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# Appeal Decision

**by Ken McEntee**

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

**Decision date: 8 August 2024**

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**Appeal ref: APP/D0840/C/24/3337964 & 3337965**

**Land at Southwest of the homestead, Penzance, Cornwall, TR20 8UJ**

- 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 Miss Judy Heald and Mr Daniel Cordery against an enforcement notice issued by Cornwall Council.
- The notice was issued on 11 January 2024.
- The breach of planning control as alleged in the notice is: "Without planning permission, the construction of a building comprising of a caravan and wooden extension used for residential purposes, the erection of a polytunnel and the associated material change of use of the land from agricultural to a mixed use comprising of agricultural and residential. The approximate position of the residential building is indicated by a blue 'X' on the attached plan".
- The requirements of the notice are: (1) Cease the residential use of the land outlined in red on the attached plan. (2) Demolish and remove the wooden extension constructed along the caravan's southern elevation and remove the caravan shown in the approximate location by a blue 'X' on the attached plan from the land. (3) Remove all services connected to the former caravan for the purposes of independent human habitation, including but not limited to electric cabling, water pipes, sewage pipes, gas bottles etc. (4) Remove from the land all materials, paraphernalia and debris resulting from the residential use of the land, including but not limited to washing lines, outdoor furniture, plant pots, trampoline, polytunnel, solar panels etc. (5) Remove from the land all materials and debris resulting from the above works.
- The time period for compliance with the notice is: "For (1)-(5) above, sixteen months from the date this notice takes effect".
- The appeal is 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.**

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## Reasons for the decision

1. The main basis of the appellants' case is that they do not consider 16 months allows enough time for them to find suitable alternative accommodation. They point out that there is a housing crisis, and their children currently attend the local school. However, they do not state how long they feel the period of compliance with the notice should be extended to. I am also mindful that some 6 months have elapsed since the appeal was submitted with enforcement action effectively suspended. As the compliance period will begin again from the date of this decision, the appellants will effectively have had some 22 months in which to seek out suitable alternative accommodation. I consider this period to be more than reasonable and proportionate; it provides an appropriate balance between the needs of the appellants and their family and the need for the harm caused by the

unauthorised development and use to the surrounding countryside to be brought to an end. While I have sympathy with the appellants' personal circumstances and in no way wish to appear dismissive of them, I cannot be satisfied there is good reason to extend the compliance period further. The appeal on ground (g) fails accordingly.

2. However, should the appellants continue to experience any genuine difficulties, it will be open to them to submit a request to the Council to use their powers under section 173(1)(b) of the 1990 Act to extend the compliance period themselves, should they be satisfied there is justification for doing so.

### **Formal decision**

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

*K McEntee*