

**NORTH SOMERSET COUNCIL  
DELEGATED PLANNING APPLICATION  
REPORT SHEET**

**Target Date:** 3rd May 2005

**Application No.** 05/P/0572/LUE      **Application Type:** Lful Use - extg

**Case Officer:** Ms A Norris

**Proposal:** Storage of logs, building materials and ancillary equipment

**Location:** The Piggery, Westward Close, Wrington, Bristol, North Somerset, BS40 5LU

**Planning History/Background**

04/P/1274/LUE: Existing use as store for logs and building materials – Refused

**Consultation Summary**

Landscape Officer: This site is on the former railway embankment and has a good access off Westward Close. In landscape terms the internal storage is not a problem, as this is in an existing building. Externally there are a number of areas where improvement would be desirable as follows:

- 1 The large piles of hardcore and the large container on the south side of the track to the Piggery should be removed.
- 2 The area around the building is relatively tidy, but materials including soil piles and tree stumps extend westwards onto the embankment and need removing.
- 3 Clear storage areas need to be defined and enclosed.
- 4 There is scope to plant a native boundary hedge on the south side of the track to assist screening. Elsewhere sleepers have been used to contain storage areas, but these are low and provide little screening.  
If these boundaries are also in the control of the applicant then further hedge planting could be considered.
- 5 Improve the appearance of the buildings, particularly the smaller block built structure.

The level of use at present is not causing any serious problems, although some improvement would be desirable as outlined. However, if larger scale, open storage in this rural location were to be undertaken, then this would be a concern.

**Democratic Services:**

Sufficiency of evidence – The evidence is insufficient both in terms of quality and content. Verbal information gathered at a site meeting is not good enough evidence, as it is not backed up by written evidence. Written evidence submitted by neighbours contradicts the applicant's evidence. It raises the question of intensification/material change of use. The history of the site is still unclear.

Description of use – It is still that the uses are very unclear

**Wrington Parish Council Comments**

Comments from Parish Council meeting of 12 April 2005:

'3 members of the Council can confirm that logs, building materials and ancillary equipment have been stored in this building for in excess of 10 years. A letter from Mrs Thorne, a parishioner, confirming the above will be sent under separate cover'

Letter from the Parish Council dated 14 April 2005:

'Referring to the above letter from a local resident confirming the premises have been used for the purpose stated as enclosed.'

Attached letter from local resident:

'To my knowledge Mr C Clarke has used the barn known as the Piggery on Caul Farm for storage of sundry equipment for well over ten years.'

### **Neighbour's Views**

3 letters of objection received:

1 letter raises planning objections e.g. noise disturbance, inadequacy of access road, & impact on environment. These comments cannot be given weight, as for a Certificate of Lawfulness, planning merit is not a consideration.

2 letters provide the following information, which contradicts evidence for existing use for ten years:

- 10 years ago the majority of the Piggery was used for lambing and purely farming purposes, with a small amount of space given over to storage
- In 1995 the objector saw inside the building, and he understood that Mr Clarke predominantly used the building to house livestock.
- In 1995 only 10% of the total floor space was being used to store timber, and outside the building a few cut logs were stored, in connection with farming business
- It is believed that the storage and sawing of logs only started when Mr Shepherd relocated his business from Oakdene Farm, probably less than 5 years ago.
- In 2001 Foot and Mouth restrictions closed the path, and only in 2001/2002 when restrictions were lifted did Mr Shepherd relocate his business Wrington Tree Services to the Piggery
- In 2000/2001 Tincknells Builders Merchants relocated and activity at the Piggery suggested they no longer required its use.

### **Evidence and Conclusions**

#### **The evidence submitted by the applicant**

Evidence for storage of logs, building materials and ancillary equipment at the Piggeries for more than 12 years, include 3 letters from users of the site, and copies of records and accounts from 1991 to 1996, and 1998 to 4 January 2005. The letters are as follows:

1. John Mills who states that has used one quarter of the premises at the Piggeries, Court Farm to store tools and materials for the family building work for 12 years.
2. Dick Sheppard who states that for the past ten years he has been allowed to use part of the old shed and yard at Court Farm to store tractors, trailers and equipment to cut firewood.
3. P J Atyeo who states that he has kept materials for his building jobs in one quarter of the Piggery for the last ten years.

The records and accounts show the following inclusion of Tincknell:

Rent received from Tincknell 20 May 1991

Tincknells rent 12 August 1997

Tincknells rent 5 November 1998

Direct Credit from Tincknells 14 December 1999

#### **The evidence gathered at the site visit**

Site visit of 31 January 2006, attended by: Mr Dick Sheppard, the Tree Surgeon, Mr John Mills, the Builder and Mr Clarke, the owner (attended later half). Accessed inside of the building, which is a modern, breeze block, agricultural building with corrugated roof. Internally the building is divided into 4 sections by a low, breeze block, wall. It was stated

that 4 people rented the different sections. However, all the evidence collected at this meeting was verbal, with no extra written evidence submitted.

**Conclusions**

The previous application was refused on the grounds that the evidence was insufficiently clear and precise to identify the use that the applicant was applying for. The evidence did not clearly identify:

- a) The extent of the planning unit.
- b) Floor plan of the building showing its division between the uses
- c) A statement defining the exact nature of the proposal, interest in the land, and all persons with interest in the land.
- d) Specification of ancillary equipment
- e) Clarification of the log cutting and storage operations

In this application, despite more evidence being submitted and the site inspection still does not clarify that the whole of the building and yards is the planning unit. There is insufficient clear written evidence to enable the local planning authority to decide that on the balance of probabilities that the building has been used for more than 10 years for storage of logs, building materials and equipment. There is evidence from neighbours that contradicts the claims of use for 10 years. Thus the use Consequently, a Certificate of Lawfulness cannot be issued

**Recommendations**

*See decision notice for conditions/reasons*

**Recommended decision:**

That a Certificate of Lawfulness be refused for the use of The Piggery, Westward Close, Wrington for 'storage of logs, building materials and ancillary equipment'.

**Reason for Overriding Parish Council comments (if appropriate)**

There is still insufficient clear written evidence to enable the local planning authority to decide that on the balance of probabilities that the building has been used for more than 10 years for storage of logs, building materials and equipment. There is evidence from neighbours that contradicts the claims of use for 10 years. Thus the use Consequently, a Certificate of Lawfulness cannot be issued

Signed: ..... ASN .....

Dated: ... 1/4/2008 .....

Authorised by: ..... [Signature] .....

Dated: ... 1/4/08 .....