



Appeal Decisions

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an Inspector appointed by the Secretary of State

Decision date: 13 October 2025

Appeal Refs: APP/D0121/C/24/3348648 and 3348649

Land Adjacent to Abbots Leigh Kennels, Pill Road, Bristol BS8 3RD

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeals are made by Mr Gerald Doble and Mr William Bowen against an enforcement notice issued by North Somerset Council.
- The notice was issued on 25 June 2024.
- The breach of planning control as alleged in the notice is the material change of use of the land to a mixed use of agricultural use and a B8 storage use, primarily consisting of the storage of stone.
- The requirements of the notice are: 1. Cease the use of the land for the purposes of storage unconnected with the lawful agricultural use of the land; 2. Remove entirely from the land all stone which has been imported from outside the land; 3. Remove all imported stone which has resulted in land levels being raised; 4. Remove all machinery, equipment, paraphernalia and loose items associated with the removal of the stone; 5. Remove any other items which are stored which are not associated with the lawful agricultural use of the land, including i) car tyres and ii) building materials; and 6. Restore the land to the condition it was in before the breach took place.
- The period for compliance with the requirements is 10 weeks.
- The appeals are proceeding on the grounds set out in section 174(2)(b) of the Town and Country Planning Act 1990 (as amended).

Decision

1. The appeals are dismissed and the enforcement notice is upheld.

Preliminary Matters

2. The appeals have been made under ground (b). Under this ground the Appellants claim that the breach of planning control alleged in the notice has not occurred as a matter of fact. To determine whether the breach has occurred requires an assessment of written and photographic evidence of the situation that prevailed on the date of issue of the enforcement notice, and nothing would be achieved by visiting the site. The appeals have therefore been determined without undertaking a site visit.

Reasons

3. The stone that is referred to in the breach of planning control was first noted at a site visit by a Council Officer in about early May 2023. The stone was photographed at a further site visit on 11 May 2023. The following day letters were sent to the landowners, the Appellants, giving them 35 days to remove the stone and other unauthorised items. The Appellants did not respond to the letters. On 23 January 2024 a Council Officer spoke to one of the Appellants, Mr Bowen, on the telephone. During the conversation he claimed that the stone was "...needed to rebuild wall..." and that "I intend to start repairing the wall in the spring and the summer". The wall is along the west boundary of the land and is about 500 metres long.

4. Photographs do show the wall to be in poor condition and certainly in need of repair and, in places, rebuilding. The Appellants have failed to rebut the Council's

comment that the material necessary to repair and rebuild the wall is already in place and have not explained why such a large quantity of stone has been brought on to the land to "...repair the boundary walls". They have also failed to carry out any preparatory or rebuilding or repair works. At the time the enforcement notice was issued the stone remained in piles well away from the wall. The only reasonable conclusion to reach is that the stone is, as alleged, stored on the land.

5. Whether or not planning permission is required for the works to the boundary wall is a matter for consideration under a ground (c) appeal, which has not been made. No other matters mentioned by the Appellants are relevant to the ground (b) appeals.

6. The stone is stored on the land and the breach of planning control has therefore occurred, as a matter of fact. The ground (b) appeals thus fail.

John Braithwaite

Inspector