



Appeal Decision

by **Ken McEntee**

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

Decision date: 10 July 2025

Appeal ref: APP/D0840/C/25/3361451

Land known as Concrete Batching Plant, Creegbrowse, St Day, Redruth, Cornwall, TR16 5QF

- 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 brought by Mr Alan Mitchell against an enforcement notice issued by Cornwall Council.
- The notice was issued on 29 January 2025.
- The breach of planning control as alleged in the notice is: "Without planning permission, the material change of land from nil use to a mixed use comprising of agricultural use (polytunnel approved under PA21/07698) and residential use, through the siting of a caravan for residential purposes (currently unoccupied) and associated development consisting of the connecting to residential services and construction of a concrete plinth and timber access steps".
- The requirements of the notice are as listed in the annexe to this decision.
- The time period for compliance with all 7 requirements of the notice is 6 months after the 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 appeal is dismissed and the enforcement notice is upheld without variation.

Reasons for the decision

1. It is clear that the main basis of the appeal is that the appellant requires more time to comply with the notice due to serious health issues that will impact on his ability to carry out the necessary works to comply with the requirements of the notice within the 6 months given. He therefore requests that the compliance period be extended to 12 months.
2. I acknowledge the sequence of events listed concerning the health and medical issues the appellant has been experiencing and in no way wish to appear dismissive of them and their impact on the appellant and his family. However, I also acknowledge the Council's point that there does not appear to be any reason why someone cannot be employed to undertake the works. I am also mindful that more some 4 months have elapsed since this appeal was submitted with enforcement action effectively suspended. As the compliance period will begin again from the date of this decision, the appellant will effectively have had more than 10 months in which to arrange for the necessary works to be carried out. I consider this period to be both reasonable and proportionate and provides a balance between the personal needs of the appellant and his family and the need for the stated harm caused by the unauthorised use/development to be brought to an end as soon as possible. Therefore, I am not satisfied there is good reason to justify extending the compliance period further. The appeal fails accordingly.

3. However, while I am dismissing the appeal, should the appellant experience any genuine difficulties, it is open to him to submit a request to the Council to use their powers under section 173A(1)(b) of the 1990 Act to extend the compliance period themselves, should they be satisfied there is justification for doing so.

Formal decision

4. For the reasons given above, the appeal is dismissed and the enforcement notice is upheld without variation.

K McEntee

Annexe to the decision

WHAT YOU ARE REQUIRED TO DO

- (1) Cease the residential use of the land outlined in red on the attached plan.
- (2) Cease the residential use of the caravan shown in the approximate location by a blue 'X' on the attached plan and remove the caravan from the land outlined in red on the attached plan.
- (3) Remove from the land all services connected to the caravan for the purposes of independent human habitation, including but not limited to electric cabling, water pipes, sewage pipes, septic tank, gas bottles etc.
- (4) Demolish and remove from the concrete plinth underneath the caravan and restore the land to its former condition before the engineering operations took place.
- (5) Demolish and remove the timber access steps to the side of caravan shown in the approximate location by a blue 'X' on the attached plan.
- (6) Remove from the land all materials, paraphernalia and debris resulting from the residential use of the land.
- (7) Remove from the land all materials and debris resulting from compliance with the requirements of (2) – (6) above and restore the land to its former condition before the breach took place.