
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: 23 October 2026

Appeal Ref: APP/X1118/C/24/3357292

Oaklands Poultry Farm, West Anstey, South Molton, Devon EX36 3PH

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Leonard Chappell against an enforcement notice issued by North Devon District Council.
- The notice was issued on 6 November 2024.
- The breach of planning control as alleged in the notice is: Within the last 10 years unauthorised change of use consisting of the siting of a mobile home for residential use and within the last 4 years unauthorised extension to agricultural barn.
- The requirements of the notice are to:
 1. Cease residential use of the land outlined in red on the attached plan¹;
 2. Cease residential use of the mobile home outlined in green on the attached plan;
 3. Remove the mobile home outlined in green from the land outlined in red;
 4. Remove all other non-agricultural items and domestic paraphernalia from the land edged red on the attached plan;
 5. Remove from the land any rubbish or debris resulting from compliance with steps 1-4 and dispose of these in a responsible manner;
 6. Remove the extension to the barn outlined in blue on the attached plan;
 7. Remove all other non-agricultural items and domestic paraphernalia in the building outlined in blue from the land and agricultural buildings edged red on the attached plan;
 8. Remove from the land any rubbish or debris resulting from compliance with Steps 6-7 and dispose of these in a responsible manner.
- The periods for compliance with the requirements are: Steps 1-5 within 9 months, and steps 6-8 within 3 months from when the Notice takes effect.
- The appeal is proceeding on the grounds set out in section 174(2)(a) and (g) 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.

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

Preliminary matter

1. Since the issue of the enforcement notice (“the Notice”) the appellant has left the site and the ownership has transferred to another party.
2. Before contact details for the new owner were obtained, I attempted to visit the site but was unable to gain access. I have, therefore, seen the general context of the area and access to the public highway. The new owner has confirmed that they have no interest in pursuing the appellant’s case in this appeal. In the circumstances, the Council, original appellant’s agent, and new owner, have all confirmed that there is no need for me to carry out a detailed inspection of the site itself.
3. I have, therefore, determined the appeal on the basis of the written evidence and my general observations of the wider site context.

¹ Reference in this heading to an attached plan, is reference to a plan attached to the enforcement notice.

Ground (a)

4. Ground (a) is that planning permission should be granted for the matters alleged in the Notice. The main issues are the effect on the character and appearance of the area and on highway safety.
5. The site is in a relatively remote location in rolling countryside. There is only sporadic built form contributing to an open and generally undeveloped character. Although the extension to the barn is only small, it would add further built form in this sparsely developed area. There is no substantive case presented that it, or the mobile home would be compatible with the general rural scene, character or appearance of the area.
6. At the time the Notice was served, the appellant was running a calf rearing business. The justification for the siting of the mobile home and the extension to the agricultural building was based upon that enterprise, but it is no longer in operation. The cessation of those described business activities means that, on the evidence before me, there can be no justification for their ongoing use.
7. I, therefore, find that the matters alleged in the Notice represent unjustified development in the countryside. They are contrary to Policies ST07, DM28 and DM14 of the North Devon and Torridge Local Plan 2018 ("LP") that seek to limit the types of development permissible in the countryside to that including where there is a strong functional link to local agriculture, forestry or other rural activity, and where residential accommodation is essential for the operational needs of a rural enterprise.
8. The Notice alleges that there would be an increase in traffic that would result in harm to highway safety. However, the evidence suggests that agricultural activities have been long-present on the land. Other than the small amount of residential accommodation, the Notice does not allege a material change of use of the wider land. While visibility at the access is slightly restricted, it is unclear how the modest extension to the building for storage and office purposes related to agriculture, or the presence of a resident worker on site, would result in any meaningful increase in traffic, through the existing access.
9. I, therefore, find no demonstrable conflict with LP Policy DM05 that seeks to ensure that all development has a safe and well-designed vehicular access.
10. While there is no harm to highway safety, the lack of agricultural need for the development results in conflict with the development plan, taken as a whole. No material considerations have been suggested that indicate that a decision should be taken otherwise than in accordance with the development plan.
11. Accordingly, planning permission should be refused for the matters alleged in the Notice and the appeal on ground (a) fails.

Ground (g)

12. Ground (g) is that the time specified to comply with the Notice falls short of what should reasonably be allowed. The case is made that it would take longer than the specified time to cease the ongoing agricultural operations and find alternative accommodation. However, as the business has ceased and the appellant is no longer resident at the site these reasons no longer apply.

13. Accordingly, the time specified is reasonable and the appeal on ground (g) also fails.

Conclusion

14. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made.

Formal Decision

15. The appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the Town and Country Planning Act 1990 (as amended).

M Bale

INSPECTOR