



Appeal Decisions

Site visit made on 2 July 2025

by **R Curnow MA(TCP), BSC(Hons), CMS MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 8 September 2025

Appeal A Ref: APP/D0840/C/24/3341145

Appeal B Ref: APP/D0840/C/24/3341146

Allandale Farm, Engollan, Wadebridge, Cornwall PL27 7UN

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - Appeal A is made by Mr Edward O'Dell against an enforcement notice issued by Cornwall Council.
 - Appeal B is made by Mr Alan O'Dell against an enforcement notice issued by Cornwall Council
 - The notice was issued on 23 February 2024.
 - The breach of planning control as alleged in the notice is Without planning permission, the material change of use of the land from agriculture; to a mixed use of agriculture and the use of the land for the stationing of residential caravans for independent human habitation and associated residential paraphernalia, outbuildings, and storage of a redundant residential caravan; the commercial storage and distribution of aggregate, the parking and maintenance of commercial vehicles and the erection of a workshop and outbuildings and siting of a shipping container associated with the commercial uses.
 - The requirements of the notice are: 1. Cease the use of the land, outlined in red on the attached plan, for independent residential occupation; 2. Cease the use of the land, outlined in red on the attached plan, for non-agricultural commercial activities; 3. Remove the residential caravans and redundant residential caravan in the approximate locations marked with a black A, B, C, G, from the land outlined in red on the attached plan; 4. Remove the commercial workshop in the approximate location marked with a black E, from the land outlined in red on the attached plan; 5. Remove the building used ancillary to the residential and commercial uses in the approximate location marked with a black D, from the land outlined in red on the attached plan; 6. Remove all services attached to the caravans, workshop and associated buildings in the approximate locations marked with a black A, B, C, D, E, G (including solar array, electricity cables, gas bottles, waste pipes, septic tanks) from the land outlined in red on the attached plan; 7. Remove all domestic and commercial paraphernalia, outbuildings and works associated with the residential use of the caravans and commercial building in the approximate locations marked with a black A, B, C, D, E, G from the land outlined in red on the attached plan; 8. Remove the aggregate and aggregate bays in the approximate location marked with a black H from the land outlined in red on the attached plan; 9. Remove the former commercial outbuilding and shipping container in the locations marked with a black I and J, from the land outlined in red on the attached plan; 10. Remove any waste materials arising from compliance with requirements (3) to (9) above, from the land outlined in red on the attached plan to an authorised place of disposal; and 11. Restore the land outlined in red on the attached plan, as a result of compliance with the requirements of (3) to (10) above, to its former condition.
 - The period for compliance with the requirements is 18 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) (b) and (e) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. In respect of both Appeal A and Appeal B: the appeals are dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Ground (e)

2. An appeal made under Ground (e) is that copies of the Notice were not served in the required manner. This is a legal ground of appeal where the onus lies with the Appellants to make their case, on the balance of probability.
3. S172(2) of the Act states that “A copy of an enforcement notice shall be served— (a) on the owner and on the occupier of the land to which it relates; and (b) on any other person having an interest in the land, being an interest which, in the opinion of the authority, is materially affected by the notice”. From this, section 329 of the Act sets out how a notice may be served.
4. The representations show that those with an interest in the land were served with a copy of the Notice. They also show that these were served in a timely manner and that there was an adequate period before the Notice came into effect.
5. A Planning Contravention Notice (‘PCN’) and Personal Circumstances Questionnaire, dated 18 October 2022, were served on the Appellants. The PCN asked for the addresses of those with an interest in the land. I have not been provided with a copy of the answer to that question, if, indeed, there was one. In any event, a copy of the Notice was not served on the Appellant in Appeal B, Mr A O’Dell, at his home address. Due to his being hospitalized, the Appellant in Appeal A, Mr E O’Dell, did not receive his copy of the Notice until 12 March 2024.
6. Otherwise, the Council served copies of the Notice at the site. Photographs show that these were affixed conspicuously to the gateposts, with a copy left in the post box. To my mind, they were clearly and accurately addressed, and the required warning was written on the envelopes.
7. Section 176(5) sets out that the Secretary of State may disregard the fact that a Notice is served incorrectly if neither the Appellant nor a person required to be served with the Notice has been substantially prejudiced by the failure to serve correctly. Here, the Appellants were aware of the Notice and were able to appoint an agent to make their appeals in a timely manner. They clearly had sufficient time in which to respond to the Notice, and there was no substantial prejudice, nor issue of natural justice.
8. For the above reasons, the Ground (e) case fails.

Ground (b)

9. An appeal made under Ground (b) is that the matters alleged in the Notice have not occurred. This is a legal ground of appeal where the onus lies with the Appellants to make their case on the balance of probability.
10. The parties agree that, save for the enforcement action undertaken by the Council, there is no formal planning history for the site. The Appellants report that other activities have been undertaken from the site alongside agriculture, such as a coach and aggregate business, but make no claim that these became the lawful uses of the land. The evidence points to the lawful use of the land being agriculture.
11. In their submissions, the Appellants assert that as caravans A and C are to remain to be used as welfare units/ seasonal agricultural workers dwellings during lambing they are permitted development. The permitted development right to use land as a

caravan site is set out in Schedule 2, Part 5, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended. That right is subject to circumstances in paragraph A.2, which are paragraphs 2 to 10 of Schedule 1 to the Caravan Sites and Development Act 1960. Its paragraph 7 relates to caravans for use by agricultural and forestry workers. This allows for seasonal, rather than permanent, use of land for the siting of caravans. A condition of the permitted development use, in Class A, is that the use of land as a caravan site is discontinued when the circumstances for the use do not exist and all caravans on the site are removed as soon as reasonably practicable.

12. The evidence shows that the caravans have been on the land for some years prior to the issuing of the Notice. I find that the use of the land as a caravan site has not been in accordance with permitted development rights and was intended on a permanent basis. There has, therefore, been a breach of planning control.
13. The Council's Statement of Case ('SoC') includes a photograph of a coach with the title 'Magical Mystery Tour' on its side. This was taken by an Officer at a visit before the Notice was issued. Further in the SoC, are screenshots of Vehicle Operator's Licences from the gov.uk website. One of these is for 'Magical Mystery Tour Newquay Limited' and one of its two operating centres is the appeal site. Another licence is for 'O'Dell's Coaches', in which the appeal site is listed as an operating centre. That licence was surrendered in January 2021, prior to the Notice being issued, and would appear to be the business that the Appellants say had ceased, in their Final Comments. They do not, however, say when this occurred.
14. On the basis of the evidence before me, I find that, on the balance of probability, a coach business was undertaken from the land before the Notice was issued. It would have needed planning permission, as it would have resulted in a material change of use of the land, but it has not been shown that such a permission was granted.
15. The Council also provide a screenshot from the gov.uk website of an excerpt from the waste carriers' and brokers' public register. It is for a company called 'Diamond Management Service'. The Council says that the company advertises its waste removal, aggregates and landscaping services; although no evidence of this has been provided, this is not specifically countered by the Appellants.
16. They state that the commercial uses alleged in the Notice are actually "personal", although they do acknowledge that these have "strayed from pure agricultural activity".
17. 9 open storage bays have been constructed from concrete blocks and timber in a yard straddling the access track. There was a variety of material in these bays, including aggregates varying in size from sand to quite large stone, and green materials. Close by, amongst other things that I saw, were 'dumpy bags' of gravel and stacks of concrete blocks. The scale of the bays and the amount of material they might accommodate, allied to the other materials I saw stored on the land, were beyond what might reasonably be described as being for personal use. They reflect the Council's report of the business carried out by Diamond Management Service. I find, on the balance of probability, that this is a commercial use targeted by the Notice. It was part of the material change of use of the land and this required planning permission.

18. In the words of the Appellants, “the barns subject of the appeal are agricultural in nature and have been erected for agricultural and agricultural holding”. They are referring to the buildings marked ‘D’ and ‘E’ on the plan attached to the Notice. Whether either part of this statement is true is, to a degree, immaterial in the Ground (b) case. Their nature will be assessed in my Ground (a) decision, below. It is whether they needed planning permission for their erection and how they have been used that is at issue here.
19. The Appellants claim that the Council’s actions led them to believe that the erection of Building E would be permitted development, and that they could proceed with this, is not explained. Notwithstanding this, they acknowledge in their Final Comments that, as the holding is less than 5ha in area, its erection would not have been permitted development. No substantive evidence has been brought forward in connection with Building D to show that the alleged breach has not occurred. The case has not been made, to the required standard, that the buildings and their use were not breaches of planning control.
20. Although this would be a Ground (d) matter, it is claimed that Buildings F and I have immunity from enforcement action, as they have been in place for more than 10 years. As no evidence in support of this has been submitted, I shall deal with the matter here and find that I need not take the matter further.
21. In the light of the above, I find that the development alleged in the Notice has occurred and, therefore, the Ground (b) case fails.

Ground (a) and the Deemed Application

22. An appeal made under Ground (a) is that the development alleged in the Notice should be granted planning permission.

Main Issues

23. The main issues are:
 - The need for a residential presence on the land;
 - The effect of the development on the character and appearance of the area; and
 - Whether the site is in a sustainable location in terms of access to services and facilities.

Residential presence

24. The appeal site lies in the open countryside, with the nearest settlement, St Eval, said to be 2.7kms away. Support for residential development in this location, in both national and local planning policy guidance, is limited. In the words of Policy 7 of the Cornwall Local Plan Strategic Policies 2010-2030 (‘CLP’) it will only be permitted where there are special circumstances.
25. Amongst the circumstances listed, are two related to agriculture. Number 4 relates to temporary accommodation for workers and number 5 relates to permanent residential accommodation. In both, support is limited to those rural businesses that are established and viable.

26. The appeal site runs to 4.4ha. In their SoC, the Appellants describe their use of the land as being “akin to hobby farming, with 30 sheep with lambs at foot, some pigs and an area allocated for the planting of a wide variety of vegetables”. At my site visit, I saw some sheep, though no pigs; my attention was not drawn to any land where vegetables were growing, nor did I see this.
27. It is the Appellants wish to retain caravans A and C as welfare units or seasonal agricultural workers dwellings during lambing. The Appellants intend to remove caravans B and G.
28. Even were the activities on site to be classed as agriculture, and the parties dispute this, I have not been given any evidence of this being a viable, established business. Given the small area of land involved and the very limited agricultural activities undertaken, the need for a presence on site of a single caravan throughout the year has not been demonstrated, let alone the two for which permission is sought.
29. I find that there are no special circumstances that would support the retention of the two caravans on the basis of the reasons given. Thus their retention would be contrary to the terms of CLP Policies 7 and 3, which guides the location of residential development, and Government guidance on housing in the National Planning Policy Framework (‘the Framework’).
30. Reference is made to Policies SENDP2 and SENDP3 of the St Eval Neighbourhood Development Plan in the reasons for issuing the Notice. However, neither actually militates against the development. The former supports housing in St Eval and the latter provides qualified support for replacement dwellings in the open countryside. Neither is relevant to this proposal.

Character and Appearance

31. The Council identified the site as lying within Landscape Character Area 23, ‘Trevose Head and Coastal Plateau’. The area is described as being an open, windswept gently undulating coastal plateau that is largely treeless and tranquil. This largely accords with what I experienced at the site visit.
32. However, it is not a landscape devoid of development. Between the site and St Eval, amongst other things there is a transmitter station with many aerials on a former airfield site, what appeared to be either an aggregates or waste business and a kart racing track. Apart from dispersed villages, such as St Eval, residential development is largely limited to farms or very small collections of dwellings along roads. I also saw isolated agricultural buildings set away from farmsteads, such as that on land adjacent to the site.
33. The CLP has a suite of policies relating to development in the countryside. In broad terms, the Council’s strategy for development is set out in CLP Policy 3 ‘Role and function of places’. In respect of sites within the AONB, its support for development depends on being in accord with other policies in the CLP and that it is demonstrated that it would conserve and enhance the area’s character and beauty. Policy 5 relates, amongst other things, to business development and its part 1.c) sets out that development in the countryside should be of a scale appropriate to its location or should demonstrate an overriding locational and business need to be in that location. These terms are largely mirrored in ‘saved’ Policy ENV1 of the North Cornwall District Local Plan 2007 (‘NCDLP’);

notwithstanding its age, its terms are still relevant to the appeal. The approach is reflected in the aims of the Cornwall Area of Outstanding Natural Beauty Management Plan 2022-2027 (CAONBMP) and, in particular its Policy CSP-P2.

34. I did not find longer-distance vantage points from which the development on the land could be seen. However, the large shed and caravans at the northern end of the site were clearly seen from the minor road to the east of the site, which runs north to the hamlet of Engollan.
35. Building E is large and high with a concrete floor. It is open internally, and has three roller shutter doors at its eastern end. Its scale, by reason of its height and width, and prominence in the landscape are readily apparent when seen from the Engollan road. From there, it appears stark against the skyline.
36. When I visited, amongst other things inside the building I saw a tractor, mini-digger and mini-tractor, as well as other plant and equipment. Outside, I saw a large digger. The evidence, including that of my site visit, is that very little agriculture is undertaken on the land, and it seemed unlikely that all of the plant and equipment I saw was related to the agriculture on this small area of land. I have no reason to find that the building is of an appropriate scale for agriculture on the land. No evidence has been put before me to demonstrate that there is an overriding need for the other uses to be undertaken on the land, which might provide support for the retention of this large building.
37. Although not so prominent, the caravans nonetheless have a jarring effect on the area's appearance when seen from the Engollan road. They introduce a residential presence that is at odds with the area's rural character and appearance.
38. I have taken into account the presence of the agricultural building on the adjacent land. This is seen in conjunction with development on the site in views from the Engollan Road. I have not been given the details of why planning permission was granted for this building, but note that this was granted at a time when the same development policies applied. In the absence of evidence to the contrary, I take it that it was held to comply with the tests within those policies. To my mind, it does not mitigate the harmful impact of development on the appeal site.
39. Taken individually, the other structures and buildings on the land do not have the same adverse effect. Most are simply not seen from public vantage points, though they are seen from neighbouring land. Notwithstanding this, collectively they and their associated commercial activities do have a harmful effect on the peaceful and largely undeveloped character and appearance of this part of the National Landscape.
40. For the above reasons, the development is contrary to the aims of CLP Policy 3, that Plan's Policies 2 and 23 that, amongst other things, seek to protect the county's natural landscapes and NCDLP Policy ENV1. It is also contrary to the terms of the CAONBM, in particular, its Policy CSP-P2 that mirrors CLP Policy 3, the terms of the Framework, in particular its chapter 15, 'Conserving and enhancing the natural environment', and CLP Policy 1 that sets out the Council's aims for sustainable development.

Accessibility

41. The site is located in a position divorced from service and shopping provision. I saw that St Eval only offered a limited range of services and access to a wider range of facilities would be gained in the towns of Newquay and Padstow, several miles away. I did not see any bus stops close to the site, nor was I told of any. I saw that buses run through St Eval, but its distance from the site, allied to the lack of footways and street lighting along the intervening highway, is such that it would make it extremely likely that people using the site would rely on private car travel. It is not, in the words of the Framework, a location that provides safe and suitable access to all users and is not sustainable development as set out in CLP Policy 1.

Other matters

42. It is reported that the lack of positive engagement on the part of the Council left the Appellants with an impression that planning permission was not required for the erection of Building E. However, for the reasons above, I have concluded that permission was required. It is unclear whether the Council's actions at the investigation stage breached its 'Planning enforcement investigation process'¹. Notwithstanding this, had this been the case it would be a matter to be addressed through channels other than this appeal.

Conclusion on Ground (a)

43. For the reasons that I have given above, I find that: there is no need for the residential development on the land; the development harms the character and appearance of the National Landscape; and that the site is in a location where its occupants and workers would be more or less totally reliant on the use of private car travel.
44. The reasons for issuing the Notice refer to CLP Policy 21, the best use of buildings and land, and Policy 22, European protected sites. The use of these policies has not been explained by the Council, and I have not used them in reaching my decision.

Conclusion

45. For the reasons given above, I conclude that the appeals 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 as amended.

R Curnow

INSPECTOR

¹ Submitted as Appendix 5 to the Appellants' statement