



Appeal Decisions

Site visit made on 3 January 2024

by Martin Allen BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 May 2024

Appeal A Ref: APP/W3330/C/23/3321490

Appeal B Ref: APP/W3330/C/23/3321491

Land at Parks Farm, Brompton Ralph, Taunton, Somerset

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended. Appeal A is made by Mr James Flannigan and Appeal B is made by Ms Rebecca Briar, against an enforcement notice issued by Somerset West and Taunton Council.
 - The notice was issued on 30 March 2023.
 - The breach of planning control as alleged in the notice is the change of use of the Land to use for the storage of non-agricultural items including vehicles, horse boxes, trailers, sheds, framing materials, scaffolding, building supplies and concrete slabs in the part of the Land shown edged yellow on the Plan.
 - The requirement of the notice is to remove from the area shown edged red on the Plan all non-agricultural items stored on the Land including vehicles, horse boxes, trailers, sheds, framing materials, scaffolding, building supplies and concrete slabs.
 - The period for compliance with the requirement is four months.
 - The appeals are proceeding on the grounds set out in section 174(2)(b), (d), (f) and (g) of the Town and Country Planning Act 1990 as amended.
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Decisions

1. The appeals are allowed and the enforcement notice is quashed.

Applications for costs

2. Applications for costs were made by Mr James Flannigan and Ms Rebecca Briar, against Somerset West and Taunton Council. These applications are the subject of a separate decision.

Ground (b)

3. An appeal on ground (b) is that what is alleged by the enforcement notice has not occurred. The onus is on the appellant to make their case on the balance of probabilities.
4. The Council contend that there is no established agricultural business unit operating from the site and thus there is no reason not to remove what are contended to be the non-agricultural items listed in the notice. In support of this, the Council point to a website advertising the site as a well-being business, weaving business, as well as the availability of courses regarding ethnobotany, heritage crafts and woodland skills at the site. The Council cite that the website does not identify the occupiers of the site as farmers.
5. There is further reference to previous planning applications on the site where an occupier claimed to be a travelling showperson (although this was disputed

by the Council at that time). Additionally, the Council highlight that the operation at the site is described as a small holding, rather than an agricultural enterprise. The conclusion of the Council is that it is not convinced that an established agricultural business is operating from the site.

6. However, it is the use of the land in planning terms that is the relevant starting point, not whether a business is operating. While the operation of an agricultural trade or business is a relevant consideration for some classes of permitted development, it is not necessary to establish this for the purposes of determining the use of the land.
7. The appellants set out in their statement of case that the land is farmed, including for the breeding of rare breed sheep, poultry, pigs, and the growing of crops, including willow and vegetables. The livestock on site comprises of 35 sheep (with 30 lambs expected during 2023), 4 pigs, 8 geese, 15 chickens, and 2 peafowl. It is further stated that the livestock is bred for their produce, with meat boxes being produced and the sale of eggs, crops, and fleeces. Financial information has been provided, as well as details of meat box sales and records of sheep stocking. The Council has adduced no evidence to dispute this information. Based on the submitted information, as well as my observations of the site, I am content that the existing use of the land is agricultural. The Council has not alleged that the site is in any mixed use.
8. In terms of the allegation referring to non-agricultural items, the appellants set out the purpose of each of the items listed in the notice. In my view, the explanation provided is reasonable and the items appear to be on site in conjunction with the agricultural use of the land. Again, the Council have not provided any information to disagree with this.
9. Therefore, on the balance of probability, I find that on the basis of the evidence before me that the breach as set out in the notice has not occurred. Accordingly, the appeal on ground (b) succeeds and the notice will be quashed.

Conclusion

10. For the reasons given above, I conclude that the appeals should succeed on ground (b). The enforcement notice will be quashed.
11. In these circumstances, the appeals on grounds (d), (f) and (g) do not fall to be considered.

Martin Allen

INSPECTOR