



Appeal Decision

by Gareth Symons BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date 19 January 2026

Appeal Ref: APP/Y1138/C/24/3351481

Woodah Wood, Eggesford, Devon EX18 7ER

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Edward Thompson against an enforcement notice issued by Mid Devon District Council.
 - The notice was issued on 14 August 2024.
 - The breach of planning control as alleged in the notice is: Operational development has been carried out on the Land by creation of a new vehicular access onto the highway, formation of hardstanding and parking area and erection of gates.
 - The requirements of the notice are: 1. Permanently remove the access gate and posts from the Land; 2. Permanently cease the use of the vehicular access and parking area/turning circle other than to complete works required at requirement (3) of the notice; 3. Permanently remove from the Land all the hard core/stone chipping material which currently comprise of the new vehicular access and parking area/turning circle and restore the Land to its previous condition before the unauthorised works took place..
 - The periods for compliance with the requirements are: 1. In respect of requirements (1) & (2) of the notice, within one month of the date the notice takes effect; 2. In respect of requirement (3) of the Notice, within 2 months of the date this notice takes effect.
 - The appeal is proceeding on the ground set out in section 174(2)(f) of the Town and Country Planning Act 1990 (as amended).
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Decision

1. The appeal is dismissed and the Enforcement Notice (EN) is upheld.

Preliminary Matters

2. There is no deemed planning application. Consequently, there are no matters of planning merit to consider which may have required a visual inspection of the site and its surroundings to see the effect of the appeal development on highway safety or on the character and appearance of the area. Moreover, in the context of how a ground (f) appeal must be determined, which I explain below, particularly when there is no ground (a) appeal, there is also no need to see the site. As such, I have determined the appeal without a site visit. No appeal party has been prejudiced by this course of action.
3. The appellant has drawn a distinction between the area of land attacked in the EN and the dimensions of the hard surfaced parking/turning area, which they say is about 30sqm. However, the EN identifies the land by defining it on the plan attached to the notice and within that is the access and parking/turning area. The appellant knows where that is and how much land has been covered in stones/chippings, and thus what needs to be removed. I do not see anything misleading or exaggerated or miscalculated in the way the EN and its plan has been framed.

Reasons

4. The EN alleges, in short, the creation of a vehicular access, a hardstanding and the erection of gates. The EN requires the use of the access and parking area to cease, the removal of the gates and to take away the hard surface materials to restore the land to its previous condition. The EN therefore aims to remedy the breach of planning control by restoring the land to its condition before the breach took place. That purpose falls solely under s173(4)(a) of the 1990 Act. The steps required by the EN to be taken do no more and no less than seek to remedy the breach. Partial removal of the hardstanding materials, as suggested by the appellant, would not meet the purpose of the EN. The steps are, therefore, not excessive and so, the ground (f) appeal must fail.
5. For reasons already set out above, matters raised by the appellant such as possible disturbance to wildlife from complying with the EN, their work on the woodland and managing Ash dieback, the possible risk to road users from infected Ash trees if the woodland is not properly accessed and managed, and the background of a retrospective planning application submitted to retain the works, all have no place in considering just a ground (f) appeal.
6. The evidence of a possible former access is ambiguous. However, even if there was one therefore before, it appears that it was informal and non-official, and it was not in the form of the operational development attacked in the EN. Whether or not the access has already been stopped up and the gates removed, also has no bearing on deciding the ground (f) appeal.

Conclusion

7. I conclude that the appeal should fail and I shall uphold the EN.

Gareth Symons

INSPECTOR