

IN THE MATTER OF 'Court Vale', Upham, Cheriton Fitzpaine, Crediton, EX17 4HH

I Richard J HEARD of Court Place, Upham, Cheriton Fitzpaine, Crediton, EX17 4HH. Do **Solemnly and sincerely declare** as follows:

1. I make this declaration in relation to a Certificate of Lawful Use application to be submitted by me Rihard J Heard to Mid Devon District Council (MDDC) regarding the non-compliance with an occupancy planning condition imposed upon planning permission 77/243 approved on 1st April 1977 by MDDC for an agricultural dwelling house, now known as 'Court Vale' EX17 4HH. (the dwelling)
2. I am the owner of the dwelling house known as 'Court Vale' Upham, Crediton, Devon, EX17 4HH. For the purposes of this declaration, and for the avoidance of doubt, I inherited 'Court Vale' in April 2011 following the death of my father. As a result, I can provide detailed information and evidence regarding the use of the property (the dwelling) and land. I have identified 'Court Vale' and the associated garden, outlined in red, on a Site Location Plan, which I produce as Exhibit RH1.
3. I am aware that a planning permission granted by Mid Devon District Council (MDDC) on 1st April 1977 reference 77/243 for an agricultural dwelling house (Exhibit RH1). This planning permission contains a restrictive occupancy condition more commonly known as an agricultural tie condition. This planning permission and the restrictive condition, still apply to 'Court Vale' (the dwelling).
4. After inheriting the property I rented it out. I confirm I have continuously rented out the property for in excess of ten years (12 years 3 months) to [REDACTED] [REDACTED] formally rented the property by way of a tenancy agreement dated 1st May 2011. In those ten years preceding the date of this Declaration, the property has not been occupied in accordance with the Agricultural Occupancy Condition attached to the property which is worded as follows:

The dwelling hereby permitted shall be occupied only by persons employed, or last employed, full time locally in agricultural or forestry work; as defined by Section 370 of the Town and Country Planning Act 1971, and the dependants of such persons aforesaid.

5. To the best of my knowledge, and after moving into the property Court Vale on 1st May 2011, and to the present day, [REDACTED] have not worked in any agricultural business or related activity. [REDACTED] is employed as a Chiropodist and [REDACTED] has employment as a handyman. In addition, and again to the best of my knowledge, no other person has lived at, or stayed at, the property who would have complied with the agricultural tie. As I should have been notified of that fact by my tenants [REDACTED]. The property has been occupied continuously from 1st May 2011 until 7th September 2023 by [REDACTED]. The Council Tax reference for Court Vale, which has been paid by the tenants [REDACTED]
6. [REDACTED] vacated the property, Court Vale, on 7th September 2023. On the 8th September 2023, [REDACTED] became the tenant of the

property. [REDACTED] is employed as a builder. [REDACTED] is the current tenant of the property and upon the granting of a Certificate of Lawful Use to confirm the occupation of the property contrary to the agricultural occupancy condition, he will purchase the property.

7. At the time of swearing this declaration I am still the owner of Court Vale, EX17 4HH (the dwelling).
8. I believe from the above information and evidence referred to in this declaration that it is clear 'Court Vale', EX17 4HH, as identified on Exhibit RH1 (the dwelling), has been occupied continuously as a dwelling house for more than ten years in non-compliance with the agricultural occupancy condition imposed upon planning permission 77/243. As a result, the lawful use of 'Court Vale' as C3 dwelling house, in breach of that condition, can continue.

I make this declaration conscientiously believing the same to be true and by virtue of the Statutory Declarations Act 1835 declared at *38, High Street, Exeter* on before.

Signed [REDACTED]

Dated

19/10/23

(Richard Heard)

Signed [REDACTED]

Dated

19/10/23

(Michael Micklethwait Solicitor)

Dunn & Baker Solicitors
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Cullompton
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