



Appeal Decisions

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by **D Hartley BA (Hons) MTP MBA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13 July 2026

Appeal A Ref: APP/F0114/C/25/3374629

Appeal B Ref: APP/F0114/C/25/3374630

Appeal C Ref: APP/F0114/C/25/3374631

Appeal D Ref: APP/F0114/C/25/3374632

Appeal E Ref: APP/F0114/C/25/3374633

Park Farm, Colliers Lane, Newton St Loe, Bath, Bath and North East Somerset, BA2 9JA

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - Appeal A is made by Mr William Gay (Allota Futureland Limited), Appeal B is made by Mr Edward Morrison, Appeal C is made by Mr Christian Samuel, Appeal D is made by Ms Celia Gay and Appeal E is made by Hugh Gay against an enforcement notice issued by Bath and North East Somerset Council.
 - The notice was issued on 23 September 2025.
 - The breach of planning control as alleged in the notice is without planning permission, the material change of use of agricultural land to holiday accommodation (C3 residential), siting of converted shipping container (building), erection of decking and balustrade, and siting of domestic paraphernalia.
 - The requirements of the notice are to 1) cease the use of the land as residential (land outlined in red on the attached plan), 2) remove in full the converted shipping container (building) from the land (outlined in purple and labelled A on the attached plan), 3) remove in full the decking and balustrade from the land (outlined in black and labelled B on the attached plan, and 4) remove all other non-agricultural infrastructure and domestic paraphernalia, including the hot tub, from the land (land outlined in red on the attached plan).
 - The period for compliance with the requirements is four months from the date the enforcement notice takes effect.
 - The appeal is proceeding on the grounds set out in section 174(2)(f) and (g) of the Town and Country Planning Act 1990 (as amended).
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Decisions

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

Preliminary Matter

2. A separate appeal made under section 78 of the Act for the same development was determined on 17 February 2026. The appeal was dismissed. The Inspector concluded that there was conflict with policy RE7 of the Bath and North East Somerset Placemaking Plan 2017, and that the breach of planning control was inappropriate development in the Green Belt contrary to the Green Belt requirements of the development plan and the National Planning Policy Framework 2024 (as amended).

Ground (f) appeals

3. An appeal on ground (f) is made on the basis 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 or to remedy any injury to amenity which has been caused by any such a breach.

4. The appellants' ground (f) claim is based on the requirement to '*remove in full, the converted shipping container (building) from the land*'. The view is that the container should be allowed to remain on the land and so that it can then be used for an agricultural use. The purpose of the notice is to remedy the breach of planning control by removing the building from the land. The removal of the container/building is not an excessive requirement as it would remedy the breach of planning control.
5. The suggested alternative use of the container/building does not relate to the breach of planning control. It would relate to different use of the container/land. I also emphasise that even if the appellant did want to use the land for the purpose of erecting a permanent agricultural building, it is possible that this would require prior approval or planning permission from the local planning authority.
6. For the above reasons, I conclude that all the requirements in the notice are necessary to remedy the breach of planning control. Therefore, the ground (f) appeals fail.

Ground (g) appeals

7. An appeal on ground (g) is made on the basis that the period specified in the notice in accordance with section 173(9) of the Act falls short of what should reasonably be allowed.
8. The appellants' claim on ground (g) is that a period of twelve months rather than four months is needed to comply with all the requirements in the notice to ensure that the section 78 appeal can first be determined, as specialist contractors would be needed to remove the building from the land, and as holiday bookings would need to be cancelled.
9. As detailed above, the section 78 appeal has already been determined. On the evidence that is before me, I find that period of four months strikes a reasonable and proportionate balance between affording time for contractors to remove the development, honouring some existing bookings and cancelling others, and removing the unauthorised development in the public interest given the planning harm that the s.78 appeal inspector has identified.
10. For the above reasons, I conclude that the ground (g) appeals fail.

Conclusion

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

D Hartley

INSPECTOR