



Appeal Decision

Site visit made on 23 August 2021

by Gareth Symons BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 25 August 2021

Appeal Ref: APP/D0840/C/20/3262879

Land opposite Heartis Farm, Land opposite Heartis Farm, Copper Hill, Troon, Camborne, TR14 9JW

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr David Govan against an enforcement notice issued by Cornwall Council.
 - The enforcement notice was issued on 16 November 2020.
 - The breach of planning control as alleged in the notice is: Without planning permission, the change of use of agricultural land to a use for the stationing of one touring caravan and one static caravan for residential use, as shown in the approximate positions marked with crosses on the attached plan.
 - The requirements of the notice are: 1) Cease the use of the touring caravan and static caravan for residential purposes; 2) Remove from the land the touring and static caravans and any personal belongings that are not associated with the lawful agricultural use of the land.
 - The period for compliance with the requirements is: 1) 9 months after this notice takes effect; 2) 9 months after this notice takes effect.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) and (f) of the Town and Country Planning Act 1990 as amended.
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Decision

1. The appeal is dismissed and the Enforcement Notice (EN) is upheld. Planning permission is refused on the application deemed to have been made under s177(5) of the Town and Country Planning Act 1990 as amended.

The ground (a) appeal – planning merits

2. The appeal site is a broadly rectangular field with boundary hedges in a rural location outside of any settlement. The land slopes down to a lane. Towards the top of the field are two caravans, a large static and a tourer. At my site visit there were also two vehicles. Given the elevated position of the caravans set in a local landscape that can be generally described as an upland plateau with sporadic development, they have an intrusive presence that detracts from the rural appearance of the field and the surrounding open countryside. There may be other caravans locally, but there are no details of whether these have been granted planning permission and, if they have, under what circumstances. The presence of other caravans does not justify the harm caused to the character and appearance of the area by the appeal caravans.
3. My attention has recently been drawn to two nearby planning applications. However, they are not yet determined and unless planning permission is

granted, they could have only very limited weight in this appeal. In any event, one is for affordable housing on the edge of a settlement and the other is for a tourism related scheme and part agriculture. These are materially different proposals from the one before me and thus, even if granted planning permission, would be very unlikely to influence the outcome of this appeal.

4. The Cornwall Local Plan (LP) does allow for new homes in the countryside under certain special circumstances, such as for rural workers where there is a proven essential need for accommodation. However, no special circumstances have been advanced in this case.
5. In view of the above, the appeal development conflicts with the sustainable development and countryside protection aims of policies 1, 2, 7, 12 and 23 from the LP and the National Planning Policy Framework (NPPF). Since the appeal was submitted the Government has published a revised NPPF. The changes made to the paragraphs from the NPPF referred to by the Council are very minor and do not materially affect the cases for either party.
6. It may be the case that occupation of the caravans does not adversely impact on the amenity of any neighbours, but this is a matter of neutral weight. I am aware that the appellant has raised concerns about how the enforcement action taken by the Council was instigated. However, it is not my role to investigate such concerns and they are matters to be taken up with the Council, if necessary, away from this appeal. They have no material bearing on the planning merits of the case or the ground (f) appeal considered below.
7. I have considered all other matters. However, nothing else raised outweighs my finding above that the development conflicts with the development plan as a whole. The ground (a) appeal should not succeed.

The ground (f) appeal

8. The purpose of the EN under s173(4)(a) of the 1990 Act is aimed at remedying the breach of planning control by discontinuing the use of the land. By seeking to cease the residential use and to have the caravans removed which are facilitating that use, the requirements are doing no more than is necessary to bring the unauthorised use to an end. Consequently, the requirements of the EN are not excessive and the ground (f) appeal also fails.

Conclusion

9. For the reasons given, I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act.

Gareth Symons

INSPECTOR