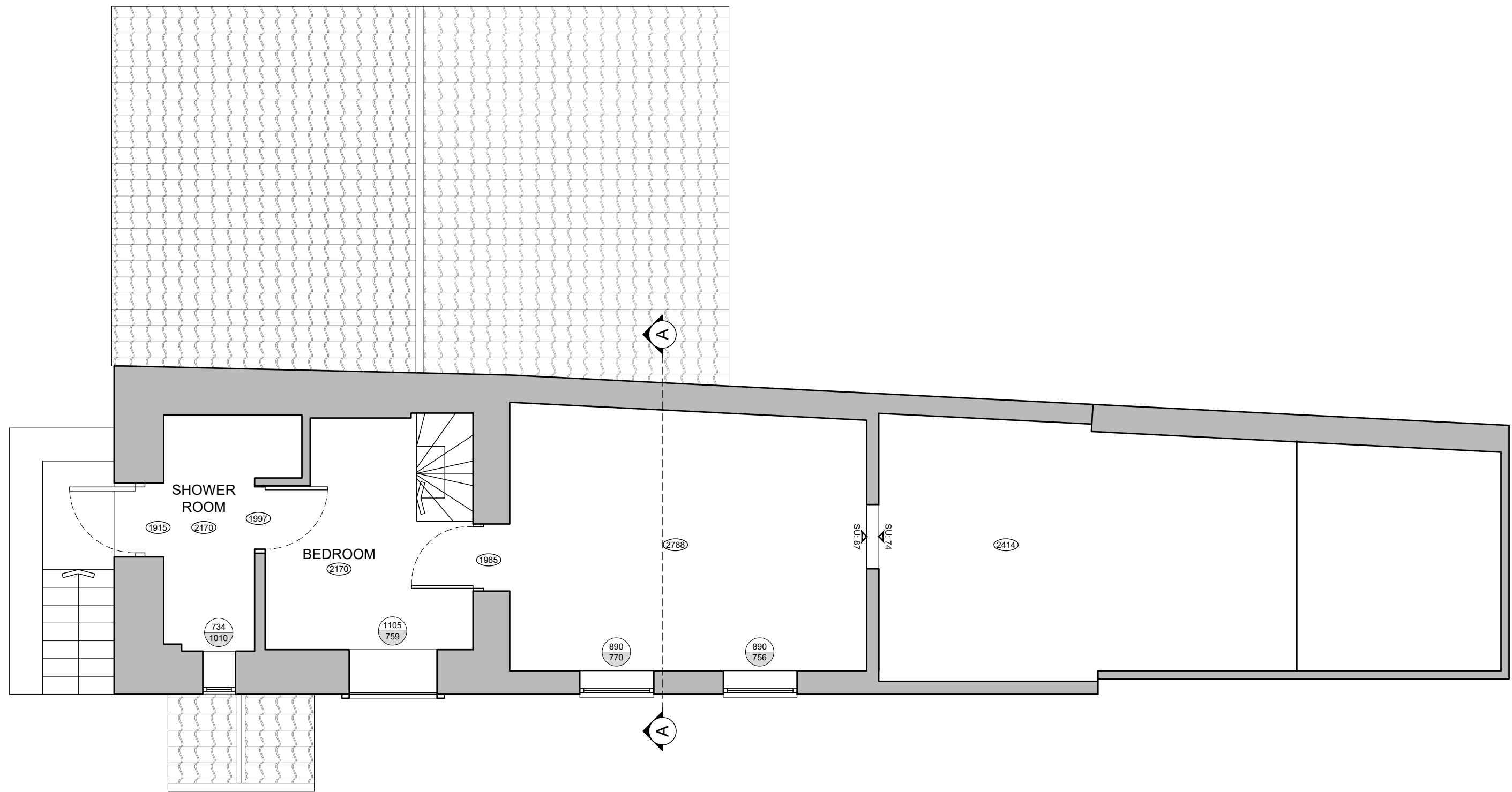
WEST ELEVATION [SCALE 1:100]



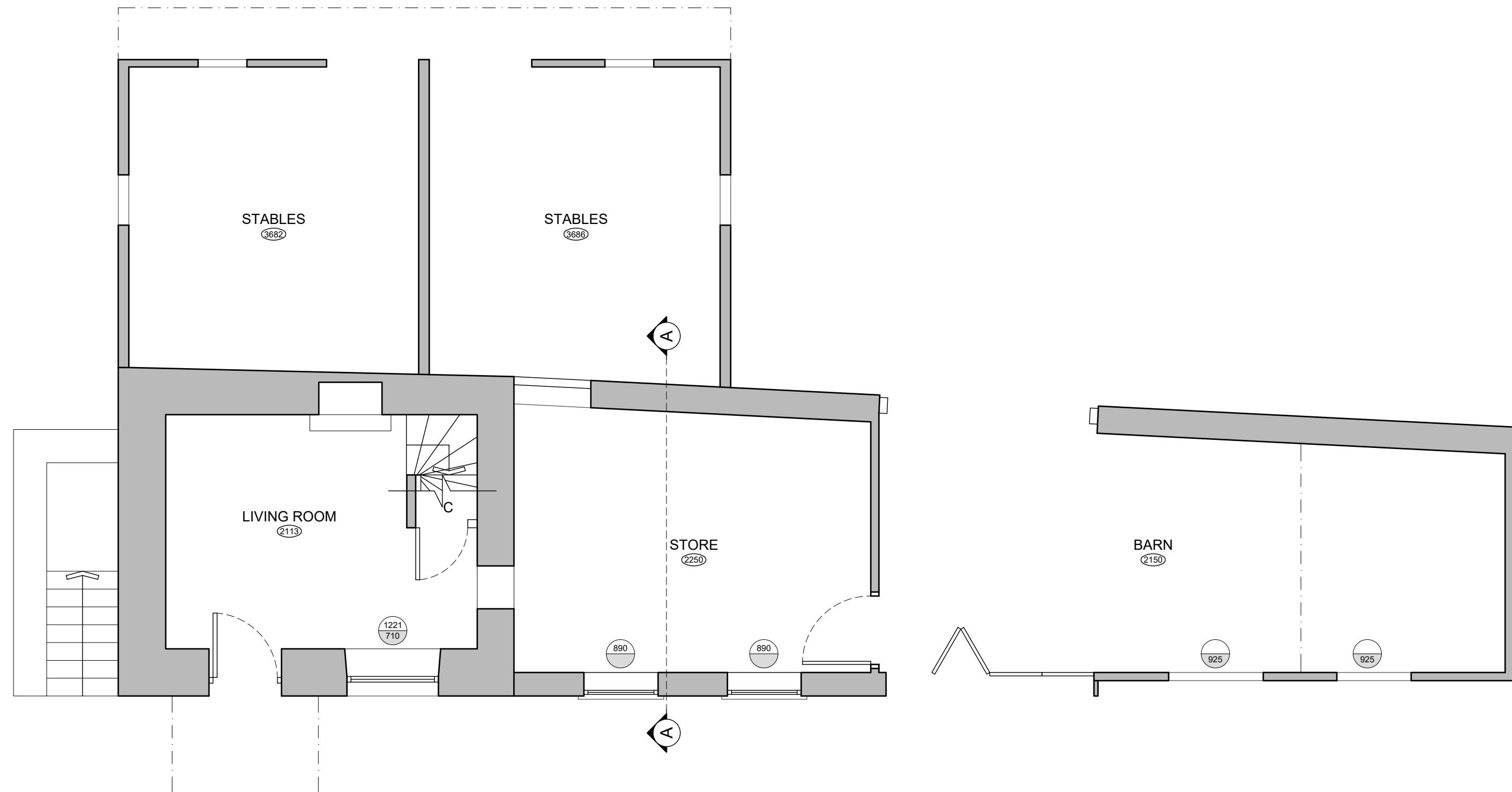
SOUTH ELEVATION [SCALE 1:100]



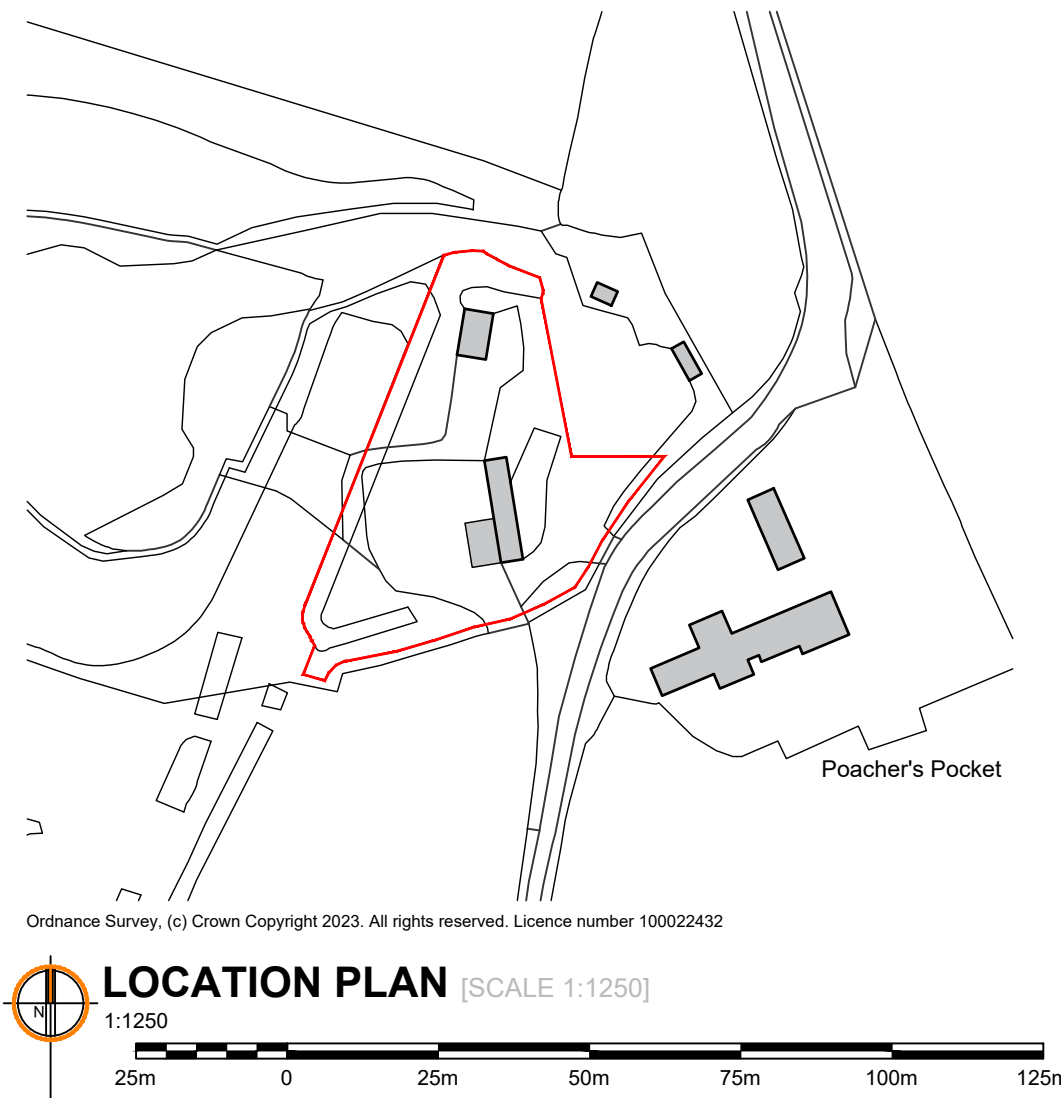
EAST ELEVATION [SCALE 1:100]



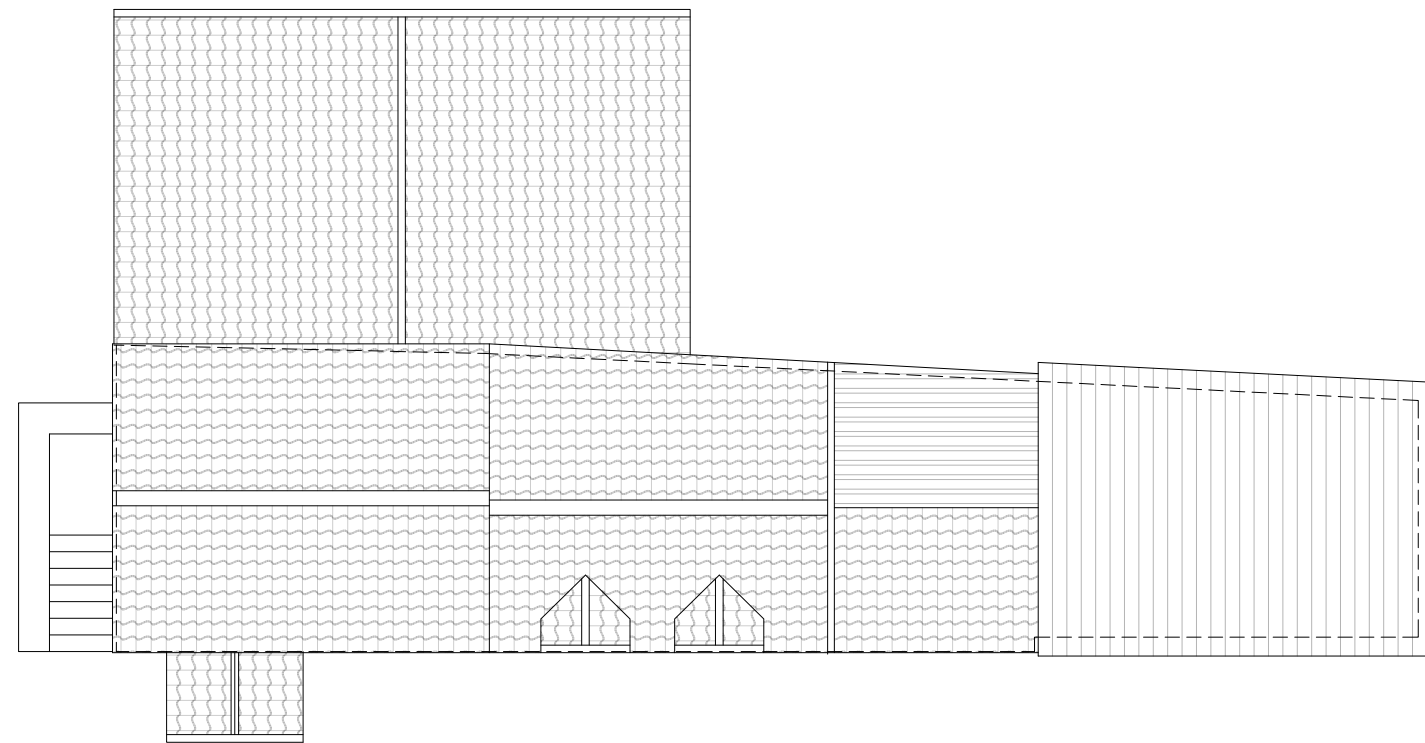
FIRST FLOOR PLAN [SCALE 1:50]



GROUND FLOOR PLAN [SCALE 1:50]



LOCATION PLAN [SCALE 1:1250]



ROOF PLAN [SCALE 1:100]



SITE PLAN [SCALE 1:500]

LEGEND

- CH Off to Head Height
- FC Floor to Ceiling
- 2170 Floor to Ceiling measurement in mm
- 80/111 Step Up in mm
- Existing Walls

SCHEDULE OF MATERIALS:

- STONE WALLS
- BLOCK WALLS
- TIMBER FRAME WALLS
- TIMBER DOORS
- UPVC WINDOWS
- PAN TILES
- TIMBER CLADDING

Revision:
A: 2023.08.10 - BW - Property line amended

**Hill.Reading
Architects**

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Title Plans & Elevations as
EXISTING

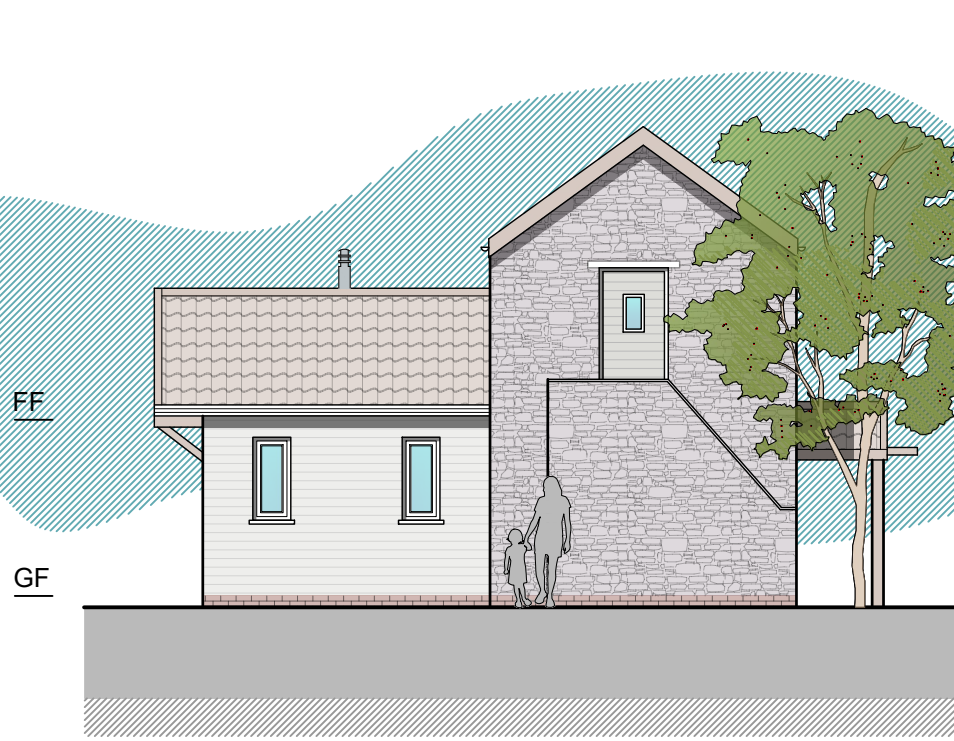
Scale 1:50, 1:100, 1:500, 1:1250
@A1
Date June 2023

Drawn OTH Checked OBH

Drg No H6762 / 001A



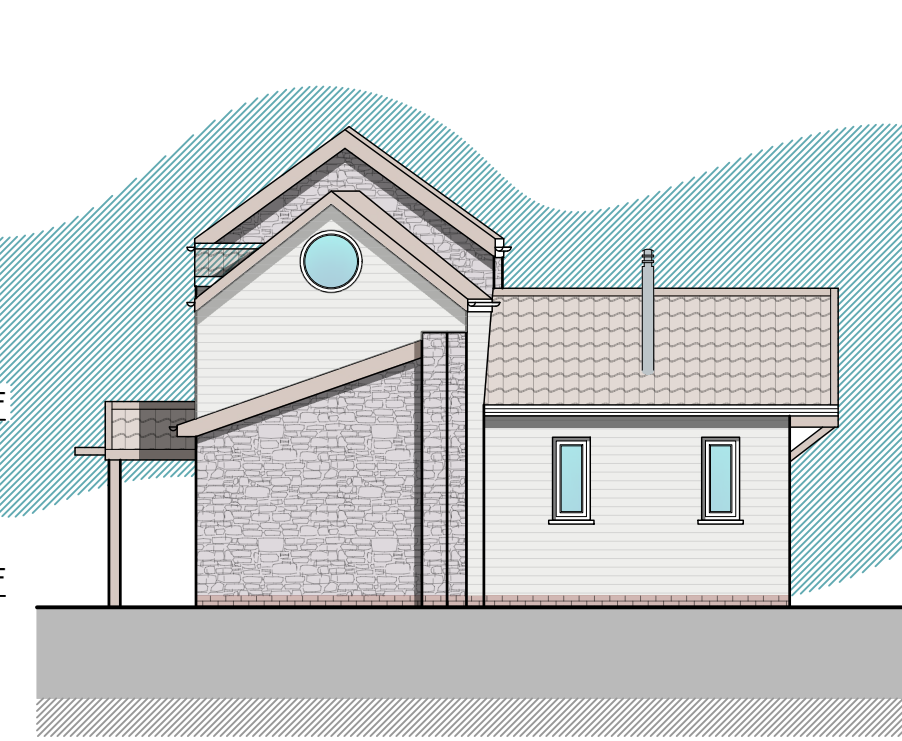
WEST ELEVATION [SCALE 1:100]



SOUTH ELEVATION [SCALE 1:100]

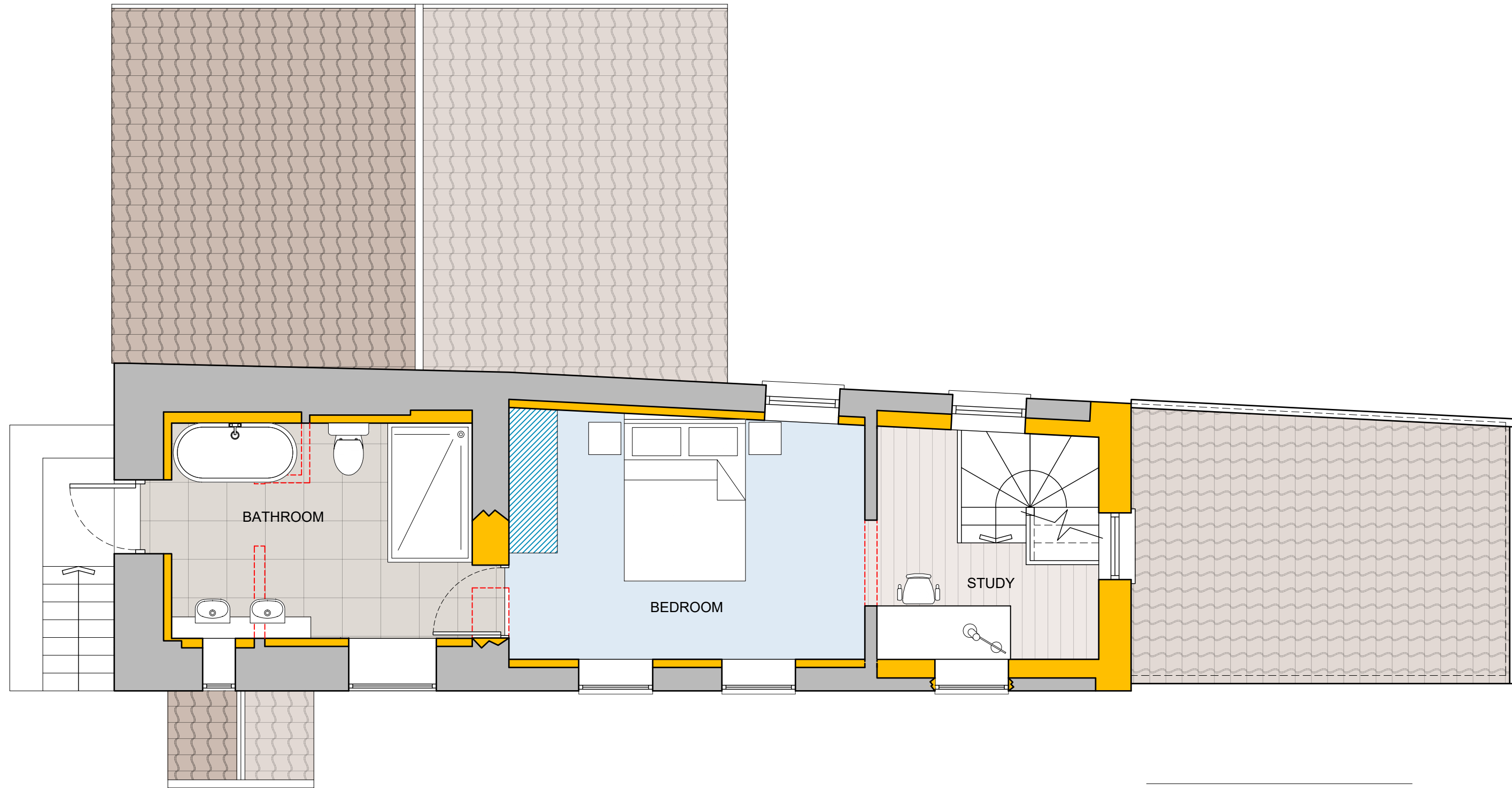


EAST ELEVATION [SCALE 1:100]

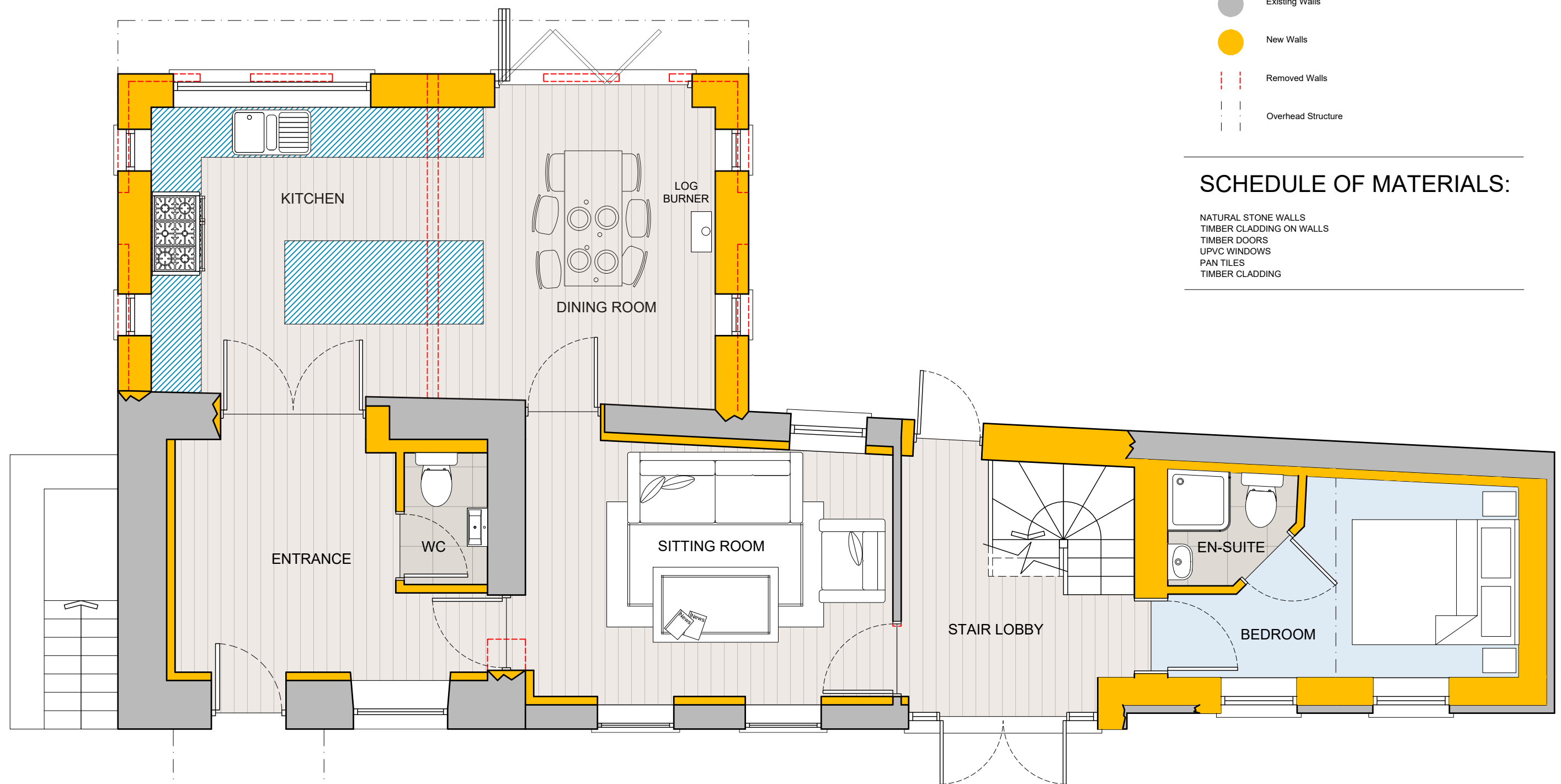


NORTH ELEVATION [SCALE 1:100]

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2. All dimensions to be checked on site and any discrepancy immediately reported to the architect.



FIRST FLOOR PLAN [SCALE 1:50]



GROUND FLOOR PLAN [SCALE 1:50]

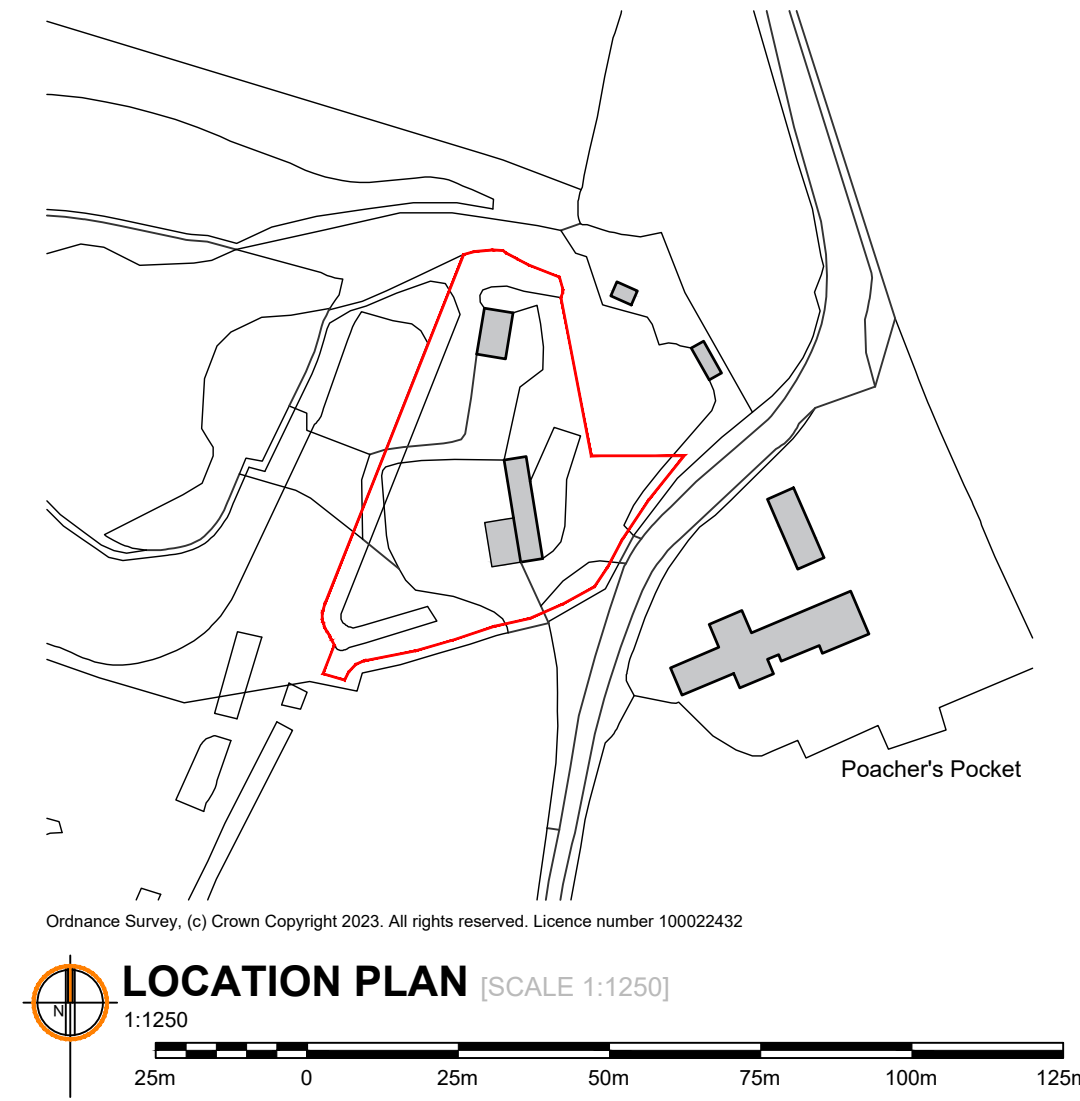


LEGEND

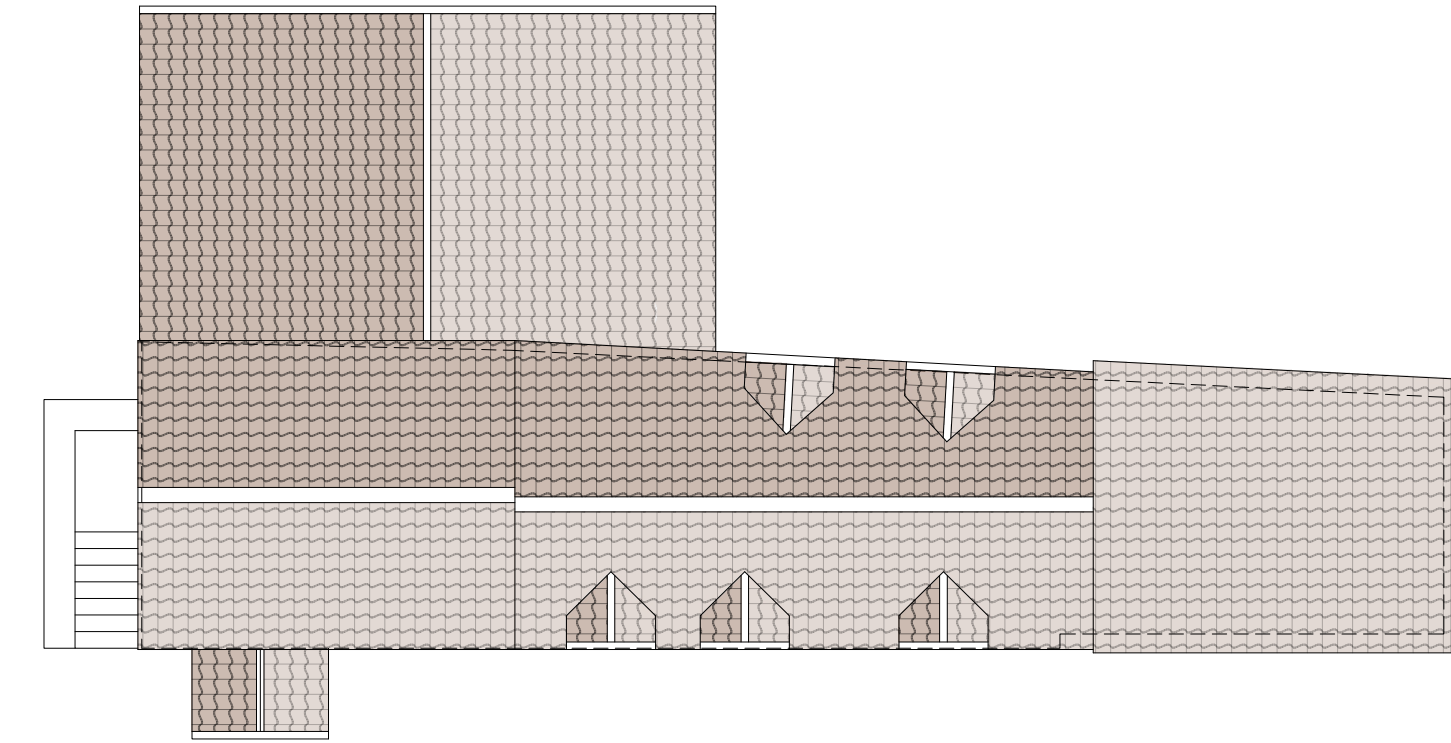
- Existing Walls
- New Walls
- Removed Walls
- Overhead Structure

SCHEDULE OF MATERIALS:

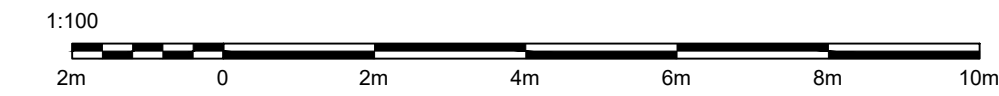
NATURAL STONE WALLS
TIMBER CLADDING ON WALLS
TIMBER DOORS
UPVC WINDOWS
PANI TILES
TIMBER CLADDING



LOCATION PLAN [SCALE 1:1250]



ROOF PLAN [SCALE 1:100]



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SITE PLAN [SCALE 1:500]

Revision:
A: 2023.07.25 - BW - Amendments made in accordance with client's comments
B: 2023.08.03 - BW - Roof plan amended to match elevations

Hill.Reading Architects

Chartered Architects
Coach House Studio
34A Chamberlain Street
Wells, BA5 2PJ

01749 689060
mail@hillreading.co.uk

Client Arena Global Management LTD

Job Old Weighbridge House
Frys Bottom, Clutton
Bristol
BS39 5QW

Title Plans & Elevations as PROPOSED

Scale 1:50, 1:100, 1:500, 1:1250 @A1

Date June 2023

Drawn BW

Checked OH

Drg No H6762 / 100B

Kate Trott

From: Chelwood ParishCouncil <chelwood.parish.council@gmail.com>
Sent: 04 October 2023 08:17
To: Development Management
Subject: Planning application 23/03251/PIP

Chelwood Parish Council considered application 23/03251/PIP - conversion of building at Frys Bottom, Chelwood at its meeting on 3rd October. Councillors queried the suitability of some of the existing structures for conversion. After discussion councillors voted unanimously to support the application.

Alan Butcher
Parish Clerk.

From: clerk@clutton-pc.gov.uk
Sent: 21 September 2023 15:16
To: Development Management
Subject: 23/03251/PIP: Site of OLD Colliery, Frys Bottom, Chelwood

The Parish Council did not receive a consultation request for this application, however they have reviewed the plans and agreed to SUPPORT the application for Planning in Principle.

Kind Regards
Helen

Clutton Parish Council

Sam Grant

From: Sam Grant
Sent: 04 October 2023 16:34
To: Edward Downing
Cc: John White; stephen willcox
Subject: RE: 23/03251/PIP - 2021 103h

Dear Ed,

Thank you for your and Mr Willcox's time this morning, this email is to set out my position on the application and the building.

Unfortunately I am still of the view the development carried out in site (the building subject to the current application) is not substantially complete and therefore is not immune from planning enforcement action and is currently unauthorised development.

From our discussion on site, I understand you are of the view that as the roof and walls of the building are up, then it could be considered substantially complete, unfortunately I do not share this view.

Belmont Farm Ltd v MHLG [1962] determined a building is 'designed' for the purposes for which its physical layout and appearance fit it. This approach was confirmed in McKay and Walker v SSE and S Cambs [1989], where it was stated when assessing the purpose of a building, there is an importance on the external appearance and layout of the structure.

From what I viewed on site, I consider that, having regard to the external appearance and internal layout of the building, it is designed to be a dwellinghouse. The treatment of the elevations, layout and positioning and size of the windows are all features of a domestic building, this is further confirmed by the applicants intention to 'convert' the building into a dwelling house.

Regarding the immunity for enforcement action, I do not agree the building is substantially complete due to; the building not being fit for habitation, very little or no service fitting thought the building, interior walls are unfinished without lining or plaster, interior spaces are unfinished and lacking ceilings with roofing felt viable throughout most the 1st floor, window openings without glazing units and one element missing a gable end wall. As such, I consider the building to be a 'dwellinghouse in construction'. This approach was set out in an appeal (T/APP/U2235/C/99/10217450) which was challenged and quashed by the High Court and then finally the court decision was reversed by the House of Lords (Sage v SoS & Others 14/04/2003)

Taking the above into account, my previous advice stands, if this application is not withdrawn by COB Friday 6th October, I will be recommending it for refusal.

As I am currently dealing with the above application, I will keep the correspondence within the scope of the assessment of the application and I will not be discussing potential further enforcement action at this time.

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
Phone: 01225 477480
www.bathnes.gov.uk
www.twitter.com/bathnes

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From: Edward Downing <edward@agm-ltd.co.uk>
Sent: 29 September 2023 09:40
To: Sam Grant <Sam_Grant@BATHNES.GOV.UK>
Cc: John White <john@agm-ltd.co.uk>
Subject: Re: 23/03251/PIP - 2021 103h

Hi Sam,

Perfect thanks.

See you then and have a good weekend.

Cheers

With kind regards

Ed

Edward Downing BSc (Hons)
Principal Planner
Mobile: 07436 339700
Office: 01225 681589
edward@agm-ltd.co.uk

Arena Global Management Ltd
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From: Sam Grant <Sam_Grant@BATHNES.GOV.UK>
Sent: Friday, September 29, 2023 9:38:47 AM
To: Edward Downing <edward@agm-ltd.co.uk>
Cc: John White <john@agm-ltd.co.uk>
Subject: RE: 23/03251/PIP - 2021 103h

Hi Ed,

Thank is good with me, would 10:30 be ok?

Many thanks,

Sam Grant

Senior Planning & Enforcement Officer
Development Management
Bath & North East Somerset Council

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Phone: 01225 477480

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www.twitter.com/bathnes

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RTPI (SW) Planning Authority of the Year 2023 - Winner

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

Sent: 29 September 2023 09:37

To: Sam Grant <Sam_Grant@BATHNES.GOV.UK>

Cc: John White <john@agm-ltd.co.uk>

Subject: Re: 23/03251/PIP - 2021 103h

Hi Sam,

Wednesday next week works for Steve and myself if that's suitable?

Thanks,

With kind regards

Ed

Edward Downing BSc (Hons)

Principal Planner

Mobile: 07436 339700

Office: 01225 681589

edward@agm-ltd.co.uk

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From: Sam Grant <Sam_Grant@BATHNES.GOV.UK>

Sent: Thursday, September 28, 2023 4:16:43 PM

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

Cc: John White <john@agm-ltd.co.uk>

Subject: RE: 23/03251/PIP - 2021 103h

Hi Ed,

Thanks for the email and the photos.

After looking at these and the ones in the planning statement I still do not have the evidence that the building has been substantially complete for 4 years.

To this end, I would like to visit the building to look inside and see its current state. Is it possible to arrange a time to visit the building within the next week?

Many thanks,

Sam Grant

Senior Planning & Enforcement Officer
Development Management
Bath & North East Somerset Council
Email: Sam_Grant@bathnes.gov.uk
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www.bathnes.gov.uk
www.twitter.com/bathnes

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From: Edward Downing <edward@agm-ltd.co.uk>
Sent: 28 September 2023 14:42
To: Sam Grant <Sam_Grant@BATHNES.GOV.UK>
Cc: John White <john@agm-ltd.co.uk>
Subject: Re: 23/03251/PIP - 2021 103h

Hi Sam,

Lovely time away thanks,

Thanks for the email and outlining your concerns which I have run through with Mr Willcox.

Mr Willcox has photographic evidence of both the second storey (highlighted in Green in your email) and the replacement roof of the stables (circled in red in your email) of being in situ for a period of 4 + years, thus they are lawful.

For example, please see attached photo in July 2018 of the second storey being built and a photo from January 2019 of it's completion.

The replacement roof for the stables was completed in Summer 2019 as Mr Willcox remembers vividly as he broke his leg at the same time! He is willing to obtain sworn affidavits on this basis and has photographs he can provide. I am also waiting for him to confirm when the section in yellow was completed.

Outside of Frys Bottom for a moment - Just out of interest (for any future projects) when you say you would to serve an enforcement on the removal of the entire building (both 'original' and 'extensions') can you clarify what you mean by this and why the entire building would have to be removed?

Thanks a lot,

Kind regards,

Ed

Edward Downing BSc (Hons)

Principal Planner

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Office: 01225 681589

edward@agm-ltd.co.uk

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From: Sam Grant <Sam_Grant@BATHNES.GOV.UK>

Date: Tuesday, 26 September 2023 at 16:30

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

Cc: John White <john@agm-ltd.co.uk>

Subject: RE: 23/03251/PIP - 2021 103h

Hi Ed,

I hope you had some good time off.

I have discussed this case with my manager and at the current time, I would have to refuse the application as the building that is proposed to be converted is considered unauthorised development.

If the application is not withdrawn by end of day Monday 2nd October 2023, I will be moving forwards with refusal.

Unfortunately if Mr Willcox cannot provide evidence of the lawfulness of the structure, as the site is within the Green Belt, we will be looking the expediency of serving an enforcement notice that require the removal of the entire building (including the 'original' and extensions).

I should also note, the PCN served on the land did ask if "Any Development" had taken place on this section of the land and in his response, Mr Willcox did not record the alterations undertaken to this building.

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

Many thanks,

Sam Grant

Senior Planning & Enforcement Officer
Development Management
Bath & North East Somerset Council
Email: Sam_Grant@bathnes.gov.uk
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www.bathnes.gov.uk
www.twitter.com/bathnes

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From: Edward Downing <edward@agm-ltd.co.uk>
Sent: 26 September 2023 11:55
To: Sam Grant <Sam_Grant@BATHNES.GOV.UK>
Cc: John White <john@agm-ltd.co.uk>
Subject: Re: 23/03251/PIP - 2021 103h

Hi Sam,

Hope you are well?

Apologies as you know I was on leave, but fully back into the grind!

I will speak with Mr Willcox and come back to you,

Kind regards,

Ed

Edward Downing BSc (Hons)

Principal Planner

Mobile: 07436 339700

Office: 01225 681589

edward@agm-ltd.co.uk

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From: Sam Grant <Sam_Grant@BATHNES.GOV.UK>

Date: Thursday, 14 September 2023 at 12:02

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

Cc: John White <john@agm-ltd.co.uk>

Subject: RE: 23/03251/PIP - 2021 103h

Hi Ed,

I hope you've had a good break.

I have been looking over this application and I know that, as it is a PIP, I am limited in the assessment I can make, but I did have a few questions:

I have noticed the photographs of the building shown in the planning statement, do not match the existing elevations submitted. There is an additional storey shown on the plans (highlighted in yellow below) that is not shown in the photographs in the planning statement.



EAST ELEVATION [SCALE 1:100]



I can find no consent for this addition and at the moment, I am considering it unauthorised.

Furthermore, I have looked into the arial imagery for the site and it would appear the second storey (Highlighted green) and the apex roofs to the rear (Circled in red) have been added to the building within the last 4 years. I can also find no consent for these additions, as such I am considering them unauthorised.

Could you ask your client when these additions to the building were made?

Many thanks,

Sam Grant

Senior Planning & Enforcement Officer
Development Management
Bath & North East Somerset Council
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Phone: 01225 477480
www.bathnes.gov.uk
www.twitter.com/bathnes

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From: Edward Downing <edward@agm-ltd.co.uk>
Sent: 08 September 2023 12:15
To: Sam Grant <Sam_Grant@BATHNES.GOV.UK>
Cc: John White <john@agm-ltd.co.uk>
Subject: Re: 23/03251/PIP - 2021 103h

Hi Sam,

Site notice photos attached,

Thanks a lot,

With kind regards

Ed

***Please note I am on annual leave from Tuesday 12th – Monday 25th September.**

Edward Downing BSc (Hons)
Principal Planner
Mobile: 07436 339700
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edward@agm-ltd.co.uk

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From: Sam Grant <Sam_Grant@BATHNES.GOV.UK>

Date: Thursday, 7 September 2023 at 13:33

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

Subject: 23/03251/PIP

Hi Ed,

I noticed the site notice was not sent out for this one, so I have attached it.

Could you please ask your client to send a photograph of the notice displayed by the site entrance?

Many thanks,

Sam Grant

Senior Planning & Enforcement Officer
Development Management
Bath & North East Somerset Council
Email: Sam_Grant@bathnes.gov.uk
Phone: 01225 477480
www.bathnes.gov.uk
www.twitter.com/bathnes

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*carefully and whilst we will review each case and query received, it may take longer than usual to respond**

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Planning Services

Lewis House, Manvers Street, Bath, BA1 1JG

Telephone: (01225) 394041

Development_management@bathnes.gov.uk

www.bathnes.gov.uk

Fax: (01225) 394199

DX: 8047 (Bath)

Date: 5th October 2023

Our Ref: 23/03251/PIP

Arena Global Management Ltd

4 Argyle Street

Bathwick

Bath

Bath And North East Somerset

BA2 4BA

Town and Country Planning Act 1990

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

Description of Proposal: **Permission in Principle Planning Application for the conversion of a rural building into a C3 residential dwelling**

Name of Applicant: **Arena Global Management Ltd**

Application Number: **23/03251/PIP** Case Officer: **Sam Grant**

Further to your request that the above application should be withdrawn, we now write to confirm that this application has been formally withdrawn.

Should your application relate to an enforcement matter, you are advised that the development/works/use will remain unauthorised and the Enforcement Team will consider the expediency of enforcement action to remedy any breach of Planning Control.

Planning Services

Bath & North East Somerset Council