



Appeal Decision

Inquiry held on 22 July 2025

Site visit made on 21 July 2025

by Martin Allen BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 September 2025

Appeal Ref: APP/D0840/C/25/3362791

Land known as Angarrick Stables, Angarrick, Mylor Bridge, Falmouth, Cornwall TR11 5NX

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Mark Abbot-Compton against an enforcement notice issued by Cornwall Council.
 - The notice was issued on 25 February 2025.
 - The breach of planning control as alleged in the notice is, without planning permission, the material change of land from agricultural use to a mixed use comprising of agricultural and residential use, through the siting of a static caravan for residential purposes and the siting of two touring caravan used in connection with the residential use (home offices) and associated development consisting of the construction of a timber outbuilding containing compostable toilet and shower facilities, also the construction of hardstanding areas underneath the caravans.
 - The requirements of the notice are to:
 - (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) Remove from the land the caravans shown in the approximate locations by two blue 'A's'.
 - (5) Demolish and remove from the land, the hardstanding areas underneath the caravan and restore the land to its former condition before the engineering operations took place.
 - (6) Demolish and remove from the land, the timber outbuilding shown in the approximate location by a blue 'B' on the attached plan.
 - (7) Remove from the land all materials, paraphernalia and debris resulting from the residential use of the land.
 - (8) Remove from the land all materials and debris resulting from compliance with the requirements of (2) – (7) above and restore the land to its former condition before the breach took place.
 - The period for compliance with the requirements is 12 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (c) and (d) 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. The appeal is allowed and, subject to corrections, the enforcement notice is quashed.

Applications for costs

2. An application for costs was made by Mr Mark Abbot-Compton against Cornwall Council. That application is the subject of a separate decision.

Preliminary Matters

3. All oral evidence at the Inquiry was given under affirmation.
4. At the time of my site visit, there were several caravans present on the land, including a static and tourers. There is no contention that the static has been present on the land for ten years and one of the tourers was used as an office. In the interests of clarity, I have therefore focussed on the caravan that it is said has been occupied by the appellant when making my decision.

The Notice

5. The Council accepted that the enforcement notice need not refer to “home offices”, and that the building that was alleged to contain the shower facilities has been removed from the site.
6. Under Section 176(1) of the Act, I have the power to correct the notice to address any error, provided that this causes no injustice. I am satisfied that there would be no injustice to any party to removing reference to these elements from the notice, and the necessary associated amendments.

The Planning Unit

7. When giving evidence at the Inquiry the Council’s witness contended that there were two separate uses taking place on two separate planning units: one comprising a residential use and another comprising a separate agricultural use. I highlighted that this directly contradicted the allegation set out in the enforcement notice, which is for a mixed use, not two separate uses. On further reflection of the matter, the Council’s witness conceded that there was a mixed-use taking place, not two separate uses. It was also conceded that the correct planning unit was being enforced against.

Ground (c)

8. This ground is that those matters alleged in the enforcement notice do not constitute a breach of planning control.
9. The appellant’s case in pursuance of this ground of appeal is that the timber outbuilding which is referred to in the notice (but which has now been removed in any event) benefits from a permitted development right as an agricultural building. No further details as to which specific Class of The Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO) is relied on.
10. Notwithstanding, Class A of Part 6 of the GPDO permits the erection of a building on agricultural land which is reasonably required for the purposes of agriculture. The Council raise concern over whether the use of the building to house a toilet can be considered for an agricultural purpose. However, more importantly the erection of such a building, even if complying with all of the limitations set out in the Class, is permitted only subject to the developer applying to the local planning authority for a determination of whether prior approval is required as to the siting, design and external appearance of the building. There is no evidence before me to show that this process was followed. As such, the building cannot be considered to have been erected as permitted development. In the absence of any other specific permission authorising the building, it comprised development that has taken place in breach of planning control.

11. Accordingly, the appeal under ground (c) must fail.

Ground (d)

12. This ground of appeal is that, at the time the enforcement notice was issued, it was too late to take enforcement action. The burden of proof rests with the appellant to demonstrate this and the relevant test of the evidence is on the balance of probabilities.
13. The notice alleges the material change of use to a mixed use, thereby constituting the change of use of the land. Accordingly, the development would be immune if the change of use occurred, and continued without interruption for, 10 years or more before the service of the notice. Therefore, the relevant date is 25 February 2015.
14. The appellant states that they began living on the site in 2001, and since this time has permanently occupied a caravan for residential purposes. The appellants evidence indicates that at that time a caravan was placed on the land to the western part of the site. An additional caravan was placed on the land in 2007, referred to as the "Hobby caravan", and the appellant then began living in this. Following this, in 2009 the Hobby caravan was moved to a different position to beneath the eucalyptus trees further to the east. The caravan remained here between 2009 and 2019. In 2019, the caravan was moved to the area of concrete hardstanding near to the stables and remained here until 2023. In 2023, the caravan was moved from the hardstanding and placed back under the eucalyptus trees. It was stated that the occupied caravan was moved around beneath the trees at different periods. This was all supported by the evidence that was given at the Inquiry. All of the locations referred to as being where the caravan was positioned are located within the area defined within the enforcement notice.
15. There was a period of time when the appellant was not resident at the site and it is stated that during this time his son moved to the site, in order to continue to look after the animals and the land and continued in occupation until the appellant was able to return. This was supported by the evidence, given under affirmation, at the Inquiry.
16. There is a water supply in place, as well as a phone connection and electricity. Before 2023, the water and electricity supply were shared between the caravan and the various other buildings within the site, while the phone connection is solely for the caravan. In 2023, separate water and electricity supplies were installed for the caravans and other uses. The appellant confirmed this in oral evidence.
17. In terms of the remainder of the land around the caravan, the appellant outlines that the wider site has been used for agricultural purposes, there has also been the keeping and stabling of horses and goats. There are areas used for the cultivation of plants.
18. This version of events is corroborated by the other witnesses who gave evidence, under affirmation, at the Inquiry. I find the evidence of occupation that was given, including the corroborating evidence, credible and consistent.
19. The Council question whether it is realistic for the Hobby caravan to have been sited beneath the eucalyptus trees given the possibility of winds causing damage

to the trees, resulting in falling branches. In this regard, the appellant indicated that this was not of concern to him. In the absence of evidence demonstrating that it would present a severe risk, I am not convinced that this casts doubt on the evidence that this is where the caravan was sited.

20. The Council have also raised concern over the veracity of evidence given in respect of whether the appellants son was in occupation of the site, given that it was stated that his brother helped out on alternate days. Yet I find nothing unusual in such an arrangement and this account of the activities does not lead me to doubt the evidence given.
21. The Council have referred me to various aerial photographs of the appeal site, which have been included as evidence and were discussed at the Inquiry. In large part, the Council relies on any caravan not being visible in any of the photographs. However, in light of the density of the trees that have been present throughout the timeline referred to throughout the evidence, I do not consider this to be unusual. Moreover, the resolution of some of the photographs is such that it is unclear whether any partial views of a caravan would be discernible. Indeed, I am particularly conscious that the Council witness accepted under cross-examination that it was possible for caravans to not be visible beneath the tree cover.
22. I note that the caravan is visible within the hardstanding area between 2019 and 2023 but given that there is nothing to even partially obscure aerial views of this area, this does not undermine evidence given that at other times the caravan was located beneath the eucalyptus trees.
23. In support of its case the Council also draws my attention to two statutory declarations, made by the appellant, dated October 2021 and October 2024. The Council has contended a lack of detail in these documents, which do not refer to caravans changing over the occupation of the site, the appellant's absence from the site and occupation by his son, or any potential movement of a caravan beneath the trees. It was the Council's contention that the 2024 statutory declaration states that the caravan did not move between the period of 2009 and 2019. However, that is not how I read the document. It states that in 2009 the caravan was placed beneath the eucalyptus trees and that a plan was attached showing the location of the caravan at the time the declaration was drafted; it is silent on whether there were any other movements. As such, I do not consider that these statutory declarations undermine the appellant's oral evidence.
24. The Council has referred to Council tax records which it is contended state that until February 2016, the appellant (and one other person) had joint liability for council tax at a property away from the site. When giving evidence, under affirmation, Ms Sheldon-Smith states that this was not the case and confirmed that since 2001, the appellant has lived nowhere other than the appeal site (other than the short period of absence when his son was in occupation). Under re-examination she stated that she had never seen a Council tax bill with the appellants name on.
25. I have also been referred to notes pertaining to Enforcement investigations at the site. These appear to be comments extracted from an electronic system of the Council, albeit only the text of them has been provided. These notes state that in January 2011 a caravan was in use as a residence. A February 2011 note states that the site is not the appellants home address, a July 2011 note stating that the

appellant confirmed that there was someone living in a caravan for a short while, but they had now vacated the land and a March 2012 stating that the caravan in question was empty and had been removed. While these comments are noted, the author of them is not stated and no person gave evidence as to the veracity of the notes. As such, their content carries little weight in disproving the accounts of the appellant's witnesses.

26. The Council also relies on a previous planning permission, for a domestic extension, which was granted in 2009 for a property away from the appeal site, the applicant for which was the appellant. While this is noted, as is the Council's contention that this indicates the appellant was living elsewhere, the mere fact that the appellant was listed as the applicant on the planning permission does not to my mind demonstrate occupation in the way the Council asserts. It could be that the appellant was listed as they were, at least in part, due to being an owner of that property. It does not prove occupation and thus I give this only limited weight.
27. As part of the evidence provided there are copies of bills from a water company however these are heavily redacted, such that they provide little in the way of positive evidence of occupation of the site. However, they do not disprove occupation either.
28. Considering the above, even considering the alleged deficiencies and inconsistencies set out by the Council, the oral evidence provided by the appellant and supporting witnesses was in my view sufficiently precise and unambiguous. Having carefully considered all matters, I find that the weight of the evidence shows, on the balance of probabilities, that the change of use began before the relevant date and continued without significant interruption. It is therefore immune from enforcement action. Thus, the appeal on ground (d) succeeds.

Other Matters

29. At the time of my visit to the site, there was also a static caravan present, which was occupied by two of the individuals who gave evidence in support of the appellant. However, it is not contended that this unit has been on site for a sufficient period to contribute to the consideration of the lawfulness of the mixed use as alleged. As such, the presence of this unit has little bearing on my decision.
30. I am aware of a previous appeal decision on the site, in respect of a refused application for a certificate of lawfulness. That appeal was dismissed as it was considered that there was insufficient evidence to demonstrate an uninterrupted residential use of the site for a period of ten years. However, I am particularly conscious that that appeal, which was determined by way of the written representations procedure, did not consider the evidence that I heard at the Inquiry, which was given under affirmation. As such, the finding in that case has little influence on my decision and does not lead me to find differently than I have above.

Conclusion

31. It is directed that the enforcement notice is corrected by:

- At Part 3 “THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL” delete:
 - “(home offices) and associated development consisting of the construction of a timber outbuilding containing compostable toilet and shower facilities”
- At Part 5 “WHAT YOU ARE REQUIRED TO DO”
 - Delete requirement (6)
 - Renumber requirement (7) as (6)
 - Renumber requirement (8) as (7), and amend wording to read “requirements of (2) to (6) above”
- At Part 6 “TIME FOR COMPLIANCE” delete, and replace with
 - “For (1) – (7) above, 12 months after this notice takes effect”.

32. Subject to the corrections, for the reasons given above, I conclude that the appeal should succeed on ground (d). The enforcement notice will be quashed.

33. In these circumstances, the appeal on ground (a) and the application for planning permission deemed to have been made under section 177(5) of the 1990 Act (as amended) does not fall to be considered.

Martin Allen

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Jaspreet Lyall	Legal Representative
Mark Abbot-Compton	Appellant
Debbie Smith	Ex-wife of appellant
Benjamin Abbot-Compton	Son of appellant
Tate Sheldon-Moralee	Stepson of appellant
Jenia Geraghty	Former employee of appellant
David Taylor	Friend of appellant

FOR THE LOCAL PLANNING AUTHORITY:

Oliver Bradbear	Trainee Solicitor
James Holman	Principal Planning Officer

DOCUMENTS SUBMITTED AT INQUIRY

- Council Opening Statement
- Completed Statement of Common Ground

DOCUMENTS SUBMITTED AFTER INQUIRY

- Council representation on corrections to notice
- Appellant representation on corrections to notice
- Council Closing Statement
- Appellant Closing Statement