

APPENDIX B (c)

IN THE MATTER OF 'Meadow Forge' Cadeleigh, EX16 8RZ

I Dean AGGETT. Of 'Meadow Forge' Cadeligh, EX16 8RZ. Do **Solemnly and sincerely declare** as follows:

1. I make this declaration in relation to the submission of a Section 191 Certificate of Lawful Use application that I will make to Mid Devon District Council (MDDC) regarding the mixed (composite) use, of a building, as a Blacksmiths Forge and dwelling house, and the use of associated external land for storage in breach of conditions 2 and 5 imposed upon MDDC planning permission 09/01587/FULL. The site is known as, and located at 'Meadow Forge' Cadeleigh, EX16 8RZ.
2. For the purposes of this declaration, and for the avoidance of doubt, the building and associated external land referred to within this declaration, and the subject of the Certificate of Lawful Use application, has been identified by me and outlined in red on a Site Location Plan (SLP) and a set of full plans which I produce as **Exhibit DA1**.
3. I am the registered owner of land and buildings located on the site (Exhibit DA1) which is now known as 'Meadow Forge' EX16 8RZ. I acquired the land and building in 2006. As a result of the above I can provide detailed information and evidence regarding my continued and uninterrupted use of the site, from 2006 until the date of this declaration.
4. Mid Devon District Council (MDDC) have been aware of my use of the building and land since 2007 when they wrote to me regarding an alleged change of use. The MDDC reference was ENF/07/00052/UCU. As a result on 14th December 2009, I obtained planning permission from Mid Devon District Council (MDDC) for the *'Retention of change of use from agricultural to blacksmiths forge'* that planning permission received the reference 09/01587/FULL. This planning permission was granted in retrospect and condition 1 imposed upon that permission states that *'the date of commencement of this proposal is to be taken as 2nd November 2009'* which is the date the application was submitted, NOT when it was approved. The plans I submitted in support of this application show empty spaces on both the ground and first floor. When I applied for planning permission 09/01587/FULL, I used the correspondence address of 'Copenhagen Farmhouse' but I was in fact moving between that address and 'Meadow Forge' spending most of my time at the forge.
5. This my declaration will refer to two (2) issues.
 - a) My use of the approved blacksmiths forge building as a mixed (composite) use as a blacksmiths forge and dwelling house. In breach of condition 2 p.p. 09/01587/FULL.
 - b) My use of the associated external land for the storage of materials goods scrap and waste materials and chattels in breach of condition 5 p.p. 09/01587/FULL.
6. Issue (a).

After planning permission 09/01587/FULL was granted on 14th December 2009. On 14th May 2010 I completed and returned a Planning Contravention Notice (PCN) in relation to the allegation that there was a breach of planning legislation relating to the

mixed use of Blacksmiths workshop and for human habitation. The MDDC enforcement investigation reference was 10/00037/UCU.

I did answer that there was no human habitation of the building at that time, and that I lived at 'Rose Cottage' TA2 6QS. However, 'Rose Cottage' was a correspondence address, and I was in fact living within the blacksmiths forge building for most of the time. From the documents that I have obtained from MDDC it would seem that they closed the case (10/00037/UCU) on 11th May 2011. MDDC did not follow up on any enforcement action after I returned the completed PCN.

During 2011 various works and activities occurred to include. The installation of, within the northeastern corner of the blacksmiths/forge building, dwelling house facilities that allowed me to live within the building and use that part of it for residential purposes (human habitation). Which included wash facilities, a bath, sink and toilet were plumbed in on the 1st floor and a laundry area was installed on the ground floor.

I completed a Census form which was sent to me at Hillside Barn.

In November 2011 I registered myself as resident at Hillside Barn on the Electoral Roll. I was informed that I could only register as a '*local area connection*' as the property was not classed as residential. I accepted this explanation because I did not understand the regulations. As far as I know I am still on the electoral roll. MDDC Electoral Roll ref – FE-157/1. I was able to vote in relation to the MDDC Elections on 5th May 2011 as a result.

My 2 x Driving Licences show me as resident at Hillside Barn from 15th October 2011 and until 12th May 2021 in relation to my HGV licence which needs to be renewed every 4 years. I have not renewed my HGV licence, but my main driving licence continues to relate to my address as 'Hillside Barn' and has done since 2011.

The Valuation Office Agency (VOA) attended and surveyed in 2011 to re-evaluate the property and survey the building.

I assumed that MDDC had decided that they would take no further action regarding the allegation of my residential use (human habitation) of Hillside Barn as I heard nothing from MDDC until I was served with another Planning Contravention Notice (PCN) in early 2022 which I completed and returned dated 8th February 2022. The MDDC enforcement reference was ENF/20/00223/RURAL which was a new reference because of what I assume was a new complaint as the previous MDDC enquiries had the Enforcement reference of 10/00037/UCU. As can be seen these investigations and the service of the more recent PCN are 12 years apart.

I completed the PCN but did not hear from MDDC until November 2024.

From January 2022 I have paid MDDC residential Council Tax under the reference – 168RZHIL0000 Council Tax Band A. The Council Tax describes Hillside Barn as a 'mixed use' property. I assumed that the mixed-use description included residential given that I was paying residential Council Tax.

As mentioned above I completed and returned a Planning Contravention Notice (PCN) and signed it dated 8th February 2022. This PCN had the MDDC Enforcement Reference ENF/20/00223/RURAL. I found this PCN very confusing and complicated so I feel I should explain my answers more fully.

My understanding of planning regulations at the time of each PCN was that having de minimis use such as running a business from home or having an office in a spare room for an employment in a job use would be equivalent to using a workplace facility after or during a working day such as washing, eating, or resting would not be a change of use and with there being no clarification of these uses being available

from the council such as the term 'human habitation' despite requests for such clarification being made. This with my limited understanding of the planning guidance and was my best guess at what was required. I held this belief rightly or wrongly until the issuing of a council tax bill that made it clear to me that the council were now of a different opinion to the one, they gave me previously, and from that time on I now believe that my use would indeed constitute a use as the council claimed. As such that use going back to at least 2013 and possibly earlier. I can confirm I had in fact used my property this way from day one and registered my use as such from 2011 even though at that time the council refused to see it as a change of use and would only register me as a locale area connection and not residential even though I clearly gave them all the information as to how my building and land was used by myself at that time.

I will only address the answers given that I feel could be misunderstood.

A.1.2 – My reply relates to my correspondence address not my residence.

A 1.6 – Owned since 2006 as identified on Land Registry

A 3.2 – See my answer to 1.2.

A 3.3 – I had given residential addresses that I have had permission to receive personal correspondence as my address (Meadow Forge) was not a residential address according to MDDC. A residential address was required to complete the PCN.

3.5 – This answer is correct, but I would now add that I occupied the barn in 2006/7 after I had purchased the site. Then retrospective planning permission was granted ref – 09/01587/FULL and I used a correspondence address to make that application.

3.6 – I did not consider that my residential use was a change of use but considered that it was a 'mixed use' (composite use) of residential and blacksmiths forge.

3.7 – See my previous answer to 3.6.

3.8 – See 3.6

3.9 – See 3.8

4.0 – I put none as I thought the use was a 'mixed use' (composite)

4.1 – I put No but in fact there was and still is electricity to the 'mixed use'

4.2 to 4.5 as on the PCN

4.7 – See 3.6

4.8 – I did not understand this question so answered 'No works started'

4.9 – See 3.6

5.0 – See 3.6

5.1 – I felt this question was not relevant to the alleged breach referred to within the PCN

5.5 – See 3.6

5.6 – See 3.6

5.7 – See 3.6

5.8 – See 3.6 I considered that the uses were mixed uses of a blacksmiths forge and residential. (composite)

5.9 – This answer I considered as correct as the use was as a mixed use of work and residential for example a live work planning unit. Composite use.

6.0 – Correct

6.1 – See answers 3.6 and 5.8 and no planning application was invited. MDDC continued to state the use was NOT residential until I was served with the PCN (Enf/20/00223/RURAL) which I completed, and to repeat the uses I considered were acceptable mixed uses. In addition, I considered at that time I had gained an

immunity against enforcement action as any unauthorised use had taken place continually over ten (10) years from 2006/7 until and beyond 2007/18. It was also evident that there had been 10 years' worth of use between 2011 when I registered with MDDC on their electoral roll (FE-157/1) with the address of 'Hillside Barn' on 5th May 2011 and 2021 well before I was served with the PCN.

6.4 – See answers 3.6 – 5.8 and 6.1.

6.5 - To further explain I have paid Business Rates since 2007 and residential Council Tax since 2022.

6.6 - I have paid Business Rates since 2006/7 but when I answered the PCN no Council Tax was being paid. The Residential Council Tax that I now pay was 'back dated' to BEFORE the PCN date.

6.7 - See answers 3.6 – 5.8 and 6.1

6.8 - I put N/A here because I the answer to 6.7 was NO

6.9 - This question was not relevant to the allegation of change of use or Breach of Conditions

7.0 – See 6.9

7.1 – See 6.9

7.2 – See 6.9

7.3 – See 6.9

7.4 – Was irrelevant

7.5 – This answer provides details of 15 years of use to station the vehicles on the land. However, this answer has been ignored as I have been served with a Breach of condition Notice in relation to that use. I believed that the use had become immune after 10 years.

7.6 – This answer is accurate and correct

7.7 – See answer 7.5 plus this answer gives further information in relation to the use of the land in question.

7.8 – Correct and accurate answer.

7.9 to 8.2 are all correct and accurate as answered.

As a result of the above I consider that I have used the approved Blacksmiths Forge building continually for both residential purposes and as a working forge in what I would describe as a composite use for well more than ten (10) years and certainly from 2011 until the date of this declaration.

I produce a bundle of evidence in support of this declaration consisting of, but not exclusively.

A MDDC letter dated 23rd November 2011 stating I am on the Register of Electors 2011.

Driving Licence x 2 with address of 'Hillside Barn' from 15th October 2011 until the current date.

MDDC Council Tax Reference. Electoral Roll evidence from April 2011 and November 2011. Bundle **Exhibit DA2**.

A bundle of MDDC e-mails to include - An MDDC e-mail dated 21st October 2021 ref – 117394 stating that there is enough evidence to *'list as residential from February 2013.'*

Another MDDC e-mail dated 26th October 2021 subject 20/00223/RURAL that states *'I have reviewed the information available, and it appears that the owner Mr Aggett has been living in the premises for some time and probably since around 2010. There does appear to have been a material change of use of the building'*

An MDDC e-mail dated 13th July 2023 MDDC Case Number MDQC – 587384 which states *'We have corroboratory evidence confirming use and occupation since 2008 and we are most likely out of time by the point of 2020 complaint, and which is the first time we were made aware of the issues'*

Bundle Exhibit DA3

It is apparent from MDDC own records that they have been aware of my mixed use of 'Meadow forge' for many years (more than 10) 'prior' to the service of their 2 x Breach of Condition Notices both dated 28th March 2025. (20/0223/RURAL).

I consider that I have not attempted to conceal or hide my mixed (composite) use based upon my disclosure to the Electoral Roll registration and Driving Licence Authority.

7. Issue (b)

The use of associated external land to store materials, goods, scrap metal and waste materials in Breach of Condition 5 imposed upon planning permission 09/01587/FULL. I would contend that when I applied for the retention of the change of use from an agricultural building to a blacksmiths forge in November 2009 (09/01587/FULL) that application related only to the building in question and not the outside land. But understand that conditions can be imposed upon land that I own and that was identified as such when I made the planning application.

It is clear from my PCN replies that outside storage of vehicles and chattels has taken place continually for more than ten (10) years and the aerial images from Google Earth show a period of outside storage from 1st January 2010 up until 1st March 2025 with various dates in between. I produce a compilation of dated Google Earth Images **Exhibit DA4**

As a result of the above I consider that the breach of condition 5 on planning permission 09/01587/FULL has been breached for more than ten (10) years and as a result that breach is now immune from enforcement action.

8. On 28th March 2025 I was served with two (2) x Breach of Condition Notices (BCN) that related to perceived breaches of Conditions 2 and 5 imposed upon Planning Permission 0901587/FULL granted on 14th December 2009. Both BCN's had the enforcement investigation reference of 20/0223/RURAL. I would imagine that, given the enforcement investigation reference, that those investigations have been ongoing since 2020 and that it has taken MDDC five (5) years to consider the service of the 2 x BCN's.

9. I consider that because of the information and evidence provided within this declaration that any alleged breach of planning conditions had achieved immunity 'before' the service of the 2 x BCN's, and as a result those uses, and breach of conditions had become lawful after 10 years of continual breach. As a result, the service of those notices was not proportionate. I also consider that the service of a BCN does not stop the immunity clock in relation to breaches of planning legislation as a BCN is not considered as an enforcement notice in relation to planning legislation.
10. I am a Blacksmith and have little knowledge of the particular use of planning words and phrases, given that they don't seem to always align with the common understanding most of us non planning public have. I have answered the questions to the PCNs x2 with the best guesses at what was required. This I have done as an ordinary man on the street, this being so, I have always claimed I have used my property exactly the same way since I first bought it 19 years ago, and that my understanding now is that due to the passage of time my use has gained the immunity granted by such legislation as exists regardless of how I phrase or describe that use to be, it has become a completely lawful use and has been so for a long time.
11. I believe from the above information and evidence referred to in this sworn statement, that it is clear that the building known as 'Hillside Barn' (Meadow Forge) has been in continuous composite use as a forge and dwelling house/residential (B2 and C3 Use Classes) and that the areas outside of the approved forge have been used for the storage and stationing of materials/vehicles and chattels for well over ten (10) years. As a result, that change of use and any breach of planning conditions imposed upon planning permission 09/01587/FULL is now immune from planning enforcement action by the Local Planning Authority (LPA) and a Certificate of Lawful Use can be granted to that effect.

I make this declaration conscientiously believing the same to be true and by virtue of the Statutory Declarations Act 1835 declared at 38 High Street, Cullompton on before.

Signed

Dated

(Your name)

Dean Aggett

9th October 2025

Signed

Dated

(Solicitor)

*Michael
Muckelbauer
Solicitor at*

9th October 2025

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