



Appeal Decision

by Elizabeth Pleasant BSc (Hons), DipTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 October 2026

Appeal Ref: APP/P1133/C/25/3358761

Land at Round Field, A30 to A377 Interchange, Ide, Exeter, Devon EX2 9FB

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by 4MATION (SW) Ltd against an enforcement notice issued by Teignbridge District Council.
 - The notice was issued on 3 December 2024.
 - The breach of planning control as alleged in the notice is: Without planning permission, the unauthorised change of use of the land from an agricultural use to a mixed use of agricultural and the storage of machinery and construction materials, and the siting of storage containers.
 - The requirements of the notice are to:
 - 1) Cease using the land for the storage of machinery and construction materials, and the siting of storage containers; and
 - 2) Remove from the land all machinery, construction materials and steel containers.
 - The period for compliance with the requirements is three months.
 - The appeal is proceeding on the grounds set out in section 174(2) (c) & (g) of the Town and Country Planning Act 1990 (as amended).
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Decision

1. The appeal is allowed on ground (g) and it is directed that the enforcement notice is varied by the deletion of three months and its substitution with six months. Subject to this variation, the enforcement notice is upheld.

Preliminary Matter

2. Considering the matters at appeal it was not necessary for a site visit to be conducted. I have thus made my decision based on the evidence submitted as part of the appeal process.

Appeal on ground (c)

3. The ground of appeal is that the matters alleged do not constitute a breach of planning control. The appellant contends that the alleged use constitutes a lawful ancillary use of the Land. It is submitted that the Land has a well-established history of being used for the storage of equipment and materials related to highway works, and thus the appellant's use is not a departure from its previous function. The previous use highlights the site's suitability for storage. It is submitted that the current use is being actively managed to improve the ecological value and visual appearance of the site and is thus a beneficial use of the Land.
4. It is understood that the lawful use of the Land is agriculture. The Local Planning Authority (LPA) has advised that whilst the Land has been used in the past as a storage compound/depot in association with ongoing works on the adjacent highway, that previous use was permitted under the provisions of Class A, Part 4, Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (as amended), as the buildings and

structures were required temporarily in connection with and for the duration of operations being carried out on the adjoining highway. Those temporary operations ceased and the Land was cleared prior to the unauthorised development the subject of this notice taking place. The lawful use of the Land thus remains that of agriculture.

5. I have not been provided with any evidence that would lead me to conclude that the storage of machinery, construction materials and siting of storage containers are ancillary to the agricultural use of the Land. Nor, except for the temporary storage depot described in the paragraph above, is there any evidence of the Land previously being used for storage purposes. The aerial images provided by the LPA and dating back to 2005, indicate that the Land has retained an agricultural use. Furthermore, the alleged breach is that of a mixed use, which is a sui generis use¹. A material change of use has occurred and having regard to the recent refusal of planning permission and subsequent dismissed appeal, there is no record of a specific permission being granted for that change of use on the Land².
6. In the alternative, the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) in Article 3 grants planning permission for the classes of development described as permitted development. None of the classes provide for a change of use to a mixed use of agriculture and the storage of machinery and construction materials, and the siting of storage containers.
7. I have had regard to the appellant's assertion that the unauthorised use has some sustainability benefits. However, the planning merits of the development are not a consideration in this legal ground of appeal.
8. My conclusion is that there has been a material change in the use of the Land from agriculture to a mixed use of agriculture and the storage of machinery and construction materials, and the siting of storage containers. Development took place for which no planning permission was granted by the LPA. This material change of use is not permitted development under any provision of the GPDO. A breach of planning control occurred and the appeal on ground (c) fails.

Appeal on ground (g)

9. The issue is whether the compliance period of three months is reasonable. The appellant considers that the time period is too short for him to find suitable premises to relocate his business to. In addition, that process may involve the need to re-hire or relocate staff. A period of twenty-four months is suggested as being more reasonable.
10. I recognise that a period of three months is a relatively short period of time to find alternative premises and relocate a business. However, I am also mindful of the harm identified by the local planning authority to landscape character. The conclusion that I have therefore reached is that a period of six months would be more reasonable in this instance. To this extent the appeal on ground (g) succeeds.

¹ Sui generis: "of its own kind".

² APP/P1133/W/24/3356058

Conclusion

11. For the reasons given above, I conclude that the period for compliance with the notice falls short of what is reasonable. I shall vary the enforcement notice prior to upholding it. The appeal on ground (g) succeeds to that extent.

Elizabeth Pleasant

INSPECTOR