

Nicki Broad

From: Enforcement Team
Subject: FW: Case Reference 20/0223/RURAL relating to BCN condition 2 & 5 of PP 09/01587/FULL
Attachments: BCN COND 2 20-0233 -RURAL_signed.pdf; BCN site Plan 20-0223-RURAL.pdf; 1069790-Existing and Proposed Plan-FIRST FLOOR PLAN.pdf; DECISION NOTICE 09-1587-FULL.pdf

From: Heather Nesbitt [REDACTED]
Sent: 22 September 2025 14:12
To: dean Aggett [REDACTED]
Cc: Enforcement Team [REDACTED]
Subject: RE: Case Reference 20/0223/RURAL relating to BCN condition 2 & 5 of PP 09/01587/FULL

Dear Mr Aggett

Thank you for your email below and I trust your partner has now recovered.

I am writing to update you on the current investigation into the breach of conditions at your property known as Meadow Forge, Hillside Barn, Cadeleigh, Tiverton, Devon, EX16 9RZ.

As you are aware, on the 28 March 2025, the council served upon you a breach of condition notice in relation to conditions 2 and 5 of the planning permission 09/01587/FULL (copy attached). The BCN required you to carry out specific requirements by the 3rd of August 2025 which were as follows;

*Comply with **condition 2** of the Permission by reverting the land to what has been approved in the approved planning application 09/01587/FULL by doing the following;*

- 1. Cease the unauthorised use of the first floor of the blacksmith's forge for residential purposes and;*
 - a. Permanently remove the kitchen on the ground floor including the domestic kitchen cupboards, sink, cooker, and all white electrical goods and all domestic appliances connected to the kitchen used for residential purposes any other residential items associated with the use or that with residential use in general and any gas piping, electrical installations to facilitate a kitchen area or residential use, and;*
 - b. Permanently remove the laundry area including but not limited to washing machine, tumble dryer, sink, worktops and;*
 - c. Permanently remove the residential items from the bedroom including but not limited to the bed, chests of drawers, wardrobes, clothing, and;*
 - d. Permanently remove the bathroom from the first floor including but not limited to the bath, shower attachments, toilet, sink pipe works and any other residential items associated with such use and;*
 - e. Permanently remove from the lounge area the sofa, dining table and chairs, cabinets lounge area, all domestic furniture and paraphernalia including domestic facilities used for residential purposes, this includes the removal of the fireplace and fire and;*
 - f. Permanently remove the office area including the desks, chairs, motorbike and any other residential items and;*
 - g. Permanently remove all residential items from the first floor including but not limited to bikes, kettles, cat litter boxes, residential doors and any other items associated with residential use and;*
 - h. Permanently remove all central heating and all piping connected to it and;*
 - i. Dig up and remove from the land any such services gas, water sewage connections and soakaway systems together with associated cabling, piping and ducting connected to the residential use and;*

- j. Revert the use of the building to its lawful use as blacksmith's forge and return the internal layout to accord with the approved drawings under the planning permission and approved drawings and;
- k. Permanently remove all resultant material from the works above from site.

Period for compliance: **3 months** beginning with the day on which this notice is served on you.

- 2. Comply with **condition 5** of planning permission 09/01587/FULL ("the permission") by reverting the land to what has been approved by doing the following;
- 3. Comply with Condition 5 by:-
 - a. Ceasing the unauthorised storage outside of the building by;
 - b. Permanently removing all vehicles and items stored outside of the building including, but not limited, to 2 trucks, 1 landrover, 2 Romany style caravans, 1 Tudor type caravan, 1 white caravan, 1 flatbed trailer, 1 Bedford "Green Goddess" van, 1 small box trailer, 1 "fourtrak" 4x4 vehicle, 1 Volkswagon car and;
 - c. Permanently remove all other items stored outside of the building from site.
 - d. Permanently remove all resultant material from the works above from site.

Period for compliance: **2 months** beginning with the day on which this notice is served on you.

The Council allowed a further period of time to comply which equated to nearly 12 weeks for condition 2 and nearly 7 weeks for condition 5. A site visit was carried out on the 13th August 2025 and it was found that there has been no compliance with the breach of condition notice served upon you. This constitutes a criminal offence as follow;

Town and Country Planning Act 1990 Section 187A(8)(9)

Section 8

If, at any time after the end of the period allowed for compliance with the notice—

- (a) any of the conditions specified in the notice is not complied with; and*
- (b) the steps specified in the notice have not been taken or, as the case may be, the activities specified in the notice have not ceased, the person responsible is in breach of the notice.*

Section 9

If the person responsible is in breach of the notice he shall be guilty of an offence.

As an offence under the above act has been committed and you are the person responsible I must caution you;

You do not have to say anything but it may harm your defence if you do not mentioned when questioned something that you later rely on in court. Anything you do say may be given in evidence.

The council are now moving forward to prosecution and authorisation has been granted to do so.

The councils legal team will be in touch in due course on this matter and I would advise that you seek legal advice as a matter of urgency.

Yours sincerely

From: dean Aggett [REDACTED]
Sent: 02 September 2025 13:56
To: Heather Nesbitt [REDACTED]
Subject: Re: Case Reference 20/0223/RURAL relating to BCN condition 2 & 5 of PP 09/01587/FULL

Without preduce

Dear Mrs Nesbit my partner is seriously ill in hospital ,and I ask you to be a little understanding and give me time to get my questions to you , I have to run them by my planning solicitor and also my planning consultant , as you can hopefully appreciate, after being in constant use for 20 years and completely lawful for the reasons I have before given , I have an extremely large amount of questions to ask regarding why and how such notices have been made, the rational behind the decision,the consideration of my personal situation, the perceived harm to anyone etc, those notices including requirements that cannot be compiled with without rendering the building unusable for anything ,I refer in particular to your request that the drains, soakaways and ceptic tank are removed these are over 40 years old being built with and as an integral part of the property itself , and are all that stops this building from constant flooding ,as it is mostly below the ground level of the surrounding land in places up to 30 foot lower, in addition I fail to see how such could be considered a harm to anyone, and obviously removing these would cause a lot of harm to the building and anyone using it for any reason, as you are fully aware by notice from my planning consultant and myself a certificate of lawfulness application is being put together, as per the government guidance in such a situation as this,

I ask you to show some consideration in these extremely difficult situations which I am facing and I shall have the questions for you and with you in due course

Yours respectfully
Mr D Aggett AWCB

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