

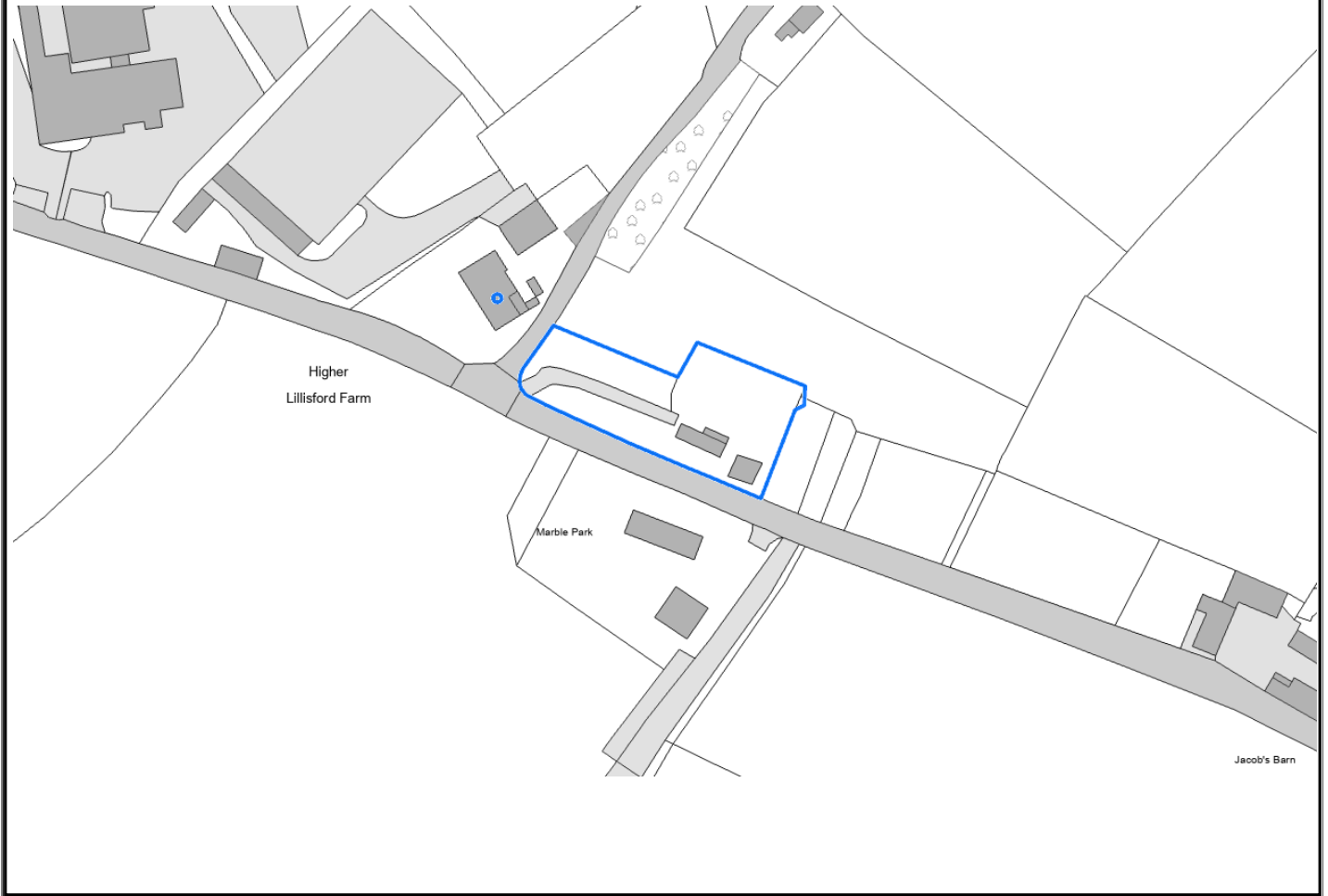
**Planning Committee Enforcement Report**

**Chair: Cllr Suzanne Sanders**

<b>Date</b>	18 November 2025
<b>Case Officer</b>	Steven Hobbs
<b>Location</b>	Land By Jacobs Barn, Littlehempston Devon, TQ9 6NG
<b>Nature</b>	Unauthorised residential use of the land
<b>Ward</b>	Ipplepen
<b>Member(s)</b>	Cllr David Palethorpe
<b>Reference</b>	20/00025/ENF



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## **1. REASON FOR COMMITTEE CONSIDERATION**

Unauthorised change of use of the land from an agricultural use to a mixed use of agriculture and the siting of a mobile home and coach used for residential purposes.

## **2. THE ALLEGED BREACH OF PLANNING CONTROL AND ENFORCEMENT INVESTIGATION FINDINGS**

2.1 The mobile home and coach are located on agricultural land situated to the south of Ipplepen and to the northeast of Littlehempston in open countryside, outside of a defined settlement. The current enforcement case relates to the siting of a mobile home and coach on the land. The key facts in this case are as follows:

- A mobile home and coach have been sited on the land and are being occupied for residential purposes without planning permission.
- Planning application ref.21/01566/FUL (Retention of residential mobile home) was refused on 26 August 2021 and a subsequent appeal against the decision was dismissed on 15 August 2022.
- There is no lawful reason for the mobile home and coach to be sited on the land for residential purposes and the Council must therefore consider whether enforcement action is necessary to remedy the planning breach

In order to remedy the planning breach formal enforcement action is required.

## **3. BACKGROUND AND CONTEXT**

3.1 In January 2020 the Council received a complaint about the siting of a mobile home in a field between Lillisford Farm and Jacobs Barn, Littlehempston.

3.2 From initial contact with the owner it was clear that a mobile home had been sited on the land and was being used for residential purposes. It was claimed that the mobile home had been on the land for about 4 years. As the siting of a mobile home on the land for residential purposes resulted in a change of use planning permission was required. As no planning permission had been obtained, it was considered that a breach of planning control was occurring.

3.3 The owner was advised that in order to remedy the breach of planning control it would be necessary to either cease the unauthorised use of the mobile home or submit a retrospective planning application to determine whether the use could be retained.

3.4 In July 2021 a planning application (reference 21/01566/FUL) was submitted for the retention of the residential mobile home. Within the application the applicant stated that the mobile home was moved onto the site in June 2016 and had been occupied for residential purposes since that date by 2 people.

3.5 The application was refused on 26 August 2021 for the following reasons:

- *The proposal is not considered to comprise sustainable residential development because it is located within the designated open countryside, where Policy S22 (Countryside) states that development will be restricted and will not comprise new market dwellings. Whilst affordable housing for local needs is permitted in the countryside in some circumstances (as set out in Policy WE5 (Rural Exceptions)), the proposal does not meet the definition of affordable housing set out within the NPPF and Local Plan as it does not include provision of any mechanism to secure allocation of the affordable housing to those in greatest need through the recognised allocation process in Devon (Devon Home Choice), nor does it propose management of the affordable housing through a Registered Provider or another appropriate managing organisation, and nor is there provision for the unit to be restricted to 80% of market rent in perpetuity. Furthermore, the application site does not adjoin a settlement. The proposal does not, therefore, meet the Local Plan requirements for the provision of affordable housing as set out in Policies WE2, WE3 and WE5. In addition, insufficient information has been submitted to demonstrate that the proposal would comply with Policy WE9 (Rural Workers' Dwellings) of the Teignbridge Local Plan 2013-2033. As such, the proposal is also therefore contrary to Policy S22 of the Teignbridge Local Plan 2013-2033.*
- *The change of use of the field to residential use would be detrimental to the character and appearance of the surroundings and would fail to comply with the aims of Policy S22 (Countryside) of the Teignbridge Local Plan 2013-2033 which seeks to manage development within the open countryside and limit it to uses which are necessary to meet specific needs. Whilst these uses include affordable housing for local needs and dwellings for rural workers, the proposal does not constitute as an appropriate form of affordable housing and insufficient information has been submitted to demonstrate that the proposal would comply with Policy WE9. As such, the proposal fails to comply with Policy S22.*

3.6 An appeal against the refusal of planning application ref. 21/01566/FUL was dismissed on 15 August 2022. The reasons given by the Inspector for dismissal of the appeal were:

- *It was found that the mobile home does not meet the Council's strategy for development in this countryside location.*
- *The absence of harm in respect of the area's character and appearance does not justify or overcome this conflict.*
- *It was therefore found that the appeal development conflicts with the Development Plan as a whole.*
- *Having considered this and all other relevant material considerations, including the National Planning Policy Framework, the Inspector concluded that the appeal should be dismissed.*

- 3.7 Following the appeal being dismissed the owner was contacted formally by letter and advised to cease the unauthorised residential use to avoid further enforcement action being taken.
- 3.8 A recent meeting on site revealed that the unauthorised residential use of the land is still occurring. At the meeting it was noted that a coach had been sited on the land, but it was claimed the occupants were still living in the unauthorised mobile home and were doing up the coach. However, from additional information received subsequently it appeared that due to the condition of the mobile home the occupants converted the coach into their place of residence.
- 3.9 From further investigations it has become apparent that the mobile home has now been removed from the land. However, the coach has now been moved to where the mobile home was sited. Although the mobile home may have been removed the use of the coach for residential purposes results in the continued unauthorised residential use of the land.
- 3.10 The Council understands that more recently the ownership of the land may have changed. However, as the unauthorised residential use appears to be continuing even the changed ownership is not relevant to the consideration of enforcement action.
- 3.11 In this instance given that a planning application for the residential use of the land has been refused and an appeal dismissed. The use of the land for residential purposes is not considered to be acceptable meaning enforcement action is necessary to cease the unauthorised use.

#### **4. PLANNING CONSIDERATIONS FOR ENFORCEMENT ACTION**

- 4.1 The coach is sited on land outside any settlement limit and no evidence of essential need to have the coach on the land for residential purposes has been provided. As such the stationing of the coach on the land is considered contrary to Policies S22 and WE9 of the Adopted Teignbridge Local Plan 2013 – 2033 and Policies GP3 and H16 of the Emerging Teignbridge Local Plan 2020 - 2040.
- 4.2 The policies of both the adopted Local Plan 2013 – 2033 and emerging Local Plan 2020 - 2040 reflect the Core Principles as set out under the Government's National Planning Policy Framework (NPPF) and the National Planning Policy Guidance which has an emphasis on sustainable development and focusing new residential development into settlements and other sustainable locations. It is considered that in this instance the unauthorised use fails to uphold these principles, particularly those in paragraph 84 of the NPPF for the reasons as set out above.
- 4.4 Officers consider enforcement action to be necessary and expedient to ensure the unauthorised use ceases and the unauthorised coach is removed from the land. This is considered to be in the public interest in order to support and maintain the delivery of the Strategy of the Local Plan, specifically avoiding the

inappropriate siting of residential uses in the countryside without good reason; and to maintain wider principles of sustainability and good design whilst protecting the character and appearance of the area.

## **5. RECOMMENDATIONS**

The Committee is recommended to resolve that an Enforcement Notice be issued under Section 172 of the Town and Country Planning Act 1990 to:

- i) Cease using the land for the siting of coach for residential purposes; and,
- ii) Remove from the land the unauthorised coach along with any other items associated with the unauthorised residential use from the land.

The compliance period is recommended to be six months.

In the event of the Notice not being complied with, the Solicitor be authorised to take further action as necessary under Section 179 of the Act.

## **6. HUMAN RIGHTS ACT**

The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.