



Appeal Decisions

Site visit made on 21 April 2026

by **Ms S Watson BA(Hons), MCD, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 May 2026

Appeal A Ref: APP/F0114/C/24/3351608

Appeal B Ref: APP/F0114/C/24/3351610

Parcel 0096, Ramscombe Lane, Batheaston, BA1 8EP

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - Appeal A is made by Mrs Jenny Jackson and Appeal B is made by Mr Thomas Jackson against an enforcement notice issued by Bath and North East Somerset Council.
 - The notice was issued on 21 August 2024.
 - The breach of planning control as alleged in the notice is: Without planning permission, the change of use of land from agriculture to a mixed use consisting of agriculture, charcoal production, leisure and residential uses, the siting of a caravan and the erection of ancillary buildings and structures, as well as the carrying out of engineering operations to create a pond.
 - The requirements of the notice are: 1. Cease the mixed use consisting of agriculture, charcoal production, leisure and residential uses on the land and remove all ancillary materials and chattels which facilitate these uses. 2. Demolish the ancillary buildings and structures and remove all resultant materials from the land. 3. Remove the caravan from the land. 4. Fill in the pond with clean (uncontaminated) soil and reseed with a meadow grass mix.
 - The period for compliance with the requirements is: 4 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(b), (c) and (f) of the Town and Country Planning Act 1990 (as amended).
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Decisions

1. It is directed that the enforcement notice is corrected by: Requirement 1 - under paragraph 5 (1) deleting the words “consisting of agriculture, charcoal production, leisure and residential uses” and (2) the deletion of the words “these uses” and their substitution with “it”.
2. Subject to the correction, the appeals are dismissed and the enforcement notice is upheld.

The Notice

3. Requirement 1 under Section 5 includes to “cease the mixed use consisting of agriculture, charcoal production, leisure and residential uses on the land...”. An enforcement notice cannot cease the use of a lawful activity, i.e., agriculture. In respect of the use, I will change Requirement 1 to simply require “cease the mixed use” as this will encompass all the unlawful uses. As it is clear from the notice and the documentation that the Council seek to enforce against the mixed use as a whole, there could be no injustice to the appellant for me to correct the requirement in this way.

Procedural Matters

4. There is no appeal on ground (a) therefore planning considerations are not relevant. These include, amongst other things, matters such as biodiversity, character and appearance, provision of employment and the rural economy.

Reasons

The appeals on ground (b) and (c)

5. The appellants have not specifically made a ground (c) appeal but their arguments under ground (b) overlap with what would ordinarily be dealt with under a ground (c) appeal. Therefore, I will deal with grounds (b) and (c) together.
6. An appeal on ground (b) is that those matters have not occurred. The appellants say that the mixed use has not occurred because the land is only in agricultural/forestry use, i.e., they claim the allegation is wrong. When making an appeal on ground (b) the onus, on the balance of probability, falls upon the appellant to demonstrate that the alleged breach has not occurred.
7. An appeal on ground (c) is that those matters (if they occurred) do not constitute a breach of planning control.
8. Charcoal production: There is a very large kiln on the site which is of industrial proportions. It is undisputed that the woodshed is used in connection with this activity. The appellants say that the charcoal/biochar is produced from their woodlands and it is an essential part of their woodland management plan. They say that this is aligned with “*government supported schemes like the Rural Payments Agency’s Tree Health management and hedge laying schemes*”. They also claim that they have “*partnered with the AONB Cotswolds arm of DEFRA*”.
9. However, no documentation has been produced in relation to their participation in such schemes and no substantive evidence has been submitted to support their claims of an onsite forestry operation associated with charcoal production. Whilst there are trees on the site, there is no substantive evidence to support the claim that the charcoal is produced from these trees. The appellants have not demonstrated, on the balance of probability, that the charcoal production is a forestry operation. Therefore, the allegation is correct in terms of charcoal production.
10. Caravan: The appellants say that the caravan is used as a welfare unit, providing shelter, rest and sanitation for workers involved in the agricultural and forestry operations. No substantive evidence of the existence of agricultural workers has been provided. For example, there are no details about the number of workers, what their jobs are, or the number of hours worked. There are no clear details about the extent of the forestry/agricultural use or why the caravan would be required for ancillary purposes for such uses.
11. Furthermore, the Council has provided photographs of beds made up for use within the caravan. I note the appellants’ claim that overnight stays are in connection with nighttime charcoal making. There is no explanation of why sleeping overnight is necessary for charcoal production but in any event, I have not accepted that the charcoal production is a forestry operation.

12. The evidence is that the caravan is used in connection with a part-time residential and leisure use of the site. The Council has supplied a Daily Mail article, dated 29 July 2020, entitled "*The Good Life...but what about in the winter? Parents quit the rat-race to stay with their two young children in a FIELD with an outdoor kitchen*". This says that the appellants spent the first few months of the year setting up their new lives on Hazelwood Farm, building an outdoor kitchen, bar and lounge area with a straw sofa.
13. The appellants have not demonstrated, on the balance of probability, that the caravan is not used in association with a residential use of the site. Therefore, the allegation is correct in terms of the residential use and the siting of a caravan.
14. Leisure Use: The Daily Mail article also provides evidence of the leisure use. It shows photographs of the appellants' children playing on a tree house and tyre swing that were erected on the land. Furthermore, the appellants' statement confirms that there are football goals, a trampoline and a pizza oven on the site which were used when their children were young. The Council also says that there were dens, picnic tables and an outside toilet. The appellants do not dispute that these were in existence when the notice was served and that some of them are still on the land. However, they say that the equipment was there to amuse the children when the parents were working on the land. Nevertheless, play equipment is not agricultural regardless of when the children were using it. The leisure use appears to overlap with the part time residential use.
15. The appellants say that the woodland shed has planning permission. The Council says it does not have planning permission. The appellant has not provided any evidence that it does have planning permission. Therefore, I have no evidence that the erection of the woodland shed is not a breach of planning control.
16. The appellants do not dispute that they created a pond. They say it is to enhance environmental sustainability and biodiversity. They also say it was "*done in accordance with agricultural and environmental management practices*". Nevertheless, such "*practices*" are not explained. Furthermore, the appellants do not suggest that the pond is an agricultural/forestry use or connected with such a use. In addition, they do not make any case that the construction of a pond is not an engineering operation requiring planning permission.
17. For the above reasons, the appeals fail on grounds (b) and (c).

The appeals on ground (f)

18. For the appeal to succeed on this ground, I need to be satisfied that the steps required to comply with the requirements of the notice are excessive and lesser steps could overcome the breach of planning control or, as the case may be, the injury to amenity. In this case, the notice requires the mixed use to cease and the facilitating unauthorised development and caravan to be removed in its entirety. It also requires the pond to be filled in and grassed over. These are consistent with remedying the breach of planning control, in accordance with s173(4)(a) of the Act. Accordingly, I do not regard the requirements as being excessive.
19. I note the appellants suggestions of screening the caravan and the other facilitating development. They also suggest that the charcoal making operation and the pond are good for biodiversity. These are matters of planning merit that cannot be considered under a ground (f) Appeal.

Conclusion

20. For the reasons given above, I conclude that the appeals should not succeed. I shall uphold the enforcement notice with corrections.

Siobhan Watson

INSPECTOR