



Appeal Decision

Hearing held on 14 October 2025

Site visit made on 13 October 2025

by Nick Fagan BSc (Hons), DipTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 October 2025

Appeal Ref: APP/F0114/C/25/3368527

Parcel 3263, Deanhill Lane, Upper Weston, Bath BA1 4EZ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Hisnain Mahmood against an enforcement notice issued by Bath and North East Somerset Council.
 - The notice was issued on 5 June 2025.
 - The breach of planning control as alleged in the notice is: Without planning permission, the material change of use of agricultural land to a mixed use comprising of agriculture, residential caravan site and the importation and storage of waste; including the siting of caravans, generator and residential paraphernalia.
 - The requirements of the notice are to:
 - Requirement 1** – Cease the unauthorised components of the mixed use identified by ceasing the residential caravan site and the importation and storage of waste uses of the site.
 - Requirement 2** – Remove the caravans, generator and associated residential paraphernalia as well as the stored waste materials.
 - Requirement 3** – Remove the recently erected agricultural building used to keep the cows on site, approximately marked 'A' on the attached site plan.
 - The periods for compliance with the requirements are:
 - Requirement 1 and 2** – One month from the date the Enforcement Notice takes effect.
 - Requirement 3** – Six months from the date the Enforcement Notice takes effect.
 - The appeal is proceeding on the grounds set out in section 174(2)(b), (c), (f), & (g) of the Town and Country Planning Act 1990 (as amended).
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Decision

1. The appeal is dismissed and the enforcement notice is upheld.

Preliminary Matters

2. I conducted an unaccompanied site visit on the afternoon of the day before the Hearing. No one was present on the site. I was able to see the sheds, structures and waste material on the site, including the recently erected calf shelter on the back field behind the sheds and the single caravan in the adjoining field to the west. In view of this, both parties agreed at the end of the Hearing that there was no need for me to conduct a further accompanied site visit.

Reasons

Ground (b)

3. Ground (b) is that the matters alleged in the notice have not occurred – as a matter of fact. The appellant argues that the caravan's use is ancillary to the agricultural operation of the site, not a primary residential use and that the materials on site are incidental to the agricultural activities taking place.

4. 30 calves were brought onto the land on 16 March. 11 of them died and the remaining 19 were removed and sold at Frome market on 24 September, so agricultural activity has clearly taken place on the land recently. However, there are currently no cows or calves on the land, and no other agricultural activity appears to be taking place, albeit the appellant said at the Hearing that he is currently arranging for more calves to be brought onto it.
5. Three caravans were brought onto the site in September 2024, six months prior to the calves arriving in March 2025, albeit only one caravan now remains on the land. There was clearly an attempt to bring a fourth caravan onto the land on 12 February, as documented by the Council.
6. The appellant said at the Hearing that Matt Szafraniec, the existing caravan's last occupier (together with Alice, his partner/wife), works in a factory but also part time for him maintaining the farming business on the land. However, the appellant also stated that they live on the site in a caravan because there is nowhere else for them to live in Bath (that they can afford), albeit the Council pointed out that they appear to have quit the caravan in June. An owner of one of the previous caravans on the site confirmed to the Council on 1 July that they had nothing to do with the cows or agricultural buildings on the site.
7. For these reasons, whether or not Mr Szafraniec ever helped look after the calves on the site, his caravan is (or certainly was) used for residential purposes apparently unrelated to any agricultural activity on the land.
8. Regarding the waste material brought onto the site, the Council has extensive photographic evidence¹ of a variety of such materials being brought onto the land in lorries and dumped there. The appellant's claim that this was dumped by trespassers is not credible. Anyway, even he conceded that Tobias Moxham, a leaseholder (to whom he had granted a lease), had dumped some of this waste himself. The Council also has evidence that some of this waste – the Heras fence panels sold by Mr Moxham, for example² – has also been sold off the site. So, clearly waste or possibly Class B8 storage has occurred on the site.
9. Therefore, for all the above reasons, the allegation in the notice is correct and the appeal on ground (b) fails.
10. It is apposite here to highlight here that Mr Mahmood, in responding to my questions about his business activities generally and plans for the site in particular, replied that he runs a number of businesses and owns several plots of land including in London that he plans to develop. He said that he intended to build nine houses on that part of the site closest to the houses in Westmead Gardens because this land "is outside the AONB and in 'grey land'" (sic) and use the rest of it to develop his agricultural business. It is clear to me, from the Council's evidence and all Mr Mahmood said at the Hearing that he purchased this land in July 2024 simply to turn a profit and maximise its development value in whatever way he can, with or without the necessary planning permissions.

¹ Appendices 8 & 9 of the Council's Appeal Statement shows this variety of waste being driven onto the site in trucks and dumped there between 1 December 2024 and 14 April 2025

² As detailed in Appendix 7

Ground (c)

11. Ground (c) is that the matters stated in the notice do not constitute a breach of planning control.
12. The appellant claims the caravan is needed to support the agricultural operation on the land. That seems very unlikely, given that there have only been 30 calves on the site. In any case, the appellant confirmed (to the surprise of the Council who thought he lived in Birmingham) that he lives a short distance away off Lansdowne Road. That means that he can care for any calves on site from home, without anyone needing to live on the site in a caravan. Irrespective of this, the caravan is being (or was at when the notice was issued) occupied residentially, which requires planning permission in any case.
13. He also claims that the barn/calf shelter constructed on the upper field is permitted development (PD). Although on his appeal form he claims that the land is over 5Ha in area, he conceded at the Hearing that it may be "0.4Ha shy of 5Ha". Schedule 2, Part 6, Class B of the GPDO³ allows the extension or alteration of existing agricultural buildings but it does not allow for the erection of new buildings. The calf barn is a new building. Additionally, and even if the appellant was to use the existing sheds to house calves, Class B does not allow the extension of such buildings (as the appellant says he wishes to do under PD rights) that are situated within 400m of a 'protected building', i.e. a dwelling (as defined by D.1.(1) of Part 6). The existing sheds on the site are within 400m of the dwellings in Westmead Gardens. For these reasons, neither the new calf barn nor the proposed extension of the existing sheds on the site would be PD.
14. Neither the calf barn nor the use of the land for a caravan site have planning permission.
15. For these reasons, the appeal on ground (c) fails.

Ground (f)

16. Ground (f) is that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters.
17. The appellant argues that Mr Szafraniec should be allowed to live on site to look after the calves and that he could be given a temporary permission to do so, as well as a temporary permission to retain the calf barn whilst he applies for full planning permission to extend and refurbish the existing other barns on the site. He also argues that the requirement to cease the deposition of waste is excessive, since it is not occurring now.
18. No deemed planning application has been made because there is no appeal under ground (a). It is therefore outside my powers to grant such a deemed temporary permission, even if I considered there were grounds for doing so – which, in any case, it appears there are not. The requirement to stop the deposition of waste on the site is obviously necessary because this has undoubtedly occurred; indeed, much waste remains on the site.

³ The Town and Country Planning (General Permitted Development) (England) Order 2015

19. The requirements of the notice are all necessary in order to remedy the breach of planning control on the land.
20. Consequently, the appeal on ground (f) fails.

Ground (g)

21. Ground (g) is that the compliance period specified in the notice falls short of what should reasonably be allowed.
22. The appellant argues that six months is too low a period for him to secure planning permission and renovate/extend the existing sheds so that they can house the calves. First, there are no calves currently on the site. Even assuming that it is Mr Mahmood's intention to bring more calves onto the site, I consider six months is plenty of time to remove the calf shed or to retrospectively apply for planning permission for it.
23. The appellant also argues that one month is insufficient time for Mr Szafraniec and his wife to find alternative accommodation, which would unreasonably contravene his Article 8 rights under the European Convention on Human Rights and the Human Rights Act 1998, especially as he is a member of the travelling community. He considers that 6 years would be a more appropriate period.
24. It would seem that Mr Szafraniec stopped living in the caravan in June and so clearly must have found somewhere else to live, in the neighbourhood or elsewhere. Since I have not seen or heard from him, I have no evidence that he is a traveller. Even if he is and is still engaged in agricultural activity on the land, no proper argument has been made as to why he needs to live on site, especially as the applicant himself confirmed that he lives locally and, since he claims to have a farming background himself, could easily look after any calves on site during the day.
25. A caravan by its nature can be easily towed off the land, just as it was brought onto it. One month is plenty of time to comply with this requirement, and to clear the site of the waste that remains on it.

Other Matters

26. The appellant expressed the view at the Hearing that he was outnumbered by the two Council officers and the 10 residents of Westmead Gardens who attended. I assured him that the purpose of the Hearing was to hear from all who attended this public event, not least himself. Mr Mahmood stated that he was "here for good" and that the "busybody neighbours" and the Council, which is "asleep – I want to wake it up" when faced with a current housing crisis, is not going to stop him doing what he wants on his land. Fortunately, planning controls and the enforcement powers in the Act exist to stop exactly the sort of behaviour that has occurred here.

Conclusion

27. For the reasons given above, I conclude that the appeal shall not succeed.
I uphold the enforcement notice.

Nick Fagan

INSPECTOR

APPEARANCES

FOR THE APPELLANT: Mr Hisnain Mahmood, the Appellant

FOR THE LOCAL PLANNING AUTHORITY: Georgia Gullick, Enforcement Officer for the Council & Sam Grant, Senior Enforcement Officer for the Council

INTERESTED PARTIES: 10 residents from Westmead Gardens, who did not want to give their names, but who all indicated that they had submitted written objections to the development that had taken place on the site and supported the Council's enforcement notice. Two or three of these residents spoke at the Hearing.