



Appeal Decision

by **Ken McEntee**

a person appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 18 November 2025

Appeal ref: APP/Q1153/C/25/3369127

Land at SX579395 Upham Downham Farm, Exbourne, Okehampton, Devon, EX20 3RA

- The appeal is made under section 174 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991.
- The appeal is brought by Mrs Jeannie Thompson against an enforcement notice issued by West Devon Borough Council.
- The notice was issued on 12 June 2025.
- The breach of planning control as alleged in the notice is: "Without planning permission: (i) the change of use of the Land from agriculture to a residential use: (ii) the erection of a timber framed residential structure sited within an agricultural barn to facilitate the unauthorised residential use".
- The requirements of the notice are: "(i) Cease the unauthorised use referred to in paragraph 3(i); (ii) Remove the timber framed residential structure referred to in paragraph 3(ii) from the agricultural barn and all associated domestic paraphernalia from the Land".
- The time period for compliance with the requirements of the notice is not more than 12 months beginning with the day on which this Notice takes effect.
- The appeal is proceeding on the ground set out in section 174(2)(g) of the Town and Country Planning Act 1990 as amended.

Summary of decision: The appeal is dismissed and the enforcement notice is upheld without variation.

Reasons for the decision

1. The main basis of the appellant's case is that due to ill health, and the current market conditions, it is going to take longer to find suitable alternative accommodation and to remove the unauthorised structure. She therefore requests that the period to comply with the requirements of the notice be extended to 2 years.
2. While I appreciate the appellant's reasons for wanting the compliance period to be extended, and I have sympathy that she has been experiencing such poor health, I cannot extend the compliance period to 2 years as this would be tantamount to granting a temporary planning permission, which I have no authority to do in an appeal on ground (g) only. I am also mindful that some 4 months have elapsed since the appeal was submitted with enforcement action effectively suspended. As the compliance period will begin again from the date of this decision, the appellant will effectively have had some 16 months in which to seek out alternative accommodation and to arrange for the required works to be carried out in order to comply with the requirements of the notice. I consider this period to be reasonable and proportionate and provides an acceptable balance between the needs of the appellant and the need for the stated harm caused by the

unauthorised use and development to the surrounding area to cease as soon as possible.

3. However, while I am dismissing the appeal, should the appellant experience any genuine difficulties, it will be open to her to submit a request to the Council to use their powers under section 173A(1)(b) of the 1990 Act to extend the compliance period themselves, should they be satisfied there is justification for doing so.
4. Therefore, on the evidence before me, I am not satisfied there is good reason to extend the compliance period further. The appeal fails accordingly.

Formal decision

5. For the reasons given above, the appeal is dismissed and the enforcement notice is upheld without variation.

K McEntee