



Appeal Decision

Site visit made on 22 September 2026

by **M Bale BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 9 October 2026

Appeal Ref: APP/X1118/C/25/3362590

Land lying to the south of 2 Bredwick Cottages, Kentisbury, Barnstaple, Devon EX31 4NN

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mrs Rebecca McLeod against an enforcement notice issued by North Devon District Council.
- The notice was issued on 5 February 2025.
- The breach of planning control as alleged in the notice is: Within the last 10 years change of use to a storage use including but not only the siting of shipping containers for storage purposes, the storage of a blue vehicle and white trailer, storage of materials including but not only gas bottle, ladder, scrap and waste items. Within the last 4 years unauthorised development consisting of the siting of two shipping containers.
- The requirements of the notice are to:
 1. Cease open storage use on the land edged red;
 2. Remove shipping containers in the approximate location outlined in green from the land edged red;
 3. Remove all stored items on the land including but not only the blue vehicle, white trailer, ladder, gas bottle, tarp, metal items, waste items from the land edged red;
 4. Remove all materials arising from Steps 1-3 above from the Land edged red.
- The period for compliance with the requirements is: Within 3 months from the date when this Notice takes effect.
- The appeal is proceeding on the grounds set out in section 174(2)(b), (c), (d), (f) and (g) of the Town and Country Planning Act 1990 (as amended).

Summary Decision: The appeal is dismissed and the enforcement notice is upheld with corrections.

Preliminary matters

1. The appellant's case is made on several grounds of appeal. Some of the comments made under each ground can also relate to different grounds of appeal. For the avoidance of doubt, I have considered the evidence as a whole against each of the grounds of appeal.
2. Nobody was at the site when I undertook my visit to facilitate access. However, I could see sufficiently well from the access to obtain enough information to determine the appeal.

The enforcement notice

3. An enforcement notice must inform a recipient, with reasonable certainty, what they are alleged to have done and what must be done to remedy any breach of planning control. Before determining the appeal, I have a duty to put the enforcement notice ("the Notice") in order. I have powers to correct any misdescription in, or vary the terms of, the Notice provided that doing so would not cause injustice to the appellant or the Council.

4. The Notice alleges both a material change of use to a storage use, and operational development consisting of the siting of two shipping containers. The storage use is said to include, amongst other things, the siting of shipping containers. Thus, the Notice alleges that the shipping containers are on the land both as part of a material change of use and as development in their own right. Both cannot be correct.
5. Through its appeal statement, the Council has made clear that its position is that the shipping containers are operational development by virtue of their weight and permanence. The appellant has understood this to be the case as they submit, through the grounds of appeal, that they are not, and are only sited temporarily on the land subject to the Notice ("the Land") in connection with an agricultural use. Moreover, the appellant has had opportunity to respond to the Council's clarification in their final comments.
6. Therefore, no injustice would arise if I were to remove reference to the siting of shipping containers from the first part of the allegation and clarify, in the second part of the allegation, that they are alleged to be on the land for storage purposes.
7. The alleged breach of planning control is repetitive in places, and includes superfluous references to time-periods that may be relevant to the reasons for taking action, but do not assist in describing the matters themselves. No injustice would arise to either party if I made other minor corrections to the allegation in respect of these issues, in the interests of clarity.
8. The grounds of appeal will be considered against the corrected Notice.

Ground (b)

9. Ground (b) is that the matters alleged in the Notice have not occurred. At my site visit, I saw that the containers, blue 'Luton' style animal transport vehicle, and a white box-like trailer, which may or may not be a caravan, alongside the building on the Land. I also saw a small number of other items including buckets, trolleys, a wheelie-bin, and what appeared from a distance to be two sofas on the Land.
10. Whether or not these items are associated with a lawful agricultural use, or have resulted in a material change of use of the land is a matter for the appeal on ground (c). However, it is clear from the evidence and my own observations that various items are or have been on the land as a matter of fact. They have not been shown to have any reason to be there other than that they are being stored, even if that is not intended to be on a long-term or permanent basis. That includes the blue vehicle which, while it may be possible to use it for animal (or some other agricultural) transportation, there is no indication that it actually has been. The Council indicates that it had not moved in a meaningful manner since investigations started over two years before the Notice was served, and it is still in broadly the same location now.
11. The Notice, as corrected, alleges operational development through the siting of two shipping containers. The appellant indicates that they are only resting on sleepers on the land, although photographs show that the ground had also been prepared through the laying of scalpings (or similar), probably to facilitate their siting. The appellant indicates that considerable effort would be required to move the containers, and a long-term, on-going requirement is suggested. All of this

indicates a degree of permanence, such that the siting of the shipping containers is more likely than not to be a building operation in this case.

12. The onus on this ground, as well as grounds (c), and (d), is on the appellant to prove their case on the balance of probabilities. For the above reasons, I find that the matters alleged in the Notice probably have occurred and, therefore, the appeal on ground (b) fails.

Ground (c)

13. Ground (c) is that the matters (if they occurred) do not constitute a breach of planning control. I understand that the Land has been, or is being, cleared of a number of items that may previously have been left there. They may only be there temporarily and progress appears to have been impeded by the weather and condition of the land, which is soft underfoot and boggy in winter, as well as the appellant and their farmer's disabilities. Nevertheless, even if a number of items have been removed, several are still on the Land.
14. Moreover, even if the appellant did not put them all there in the first place, there is no substantive evidence that the items listed in the Notice are on the land for any meaningful agricultural purpose. For these reasons, I find that the blue vehicle and other items are, on the balance of probability, simply stored on the Land. Even alongside ongoing stewardship of the Land and hedgerows, this is materially different to an agricultural use.
15. Photographic evidence from the Council that shows that the containers have not always been used for agricultural purposes and were probably first used for domestic storage. Since that time, it appears that hay and agricultural or hedge-laying equipment has been stored with them, but there are only vague comments about its use in connection with, unspecified, animals on land owned by the appellant elsewhere. The evidence is not clear that they are actually used for agricultural purposes. Therefore, even if the Land did benefit from permitted development rights for agricultural buildings, it has not been shown that the containers would benefit from those rights.
16. I appreciate that planning control may be even more restrictive within a National Park, where the appellant has other land and animals. However, that does not mean that planning permission is not required to site the containers on the Land. I, therefore, find that it is more likely than not that the matters alleged constitute a breach of planning control. The appeal on ground (c) fails accordingly.

Ground (d)

17. Ground (d) is 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 the matters alleged. The appellant has provided no substantive evidence that, for example, the land has been in a storage use, or the containers positioned for long enough that the time limits for taking enforcement action had been exceeded.
18. Therefore, the required standard of proof on this ground has not been met and the appeal on ground (d) also fails.

Ground (f)

19. The purpose of the Notice is to remedy the breach of planning control. In that context, ground (f) is that the steps required by the Notice to be taken, exceed what is necessary to remedy it. Even if some items, such as the animal transporter and containers, could be put to agricultural use, I have found that they are currently in breach of planning control, so their removal is a legitimate requirement of the Notice. The Notice cannot require them to be actively put to a lawful use, only that the unauthorised activities cease or buildings are removed.
20. I understand that there may be some practical challenges, including through the appellant's disabilities, in complying with the Notice. In any event, the appellant's own evidence alludes to the need to employ specialist contractors to lift the containers from the site. They are, therefore, unlikely to carry out the work themselves. It has not been shown why it would not be the responsibility of the person carrying out the work to comply with any health or safety requirements, including managing any hazard to the A39. Even if it might be difficult at some times of year, there is no substantive evidence that this is wholly impractical or, importantly, it would not simply involve a reversal of the operations that put them there in the first place.
21. Moreover, none of these practical considerations mean that the steps are not required in order to remedy the breach of planning control. The removal of the containers, and the other stored items, is ultimately required to achieve that aim. No lesser steps have been suggested that would have the same effect.
22. With regard to the above, I find that the steps required to be taken do not exceed what is necessary to remedy the breach of planning control and the appeal on ground (f) fails.

Ground (g)

23. Ground (g) is that the period specified to comply with the requirements of the Notice falls short of what should reasonably be allowed. There are relatively few items remaining at the site. While I understand that the appellant and her farmer's disabilities may make it difficult for them to remove all or some of the items themselves, I have no substantive information to support these claims, nor any evidence as to why they could not engage the services of a third party to assist within the specified timescale.
24. As noted above, third party assistance is likely to be required in connection with the containers in any event. It has not, therefore, been shown that the appellant or her farmer would suffer any particular discrimination, disadvantage, or inequality of opportunity compared to those who are not disabled, from needing to comply with the Notice either at all, or within any particular timeframe.
25. I understand that it may be difficult to remove the containers in the winter, when the ground is particularly soft. However, that claim is not supported by evidence from any specialist lifting contractor, or other substantive submissions about how it would be done.
26. In the event that ground conditions do become unsuitable during the winter months, the timing of this decision may make the timescale difficult to comply with. However, it may yet be possible to comply within the next few months and, in the

absence of any substantive evidence as to when suitable conditions are likely to return, I have nothing to base an alternative timescale on.

27. Furthermore, it remains possible for the Council to agree a variation to the time required to comply should it be presented with suitable evidence to justify it. On the basis of the evidence before me, I find that the time specified is reasonable and the appeal on ground (g) should, therefore, fail.

Other matters

28. The Council's decisions to pursue, or not, other potential breaches of planning control nearby have little relevance to the consideration of the grounds of appeal before me in this case. I also note comments about the Council's approach to the enforcement investigation and alleged unwillingness to engage in meaningful dialogue with the appellant. However, this decision is made on the basis of the merits of the specific evidence before me. As noted, I have had due regard to the appellant's disabilities in reaching my decision and I have found no obvious reason why their own personal circumstances should dictate a significantly different approach in this case.

Conclusion

29. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with corrections.

Formal Decision

30. It is directed that the enforcement notice is corrected by:

The deletion of the entirety of the text beneath the heading to Section 3 – The Breach of Planning Control Alleged, and its replacement with the following text:

“The material change of use of the Land to a storage use including but not only the storage of a blue vehicle and white trailer, materials, gas bottle, ladder, scrap and waste items. The siting of two shipping containers for storage purposes”.

31. Subject to the corrections, the appeal is dismissed and the enforcement notice is upheld.

M Bale

INSPECTOR