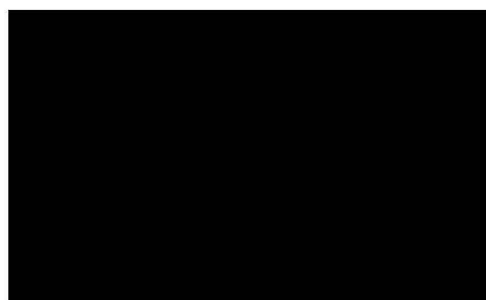


Exhibit DA3

Bundle

MDDC e-mails dated - 21/10/2021- 26/10/2021 – 13/7/2023



9/10/25

From: [REDACTED] <[\[REDACTED\]@middevon.gov.uk](mailto:[REDACTED]@middevon.gov.uk)>
 Sent: 13 July 2023 13:31
 To: [REDACTED] <[\[REDACTED\]@middevon.gov.uk](mailto:[REDACTED]@middevon.gov.uk)>; [REDACTED] <[\[REDACTED\]@middevon.gov.uk](mailto:[REDACTED]@middevon.gov.uk)>
 Subject: RE: Case Number: MDQC-587384 - PROTECT

Hi [REDACTED]

The 'in time' aspect is, perhaps axiomatically, the crucial point, although not its simplest sense. Briefly, the history suggests that the initial occupation might not have been a fully formed residential unit necessary to trigger the four year rule. We know subsequent works have been undertaken internally to the building over the years [they were kind enough to post them on Facebook] to convert an area of the building to what could be considered a more formalised arrangement but it was still unclear as to whether this was certainly a dwelling in the four year sense or simply an unauthorised mixed use.

The latter point was picked up previously by legal [a solicitor no longer working here] who was suggesting that it might be a ten year breach on the basis it was a live/work unit – authorised use of building is a blacksmiths workshop and the occupier remains engaged in this activity – although that view didn't appear to gain particular favour. We served a PCN in the early part of 2022 to which the owner responded that they weren't living there and provided an alternative address which appear to be contradicted by a credit report that was obtained. [REDACTED] attempted to get onto site/into the building following the returned PCN but I don't think that was ever successful.

All of which means:

- (a) If it has been and remains a 'live/work' unit in the planning sense then as we have corroboratory evidence confirming use and occupation since 2008 we were most likely out of time by the point of 2020 complaint, and which is the first time we were made aware of the issues.
- (b) If it did start out as 'live/work' unit and then subsequently a fully formed residential unit was created inside the building that would trigger the start of a new immunity clock for four years. We know that the Facebook photographs of the more substantial works [external windows, for example] are dated to the latter part of 2021, but we also know that there was a bathroom, landing, living area provided in circa 2013 (information provided by VO and Council Tax) with mention of a kitchen having been provided earlier than that. I suspect it's this aspect on which the matter will ultimately turn as it's clear from the evidence that the owner has been doing work internally to the building and providing facilities, most likely from day one, over a number of years, but we haven't previously taken a view on if we think it is a dwelling and, if so, when it was substantially completed. Those most recent external works to provide windows in November 2021 are, in my view, clearly associated with the residential use so there may be an argument to say that, in this context,

substantial completion did not occur until that point. Conversely, if that argument is not accepted, I suspect we would have a difficulty in demonstrating that part of the building was not being residentially occupied given all the evidence which points to just that scenario and for a considerable period of time.

- (c) Finally, if there is an unlawful dwelling in the building, would we indeed grant planning permission on a linked basis to the business activity as it is clearly associated with it?

Sorry for the length of reply.

[REDACTED]

[REDACTED] | Planning Enforcement Officer | Mid Devon District Council | Phoenix House | Phoenix Lane | Tiverton | EX16 6PP

Switchboard: 01884 255255 | Email: [REDACTED] <[\[REDACTED\]@middevon.gov.uk](mailto:[REDACTED]@middevon.gov.uk)> | Website: www.middevon.gov.uk

[Planning Privacy Notice](#)



[Like us on Facebook](#)



[Follow us on Twitter](#)

Do you really need to print this? Please stay Green and leave it on the screen!

I would normally just ask the VO to backdate this as far as possible but looking at his "off grid" lifestyle would we just be creating a debt that would never be recovered?

Elections have confirmed that he did try to register on the electoral roll on 20 July 2018.

Please could you let me know your thoughts on backdating this and I will arrange to notify the VO.

Thanks

■

■ | Revenues Retention Officer | Mid Devon District Council | Phoenix House | Phoenix Lane | Tiverton | EX16 6PP
Direct Dial: 01884 ■ | Switchboard: 01884 255255 | Email: ■@middevon.gov.uk | Website: www.middevon.gov.uk

Access your Council Tax account online 24/7 @ www.middevon.gov.uk/mycounciltaxaccount

Access your Business Rates account online 24/7 @ www.middevon.gov.uk/mybusinessratesaccount

Access your Housing Benefit and Council tax reduction online 24/7 @ www.middevon.gov.uk/myhousingbenefitaccount



[Like us on Facebook](#)



[Follow us on Twitter](#)

From: ■
Sent: 20 October 2021 15:28
To: ■@middevon.gov.uk>
Subject: Hillside Barn, Cadeleigh, Tiverton, Devon, EX16 8RZ

Hi ■

I've done some digging on this and his Facebook page is a treasure trove of evidence (see attached photos) ... it even includes a Youtube video.

It would appear that he moved a portacabin into the barn over 10 years ago and has slowly (and crudely) been converting part of the barn into living accommodation ever since.

It is clear that he has been occupying the site throughout so I will be contacting ■ for advice on potential Council Tax

[161 Dean Aggett | Facebook](#)

[161 Facebook](#)

[Lying Off Grid - Tiny House Builder & Blacksmith - YouTube](#)

Thanks

■

■ | Revenues Retention Officer | Mid Devon District Council | Phoenix House | Phoenix Lane | Tiverton | EX16 6PP
Direct Dial: 01884 ■ | Switchboard: 01884 255255 | Email: ■@middevon.gov.uk | Website: www.middevon.gov.uk

Access your Council Tax account online 24/7 @ www.middevon.gov.uk/mycounciltaxaccount

Access your Business Rates account online 24/7 @ www.middevon.gov.uk/mybusinessratesaccount

Access your Housing Benefit and Council tax reduction online 24/7 @ www.middevon.gov.uk/myhousingbenefitaccount



[Like us on Facebook](#)



[Follow us on Twitter](#)

From: ■@middevon.gov.uk>
Sent: 19 October 2021 15:02
To: ■@middevon.gov.uk>
Subject: Today

Hi ■

Looks like it's too late for site visits now, having had a meeting with ■ this morning, he has asked if you could do a drive by ONLY on Hillside Barn, Cadeleigh, Tiverton, EX16 8RZ.

Enforcement Team

From: [REDACTED]
Sent: 25 November 2021 09:53
To: Enforcement Team
Subject: FW: 20/00223/RURAL Fire /Health Risk at property
Categories: P2, Update Actions & Upload to DMS

From: [REDACTED]@middevon.gov.uk>
Sent: 25 November 2021 09:16
To: [REDACTED]@middevon.gov.uk>
Subject: FW: 20/00223/RURAL Fire /Health Risk at property

Access your Council Tax account online 24/7 @ www.middevon.gov.uk/mycounciltaxaccount
 Access your Business Rates account online 24/7 @ www.middevon.gov.uk/mybusinessratesaccount
 Access your Housing Benefit and Council tax reduction online 24/7 @ www.middevon.gov.uk/myhousingbenefitaccount

From: [REDACTED]@nmdbuildingcontrol.co.uk>
Sent: 26 October 2021 19:35
To: Enforcement Team <enf@middevon.gov.uk>; [REDACTED]@middevon.gov.uk>; [REDACTED]@middevon.gov.uk>
Subject: RE: 20/00223/RURAL Fire /Health Risk at property

Our Ref: 21/00042/UW
 Meadow Forge Hillside Barn Cadeleigh Tiverton Devon EX16 8RZ

Thank you for making us aware of the situation at this property. I have set up a contravention file and attached a warning flag regarding the owner.

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 and the probability of the work carried out complying with the Building Regulations would appear exceptionally low. However, in order for Building Control to take any action we would need to provide evidence beyond reasonable doubt that the work resulting in a contravention of the Building Regulations was carried out in the last 2 years or within 6 months of the Local Authority being aware. Given the circumstances of this case the likelihood of successful enforcement action through the Building Act 1984 is therefore extremely low.

I would suggest that any action by the Local Authority should be led by the Planning Enforcement Team as their enforcement powers are more suited to this situation. Hence at this stage we do not intend to

Please let me know if you have any questions regarding this response.

From: [REDACTED]
Sent: 21 October 2021 11:39
To: [REDACTED] <[\[REDACTED\]@mid Devon.gov.uk](mailto:[REDACTED]@mid Devon.gov.uk)>
Subject: FW: Hillside Barn, Cadeleigh, Tiverton, Devon, EX16 8RZ

Exhibit D13

Hi [REDACTED]

Re: 117394

I was after some advice on this one which has been instigated by an enforcement enquiry below.

The owner of this business is living "off grid" and has been adapting part of this barn into residential accommodation over a period of several years. His Facebook photos and posts clearly show he is living here and Dean has asked me to register it with the VO (see attached e-mail).

The only thing I need to confirm is from when do we list it?.....

He has a Facebook photo album called Hillside Barn, forge and land (link below) and I have attached various photos taken from it. It would appear that he started working on this circa 2010 but if you read the inspector notes on the NDR account it would appear that Di and the VO visited circa 2011 and confirmed the building wasn't occupied (I think he was living in a wagon/caravan on the site).

The photos below showing bathroom, landing, living room area were all added in February 2013 and the kitchen was earlier than this.

I think we have enough evidence to list the residential accommodation from February 2013.....would you agree?

Thanks

[REDACTED]

[\[4\] Facebook](#)