



Appeal Decision

Site visit made on 29 November 2025

by **A U Ghafoor BSc (Hons) MA MRTPI FCMI fCMgr**

an Inspector appointed by the Secretary of State

Decision date: 22 December 2025

Appeal Ref: APP/D0840/C/23/3322424

Land known as north of Trenear Intake, Trenear TR13 0HH

- 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 “1990 Act”).
 - The appeal is made by Mr Daniel Walters against an enforcement notice issued by Cornwall Council.
 - The enforcement notice was issued on 14 April 2023.
 - The breach of planning control as alleged is 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 land has been outlined in red on the notice plan.
 - The requirements of the enforcement notice are to: (1) Remove from the land the caravans within the area marked in red on the notice plan. (2) Cease the use of the land for the storage of non-agricultural materials/items; including but not limited to: building materials, septic tank, garden furniture, picnic bench, windows and doors, 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 5 months.
 - The appeal is proceeding on the grounds set out in section 174(2) (b), (c), (f) and (g) of the 1990 Act. Since the prescribed fees have not been paid within the specified period, the appeal on ground (a) and the application for planning permission deemed to have been made under section 177(5) of the Act as amended have lapsed.
-

Decision

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

Ground (b)

2. Much is made about the structure known as a rest room, workshop and a shed, but the notice alleges a material change in use of the land from agricultural to mixed use comprising agricultural and storage of caravans and non-agricultural paraphernalia. In their final comments, the appellant concedes the caravans were kept on the land for storage purposes but have been removed. That is verified by the Council in its statement of case, and I have no reason to disagree. As confirmed in responses to searching questions found in the Planning Contravention Notice (PCN), caravans and non-agricultural paraphernalia had in fact been kept on the land for storage purposes during the period leading up to the issuing of the notice and at the date of issue. Probably the alleged breach in fact occurred and ground (b) must therefore fail.

Ground (c)

3. Essentially, the argument is a simple one, namely, the rest room structure, workshop and shed are buildings ancillary to the lawful agricultural use of the land. However, no cogent reason or case has been advanced to show that the alleged change of use of the land to a single mixed use does not amount to development falling within the scope of s55(1).
4. Indeed, the addition of a primary storage use is a different type of activity compared to agriculture given the nature and scale of the land's use for storage purposes. Comings and

goings associated with storage of caravans, and non-agricultural plant and machinery or paraphernalia is likely to be noticeable. The open-air storage of caravans, equipment, structures or non-agricultural paraphernalia is likely to significantly change the physical layout of the site and have a visual effect. In my planning judgment, the storage use changes the definable character of the land and resulted in a mixed agricultural and storage use. The mixed use has the potential of both on and off-site material planning effects or consequences requiring assessment.

5. No argument has been made about the applicability of any permitted development rights associated with the storage of caravans and non-agricultural paraphernalia. In a similar vein, no solid argument has been advanced on the basis that the storage of caravans or non-agricultural equipment is incidental or ancillary to any lawful use of the land. On the contrary, as I have already said elsewhere, the appellant seems to have conceded that the alleged breach required express planning permission for the single mixed use, and it has not been obtained. Ground (c) must fail.

Ground (f)

6. The appellant acknowledges, at final comments stage, the notice seeks to remedy the breach of planning controls through restoration. As I have already said elsewhere, caravans have been removed and the Council recognise requirement 1) in section 5) to the notice has been satisfied. Step 2) simply requires the cessation of the storage use and lists non-agricultural items, including but not limited to, building materials, septic tank, garden furniture, picnic bench, windows and doors. Again, I too observed some items have been cleared but the requirement is clearly worded and the appellant is best placed to know what non-agricultural paraphernalia needs to be removed as evidenced in the PCN. Similarly, step 3) requires removal of all materials and debris resulting from the above works and to restore the land to its former condition and use before the breach. No lesser step has been advanced, and the requirements are not disproportionate. Nothing short of full compliance will achieve that purpose and the steps required are not excessive. Ground (f) fails.

Ground (g)

7. From the representations before me, it seems the appellant was under the misunderstanding that the buildings needed removing but this has been addressed above. There has already been compliance with some of the requirements. Extending the period of compliance to a further nine months would, in my opinion, be excessive given the harm caused by the mixed-use. The nature of the work required does not warrant an extended period and five months is not too short and is reasonable. Ground (g) fails.

Overall conclusions

8. For all the above reasons and having considered all other matters raised, I conclude that the appeal against the enforcement notice should fail.

A U Ghafoor

INSPECTOR