
Appeal Decisions

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: 23 December 2025

Appeal Ref A and B: APP/D0840/C/23/3331250 and 51

Little Orchard, Trefullock Moor, Summercourt, Newquay TR8 5BH

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 (the “Act”).
- Appeal A is made by Mr Andrew Robert Tegg and Appeal B by Mrs Clare Louise Tegg against an enforcement notice issued by Cornwall Council.
- The enforcement notice was issued on 12 September 2023.
- The breach of planning control as alleged is the residential use of a building comprising of a caravan and wooden extension, and the associated material change of use of the land from agricultural to a mixed use of agricultural and residential.
- The requirements of the enforcement notice are to:
 - (1) Cease the residential use of the land.
 - (2) Demolish and remove the wooden extension along the caravan’s eastern elevation and remove the caravan shown in the approximate location by a blue ‘X’ on the notice plan from the land.
 - (3) Remove all services connected to the building for the purposes of independent human habitation, i.e. electric cabling, water pipes, sewage pipes, septic tank, gas bottles etc.
 - (4) Remove from the land all materials and debris resulting from the residential use of the land, including but not limited to, washing line, plant pots, concrete plinth etc, and
 - 5) 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 12 months.
- The appeals are proceeding on the grounds set out in section 174(2) (c), (d), (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 lapsed¹.

Decisions

1. The enforcement notice is varied as follows: in section 5, what you are required to do, sub-section (3), delete the word “building” and substitute therefor the following text: *mobile home*. Subject to this minor variation, the appeals are dismissed and the enforcement notice is upheld.

Ground (c)

2. The onus is upon the appellants to show that, on the balance of probabilities, the matters alleged in the notice do not constitute a breach of planning control. The appropriate time for the consideration of this ground of appeal is at the time when the notice was issued and when the appeal is determined.
3. At the date of issue of the notice the alleged matters had in fact occurred because the mobile home was stationed on the land and used for residential purposes. Attached to it is a timber structure that seems to form an entrance. There is no argument advanced on the basis that the alleged material change of use does not require express planning permission. Indeed, the character of the mixed agricultural and residential use is significant different to an agricultural use.

¹ Although ground (f) was not pleaded, the scattergun approach taken to the pleaded grounds indicates an implied appeal on ground (f). The Council has addressed these arguments in its extensive submissions. I shall proceed on this basis.

4. Essentially, the appellants claim is a simple one, namely, that the residential use is linked to, and has come about because of, building operations granted planning permission in 2013 for the erection of pole barn to house tractor trailers and farm machinery². For the following reasons, I disagree.
5. Article 3, Schedule 2, Part 5 of the Town and Country Planning (General Permitted Development) Order 2015 as amended permits the use of the land as a caravan site in the circumstances referred to in paragraph A.2, which are those specified in paragraph 2 to 10 of Schedule 1 to the 1960 Act³. Paragraph 9 states the following: *'Site licence shall not be required for the use as a caravan site of land which forms part of, or adjoins, land on which building or engineering operations are being carried out (being operations for the carrying out of which permission under Part III of the Act of 1947 has, if required, been granted) if that use is for the accommodation of a person or persons employed in connection with the said operations'*.
6. Things seem to have moved on the ground since the appeals were made. This is because the pole barn seems to have been substantially complete, which is also confirmed by the Council. I saw that the caravan is a moveable structure but there are services connected to it. The evidence shows that the mobile home was occupied and used for residential purposes, yet it is unclear as to me how, when and at what point were the appellants employed in connection with the building work. There is nothing before me to suggest the caravan is temporarily required to accommodate persons who continue to be employed in connection with the building operations permitted by planning permission.
7. Drawing all the above points together, as a matter of fact and degree, I find that the matters alleged constitute a breach of planning controls and ground (c) must fail.

Ground (d)

8. The appellants do not challenge the notice on the ground that the material change in the use of the land is immune from enforcement action due to the passage of time. The assertion is that the services and hardstanding have existed for more than 10-years as they have owned the land since about 2006, which is before the relevant date - 12 September 2013. However, despite generalised statements, there is no firm evidence to substantiate these assertions.
9. The Council's evidence casts significant doubt in my mind about the veracity of the appellants arguments in this ground of appeal. For example, the 18 September 2019 aerial image, although a snapshot in time, does not clearly show the services or hardstanding. The appellants have not provided any supporting documentary information to show when, how and by whom services were installed or substantially completed. Given the onus is on the appellants to make out their case, there is nothing before me to indicate the services and hardstanding targeted by the notice were installed or constructed for some other lawful purpose. The ancillary and subordinate nature of the operational development indicates to me that these elements are part, parcel and integral to the material change in the use of the land, which is not immune due to the passage of time. Ground (d) must fail.

Ground (f)

10. The steps required by the notice seek to remedy the breach of material change in the use of the land as described in the notice. However, the nub of the appellants case relates to requirement set out in section 5(3). It requires the removal of all services. Notwithstanding arguments about the need for drainage, electricity, internet, or water facilities, as I have indicated elsewhere, the unauthorised residential use has been sustained and facilitated by the installation of these

² Council ref PA12/10363.

³ Caravan Sites and Control of Development Act 1960. Schedule 1 sets out cases where a caravan site licence is not required.

services. The requirement to remove the services and concrete plinth does nothing more than seek to remedy the breach. In my assessment, there is nothing disproportionate nor excessive in requiring the unauthorised use to cease, remove the caravan and wooden extension along its eastern elevation, and disconnection and removal of the services.

11. That said, section 5 sub (3) is confusing because it specifically refers to "...building". The wooden extension is a building; the mobile home meets the statutory definition of a caravan. Although step (1) and (2) effectively cease the unauthorised use and require the wooden extension and caravan to be removed from the land; to avoid any future problems with interpretation, I consider the word "building" should be substituted by mobile home. As the Council point out, only those services connected to the latter are required to be removed because they support an unauthorised use.
12. The intended variation results in step (3) that is no more onerous than first issued and the notice can be varied without causing injustice or widening its scope. As I am varying the requirements, the implied appeals on ground (f) succeed to this limited extent only.

Ground (g)

13. The appellants' evidence refers to personal information, which is before the Council, but I shall not repeat it here. It is sufficient to say that the period of compliance sought is 24 months because they need more time to find alternative accommodation. The rights under Article 8 of the European Convention on Human Rights⁴ must be taken into consideration. This includes interference with private and family life. While there are concerns about the the effect of upholding the notice, interference must be balanced against the wider public interest in pursuing the legitimate aims stated in Article 8. In this location, the inappropriate nature of the development represents a grave planning policy objection. There is a need for restrictive policies to be applied to such areas, and this restriction is an appropriate proportional response to that need.
14. I have carefully reviewed and considered the arguments advanced. However, given the nature of the steps required by the notice, 24 months is excessive as a period of compliance. In my assessment, a period of 12 months from the date of my decision is proportionate and reasonable. Ground (g) fails.

Conclusions

15. For all the above reasons and having regard to all other matters raised, I conclude that the appeals on ground (c), (d) and (g) fail. As I am varying the issued notice, the implied appeal on ground (f) succeeds to this limited extent only.

A U Ghafoor

INSPECTOR

⁴ The ECHR protections have been codified into UK law by the Human Rights Act 1998.