



Appeal Decision

Site visit made on 24 September 2025

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

an Inspector appointed by the Secretary of State

Decision date: 22 October 2025

Appeal Ref: APP/D0840/C/23/3326815

Land to Southeast of St Warris, Burlawn, Wadebridge, Cornwall PL27 7LD

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Adam Pratt against an enforcement notice issued by Cornwall Council ('the Notice').
 - The notice was issued on 29 June 2023.
 - 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 mixed use comprising of agricultural and storage of caravans and non-agricultural paraphernalia on the land.
 - The requirements of the notice are: (1) Remove from the land the caravans within the area marked in red on the attached plan; (2) Cease the use of the land for the storage of non-agricultural materials/items; including but not limited to: building materials, traffic cones and signs; and (3) Remove from the land all materials and debris resulting from the above works and restore the land to its former condition and use before the breaches took place.
 - The period for compliance with the requirements is 9 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(b), (f), (g) of the Town and Country Planning Act 1990 (as amended).
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Decision

1. The appeal is dismissed and the enforcement notice is upheld.

Reasons

2. The appeal site consists of a fairly large field that is, for its most part, steeply sloping. It lies in the open countryside, a short distance from the small settlement of Burlawn. A minor road from the settlement gives access to the site via a gate and a steep, unmade track. At the time of my visit, much of the land was overgrown. On its upper and more level part, amongst other things, I saw a wooden shed, static caravan, a fibreglass shed-like structure that had once been used by a power distribution company, trailers, and a septic tank used for water collection.

Ground (b)

3. 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 it is for the Appellant to make his case on the balance of probability.
4. The Appellant was unable to provide access to the wooden shed but said at the site visit that it contained "two stationary engines" and "bits of plough". If this were the case, it would seem to tally with that part of the claim in his statement that, amongst other things, it was used to store vintage agricultural machinery. It is also claimed that tools and equipment for use on the land were stored there. However, as the Council had not been given access to the shed either, and the Appellant

had provided no photographic evidence of the interior of the shed, I have very little evidence to support the claim.

5. In addition to what I saw, photographic evidence in the Council's statement shows that there has been a mobile caravan on the land, as well as a variety of highway signs and cones, what appears to be large metal shelving, a pile of stone and various other materials.
6. In his statement of case, the Appellant said that the static caravan was used to provide secure storage of vintage agricultural machinery, tools and equipment. At the time of my visit, there were none of these in the caravan, nor were they present when the Council took photographs of its interior when investigating the alleged breach. Furthermore, no substantive evidence of how those items were used for agriculture on the land was given.
7. The interior of the caravan had a residential appearance, having: a kitchen with a cooker, sink, fridge and unconnected washing machine; lounge, bathroom and bedrooms. I note that, in answer to a question asking what his intended use of the land was, in a Planning Contravention Notice issued by the Council, the Appellant answered, "To site a static caravan for accommodation for son". In answer to a more specific question about his intended use of the caravans on the land he answered, "Living accommodation for son who works locally".
8. The case that the use of the caravan is ancillary to the use of the land is further undermined in the Appellant's statement of case. There it is said that "It is accepted that the caravan has been located on the site without consent". Thus, it is acknowledged that consent would have been required for its siting; this would not have been the case if used for ancillary purposes, as there would have been no material change in the use of the land.
9. The Appellant acknowledges that waste has been brought to the site, and that the storage of non-agricultural items has occurred. These, it is said, did not occur long enough to constitute a material change of use. However, no information has been given in respect of the duration of the use of the land for these purposes. Although these matters may not have contravened the terms of an Environment Agency licence, it has not been demonstrated that the period of this use was so short as to be inconsequential.
10. From the evidence before me, including that of my site visit, I find that the Appellant fails to demonstrate on the balance of probability that the change of use alleged in the Notice has not occurred. Whilst this might not have been the case across the whole of the field, that the Notice refers to the whole field is correct as it denotes the planning unit.
11. For the above reasons, the Ground (b) case fails.

Ground (f)

12. An appeal made under Ground (f) is that the steps required by the Notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach. In this case, the purpose of the Notice is to remedy the breach of planning control.

13. The Appellant says he is happy to cease the use of the land for the storage of non-agricultural goods and that most of this has already gone; this is not sufficient reason to vary the terms of the Notice. He further refers to an area of hardstanding that he says has been in-situ for over ten years. As this is neither referred to in the allegation nor the requirements of the Notice, the hardstanding is not attacked by the Notice. Whilst I have been told that allowing the caravan to stay for “agricultural use would be beneficial”, doing so would mean engaging in the planning merits of its retention. As I do not have a Ground (a) appeal, I cannot take these into account.
14. None of the above presents me with any obvious alternative or lesser step to the requirements set out in the Notice, nor can I identify any. Its terms do not exceed what is necessary to remedy the breach of planning control that it identifies. Furthermore, as the Council acknowledges, any storage of materials or equipment for purposes ancillary to the lawful use of the land would be unaffected by the requirements of the Notice.
15. For the above reason, the Ground (f) case fails.

Ground (g)

16. An appeal under Ground (g) is that the period for compliance with the requirements of the Notice falls short of what should reasonably be allowed. The Appellant seeks to extend the period for compliance to 18 months.
17. I agree that taking the static caravan off the site via the access to the Burlawn road would not be feasible. It is too steep, narrow and rough. This would mean taking out a portion of a hedge and taking it out across neighbouring land, outside of the Appellant's control. This was how it was brought onto the land. The Appellant says that this needs to be carried out at a time when intrusion and damage of wildlife habitat would be minimised. However, he gives no details of the time of the year that would be appropriate. As such, his reasoning falls short of what might be required to justify extending the period for compliance.
18. In his appeal form, dated 28 July, another reason given for extending the period for compliance was to “enable decisions to be made in respect of planning applications to be submitted for the siting of the caravan and or the potential conversion of the shed”. If planning permission were to be granted, the caravan might be used during construction works. No evidence of progress on either application was subsequently provided on this matter. In the circumstances, I give this scant weight.
19. The requirements of the Notice could be complied with within 9 months, and as such is a reasonable period. There is nothing in the Appellant's submissions to lead me to extend the period. For the above reasons, the Ground (g) case fails.

Conclusion

20. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice.

R Curnow

INSPECTOR