



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: 26 October 2026

Appeal Ref: APP/X1118/C/25/3371779

Greendown Farm, Chittlehampton, Umberleigh, Devon EX37 9QR

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr James Teenan against an enforcement notice issued by North Devon District Council.
- The notice was issued on 16 July 2025.
- The breach of planning control as alleged in the notice is: Within the last 10 years unauthorised material change of use to a mixed use comprising of agriculture, concrete and utilities businesses including grab lorry hire, waste removal, tipping and aggregate delivery as well as the change of use of barn to an office in association with the aforementioned businesses. Without planning permission, within the last 4 years operational development consisting of the construction of 4 open storage bays and extension to an existing hardstanding.
- The requirements of the notice are to:
 1. Cease use of the building marked “A” as an office ancillary to the batch concrete and utilities business currently named JT Holdings South West Ltd, JT Concrete Ltd, JT Utilities Ltd, JT Commercial Services Ltd, JT Training and Consultancy Ltd;
 2. Cease use of the land and buildings edged red for the batch concrete and utilities business uses, including those uses associated with the companies named in Step 1 above, and including but not only the grab lorry hire use, waste removal tipping and aggregate delivery;
 3. Remove all items associated with the companies named in Step 1 above and the batch concrete and utilities business uses, grab lorry hire, waste removal, tipping and aggregate delivery from the land and buildings edged red including but not only the vehicles, hopper and externally stored materials;
 4. Remove the concrete bays and associated materials in the approximate location outlined in blue from the land edged red;
 5. Remove the extended hardstanding in the approximate location outlined in green from the land edged red;
 6. Remove from the land any rubbish or debris resulting from compliance with Steps 1-5.
 7. On completion of Steps 1-6 set out above, grade the land so that the contours of the land are restored to their former natural levels and cultivate the land leaving it in a condition suitable for agricultural use.
- The period for compliance with the requirements is: 9 months from the date the Notice takes effect.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (f) 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 enforcement notice is quashed.

The enforcement notice

1. An enforcement notice must inform the recipient, with reasonable certainty, what they have done and what must be done to remedy it. Before determining the appeal, I have a duty to put the enforcement notice (“the Notice”) in order. I may make corrections and variations, provided that doing so does not cause injustice to the appellant or the Council.
2. Where an enforcement notice, like the one subject to this appeal seeks to remedy the breach of planning control, it should be internally consistent, so as to ensure

that the full breach is clearly remedied. The allegation, at Section 3 of the Notice, is of a mixed use comprising agriculture, concrete and utilities businesses including grab lorry hire, waste removal, tipping and aggregate delivery as well as the change of use of barn to an office in association with the aforementioned businesses. The parties have confirmed that 'aggrerate' should read 'aggregate' throughout the Notice.

3. The requirements are constructed in a different way, with references to specific businesses rather than clearly and solely targeting the matters alleged to have occurred. The reference to the businesses, but without any indication of which parts of the allegation they relate to, lacks clarity and creates uncertainty. To ensure that the alleged breach of planning control is clearly remedied by the requirements, it is necessary to correct the requirements to fully align with the allegation.
4. However, here, there is a further problem with the clarity of the Notice.
5. Part of the allegation refers to use of the land as 'concrete and utilities businesses' that includes grab lorry hire, waste removal, tipping and aggregate delivery. That is an open list suggesting that the concrete and utilities businesses could involve matters beyond those included items. That might be unimportant where the generic terms were easily understood, but it is unclear what a utilities business is. Moreover, it has subsequently been confirmed that the waste removal, tipping and aggregate delivery do not actually take place at the appeal site.
6. The Council has indicated that the allegation could be redrafted to refer to the use as being for the parking, storage and hire of grab lorries and other large plant associated with JT Utilities, together with the associated use of the part of the building marked A for office purposes.
7. While this seems to broadly accord with the appellant's position that the site is used for the garaging of vehicles, plus associated office based, administrative, functions, the appellant also refers to maintenance. I have no particular information about any maintenance activities to determine whether they might be part of the mixed use, separate to it, or wholly incidental to it. The uncertainty is a further consequence of the use of an open list in trying to clarify what goes on at the appeal site.
8. Particular care is required because, on ground (a), I am being invited to grant planning permission for the matters alleged and, if successful, the permission would be given for those matters (or part of them), described in the allegation. As the appellant's company is called 'JT Utilities', he probably understands what is meant by a 'utilities business', but if reliance is placed on the activities of his company to define a use, that could change over time.
9. A correction to clearly specify the actual uses of land is, therefore, required. However, a lack of detailed evidence as to what is actually going on at the site means that, in doing so, there is a risk that not all of the uses are correctly described or included within the allegation. If the Notice were upheld, injustice could be caused to the Council through a failure to include all unauthorised activities. Conversely, there could be injustice to the appellant if there were success on ground (a), but permission was not forthcoming for everything carried on at the site.

10. The way that the Notice is drafted might also have affected the way that the cases have been put in respect of the ground (a) appeal. While the appellant's knowledge of the site and apparent understanding of what is alleged, may have put him in a good position to produce evidence about potential effects of the matters alleged, the Council had less information available. The Council's case is partially reliant upon the views of two consultees who have also needed to make assumptions about potential effects from the imprecise wording of the allegation.
11. In particular it appears that the environmental health officer was keen to be supplied with further information before forming a conclusive view. The Local Highway Authority has made comments about potential traffic movements that are criticised, by the appellant, for being based on unevidenced and unclear assumptions of his business activities. Given the number of activities stated that do not occur at the site, the assumed traffic movements may well be misguided.
12. Thus, if I were to proceed to determine the appeal against a corrected Notice on the basis of the evidence, I may be doing so in reliance on inaccurate assumptions as to the potential effects. That has the potential to cause injustice to both parties. Changing the appeal procedure would not assist, because it would likely only be through the production of new detailed evidence, and consideration of the specified uses, that uncertainties could be addressed. Such would be outside the appeal timetable and procedurally unfair.
13. For the reasons given above, I conclude that the Notice does not specify with sufficient clarity the alleged breach of planning control or the steps required for compliance. It is not open to me to correct the errors in accordance with my powers under section 176(1)(a) of the Town and Country Planning Act 1990 (as amended) ("the 1990 Act"), since injustice would be caused were I to do so. The enforcement notice is invalid and will be quashed.
14. In these circumstances, the appeal on the grounds set out in section 174(2)(a), (f) and (g) of the 1990 Act do not fall to be considered.

M Bale

INSPECTOR