



Appeal Decision

Inquiry held on 4 November 2025

Site visit made on 3 November 2025

by Jessica Graham BA (Hons) PgDipL

an Inspector appointed by the Secretary of State

Decision date: 7 January 2026

Appeal Ref: APP/U1105/C/25/3368794

Land adjoining Huntsland Farm being Valley View Paddock, Church Hill, Pinhoe, Exeter, EX4 9JJ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Daren Richards against an enforcement notice issued by East Devon District Council.
 - The notice was issued on 11 June 2025.
 - The breach of planning control as alleged in the notice is: Without planning permission, the carrying out of unauthorised operational development and the material change of use of Land from agricultural use to a mixed use of agriculture and residential and storage by virtue of:
 - A) the unauthorised change of use of a barn to use as a single dwellinghouse and erection of an ancillary building on the Land whose approximate positions are shown edged in blue on the enclosed Location Plan;
 - B) the siting and storage of a single decker bus on the Land whose approximate position is shown edged in purple on the enclosed Location Plan; and
 - C) the siting of other non-agricultural items on the Land (including a glass covered notice board whose approximate position is shown edged in green on the enclosed Location Plan).
 - The requirements of the notice are to:
 - I. Permanently cease the residential use of the land
 - II. Permanently cease the residential use of the converted barn and ancillary building shown edged in blue on the enclosed Location Plan
 - III. Permanently remove all non-agricultural items, fixtures and fittings, and other domestic paraphernalia contained within the converted barn and ancillary building from the Land.
 - IV. Permanently remove the single decker bus whose approximate position is shown edged in purple on the enclosed Location Plan from the Land
 - V. Permanently remove all other non-agricultural items (including the glass-covered notice board whose approximate position is shown edged in green on the enclosed Location Plan) from the Land
 - VI. Permanently remove all materials and debris resulting from compliance with steps (III), (IV) and (V) from the Land.
 - The period for compliance with the requirements is nine months.
 - The appeal is proceeding on the grounds set out in section 174(2)(b), (c), (d) and (f) of the Town and Country Planning Act 1990 (as amended).
-

Decision

1. The appeal is dismissed and the enforcement notice is upheld.

Procedural matters

2. On 8 September 2025 I held a Case Management Conference (CMC) with the Appellant and representatives of the Council, at which we discussed the management of the Inquiry and the presentation of evidence. Arrangements were made for me to make an accompanied visit to the Appeal Site the day before the

Inquiry opened. At the Inquiry it was agreed that no additional site visit would be necessary.

3. All oral evidence to the Inquiry was given on oath.
4. It is important to be clear that since no appeal has been made on ground (a) (that is, that planning permission should be granted for the matters alleged by the notice) the planning merits of what has taken place on the site, and what might be planned for the future, are not before me. This means that issues such as the effect of the development on the character and appearance of the area, Mr Richards' aim of achieving off-grid self-sufficiency on his land, and compliance or otherwise with policies of the Development Plan, are not matters that I can take into account in my determination of this appeal.

Brief summary of relevant planning history

5. Mr Richards has owned the Appeal Site since 1993. In 2018 he brought a single decker bus on to the land, and made an application for planning permission for (following various amendments) the siting of a mobile home¹. The Council refused permission, and in May 2019 issued an enforcement notice ("the 2019 Notice") alleging the material change of use of the land by the siting of a bus adapted for residential purposes.
6. Appeals were lodged against both the 2019 Notice and the refusal to grant planning permission. Both were dismissed by a decision letter dated 16 December 2019,² and the 2019 Notice was upheld. Its requirements include:
 - (I) *Permanently cease the use of the land for residential purposes;*
 - (II) *Permanently cease the use of the land for the siting of the bus L116YOD used for domestic or residential purposes;*
 - (III) *Permanently remove from the land the bus registration number L116YOD together with any other caravan, mobile home or non agricultural vehicles.*

The appeal on grounds (b) and (c)

7. A ground (b) appeal is that the matters alleged by the notice have not occurred, and a ground (c) appeal is that those matters do not constitute a breach of planning control. The appeal form indicated that both of these grounds were to be pleaded. However at the CMC, and again at the Inquiry, Mr Richards confirmed he does not dispute that the matters stated in the notice that is the subject of this appeal ("the Current Notice") have occurred. Rather, his case is that planning permission is not required for some of those matters, and that others are immune from enforcement. I shall consider those arguments in my determination of the appeals on grounds (c) and (d), but the appeal on ground (b) can be dealt with very shortly: it is agreed that the matters alleged by the Current Notice have in fact occurred, so an appeal on this ground cannot succeed.
8. Turning then to the appeal on ground (c), Mr Richards' case is that siting the bus within the garden area of the converted stable building does not need planning permission, in the same way that a caravan sited within the garden of a house does not need planning permission; and that the ancillary building is essential for

¹ Ref 18/2513/FUL

² Ref APP/U/1105/C/19/3228476 & 3228141

the maintenance and upkeep of the land and welfare of animals, and so should qualify as Permitted Development.

The bus

9. As Mr Richards accepts, in order to demonstrate that the bus could lawfully be sited within the residential curtilage of the converted stable, he would first have to establish that the residential use of that building is lawful. He contends that it is, because it has achieved immunity from enforcement. I will address that point when I come to the appeal on ground (d). However, a more fundamental obstacle to his case on ground (c) is the fact that the 2019 Notice requires the permanent removal of the bus from the land. An appeal against that earlier Notice was unsuccessful: the 2019 Notice was upheld, and remains extant. This means that even if Mr Richards were able to demonstrate that the converted stable is now a lawful dwelling, and that the bus is sited within its curtilage for purposes incidental to the use of that dwelling, the presence of the bus would still be in breach of the requirements of the 2019 Notice.
10. At the Inquiry, Mr Richards advanced the argument that since six years have now passed since it was issued, during which time the Council took no action in respect of its requirements, the 2019 Notice is dormant and should be treated as having been abandoned. He contended that there was a large body of case law to support that proposition, and drew my attention to the judgments in *First Secretary of State v Arun DC and ors [2006] EWCA Civ 1172* and *R v Secretary of State for the Environment ex parte Ostler [1977] Q.B 122*.
11. I intend no criticism of Mr Richards through my following remarks. I appreciate that as an unrepresented Appellant he was acting as both advocate and witness in his own cause, without the benefit of professional advice, and is unfamiliar with the complexities of the planning system and the appeal process. He is to be commended for remaining calm and courteous throughout. However, introducing this argument at the Inquiry (as opposed to following the specified procedure of setting out full details in advance in a Statement of Case) caused him difficulties, in that he was reliant upon information contained on his phone, which by that point had very little charge left. In addition to the two judgments above, Mr Richards contended there were “lots of others” which supported his point and which, given more time, he would be able to list.
12. If there had been any merit in this argument, or any prospect that additional time might lead to the discovery of caselaw that supported it, I would have considered an adjournment to enable both parties to pursue this further. However, ss.181(1) and (2) of the 1990 Act make it very clear that there is no limitation on the lifespan of an enforcement notice. Rather, an enforcement notice imposes a continuing obligation which is not discharged through compliance with its requirements, and does not elapse through the passage of time.
13. Caselaw has established the concept of “abandonment” in relation to lawful uses of land (in brief, the right to a lawful use may be lost in circumstances where a building or land remains unused for a considerable period of time, in circumstances that would lead a reasonable person to conclude the use had been abandoned) but there is no equivalent concept applicable to the requirements of an enforcement notice. The judgment in *Arun* addressed the relevant time limit for taking enforcement action; the question of whether there is any time limit on the

applicability of an extant Enforcement Notice was not at issue. The judgment in *Ostler* was concerned with the time limit on applying to the High Court for a quashing order in respect of a road scheme, and does not deal with the applicability or longevity of enforcement notices.

14. In fairness to the Council, I should also note that it did not simply disregard, or forget about, the existence of the 2019 Notice. There is evidence that it kept matters under review, and wrote to Mr Richards in 2020 and 2021 concerning the postponement, and later resumption, of prosecution for non-compliance in light of the Covid-19 pandemic. In the Autumn of 2022 the Council took the decision that since further unauthorised development had taken place at the Appeal Site, rather than prosecute for non-compliance with the 2019 Notice it should issue another which addressed all of the breaches of planning control. It is regrettable that it took until June 2025 to issue the Current Notice, although I note the delay was attributable in part to Mr Richards' failure to respond to a Planning Contravention Notice issued in May 2024. But none of this bears on the continuing applicability of the 2019 Notice, which remains in force, and requires the bus to be permanently removed from the Appeal Site.

The ancillary building and the noticeboard

15. The Appeal Site is around 1ha of land, in countryside adjoining Huntsland Farm. The evidence of Mr Richards is that he has owned this land since 1993, and it has been put to agricultural use for all of those years. At the date of the Inquiry he had six goats, four pigs, six rheas and a cockerel. He currently has a full-time job elsewhere, but his aim is to become self-sufficient, living a sustainable off-grid lifestyle with animals and an allotment. The converted stable is his main, and only, place of residence. He explained that the ancillary building, which he constructed within the last four years, is vital for the maintenance and upkeep of the land, and for food and other items needed in connection with animal welfare.
16. Some forms of development on agricultural land constitute "Permitted Development", which does not require an express grant of planning permission. These are set out at Part 6 of Schedule 2 of The Town and Country Planning (General Permitted Development)(England) Order 2015 ("The GPDO"). They include (in Class A) the erection of a building that is "reasonably necessary for the purposes of agriculture within that unit", but crucially, Class A only applies to agricultural units of 5ha or more. Permitted Development available to agricultural units of less than 5ha is set out in Class B, and concerns the extension or alteration of an existing agricultural building, rather than the construction of a new one. Class B includes various other forms of agricultural development, such as the installation of a sewer and the provision of a hard surface, but does not include other structures such as freestanding noticeboards.
17. Mr Richards further contends that the ancillary building is a temporary structure rather than a permanent one, such that planning permission was not required. He explained that it sits on legs on a concrete apron, rather than being attached to the ground, and he constructed it so that it could be readily split in half, in order to make it easy to move. At the inquiry he confirmed that it would have to be moved in two halves, as it could not be moved whole, and that so far, it had not been moved at all.

18. Caselaw³ has established that in order to determine whether a temporary or moveable structure is a building, it is necessary to consider three tests: size, permanence, and physical attachment. The structure here at issue was constructed on site, rather than being brought there already made, and is comparable in scale to the converted stable block. It rests on supports, rather than being physically attached to the land, but the evidence is that it has remained in place, without being moved, since its original construction.
19. As to permanence, while I do not doubt the Appellant's contention that the structure *could* be taken apart and moved relatively easily, there is nothing to suggest that it *would* be. Unlike other structures used (for example) as animal shelters, which might be moved to provide access to different areas of grazing within the Appeal Site, there is no obvious reason why a structure used to store agricultural items, animal feed and equipment would need to be moved around; rather, there would be more benefit in keeping it close to the residential building. Taking all of this into account, I consider that as a matter of fact and degree what has been done on the Appeal Site amounts to the construction of an ancillary building, rather than the temporary siting of a movable structure. As such, it constitutes operational development, for which planning permission is required.

Conclusions on ground (c)

20. I conclude that the siting and storage of the bus on the land is a breach of planning control, because it contravenes the requirements of the extant enforcement notice which took effect on 16 December 2019. I find that the erection of the ancillary building and the siting of the noticeboard also amount to breaches of planning control, since they constitute operational development of a type not included within any provision for Permitted Development, and so required planning permission. It follows that the appeal on ground (c) must fail.

The appeal on ground (d)

21. The ground of appeal is that on the date the notice was issued, no enforcement action could be taken against the breach of planning control. Mr Richards' case on this ground is limited to the unauthorised change of use of the stable building. He contends that it was converted to, and first occupied as, a place of residence in January 2008 and has been lived in continuously since then. The evidence he provided in advance of the Inquiry included unsigned and undated letters from three former occupiers of the converted building. None of the former occupiers were able to attend the Inquiry, and none have provided Statutory Declarations.
22. It is fair to note that if the Current Notice were the only one to have been issued in respect of residential use of the Appeal Site, and if Mr Richards were able to demonstrate that the stable building had been in uninterrupted use as living accommodation since 2008, his appeal on this ground would be likely to succeed. But that is not the situation here. Crucially, there is already an extant enforcement notice, issued in 2019, which requires that the residential use of the land should permanently cease.
23. Under s.285(1) of the 1990 Act, the validity of an enforcement notice may only be questioned by way of an appeal under s.174 of the same Act. It was open to Mr

³ *Cardiff Rating Authority v Guest Keen Baldwin's Iron and Steel Co Ltd* [1949] 1QB 385, endorsed by the Court of Appeal in *Skerrits of Nottingham Ltd v SSETR (No. 2)* [2000] 2 PLR 102

Richards to appeal against the 2019 Notice under s.174, and he did so – but only on ground (a); that is, that planning permission should be granted for the matters alleged by the notice. There was no appeal on grounds (d) or (f), or any reference to anyone living in the stable at that time. This is surprising, given Mr Richards' current contention that the stable building had by then been in continuous use as a dwelling for over ten years. When asked about this at the Inquiry, Mr Richards said that he did not at that time understand its relevance, or know about the four-year and ten-year time limits on enforcement action, and had left such matters to his planning consultant.

24. I appreciate that the breach alleged by the 2019 Notice was a material change in the use of the land to a mixed use of agricultural and residential "...by the siting of a single decker bus...adapted for residential purposes", and did not refer specifically to the stable building. Nevertheless, the red line on the plan attached to that 2019 Notice clearly shows that the "land" in question was the entirety of the Appeal Site, and the requirement to permanently cease the residential use clearly applies to all of it. It is reasonable to assume that any professional planning consultant instructed to appeal against the 2019 Notice should, if made aware that the stable had been in residential use for more than ten years by the time that notice was issued, have understood the importance of including this information in that appeal.
25. S.191(2)(b) of the 1990 Act expressly provides that a use is lawful if it is immune from enforcement action because of the passage of time. That, the Appellant contends, was the situation when the 2019 Notice was issued: the residential use had continued past the time limit then applicable for enforcement action, and having thus acquired immunity from enforcement, was lawful. But even if that were the case, it has long been established that such lawful rights will be lost if an enforcement notice is served, and the rights are not then raised as a ground of appeal. In its judgment on *Challinor*⁴ the Court of Appeal expressed this as "The authorities... do not establish any general right to assert existing use rights at a time when the enforcement notice has come into effect after an unsuccessful appeal or in the absence of an appeal. Such rights must be asserted at the time of appeal against the enforcement notice. If the landowner sleeps on those rights, he will lose them."
26. That is the situation here. Mr Richards had, and took, the opportunity to appeal against the 2019 Notice but the appeal was dismissed, and the notice took effect on 16 December 2019. As discussed above, it imposes a continuing obligation which is not discharged through compliance with its requirements, and does not elapse through the passage of time. Put another way, even though Mr Richards has stopped using the bus for residential accommodation, the 2019 Notice continues to bite against the residential use of the land as a whole.
27. Mr Richards has pointed out that on 7 July 2025, before the date on which the Current Notice was due to take effect, he made an application for a certificate of lawfulness of existing use or development (LDC) for the residential use of the stable building.⁵ He contends that if the LDC were to be granted, it would automatically override the Current Notice. But again, it is important to be clear that it is not just the Current Notice which is relevant here: the 2019 Notice is still in

⁴ *Staffordshire CC v Challinor & Robinson* [2007] EWCA Civ 864; [2008] JPL 392

⁵ Ref 25/1433/CPE

force, and was in force on the date the LDC application was made. By operation of s.191(2) of the 1990 Act, a use cannot be lawful if it contravenes any of the requirements of any enforcement notice then in force. As recognised by the Council in its decision to refuse the LDC application, the residential use of the stable contravenes the requirement of the 2019 Notice to cease, permanently, the residential use of the land.

28. In short, it is not necessary for me to reach a conclusion on whether or not residential use of the stable had achieved immunity from enforcement by the date the 2019 Notice was issued because even if it had, the lawfulness of that use would have been lost once the 2019 Notice took effect on 16 December 2019.
29. As to the subsequent use of the stable building, the evidence of Mr Richards is that in 2020, he refurbished the interior and exterior and has lived in it ever since. The Council disputes this, and contends that the conversion and residential use did not begin until some point between January and March 2022. It is not necessary for me to resolve that dispute either, because to succeed on ground (d), the Appellant would need to demonstrate that *at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters*.⁶ Even if I were to find that Mr Richards' refurbishment and subsequent occupation of the stable building took place more than four years before the Current Notice was issued, the Council would still have been able to take enforcement action at the date of the Current Notice because of the extant and ongoing requirement of the 2019 Notice to "permanently cease the use of the land for residential purposes".
30. Drawing all of this together, I find that it has not been demonstrated that at the date when the Current Notice was issued, no enforcement action could be taken in respect of any breach of planning control constituted by the matters it alleges. The appeal on ground (d) therefore fails.

The appeal on ground (f)

31. An enforcement notice must specify the steps the authority require to be taken, or the activities they require to cease, in order to achieve (wholly or in part) one of two statutory purposes. The relevant purpose in this case is that set out at s.173(4)(a) of the 1990 Act: remedying the breach of planning control by discontinuing any use of the land and/or restoring the land to its condition before the breach took place. The steps may include, for example, the alteration or removal of any buildings. The ground for appeal provided by s.174(f) is that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy the breach of planning control.
32. The key requirements of the Current Notice reflect those of the 2019 Notice, in requiring all residential use of the land to cease, and the bus to be permanently removed. The Notice also requires all non-agricultural items, fixtures and fittings, and other domestic paraphernalia to be removed from the converted stable and ancillary building, and all non-agricultural items to be removed from the land.
33. I find nothing unreasonable in those requirements. It has been established that the residential use of the land is a breach of planning control, and it follows that the only way to remedy that breach is to require the use to cease. The fixtures and

⁶ S.174(d) of the 1990 Act

fittings contained within the converted stable facilitated, and were part and parcel of, its unauthorised change of use and so the notice is entitled to seek their removal: Mr Richards confirmed at the Inquiry that prior to its residential conversion, the stable did not have any such domestic-type facilities (such as a lavatory or sink). As to the ancillary building, the Council rightly points out that the notice could legitimately have required its removal, but instead specifies the lesser step of requiring residential use (for example, domestic storage) to cease and any non-agricultural fittings and effects to be removed.

34. In summary, I am satisfied that the requirements of the notice do not go beyond what is necessary to remedy the breach of planning control identified by the notice. I have not been able to identify any lesser steps that would achieve that purpose, and Mr Richards has not suggested any. The appeal on ground (f) therefore fails.

Other matters

35. I am mindful that dismissing this appeal, and upholding the Current Notice, would deprive Mr Richards of his only place of residence. This would constitute serious interference with his rights under Article 8 of the European Convention on Human Rights, enacted in UK law through the Human Rights Act 1998, which secures the right to respect for private and family life and home. I must also keep in mind the Public Sector Equality Duty (PSED) set out in s.149 of the Equality Act 2010.
36. I am told that the Council's standard approach, in circumstances where there are no children affected by an enforcement notice requiring residential use to cease, is to specify a six month compliance period. However, in this case there are considerations which indicate that a slightly longer period is justified: Mr Richards is 58 years old, and would need to make significant changes to his current lifestyle and living arrangements in order to find accommodation elsewhere, including alternative arrangements for the welfare of his animals.
37. In my judgment, the period of nine months specified in the Current Notice is reasonable in the circumstances. It strikes an appropriate balance between protecting the rights and interests of the Appellant, and the need to uphold the operation of the planning system in the public interest, which includes the requirement for development to accord with the planning policies of the Council's adopted Local Plan. In determining the appeal I have found no alternatives to the requirements of the notice that would be both appropriate to the circumstances, and less harmful in impact. Weighing all of the relevant considerations in the balance, I consider that upholding the notice is proportionate.

Formal Decision

38. For the reasons given above, I conclude that the appeal should not succeed, and the Current Enforcement Notice should be upheld.

Jessica Graham

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr Daren Richards, Landowner and Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Ms Anna Stein, Counsel for the Council

Mr Gareth Stephenson BA(Hons) MA MRTPI, Principal Planning Officer

Mr Stephen Sartain, Enforcement Officer

DOCUMENTS SUBMITTED AT THE INQUIRY

1. List of appearances on behalf of the local planning authority
2. Core Documents in 8 volumes, with index
3. Opening submissions on behalf of the Council
4. Printed extracts from the *Town and Country Planning Act 1990*, consisting of ss. 55, 57, 181, 191 and 285
5. Copy of Part 6 of Schedule 2 to the *Town and Country Planning (General Permitted Development)(England) Order 2015*
6. Copy of s.215 Notice relating to the Appeal Site, dated 15 October 2008, Ref LP2/868/AHS
7. Copy of Location Plan dated 29 October 2018, from refused planning application, indicating that a small area of the Appeal Site “appears to be within boundaries of Exeter Council”
8. Extract from current District Ward map, indicating that the entirety of the Appeal Site now lies within the East Devon District
9. The Council’s Closing Statement
10. Mr Richards’ Closing Statement