
Appeal Decisions

Hearing held on 3 December 2024

Accompanied site visit made on 2 December 2024

by Nick Fagan BSc (Hons), DipTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 January 2025

**Appeal Refs: APP/D0840/C/24/3342585, 3342586, 3342587 & 3242588
Bluebarrows Caravan Park, Clays Walk, Stenalees, St. Austell, Cornwall
PL26 8SY**

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (as amended). The appeals are made by Mr Alfie-Lee Cooper, Mrs Rose-Ann Buckland, Mr Lewis Cooper & Mrs Lisa Cooper respectively against an enforcement notice issued by Cornwall Council.
 - The notice was issued on 10 April 2024.
 - The breach of planning control as alleged in the notice is: Without planning permission, the material change of use of the land from agricultural to residential (Gypsy Traveller Site) through the stationing of caravans for residential purposes along with associated operational development, including the erection of fencing, domestic sheds, porches, creation of hardstanding/access track, skirts around caravans, and storage of shipping containers.
 - The requirements of the notice are to:
 - (1) Cease the residential use of the land outlined in red on the attached plan.
 - (2) Remove from the land outlined in red on the attached plan, all services connected to the caravans for the purposes of independent human habitation, including but not limited to electric cabling, water pipes, sewage pipes, septic tanks, gas bottles etc.
 - (3) Demolish and remove from the land outlined in red on the attached plan, all porches and skirting surrounding caravans.
 - (4) Cease the residential use and remove the caravans within the land outlined in red on the attached plan.
 - (5) Demolish and remove the hardstanding areas and access track from the land outlined in red on the attached plan and restore the land to its former condition before the breach took place.
 - (6) Remove from the land all materials, paraphernalia, outbuildings, and debris resulting from the residential use of the land, including but not limited to fencing, shipping containers, washing lines, plant pots, sheds, non-agricultural motor vehicles etc.
 - (7) Remove from the land all materials and debris resulting from compliance with the requirements of (2), (3), (4), (5) and (6) above, and restore the land to its former condition before the breach took place.
 - The period for compliance with the requirements is: eighteen (18) months.
 - The appeal is proceeding on the grounds set out in section 174(2)(d) & (e) of the Town and Country Planning Act 1990 (as amended) (the Act).
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Decision

1. The appeals are dismissed and the enforcement notice is upheld.

Preliminary Matters

2. Heartfelt pleas were made at the Hearing by some of the appellants and their family members about the effects of the notice, if I was to uphold it,

specifically in terms of them having nowhere else to live or move onto, which would have serious effects for them and their children.

3. I explained that I could not consider such comments or the appellants' personal circumstances in these appeals because they have only been made on grounds (d) and (e), which I address below. The Council officer correctly pointed out that they could of course make an application for planning permission within the notice's compliance period, if I decided to uphold the notice.
4. The accompanied site visit took place on the afternoon before the day of the Hearing, which was sufficient for me to familiarise myself with the site and the pitches on it. I made it clear at the start of the Hearing, and at its end, that I would make another visit to the site if any of the parties considered this to be necessary. None of them did; all were content that I had seen all I needed to see at the visit the day before.

Reasons

Ground (d)

5. Ground (d) is that, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters.
6. The notice was issued and served on 10 April 2024. The time limits for enforcement are set out in section 171B of the Act; subsection (3) states that no enforcement action may be taken after the end of the period of 10 years beginning with the date of the breach. This includes any operational development associated with such a change of use, as set out above in respect of this notice. This means that the residential caravan site here, and its above listed associated operational development, would have had to have been established and completed by at least 10 April 2014 for it to be immune from enforcement action.
7. By the appellants' own admission, it wasn't. They didn't purchase the site until July 2018 and no caravans were brought onto it until at least June 2018, as documented by the Council and by the interested party, evidence unchallenged by the appellants.
8. Consequently, the appeals on ground (d) must fail.

Ground (e)

9. Ground (e) is that copies of the notice were not served as required by section 172 of the Act, on the owner and occupiers of the land or any other person having an interest in it.
10. Lewis Cooper says that he was not served with a copy of the notice. Whether he was served or not, Lewis Cooper successfully lodged an appeal and attended the Hearing to put his case. He therefore clearly had site of the notice and has suffered no prejudice, even if he was not served with a copy himself on 10 April 2024.
11. The appeals on Ground (e) consequently are unsuccessful.

Other Matters

12. No appeal was made on ground (g), the time period for complying with the notice: 18 months, which is a generous period of time for the appellants to look for another site, or indeed, should they wish, to make an application for planning permission for the current unauthorised use of the land as a caravan site.

Conclusion

13. For the above reasons the appeals are dismissed and the notice is upheld.

Nick Fagan

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

- Alfie Cooper (Senior)
- Alfie-Lee & Megan Cooper
- Lewis & Lisa Cooper

FOR THE LOCAL PLANNING AUTHORITY:

- James Holman, Principal Development Officer, Appeals, Cornwall Council
- Ben Bartlett, Enforcement Officer, Cornwall Council

INTERESTED PARTIES:

- Christopher Tofts & Sinead Lowry, Stephens Scown LLP, representing Imerys