



Appeal Decision

Site visit made on 28 September 2026

by Chris Preston BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 October 2026

Appeal Ref: APP/Q1153/C/25/3365665

Mount Pleasant, Beaworthy, Devon, EX21 5AN

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Paul Hands against an enforcement notice issued by West Devon Borough Council.
 - The notice was issued on 8 May 2025.
 - The breach of planning control as alleged in the notice is: Without planning permission the material change of use of the Land from agriculture to a residential use by the siting of 2 caravans for residential use, which are outlined in green and annotated 1 and 2 on the attached plan ('the Plan') and the associated operational development in the form of a gravelled hardstanding under and around the caravan shown annotated no.2.
 - The requirements of the notice are to:
 - (1) Cease the residential use of the Land;
 - (2) Remove the caravan shown annotated 1 and outlined in green on the Plan and its associated domestic paraphernalia from the Land;
 - (3) Remove the caravan shown annotated 2 and outlined in green on the Plan and its associated domestic paraphernalia from the Land;
 - (4) Remove the gravelled hardstanding are under and around the caravan shown annotated 2 and outlined in green on the Plan and return the Land to agricultural pastureland.
 - The period for compliance with the requirements is not more than 12 months from the date the notice takes effect.
 - The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. The enforcement notice is quashed.

Procedural Matters Relating to the Enforcement Notice

2. As set out in the banner heading above, the alleged breach of planning control relates to a material change of use of "the Land" from agriculture to a residential use by the siting of 2 caravans for residential use, together with associated operational development in the formation of a hardstanding.
3. The extent of "the Land" in question is identified by the red line boundary on the plan attached to the enforcement notice. The two caravans are marked "1" and "2". However, the red line covers a much wider area and encompasses the driveway to the farmhouse (which is itself excluded from the boundary) and what appears to be domesticated land to the right of the driveway, including the duck pond, as well as the barn and farmyard area and numerous other paddocks to the left of the track. The caravans have been sited in one of those paddocks but there are three further enclosed fields to the south-west of that and other fields to the south and south-east.

4. The fields to the south-west would appear to be in use as pasture land or land for growing haylage. The use of the large barn is not abundantly clear from the information before me but it appears to be in use in connection with the farmhouse. To the side of the barn is an area where pitches for touring caravans are set out. I note from the Council's statement and what I was told at my site visit that the land has permission to be used as a touring caravan site.
5. The paddocks immediately to the south and south-east of the one in which the caravans have been sited appear to have been used in recent years for storage of some form, judging by the overhead photographs provided by the Council, with associated hardstanding being laid. It is not clear if that relates to any agricultural use or not.
6. Consequently, whilst the enforcement notice alleges that there has been a material change of use of "the Land", which means all of the land identified, to a residential use, it is clear that a number of activities were taking place on the area in question at the time the notice was served. The wording of the alleged breach clearly doesn't encompass that range of uses.
7. That presents a number of problems. Firstly, it is manifestly inaccurate. I appreciate that no appeal has been made on Ground (b) of s174(2) of the Town and Country Planning Act 1990 (the Act) but the appellant is unrepresented and is unlikely to be familiar with the intricacies of the enforcement regime. But it is clear that the entirety of the land in question has not been changed to a residential use, as alleged.
8. The other obvious issue is that any decision I would take in respect of the appeal on Ground (a) would take effect across the whole of the land in question. Thus, if I were to grant planning permission for the residential use, that would effectively grant permission for the use of the whole area in question for that purpose. I suspect that was not the Council's intention when drafting the notice.
9. Therefore, there are clear issues with the enforcement notice in respect of the allegation and the area of land identified. Inspectors have wide powers to correct any defects in a notice, providing that no injustice would arise. However, I have reservations as to whether that is possible in this case.
10. I appreciate that Council's will often seek to encompass a wide area of land in cases where caravans are sited. If a small area is identified it can lead to those affected complying with the requirement to remove caravans and cease the use only to relocate onto other areas of land, after which the Council would need to serve another enforcement notice.
11. However, it is not appropriate to artificially draw a wide area if the alleged use is not, in fact, taking place across the whole of that land. If the present red line plan is to be maintained and the allegation was of an unauthorised mixed use of the land, I would need to correct the notice to reflect the full range of activities that are taking place on the land in question. It is not readily obvious what the full range of activities is from the information before me, particularly in relation to the use of the barn and the storage elements in the paddocks to the south and east.
12. That clearly precludes me from seeking to correct the notice in that respect. Not only would I be unsure of the facts, it raises the possibility of widening the scope of the allegation which would have clear opportunity to cause injustice. Moreover, if

the allegation was of a mixed use, it seems to me that the farmhouse would most likely form part of that mix and I would need to widen the plan to include it. Whether that would entail any other persons with an interest in the land is unclear.

13. The second option would be to reduce the area of the red line plan such that the line was drawn to encompass the caravans alone. However, given the way in which the present notice is drawn I am unclear if the Council's view is that the residential use of the caravans is linked to the activity of the remainder of the land. The units are occupied by the appellant's adult daughters and a granddaughter and it is slightly unclear to me whether the intended allegation should be of a mixed use or whether the Council's view is that the residential use of the caravans operates independently of the other uses taking place on the land.
14. In other words, is the plan broadly correct but the allegation incorrect or is the allegation correct but the plan incorrect? Such matters could have a clear bearing on any appeal on Ground (a) depending on any links between the residential use of the caravans and the other uses and activities taking place or otherwise.
15. Given that uncertainty and the potential implications for the appeal on Ground (a) I have reached the conclusion that I cannot correct the notice without potentially causing injustice. I am also very mindful that the appellant is unrepresented such that the nuances of making such changes or not may not be readily apparent to him without professional advice.

Conclusion

16. Thus, whilst I am reluctant to do so given the length of time the appeal has been with the Inspectorate for consideration, I conclude that the enforcement notice does not specify with sufficient clarity the alleged breach of planning control with respect of the uses taking place on the land where the breach of planning control is alleged to have taken place.
17. It is not open to me to correct the error in accordance with my powers under section 176(1)(a) of the 1990 Act (as amended), since injustice would be caused were I to do so. The enforcement notice is invalid and will be quashed. It will be for the Council to determine whether to serve a further notice and, if so, what form that notice should take.
18. In these circumstances, the appeal on Ground (a), set out in section 174(2) of the 1990 Act (as amended) and the application for planning permission deemed to have been made under section 177(5) of the 1990 Act (as amended) do not fall to be considered.

Chris Preston

INSPECTOR