



Appeal Decision

by Paul Dignan MSc PhD

an Inspector appointed by the Secretary of State

Decision date: 27 August 2026

Appeal Ref: APP/E3335/X/24/3350202

Bridge Farm, Bartletts Bridge, Cocklake, WEDMORE, BS28 4HH

- The appeal is made under section 195 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant a certificate of lawful use or development (LDC).
- The appeal is made by Ms Amanda Keen against the decision of Somerset Council.
- The application ref 50/24/00031, dated 1 May 2024, was refused by notice dated 15 July 2024.
- The application was made under section 191(1)(a) of the Town and Country Planning Act 1990 (as amended).
- The use for which a certificate of lawful use or development is sought is Use of building for uses incidental to domestic enjoyment of Bridge Farmhouse.

Decision

1. The appeal is allowed and attached to this decision is a certificate of lawful use or development describing the existing use which is found to be lawful.

Preliminary matter

2. For the avoidance of doubt, the planning merits of the use are not relevant, and they are not therefore an issue for me to consider, in the context of an appeal under section 195 of the Town and Country Planning Act 1990 as amended, which relates to an application for a lawful development certificate (LDC). My decision rests on the facts of the case, and on relevant planning law and judicial authority. The burden of proof rests with the appellant and the appropriate test of evidence is the balance of probabilities.
3. Notwithstanding that the application form states that the matter for which a certificate is sought is "Use of building for uses incidental to domestic enjoyment of Bridge Farmhouse.", the supporting statement states: "The purpose of this application is to validate in planning law, that the continued use of two buildings and yard area, identified edged red on drawing PL5179, for incidental uses to the farmhouse is lawful." I have determined the appeal on that basis. The 2 buildings are known as The Long Barn and The Dairy.

Reasons

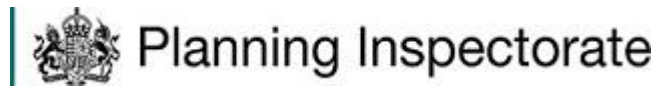
4. The appeal property is a former County farm. The appellant bought the farmhouse, yard and farm buildings along with 7.3 ha (18ac) in 1996. The appellant provided statutory declarations stating that the agricultural holding is served by existing buildings to the north of the yard area, whereas the yard, The Long Barn and The Dairy have been used for general storage, log store, car parking, workshop and laundry in connection with the use of the dwelling at Bridge Farm since shortly after they bought the farm, and have continued to be used as such since then, a period well in excess of the 10 years required to achieve immunity from enforcement if that use comprises development.
5. The government's Planning Practice Guidance affirms that if there is no evidence to contradict the appellant's version of events or make it less than probable, and

their evidence is sufficiently precise and unambiguous, it should be accepted. Following a site visit the Council found that it was evident that The Dairy was being used for domestic purposes associated with the use of the dwelling at Bridge Farm. From the evidence provided as well as the site visit, the Council accepted that it had been demonstrated, on the balance of probabilities, that The Dairy has been in use as a domestic building for at least 10 years. However, it was seen that while part of The Long Barn appeared to be in domestic use, including as a car port, it noted also the presence of a number of agricultural trailers, a number of bins being used to store animal feed of some description, and a large wood store including a number of pallets and large pieces of wood that it considered would not be for domestic consumption. It formed the view that much of the barn was being used in connection with agricultural activity on the farm. For this reason it refused to issue the LDC.

6. In the course of the appeal the appellant provided a further statutory declaration in which she explained the presence of the items in The Long Barn which the Council had thought to indicate agricultural rather than domestic use. She affirmed that the bulk storage of animal food was in fact dog food, connected with her hobby of keeping Husky dogs for competitive dry land racing and shows, the logs were from a recently fallen tree which were intended for use in her domestic wood-burning stoves, as were the pallets, and that the trailers were used for domestic purposes. The trailers can be seen in the Council's site visit photographs. The larger of the 3 is clearly adapted for transporting dogs, consistent with her hobby use, a mid-sized trailer had evidently been recently used for collecting timber and is fitted with a normal car tow hitch, and the other is a small domestic-sized trailer also fitted with a car hitch. The Council evidently now accepts, and I agree, that the presence of these items for domestic purposes has been satisfactorily explained. Its current position is that had this evidence been before it when it made its decision it would have granted the LDC. I agree also that the evidence now available is sufficiently precise and unambiguous to show, on the balance of probabilities, that The Long Barn has been used for purposes incidental to the dwellinghouse use as claimed.
7. Section 191(2)(a) and (b) sets out that uses and operations are lawful at any time if: i. No enforcement action may be taken in respect of them (whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason); AND ii. They do not constitute a contravention of any enforcement notice then in force.
8. There is no relevant enforcement notice in force, and it is not now disputed that, on the balance of probabilities, The Long Barn, The Dairy and the yard have been used continually for at least 10 years for domestic purposes associated with the dwellinghouse at Bridge Farm, such that they are immune from enforcement. For these reasons I conclude, on the evidence now available, that the Council's refusal to grant a certificate of lawful use or development in respect of the continued use of two buildings and yard area for uses incidental to the farmhouse was not well-founded and that the appeal should succeed. I will therefore exercise the powers transferred to me under section 195(2) of the 1990 Act as amended.

Paul Dignan

INSPECTOR



Lawful Development Certificate

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 191
(as amended by Section 10 of the Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)
ORDER 2015: ARTICLE 39

IT IS HEREBY CERTIFIED that on 1 May 2024 the use described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged in red on the plan attached to this certificate, was lawful within the meaning of section 191(2) of the Town and Country Planning Act 1990 (as amended), for the following reason:

Evidence has been provided that is sufficient to show, on the balance of probabilities, that the yard and the 2 buildings, being The Long Barn and The Dairy, have been used for more than 10 years continuously for domestic purposes associated with the use of the dwelling at Bridge Farm, such that it is immune from enforcement. There is not a relevant enforcement notice in force.

Signed

Paul Dignan

Inspector

Date: 27 August 2026

Reference: APP/E3335/X/24/3350202

First Schedule

The continued use of two buildings and yard area for purposes incidental to the use of the farmhouse at Bridge Farm as a dwellinghouse.

Second Schedule

Land at Bridge Farm Bartletts Bridge, WEDMORE, BS28 4HH

IMPORTANT NOTES – SEE OVER

NOTES

This certificate is issued solely for the purpose of Section 191 of the Town and Country Planning Act 1990 (as amended).

It certifies that the use described in the First Schedule taking place on the land specified in the Second Schedule was lawful, on the certified date and, thus, was not liable to enforcement action, under section 172 of the 1990 Act, on that date.

This certificate applies only to the extent of the use described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use which is materially different from that described, or which relates to any other land, may result in a breach of planning control which is liable to enforcement action by the local planning authority.

Plan

This is the plan referred to in the Lawful Development Certificate dated: 27 August 2026

by Paul Dignan

Land at: Bridge Farm Bartletts Bridge, WEDMORE, BS28 4HH

Reference: APP/E3335/X/24/3350202

Scale: Not to Scale

