



Appeal Decision

by Ken McEntee

a person appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 27 May 2021

Appeal refs: APP/D0840/C/20/3262850 & 51 Land at Candon Water, Gweek, Cornwall, TR12 6TX

- The appeals are made under section 174 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991.
- The appeals are brought by Mr Tristan & Mrs Tara Mackie against an enforcement notice issued by Cornwall Council.
- The notice was issued on 7 October 2020.
- The breach of planning control as alleged in the notice is "Without planning permission, (1) the material change of use of agricultural land to a mixed allotment and leisure use and for the stationing of a caravan for residential purposes and (2) operational development on agricultural land to construct a lean-to structure with extension to facilitate the residential use of the caravan on the land and for the siting of a storage container."
- The requirements of the notice are: "(1) Cease the use of the land outlined in red on the attached plan for residential purposes. (2) Remove from the land the residential caravan in the approximate position marked blue on the attached plan. (3) Remove from the land the lean-to structure with extension in the approximate position marked orange on the attached plan. (4) Remove from the land the storage container in the approximate position marked green on the attached plan. (5) Remove from the land outlined in red on the attached plan all materials and debris resulting from compliance with (1) – (4) inclusive above".
- The time period for compliance with the notice is "For (1) – (5) inclusive above, 1 calendar month after this notice takes effect".
- The appeals are proceeding on the ground set out in section 174(2)(g) of the Town and Country Planning Act 1990 as amended.

Summary of decision: The appeals are dismissed and the enforcement notice is upheld without variation.

Reasons for the decision

1. The appeals were made in November last year and at that time the country was in lockdown due to the COVID pandemic. In view of this, the appellants contended that they needed more time to see what the Government's position was after the lockdown ends as they were finding it difficult to obtain professional advice and to find an operator able to remove the shipping container. Therefore, they requested that the compliance period be extended for a further 6 weeks. As some 6 months have elapsed since the appeals were submitted, it is reasonable to assume that in that time the appellants have been able to take the necessary steps to carry out the required works, particularly as lockdown and restrictions have been significantly lifted. As the compliance period will begin again from the date of this decision, the appellants will effectively have had some 7 months in which to comply with the requirements of the notice, which is over 5 months more than

that requested. Therefore, there does not appear to be any good reason to extend the compliance period further.

Formal decision

2. For the reasons given above, the appeals are dismissed and the enforcement notice is upheld.

K McEntee