



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: 23 January 2026

Appeal Ref: APP/D0840/C/23/3328881

Land known as Field northwest of Trenant Cross Cottage, (Three Corners Meadow), Duloe, Liskeard, Cornwall PL14 4PS

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Oliver Armstrong against an enforcement notice issued by Cornwall Council ('the Notice').
 - The notice was issued on 4 August 2023.
 - The breach of planning control as alleged in the notice is Without planning permission, the material change of use of agricultural land to a campsite with associated operational development including the creation of an access track/hard standing area, shower block, wooden platforms, domestic fencing and the storage of caravans. Also, the agricultural building on site has been converted to house toilets, kitchen facilities, indoor amenity area and storage of non-agricultural paraphernalia. The land has been outlined in red on the attached plan 'The Plan'.
 - The requirements of the notice are: (1) Cease the use of the land outlined in red on the attached plan as a campsite; (2) Demolish and remove the toilet and kitchen facilities from the agricultural building outlined in blue on the attached plan; (3) Cease the non-agricultural use of the building outlined in blue on the attached plan, including but not limited to the storage of non-agricultural items and use as an amenities area; (4) Cease the use and remove the shower block from the land, shown in the approximate location by a blue 'X' on the attached plan; (5) Remove caravans from the land outlined in red on the attached plan; (6) Remove from the land all materials, paraphernalia and debris resulting from the non-agricultural use of the land, including but not limited to: picnic tables, wooden domestic fencing, hot tub, wooden platforms etc.; (7) Remove the access track shown in the approximate location by an orange line on the attached plan and restore the land to its former contours before the track was created; and (8) 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 ground[s] set out in section 174(2)(c), (f), (g) of the Town and Country Planning Act 1990 (as amended) ('the Act').
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Decision

1. It is directed that the enforcement notice is corrected and varied by:

- Deleting the text of 'The matters which appear to constitute the breach of planning control' in section 3 of the Notice and substituting the following in its place: "Without planning permission, the material change of use of agricultural land to a mixed use of agriculture and campsite with associated operational development including the creation of an access track/hard standing area, shower block, wooden platforms, domestic fencing and the storage of caravans. Also, the agricultural building on site has been converted to house toilets, kitchen facilities, indoor amenity area and storage of non-agricultural paraphernalia. The land has been outlined in red on the attached plan 'The Plan'."
- The substitution of the plan annexed to this decision for the plan attached to the enforcement notice.

In Section 5 of the Notice, 'What you are required to do'

- The insertion of the words "Save for the area shown outlined and hatched in blue, cease" at the beginning of requirement 1, and remove the word "Cease" from that requirement;
- Delete the words "toilet and" from requirement 2;
- Delete requirement 4 in its entirety;
- Delete requirement 5 in its entirety;
- The deletion of the requirement 6 in its entirety, and its substitution with "Save for any moveable structure reasonably necessary for the purposes of Class BC of Part 4, Schedule 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, being sited on the land outlined and hatched in blue on the plan annexed to this Notice during the period for which temporary camping under Class BC is allowed, remove from the land all materials, paraphernalia and debris resulting from the non-agricultural use of the land, including but not limited to: picnic tables, wooden domestic fencing, hot tub, wooden platforms etc."

Subject to the correction and variation, the appeal is dismissed and the enforcement notice is upheld.

Procedural Matter

2. Save for the Notice itself, the Council's submissions are limited to a small number of documents submitted with its completed questionnaire. These did not include an Officer report into the expediency of taking action, nor a Statement of Case ('SoC'), but did include a Planning Contravention Notice that was served on the landowner and his responses to the questions it posed. Where relevant, I have taken these documents into account in my assessment of the case.

The site

3. The land to which the Notice relates lies in the open countryside, around 3kms directly northwest of the town of Looe. It consists of a field that is fairly flat at its upper end, adjacent to the road from which access to the land is gained. Amongst other things, it has a hardstanding close to the access gate, an agricultural barn at its northernmost corner, a track running down its steeper slopes, stock-proof fences in various positions and several circular timber platforms. Where relevant, more details on these features is given in my reasoning, below.

Ground (c)

4. An appeal under this ground is that the matters alleged in the Notice, if they occurred, did not constitute a breach of planning control. This is a legal ground of appeal where the onus lies with the Appellant to make his case.
5. The Appellant's case here is based on his assertion that he was granted permission for the development by way of Class BC of Part 4 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015, as amended ('GPDO'). This class allows for the use of land as a temporary recreational campsite for no more than 50 pitches for no more than 60 days in total in a calendar year, as well as any moveable structure reasonably necessary for

the purposes of the permitted use. This permitted development right came into effect on 26 July 2023.

6. Class BC provides the framework for making an application to obtain the Council's prior approval for the temporary use. It sets out: under BC.1, scenarios where the development would not be permitted; under BC.2, conditions which, if the prior approval were granted, the development would be subject to; and, under BC.3, the procedure for making the prior approval application.
7. The list in BC.1 is, for the most part, a checklist of planning constraints. If the land in question is subject to one or more of these then the use would not be permitted development. The last item listed in BC.1 specifies what caravans might be allowed under the permitted development right.
8. The first two of the four conditions in BC.2 are matters for an applicant. In essence, they are that an applicant has to: (a) make on-site provision for users of the campsite of toilet and waste disposal facilities; and (b) notify the local planning authority in writing before commencement of the development in each calendar year, providing a copy of the site plan, which must include particulars of (i) toilet and waste disposal facilities and (ii) the dates on which the site will be in use.
9. The Appellant emailed the Council on 29 July 2023, informing it that, "under the new permitted development rules (extention [sic] for camping for 60 days)" he intended to extend the season from 28 days to 60 days; 28 days having been the permitted development right prior to the 26 July 2023.
10. By email dated 2 August 2023, the Council replied requesting a site plan that included the position of toilet and waste disposal facilities and confirmation of which dates the site would be in use. By return of email on that date, the Appellant submitted a plan showing the location of toilets and showers, the waste disposal area and the area where camping would occur. He also told the Council that he would be using the land between the 28 July and 8 September, a total of 42 days.
11. Thus, I find that the Appellant fulfilled his obligation under the first two conditions of BC.2.
12. At this stage, in addition to assessing the submitted information, the Council had the opportunity to assess whether any of the constraints in BC.1 applied to the land, whether the land lay within Flood Zones 2 or 3, and to notify the relevant fire and rescue authority.
13. By letter dated 18 August 2023, under its reference PA23/06739, the Council acknowledged that it had been notified by the Appellant under Class BC and that it had "no comments to make in respect of the proposed works and the information has been added to the LPA's records". From this, one cannot be sure whether the Council undertook its obligations, set out above. That, however, is not a matter for the Appellant. His reading of this letter as the Council's agreement that prior approval was not required was reasonable and correct.
14. The letter suggested that should the applicant, as he was, require a "formal determination" on the matter he could apply for a certificate of lawfulness. He could have done so, but, as he says, there was no need to do so. The Council's letter was a formal determination. His obligation, thereafter, if he was to use the

land as a temporary campsite, was to do so in accordance with the information he submitted to the Council and the terms of Class BC.

15. The area on which camping under the Class BC submission was made was identified by blue hatching on a plan. For the reasons I give, its use as a temporary camp site in accordance with the terms of Class BC is lawful.
16. However, a plan in section 3 of the Appellant's SoC that purports to identify the area approved under the Class BC decision does not accord with the blue hatching drawing. No reason is given for this, and I use the latter in my assessment.
17. The blue hatched area is not identified in the plan attached to the Notice. That simply encloses the whole of the land within its red line.
18. The evidence before me, including that of my site visit, points to the whole of the field being a single planning unit that was in a mixed use of agriculture and camping. As such, I wrote to the parties on 18 December 2025 with my thoughts that the allegation in the Notice was incorrect but could be corrected without prejudice. The Appellant agreed with my position. Accordingly, I have corrected the allegation in the Notice.
19. Given my findings in respect of the use of the blue hatched land as a temporary campsite under Class BC, I attach a revised plan identifying this land and vary the Notice accordingly. However, my findings only relate to the blue hatched land. The onus lies with the Appellant to make his case. As no case has been put forward by him to show that other areas of the land, outlined in red on the plan, have not been used for camping purposes, I shall retain, but vary, requirement 1 of section 5 of the Notice.
20. By reason of their size, excavation of land and surfacing the hardstanding and track are both operational developments, as defined in ss55(1) and 336 of the Act. The Appellant claims that they are lawful developments under Part 6, Class B of the GPDO. This class sets out permitted development rights on agricultural holdings under 5ha in area. Amongst those rights are "(d) the provision, rearrangement or replacement of a private way" and "(e) the provision of a hard surface". The overarching proviso to be applied to all of the permitted development in Class B is that they must be "reasonably necessary for the purposes of agriculture within the unit".
21. The Appellant also states that the hardstanding and track were laid for agricultural purposes prior to the Appellant taking control of the site. In the absence of a Ground (d) appeal, I cannot take this as a claim that they are immune from enforcement action by reason of the time that they have been substantially complete.
22. No evidence of reasonable necessity has been made for either, so I shall assess this from what I saw at my visit. The area of hardstanding lies at the upper end of the site, in close proximity to the gate and barn, and is not large. It allows vehicles and machinery to access the land and manoeuvre close to the gateway without causing damage to the land and dragging mud onto the road. I find that this was reasonably necessary for the purposes of agriculture. This would not be changed through its joint use by people accessing the campsite for a short period of the year and agriculture throughout the year.

23. The track takes a sinuous course from the hardstanding to the lower end of the field. I could see that it provides a firm surface that allows small vehicles to safely access the lower end of the field. However, although sloping, the field was little different from the others in the area and it appeared that agricultural machinery would have little trouble accessing its lower end. In the absence of any evidence to the contrary, I find that this does not meet the test of reasonable necessity.
24. Having found the hardstanding to be reasonably necessary for agriculture on the land, I have assessed it against the terms of Class B, B.1 to B.5, which sets out when development under Class B would not be permitted and conditions to be applied. I find that their terms do not preclude the hardstanding being classed as permitted development. Therefore, in respect of this development, the Ground (c) case is made.
25. Although not provided with any measurements for the circular platforms constructed of timber, their size is significant. They are set into the more gently sloping part of the field and are supported on substantial timber posts that are set into the ground. They did not appear to be designed to be moved. By reason of their size, permanence and physical attachment to the land, they arose from building operations, as defined in s55 of the Act.
26. The Appellant makes the case that the platforms, being temporarily used in connection with the lawful exercise of the Appellant's permitted development rights under the GPDO, with Class BC cited. However, no further explanation is given.
27. In any event, by my estimation when I visited the site, these structures lie outside the land hatched blue on the plan that was attached to the Appellant's Class BC submissions. Secondly, even were I to be mistaken, though this would only realistically be in respect of the platform closest to the top of the field, the permitted development rights in Class BC do not permit these structures. The only structures allowed are those that are moveable and are reasonably necessary for the purposes of the permitted use campsite. These are permanent structures.
28. At my site visit, I saw a mobile shower block with three shower cubicles. The Appellant's case is that this is used in connection with both the agricultural and camping uses on the land; the former being how it is primarily used, providing washing facilities for workers after working with poultry and other livestock.
29. Using the definition of development in s55(1) of the Act, I find that this structure is not a building. The question to be answered, therefore, is whether its siting represents a material change of use ('mcu') of the land? When sited on the blue hatched land and being used by campers, there would be no mcu. Similarly, when on the agricultural land or on the blue hatched land outside the temporary period for camping, its use by agricultural workers would not be a mcu. Furthermore, its siting accords with what was allowed by the Council in its decision on the Class BC submissions.
30. On this basis, what is referred to as the shower block in the Notice does not represent a breach of planning control.
31. The evidence before me shows that there have been two caravans on the land during the time that the Appellant has owned it. Due to its age and condition, he removed one of these, and I saw one on the agricultural land close to the barn at my site visit. Both, I have been told, have been used in conjunction with the

agricultural use of the land rather than for purposes associated with the temporary camp site. They have been used as welfare facilities and for the storage of feed and seed. This ancillary use is not a breach of planning control.

32. The Appellant acknowledges the use of the agricultural barn outlined in blue on the plan attached to the Notice for non-agricultural purposes. This included its use by patrons of the temporary campsite. I saw limited evidence that might point to such use at my site visit, such as a 'Bar' sign, flooring and a barbecue. Toilets in a lean-to element, which I find to be part of the barn, have been used for purposes both ancillary to the agricultural use and by persons not engaged in agriculture. The use of the barn for campsite-related purposes was not part of the Class BC application; the plan attached to the email from the Appellant to the Council dated 29 July 2023, clearly shows the toilets as being separate from the barn, rather than within it. From the evidence before me, in respect of the use of the barn for non-agricultural activities, the Ground (c) fails.
33. I saw that several fences had been erected that enclosed various areas of the field. However, at that time none of these had a particularly domestic form or appearance, as stated in the Notice, though the Appellant agrees that this had been the case. Schedule 2, Part 2, Class A of the GPDO sets out permitted development rights for, amongst other things, the erection of fences, walls and other means of enclosure. Class A, A.1 defines those occasions where this form of development would not be permitted. Here, the height of the fences is relevant. As none of the fences might be reasonably regarded as being adjacent to a highway, the height limit is 2m. The fences I saw on the land were lower than this.
34. There is nothing in the Notice to indicate that the fences have been in excess of 2m in height. From the reasons for issuing the Notice, their only vice was to be "domestic". There is nothing in Class A that requires a means of enclosure to have a certain appearance and, from the evidence available to me, I find that the fences erected on the land enclose land in accordance with Class A and are permitted development.

Ground (f)

35. An appeal under this ground 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. Here, the purpose of the Notice is to remedy the breach of planning control.
36. The Appellant's case is that the Notice fails to allow for the extant PD rights on the land and, thus, the terms of the Notice are excessive. As those matters have been addressed in the Ground (c) appeal, and I have identified which matters are PD and which are not, I need not take this any further.

Ground (g)

37. An appeal under this ground is that the time allowed for the requirements of the Notice falls short of what should reasonably be allowed.

38. No specific case has been made by the Appellant in this regard, merely that the given period for compliance is too short. I see no reason why the requirements, as varied, might not be achieved within the 5 months allowed by the Notice.

Other matters

39. A third-party representation was received from Duloe Parish Council. Matters raised in this that are germane to the appeals under Grounds (c), (f) and (g) have been taken into account in my reasoning, above. However, as no Ground (a) case, into the planning merits of the case, has been made, its comments on issues such as the effect on the AGLV, effects on local highway network, noise, air and light pollution, and water supply cannot be taken into account.

Conclusion

40. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with corrections and variations.

R Curnow

INSPECTOR

Plan

This is the plan referred to in the Lawful Development Certificate dated: 23 January 2026

by R Curnow

Land known as Field northwest of Tenant Cross Cottage, (Three Corners Meadow), Duloe, Liskeard, Cornwall PL14 4PS

Reference: APP/D0840/C/23/3328881

Scale: Not to Scale

