



Appeal Decision

Site visit made on 28 April 2026

by **R Curnow MA(TCP), BSC(Hons), CMS MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26 May 2026

Appeal Ref: APP/X1118/C/24/3345634

Land at Barcombe Down, North Molton, South Molton EX36 3LW

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Miss Julia Stanway against an enforcement notice issued by North Devon District Council.
 - The notice was issued on 22 May 2024.
 - The breach of planning control as alleged in the notice is Without planning permission, within the last 4 years operational development consisting of the following works: The erection of 2 no. timber buildings for residential use (identified as 'F' and 'G' on the attached location plan); and Without planning permission, and within the last 10 years, material change of use of the land to a mixed use of agricultural/commercial/residential and the siting of caravans used for residential/storage/production of honey/commercial use (identified as Caravan B and Caravan C on the attached location plan).
 - The requirements of the notice are: 1. Cease residential use of the land outlined in red on the attached plan; 2. Cease residential use of the 2 timber buildings outlined in green and orange on the attached plan; 3. Remove all residential items from the 2 timber buildings outlined in green and orange, including the bed and cooker; 4. Remove the timber building outlined in orange from the land; 5. Remove all other non-agricultural items and domestic paraphernalia from the land edged red on the attached plan; 6. Remove the caravans outlined in pink labelled B and C on the attached plan from the land; and 7. Remove from the land any rubbish or debris resulting from compliance with steps 1-6 and dispose of these in a responsible manner.
 - The period for compliance with the requirement is: 9 months.
 - The appeal is proceeding on the ground[s] set out in section 174(2)(b), (f), (g) of the Town and Country Planning Act 1990 (as amended).
-

Decision

1. It is directed that the enforcement notice is corrected by:
the deletion of the third paragraph in section 2 of the Notice, 'The breach of planning control alleged' and the substitution of the words " Without planning permission, and within the last 10 years, material change of use of the land to a mixed use of agricultural and residential and the siting of caravans used for residential/storage/production of honey/commercial use (identified as Caravan B and Caravan C on the attached location plan).
and varied by:
the deletion of requirement 6 in section 6 of the Notice, 'What you are required to do' and the renumbering of requirement '7' to '6' in this section; and the deletion of 9 months and the substitution of 12 months as the time for compliance.

Preliminary Matters

2. At the time that the appeal against the Notice was made, an appeal¹ against the Council's refusal of planning permission for the erection of one temporary mobile live/work unit and erection of 1 honey shed and 1 storage shed was waiting to be

¹ APP/X1118/W/21/3280232

heard. Following a Hearing, that appeal was dismissed by decision letter dated 5 July 2024. Where relevant, that decision has been taken into account in my assessment of the current appeal.

The Site

3. The site lies in the countryside, some 1.5km from the centre of the nearest settlement, North Molton. It consists of an irregularly shaped field bounded by other fields and a minor road. Various buildings have been erected on it and caravans sited there. I saw various planted beds and some beehives when I visited.

Ground (b)

4. An appeal made under Ground (b) is that the matters alleged in the Notice have not occurred. This is a legal ground of appeal where the onus lies with the Appellant to make her case on the balance of probability.
5. The Appellant makes no case in respect of the alleged residential use of the buildings marked as 'F' and 'G' on the plan attached to the Notice. I saw that Building F was being wholly used for this purpose and Building G was, at least in part.
6. Her case is made on the ground that the commercial use of the buildings has not occurred. In response, the Council say that the Notice does not allege the commercial use of the buildings; it alleges this use of the land has occurred.
7. Although the use of the land could be considered, it says, an agricultural use, the use of the land for the processing and jarring of honey, is a manufacturing process, and therefore a material change of use has occurred.
8. At my visit, I saw that bee keeping activities were low key with only five hives on the land. The Council served a Planning Contravention Notice ('PCN') in January 2024. Its questions 12-18 relate to Caravan C, a small touring caravan. Given the penalties associated with non-compliance with the requirements of a PCN, I give this evidence significant weight. The answers given show that it has, from its introduction to the land in 2018, been used for the storage of bee keeping equipment. The Inspector also found this to be the case in the recent planning appeal.
9. The Council provides no substantive evidence to support its contention of a commercial use. It is, however, for the Appellant to make her case. The small size of the caravan, and that honey arises from a small number of hives on the land, indicate that honey processing and jarring activity is very low key. I find it to be so small as to be considered *de minimis* and, as a matter of fact and degree, it has not reached the stage where it might be described as a commercial activity, as alleged.
10. Scant evidence of the commercial use of Caravan B has been provided by the Council though, again, it is for the Appellant to make her case. The evidence of the her submissions, her answers to questions 5-11 in the PCN and my site visit point to its use being ancillary to the agricultural activities on the land. It has been, since 20 September 2020, and is now being, used for the storage of tools and equipment relating to the working of the land.

11. To the extent that I have identified, the Ground (b) case is successful. I shall, therefore, correct and vary the Notice by deleting reference to commercial activity and the requirements to remove caravans B and C from the land.

Ground (f)

12. The Appellant's case here related to the use of Caravans B and C and, given my finding in the Ground (b) appeal, there is no need to take this matter further.

Ground (g)

13. An appeal made under Ground (g) is that the time allowed for compliance with the requirements falls short of what should reasonably be allowed. The Appellant makes her case in respect of the residential use being carried out. She cites the difficulties of finding residential accommodation in North Devon in support of her contention that the period for compliance should be extended to 12 months.
14. The Council's opinion is that the 9-month compliance period is not uncommon where residential uses are concerned, and that the Appellant has been aware of the potential to move off the land for some time and has been living on this land since at least May 2019.
15. With regards to the latter two points, the Appellant has the right to expect that her appeals might succeed and, therefore, the duration of her living on the land is immaterial. The question is whether the time allowed by the Notice falls short of what is reasonable, at the conclusion of the appeal process.
16. Whilst 9 months might be commonly used in enforcement proceedings, the problems of finding accommodation in rural areas – especially in coastal areas and those of high scenic quality, as here – are well-known.
17. Those difficulties would be exacerbated by the Appellant's mental health issues; she informed myself and the Council's representative at the site visit of her autism and ADHD diagnoses. From her tone and demeanour, I had no reason to doubt this was the case.
18. The Appellant says in her statement that the housing situation in North Devon was described by the local MP as being a "crisis". The quote was not countered by the Council. This, and the additional difficulties that the Appellant's health would pose in finding alternative housing, lead me to find that the time for compliance with the requirements should be extended to 12 months.
19. Thus, the Ground (g) case is successful.

Conclusion

20. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with correction and variation.

R Curnow

INSPECTOR