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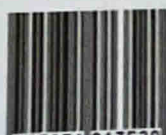
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Town and Country Planning Act 1990

Appeal by Mr Dean Aggett (herein 'the Appellant')

**Site Address: Meadow Forge, Hillside Barn, Cadeleigh, Tiverton, Devon,
EX16 8RZ – HM LR Title DN445870 ('the Appeal Property')**

Lawful Development Certificate Appeal

Mid Devon District Council (herein 'the LPA')

**PROOF OF EVIDENCE OF ADRIAN DEVEREAUX ON BEHALF
OF MID DEVON DISTRICT COUNCIL**

PINS ref: APP/Y1138/X/26/3378579

LPA ref: 25/01406/CLU

1. INTRODUCTION

1.1. My name is Adrian Devereaux. I am a Chartered Town Planner with over 25 years experience in town planning. I have a BSc (Honours) 2:1 degree, in Environmental Planning with a specialism in Urban Regeneration together with a post graduate diploma in Town and Country Planning. I am a member of the Royal Town Planning Institute.

1.2. During my career to date I have worked for five Local Planning Authorities and I am currently employed as an Area Team Leader in the Development Management section at Mid Devon Devon Council, a post I have held for just over 7 and a half years.

1.3. The Local Planning Authority (LPA) refused 25/01406/CLU relating to a certificate of lawfulness to establish the mixed (composite) use of a building as a Blacksmith Forge and for residential purposes, including the use of land outside of the building for the storage of materials, goods, products chattels, scrap, vehicles and waste materials contrary to Conditions 2 and 5 imposed on Planning Permission 09/01587/FULL at Meadow Forge, Hillside Barn, Cadeleigh on the 29th January 2026 on the following ground:

'In the opinion of the Local Planning Authority, the submitted evidence base is not considered to be sufficiently clear and unambiguous to demonstrate, on the balance of probability, that the alleged use of the building for a mixed use comprising a Blacksmith Forge and for residential purposes and the external storage of materials, goods, products chattels, scrap, vehicles and waste materials contrary to conditions 2 and 5 of planning permission 09/01587/FULL has continued for a period in excess of 10 years'.

1.4. Whilst I was not the Case Officer for this application, I was the authorising officer as the Area Team Leader. I can confirm that I read and agreed with the conclusion of the Case Officers report (attached to Appendix A for ease of reference), having viewed the supporting documents on the planning file

and those of objection and the enforcement history and relevant communications.

2. APPEAL SITE AND SURROUNDINGS

2.1. The appeal site is located in the countryside between the villages of Bickleigh and Cadeleigh. The site area extends to approximately 1500sqm. Within it, there is an existing building located roughly centrally with a footprint of approximately 255sqm. There is a hardstanding area between the front of the building and the access lane. The access is via a shared private lane, also a public footpath, which adjoins the public highway to the east of the site. The building appears to have been known as Meadow Forge and Hillside Barn.

3. PLANNING HISTORY FOR APPEAL SITE

3.1. The application which is the subject of this appeal was refused on the 29th January 2026 under delegated powers with the reason for refusing to issue a certificate being that listed within Section 1 of this proof.

3.2. There has been various previous planning applications, enquiries and relevant enforcement history for this site as set out within the case officer report and listed both in the Statement of Case and Statement of Common Ground.

3.3. Planning permission 09/01587/FULL is key to this appeal, which approved the retention of change of use from agricultural to blacksmith's forge on the 14th December 2009. Conditions were imposed as part of this planning permission with Condition 2 outlining that 'The blacksmith's forge hereby permitted shall be used only as a blacksmith's forge, and for no other purpose (including any purpose in Classes 3 B1 or B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended)), or in any provision equivalent to that Class in any statutory instrument revoking

and re-enacting that Order with or without modification. Reason: In the interest of the amenity of the area or and to restrict the traffic generation from the approved use to that which is acceptable on the local highway network'. Condition 5 stated 'No materials, goods, products, chattels, scrap or waste materials shall be store outside of any building, at any time. Reason: To safeguard the character and amenities of the area'.

- 3.4. For an application for a certificate to be successful and issued, the appellant needs to be able to demonstrate through factual evidence, that on the balance of probabilities, that the uses have been carried out continuously for 10 years to achieve the issuing of a certificate of existing lawful use. The view of the Local Planning Authority as outlined further below is that the submitted evidence base is not considered to be sufficiently clear and unambiguous in light of the council's own evidence and that provided by third parties through the course of the application.

4. CERTIFICATE PROPOSED AND CONSIDERATION BY THE LPA

- 4.1. The application refused sought a lawful development certificate to establish the mixed (composite) use of a building as a Blacksmith Forge and for residential purposes, including the use of land outside of the building for the storage of materials, goods, products chattels, scrap, vehicles and waste materials contrary to Conditions 2 and 5 imposed on Planning Permission 09/01587/FULL.
- 4.2. Applications for Certificates of Lawful Use or Development are not assessed against planning policy but on the weight of the evidence submitted and in accordance with s191 of the 1990 Act (As Amended). The onus of proof was on the Appellant to provide sufficient clear and unambiguous evidence to support the Application and in the absence of any counter evidence, the Planning Practice Guidance states: "In the case of applications for existing use, if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the

applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability."

- 4.3. S191 states that:

"(2) For the purposes of this Act uses and operations are lawful at any time if-

(a) no enforcement action may then be taken in respect of them (whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason); and

(b) they do not constitute a contravention of any of the requirements of any enforcement notice then in force.

(3) For the purposes of this Act any matter constituting a failure to comply with any condition or limitation subject to which planning permission has been granted is lawful at any time if-

(a) the time for taking enforcement action in respect of the failure has then expired; and

(b) it does not constitute a contravention of any of the requirements of any enforcement notice or breach of condition notice then in force.

3A In determining for the purposes of this section whether the time for taking enforcement action in respect of a matter has expired, that time is to be taken not to have expired if-

(a) the time for applying for an order under section 171BA(1)(a "planning enforcement order") in relation to the matter has not expired,

(b) an application has been made for a planning enforcement order in relation to the matter and the application has neither been decided nor been withdrawn, or

(c) a planning enforcement order has been made in relation to the matter, the order has not been rescinded and the enforcement year for the order (whether or not it has begun) has not expired.

4.4. S171B outlines the relevant time limits for immunity against such breaches. Section 171B(2)(a) of the 1990 Act stipulates that where there has been a breach of planning control consisting in the change of use of any building to use as a single dwelling no enforcement action may be taken after the end of the period of ten years beginning with the date of the breach.

4.5. S171B(3) states in the case of any other breach of planning control (breach of planning condition), no enforcement action may be taken after the end of the period of ten years beginning with the date of breach.

4.6. It was and remains the LPA's opinion that the relevant period for is ten years, for each element representing a breach of conditions attached to the planning permission granted for the site. The Case Officer report which has been included within Appendix A, sets out the evidence provided by the appellant at the application stage, the counter evidence held by the LPA and the consideration made which ultimately led to the refusal.

4.7. It is acknowledged that the enforcement history for this site had a bearing on the decision for this certificate. It provided contradictory evidence that opposes the appellant's case and was considered to make the appellant's version of events less than probable, particularly noting that the applicant's current evidence contradicts earlier assertions they have made. The Senior Enforcement Officer, Heather Nesbitt, will be providing a Proof of Evidence which will expand on the enforcement side.

5. CONCLUSION

5.1. Overall, it is not considered that the appellant has demonstrated on the balance of probabilities that the uses contrary to conditions 2 and 5 of 09/01587/FULL are lawful in accordance with section 171B of the Town and Country Planning Act 1990.

5.2. For the reasons set out above and in the attached appendices, the Inspector is respectfully requested to dismiss this appeal

Appendices

Appendix A – 25/01406/CLU – Case Officer report



DELEGATED REPORT

Application No. 25/01406/CLU

Grid Ref: Easting 292759 : Northing 107734

Applicant: Mr D Aggett

Location: Meadow Forge
Hillside Barn
Cadeleigh
Tiverton

Proposal: Certificate of lawfulness to establish the mixed (composite) use of a building as a Blacksmith Forge and for residential purposes, including the use of land outside of the building for the storage of materials, goods, products chattels, scrap, vehicles and waste materials contrary to Conditions 2 and 5 imposed on Planning Permission 09/01587/FULL

Case Officer: Miss Helen Govier

Site Visit: No

Site Visit Undertaken: True / False - F

Date of Site Visit:

Date Photographs taken:

Site Notice Displayed: Yes

Completed Site Notice Declaration form: Yes

Photograph of Displayed Site Notice: Yes

SUDs: Yes / No - No

Date of Overall Expiry: 5th November 2025

Reason for refusal

1. In the opinion of the Local Planning Authority, the submitted evidence base is not considered to be sufficiently clear and unambiguous to demonstrate, on the balance of probability, that the alleged use of the building for a mixed use comprising a Blacksmith Forge and for residential purposes and the external storage of materials, goods, products chattels, scrap, vehicles and waste materials contrary to conditions 2 and 5 of planning permission 09/01587/FULL has continued for a period in excess of 10 years.

First schedule

The mixed (composite) use of a building as a Blacksmith Forge and for residential purposes, including the use of land outside of the building for the storage of materials, goods, products chattels, scrap,

	vehicles and waste materials contrary to Conditions 2 and 5 imposed on Planning Permission 09/01587/FULL <u>Second schedule</u> Meadow Forge Hillside Barn Cadeleigh Tiverton
Officer's Recommendation	Refuse lawful development certificate.
EIA	• Due to its scale, nature and location this development will not have significant effects on the environment and therefore is not considered to be EIA Development.
Pre-Commencement Conditions Required	N/A
Pre-Commencement Conditions	N/A
Restricted PD	N/A
Biodiversity Duty Action Plan	N/A
Biodiversity Net Gain Enhancements	N/A
Conditions/Reasons	N/A
Other Conditions/Reasons	N/A
Informative Notes	<u>Site visit</u> The case officer has not carried out a site visit in the determination of the application. The officer has instead considered the application using maps, photographs and information available from other office visits and considers that to determine the application without a site visit would not prejudice any interested party. Section 149 of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between different people when carrying out their activities. This is called the Public Sector Equality Duty or "PSED". No persons that could be affected by the development have been identified as sharing any protected characteristic.

Statement of Positive Working	N/A
BNG – Biodiversity Net Gain	N/A The application relates to a lawful development certificate not an application for planning permission.
Relevant Constraints <i>Planning Constraints</i> <i>ENF ENG. NO ACTION</i>	Area of Special Control of Adverts - Area of Special Control of Advertisements Beaver Activity Zone - Location: Exe Lower C045005D Cobacombe Cross Air Safeguarding Zone - Consult MOD on all buildings_structures_works over 45.7 m AGL Planning Enforcement Site - Ref: 10/00037/UCU, Status: CLOSED Planning Enforcement Site - Ref: 13/00042/UCU, Status: CLOSED Planning Enforcement Site - Ref: 17/00184/BRE, Status: CLOSED Planning Enforcement Site - Ref: 20/00223/RURAL, Status: NOTICE Planning Enforcement Site - Ref: 07/00039/UCU, Status: CLOSED Exeter Airport Air Safeguarding Zone - Consult EASC on all buildings_structures_erections_works over 90m Hamlet/Open Countryside - Outside Settlement

	Hamlet/Open Countryside - Outside Settlement DCC road classifications - Cadeleigh Footpath 2, Type: PRoW (Footpath) DCC road classifications - Lane to East Court Farm, Type: Private SSSI Impact Risk Zone - Follow link to consult NE: https://irz.geodata.org.uk/IRZ/step2.html?irzcode=0000000000000&notes=&location=271245,114565%20(IRZ%20polygon%20centre)
Relevant site history	05/00017/FULL - REFUSE date 7th March 2005 Erection of 2 no. lean-to off existing silage barn for livestock/general purpose use 05/00693/FULL - REFUSE date 13th July 2005 Erection of 2 no. lean-to off existing silage barn for livestock/general purpose agricultural use (Re-submission) 05/02000/FULL - REFUSE date 16th November 2005 Erection of 2 no. lean-to's off existing barn for livestock/general purpose agricultural use 09/01587/FULL - PERMIT date 14th December 2009 Retention of change of use from agricultural to blacksmith's forge 15/01077/PE - CLOSED date 9th October 2015 Notification of PNCOU Class M - As at 12th May 2015 - The agricultural use shall be use as a gallery (A1 shops use) to display the market and works made in the building next to it known as Meadow Forge - Less than 150sqm 25/01406/CLU - PCO date Certificate of lawfulness to establish the mixed (composite) use of a building as a Blacksmith Forge and for residential purposes, including the use of land outside of the building for the storage of materials, goods, products chattels, scrap, vehicles and waste materials contrary to Conditions 2 and 5 imposed on Planning Permission 09/01587/FULL
Site description, Proposal (including supporting information)	The site is located in the countryside between Bickleigh and Cadeleigh. The site area extends to approximately 1500sqm. Within it, there is an existing building located roughly centrally with a footprint of approximately 255sqm. There is a hardstanding area between the front of the building and the access lane. The access is via a shared private lane, also a public footpath, which adjoins the public highway to the east of the site. The building appears to have been known as Meadow Forge and Hillside Barn. The application seeks a lawful development certificate to establish the mixed (composite) use of a building as a Blacksmith Forge and for residential purposes, including the use of land outside of the building for the storage of materials, goods, products chattels, scrap,

	vehicles and waste materials contrary to Conditions 2 and 5 imposed on Planning Permission 09/01587/FULL. Supporting information: - Application form - Supporting statement - Site location plan, block plan - Existing floor plans, roof plan, north and east elevations - Proposed south and west elevations - Sworn declaration- D Aggett - Exhibits DA1- DA4 - High court judgement- R Ocado v Islington (2021) EWHC 1509 - Sworn oath- J Steel - Sworn oath- N Steel - Statutory declaration- K Meraga - Supermarket home deliver details April 2020- September 2023
Notifications, Representations and issues raised	This planning application has been advertised by means of a site notice (one erected by the case officer and one by applicant) and by notifying immediately adjoining neighbours in writing in accordance with the legal requirements for publicity on planning applications, and the Council's Adopted Statement of Community Involvement July 2020. The following properties were written to: Valley View Cadeleigh Tiverton Devon EX16 8RZ Sunrise House Cadeleigh Tiverton Devon EX16 8RZ Hillside Barn Cadeleigh Tiverton Devon EX16 8RZ At the time of writing this report 17 representations have been received, of which 8 are listed in support and 7 objections. <u>Objections</u> 5 of the objectors have submitted statutory declarations that all confirm to have witnessed the following for the periods they have occupied their current properties which neighbour the site: - known DA to reside and sleep in a converted library bus and other various vehicles over the years and not consistently in the commercial barn. - This summer DA has been residing in a yurt/ hut building that he constructed at the rear of this field. - DA has also commuted regularly from other properties over the years, where he was residing. - DA regularly leaves the property entirely for extended periods of time. - I have personally witnessed numerous vehicles parking up for periods of time and then leaving the property over the years.

The frontage of the property changes regularly, with different vehicles or trailers.

In addition to the points set out in the statutory declarations, the following comments were also received:

- Not observed or heard any blacksmith forge activity during time residing nearby
- There is no sign of business activity
- In 2006 you could see the applicant working in the barn, this hasn't happened for many years.
- The applicant appears to fix up old vans on occasion
- The applicant consistently stores multiple vehicles and various items on the forecourt of the property, some of the vehicles/items encroach over the access lane. The number and type of vehicles change frequently
- The applicants current claim of continuous residence within the barn is highly questionable and I believe to be untrue.
- The applicant has been adding various windows etc by cutting into the façade of the barn
- The applicant appears to have admitted to providing some false information to the council in the past

Support

The main points from supporting letters are summarised below:

- Confirmation from visitors that the occupant uses the property for blacksmith work
- The occupant has had toilet and kitchen facilities since 2006
- Vehicles, sundries and trailers have been present outside since the occupant moved in
- The occupant has been living on site since owning the property
- Frequently visited the applicant at Meadow Forge and confirm that what he has said is accurate and true

NB

Various concerns relating to needing to support artisan skills, setting a precedent, lack of health and safety, sewage arrangements, no observable adherence to building regulations and the applicant's conduct have been raised. However these matters are not considered to be relevant to determine of this application for a lawful development certificate which is not an application for planning permission. The relevant tests of determination of the certificate application are discussed further below.

Parish / Town Council / Ward Member's comments	CADELEIGH PARISH COUNCIL- The parish meeting on 17th October 2025 unanimously objected to the planning proposal at Meadow Forge. The reasons given were:- 1.) The Parish does not want to set a precedent over applicants applying for retrospective planning permission. 2.) The applicant appears to have been living on site in tents/lorries/ambulance. 3.) There appears to be no sewerage or water supply. 4.) The applicant (Redacted) to people using the footpath and private lane. 5.) The scrap and lorries overhang the private lane. 6.) There is little or no evidence of the applicant carrying on a blacksmith business at the barn.
Consultee Responses	None.
Relevant Planning Guidance/Policy	National Planning Practise Guidance
Observations	Applications for Certificates of Lawful Use or Development are not assessed against planning policy but on the weight of the evidence submitted and in accordance with s191 of the Town and Country Planning Act 1990, amended in particular by The Planning and Compensation Act 1991. The onus of proof is on the applicant to provide sufficient clear and unambiguous evidence to support their claim and in the absence of any counter evidence, the Planning Practice Guidance states: <i>"In the case of applications for existing use, if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability."</i> S.191 states that (2) For the purposes of this Act uses and operations are lawful at any time if- (a) no enforcement action may then be taken in respect of them (whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason); and (b) they do not constitute a contravention of any of the requirements of any enforcement notice then in force. (3) For the purposes of this Act any matter constituting a failure to comply with any condition or limitation subject to which planning permission has been granted is lawful at any time if-

- (a) the time for taking enforcement action in respect of the failure has then expired; and
(b) it does not constitute a contravention of any of the requirements of any enforcement notice or breach of condition notice then in force.

3A In determining for the purposes of this section whether the time for taking enforcement action in respect of a matter has expired, that time is to be taken not to have expired if-

- (a) the time for applying for an order under section 171BA(1)(a) "planning enforcement order") in relation to the matter has not expired,
(b) an application has been made for a planning enforcement order in relation to the matter and the application has neither been decided nor been withdrawn, or
(c) a planning enforcement order has been made in relation to the matter, the order has not been rescinded and the enforcement year for the order (whether or not it has begun) has not expired.

S171B outlines the relevant time limits for immunity against such breaches. Section 171B(2) of The Town and Country Planning Act 1990 (as amended) stipulates that where there has been a breach of planning control consisting in the change of use of any building to use as a single dwellinghouse, no enforcement action may be taken after the end of the period of four years beginning with the date of the breach. Section 171B(3) states in the case of any other breach of planning control (breach of planning condition), no enforcement action may be taken after the end of the period of ten years beginning with the date of breach.

The application relates to three elements:

- residential use
- use of the building as a blacksmith's forge in accordance with its granted permission
- external storage

It is the Council's view that the relevant period for all three elements is ten years from the date of the application, each element representing a breach of conditions attached to the planning permission granted for the site.

The applicant's case

In short, it is the applicant's case that the alleged uses have occurred since 2010 and the Council has served breach of condition notices after the immunity period was established. The application form states that the use began on 01/01/2007 with no interruption.

- Copy of census form sent to Hillside Barn
- Various email correspondence between MDDC Officers- Building Control, Planning Enforcement, Revenues,
- Google earth photographs 2010- 2025
- Details of supermarket deliveries

In respect of the use of the surrounding land the applicant's declaration sets out that:

- Outside storage of vehicles and chattels has taken place continually for more than 10 years, as set out in replies to PCN
- Google Earth aerial images show outside storage from 1st January 2010 up until 1st March 2025 (Exhibit DA4)

Sworn Oaths- N and J Steel

- In February 2013 the applicant began teaching J Steel to be a blacksmith, they visited the site virtually every week until 2020.
- Throughout the time he has known the applicant, he has lived in a section of the barn.
- He has also had vehicles in various states of repair stored both inside and outside the barn.

Statutory declaration- K Meraga

- Employed by the applicant as an apprentice blacksmith in early 2009. There were kitchen facilities and a toilet in the building.
- The area outside was used as a parking area for employees and deliveries, as well as storage area for scrap metal and some project vehicles.
- Later in 2009 the applicant moved residence from Tiverton to Meadow Forge, KM used their van to help move all his furniture and belongings to Meadow Forge
- KM assisted the applicant with building work on several occasions, an example being putting in some salvaged oak joists to form the first floor under what is now the bathroom area
- KM went on to undertake an NVQ course in plumbing and as part of their coursework, replumbed the first floor bathroom at Meadow Forge
- KM remains friends with the applicant and has visited him at Meadow Forge often, and has known Meadow Forge to be his place of residence throughout this time.

Outline of relevant planning history including enforcement

09/01587/FULL- Retention of change of use from agricultural to blacksmith's forge. Application permitted 2nd November 2009 subject to the following conditions of relevance;

2. The blacksmith's forge hereby permitted shall be used only as a blacksmith's forge, and for no other purpose (including any purpose in Classes B1 or B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended)), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason; In the interest of the amenity of the area or and to restrict the traffic generation from the approved use to that which is acceptable on the local highway network.

5. No materials, goods, products, chattels, scrap or waste materials shall be store outside of any building, at any time.

Reason: To safeguard the character and amenities of the area.

In that case the red line was drawn tightly around the building itself.

10/00037/UCU Change of Use from Blacksmith Workshop to mixed use of Blacksmith Workshop and human habitation Case notes:

- 14/05/2010: PCN returned- States that building is a forge and owner lives at Norton Fitzwarren.
- 11/05/2011: Case notes: follow up site visit- Photo taken, office and small kitchen area in building but no evidence of living on site. No further action required.
- 17/05/2011: case closed, no breach.

13/00042/UCU- Unauthorised material change of use from blacksmiths forge to a mixed use of blacksmiths forge and use for residential occupation.

- 08/03/2013- Site visit notes [summary]: Mr Aggett denied living in the barn and stated that the facilities were required as ancillary to the blacksmith use as he used to employ 5 people and had to provide toilet facilities under employment law.
- 28/03/2013- Second site visit carried out. Case notes: there is no evidence of the building being converted to a house although there are elements that could be argued to fulfil part of the role. Mr Aggett was at pains to explain that he has to provide any potential employees with certain facilities and that what I could see amounted to those facilities. Totally denies living on site.
- 08/04/2015- case closed- no breach identified.

15/01077/PE- Notification of PNCOU Class M - As at 12th May 2015 - The agricultural use shall be use as a gallery (A1 shops use) to display the market and works made in the building next to it known as Meadow Forge - Less than 150sqm

- red line area relating to the eastern side of the building (applicant email indicates there is an internal partition wall)
- case officer queried how the building was returned to agricultural use in 2011 from former B2. Stated that the building appeared to be in use for some form of mixed storage.
- Letter 09/10/2015- regarding an enforcement visit 8/3/2013- where kitchen and washing facilities were contained within that part of the building- not considered to be an agricultural use

20/00223/RURAL – Conversion of barn to dwellinghouse and siting of shepherds hut for human habitation (enforcement case)

- PCN responses 09/02/2022
 - o Home address stated as at Stratford Avenue, Exeter (stated as permanent residential address for 4 years)
 - o Started using Meadow Forge for blacksmith purposes since late 2006 or early 2007
 - o States Meadow Forge has been in sole use as a blacksmith forge since he purchased it
 - o Not used for other purposes or uses
 - o Confirmed there is no residential use at various answers including 3.8, 3.9, 4.9, 5.0, 5.5, 5.6, 5.7, 6.1, 6.4, 6.7,
 - o Vehicles at front of barn are used for blacksmith business and have been stationed at the premises for some 15 years
- Breach of condition notice served in respect of condition 5 of 09/01587/FULL- dated 28/03/2025, compliance period 2 months
- Breach of condition notice served in respect of condition 2 of 09/01587/FULL- dated 28/03/2025, compliance period 3 months

The Council's case and assessment of the applicant's evidence base

The Council issued breach of condition notices on 28/03/2025 in respect of conditions 2 and 5 of 09/01587/FULL following consideration of the evidence available.

The Council's Tax records confirmed that a commercial business rates account has been registered at the site since 01/02/2007. The residential tax account for the property commenced on 01/01/2022.

The Council's Electoral Role records confirm that Mr Aggett has been registered at this address for over 10 years, but only with a "Declaration of Local Connection" to the property. He could not be registered in the normal way as it was not registered as a residential property. In 2023 the Local Land and Property Gazetteer confirmed it had been classified as residential so Mr Aggett's registration was switched to an ordinary elector.

The submitted driving license records are noted however are not considered to be conclusive of a continuous residential use of the site.

Similarly whilst the supermarket delivery details (April 2020- September 2023) are noted, they are also considered to provide limited evidence of a continuous residential use of the site, particularly for the relevant period.

The supporting statutory declarations and oaths are noted and appear to support the applicant's version of events.

Whilst Mr Aggett alleges that the mixed use (forge and residential) have been undertaken since at least 2011 this contradicts with the findings of the Council's Enforcement Team in their investigations since that time (as summarised above).

Furthermore, at the time of 15/01077/PE Mr Aggett alleged that the eastern most part of the building was in agricultural use. This contradicts the responses provided to planning contravention notices and within the submitted statutory declaration.

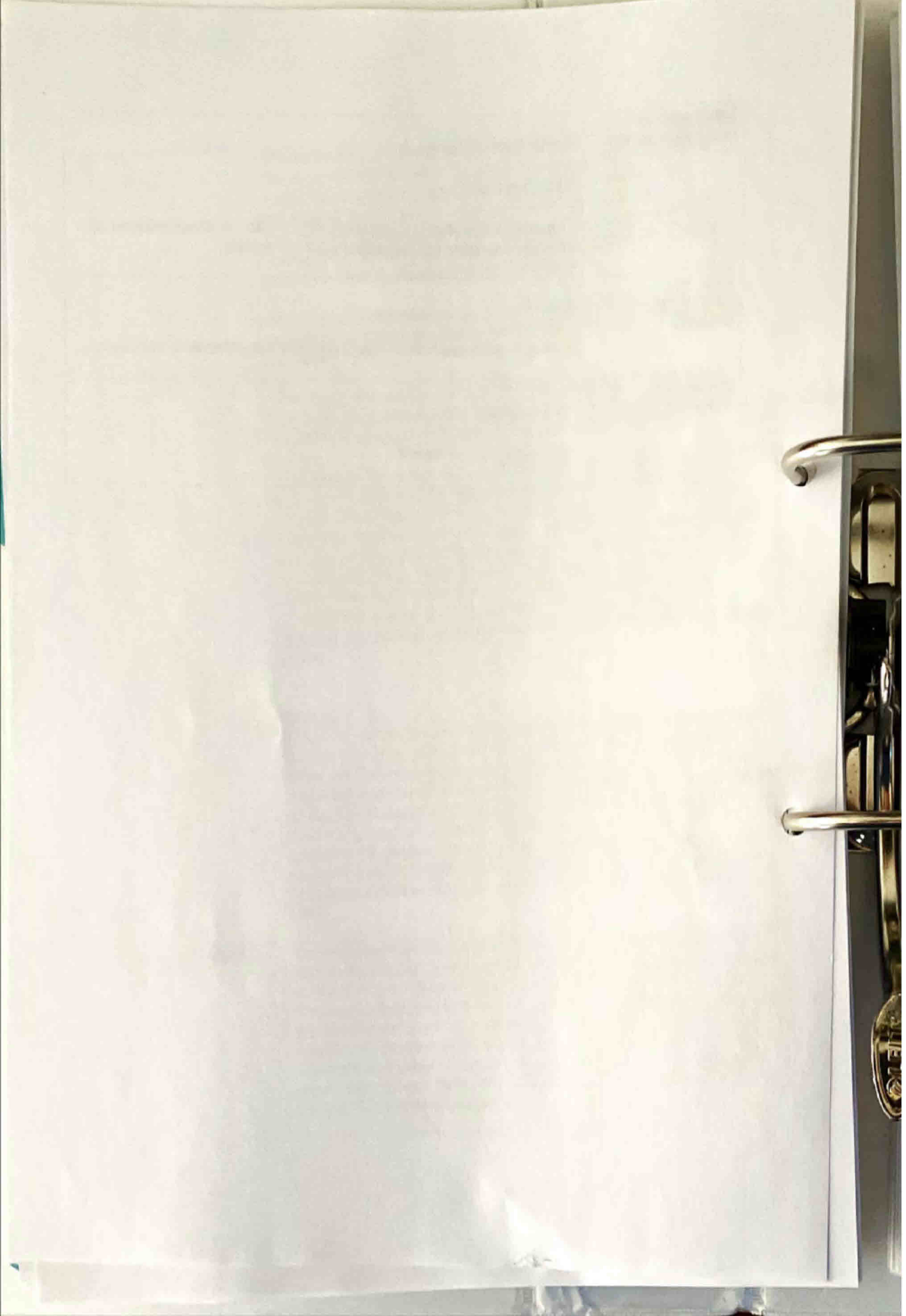
The applicant's case, including sworn declaration, makes a number of assertions that are directly contradictory to the evidence provided in response to the Planning Contravention Notice dated 09/02/2022. Specifically that:

- o His home address was stated as at Stratford Avenue, Exeter (stated as permanent residential address for 4 years)
- o Started using Meadow Forge for blacksmith purposes since late 2006 or early 2007
- o States Meadow Forge has been in sole use as a blacksmith forge since he purchased it
- o Not used for other purposes or uses
- o Confirmed there is no residential use at various answers including 3.8, 3.9, 4.9, 5.0, 5.5, 5.6, 5.7, 6.1, 6.4, 6.7,
- o Vehicles at front of barn are used for blacksmith business and have been stationed at the premises for some 15 years

In the submitted statutory declaration, in reference to the PCN questions where the applicant had clearly stated there was no residential use, the applicant sets out that he "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 blacksmith forge". However the PCN responses are quite clear and unequivocal in repeatedly stating there has been no residential use of the building.

	The submitted emails at exhibit DA3 are relied upon to suggest that the Council was "aware of a mixed use taking place since 2008". However the email correspondence is not considered to be conclusive. It is internal correspondence from a previous Enforcement Officer considering various different hypothetical scenarios, none of which are considered to be substantiated by the evidence base put forward by the applicants. The statutory declarations received from objectors are noted, and suggest that the applicant has lived in other vehicles/ structures on the land. In terms of the blacksmith use, it is noted that significantly more evidence of an ongoing blacksmith use would be expected to be available if an ongoing business use has been undertaken. In relation to the external storage element, the applicant seeks to rely on a series of aerial photographs of the site from 01/01/2010- 2025 (exhibit DA4). Whilst the most recent photos appear to show some form of storage being undertaken on site (externally), the photos are not particularly clear. It is noted from 2016 and previous to that, the area around the building appears to be well covered with trees and provide little evidence of external storage uses. The statutory declarations appear to suggest there has been some use of the forecourt for storage however there is no clear evidence of timeframe for this. <u>Summary</u> The applicant's evidence of the alleged uses is not considered to be clear or unambiguous. The Council has obtained contradictory evidence that opposes the applicant's case and is considered to make the applicant's version of events less than probable, particularly noting that the applicant's current evidence contradicts earlier assertions they have made. Overall, it is not considered that the applicant has demonstrated on the balance of probabilities that the uses contrary to conditions 2 and 5 of 09/01587/FULL are lawful in accordance with section 171B of the Town and Country Planning Act 1990.
Human Rights Act	The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

Signing officer's name/date signed	Name Adrian Devereaux Date 29/01/2026 I have read the officer's report and agree with the considerations and conclusions made for the reasons set out therein.
Reason Determination Delayed	Reason: • Other- to allow applicant to respond to evidence obtained by the Council
Reason for Extension	Extension of Time: • Planning Officer Request



Senior Enforcement Officer

Author: Heather Nesbitt

Senior Enforcement Officer Heather Nesbitt Summary of Proof of Evidence

Meadow Forge, Hillside Barn, Cadeleigh, Tiverton, Devon EX16 8RZ

Town and Country Planning Act 1990 (as amended)

Meadow Forge, Hillside Barn, Cadeleigh, Tiverton, Devon EX16 8RZ

Author: Heather Nesbitt

7 August 2026

PLANNING INSPECTORATE REFERENCE:

APP/Y1138/X/26/3378579

Mid Devon District Council Reference:

25/01406/CLU

This summary of Proof of Evidence has been prepared by Heather Nesbitt, Senior Enforcement Officer at Mid Devon District Council, in relation to the appeal by Dean Aggett Mohan against the Council's refusal to grant a Certificate of Lawfulness for Meadow Forge, Hillside Barn, Cadeleigh.

The appeal concerns whether the building and land have lawfully acquired a mixed use as a blacksmith's forge and for residential purposes, together with external storage of materials, goods, products, chattels, scrap, vehicles and waste materials. The appellant claims that these uses have continued for more than 10 years and are therefore immune from enforcement action. The Council's position is that the evidence does not demonstrate, on the balance of probability, that the alleged breaches have existed continuously for the required 10-year period.

The site is located in the countryside between Bickleigh and Cadeleigh and contains the building known as Meadow Forge or Hillside Barn. Planning permission 09/01587/FULL was granted on 14 December 2009 for the change of use of an agricultural building to a blacksmith's forge. That permission is central to the appeal. Condition 2 restricted the building to use only as a blacksmith's forge, and Condition 5 prohibited the outside storage of materials, goods, products, chattels, scrap or waste materials.

The Certificate of Lawfulness application was refused by the Local Planning Authority because the appellant's evidence was not considered sufficiently clear, precise or unambiguous to demonstrate continuous mixed residential and blacksmith use, or continuous external storage, for more than 10 years. Certificates of Lawfulness are determined on evidence rather than planning merits, and the burden of proof rests with the applicant.

The Council's enforcement history is important. Reports of alleged residential use were received in 2010, 2013 and 2020. However, the appellant repeatedly stated that the building was not being used for residential purposes. In 2010, he stated that he lived at Rose Cottage and that the building was only used as a blacksmith's forge. In 2013, he again stated that he was not residing at the property and that any facilities were for employee welfare. Earlier enforcement cases were closed on the basis that no breach had been found.

Following a further report in 2020 that the property had been converted into a house, the Council served a Planning Contravention Notice in January 2022. In his written response, the appellant repeatedly stated that there was no residential use of the building, shepherd's hut or land. He also stated that there were no residential facilities, no residential conversion, and that the building had not been used for residential

purposes. These responses were given in the context of a formal notice carrying penalties for false or misleading information.

On 12 November 2024, a site visit was carried out by Heather Nesbitt, police and a planning enforcement assistant. The appellant again stated that he did not live at the property and that there was no planning breach. During the visit, officers observed domestic facilities and items including a kitchen, utility area, first-floor sitting room, bathroom, bedroom, furniture, clothing and other items associated with residential occupation. The forge area appeared not to have been used for some time, and the building contained extensive storage of items not clearly associated with blacksmith use.

Following that investigation, the Council served a Breach of Condition Notice on 28 March 2025 in relation to Condition 2. The notice required the unauthorised residential use to cease and required the removal of residential facilities and items. Compliance was required by 28 June 2025. No judicial review was brought against the notice.

A further inspection took place on 13 August 2025. The appellant stated that nothing had changed inside the property. The Council found no meaningful compliance with the Breach of Condition Notice. During that visit, the appellant maintained that the notices were invalid and also referred to the 10-year immunity period, while continuing to state that the property was not a residence. The Council later authorised prosecution for failure to comply with the notice.

The evidence also addresses the alleged breach of Condition 5, which prohibits outside storage. Reports of outside storage were received in 2017 and 2018, but those cases were later closed after officers considered that most items had been removed and no further reports had been received. A further report was made in 2021. Photographs showed some items similar to those seen previously but also showed that other items had been removed and new items had appeared. The Council's position is that this does not demonstrate one continuous breach for more than 10 years.

Although the appellant stated in the 2022 Planning Contravention Notice response that vehicles outside the building had been stationed there for around 15 years and were used for his blacksmith business, the Council's records do not provide clear evidence that the same vehicles or materials were continuously stored outside for the required 10-year period. During the 2024 visit, officers again observed vehicles and other items outside the barn, but no photographic or documentary evidence was provided to prove continuous external storage for the relevant period.

A further Breach of Condition Notice was served on 28 March 2025 in relation to Condition 5, requiring compliance by 28 May 2025. The notice related to continued external storage of materials and vehicles contrary to the 2009 permission.

The legal framework is also relevant. Section 191 of the Town and Country Planning Act 1990 allows a Certificate of Lawfulness to be granted where evidence demonstrates that a use is lawful. Section 171B sets out the relevant immunity periods, including 10 years for relevant breaches. The evidence also refers to case law on concealment, including Welwyn Hatfield, Fidler and Jackson, which supports the principle that a person should not benefit from deliberate concealment or deception in planning matters.

In conclusion, the Council's position is that the appellant has not provided sufficiently clear, precise or unambiguous evidence to prove that the alleged mixed residential and blacksmith use, or the alleged external storage, continued for more than 10 years. The Council relies on the appellant's previous formal and verbal statements denying residential use, the closure of earlier enforcement cases where no breach was found, the lack of continuous evidence of external storage, and later site inspections showing residential facilities and non-compliance with Breach of Condition Notices.

This standalone summary therefore supports the Council's decision to refuse the Certificate of Lawfulness and maintains that the appeal should be dismissed.

Senior Enforcement Officer Heather Nesbitt Proof of Evidence

Meadow Forge, Hillside Barn, Cadeleigh, Tiverton, Devon EX16 8RZ

Town and Country Planning Act 1990 (as amended)

Meadow Forge, Hillside Barn, Cadeleigh, Tiverton, Devon EX16 8RZ

Author: Heather Nesbitt

7 August 2026

PLANNING INSPECTORATE REFERENCE:

APP/Y1138/X/26/3378579

Mid Devon District Council Reference:

25/01406/CLU

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1. Introduction

- 1.1 I am a Senior Enforcement Officer at Mid Devon District Council.
- 1.2 I have worked in planning enforcement as a consultant and Senior Enforcement Officer for the public sector across the UK. I have over nineteen years' experience working within the public sector and I have extensive experience of enforcement issues arising from breaches of planning control in both urban and rural settings.
- 1.3 I am aware that my duty is to the Inquiry, irrespective of by whom I am instructed. The evidence which I have prepared and provided for this appeal, PINS reference: APP/Y1138/X/26/3378579, in this Proof of Evidence is true and I confirm that the opinions expressed are my true and professional opinions. I have visited the appeal site from the onset of my investigation into the alleged breach with my first visit being 12th November 2024 and my last visit being on the 13th August 2025 to carry out a compliance check for two BCN's that were served. These BCN's relate directly to the CLU submitted and this appeal.

Certificate of Lawfulness (25/01406/CLU)

- 1.4 This proof of evidence relates to the appeal by Dean Aggett Mohan against the refusal of a Certificate of Lawfulness, 25/01406/CLU, by Mid Devon District Council on the 29th January 2026. This relates to the appellants submission that the Land known as Meadow Forge had been used as a mixed use of a blacksmiths forge and for residential purposes, including the use of the Land outside of the building for the storage of materials, goods, products, chattels, scrap, vehicles and waste materials contrary to Conditions 2 and 5 imposed on Planning Permission 09/01587/FULL and the mixed use described above has been continuous in excess of 10 years.

The LPA refused the CLU, 25/01406/CLU on the following grounds:

'In the opinion of the Local Planning Authority, the submitted evidence base is not considered to be sufficiently clear and unambiguous to demonstrate, on the balance of probability, that the alleged use of the building for a mixed use comprising a Blacksmith Forge and for residential purposes and the external storage of materials, goods, products chattels, scrap, vehicles and waste materials contrary to conditions 2 and 5 of planning permission 09/01587/FULL has continued for a period in excess of 10 years'.

This matter was dealt with by the Principal Planner for the area in which Meadow Forge sits, I was not the determining officer for this matter. However, given there was enforcement matters relating directly to CLU submission, I was consulted on the

submission providing evidence from the enforcement case files to the determining officer.

2. Appeal Site and Surroundings

- 2.1 The appeal site is located in the countryside between the villages of Bickleigh and Cadeleigh. The site area extends to approximately 1500sqm. Within it, there is an existing building located roughly centrally with a footprint of approximately 255sqm. There is a hardstanding area between the front of the building and the access lane. The access is via a shared private lane, also a public footpath, which adjoins the public highway to the east of the site. The building appears to have been known as Meadow Forge and Hillside Barn.

3. Planning history for appeal site

- 3.1 The application which is the subject of this appeal was refused on the 29th January 2026 under delegated powers with the reason for refusing to issue a certificate being that listed within Appendices A of this proof.
- 3.2 There has been various previous planning applications, enquiries and relevant enforcement history for this site as set out within the case officer report and listed both in the Statement of Case and Statement of Common Ground.
- 3.3 The approved planning permission 09/01587/FULL is pivotal to this appeal and conditions 2 and 5 being the two main conditions which were subject to the Certificate of Lawfulness. The 2009 planning permission was approved for the change of use from an agricultural building to a blacksmith's forge on the 14th December 2009. The conditions imposed as part of that approval and subject to the CLU were

Condition 2

'The blacksmith's forge hereby permitted shall be used only as a blacksmith's forge, and for no other purpose (including any purpose in Classes 3 B1 or B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended)), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: In the interest of the amenity of the area or and to restrict the traffic generation from the approved use to that which is acceptable on the local highway network'.

Condition 5

'No materials, goods, products, chattels, scrap or waste materials shall be store outside of any building, at any time.

Reason: To safeguard the character and amenities of the area'.

3.4 For a Certificate of lawfulness application to be successful, the appellant needs to be able to demonstrate through factual evidence that on the balance of probability the use or uses have been carried out continuously for 10 (ten) years. If that is proven, then a certificate of existing lawful use is issued by the LPA. In this matter, the evidence submitted by the appellant was not considered to be sufficiently clear and was ambiguous. It also was contradictory to the council's own evidence on its investigation files and that of evidence given by the appellant during those investigations on numerous occasions.

4. CLU APPLICATION AND LPA DETERMINATION

4.1 The appellant submitted a CLU to establish the mixed (composite) use of a building, Meadow Forge, as a blacksmiths forge and for residential purposes. This included the use of the land outside the building for the storage of materials, goods, products, chattels, scrap, vehicles and waste materials contrary to Conditions 2 and 5 imposed on the approved planning permission 09/01587/FULL.

4.2 Certificates of Lawful Use or Development are treated differently than planning applications. They are not assessed against planning policy but on the weight of evidence the applicant produces in accordance with Section 191 of the Town and Country Planning Act 1990 (as amended).

4.3 The burden of proof lies with the applicant. As such, the CLU subject, to this appeal, the same burden of proof was applied. It was incumbent upon the appellant to provide clear, concise, unambiguous and provable evidence to support the CLU application. It was also incumbent upon the LPA to check if they held any counter evidence. The Planning practice Guidance states;

"In the case of applications for existing use, if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicants version of events less than probable, there is no good reason to refuse the application, provided the applicants evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability."

5. RELEVANT LEGISLATION AND SUPREME COURT RULINGS

5.0 Section 191 of the Town and Country Planning Act 1990 (as amended) is quite clear in relation to Enforcement matters as follows;

"(2) For the purposes of this Act uses and operations are lawful at any time if-

(a) no enforcement action may then be taken in respect of them (whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason); and

(b) they do not constitute a contravention of any of the requirements of any enforcement notice then in force.

(3) For the purposes of this Act any matter constituting a failure to comply with any condition or limitation subject to which planning permission has been granted is lawful at any time if-

(a) the time for taking enforcement action in respect of the failure has then expired; and

(b) it does not constitute a contravention of any of the requirements of any enforcement notice or breach of condition notice then in force.

3A In determining for the purposes of this section whether the time for taking enforcement action in respect of a matter has expired, that time is to be taken not to have expired if-

(a) the time for applying for an order under section 171BA(1)(a) "planning enforcement order" in relation to the matter has not expired,

(b) an application has been made for a planning enforcement order in relation to the matter and the application has neither been decided nor been withdrawn, or

(c) a planning enforcement order has been made in relation to the matter, the order has not been rescinded and the enforcement year for the order (whether or not it has begun) has not expired.

5.1 Section 171B of the Town and Country Planning Act 1990 (as amended) deals with the relevant time limits for immunity against such breaches. Whilst Section 171B(2)(a) of the Act stipulates that where there has been a breach of planning control consisting in the change of use of any building to use as a single dwelling no enforcement action may be taken after the end of the period of ten (10) years beginning on the date of the breach.

5.2 Section 171B(3) of the same act states *"In the case of any other breach of planning control, no enforcement action may be taken after the end of the period of ten years beginning with the date of the breach."*

5.3 There are several rulings surrounding the matter of concealment. In this matter the appellant as part of the planning enforcement investigation insisted he did not reside in the building. The leading authority is a well-known Supreme Court Ruling, *Secretary of State for Communities and Local Government v Welwyn Hatfield Borough Council* [2011] UKSC 15, used by planning enforcement officers during such investigations. In this matter the Supreme Court held that a person cannot rely on statutory immunity where the breach of planning control has been deliberately concealed from the planning authority.

5.4 In this matter the Court emphasised:

- The planning system depends upon honest engagement with the LPA.
- A person should not be permitted to profit from his or her own wrong.
- Where there has been positive deception or deliberate concealment, public policy may prevent reliance on the ordinary limitation periods in section 171B of the 1990 Act.

5.5 These principles have also been applied in subsequent cases concerning concealed breaches of planning control, including *R (Fidler) v Secretary of State for Communities* [2011] EWCA Civ 1159 and *Local Government in Jackson v Secretary of State for Communities and Local Government* [2015] EWHC 20 (Admin)¹.

5.6 In *Jackson v Secretary of State for Communities and Local Government* [2015] EWHC 20 (Admin)², the appellant suggested that sections 171BA to 171BC of the Town and Country Planning Act 1990 (as amended) replaced the ruling of the Supreme Court in *Secretary of State for Communities and Local Government v Welwyn Hatfield Borough Council* [2011]. The Secretary of State argued against the appellant stating that those sections merely widened the powers available to the authorities.

5.7 The Judge in the Jackson case favoured the arguments from the Secretary of State that sections 171BA to 171BC merely widened the powers available to authorities. He said that "61...The language used by Parliament (including the decision to insert sections 171BA to 171BC alongside section 171B), is not sufficient to indicate an intention to alter the scope of section 171B as interpreted in Welwyn. In particular, I cannot detect any intention to enlarge the scope of section 171B and then to make that provision subject to the PEO code, so that concealment could only be dealt with under that code." and "68...I conclude that the Welwyn principle has not been replaced...".

¹ In *Jackson v Secretary of State for Communities and Local Government*, the High Court ruled that the "Welwyn principle" of planning law remains valid. It held that statutory changes (Planning Enforcement Orders) did not replace the rule preventing landowners from claiming time-immunity if they deliberately conceal unlawful developments.

² In *Jackson v Secretary of State for Communities and Local Government*, the High Court ruled that the "Welwyn principle" of planning law remains valid. It held that statutory changes (Planning Enforcement Orders) did not replace the rule preventing landowners from claiming time-immunity if they deliberately conceal unlawful developments.

6. ENFORCEMENT MATTERS (CONDITION 2)

6.1. The site known as Meadow Forge, Hillside Barn, Cadeleigh, Tiverton, Devon EX16 8RZ, first came to the Councils attention back in 2007 when there was a breach of planning control for an unauthorised change of use from agricultural building to blacksmiths shop. The investigating planning enforcement officers at the time were Glenn Crocker and John Clarke who are now also acting as agents for the appellant for his CLU and this appeal and subsequent Public Inquiry. Both Mr Crocker and Mr Clarke left Mid Devon District Council some years ago and formed XL Planning, the agents the appellant is using. The breach of planning control they investigated in 2007 resulted in a planning application being submitted, 09/01587/FULL, which was subsequently approved for a change of use from an agricultural building to a blacksmiths forge. I produce a copy of the decision notice for planning permission 09/01587/FULL as exhibit HRN/01 together with the plans that accompanied the decision as exhibit HRN/02 and HRN/03.

6.2 In 2010, a further report was received by the council's planning enforcement team stating there was a mixed use that being a blacksmiths forge and human habitation. This case was registered as case 10/00037/UCU and a Planning Contravention notice was served upon the appellant. The appellant returned the PCN signed on the 14 May 2010 stating on the Planning Contravention Notice that he resided at an address known as Rose Cottage and that he had resided there for six (6) months. He also stated that the building was only used as a blacksmiths forge. I produce a copy of this completed PCN as exhibit HRN/04.

6.3 On 11 May 2011, former planning enforcement officer Mr Crocker, now of XL planning, put a note on the investigation file stating that he had carried out a site visit and there was no evidence of the forge being used as living accommodation and no further action was required. I produce a copy of this file note as exhibit HRN/05. This case was then closed on 17 May 2011 by Mr Crocker and the reason given was "no breach found". I produce a screen shot of the council's system showing the case closure and reason as exhibit HRN/06.

6.4 On 3 March 2013, the council received a further report which was logged as case 13/00042/UCU. This report was that there was a mixed use of the building of blacksmiths forge and human habitation. The property was visited by former planning

enforcement officers John Clarke (appellants agent) and Reg Willings. The notes on the councils' investigation file state that the appellant had informed the officers he was not residing at the property and only provided welfare space for employees. This case was closed on 8 April 2015 and the reason given was no breach found. I produce a copy of the closure note, from the councils' systems, as exhibit HRN/07.

- 6.5 On 6 March 2020, the council received a report that the property had been converted into a house. This case was registered as case number 20/00223/RURAL. A councils council tax officer visited the site in October 2021 and supplied the planning enforcement officers with photographs. I produce these photographs as exhibits HRN/08 to HRN/11. The officer also took a photograph of the first-floor area being constructed and not yet complete. I produce this photograph as exhibit HRN/12.
- 6.6 On 19 January 2022, a Planning Contravention Notice, under Section 171C of the Town and Country Planning Act 1990 (as amended), was served upon Dean Aggett. Penalties for offences connected with not complying with the requirements of a PCN, are set out in Section 171D of the Town and Country Planning Act 1990 (as amended). Not replying can incur (following prosecution) fines of up to £1,000.00; and knowingly or recklessly providing misinformation when replying to a PCN can incur (following prosecution) a fine of up to £5,000.00. I produce a copy of the PCN and cover letter served as exhibits HRN/13 and HRN/14.
- 6.7 On 9 February 2022, Dean Aggett returned the completed Planning Contravention Notice together with a cover letter. I produce the cover letter and completed PCN from Dean Aggett as exhibit HRN/15.
- 6.8 In the opening paragraph of Dean Aggett's letter he states that *"Primarily, there is no residential use of the building, the shepherds hut or the land"*. He went on to further state at the end of paragraph one of his letter the following *"I believe that my use of my land and building for my work is in compliance with the planning permissions, both those granted specifically or by other legislation, and that the allegations are false"*.
- 6.9 In response to question 3.8 of the Planning Contravention Notice which state, *"If the barn has and is currently used for 'residential use', then please provide the precise date you first used this barn for residential purposes"* Dean Aggett stated *"There is no residential use"*.
- 6.10 In response to question 3.9 of the Planning Contravention Notice which states, *"Explain how you started to convert the barn into residential use"* Dean Aggett stated *"There is no residential use"*.

- 6.11 In response to question 4.0 of the Planning Contravention Notice which states, *"Please list all the facilities which have been installed and are now in place within the barn, which is solely connected and used for residential use, kitchen, bathroom, bedroom(s) (how many), toilet, cooker, furniture (describe what type), windows, carpet(s), curtains/blinds, heating system"* Dean Aggett stated, *"The answer to all is none"*.
- 6.12 In response to question 4.0 of the Planning Contravention Notice which states, *"Have you installed window(s) within the barn? If the answer is 'YES' then please state how many and on what elevations and levels"* Dean Aggett stated, *"There have always been windows in the workshop, on two elevations providing working light. Two new windows have been installed to the design room and workshop at first floor level"*.
- 6.13 In response to question 4.5 of the Planning Contravention Notice which states, *"Have you extended the barn, to provide additional accommodation?"*, Dean Aggett states, *"No"*.
- 6.14 In response to question 4.7 of the Planning Contravention Notice which states, *"Please explain what other parts of the barn, (internally and externally) you have and, are currently converting into residential use"*. Dean Aggett states, *"None"*.
- 6.15 In response to question 4.9 of the Planning Contravention Notice which states, *"Please give the precise date on how long this barn has been used for residential purposes"* Dean Aggett stated, *"It has not been used for residential purposes"*.
- 6.16 In response to question 5.5 of the Planning Contravention Notice which states, *"How many levels/floors are there within the residential use of the barn?"* Dean Aggett stated, *"There is no residential use of the barn"*.
- 6.17 In response to question 5.6 of the Planning Contravention Notice which states, *"Is the conversion of the barn into 'residential use' completed?"* Dean Aggett stated, *"There is no residential use of the barn"*.
- 6.18 Dean Aggett continued to state there was no residential use of the barn in his responses to questions 5.7, 5.8, 6.1, 6.4 and 6.7. It is clear from Dean Aggett's responses and covering letter he understood what was being asked of him and his responses and correspondence were clear and precise.
- 6.19 No further contact was made with Dean Aggett until the 18 August 2023 when an email was sent to him by former enforcement officer Matthew Barks requesting a site visit. There is no record of a response to this request. I produce the letter as exhibit HRN/16.

- 6.20 On 12 November 2024 I attended the barn in the company of the police and the planning enforcement assistant Stella Radley. A man, who I now know to be Dean Aggett eventually approached me at the barn doors wearing a dressing gown and slippers. I could also see a woman at the property but do not know her name and she left. I explained to Dean Aggett that I was there to carry out a site visit at the property and explained I was investigating older cases to bring about resolution. Dean Aggett was very defensive and stated he did not live at the property and that there was no breach of planning. I advised Dean Aggett that the quickest way to deal with matters was to carry out the visit and that I was happy to wait or return however, if entry was refused, I would have no option than to apply to the Magistrates Court for a warrant of entry.
- 6.21 Dean Aggett stated I had to give 24 hours' notice in planning law which led me to believe he had a good grasp on the legislation. I explained that I would only be required to give 24hrs notice if I was entering a residential premises and he had already advised me that this was not one. I spoke with Dean Aggett for around 20 minutes, and he eventually stated he would let me in to look around the forge after he had gotten changed.
- 6.22 Upon entering the forge, I could see there was lots of storage and the property seemed to not being used as a forge as such. As I made my way through to the rear of the barn, I could see loose bricks built up into a makeshift wall with a domestic internal window and what appeared to be some makeshift first floor addition in a mock Tudor design. I produce photographs of this as exhibits HRN/17 to HRN/21. Beyond this I could see what would have been the forge area which did not look like it had been used for some time. I produce a photograph of this area as exhibit HRN/22.
- 6.23 Dean Aggett showed me through a door into a kitchen area which had a cooker, fridge, dining table and other items associated with a domestic kitchen. This area was also in a state of disarray and Dean Aggett again advised it was a breakout area for any staff who may be working at the forge. Beyond the kitchen was a utility room and a set of stairs leading to the first-floor area. I produce photographs of this area as exhibits HRN/23 to HRN/32.
- 6.24 I climbed the stairs which were rickety to the first floor. Once on the first floor I entered a room that was a sitting room with an open fire, a dining table, sofa and other items you would expect to see in a residential sitting room. I produce photographs of this area as exhibits HRN/33 to HRN/40. There was also a fully functioning residential bathroom on the first floor which included a sink, bath and toilet. I produce photographs of this area as exhibits HRN/41 to HRN/43.

- 6.25 I moved into another room and found that there was a bedroom. Within that room was a bed, clothes, chest of drawers and other items associated with a residential bedroom. I produce photographs of that room as exhibits HRN/44 to HRN/51.
- 6.26 In other rooms I saw an office and a workshop which Dean Aggett described as his drawing room for plans. There were several items scattered everywhere which made moving around quite difficult. Most of these items were not associated with what I would perceive as a blacksmiths forge including a motorbike. I produce photographs of these areas as exhibits HRN/52 to HRN/76. There was also an area at first floor level that Dean Aggett said to be careful of as there was a drop straight down a staircase and many items stored. Among these were several items associated with residential. These included bicycles, residential doors and windows, cat litter boxes, kettles. I could not go beyond a certain point to see how far back this storage went as it was far too dangerous to do so, and the lighting was poor. I produce photographs of this area as exhibits HRN/77 to HRN/93.
- 6.27 Outside the barn I continued to have a conversation with Dean Aggett. I advised him there was a breach of condition relating to the change of use of part of the barn to residential. Dean Aggett continued to state that the use was not permanent and that he lived elsewhere. I advised Dean Aggett of his planning options and that he should seek expert planning advice on the matter. Dean Aggett stated he would not be changing anything as he felt he was not in breach of the planning permission of 2009.
- 6.28 On 27 March 2025, a land registry search was carried out showing that Dean Aggett was still the owner of the barn. I produce a copy of the register as exhibit HRN/94.
- 6.29 On 28 March 2025, a Breach of Condition Notice was hand delivered to the barn and placed in the letter box. The notice was in relation to Condition 2 of the planning permission 09/01587/FULL which states, "The blacksmith's forge hereby permitted shall be used only as a blacksmith's forge, and for no other purpose (including any purpose in Classes B1 and B8 of the schedule to The Town and Country Planning (use classes) Order 1987 (as amended)), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification." The BCN required several things to be carried out to comply with the notice and that the notice should be complied by no later than 3 months from the date it was served. This meant the BCN should have been complied by the 28th June 2025.

6.10 The requirements of the BCN are as follows;

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.*

- 6.11 Dean Aggett was present when the BCN was served. I produce a copy of the BCN together with the BCN plan as exhibits HRN/95 and HRN/96. No Judicial review was received for the BCN served.
- 6.12 On 9 May 2025, Dean Aggett attended the reception of the Council offices in Tiverton. He spoke to reception staff as I was not available. I emailed Dean Aggett on the same day. I attach a copy of that email as exhibit HRN/97.
- 6.13 On 15th May, a letter was received to the Council offices from Dean Aggett. This letter was regarding a different property. It did not address the BCN that had been served. I produce this letter as exhibit HRN/98.
- 6.14 On 26 May 2025, a letter was received to the Council offices from Dean Aggett. This letter made mention a separate notice that has been served upon Dean Aggett and not part of this case. It did make mention that Dean Aggett had plans to submit a Certificate of Lawfulness and stated if not granted he would seek Judicial Review. I produce this letter as exhibit HRN/99. On 28 May 2025, I emailed Dean Aggett reference his letter. Whilst the majority of the content of my email relates to a separate notice it does remind Dean Aggett of the risk of prosecution of not complying with the notices served. I produce this email as exhibit HRN/100.
- 6.15 On 2 June 2025, and email exchange took place with John Clarke (former planning enforcement officer at MDDC) who was now the agent acting on behalf of Dean Aggett through the company XL Planning. The email stated that he would be submitting a Certificate of lawful use/development on Dean Aggetts behalf and he was checking that it would be accepted. I produce a copy of this email as exhibit HRN/101.
- 6.16 On 2 June 2025, I responded to John Clarke of XL Planning and advised that the evidence the Council had on file was in direct conflict with what a CLUED would seek to say. I also advise that if such a CLUED were submitted it would be scrutinised and could possibly raise a potential of further offence. I also advised that Dean Aggett should be engaging a solicitor at this stage. I produce this email as exhibit HRN/102.
- 6.17 On 5 June 2025 an email was received from John Clarke of XL Planning who was acting on behalf of Dean Aggett. The email sought to seek clarification that the CLUED to be submitted was not being re-determined. He also sought to the reasons why Dean Aggett required a solicitor. I produce this email as exhibit HRN/103.
- 6.18 On 10 June 2025, I responded to John Clarke's email and advised that the BCN's were served after a thorough investigation. I also advised that as matters would be proceeding to court that Dean Aggett should seek legal advice. I also advised Dean

Aggett could of course represent himself at court. I produce this email as exhibit HRN/104.

- 6.19 On 13 August 2025, a site visit was carried out in the company of police, Stewart Fraser from building control and Stella Radley planning enforcement assistant. Dean Aggett was on site and filmed officers throughout the duration of the site visit. Dean Aggett informed me that there was no change inside the property. I pointed out the offence of failing to comply with Breach of Condition Notice and cautioned him. Dean Aggett's response to the caution was **"Not answering"**.
- 6.20 Dean Aggett then stated, **"I will remind you of one communication last had with you"**. I asked Dean Aggett what that communication was, and he responded, **"It was the email you last had. You obviously didn't read it and they are not valid."** I pointed out to Dean Aggett that he had not sought to Judicial review the notices. Dean Aggett said, **"I will if it carries on along with the others."** I then asked Dean Aggett if there was anything you like to add reference the two notice. Dean Aggett said, **"This is going to go a long way now. I tried to see reason here. After 10 years the use becomes lawful. The council know full well."** Dean Aggett then spoke to the building control inspector and said, **"It is not a residence."**
- 6.21 Dean Aggett kept stating we had to give him 24 hrs notice under section 196 of the Town and Country Planning Act 1990 to inspect a residence. I pointed out to Dean Aggett, he had just stated it was not a residence. Dean Aggett stated he would not let us in. I offered to return to the property on 18 August 2025, but Dean Aggett refused this. Dean Aggett continued to state that the Breach of condition notices were not valid. After a lengthy conversation, Dean Aggett eventually gave us permission to inspect the property.
- 6.22 During the site visit it was clear that what Dean Aggett had stated was true and that there had been no compliance with the Breach of condition Notice served. It was also clear that there had been no attempt to comply with the notice. I produce photographs as exhibits HRN/105 to HRN/113. There are no photographs of the bedroom or sitting room due to an incident described below. However, nothing had changed at the premises at all which was also confirmed by Dean Aggett under caution.
- 6.23 During the site visit an incident occurred where the building control inspector fell through a hole in the floor from first floor level causing himself serious injury and requiring the police to take him to hospital. I remained on site with Dean Aggett and he said, **"Well that is it now, I will be evicted."** I informed Dean Aggett that I did not have the power of eviction. Dean Aggett then followed me and Officer Radley outside

and continued filming. He asked me what my opinion was and I advised him that I was not going to enter into a conversation with him as he was under caution. Dean Aggett advised he had several questions to ask me and I advised him to email me them. I then left the site.

- 6.24 On 22 August 2025, I emailed Dean Aggett asking if he had the questions he wanted to raise with me. I did advise him that any ongoing questions and answers may form part of the ongoing decision to prosecute. I also reminded Dean Aggett of the caution. I produce this email as exhibit HRN/114.
- 6.25 On 2 September 2025, Dean Aggett emailed me to advise his partner was ill. He asked for a little time to get the questions to me as he needed to run them past his planning consultant. I produce the email as exhibit HRN/115. To date no questions have been received. On 18 September 2025, a report was submitted to the head of development management for authorisation to move forward to prosecution on this matter. The report was signed off on the 19 September 2025. I produce a copy of this report as exhibit HRN/116. On 22 September 2025 I emailed Dean Aggett. I advised him of the offences and that a decision had been taken to move forward with prosecution. I produce this email as exhibit HRN/117.

7. ENFORCEMENT MATTERS (CONDITION 5)

- 7.1 In 2017 a report was received by the Council stating there was a breach of condition 5 of the approved planning application 09/01587/FULL. This case was registered as case 17/000184/BRE. Condition 5 of the approved planning application stated that **"No materials, goods, products, chattels, scrap or waste materials shall be stored outside of the building at any time."**
- 7.2 On 6 September 2017 a site visit was carried out, Dean Aggett was on site and was given a period of 28 days to remove the vehicles and materials from outside the building. On 4 May 2018, a further report was received by the Council stating that there was debris blowing about at the property. This case was booked in under case reference 18/00130/UNTIDY. On 13 June 2018, officers visited the site and took some photographs of items still being stored outside the building. I produce these photographs as exhibits HRN/118 to HRN/126.

7.2 On 20 June 2018, this case was closed the reasons given that the majority of the items had been removed. The 2017 case remained open at this point.

7.3 On 29 January 2019 the 2017 case was also closed with no further reports having been received and the investigation officer took the view that the breach had resolved, and Dean Aggett had complied with the removal of the items as requested. Whilst it is not known from the Council's records at that time is Dean Aggett complied, it is worthy of note that the case was closed, and no further reports were received to the Council until 2020, but this report was relating to the interior of the barn and not outside the barn.

7.4 On 15 October 2021, a report was received by the Council that Dean Aggett was in breach of condition 5 of the planning permission 09/01587/FULL in that items were being stored again outside the barn. This report was added to the already existing 2020 file. On 4 November 2021, a site visit was carried out, and pictures were taken of the outside of the barn. I produce these photographs as exhibits HRN/127 and HRN/128. Whilst some items were the same as the 2018 photographs, some had been removed, and new items had been placed outside the barn.

7.5 On 19 January 2022, a planning contravention notice under Section 171C of the Town and Country Planning Act 1990 (as amended) was served upon Dean Aggett. Penalties for offences connected with not complying with the requirements of a PCN, are set out in Section 171D of the Town and Country Planning Act 1990 (as amended). Not replying or incurring (following prosecution) fines of up to £1,000.00; and knowingly or recklessly providing misinformation when replying to a PCN can incur (following prosecution) a fine of up to £5,000.00. I produce a copy of the PCN and cover letter served as exhibits HRN/13 and HRN/14.

7.6 On 9 February 2022, Dean Aggett returned the completed Planning Contravention Notice together with a cover letter. I produce the cover letter and completed PCN from Dean Aggett as exhibit HRN/15.

7.7 In Dean Aggett's letter he states, *"I believe that my use of my land and building for my work is in compliance with the planning permissions, both those granted specifically or by other legislation, and that the allegations are false"*.

7.8 In response to question 7.5 of the planning contravention notice which states, *"In regards to the vehicles stationed at the front of the barn. Please can you explain why*

these vehicles have stationed for such a long period of time?" Dean Aggett stated *"The vehicles are used for my business as a blacksmith and such vehicles have been stationed at my forge workshop premises as long as the business has been in operation; some 15 years"*.

7.9 In response to question 7.6 of the planning contravention notice which states, *"What is your intention regards to these vehicles? i.e. use"* Dean Aggett stated *"Their continued use is intended for my business. I am not a delivery company with daily movements of all vehicles; each has a specific job within the company and are used for those specific uses. Please see additional information in covering letter regards lockdown with no shows or events anywhere in the UK for the last 20 months. Building sites have also been affected, and clients have been resistant to visiting workers"*. At question 7.7, it was asked when the last movements of the vehicles were. Dean Aggett did not fully respond with timings to this question. It should be noted that at no time during this investigation has Dean Aggett provided any evidence of the vehicles being stored continuously outside the building in excess of 10 years with the first report being 2017.

7.10 On 12 November 2024 I attended the barn in the company of the police and the planning enforcement assistant Stella Radley. A man, who I now know to be Dean Aggett eventually approached me at the barn doors wearing a dressing gown and slippers. I could also see a woman at the property but do not know her name and she left. I explained to Dean Aggett that I was there to carry out a site visit at the property and explained I was investigating older cases to bring about resolution. Dean Aggett was very defensive and stated he did not live at the property and that there was no breach of planning. I advised Dean Aggett that the quickest way to deal with matters was to carry out the visit and that I was happy to wait or return however, if entry was refused, I would have no option that to apply to the Magistrates Court for a warrant of entry. I could see that there were still several vehicles and other items stored outside the barn. Again, some of the vehicles were the same as back in 2018 but new items had been placed and other items removed. This was still within the 10-year period for a breach of condition.

7.11 Outside the barn I continued to have a conversation with Dean Aggett. I advised him there was a breach of condition 5 of planning permission 09/01587/FULL relating to the storage of items outside of the barn. Dean Aggett stated the vehicles had been there for several years. I asked Dean Aggett if he had proof of this like photographs and he did not respond. I advised Dean Aggett of his planning options and that he should seek expert planning advice on the matter. Dean Aggett stated he would not be changing anything as he felt he was not in breach of the planning permission of 2009.

7.12 On 28 March 2025, a Breach of Condition Notice was hand delivered to the barn and placed in the letter box. The notice was in relation to Condition 5 of the planning permission 09/01587/FULL which states, "No materials, goods, products, chattels, scrap or waste materials shall be stored outside of the building at any time." The BCN required several things to be carried out to comply with the notice and that the notice should be complied by no later than 2 months from the date it was served. This meant the BCN should have been complied by the 28th May 2025.

8. Summary and Conclusions

8.1 The evidence that the appellant produced was limited and when the enforcement history is considered it was and remains the LPA's opinion that the relevant period of ten years has not been met. It is the appellants own submissions on Planning Contravention Notices that he himself has stated, knowing there was a penalty for falsifying information, that the appeal site was not being used for residential purposes. Not just once did the appellant state this in writing but twice. He has also stated it verbally.

8.2 It should be noted that the appellant waited over a year to submit a CLU and had the opportunity even before a Breach of Condition Notice was served. Even when the BCN was served the appellant still did not Judicial Review the BCN's but waited some 6 and a half months before submitting a CLU and when that CLU was refused, he waited a further 5 months to bring this appeal merely one week before the prosecution date.

8.3 Even after the BCN was served upon the appellant, he contacted the council's revenues and council tax departments in June 2025 enquiring why he was being charged council tax stating he did not live at the property. He received a response which I produce as exhibit HRN/129.

8.4 In conclusion, my evidence is based on fact and a thorough investigation into the appeal site and its history. I was asked to assist with this history as part of the CLU during the appeal. I agree with the case officer's decision to refuse the CLU based on the lack of evidence on the part of the appellant, his continuous assertion that he did not reside or store things outside his barn and his written evidence to the council by way of Planning Contravention Notices and letters as hi-lighted above.

Reference No: 09/01587/FULL
Parish: Cadeleigh 09

TOWN AND COUNTRY PLANNING ACT 1990

APPROVAL OF FULL PLANNING APPLICATION

Name and Address of Applicant:

Mr D Aggett
Copenhagen Farmhouse Cottage
Silverton
Exeter
EX5 4BS

Name and Address of Agent:

Date Registered : 2nd November 2009

Proposal: Retention of change of use from agricultural to blacksmith's forge
Location: Meadow Forge Hillside Barn Cadeleigh Tiverton

Grid Ref: 292759/107734

MID DEVON DISTRICT COUNCIL HEREBY GRANTS FULL PLANNING PERMISSION FOR THE ABOVE DEVELOPMENT

Subject to the following conditions:

1. The date of commencement of this proposal is to be taken as 2 November 2009.
2. The blacksmith's forge hereby permitted shall be used only as a blacksmith's forge, and for no other purpose (including any purpose in Classes B1 or B8 of the Schedule to The Town and Country Planning (Use Classes) Order 1987 (as amended)), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.
3. No machinery shall be operated, no activity shall be carried out and no deliveries taken or dispatched from the site, except between the hours of 07.30 and 19.00 Monday to Saturday, and not at all on a Sunday, Bank or Public Holiday.
4. No metal working, manufacturing, fabrication or other industrial process shall take place outside the building the subject of this application, and as shown on the plans hereby approved.
5. No materials, goods, products, chattels, scrap or waste materials shall be stored outside of any building, at any time.
6. No retail sales shall be carried out on any part of the application site.

REASONS FOR CONDITIONS:

1. For the avoidance of doubt and to set a legal commencement date for a development which has already been commenced.
2. In the interests of the amenity of the area of and to restrict the traffic generation from the approved use to that which is acceptable on the local highway network.
3. To safeguard the amenity of nearby residential properties.
4. In the interests of the amenities of the area and those currently enjoyed by neighbouring premises.
5. To safeguard the character and amenities of the area.
6. To prevent unnecessary traffic from being attracted to the site, as a result of direct sales to retail customers, which may adversely affect safety on the local road network and due to the rural location of the site.

INFORMATIVE NOTES:

1. You are reminded that this an Area of Special Control for Advertisements and you may require the benefit of Advertisement Consent for any signs on the building and premises.
2. You are advised of the following standard informative E8 'General Surface Water Drainage' information/advice note prepared by the Environment Agency and requirement.
 - (i) Separation of clean surface/roof water from foul drainage.
 - (ii) Clean surface and roof water to soakaways/Sustainable Urban Drainage System.

Further information on Sustainable Urban Drainage System/septic tanks can be found in Planning Policy Guidance 25 Appendix E and in the CIRIA C522 document 'Sustainable Urban Drainage Systems - design manual for England and Wales. See <http://www.environment-agency.gov.uk> and <http://www.ciria.org.uk>.

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The proposal relates to the change of use (retrospective) of an agricultural building to a Blacksmith's forge, within an area of open countryside. The scheme represents an acceptable form of farm/rural diversification and is consistent with national and local policies relating to the conversion of redundant rural buildings for employment generating purposes. In the light of such Policies encouraging economic growth and prosperity within the District, this proposed development is considered acceptable within the imposition of appropriate conditions to protect the amenities of nearby residents. The proposals are considered to be sufficiently in accord with Policies ST1, ST5, ST16 and TR10 of the Devon Structure Plan 2001-2016, Policies S5, S6, S7, E11, E12 and E13 of the Adopted Mid Devon Local Plan (Local Development Framework), Policies COR1, COR4, COR9 and COR18 of the Mid Devon Core Strategy 2007 and Government guidance as set out in Planning Policy Statement 7 ('Sustainable Development in Rural Areas') to enable it to be recommended a grant of conditional consent.

DEVELOPMENT PLAN POLICIES:

Devon Structure Plan 2001 – 2016

ST1 - Sustainable Development
ST5 - Development Priority 2001 to 2016
ST16 - Local Centres and Rural Areas
TR10 - Strategic Road Network

Adopted Mid Devon Local Plan (LDF)

S5 - General Development Requirements
S6 - Design of New Development
S7 - Vehicle Parking
E11 - Rural Employment Development
E12 - Rural Employment Conversions
E13 - Farm Diversification

Mid Devon Core Strategy 2007

COR1 - Sustainable Communities
COR4 - Meeting Employment Needs
COR9 - Access
COR18 - Countryside

Relevant Plans

The plans listed below are those approved. No substitution shall be made.

Site Location Plan
GROUND FLOOR - Proposed
FIRST FLOOR - Proposed

A copy of the approved plans will be available on Mid Devon's online planning facility.

Website: <http://planning.middevon.gov.uk/publicaccess>

Signed:

Head of Planning and Regeneration
Mid Devon District Council

Date: 14th December 2009

THIS DECISION IS NOT A DECISION UNDER BUILDING REGULATIONS AND SEPARATE CONSENT MAY BE REQUIRED. PLEASE CONTACT OUR BUILDING CONTROL DEPARTMENT FOR MORE INFORMATION.

Please refer to notes attached

NOTE – Failure to adhere to the details of the approved plans or to comply with the above conditions constitutes a contravention of the Town and Country Planning Act, 1990 in respect of which enforcement action may be taken.

GENERAL DEVELOPMENT PROCEDURE ORDER 1995 PART 2 TOWN AND COUNTRY PLANNING ACT 1990

Appeals to the Secretary of State

- If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against the Local Planning Authority's decision then you must do so within 6 months of the date of this notice.
- Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at www.planningportal.gov.uk/pcs.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

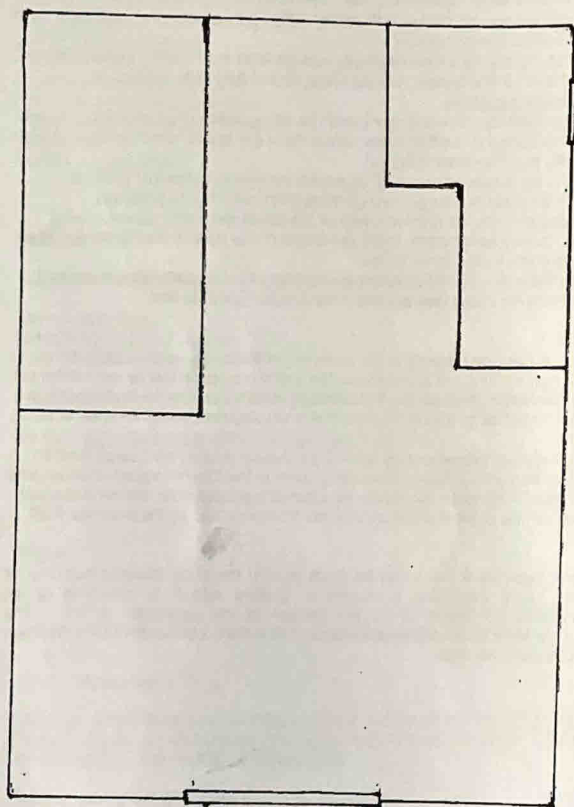
Purchase Notices

- If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.
- In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable is set out in Section 114 of the Town and Country Planning Act 1990.

HRN/02

Hillside BARN	27.10.09
D.A. MEADOWFORGE	
1:100	FIRST FLOOR HAY LOFTS PLAN

09 09 1587

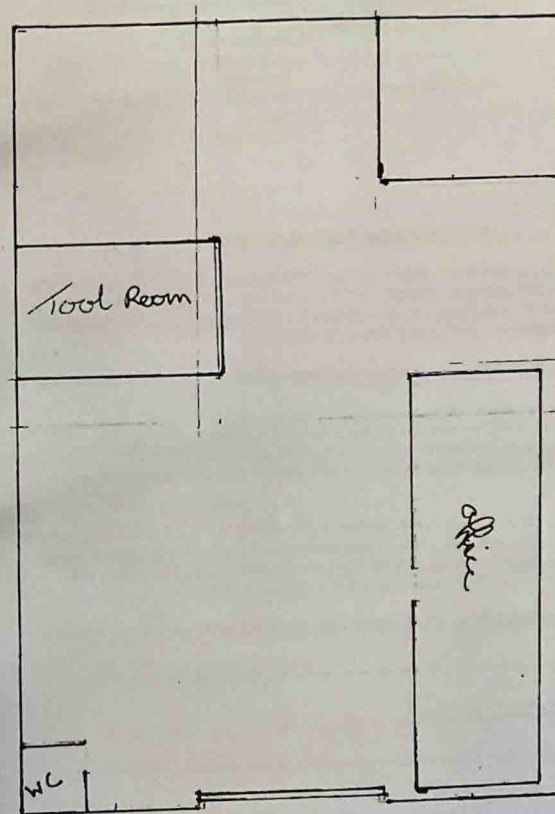


RECEIVED
- 2 NOV 2009
PHOENIX HOUSE RECEPTION

HRN/03

Hillside BARN	27.10.09
D.A. MEADOWFORGE	
1:100	GROUND FLOOR PLAN

09 09 1587



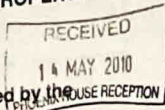
RECEIVED
- 2 NOV 2009
PHOENIX HOUSE RECEPTION

HRN/04

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

MID DEVON DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990 (as amended by the
PLANNING AND COMPENSATION ACT 1991)



PLANNING CONTRAVENTION NOTICE

To:
Mr D Aggett
Meadow Forge
Hillside Barn
Cadeleigh
Tiverton
Devon
EX16 8RZ

Address of property to which notice relates
Meadow Forge
Hillside Barn
Cadeleigh
Tiverton
Devon
EX16 8RZ

REFERENCE NO. ENF/10/00037/UCU

1. It appears to the Mid Devon District Council ("the Council"), being the local planning authority for the purposes of section 171C of the Town and Country Planning Act 1990 ("the Act"), that there may have been a breach of planning control in respect of the land described in Schedule 1 below ("the land").
 2. The breach of planning control which may have occurred is specified in Schedule 2 below.
 3. This notice is served on you as a person who
 - (a) is the owner or occupier of the land or has any other interests in it; or
 - (b) is carrying out operations in, on, over or under the land or is using it for any purpose.
 4. In exercise of their powers under section 171(2) and (3) of the Act the Council require you, so far as you are able, to give them the following information in writing within twenty-one days, beginning with the day on which this notice is served on you:
- (1) Is the land/building being or has it been used for any purpose specified in Schedule 2?

Response

NO

ENPCN

- (1A) Are any of the operations or activities specified in Schedule 2 being or have they been carried out on the land/building?

Response

NO

- (2) If the answer to Q.1 is no what is the current use of the site?

Response

Blacksmiths Forge

- (3) When did such use, operations or activities commence?

Response

4 years ago

- (4) The name and address of any person known to use or have used the land for such purposes.

Response

me

- (4A) The name and address of any person known to be carrying out or have carried out the operations or activities.

Response

me

- (5) Does any planning permission exist which would cover such use, operations or activities?

Response

yes

ENPCN

- (6) State any reasons why planning permission is not required for such use, operations or activities.

Response

N/A

- (7) The nature of your interest in the land (e.g. owner/lessee/ tenant)

Response

OWNER

- (8) The name and address of any other person known to have an interest in the land (this includes any mortgagee).

Response

NONE

- (9) Are wash facilities provided within the building

Response

Yes

- (10) Is there a toilet within the building

Response

Yes

- (11) Is there a rest area within the building

Response

Yes

- (12) Please state the address of your current residence

Response

Rose Cottage Norton Fitzwarren.
Taunton TA2 6QS

ENPCN1

- (13) Please state how long you have been resident at the address provided in question (12)

Response

6 months

5. I hereby certify that the answers given above are correct to the best of my knowledge.

Signed

Date 16/5/10

(This declaration must be signed by the person to whom the notice is addressed and NOT by any servant or agent).

6. If you wish to make:-

- (a) an offer to apply for planning permission, or to refrain from carrying out any operations or activities, or to undertake remedial works; or
(b) any representations about this notice,

representatives of the Council, will be available to discuss them on

Date

Time

at Phoenix House, Phoenix Lane, Tiverton, Devon
when you will be able to make any such offer or representations in person at that time and place.

Date

22/4/10

Signed

Council's authorised officer

ENPCN1

SITE VISIT

Date 1/3/4/10

Time.....

HRN/05

SIV by G.C Photos taken, evidence of building being used for human habitation, PCN to be sent

22/4/10

PCN sent to Forge

14/5/10 PCN returned, states that building is in forge and owner lives at Norton Fitzwara. Further SIV required

11/5/11 SIV by G.C Photos taken. No evidence of using forge as living accommodation. Small kitchen area and office but no other facilities. No further action required

PHOTOGRAPHS TAKEN

TIME	DATE	DOCUMENT NO.	TAKEN BY

WORKSHEET

HRN/06

Next Current

General Notices Case Map Index

Meadow Forge
Hillside Barn
Cadeleigh

Address

Case Ref. 10/00037/UCU
U.P.R.N. 010002165318
EN Status CLOSED - Case Closed

Nature Change of Use from Blacksmith Workshop to mixed use of Blacksmith Workshop and human habitation

Decision Type
Authorising Officer
Reason for Decision
Reason Closed

NOACT - No Further Action
DCGLCR - Mr Glenn Crocker
OFFEST - Justification from Officer
NOBRE - No Breach

Recommendation Accepted

Date of Decision 17.05.2011
Date Closed 17.05.2011
Investigation Completed 17.05.2011

Conditions

Sequence Type Decision

Discharged

Cancel

OK

My Diary Graphs Pin Enforc Dev Mgmt Idox DMS

Case Ref. 13/00042/UCU
 U.P.R.N. 010002165318
 EN Status CLOSED - Case Closed

Meadow Forge
 Hillside Barn
 Cadeleigh

Address

Nature Unauthorised material change of use from blacksmiths forge to a mixed use of blacksmiths forge and use for residential

Recommendation Accepted

A Accepted

NOACT - No Further Action
 DCREW - Mr Reg Willing
 OFFIST - Justification from Officer
 NOBRE - No Breach

Decision Type
 Authorising Officer
 Reason for Decision
 Reason Closed

Date of Decision
 Date Closed
 Investigation Completed

08.04.2015
 08.04.2015
 08.04.2015

Conditions
 Sequence Type Decision
 Discharged

OK Cancel

HRN/08



HRN/13



The Owner / Occupier,
Meadow Forge,
Hillside Barn,
Cadeleigh,
Tiverton
Devon.

Your Ref:

My Ref: ENF20/00223/RURAL

Dear Sir/Madam:

Tel:
e-mail: crogerson@middevon.gov.uk

Date: 19th January 2022

Contact: Carole Rogerson
Planning Enforcement Officer

Address: The Owner / Occupier, Meadow Forge, Hillside Barn, Cadeleigh, Tiverton, Devon.

Re:

Alleged 'Change of Use' of: Agricultural building / Workshop' and Conversion of Agricultural building into 'alleged' Unauthorised mixed use to 'Residential / Workshop'. And, the stationing of a 'Shepherds Hut' for human habitation', including the 'Unauthorised use of Land' for the 'Stationing of Vehicles' and, 'Unauthorised' 'Change of Use' of adjoining 'Agricultural Land', to part Domestic / Agricultural, without the benefit of planning permission.

I write to inform you that following a complaint to our office, there may have been an 'alleged' 'Breach in planning control' on your land.

The purpose of this letter is to invite you to formally comment on these allegations.

Please find enclosed a Planning Contravention Notice which must be completed by you and returned to this office within 21 days.

I draw your attention to the warning on the last page of the notice and ask that the 21 day deadline is adhered to.

This Planning Contravention Notice is a prelude to formal Enforcement Action by way of an Enforcement Notice should the need arise. I look forward to hearing from you in an effort to resolve this complaint.

Yours Sincerely

Carole Rogerson
Planning Enforcement Officer

To comply with the Regulation of Investigator Powers Act 2000 (RIPA 2000) you are advised that the site the subject of the complaint will be monitored as part of an on-going investigation.

Requests for alternative formats will be considered on an individual basis

Please telephone 01884 255255 or email customerfirst@middevon.gov.uk

To contact your local Councillor, his/her name and address can be obtained by visiting our website or telephoning Customer First on 01884 255255

MID DEVON DISTRICT COUNCIL

PRIVACY NOTICE - ENFORCEMENT PCN

Processing your information

We are processing your information in relation to the issuing of a Planning Contravention Notice (PCN) and in accordance with the Town and County Planning Act 1990. Other national planning legislation that is of particular relevance to Planning Enforcement includes the following:

The Town and Country Planning (General Permitted Development) (England) Order 2015 sets out what can be done under 'permitted development rights' i.e. without requiring specific planning permission from the Council.

The Town and Country Planning (Control of Advertisements) Regulations 2007 (as amended) sets out which advertisements benefit from deemed consent i.e. those advertisements which can be displayed without requiring express consent from the Council.

The Town and Country Planning (Use Classes) Order 1987 (as amended) sets out the various categories that different uses of land fall into and what comprises a material change of use requiring planning permission.

Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the regards a Local Planning Authority must have to preserving or enhancing the character and appearance of listed buildings and conservation areas.

You can also see a copy of the Local Enforcement Plan (adopted April 2018) on our website by visiting www.middevon.gov.uk/residents/planning and selecting Local Enforcement Plan

Purpose of processing

Your information will be used by MDCC for the purpose of gathering information in relation to an alleged breach of planning control. The PCN form requires you to provide your name, address, contact details, DOB, your interest in the land/property together with details of any other persons who have an interest in the land/property. This is a statutory requirement but your information will remain confidential within the enforcement and legal teams and not held in the public domain.

Your information could also be used to contact you regarding the PCN for the following reasons:-

1. Acknowledging your information
2. Providing updates
3. Asking for further information

Data Controller

Mid Devon District Council, Phoenix House, Phoenix Lane, Tiverton. EX16 6PP

Data Processor

Planning Services Mid Devon District Council, Phoenix House, Phoenix Lane, Tiverton. EX16 6PP

Data Protection Officer

Catherine Yandle, Data Protection Office, Mid Devon District Council, Tiverton. EX16 6PP.
Email: dpo@middevon.gov.uk

Information security and data sharing

Your information is stored securely within the planning system, as part of the investigation process, your information (excluding personal contact numbers, DOB, email address and signatures) can be shared with other statutory consultees such as the Highways Agency, South West Water, Natural England, Building Control, Devon County Council, Council Tax and Public Health etc.

This is a statutory requirement under The Town and Country Planning (General Permitted Development) (England) Order 2015; the Town and Country Planning (Control of Advertisements) Regulations 2007 (as amended); the Town and Country Planning (Use Classes) Order 1987 (as amended Planning (Listed Buildings and Conservation Areas) Act 1990

Accuracy of information

We will process the information given at the time you submit a query/ alleged breach report. If your details change during an investigation you need to keep us informed, or this could result in delays to your query. Please email enf@middevon.gov.uk or call us on 01884 255255 to keep us up to date.

Retention

All documents are held indefinitely under the Town and Country Planning (General Permitted Development) (England) Order 2015; the Town and Country Planning (Control of Advertisements) Regulations 2007 (as amended); the Town and Country Planning (Use Classes) Order 1987 (as amended Planning (Listed Buildings and Conservation Areas) Act 1990

Transferring data outside of the EU

Your personal and sensitive data will only be stored and processed on servers based within the European Economic Area (EEA).

Individual rights

You have certain rights under the Data protection Act and the EU General Data protection Regulations (GDPR). These can be found on the ICO website <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/>

Complaints

If you are dissatisfied with the service that you have received in relation to your Planning Representation and wish to make a complaint, you should write to Customer Services, Mid Devon District Council, Phoenix House, Phoenix Lane, Tiverton, EX16 6PP. Alternatively you can email customerservices@middevon.gov.uk. Visit our website for more information [How our complaints procedure works - MIDDEVON.GOV.UK](#)



HRN/14

IMPORTANT: THIS COMMUNICATION AFFECTS YOUR PROPERTY

MID DEVON DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990 (as amended by the
PLANNING AND COMPENSATION ACT 1991)

PLANNING CONTRAVENTION NOTICE

To: The Owner Occupier, Meadow Forge, Hillside Barn, Cadeleigh, Tiverton.

Re:

Alleged 'Change of Use' of: Agricultural building / Workshop' and Conversion of Agricultural building into 'alleged' Unauthorised mixed use to 'Residential / Workshop'. And, the stationing of a 'Shepherds Hut' for human habitation', including the 'Unauthorised use of Land' for the 'Stationing of Vehicles' and, 'Unauthorised' 'Change of Use' of adjoining 'Agricultural Land', to part Domestic / Agricultural, without the benefit of planning permission.

Land at: Meadow Forge, Hillside Barn, Cadeleigh, Tiverton, Devon.

1. It appears to the Mid Devon District Council ("the Council"), being the local planning authority for the purposes of Section 171C of the Town and Country Planning Act 1990 ("the Act"), that there may have been a breach of planning control in respect of the land described in Schedule 1 below ("the Land").

The breach of planning control which may have occurred is specified in Schedule 2 below.

This notice is served on you as a person who:-

is the owner or occupier of the land or has any other interest in it; or

is carrying out operations in, on, over or under the land or is using it for any purpose.

2. In exercise of their powers under section 171C(2) and (3) of the Act the Council require you, so far as you are able, to give them in writing the information specified on the attached form within **twenty-one days**, beginning with the day on which this notice is served on you.

Signed:
Carole Rogerson

Dated: 19th January 2022.



Planning Enforcement Officer

SCHEDULE 1

LAND TO WHICH THIS NOTICE RELATES:

Meadow Forge, Hillside Barn, Cadeleigh, Tiverton shown edged red on the attached plan annexed hereto ("the Land")

SCHEDULE 2

ALLEGED BREACH OF PLANNING CONTROL

Alleged 'Change of Use' of: Agricultural building / Workshop' and Conversion of Agricultural building into 'alleged' Unauthorised mixed use to 'Residential / Workshop'. And, the stationing of a 'Shepherds Hut' for human habitation', including the 'Unauthorised use of Land' for the 'Stationing of Vehicles' and, 'Unauthorised' 'Change of Use' of adjoining 'Agricultural Land', to part Domestic / Agricultural, without the benefit of planning permission.

WARNING

3. It is an offence to fail, without reasonable excuse, to comply with any requirement of this notice within twenty-one days beginning with the day on which it was served on you. The maximum penalty on conviction of this offence is a fine of £1,000. Continuing failure to comply following a conviction will constitute a further offence.
4. It is also an offence knowingly or recklessly to give information, in response to this notice, which is false or misleading in a material particular. The maximum penalty on conviction of this offence is a fine of £5,000.

ADDITIONAL INFORMATION

5. If you fail to respond to this notice, the Council may take further action in respect of the suspected breach of planning control. In particular, they may issue an enforcement notice, under section 171A (1) of the 1990 Act, requiring the breach, or any injury to amenity caused by it, to be remedied.
6. If the Council serve a stop notice, under section 183 of the 1990 Act, section 186(5)(b) of the Act provides that should you otherwise become entitled (under section 186) to compensation for loss or damage attributable to that notice, no such



compensation will be payable in respect of any loss or damage which could have been avoided had you given the Council the information required by this notice, or had you otherwise co-operated with the Council when responding to it.

To MID DEVON DISTRICT COUNCIL

RESPONSE to Planning Contravention Notice

From: The Owner/Occupier, Meadow Forge, Hillside Barn, Cadeleigh, Tiverton

Re: Alleged 'Change of Use' of: Agricultural building / Workshop' and Conversion of Agricultural building into 'alleged' Unauthorised mixed use to 'Residential / Workshop'. And, the stationing of a 'Shepherds Hut' for human habitation, including the 'Unauthorised use of Land' for the 'Stationing of Vehicles' and, 'Unauthorised' 'Change of Use' of adjoining 'Agricultural Land', to part Domestic / Agricultural, without the benefit of planning permission.

Land at Meadow Forge, Hillside Barn, Cadeleigh, Tiverton, Devon.

QUESTIONS

ANSWERS

1.0	Yoursself:	
1.1	Please state your full name	
1.2	Please state your home address	
1.3	Please provide a contact telephone number	
1.4	Please provide an email address (if applicable)	
1.5	Please state your date of birth	



1.6	Please state your interest in the land (ie. freehold, leasehold, occupier, tenant)	
2.0	Other persons having an interest in the land. Please state the full name and address of:	
2.1	Freehold owner(s)	
2.2	All tenants/lessees of the land	
2.3	Directors/Business partners	
2.4	The name and address of any person having a charge on the land (ie. bank, building society, private lender)	
3.0	With reference to the matters set out in "Schedule 2" of the Notice:	
3.1	With reference to above.	

3.2	Please provide the details of your permanent residential address?	
3.3	How long have you lived at this address?	
3.4	PLEASE ANSWER THE FOLLOWING QUESTIONS AS ACURATELY AS YOU CAN.	
3.5	Please provide the precise date you started using the agricultural barn, at Hillside Cadeleigh for Blacksmith purposes/use?	
3.6	Is the agricultural barn solely used for Blacksmiths use only? In other words, do you use the barn for any other purpose / uses other than Blacksmiths use?	
3.7	If the answer to the above question is 'YES' you do use the barn for other uses, then please explain what other uses /purposes this barn is used for:	

3.8	If the barn has and is currently used for 'residential use', then please provide the precise date you first used this barn for residential purposes.	
3.9	Please explain how you started to convert the barn into 'residential use'.	
4.0	Please list all the facilities which have been installed and are now in place within the barn, which is solely connected and used for the residential use.	Kitchen: Bathroom: Bedroom[s] (how many): Toilet: Cooker: Furniture (describe what type): Windows: Carpet[s]: Curtains / Blinds: Heating System:
4.1	Is there electricity or gas or both, connected to the residential use inside this barn? IF 'YES' then please confirm which or both, and for what purposes are they use for.i.e heating system, cooking, lightening, etc	

4.2	Has a separate access been formed to the barn, in addition to the main access which front the lane?	
4.3	Have you installed a front timber door into the barn?	
4.4	Have you installed window(s) within the barn? If the answer is 'YES' then Please state how many and on what elevations and levels.	
4.5	Have you extended the barn, to provide additional accommodation?	
4.6	If the answer to the above question is 'YES' then please provide the date when this addition was created and what the use / connection is of this addition is to the residential use. I.e Please describe what this addition is used for.	
4.7	Please explain what other parts of the barn, (internally and externally) you have and, are currently converting into residential use.	

4.8	Please provide the date(s) when you first started these works.	
4.9	Please give the precise date on how long this barn has been used for residential purposes.	
5.0	The land directly to the rear of this barn, is this used in association with the residential use? If the answer to this question is 'YES' then please describe how and what has been placed on this land. I.e washing line, flowers pots, leisure / garden furniture, etc..	
5.1	In regards to the adjoining field shown on the attached plan as 'ADJOINING FIELD' have you erected any outbuildings, poly tunnels, vehicles, or any other items on this land? Is the answer is 'YES' then please describe what they are.	

5.2	If the answer to the above question is 'YES' then please provide the dates with the dates they were erected and completed.	
5.3	If the answer to the above questions is 'YES' then please describe what these structure are used for.	
5.4	Have you installed curtains or blinds on any of the windows installed?	
5.5	How many levels / floors are there within the residential use of the barn?	
5.6	Is the conversion of the barn into 'residential use' completed? If the answer to this question is 'YES' then please give the date when the inside of the barn was completed into residential use.	
5.7	If the answer to the above question if 'NO' then please provide details of what works are still ongoing and what other	

	internal works you are intending to do, in respect to the residential use of this barn.	
5.8	What is your future intention of the use of this barn for residential purposes?	
5.9	Is part of the barn still used for Blacksmiths purposes?	
6.0	If the answer to the above question if 'YES' then, please explain what part of the barn is still used, and whether members of the public visit the site for Blacksmiths purposes.	
6.1	If you are using the barn for residential purposes, please explain why planning permission was not sought, to regularise this 'unauthorised use' in planning terms?	
6.2	Please explain why you are currently in the process of installing additional windows in the elevations of this barn.	
6.3	How many windows are you intending to install?	

6.4	Please explain what is the purpose of these additional windows you are currently installing? i.e Are the windows currently being installed in association with the residential use? i.e additional rooms?	
6.5	Do you pay Council tax or Council rates?	
6.6	If the above answer to the question above is 'YES' then please provide the exact date when you started paying Council Tax and Council rates.	Council Tax: Rates: Business Rates:
6.7	Do you use the barn for any other purposed or uses other than, Blacksmiths and residential use?	
6.8	If the answer to the above question is 'YES', then please explain what the other uses are, and for how long (time period), and date when these other uses first started.	

6.9	In respect to the shepherds hut, please explain where exactly this shepherds hut is currently stationed.	
7.0	What is the shepherds hut currently used for?	
7.1	Please provide a list of what facilities has been installed within the shepherds hut.	Kitchen: Bathroom: Heating: Sitting Area:
7.2	Do you use the shepherds hut for overnight accommodation?	
7.3	If the shepherds hut rented out or used for letting purposes?	
7.4	If the answer to the above questions is 'YES', then please provide the dates and how long the shepherds hut has been used for letting purposes and time periods etc.	



7.5	In regards to the vehicles stationed at the front of the barn. Please can you explain why these vehicles have stationed for such a long period of time?	
7.6	What is your intention in regards to these vehicles? i.e use.	
7.7	Please provide the date[s] when you last moved the following vehicles[s]: 1. The Lorry (blue cab at the front with orange writing): 2. Tractor: 3. Horse box / trailer: 4. Yellow lorry container: 5. Silver and blue topped vehicle: From the front of the property?	1.Lorry: 2.Tractor: 3. Horse box / trailer: 4. Yellow lorry container: 5.Silver and blue topped vehicle.
7.8	The Council are aware that a steel flue chimney has been installed at the side of the barn.	



	Please provide the precise date this flue was installed and for what purposes it is being used for. i.e is it in association with the residential use?	
7.9	Do you use the barn for any agricultural use?	
8.0	If the answer to the above question is 'YES', then please explain and describe what agricultural uses are still being used within the barn.	
8.1	Is the adjoining land being used for agricultural uses?	
8.2	If the answer to the above question is 'YES' then please explain and describe what agricultural uses are still being used on the adjoining land.	

ENF 20/00223/RURAL



I hereby declare that the information provided on this Notice is correct to the best of my knowledge.

Signature: _____

Date: _____

ENF 20/00223/RURAL



I hereby declare that the information provided on this Notice is correct to the best of my knowledge.

Signature: _____

Date: _____

Dean Aggett
36 Stratford Avenue
Exeter
EX4 8ES

Dear Sirs

Re Meadow Forge, Hillside Barn, Cadeleigh

I write further to the receipt of the Planning Contravention Notice concerning my property, above, and have attached a copy duly completed, as requested.

I have noted the allegations set out in the PCN re:

Alleged 'Change of use' of: Agricultural building/Workshop' and Conversion of Agricultural building into 'alleged' Unauthorised mixed use to 'Residential/Workshop'. And, the stationing of a 'Shepherds Hut' for human habitation', including the Unauthorised use of Land' for the 'Stationing of Vehicles' and, 'Unauthorised' 'Change of Use' of adjoining Agricultural Land', to part Domestic/Agricultural, without the benefit of planning permission.

In order to assist your enquiries, I would advise that: -

Primarily, there is no residential use of the building, the shepherd's hut, or the land. I believe that my use of my land and building for my work is in compliance with the planning permissions, both those granted specifically or by other legislation, and that the allegations are false.

The building that is the subject of this PCN started life sometime in the 1970s as an open silage clamp, later being covered and then used as storage for the business at East Court Farm that made agricultural implements and steel frame buildings. I purchased Hillside Barn in 2006 after consulting with Mid Devon District Council as to whether such a business use would be supported in this location, and planning permission was granted for the change of use of the building from agriculture to a blacksmith's forge on 14 December 2009 (Your ref: 09/01587). My business, Meadow Forge Blacksmiths is now over 39 years old, and has operated from the above address for over 15 years.

Since 2011 I have worked mostly on my own, employing sub contractors to provide the work I cannot do myself. I have a strong drive to make Meadow Forge as environmentally sound as is possible, and this has led to the adoption of policies to reduce and reuse.

This includes the conservation of the environment, and the provision of materials, equipment, and fuels from as close a source as possible with many being supplied from the land surrounding the workshop. One example is the raising, planting, and coppicing of trees to provide the materials to provide the raw ingredient for charcoal making that provides the fuel used in forging, casting and heat treating of metals used in my business, and heat the office, small workspaces, and water system within the business premises, reclaiming heat from the forges to use for heating.

I also use local reclaimed or natural materials for the maintenance of the forge building, and any repairs or improvements to building, such as insulation from waste wool from my neighbour's sheep flocks, cob from the ground, timber from the trees grown here. I make all my own tools, jigs, fixtures etc, and either make or refurbish the heavy machinery used in my business both in the workshops or on the land. I also am following systems of fertility increments, biodiversity, and carbon capture and sequestration with all of these requiring more labour as I don't use chemicals at all or machinery where a better option is possible.

HRN/15

09 February 2022

This means that this is equivalent to a least 2 full time jobs, and this, coupled with a personal health problem that limits the length of time I can do any one activity continuously, leads to long hours at the workshop and land. In addition, I work off site at the buildings I work on. I also attend many events each year both promoting and teaching blacksmithing and my business, and sustainable practises and solutions.

I have had, and continue to have, support for my working methods from the majority of my neighbours, I practise a no chemical, traditional crafts and techniques approach to land management and business with modern sustainable practices included.

With regard to my business vehicles these are parked here as they are used in my business and are when appropriate in the furtherance of my business. I undertake blacksmithing here or at shows, events, competitions, mobile training, restoration work. This work takes me away from here throughout much of the year for days and often weeks at a time. As for the last time each of the vehicles left my property, some such as the forklifts, have never left the workshop in over 15 years, but those involved in use such as the shows and events have not had those to attend since the world went into lockdown and restriction.

The tractors and others used for agriculture and forestry on this land have continued to be employed in those roles throughout and have mostly not left my property for anytime in the last ten to fifteen years or so. All are of the types normally associated with use for agriculture or forestry and would be found on any such smallholding in agricultural use, in fact the same types of vehicles some being the same models even as those being on almost all of my neighbour's properties.

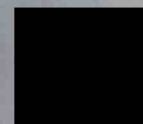
The yellow and blue lorry is due to leave the premises soon to be reconditioned and serviced ready for transporting tools and equipment to one of the five large jobs lined up to take place some time over the year, these are in Dorset, Devon, two in Wales, and one in Scotland. The camper is also undergoing preparation to travel to sites.

How long it will be onsite or how much time I will be will not be known until the jobs are completed. Some such works have taken up to 4 years in the past, with me splitting my time between the site and the workshop, so it's a very variable process and timescale, but the blue lorry will hopefully soon be again attending events across the west country and Wales. When this will recommence is pure guess work at the moment but hopefully client confidence will resume soon.

I hope the above assists your enquiries. It is apparent from the information that I have provided, and the information on the application file that the allegations of a breach of planning control are unfounded, and I trust that the matter will now be closed.

If, however, you wish to arrange a site visit then do please let me know your available dates to I can check my diary. I will need to be present to let you into the forge and any visitor to the premises must abide by health and safety regulations while there. A maximum of 2 people are permitted inside the building and masks will be required to be worn at all times.

Yours sincerely



Mr D Aggett



compensation will be payable in respect of any loss or damage which could have been avoided had you given the Council the information required by this notice, or had you otherwise co-operated with the Council when responding to it.

To MID DEVON DISTRICT COUNCIL

RESPONSE to Planning Contravention Notice

From: The Owner/Occupier, Meadow Forge, Hillside Barn, Cadeleigh, Tiverton

Re: Alleged 'Change of Use' of: Agricultural building / Workshop' and Conversion of Agricultural building into 'alleged' Unauthorised mixed use to 'Residential / Workshop'. And, the stationing of a 'Shepherd's Hut' for human habitation, including the 'Unauthorised' use of Land' for the 'Stationing of Vehicles' and, 'Unauthorised' 'Change of Use' of adjoining 'Agricultural Land', to part Domestic / Agricultural, without the benefit of planning permission.

Land at Meadow Forge, Hillside Barn, Cadeleigh, Tiverton, Devon.

QUESTIONS

ANSWERS

QUESTIONS	ANSWERS
1.0 Yourself	
1.1 Please state your full name	Dean Aggett
1.2 Please state your home address	36 Stratford Avenue, Exeter EX4 8EX
1.3 Please provide a contact telephone number	Email or letter to my business address is my preferred communication, as I often have low signal.
1.4 Please provide an email address (if applicable)	meadowforge@yahoo.com
1.5 Please state your date of birth	This private personal information is only provided to banks etc and is irrelevant to planning law.



1.6	Please state your interest in the land (ie. freehold, leasehold, occupier, tenant)	Owner
2.0	Other persons having an interest in the land. Please state the full name and address of:	
2.1	Freehold owner(s)	N/A
2.2	All tenants/lessees of the land	N/A
2.3	Directors/Business partners	N/A
2.4	The name and address of any person having a charge on the land (ie. bank, building society, private lender)	N/A
3.0	With reference to the matters set out in 'Schedule 2' of the Notice:	
3.1	With reference to above.	

ENF 20/00223/RURAL



3.2	Please provide the details of your permanent residential address?	As in 1.2, above, 36 Stratford Ave Exeter EX4 8ES
3.3	How long have you lived at this address?	4 years
3.4	PLEASE ANSWER THE FOLLOWING QUESTIONS AS ACCURATELY AS YOU CAN.	
3.5	Please provide the precise date you started using the agricultural barn, at Hillside Cadeleigh for Blacksmith purposes/use?	It would be approximately late 2006 or early 2007, and certainly after planning permission was granted for the change of use of the barn from agriculture to blacksmith's forge on 14 December 2009.
3.6	Is the agricultural barn solely used for Blacksmiths use only? In other words, do you use the barn for any other purpose / uses other than Blacksmiths use?	Yes, Meadow Forge is and has been in sole use as a blacksmith's forge since I purchased it. All metal working, manufacture, and fabrication take place inside the building, along with ancillary storage of materials and tools, manufactured goods, office, design and test space, display area, and cloakroom and staff kitchen. Meadow Forge is not used for other purposes or uses.
3.7	If the answer to the above question is 'YES' you do use the barn for other uses, then please explain what other uses / purposes this barn is used for:	Meadow Forge is not used for other purposes or uses.

ENF 20/00223/RURAL



3.8	If the barn has and is currently used for 'residential use', then please provide the precise date you first used this barn for residential purposes.	There is no residential use.
3.9	Please explain how you started to convert the barn into 'residential use'.	There is no residential use.
4.0	Please list all the facilities which have been installed and are now in place within the barn, which is solely connected and used for the residential use.	Kitchen: Bathroom: Bedroom[s] (how many): Toilet: Cooker: Furniture (describe what type): Windows: Carpet[s]: Curtains / Blinds: Heating System: The answer to all is none
4.1	Is there electricity or gas or both, connected to the residential use inside this barn? If 'YES' then please confirm which or both, and for what purposes are they use for. Le heating system, cooking, lightening, etc	No

4.2	Has a separate access been formed to the barn, in addition to the main access which front the lane?	No
4.3	Have you installed a front timber door into the barn?	No. The original doors are steel
4.4	Have you installed window(s) within the barn? If the answer is 'YES' then please state how many and on what elevations and levels.	There always have been windows in the workshop, on two elevations providing working light. Two new windows have been installed to the design room and workshop at first floor level.
4.5	Have you extended the barn, to provide additional accommodation?	No
4.6	If the answer to the above question is 'YES' then please provide the date when this addition was created and what the use / connection is of this addition is to the residential use. I.e Please describe what this addition is used for.	N/A
4.7	Please explain what other parts of the barn, (internally and externally) you have and, are currently converting into residential use.	None

4.8	Please provide the date(s) when you first started these works.	No works started
4.9	Please give the precise date on how long this barn has been used for residential purposes.	It has not been used for residential purposes.
5.0	The land directly to the rear of this barn, is this used in association with the residential use? If the answer to this question is 'YES' then please describe how and what has been placed on this land. I.e washing line, flowers pots, leisure / garden furniture, etc..	There is no residential use, incidentally the land to the rear of Hillside Barn is a slope of approximately 40 to 50 degrees and comes right up to the footings of the workshop.
5.1	In regards to the adjoining field shown on the attached plan as 'ADJOINING FIELD' have you erected any outbuildings, poly tunnels, vehicles, or any other items on this land? Is the answer is 'YES' then please describe what they are.	The shepherd's hut on the land is for the storage of animal feed and charcoal making tools etc, the equipment is that which is used for agricultural and forestry purposes on this land, see covering letter for more detail, but basically charcoal kilns, tractors and associated trailers and timber handling machinery all commonly used for these purposes in conjunction with the forge business use.

Mid Devon

DISTRICT COUNCIL

5.2	If the answer to the above question is 'YES' then please provide the dates with the dates they were erected and completed.	N/A
5.3	If the answer to the above questions is 'YES' then please describe what these structure are used for.	N/A
5.4	Have you installed curtains or blinds on any of the windows installed?	Some of the workshop windows have curtains/blinds because of sun glare when working. I manufacture curtain poles and use my own products.
5.5	How many levels / floors are there within the residential use of the barn?	There is no residential use of the barn
5.6	Is the conversion of the barn into 'residential use' completed? If the answer to this question is 'YES' then please give the date when the inside of the barn was completed into residential use.	There is no residential use of the barn
5.7	If the answer to the above question is 'NO' then please provide details of what works are still ongoing and what other	

Mid Devon

DISTRICT COUNCIL

	Internal works you are intending to do, in respect to the residential use of this barn.	No works are ongoing and there is no residential use of the barn.
5.8	What is your future intention of the use of this barn for residential purposes?	I do not intend to use it for residential purposes. It is my place of work.
5.9	Is part of the barn still used for Blacksmiths purposes?	All of the building is used for my Blacksmith's business purposes
6.0	If the answer to the above question is 'YES' then, please explain what part of the barn is still used, and whether members of the public visit the site for Blacksmiths purposes.	See above. Members of the public have never been encouraged to visit the works, its an industrial business, with many process that are not easily made safe for untrained persons to be around. In addition, a condition precludes retail sales from the premises.
6.1	If you are using the barn for residential purposes, please explain why planning permission was not sought, to regularise this 'unauthorised use' in planning terms?	There is no residential use of the barn.
6.2	Please explain why you are currently in the process of installing additional windows in the elevations of this barn.	I'm not currently installing windows, but all windows that have ever been installed in the building are to allow light and air into the working spaces to make a safe environment to work. Part of the ethos of my business is to create without using additional resources and windows provide these naturally occurring free non-polluting necessities.
6.3	How many windows are you intending to install?	I have sufficient at present.

6.4	Please explain what is the purpose of these additional windows you are currently installing? Le Are the windows currently being installed in association with the residential use? Le additional rooms?	No windows are currently being installed but windows supply natural light for my work as a blacksmith. There is no residential use of the building.
6.5	Do you pay Council tax or Council rates?	Yes
6.6	If the above answer to the question above is 'YES' then please provide the exact date when you started paying Council Tax and Council rates.	The exact date would be in the files of the council office, as it is to the locale office that I have paid, but roughly since 2006/7. Council Tax: Rates: Business Rates:
6.7	Do you use the barn for any other purposes or uses other than, Blacksmiths and residential use?	No. The forge is used only as a blacksmith's business as approved. There is no residential use.
6.8	If the answer to the above question is 'YES', then please explain what the other uses are, and for how long (time period), and date when these other uses first started.	N/A

6.9	In respect to the shepherds hut, please explain where exactly this shepherds hut is currently stationed.	The shepherd's hut is at the top of the field on the right. The original shepherd's hut occupied this site for 15 years but was lost in a storm, whereupon I moved my second hut, which had been stored on site since 2010 into the top field position.
7.0	What is the shepherds hut currently used for?	Please see question 5.1, above
7.1	Please provide a list of what facilities has been installed within the shepherds hut.	Kitchen: It is a small single space with lift up sides to allow the display of goods at markets/events, and a storage compartment accessible from the outside only. Bathroom: Heating: only. Sitting Area:
7.2	Do you use the shepherds hut for overnight accommodation?	No
7.3	If the shepherds hut rented out or used for letting purposes?	No
7.4	If the answer to the above questions is 'YES', then please provide the dates and how long the shepherds hut has been used for letting purposes and time periods etc.	N/A

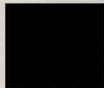
7.5	In regards to the vehicles stationed at the front of the barn. Please can you explain why these vehicles have been stationed for such a long period of time?	The vehicles are used for my business as a blacksmith and such vehicles have been stationed at my forge workshop premises for as long as the business has been in operation; some 15 years.
7.6	What is your intention in regards to these vehicles? i.e. use.	Their continued use is intended for my business. I am not a delivery company with daily movements of all vehicles, each has a specific job within the company and are used for those specific uses. Please see additional information in covering letter regards lockdown with no shows or events anywhere in the UK for the last 20 plus months. Building sites have also been affected, and clients have been resistant to visiting workers.
7.7	Please provide the date(s) when you last moved the following vehicle(s): 1. The Lorry / blue cab at the front with orange writing: 2. Tractor: 3. Horse box / trailer: 4. Yellow lorry container: 5. Silver and blue topped vehicle: From the front of the property?	Please see above. My vehicles move as they are required for work and are all used for specific work within my business as a Blacksmith. 1. Lorry: 1 Blue lorry (a historic vehicle) last attended an event promoting my products just before covid restrictions shut down all such movements 2 Tractor has been in constant movement employed on the agricultural holding 3 No horse box trailer, I presume (although presumption can lead to error) that you are referring to the goods trailer, that is normally pulled by the blue lorry and attended the same event being attached to the blue lorry at the time 2. Tractor 3. Horse 4. Yellow 4, yellow box body lorry, is used on larger jobs from time to time, often with long periods out on site or at the workshop, this is due shortly to be moved to another workshop to be serviced and from there deployed to a 5. Silver a job, 5 this (historic vehicle) was driven last year and is currently awaiting the manufacture of unobtainable parts before continuing to attend Blacksmithing competitions as it has for the last 20 plus years.
7.8	The Council are aware that a steel flue chimney has been installed at the side of the barn.	No flue to the side of the workshop, there is however several to the rear of the workshop, all have been in place since at least 2007, the new one is a replacement for one that burnt down in January 2021, luckily I was around when it ignited and was able to save the building (local fire brigade in attendance) and is for the heating system for the office and other workspaces.

	Please provide the precise date this flue was installed and for what purposes it is being used for. Is it in association with the residential use?	
7.9	Do you use the barn for any agricultural use?	No
8.0	If the answer to the above question is 'YES', then please explain and describe what agricultural uses are still being used within the barn.	N/A
8.1	Is the adjoining land being used for agricultural uses?	Yes
8.2	If the answer to the above question is 'YES' then please explain and describe what agricultural uses are still being used on the adjoining land.	Hay production, orchards, forestry, charcoal making for use in the forge, raising of trees, growing of animal feed, etc. The use is still the same as that set out in the planning officer's report when permission was granted for my forge, and no change of use has taken place.



I hereby declare that the information provided on this Notice is correct to the best of my knowledge.

Signature:



Date: 08 February 2022

HRN/15

09 February 2022

Dean Aggett
36 Stratford Avenue
Exeter
EX4 8ES

Dear Sirs

Re Meadow Forge, Hillside Barn, Cadeleigh

I write further to the receipt of the Planning Contravention Notice concerning my property, above, and have attached a copy duly completed, as requested.

I have noted the allegations set out in the PCN re:

Alleged 'Change of use' of: Agricultural building/Workshop' and Conversion of Agricultural building into 'alleged' Unauthorised mixed use to 'Residential/Workshop'. And, the stationing of a 'Shepherds Hut' for human habitation', including the Unauthorised use of Land' for the 'Stationing of Vehicles' and, 'Unauthorised' 'Change of Use' of adjoining Agricultural Land', to part Domestic/Agricultural, without the benefit of planning permission.

In order to assist your enquiries, I would advise that:-

the Primary use being the blacksmiths forge
Primarily, there is no residential use of the building, the shepherd's hut, or the land. I believe that my use of my land and building for my work is in compliance with the planning permissions, both those granted specifically or by other legislation, and that the allegations are false.

The building that is the subject of this PCN started life sometime in the 1970s as an open silage clamp, later being covered and then used as storage for the business at East Court Farm that made agricultural implements and steel frame buildings. I purchased Hillside Barn in 2006 after consulting with Mid Devon District Council as to whether such a business use would be supported in this location, and planning permission was granted for the change of use of the building from agriculture to a blacksmith's forge on 14 December 2009 (Your ref: 09/01587). My business, Meadow Forge Blacksmiths is now over 39 years old, and has operated from the above address for over 15 years.

Since 2011 I have worked mostly on my own, employing sub contractors to provide the work I cannot do myself. I have a strong drive to make Meadow Forge as environmentally sound as is possible, and this has led to the adoption of policies to reduce and reuse.

This includes the conservation of the environment, and the provision of materials, equipment, and fuels from as close a source as possible with many being supplied from the land surrounding the workshop. One example is the raising, planting, and coppicing of trees to provide the materials to provide the raw ingredient for charcoal making that provides the fuel used in forging, casting and heat treating of metals used in my business, and heat the office, small workspaces, and water system within the business premises, reclaiming heat from the forges to use for heating.

I also use local reclaimed or natural materials for the maintenance of the forge building, and any repairs or improvements to building, such as insulation from waste wool from my neighbour's sheep flocks, cob from the ground, timber from the trees grown here. I make all my own tools, jigs, fixtures etc, and either make or refurbish the heavy machinery used in my business both in the workshops or on the land, I also am following systems of fertility increments, biodiversity, and carbon capture and sequestration with all of these requiring more labour as I don't use chemicals at all or machinery where a better option is possible.

This means that this is equivalent to a least 2 full time jobs, and this, coupled with a personal health problem that limits the length of time I can do any one activity continuously, leads to long hours at the workshop and land. In addition, I work off site at the buildings I work on. I also attend many events each year both promoting and teaching blacksmithing and my business, and sustainable practises and solutions.

I have had, and continue to have, support for my working methods from the majority of my neighbours. I practise a no chemical, traditional crafts and techniques approach to land management and business with modern sustainable practices included.

With regard to my business vehicles these are parked here as they are used in my business and are when appropriate in the furtherance of my business. I undertake blacksmithing here or at shows, events, competitions, mobile training, restoration work. This work takes me away from here throughout much of the year for days and often weeks at a time. As for the last time each of the vehicles left my property, some such as the forklifts, have never left the workshop in over 15 years, but those involved in use such as the shows and events have not had those to attend since the world went into lockdown and restriction.

The tractors and others used for agriculture and forestry on this land have continued to be employed in those roles throughout and have mostly not left my property for anytime in the last ten to fifteen years or so. All are of the types normally associated with use for agriculture of forestry and would be found on any such smallholding in agricultural use, in fact the same types of vehicles some being the same models even as those being on almost all of my neighbour's properties.

The yellow and blue lorry is due to leave the premises soon to be reconditioned and serviced ready for transporting tools and equipment to one of the five large jobs lined up to take place some time over the year. These are in Dorset, Devon, two in Wales, and one in Scotland. The camper is also undergoing preparation to travel to sites.

How long it will be onsite or how much time I will be will not be known until the jobs are completed. Some such works have taken up to 4 years in the past, with me splitting my time between the site and the workshop, so it's a very variable process and timescale, but the blue lorry will hopefully soon be again attending events across the west country and Wales. When this will recommence is pure guess work at the moment but hopefully client confidence will resume soon.

I hope the above assists your enquiries. It is apparent from the information that I have provided, and the information on the application file that the allegations of a breach of planning control are unfounded, and I trust that the matter will now be closed.

If, however, you wish to arrange a site visit then do please let me know your available dates to I can check my diary. I will need to be present to let you into the forge and any visitor to the premises must abide by health and safety regulations while there. A maximum of 2 people are permitted inside the building and masks will be required to be worn at all times.

Yours sincerely

Mr D Aggett

Emily Gillick

From: Matthew Barks
Sent: 18 August 2023 08:07
To: meadowforge [REDACTED]
Cc: Enforcement Team
Subject: 20/00223/RURAL - Meadow Forge, Hillside Barn - Alleged residential occupation of building.

Categories: P2_Update Actions & Upload to DMS

Dear Mr Aggett,

Further to previous correspondence with the Council (Carole Rogerson) in respect of the above and following the departure of Ms Rogerson from the Council, I am tasked with bringing the matter to a conclusion as it presently remains an open planning enforcement file.

I have had the opportunity to review the file but it would assist me greatly in progressing the matter if I could arrange a suitable appointment with yourself to view the site, including the inside of the building, so that I can determine what the next course of action, if any, should be. As I understand it, you work at the forge most days so if it would be appropriate for me to drop by at some point that would be most helpful. Alternatively, if you would prefer to arrange a specific time and day do let me know and we can work from there. Generally speaking, my availability is from about 11am most days.

I look forward to hearing from you in due course.

Yours sincerely,

Matthew Barks

Matthew Barks | Planning Enforcement Officer | Mid Devon District Council | Phoenix House | Phoenix Lane | Tiverton | EX16 6PP
Switchboard: 01884 255255 | [REDACTED] | Website: www.middevon.gov.uk

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



HRN/95

IMPORTANT: THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990 (TCPA 1990)
(as amended by the Planning and Compensation Act 1991)

BREACH OF CONDITION NOTICE

Issued by: MID DEVON DISTRICT COUNCIL ("the Council")

To:
Mr Dean Aggett
Meadow Forge
Hillside Barn
Cadeleigh
Tiverton
Devon
EX16 8RZ

1. **THIS NOTICE** is served by the Council, under Section 187A of the above Act, because they consider that a condition imposed on a grant of planning permission, relating to the land described in paragraph 2 below, has not been complied with. The Council consider that you should be required to comply with the condition (s) specified in the notice. The Annex at the end of this notice contains important additional information.

2. THE LAND TO WHICH THE NOTICE RELATES

Meadow Forge, Hillside Barn, Cadeleigh, Tiverton, Devon, EX16 8RZ ("the Land") which is shown outlined in red on the attached plan ("the Plan").

3. THE RELEVANT PLANNING PERMISSION

Retention of change of use from agricultural to blacksmith's forge under application reference 09/01587/FULL ("the Permission")

4. THE BREACH OF CONDITION

The following condition in respect of the Permission has not been complied with:

Condition 2

The blacksmith's forge hereby permitted shall be used only as a blacksmith's forge, and for no other purpose (including any purpose in Classes B1 and B8 of the schedule to The Town and Country Planning (Use Classes) Order 1987 (as amended)), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

5. WHAT YOU ARE REQUIRED TO DO

As the person responsible for the breach of condition specified in paragraph 4 of this notice, you are required to comply with the stated condition by taking the following steps:

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 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.

Dated: 28 March 2025

Signed: [REDACTED]

Deborah Sharpley

On behalf of: Mid Devon District Council, Phoenix House, Phoenix Lane, Tiverton, EX16 6PP

Nominated Officer: Heather Nesbitt, Senior Enforcement Officer

Telephone number: 01884 255255

ANNEX

WARNING

THIS NOTICE TAKES EFFECT IMMEDIATELY IT IS SERVED ON YOU IN PERSON OR ON THE DAY YOU RECEIVED IT BY POST.

THERE IS NO RIGHT OF APPEAL TO THE SECRETARY OF STATE FOR HOUSING, COMMUNITIES AND LOCAL GOVERNMENT AGAINST THIS NOTICE.

It is an offence to contravene the requirements stated in paragraph 5 of this notice after the end of the compliance period. You will then be at risk of immediate prosecution in the Magistrates' Court, for which the maximum penalty is £2,500 for a first offence and for any subsequent offence.

If you are in any doubt about what this notice requires you to do, you should get in touch immediately with Heather Nesbitt, Mid Devon District Council, Phoenix House, Phoenix Lane, Tiverton, EX16 6PP, telephone number 01884 255255 or email: hnesbitt@middevon.gov.uk

If you need independent advice about this notice, you are advised to contact urgently a lawyer, planning consultant or other professional adviser specialising in planning matters. If you wish to contest the validity of this notice, you may only do so by an application to the High Court for judicial review.

PERSONS SERVED WITH A COPY OF THIS BREACH OF CONDITION NOTICE ARE AS FOLLOWS;

NONE



HRN/97

Emma-Jayne Armes

From: Enforcement Team
 Subject: FW: Reference 20/00223/RURAL
 Attachments: BNN COND 5 20-0223-RURAL_signed.pdf; BCN site Plan 20-0223-RURAL.pdf

From: Heather Nesbitt [REDACTED]
 Sent: 09 May 2025 13:19
 To: meadowforge [REDACTED]
 Cc: Enforcement Team [REDACTED]
 Subject: Reference 20/00223/RURAL

Dear Mr Aggett

Further to your attendance at reception today, I have checked our public access system and the Breach of condition notices served upon you are showing as live on that system.

They are an exact copy of what was served upon you by hand.

To clarify, you have not been served a temporary stop notice which you informed our reception staff you had been. They are two breach of condition notices as discussed with you in person at the site some months ago.

The notices were served upon you some 6 weeks ago and I have received no response to them from you either by phone, in person or by email. My phone number and email address are both clear and visible on the covering letters that accompanied the notices.

I understand you informed the reception staff that you did not know what this was about. The cover letters and notices are very clear in what you are required to do. I would advise if you are confused in any way you should contact a solicitor as a matter of urgency. Given the letters and notices are clear and concise AND we had a conversation on site, I am satisfied that you are very clear on what the notices relate to and what you must do in order to comply.

Again I would advise to contact a solicitor as a matter of urgency if you require further advice and I remind you that the first notice (which I have attached again for you for ease of reference) is due for compliance no later than the 28th May 2025 (19 days). After this date a site visit will be carried out to check for full compliance. Please note that the notice plan covers all land belonging to you as the condition 5 of the planning permission 09/01587/FULL approved on 14 December 2009 states;

No materials, good, products, chattels, scarp or waste materials shall be stored outside of the building at any time.

This means you cannot simply remove the items from the front of the forge to another area of land edged in red, but they must be removed in their entirety from the land or stored in the forge.

Yours sincerely

Heather

Heather Nesbitt | Senior Enforcement Specialist | Mid Devon District Council | Phoenix House | Phoenix Lane | Tiverton | EX16 6PP
 Direct Line: 01884 234936 : Switchboard: 01884 255255 | [REDACTED] | Website: www.middevon.gov.uk

HRN/98

15th May 2025

Dear Ms Nesbitt,

Thank you for your response on Friday 9th May shortly following my visit to your office; rather than over 4 months later as per your previous actions/inactions.

My attendance at MDDC Reception was not about your "Breach of Conditions Notice" against me and my business property, but about a different case regarding a property called "Sunnybank".

If you had listened properly and taken time to understand my question you would likely not have made your postulation regarding my enquiry.

I am fully aware that I have not been served a "Temporary Stop Notice". I was asking about the notice that has been served upon "Sunnybank". A different property to mine but details of which has been erroneously included within the response to my SAR request. This piqued my curiosity.

Of course you were "informed by reception that I did not know what this was about" as it is a different property and a different case altogether relating to somebody else. You and your office have mixed two cases up.

Whoever owns "Sunnybank" should be informed of this error by yourselves at your earliest convenience as it has the potential to cause serious concerns and implications for all involved.

You imply I am "confused". Far from it.

I believe you and your department are confused.

The difference here is that the words you use are aspersions; whereas mine are based on evidence.

You are continuing to make an assumption as to whether I have a solicitor or planning consultant engaged in this matter.

My enquiry about "Sunnybank" remains unanswered.

You and your colleagues will receive my correspondence regarding the other matters continuing in due course.

Regards.

Mr Dean Aggett

*AWCB
PC QBE*

HRN/99

27th May 2025

Dear Ms Nesbitt,

Thank you for your unusually timely response.

I believe you have attempted to serve upon me an invalid "Breach of Conditions Notice".

Invalid on a number of levels, not least of which you are out of time to serve such a "Notice".

I have been continuing my previous and ongoing activities at Meadow Forge since I bought the property in 2006.

I obtained my planning permission in 2009 and your records show that MDDC and the Valuation Office were aware of this since that time.

A simple search on Google Earth shows that I have had vehicles on my curtilage for over 10 years now. Whether you choose to label this as parking or storage is up to you; but the fact remains. Please clarify whether you believe that my vehicles and wagons have been "parked", "stationed", or "stored" for the last 19 years.

My SAR request shows that MDDC were very well aware of my activities here and your own office has quoted 2013 in a number of emails.

You have breached your own protocol as stated here (25th November 2024):

"Enforcement action must always be proportionate and, where appropriate, the LPA is encouraged to seek to resolve matters through dialogue and regularisation. The authority does not have 'carte blanche' in what it elects to do in relation to planning enforcement matters."

You arrived unannounced, offered no room for discussion or dialogue, left the case sitting for months on end, have held spurious items on my file and your demands are wholly unreasonable after all this time.

I will be applying for a Certificate of Lawfulness, and will, if not accepted and granted, take this matter to Judicial Review which will expose this travesty.

Yours Sincerely,

*Mr Dean Aggett
AWCB
PC QBE*

Sharon Chumbley

From: Enforcement Team
Subject: FW: Automatic reply: Reference 20/00223/RURAL
Attachments: BNN COND 5 20-0223-RURAL_signed.pdf

From: Heather Nesbitt [REDACTED]
Sent: 28 May 2025 09:06
To: dean Aggett [REDACTED]; Legal Services [REDACTED]
Cc: Enforcement Team [REDACTED]
Subject: RE: Automatic reply: Reference 20/00223/RURAL

Dear Mr Aggett

Thank you for your email and attached letter.

I re-iterate again what I wrote in my previous email.

Compliance with the attached notice is now due today. As per my previous email, this notice was served some 2 months ago which is sufficient time to seek professional advice. This was pointed out to you in the Annex attached to the notice.

I did visit the site unannounced and spent over an hour with you discussing matters. I do not accept that you have not had any engagement with the LPA and this is evidenced.

Until now, when the first notice is due for compliance, you have not sought to make any contact with me specifically on the notices served on you.

The date of the notice will not be extended and I remind you if it is not complied with by today, 28th May 2025. It is an offence to contravene the requirements stated in paragraph 5 of the attached notice after the end of the compliance period. You will then be at risk of immediate prosecution in the Magistrates' Court, for which the maximum penalty is £2,500 for a first offence and for any subsequent offence.

You should also note under Section 70C of the Town and Country Planning Act 1990 (as amended), the following applies;

70C Power to decline to determine retrospective application

(1) A local planning authority in England may decline to determine an application for planning permission for the development of any land if granting planning permission for the development would involve granting, whether in relation to the whole or any part of the land to which a pre-existing enforcement notice relates, planning permission in respect of the whole or any part of the matters specified in the enforcement notice as constituting a breach of planning control.

(2) For the purposes of the operation of this section in relation to any particular application for planning permission, a "pre-existing enforcement notice" is an enforcement notice issued before the application was received by the local planning authority.

A site visit will take place shortly to ensure that compliance with the notice has been achieved.

Yours Sincerely

Heather

HRN/101

Sharon Chumbley

From: Enforcement Team
Subject: FW: Planning Enforcement Matters at Hillside Barn (Meadow Forge) EX16 8RZ - 20/0223/RURAL

From: John Clarke [REDACTED]
Sent: 02 June 2025 16:16
To: Heather Nesbitt [REDACTED]
Cc: Enforcement Team [REDACTED] Development Control [REDACTED]
Subject: Planning Enforcement Matters at Hillside Barn (Meadow Forge) EX16 8RZ - 20/0223/RURAL

Good afternoon, Heather.

Further to the above 2 x Section 187 Breach of Condition Notices served upon Mr D AGGETT and dated 28th March 2025.

Mr AGGETT has approached XL Planning for advice regarding his receipt of the 2 x Breach of Condition Notices and the submission of a Section 191 Certificate of Lawful Use/Development (CLEUD) in relation to his continuous long-term use of part of the building as a dwelling house and the use of external land for general storage and parking of motor vehicles, and breach of any relevant planning conditions.

Any CLEUD would relate to 10-year historical uses that accrued immunity PRIOR to the service of the BCN's x 2. Such a Certificate application, submitted under Section 191 Town & country Planning Act 1990, would refer to Section 191 (2) (b) which states – (2) For the purposes of this Act uses and operations are lawful at any time if—

- (a) no enforcement action may then be taken in respect of them (whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason); and
- (b) they do not constitute a contravention of any of the requirements of any enforcement notice then in force.

The certificate application will refer to uses/development that had accrued immunity continually over more than a 10-year period, and BEFORE the service of the BCN x 2. (see *Secretary of State for the Environment v Thurrock BC*) and therefore there was no enforcement notice in force when the immunity was gained. The LPA have had the opportunity to enforce against any perceived breaches for well over the 10-year period and it can now be considered as unfair to allow any enforcement action against uses/development that can be considered as lawful.

Can we confirm that should such a Section 191 certificate application be submitted to Mid Devon District Council (MDDC) that certificate application will be validated and then determined provided all the submission satisfies the validation requirements please.

We consider that a Section 187A Breach of Condition Notice (BCN) should NOT be considered as an enforcement notice in relation to Section 70C of The Town & Country Planning Act 1990. (s123(2) of the Localism Act 2011) and as a result any certificate application can be determined.

In support of the above we would draw your attention to the wording of Section 70C (1) A local planning authority may decline to determine an application for *planning permission* or (*permission in principle*) for the development of any land if granting planning permission for the development would involve granting, whether in relation to the whole or any part of the land to which a pre-existing enforcement notice relates, planning permission in respect of the whole or any part of the matters specified in the enforcement notice as constituting a breach of planning control.

A Certificate of Lawful Use/Development cannot be considered as a 'planning application' for planning permission or permission in principle, as it is a submission of evidential fact.

A Breach of Condition Notice (BCN) is not an Enforcement Notice. A BCN addresses breaches of conditions, while an Enforcement Notice addresses unauthorised development.

We would also draw your attention to the validation and ongoing determination of MDDC Application – 25/00295/CLU where MDDC have agreed, in the very same circumstances, to determine a CLUED following the service of 2 x BCN's.

We look forward to hearing from you.

Regards

John Clarke

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Please Note
I am not in the office on Mondays, Tuesdays or Wednesdays

 XL PLANNING LTD

Tel: 01884 38662

www.xlplanning.co.uk

1a Fore Street, Cullompton, Devon EX15 1JW

VAT No. 172 2186 20
Registered in England No 8347914.
Registered Office: 21 Bampton Street, Tiverton, Devon, EX16 6AA

HRN/102

Sharon Chumbley

From:
Subject:

Enforcement Team
FW: Planning Enforcement Matters at Hillside Barn (Meadow Forge) EX16 8RZ -
20/0223/RURAL

From: Heather Nesbitt [REDACTED]
Sent: 02 June 2025 16:40
To: John Clarke [REDACTED]
Cc: Enforcement Team [REDACTED]; Development Control [REDACTED]; Legal Services [REDACTED]
Subject: RE: Planning Enforcement Matters at Hillside Barn (Meadow Forge) EX16 8RZ - 20/0223/RURAL

Hi John

Thank you for your email below the contents of which are noted.

Prior to the service of the BCN's legal advice was sought and given. As such the LPA is confident in their approach to this matter.

Even if a CLUED were to be submitted and accepted, it would be scrutinised as the LPA have evidence to the contrary of what your client is stating and therefore I would question their change in submissions that it was in fact a dwelling house or had continuous storage outside the premises, which they have categorically stated it was not.

This possibly raises a potential of further offences. Should a CLUED be submitted this will be looked at closely prior to any decision to validate it given the evidence we currently have is seemingly going to be very different than what you indicate your client will be submitting.

I am aware of 25/00295/CLU and the validation of this matter was an internal process again for which legal advice has been sought.

As I have previously advised Mr Aggett before, he should engage a solicitor at this stage.

Kind regards

Heather

HRN/103

Jan Rowe

From: Enforcement Team
Subject: FW: Planning Enforcement Matters at Hillside Barn (Meadow Forge) EX16 8RZ - 20/0223/RURAL

From: John Clarke [REDACTED]
Sent: 05 June 2025 09:18
To: Heather Nesbitt [REDACTED]
Cc: Enforcement Team [REDACTED]; Development Control [REDACTED]; Legal Service [REDACTED]
Subject: RE: Planning Enforcement Matters at Hillside Barn (Meadow Forge) EX16 8RZ - 20/0223/RURAL

Good morning, Heather. Thankyou for your reply. Appreciated.

The content of your reply is noted.

However, it is the issue of 'determination' of any Certificate Application in relation to Section 70C (1) not validation that is of concern. Section 70C(1) only covers and deals with determination.

We would assume that if all the required documentation and relevant enclosures are submitted to allow for validation, that validation will take place.

Once validated we would of course accept that the LPA will make their decision regarding determination in the form of declining to determine, refusal, amendment to the description on approval, or approval all based upon the content and evidence submitted.

It is important to the applicant (client) that he understands the LPA position clearly to advise him regarding moving forward. It would be unfair to suggest that the applicant (client) go to the expense of submission just for the LPA to refuse to validate.

The applicant (client) would hope that the LPA are not predetermining any submission 'before' that application (CLUED) is submitted and the LPA have had a chance to view the evidence.

We would appreciate your view on the validation verses determination question please to further advise the client. (Mr AGGETT).

We will also pass on your comment to seek a Solicitor/Legal advice, but would appreciate clarification as to why Mr AGGETT should seek such advice.

We look forward to hearing from you.

Regards

John

John Clarke

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Please Note
I am not in the office on Mondays, Tuesdays or Wednesdays



Tel: 01884 38662

www.xlplanning.co.uk

1a Fore Street, Cullompton, Devon EX15 1JW

VAT No. 172 2186 20

Registered in England No 8347914.

Registered Office: 21 Bampton Street, Tiverton, Devon, EX16 6AA

HRN/104

Sharon Chumbley

From: Enforcement Team
Subject: FW: Planning Enforcement Matters at Hillside Barn (Meadow Forge) EX16 8RZ - 20/0223/RURAL

From: Heather Nesbitt [REDACTED]
Sent: 10 June 2025 13:02
To: John Clarke [REDACTED] Legal Services
Cc: Enforcement Team [REDACTED] Development Control [REDACTED]
Subject: RE: Planning Enforcement Matters at Hillside Barn (Meadow Forge) EX16 8RZ - 20/0223/RURAL

Hi John

Apologies in the delay coming back to you.

Yes I agree that section 70c relates to determination and not validation.

Your client can of course submit the CLUED I am merely pointing out that the LPA served the 2 BCN's based on a thorough investigation and evidence gathering. It would be remiss of me not to advise you of this given the CLUED you are proposing to submit would be contrary to the evidence we have.

There is no pre-determination of this as I do not deal with CLUED's equally no planning officer has any input into my side of matters.

I have asked your client to seek legal advice because he is in breach of the first BCN served. The offence is complete and as such the LPA are moving forward with consideration for prosecution on that matter. Of course Mr Aggett can represent himself in court at any such proceedings should he wish too.

I hope that clears the matter up. Any matters relating to the submission of a CLUED or CLUED's should go through the planning team in the first instance. Unless I hear otherwise, I assume you have not been instructed for the criminal matter I will be dealing with?

Kind regards

Heather

HRN/105



50°51'32", -3°31'30", 128.0m
13/08/2025 11:50:39

HRN/114

Sorrel Williams

From: Heather Nesbitt
Sent: 22 August 2025 09:51
To: dean Aggett
Cc: Enforcement Team
Subject: Case Reference 20/0223/RURAL relating to BCN condition 2 & 5 of PP 09/01587/FULL

Categories: Filed by Support - left for Enf Off to reply/delete, P2_Update Actions & Upload to DMS

Dear Mr Aggett

Further to our site visit with you last week you were sending me some questions which I have not received.

If you wish to send them through please do so. I would note that the questions and answers may form part of the ongoing decision in relation to prosecution for the matters discussed last week and would remind you that you are under caution as follows;

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

Yours sincerely

Heather

Heather Nesbitt | Senior Enforcement Specialist | Mid Devon District Council | Phoenix House | Phoenix Lane | Tiverton | EX16 6PP
: Switchboard: 01884 255255 | Website:
www.middevon.gov.uk

HRN/115

Jan Rowe

From: dean Aggett
Sent: 02 September 2025 14:09
To: Enforcement Team
Subject: Fw: Case Reference 20/0223/RURAL relating to BCN condition 2 & 5 of PP 09/01587/FULL

Categories: P2_Update Actions & Upload to DMS

You don't often get email from meadowforge@yahoo.com. [Learn why this is important](#)

[Yahoo Mail: Search, organise, conquer](#)

----- Forwarded message -----

From: "dean Aggett"
To: "hnesbitt"
Cc:
Sent: Tue, 2 Sep 2025 at 13:55
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

[Yahoo Mail: Search, organise, conquer](#)

AUTHORITY FOR PROSECUTION

LPA reference: 20/0223/RURAL

ADDRESS:

Meadow Forge
Hillside Barn
Cadeleigh
Tiverton
Devon
EX16 8RZ

OWNER(S) and OCCUPIER(S):

Mr Dean Aggett

Shown on land registry as owner from 28.11.2006 under Title DN445870

Unsure where Mr Aggett is residing as he states he does not live there and other addresses he has stated is his permanent address the occupiers do not know him. It is believed that Mr Aggett has taken up residence in a yurt within the field at the back of the building in question. This is subject to a separate investigation.

CRIMINAL OFFENCE ALLEGED:

Non-compliance with a Breach of Condition Notice within the stipulated time frame.

RELEVANT LEGISLATION:

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, interest, unless the works are authorised under section 8.

Section 9

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

RELEVANT PLANNING HISTORY

02.11.2009 - 09/01587/FULL approved for retained change of use from agricultural to a blacksmith's forge.

RELEVANT HISTORY

30.08.2017 - Breach register on LPA systems with reported breach being that of condition 2, 3 and 5 of the planning permission 09/01587/FULL.

04.11.2020 - Breach register on LPA systems with reported breach being that of condition 2 and 5 of the planning permission 09/01587/FULL.

17.12.2020 - Site visit carried out Dean Aggett (DA) present. Would not allow access into building. Forge full of items, being used for storage, vehicles, bikes etc. Vehicles to front full of items, used for storage...he says in association with B2 use and agriculture. 6 vehicles and caravan sited in front of building, untidy but not encroaching on to access track/driveway as reported.

12.11.2024 - Site Visit carried out. Initially Dean Aggett refused entry to any part of the site but eventually allowed access. Items stored outside the building. Mr Aggett advised of the breach and he alluded to submitting a variation of condition but none has been received.

25.03.2025 - Up to date photos taken of the outside of the building and items still in situ.

28.03.2025 - Breach of Condition Notice served by hand upon Mr Dean Aggett relating to Condition 2 of the planning permission 09/01587/FULL which states

"The blacksmith's forge hereby permitted shall be used only as a blacksmith's forge, and for no other purpose (including any purpose in Classes B1 and B8 of the schedule to The Town and Country Planning (use classes) Order 1987 (as amended)), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification."

The BCN required the following to be carried out no later than the 28 July 2025;

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.

13.08.2025 – A site visit carried out in the company of the police and building control. Mr Aggett met officers outside after police and building control had located him in a field at the back of the building known as Meadow Forge where he was found in a Yurt type tent which

will form part of a separate investigation. Mr Aggett informed me that there was no change inside the property and that the BCN's served upon him were null and void and meant nothing. I cautioned Mr Aggett as he had not complied with the BCN served relating to the outside of the property and also based on what he had informed me. Mr Aggett responded "Not answering". Mr Aggett was filming throughout

the entirety of the site visit.

Mr Aggett stated that according to the law we had to give 24hrs notice to enter the building as it was residential. I reminded Mr Aggett that he had stated throughout that he was not living there and the works carried out were for welfare if he was working late and for other staff to use. BC Inspector spoke to Mr Aggett and stated he had cause to enter the property to see if it was safe if it was a residence. Mr Aggett spoke to the BC Inspector and stated that it was not a residence. I pointed out to Mr Aggett that he had stated it was not a residence and there section 196 relating to 24hrs notice did not apply. I pointed out the offence of obstruction and further cautioned Mr Aggett. However, I did offer to return to the premises on Monday the 18th August to meet with Mr Aggett. Mr Aggett continued to state the BCN's were not valid. After a long period of time Mr Aggett allowed access to the building. A full site inspection was carried out and it was evidenced by way of photographs that the requirements of the BCN not carried out in full.

During the site visit an incident occurred where the Building Inspector fell down a gap on the first floor of the premises and was taken to the hospital by police having sustained serious injuries. I remained on the site and Mr Aggett stated "well that is it I will be evicted now". I

informed Mr Aggett that I did not have the power of eviction. Mr Aggett then followed us outside and continued filming. He asked what my view was and I stated that I was not entering into a conversation with him. I then left the site.

At a certain point of the visit I asked Mr Aggett if he had Judicial Reviewed the decision and he stated no but I might. Mr Aggett is out of time for JR.

Evidence

The evidence for this prosecution is as follows;

1. A valid Breach of condition notice was served by hand to Mr Aggett who was known to the officer who served the notice. The notices were placed in the letter box of Meadow Forge. Mr Aggett was present and the notices were explained to him. Mr Aggett removed the notices from the letter box and opened them in the presence of the officer. Effective service has taken place.
2. The Breach of condition notice has not been challenged by way of JR which is an option open to Mr Aggett. Mr Aggett had 6 weeks from the service of the BCN to submit a JR and has not. Whilst Mr Aggett continues to state the BCN is not valid, he has not taken any formal steps to challenge it.
3. The period for compliance was the 28th of July 2025. A site visits was carried out on 13th August 2025 to check for compliance with the Breach of Condition Notice. The visit revealed that compliance had not been achieved which Mr Aggett admitted to under caution and the offence was pointed out to him.
4. The offence under Town and Country Planning Act 1990 Section 187A(8)(9) is complete.

OFFICER RECOMMENDATION:

Given that Mr Aggett has had an extended period of time to comply with the BCN and continues to do so (will be reflected in my witness statement) together with the impact on neighbouring properties and a public footpath, it is in the public interest to pursue a prosecution under Town and Country Planning Act 1990 Section 187A(8)(9).

Human Rights Consideration

Article 6 (Right to a fair trial), Article 8 (Right to private and family life) and Article 1 of the First Protocol (protection of property) of the Human Rights Act 1998 are relevant to the consideration of this recommendation.

Article 6

In respect of Article 6, any persons who have an interest in the land will have the opportunity to defend themselves in a court of law.

Article 8

Article 8 and Article 1 of the first protocol to the Convention on Human Rights state that a

person is entitled to the right to respect for private and family life, and the peaceful enjoyment of his/her property. However, these rights are qualified in that they must be set against the general interest and the protection of the rights and freedom of others. In this case, the wider impact of the breach overrules the owner's right to the peaceful enjoyment of his property. In addition, there is the risk that by not taking action, it may set a precedent for the wider area.

Equality and Diversity

In assessing this planning enforcement case, the following protected characteristics have been assessed, age, disability, gender reassignment, marriage & civil partnership, pregnancy & maternity, race, religion or belief, and sex or sexual orientation. It is considered that there is no impact on equality or diversity in this instance.

Signed [REDACTED]

Date 18st September 2025

Heather Nesbitt

Senior Enforcement Officer – DM

I confirm that, in accordance with my delegated powers under the Scheme of Delegation, having considered the facts of the case and with regards to all material issues, policies of the Council, legislation and Human Rights it is considered expedient and proportionate to now issue a notice. I therefore authorise that enforcement action is taken under the Town and Country Planning Act 1990.

AUTHORISED BY:

Signed [REDACTED]

Date: 19/09/2025

John Hammond
Interim Development Management Manager

END

HRN/117

Nicki Broad

From:

Subject:

Attachments:

Enforcement Team

FW: Case Reference 20/0223/RURAL relating to BCN condition 2 & 5 of PP 09/01587/FULL

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;

- i. 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 Volkswagen 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 mention 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

Heather Nesbitt | Senior Enforcement Specialist | Mid Devon District Council | Phoenix House | Phoenix Lane | Tiverton | EX16 6PP
 Direct Line: 01884 234936 | Switchboard: 01884 255255 | Email: hnesbitt@middevon.gov.uk | Website: www.middevon.gov.uk

From: dean Aggett <meadowforge@yahoo.com>

Sent: 02 September 2025 13:56

To: Heather Nesbitt <hnesbitt@middevon.gov.uk>

Subject: Re: Case Reference 20/0223/RURAL relating to BCN condition 2 & 5 of PP 09/01587/FULL

Without prejudice

Dear Mrs Nesbitt 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 complied with without rendering the building unusable for anything. I refer in particular to your request that the drains, soakaways and septic 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

[Yahoo Mail: Search, organise, conquer](#)

From: Revenues
Sent: 02 June 2025 12:33
To: meadowforge [REDACTED]
Subject: Council tax/ business rates

REF: 117394 and 774175

HRN/129

Dear Mr Aggett,

Looking at the history of the domestic account the notes state that this is an ongoing enforcement case as you have been living in a partially converted area of the commercial premises for a number of years.

The Valuation Office have reviewed the premises and applied a Council Tax banding so any disputes/appeals would need to be directed to them.

Their contact details are 03000 501 501 or

[Valuation Office Agency - GOV.UK](https://www.gov.uk/valuation-office)

Regards

Revenues Team