

Appeal Decision

Site Visit made on 17 February 2026

by J Whitfield BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th March 2026

Appeal Ref: APP/D0840/C/24/3345294

Clowance Wood Meadow, Clowance Wood, Praze An Beeble, Camborne, Cornwall TR14 0NW

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended) (the Act).
- The appeal is made by Mr David Mark Wills against an enforcement notice issued by Cornwall Council (the LPA).
- The notice was issued on 1 May 2024.
- The breach of planning control as alleged in the notice is, without planning permission, the material change of use of agricultural land to a mixed use comprising of agricultural and residential use through the stationing of two caravans used for residential purposes and associated operational development, including the creation of a porch and decking. Caravan one is used as a residential caravan and caravan two is used for the storage of domestic items in connection with the residential use of the site. Also the siting of a shipping container on site used for storage of domestic items.
- The requirements of the notice are:
 - 1) Cease the residential use of the land outlined in red on the attached plan.
 - 2) Demolish and remove the porch constructed along the southeast elevation of the caravan shown in the approximate location by a blue '1' on the attached plan.
 - 3) Demolish and remove the decking and domestic fencing surrounding the caravan shown in the approximate location by a blue '1' on the attached plan.
 - 4) Demolish and remove the decking surrounding the caravan shown in the approximate location by a blue '2' on the attached plan.
 - 5) Cease the residential use of the caravans shown in the approximate locations by a blue '1' and a blue '2' on the attached plan and remove the caravans from the land outlined in red on the attached plan.
 - 6) Remove from the land all services connected to the caravans for the purposes of independent human habitation, including but not limited to electric cabling, water pipes, sewage pipes, septic tank, gas bottles etc.
 - 7) Remove from the land the shipping container shown in the approximate location by a blue 'X'.
 - 8) Remove from the land all materials, paraphernalia and debris resulting from compliance with the requirements of (2) – (8) above and restore the land to its former condition before the breach took place.
- The period[s] for compliance with the requirements is: 10 months.
- The appeal is proceeding on the grounds set out in section 174(2)(c), (d), (f) of the Town and Country Planning Act 1990 (as amended).

Decision

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

- the deletion of the words: "Cease the residential use of the caravans shown in the approximate locations by a blue '1' and a blue '2' on the attached plan and remove the caravans from the land outlined in red on the attached plan", from Section 5(5) of the notice and their substitution with the words: "Cease the residential use of the caravans shown in the approximate locations by a blue '1' and a blue '2' on the attached plan and remove the

caravan shown in the approximate location by a blue '2' on the attached plan from the land outlined in red on the attached plan"; and,

- the deletion of the word "etc" from section 5(6) of the notice.
2. Subject to the variations, the appeal is dismissed and the enforcement notice is upheld.

The Enforcement Notice

3. Enforcement notice, as a legal document, needs to be precise. The use of the phrase "etc" at the end of requirement 5 of the notice is not sufficiently precise. I will therefore vary the notice to delete it from the requirements and can do so without injustice to the LPA or the appellant.

Appeal on ground (c)

4. An appeal on ground (c) is brought on the basis that the breach of planning control stated in the notice, does not constitute a breach of planning control. A breach of planning control is defined in S171A(1)(a) of the Act as the carrying out of development without planning permission.
5. The appellant argues that there are parts of the Land which have not been put to residential use, indicating it is only that part of the Land which they have identified in pink on their submitted plan which has.
6. However, the notice alleges a material change of use of the entirety of the Land edged in red on the plan attached to it to a mixed use of agriculture and residential. The concept of a mixed use is two or more primary uses existing in the same planning unit. One is not incidental to the other. In *Burdle*¹ it was held that the planning unit is usually the unit of occupation unless a smaller area can be identified which, as a matter of fact and degree, is physically separate and distinct and occupied for different and unrelated purposes. The concept of physical and functional separation is key.
7. The LPA indicates the Land is within the same ownership and occupation. I have no reason to conclude otherwise. Whilst the caravans and the storage container are located in one particular area of the Land, there is little in the way of physical separation between them and the parts of the Land used for agriculture. Indeed, the caravans are located in close proximity to the agricultural buildings, within the same yard area which serves them. Functionally, there is limited evidence before me regarding the occupation of the caravans and whether they are occupied in connection with the agricultural use or separately. The only indication that one of the caravans had been occupied by the appellant's son.
8. Ultimately, the limited evidence before me leads me to conclude on the balance of probabilities, that the Land comprises a single planning unit, where at the time the notice was issued, the unit of occupation was in a mixed use because the Land was put to two or more activities and it is not possible to say that one is incidental to another.
9. The appellant also argues that the shipping container referred to in the notice is a temporary building and not a permanent structure. However, the notice does not

¹ *Burdle & Williams v SSE & New Forest DC* [1972] 1 WLR 1207

refer to it is a building operation. Rather, the notice is directed against development constituting the material change of use of the Land as a result of, inter alia, the siting of a shipping container used for storage of domestic items.

10. S55(1) of the Act defines development as including the material change of use of Land. It seems to me that the alleged breach of planning control constitutes development. There is no evidence of any planning permission having been granted for such development. As a result, the alleged breach of planning control constitutes a breach of planning control as defined in S171A(1)(a) of the Act.
11. The appeal on ground (c) therefore fails.

Appeal on ground (d)

12. An appeal on ground (d) is brought on the basis that, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters. The relevant time limits for taking enforcement action against a material change of use of Land are set out in Section 171B(3) of the Act. For the appeal on ground (d) to succeed, it is necessary for the appellant to demonstrate, on the balance of probabilities, that the material change of use referred to in the notice took place on or before 1 May 2014 and the use continued without interruption for 10 years thereafter.
13. The appellant's case is that the use of "caravan 1" commenced in June 2015 as a site office and crib hut for agricultural workers. It is then said that, after 18 months (so circa December 2016), the caravan was occupied by the appellant's son and his girlfriend to live in. No evidence is proffered as to when "caravan 2" and the storage container were brought onto the Land for residential use. Nonetheless, the appellant argues that, since the residential use took place more than four years ago, it is immune from enforcement action.
14. However, the siting of caravans is usually taken to be a use of Land and it seems to me that, having regard to the relevant tests of size, permanence and physical attachment, the caravan does not constitute a building operation. The fact that decking and a porch have been placed on the caravan does not lend it sufficient degree of permanence or physical attachment to constitute a building. Those aspects of operational development could be easily removed from the caravan without comprising its structural integrity. Likewise, there is nothing to suggest the caravan could not be easily moved, including by lorry if necessary. From my site visit, both caravans appeared to be caravans having regard to the provisions of the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968.
15. Likewise, the appellant's own evidence is that the storage container does not constitute a building. The logical corollary thus is that its siting for residential purposes constitutes a material change of use of land.
16. As a result, I am satisfied the alleged breach constitutes a material change of use of land to a mixed use and in reaching such a conclusion, the relevant time limit is 10 years under S171B(3). The four-year time limit only applies to the operational development or the change of use of any building to use a single dwellinghouse. Neither of those apply here.

17. As such, since the appellant's own evidence is that the caravans were not sited for residential use until circa December 2016, it follows that it cannot be demonstrated, on the balance of probabilities, that the material change of use of the Land to a mixed use for agriculture and residential took place on or before 1 May 2014 and the use continued without interruption for 10 years thereafter.
18. Consequently, at the date when the notice was issued, enforcement action may have been taken in respect of the breach of planning control stated in the notice.
19. The appeal on ground (d) fails.

Appeal on ground (f)

20. An appeal on ground (f) is brought on the basis that 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 or, as the case may be, to remedy any injury to amenity which has been caused by any such breach.
21. The notice alleges the material change of use of the Land and requires the cessation of that use, along with the removal of the caravans and storage container, along with the facilitating operational development, the removal of services from the caravans, all materials and paraphernalia associated with the residential use and material and debris resulting from compliance. I am satisfied that the purpose of the notice is to remedy the breach of planning control.
22. The appellant argues that "caravan 1" should be able to revert back to former use as agricultural office and crib hut. There is no dispute that the agricultural use of the Land is lawful or indeed that the use of "caravan 1" for purposes ancillary to agricultural use would not be lawful. To that end, it seems to me that, provided the requirement to cease the residential use of the Land is complied with, it would be excessive to require the removal of the caravan which could be sited for lawful purposes.
23. Nonetheless, the appellant's suggested rewording of requirement 5 would not be appropriate since an enforcement notice cannot positively require a previous use to be carried out.
24. Likewise, it is not excessive to require the porch to be removed since that has facilitated the residential use of the Land through "caravan 1". There is no evidence that a porch is necessary for the use of the caravan for agricultural purposes. Likewise, it is also necessary to remedy the breach to remove any services connected to the caravan which are for the purposes of independent human habitation, which is what requirement 6 says.
25. There is no evidence before me that "caravan 2" or the storage container have been previously used for lawful agricultural purposes nor any intention of being so in the future. Indeed, the appellant's suggested rewording of the requirements seeks removal of "caravan 2" and the container. As such, it is not excessive to require the removal of "caravan 2" and the storage container in order to remedy the breach of planning control.
26. Overall, apart from the requirement to remove the caravan shown in the approximate location by a blue '1' on the plan attached to the notice, the requirements do not exceed what is necessary to remedy the breach of planning control.

27. The appeal on ground (f) succeeds but only to the very limited extent that I will vary the notice to delete the requirement to remove “caravan 1” from the Land.

Conclusion

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

J Whitfield

INSPECTOR