



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/24/3344622

Land known as Land north of Boswiddle House, Site 1, Boswiddle, Ladock, Cornwall TR2 4NU

- 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 “Act”).
- The appeal is made by Mr Joe Dean against an enforcement notice issued by Cornwall Council.
- The enforcement notice was issued on 17 April 2024.
- The breach of planning control as alleged is the material change of use of agricultural land and woodland to a mixed use comprising of residential use and woodland, through the siting of a caravan with awning and its occasional residential use shown in the approximate location by a blue ‘X’ on the attached notice plan, and the erection of a building and its occasional residential use shown in the approximate location by a blue ‘A’ on the attached notice plan, storage of motor vehicles, and associated residential/domestic paraphernalia. The development includes the creation of raised timber decking/platform and track/hardstanding area in connection with the residential building on site.
- The requirements of the enforcement notice are to:
 - 1) Cease the residential use of the land outlined in red on the notice plan.
 - 2) Remove from the land the caravan and awning shown in the approximate location by a blue ‘X’ on the notice plan.
 - 3) Remove all services connected to the caravan for the purposes of independent human habitation, including but not limited to electric cabling, water pipes, sewage pipes, generators, gas bottles, solar panels etc.
 - 4) Demolish and remove from the land the building shown in the approximate location by a blue ‘A’ on the notice plan.
 - 5) Remove all services connected to the building for the purposes of independent human habitation, including but not limited to electric cabling, water pipes, sewage pipes, generators, gas bottles, solar panels etc.
 - 6) Demolish and remove from the land the raised timber decking/platform shown in the approximate location by a blue ‘A’ on the notice plan.
 - 7) Remove from the land all materials, paraphernalia and debris resulting from the residential use of the land, including but not limited to motor vehicles, greenhouse, trampoline, solar panels, picnic tables, dustbins etc.
 - 8) Demolish and remove the hardstanding area and track from the land and restore the land to its former condition before engineering operations took place, and
 - 9) remove from the land all materials and debris resulting from compliance with (1) – (8) above and reinstate the land to its former condition before the breach took place.
- The period for compliance with the requirements is 7 months.
- The appeals are proceeding on the grounds set out in section 174(2) (b), (f) and (g) of the 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 enforcement notice is quashed, and no further action is taken.

Preliminary Matters

2. The appellant does not plead ground (c) nor is there any argument advanced on the basis that the alleged matters, if they occurred, do not constitute a breach of planning controls. I see no reason to introduce an appeal on ground (c) even though the Council has addressed this point. In the ground (b) appeal, the appellant’s agent raises concerns about the wording of the allegation. The Council addressed these matters in response to the grounds of appeal. I consider that there are a few fundamental matters which go to the heart of the issued notice and require addressing before the merits of the appeal are assessed. This is because, depending on the outcome, the notice may require correcting and the appeal determined on that basis.

However, these matters need addressing with a view to correct the notice subject to the essential test of injustice. If the notice is not salvageable through corrections, then it will be quashed.

Matters concerning the notice

3. Firstly, the Council refers to replies to its Planning Contravention Notice (PCN), but it came before the enforcement notice and there seems to have been a dramatic change in circumstances during the intervening period. It is unclear whether further enquiries were made following the change in circumstances, but it appears to me that the Council placed too much reliance on the initial responses to the PCN as well as the aerial images. Perhaps a deeper investigation as to the nature, scale, type and extent of the residential and agricultural uses would have helped in determining the character of the land's use during the period leading up to the issuing of the notice and at the date of issue.
4. Secondly, I have concerns about the notice. There is nothing wrong, in principle, in producing a composite notice that seeks to attack both operational development and a material change in the use of the land: the two are separate falling within the meaning of "development" for planning purposes. However, to avoid significant confusion, care must be taken in framing the document and allegation so that it is clear what is alleged.
5. In this case, the appellant has interpreted the notice on the basis that it attacks a residential use and everything else is ancillary to that main purpose. The Council, however, confirm the notice attacks separate forms of development. The reasons for issuing the notice refer to both the 4- and 10-year immunity period, but the document is misleading. For example, the header is labelled in the following terms: *Material Change of Use and Associated Operational Development*". The use of terminology like "...and associated..." is suggestive of ancillary or facilitative operational development.
6. At section 3), the alleged breach refers to the following "*...the material change of use of agricultural land and woodland to a mixed use comprising of residential use and woodland, through the siting of a caravan with awning and its occasional residential use...and the erection of a building and its occasional residential use, storage of motor vehicles, and associated residential/domestic paraphernalia.*" The word "through" in the description of the alleged breach of planning controls is vague and imprecise: it connotes facilitative operational development which is at odds with the Council's approach.
7. In addition, in the context of this case, the words "occasional residential use" is unclear as one would need to distinguish between short, medium or long-term stays over a reasonable period. The requirement is to cease the residential use, but the allegation refers to an occasional residential use. The requirements are framed as if they attack and seek removal of facilitating development, which is not how the notice was intended. Furthermore, the notice also refers to storage of motor vehicles and associated residential/domestic paraphernalia. One might assume the latter is linked to the residential use, which happens to be occasional activity, but it is unclear if the former is a primary use or is ancillary, yet the requirement is to remove all materials including motor vehicles.
8. The agent infers all the items referred to in the notice, including the caravan and building, reasonably relate to the claimed agricultural use of the land. However, that is a different question and one that does not fall for me to consider right now.
9. My assessment of the written submissions before me is that, contrary to the Council's approach, the issued notice is fundamentally flawed because the stationing of a caravan and the erection of a building for residential use are both ancillary, supportive and facilitate the land's residential

or leisure use. Turning to the allegation, I consider the alleged breach should have been described in the following terms and such approach would be consistent with the material facts presented:

the material change in the use of the land to a single mixed-use comprising woodland and residential use facilitated by the stationing of a caravan with awning, the storage of motor vehicles, and associated residential/domestic paraphernalia, the carrying out of building work involved in the erection of a building and erection of a raised platform. The carrying out of engineering operations resulting in the creation of a track and or hardstanding area.

10. I find the issued notice is not null, but it is fundamentally flawed and requires wholesale corrections before the ground of appeal are tackled. In reaching my decision, I have given close attention to whether it would be appropriate to exercise the available power to correct the notice. Implementing such a correction would necessitate significant changes to the description of the alleged breach.
11. I am conscious that making substantial alterations to the notice could lead to a considerable expansion of its scope and effect. Had the notice alleged a different breach, it is plausible that both parties to the appeal might have presented different arguments or evidence in support of their respective cases. For example, the appellant could argue that the use of the caravan and building is connected to agriculture and the Council could have addressed these points. Given these concerns, I am not persuaded that correcting the notice, even at this late stage, would avoid causing injustice to the parties involved in the appeal. As a result, I do not consider it appropriate to exercise the correction power in this instance.
12. For all the above reasons, and having considered all other matters raised, the resolution is to quash the issued notice on procedural grounds and take no further action in respect of the grounds of appeal. The Council can go back to the drawing board and reconsider its enforcement strategy¹.

A U Ghafoor

INSPECTOR

¹ For completeness, I draw attention to second-bite provisions set out in s171B(4)(b).