



North Devon Council

Title of Decision Requested: Enforcement Notice for Land to South of 2 Bredwick Cottages, Kentisbury EX31 4NN case ref 13213

Decision requested by decision maker: Agreement to issue Enforcement Notice for Land to South of 2 Bredwick Cottages, Kentisbury EX31 4NN case ref 13213

1. BACKGROUND / REASONS FOR THE DECISION REQUEST

- 1.1. The breach of planning control alleged is within the last 10 years unauthorised change of use consisting of a 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 such as gas bottle, ladder, scrap and waste items.
- 1.2. The breach of planning control alleged is within the last 4 years unauthorised development consisting of the siting of two shipping containers.
- 1.3. An Enforcement Notice should be issued to remedy the alleged breach of planning control. The Council considers it expedient to issue this Notice for the following reasons:
- 1.4. The development site is located within the Countryside, beyond an identified Local Centre, Village, Rural Settlement. The introduction of permanent structures and a storage use at the site in this location is not considered to meet local economic and social needs, constitute rural building re-use or development which is necessarily restricted to a Countryside location. The principle of development therefore does not accord with policy ST07 of the North Devon and Torridge Local Plan.
- 1.5. There is not considered to be a demonstrated operational need for additional agricultural storage at the site given the existing agricultural operation at the site and that there is an existing agricultural shed on the site. The principle of development therefore does not accord with Policy DM14 of the North Devon and Torridge Local Plan.
- 1.6. The placement of shipping containers, and storage use - vehicles and other large items on the land, by virtue of the visible siting within the landscape, the haphazard placement of objects and the industrial/ man made appearance of the shipping containers are considered to result in an adverse visual impact

on the character and appearance of the surrounding rural landscape contrary to Local Plan policies ST14, DM14, DM04 and DM08A.

2. FINANCIAL IMPLICATIONS

2.1. There are no immediate financial costs involved with this action. Should the owner not comply with the Notice served, there may be cost involved with taking prosecution action for non-compliance with the Notice or direct action, but this is a decision which can be made later and will only occur if the owner does not comply.

3. ANY ALTERNATIVE OPTIONS CONSIDERED AND REJECTED?

3.1. There are no other actions the Council can take to remedy this breach of planning control. The owner has not complied and removed the stored items and shipping containers. The owner does not consider they are in breach and believes the shipping containers are not development and that they are also permitted development. The owner will not comply unless formal action is taken.

4. ANY CONFLICT OF INTEREST DECLARED?

4.1. None

5. DISPENSATION IF GRANTED

5.1. Not applicable

6. BACKGROUND PAPERS

6.1. The enforcement case was opened in January 2022 when the Council received a complaint that alleged containers had been placed on the land for storage purposes. The complainant also alleged a caravan had been placed on the land and unauthorised development had occurred which included the widening of an existing access at the site. Further complaints were received in May 2022.

6.2. On 15 March 2022 a site visit was carried out and this established a number of breaches on the land. The area of hardstanding at the access point had been made larger, two caravans were on the land and two shipping containers were on the land in addition to a large number of items being stored on the land, including domestic appliances, fencing, domestic bikes and domestic furniture and so on.

6.3. The owner of the site confirmed to the Investigating Officer at the time that she was living on the site in a caravan whilst her new house purchase was going through. Access inside the shipping containers was gained on 13 April

2022 and it was found that they were being used for the storage of domestic belongings.

- 6.4. On 22 April 2022 the Officer spoke with the owner on the phone and advised her that the shipping containers and caravans on the land being stored would require planning permission. The owner confirmed she would either submit a pre app or she would remove the items from the field.
- 6.5. A further site visit on 22 July 2022 found the shipping containers and other stored items still on the land including a caravan and red domestic vehicle. One caravan had been removed.
- 6.6. On 3 August 2022 the Investigation Officer spoke with the owners son who confirmed they were trying to sell the remaining caravan which would be removed once sold. The owners were currently storing hay in the shipping containers and argued that as they have an agricultural use they did not require planning permission. They advised the Council they did not plan to keep the containers on the land long term. The Officer asked that they send a photo to show the inside of the containers and in the meantime they should consider a temporary planning application to regularise the storage of them on the land.
- 6.7. On 1 September 2022 the owner emailed the Council and sent in photos showing the inside of the containers. The owner confirmed to the Investigating Officer that the shipping containers were now being used for agricultural storage of hay for horses. She believed that this did not require planning permission and that they were permitted development.
- 6.8. On 13 September 2022 a further site visit was carried out which found the shipping containers and caravan still insitu on the land as well as other stored items such as fencing and domestic waste items (an old bed base), the red domestic vehicle and a blue vehicle. A few horses were on the land as well as a few sheep.
- 6.9. A further site visit was carried out on 2 November 2022 which found the two shipping containers on the land as well as the red vehicle and blue vehicle. There were also stored items around the shipping containers which appeared to be waste/scrapped items.
- 6.10. Unfortunately, due to staffing and resourcing issues the case wasn't pursued until the current Planning Enforcement Officer came to post.

- 6.11. A site visit was carried out on 30 October 2024 which found the two shipping containers still on the land and waste items strewn around them. The red vehicle had been removed but the blue vehicle remained stored on the land. There were two horses grazing on the land (not stabled) and no other evidence of agricultural activity or livestock. There was also a white trailer on the site adjacent to the large storage building (granted planning permission under ref 40865 on 25 April 2006) and also a small timber shed on the land in front of the large building. The timber shed does not appear to have been granted planning permission but appears to have been on site for more than 4 years according to historic aerial photos so is now considered immune although no formal Certificate of Lawfulness has been issued for it.
- 6.12. Land Registry Searches were completed on 12 November 2024 and a letter sent to the registered owner on 13 November 2024. One letter was also pinned to the site as it was apparent that the owner no longer lived at the address logged on the Land Registry entry. The letter stated that it has been established there has been a material change of use of the land to a storage use including the siting of shipping containers for storage purposes. The letter advised that to remedy the breach of planning control the owner must remove the shipping containers on site as well as the blue vehicle and all other stored items on the site within 2 months and no later than 13 January 2025.
- 6.13. A handwritten letter was received by the Council on 20 December 2024 from the owner stating that the shipping containers are in agricultural use and they are temporary and they didn't need planning permission.
- 6.14. A letter was sent to the owner on 3 January 2025 confirming that the Council did not agree that the shipping containers were temporary. That the Council considers the change of use of land to a storage use including the siting of shipping containers for agricultural storage purposes to be an unacceptable breach of planning control and that we were unlikely to support a retrospective planning application. The letter advised that no storage use had been permitted on the land and that the shipping containers have been insitu for a period exceeding 2 years with no confirmed date for when they will be removed, so this was not considered a temporary use or building. The letter advised that the permanent siting of shipping containers even if they are used to store hay and tools, demonstrates the introduction of permanent and not temporary structures onto the land which constitutes development requiring planning permission. The letter explained that the shipping containers and stored blue vehicle (REG R918 COT) are considered to cause harm to the landscape character of the area, which is defined as 2D Moorland Edge Slopes, due to their visible siting within the landscape, their



industrial/manmade appearance and their permanent siting. This is contrary to Local Plan Policies DM04, DM08A and ST14. The letter advised that if the shipping containers and blue vehicle were not removed by 13 January 2025, the Council would be taking more formal action which may include an Enforcement Notice.

6.15. On 8 January 2025 the owners son called the Planning Enforcement Officer (PEO) and stated that he considered the shipping containers to be temporary and that they did not require planning permission. He also stated that as they had over 5 hectares of land and the shipping containers were in agricultural use, this was permitted development and didn't require planning permission. The PEO stated that the Council disagreed and that if there was no compliance by the 13 January 2025 we would be pursuing more formal action and serve an Enforcement Notice against which they had a right of appeal. The owners son maintained his view and stated they would not be appealing as they had not done anything wrong.

6.16. A site visit was carried out on 14 January 2025 which found no change to the site. The two shipping containers, the stored items on the land including but not only the blue vehicle and white trailer were still all on the land. The breach of planning control remained outstanding.

6.17. A letter was sent to the owner on 15 January 2025 which advised the Council were now serving an Enforcement Notice.

7. CONSULTATION UNDERTAKEN

7.1 The Planning Officer Marnie Kaneko has instructed the Planning Enforcement Officer to serve a Notice and drafted the reasons for doing so.

8. OFFICER REQUESTING DECISION TO BE TAKEN: Stacey Salter, Planning Enforcement Officer

9. NAME OF DECISION TAKER: Tracey Blackmore Service Manager (Development Management): Head of Planning, Housing and Health

10. DATE DECISION TAKEN: 27th January 2025

11. APPROVED BY DECISION TAKER: Yes

12. DECISION TAKER'S COMMENTS:

