

Dear Sir/Madam,

We support Mid Devon District Council's refusal of the Certificate of Lawful Use or Development and respectfully request that the appeal be dismissed.

We believe the applicant has not provided sufficiently clear and unambiguous evidence to demonstrate, on the balance of probabilities, that the alleged mixed use (blacksmith forge together with residential purposes and external storage, contrary to Conditions 2 and 5 of permission 09/01587/FULL) has continued uninterrupted for 10 years.

The Council's Delegated Report and Refusal Notice set out the key issues, including inconsistencies in the applicant's evidence. In particular, five neighbouring residents have provided statutory declarations stating that, during the periods they have lived nearby, the applicant has often resided and slept in a converted library bus and other vehicles rather than consistently in the barn. They also report that he has lived in a yurt/hut at the rear of the field in more recent times, has commuted from other properties over the years, has been absent from the site for extended periods, and that vehicles frequently come and go.

Additional points include the following:

The site was previously an agricultural silage barn. Planning permission 09/01587/FULL, granted on 14 December 2009, allowed a change of use to a blacksmith's forge only. This permission was subject to Conditions 2 (forge use only) and 5 (no external storage of materials, goods, vehicles, scrap or waste), along with restrictions on operating hours, visitors and parking.

The shared private access lane (also a public footpath), provides East Court Farm with a full right of way at all times. The applicant has more limited, restrictive rights over the lane. Nevertheless, multiple vehicles (including lorries, vans and trailers) and materials are regularly parked and stored outside the barn, contrary to the terms of the planning permission. These vehicles and stored items change on a regular basis. Permission was granted for Mr Aggett to park outside only during business hours and not store chattels etc.. there. The narrow lane serving the business is predominantly residential in character.

In addition, the barn structure itself appears to be in poor repair and showing signs of falling apart. This raises potential safety concerns, especially given its close proximity to the public right of way and for Mr Aggett and his guests.

These matters indicate that the external storage, parking, and mixed use have not been shown to have continued uninterrupted and lawfully for the required 10-year period.

For the reasons set out in the Council's report and those outlined above, we ask that the appeal be dismissed.

Yours faithfully,

James Wilson and Claire Wilson