



Appeal Decisions

Site visit made on 5 January 2026

by **R Curnow MA(TCP), BSC(Hons), CMS MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 May 2026

Appeal A Ref: APP/D0840/C/23/3334735

Land at North Petherwin, Poorhouse Hill, North Petherwin, Lunceston, PL15 8FJ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mrs Leoni Hollett against an enforcement notice ('the Notice') issued by Cornwall Council ('the Council').
- The notice was issued on 7 November 2023.
- The breach of planning control as alleged in the notice is without planning permission, the material change of use of an agricultural building and land from agricultural to a mixed use comprising of Class B8 and Class C3 of the Town and Country Planning Use Classes Order 1987 (as amended) through the storage/distribution of non-agricultural items, the stationing of a static caravan for residential use and associated development on the land including decking.

The requirements of the notice are:

- 1) Cease the non-agricultural B8/C3 use of the building outlined in blue on the attached plan, including but not limited to the storage of non-agricultural items;
 - 2) Cease the non-agricultural B8/C3 use of the land outlined in red on the attached plan;
 - 3) Remove from the land all non-agricultural vehicles, materials, paraphernalia and debris resulting from the non-agricultural use of the land, including but not limited to: Generators, motor vehicles, sheds, trailers etc.;
 - 4) Remove all services connected to the caravan shown in the approximate location by a blue 'X' on the attached plan; including but not limited to: electric cabling, water pipes, sewage pipes etc.;
 - 5) Cease the residential use of the caravan shown in the approximate location by a blue 'X' on the attached plan and remove the caravan and surrounding decking from the land; and
 - 6) Remove from the land all materials and debris resulting from the above works.
- The period for compliance with the requirements is: 6 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(b), (f), (g) of the Town and Country Planning Act 1990 (as amended) ('the Act').
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Appeal B Ref: APP/D0840/W/24/3357674

Sans Souci Garage, Poorhouse Hill, North Petherwin, Launceston, Cornwall, PL15 8FJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mrs Leoni Hollett against the decision of Cornwall Council.
 - The application Ref is PA24/02247.
 - The development proposed is change of use from agricultural to sui generis for a generator hire business and for extension of an existing portal frame shed.
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Decisions

In Appeal A: It is directed that the appeal should not succeed. I shall uphold the enforcement notice with a correction and variation. It is directed that the enforcement notice is corrected by:

the deletion of the words "mixed use comprising of Class B8 and Class C3 of the Town and Country Planning Use Classes Order 1987 (as amended)" and the substitution of the words "sui generis mixed use of generator plant hire business, residential and agriculture" in section 3 of the Notice, 'The matters which appear to constitute the breach of planning control'

and varied by:

the deletion of the words "non-agricultural B8/C3 use " and the substitution of the words "sui generis use as a generator plant hire business and agriculture" in paragraphs 1) and 2) of section 5 of the Notice, 'What you are required to do'.

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

1. In Appeal B: The appeal is dismissed.

Appeals A and B - Preliminary Matters

2. Notwithstanding the details given in the header, above, the appeals relate to the same site; the header reflects what had been written on the submitted documents.
3. Due to poor weather, the Council's representative was unable to attend the site visit. As it would not cause injustice to either party, I undertook the site visit on an Access Required Site Visit Basis. No discussion of the merits of the case was undertaken at this visit.

Appeal A

The Notice

4. Following my site visit, the Inspectorate wrote to the parties suggesting that the alleged breach of planning control in the Notice in Appeal A was incorrect and that this should refer to a mixed use of the land that included agriculture. The parties raised no objection to this.
5. As what is alleged is a single, mixed use of the land it is, thus, sui generis and falls outside any use class within the Town and Country Planning (Use Classes) Order 1987 (as amended) ('UCO'). Therefore, the Notice should not refer to use classes, as it does; it should describe the mixed use that was taking place. Given that both parties address the matter in their submissions, I can correct the Notice to reflect this without causing injustice to either of them.

Reasons

Ground (b)

6. An appeal made under Ground (b) is that the breach of planning control has not occurred. This is a legal ground of appeal where the onus lies with the Appellant to make her case on the balance of probability. The appeal made under this ground relates to the corrected allegation.
7. The case the Appellant puts forward is two-fold: that the Council was wrong to describe the use of the plant hire business as falling within Use Class B8 of the UCO, she says it is a *sui generis* use; and that the residential use of the mobile home has not occurred.
8. As what is alleged is a single, mixed use of the land it is, thus, *sui generis* and falls outside any use class within the UCO. Therefore, the Notice should not refer to use classes, as it does, but should describe the mixed use that was taking place. To this extent the Ground (b) case is successful.

9. The Council's allegation that the breach includes a "storage/distribution" use, which would otherwise be a Class B8 use, was influenced by evidence submitted in the planning application that forms the subject of Appeal B and the Appellant's answers to a Planning Contravention Notice ('PCN'). In this work, the Council says, the Appellant had professional assistance. However, whilst I understand its position, those matters cannot be determinative in defining the breach of planning control.
10. Making a judgement on the use is a matter of fact and degree. The Appellant's business is the hiring of generators to clients who might use them in emergencies, when power supply is cut, or to provide power to businesses operating where there is no power supply such as at festivals. Whilst the generators are kept on the land between rentals, this does not, to my mind, equate with the storage of generators. As the generators are returned at the end of a rental period, which the evidence suggests would be short, it differs from a distribution use. Furthermore, there is more to the business than just the hire of generators. I saw how the building on the land is used, amongst other things, as a workshop where repairs and maintenance of the generators is undertaken.
11. Although it did not supply a copy of this, the Council says that the Land Use Gazetteer (3rd Edition) describes "a machinery dealer's storage and distribution place as a B8 use" and this supports their position. Whilst that might be the case, it does not alter my view that, as a matter of fact and degree, were it to be taken in isolation the generator hire business would be *sui generis* use.
12. The Appellant expressed concern that were I to correct the originally worded Notice by referring to a *sui generis* use, rather than class B8 use, the Notice might come into effect with the result that she would be precluded from making an application for such a use. This, she said, would cause her injustice. This would not be the case, as she has made such an application, in which the generator hire use is described as a *sui generis* use. This is the subject of Appeal B.
13. Therefore, my correcting the Notice would not cause injustice to either party.
14. In respect of the caravan, the Appellant disputes its use for residential purposes. She states its use is as an office and rest room for the business, that has been occupied "on a couple of occasions" when work on the site has finished late and there has been an early morning start the following day to deliver a generator. This use was, I am told, "occasional and intermittent" and did not amount to a material change of use.
15. Save for these broad statements, no substantive evidence has been provided of such things as how many times the caravan has been used and by whom, nor of the duration of the use. As such, I find the submissions to be vague. I note that the Appellant said in her initial comments that she would provide a statutory declaration with her later submissions. She did not. Had one been provided, it might have provided the degree of evidence that is required.
16. The Council's submissions, which is largely limited to photographs that, it says, show a residential use, do not provide strong evidence that the use occurred. However, the onus lies with the Appellant to make her case with evidence that is precise and unambiguous. That which is before me in respect of the caravan does not meet that threshold.

17. At my site visit, I saw a washing machine in the building that the Council allege is part of a residential use. I saw how it was being used to wash items of clothing and other items associated with the business. The case to show that the building has been used for residential purposes, which the Appellant contests, is unsubstantiated and I will vary the terms of the Notice to this effect.
18. Save for my finding in respect of the *sui generis* use of the plant hire business and the residential use of the building, the Ground (b) case fails.

Ground (f)

19. The purpose of the Notice is to remedy any breach of planning control it identifies. Therefore, the appeal under Ground (f) is made on the grounds that the steps required by the notice exceed what is necessary to remedy the breach.
20. It is argued that, were the appeal to be unsuccessful, the land would revert to agricultural use and the caravan might be used for purposes ancillary to that use. If successful, however, then the caravan could remain for purposes ancillary to the present use of the land.
21. The Appellant is correct on her assertion that the use of a caravan for purposes ancillary to the lawful use of land would not usually require planning permission. However, it has not been demonstrated that this is how the caravan has been used here. Where a Notice is directed against a material change of use, in order to restore the land is restored to its condition before the breach of planning control took place, it may require the removal of works that might not constitute development, might not require planning permission, or might be immune from enforcement action. Thus, the requirement to remove the caravan to remedy the breach of planning control is justified. Whether it might then return for purposes related to agriculture would be a matter for the future.
22. The Appellant suggests that, if this ground of appeal were successful, conditions might be attached to allow the caravan to remain. As there is no Ground (a) appeal, by which a conditional permission might be granted, this argument has no merit. Without a Ground (a) case, there is no route to grant permission, conditional or otherwise.
23. Neither of the options put forward by the Appellant would remedy the breach and I cannot see any lesser steps that might do so. I therefore dismiss the Ground (f) case.

Ground (g)

24. An appeal under Ground (g) is that the time given for compliance with the requirements of the Notice falls short of what should reasonably be allowed.
25. The Appellant makes the case that the business would be unviable if the appeal is dismissed, making relocation extremely difficult and, more likely, the business would cease to trade. Whilst the 6 months given in the Notice might be reasonable for the physical works required, it does not take account of the winding up of the business, selling stock and fulfilling contracts.
26. It is hoped that relocation would be possible, and, in the circumstances, I find that extending the period for compliance to 12 months would be reasonable. The Ground (g) case succeeds, and I will vary the terms of the Notice.

Conclusion

27. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with correction and variation.

Appeal B

Procedural Matters

28. The Appellant submitted a set of revised drawings with his appeal, in order to address the Council's reason for refusal. These were submitted to the Council shortly before its decision was made. It did not take them into account, given its objection to the principle of the proposal. She asks that they are used in the assessment of this appeal.
29. The original scheme involved the erection of side extension to the building at its western end, increasing its length by just over a third, with a forward projection off that new build that would cover much the same area as the existing building. The forward projection would be open-sided, having a roof to match the existing building supported on steel columns.
30. The extension proposed under the revised scheme is markedly smaller. It has the same side extension, which would provide further storage space, accessed through a fourth bay, together with an office, toilets and a workshop area. The forward projection is absent.
31. Although the two schemes are quite different in design and form, there is not such a fundamental change that results in a different application being put to me than was put to the Council.
32. I cannot be sure whether the Council consulted on the revised scheme at the application stage. However, it would have brought any interested parties' attention to the appeal, and they would have been able to assess the revised plans as part of their assessment of the appeal as a whole. In the circumstances, my finding is that there would be no injustice, nor procedural unfairness, in my accepting the plans.
33. Having found that the Appellant's company's use of the land to be sui generis, rather than class B8, in Appeal A, I have approached this appeal on that basis. Nothing turns on this, however.

Main Issues

34. The main issues are:

- whether the development lies in an appropriate location; and
- the effect of the development on the character and appearance of the area.

Reasons

The Site

35. The appeal site lies in open, rolling countryside that is mainly used for livestock grazing. The fields are separated by natural hedgerows that often have trees in them. It is a quiet rural area, where settlement is dispersed, with isolated farms

linked to one another, and to settlements, by a network of quiet, often narrow roads.

36. One such road bounds the site, on its southwest side. It runs through a small collection of houses, Brazacott, on its way to the nearest settlement with any service provision, the small village of North Petherton about two miles away. Beyond this, the large town of Launceston is some 6 miles away.
37. The site comprises a parcel of land at the lower end of a field that gently rises away from the road. There is a fairly large agricultural building here, adjacent to the hedge onto the road, and a quite extensive surfaced area which is used for vehicle parking and the keeping of generators between hires, as well as a caravan.
38. There is a small stable building on land immediately to the east of the site. Adjacent to this, a public footpath runs north-eastwards from the road, from which views to the site are gained.

Appropriate location

39. The Council's approach to the location of new development within the county is set out in the Cornwall Local Plan 2010-2030, adopted 22 November 2016 ('CLP'). Its overall, set out in Policy 1, is to support sustainable development. Its Policies 2 and 3 provide policy guidance as to where development should be located. In essence, the Council has a hierarchical approach. At the top of this hierarchy are the county's main urban areas where the provision of most new development will be undertaken. At the bottom of the hierarchy are rural areas, where development would need additional justification. The appeal site lies in a rural area.
40. More specific guidance on business development is found in the CLP's Policy 5. In rural areas such as this, Policy 5 1.c) is relevant. It requires developments here to be: of a suitable scale appropriate to its location or to demonstrate an overriding locational and business need to be in that location; or be an extension to an existing business where re-location would be impractical or not viable. The Council's policy approach, outlined above, reflects that of the Government in its National Planning Policy Framework ('the Framework').
41. The Appellant's business rents large generators to a range of businesses – her submissions make particular reference to the agricultural and tourism sectors. Amongst other things, the generators are used to address power outages and provide power to business ventures where there is no mains power.
42. The business's client base is located in the rural area between the A30 and the North Cornwall coast, and she says that this site is central to it. However, she does not define the area in any great detail, and there is a very large area between the A30, which runs east-west through the county, and the coast. Were this area to extend westwards along the A30 as far as the town of Bodmin and then north to the coast, which is quite likely, the site is seen as lying towards the very southeast corner of the area, rather than central to it.
43. The assertion by the Appellant that the business is where it needs to be, because it is thriving in this location, is not a convincing argument. I am told that, if the appeal were to be dismissed, the cost of renting suitable premises allied to increased transport costs would lead to the business failing. However, save for being told that it "is a successful business, with a turnover of £250k year", I have

no details of the finances associated with running the business, nor of the costs associated with the use of other sites. As such, I give little weight to these arguments.

44. I saw that the town of Launceston has a range of commercial and industrial estates. It is on the A30, which would be likely to be used to give quicker and easier access to many locations to the west of the town and the appeal site. No information has been given in respect of the suitability or availability of sites in the town; nor, save for the generalised comments above, about the viability of using them. Further, I not been given any information on the availability, or otherwise, of premises elsewhere that might be used that would accord with the Council's policies for business development.
45. As such, it has not been demonstrated that the proposed development accords with CLP Policies 1, 2, 3 and 5 that guide development to appropriate locations.

Character and appearance

46. Having found that accepting the smaller scheme would not lead to injustice, it is against this that I make my assessment under part 1.c) of Policy 5 of the scale of the business proposal.
47. In its original form, the building had a simple design, with three open bays that reflected its agricultural purpose. Although I have not been told this, from the terms of the Council's approach to development in rural areas, it seems safe to assume that it would have been justified on agricultural grounds. It is quite a large building but it sits comfortably in the landscape.
48. The Appellant referred to larger buildings in the area, though did not specify which she refers to. I saw some large buildings, but those were set in large farmsteads that provided mitigation for their size. This contrasts with the building on the appeal site, which is isolated from other development and clearly visible, especially from the public footpath to the southeast. The increased size and more industrial appearance of the proposed building would result in harm to the character and appearance of this pleasant rural area.
49. Further, from what I could see at my visit, the business had more than the 14 generators shown accommodated in the 'Proposed Floor Plan' for the extended building. This would mean that, as is the case now, a number would be stored in the open. Although there would be no restriction on open storage associated with the agricultural use of the site, I find that, by way of the more uniform appearance of the generators and the regimented manner in which I saw they are logically stored outside, the proposed use would have a quite different appearance to a farmyard.
50. Thus, the scheme is contrary to the terms of CLP Policies 12 and 23 that require high quality development which responds appropriately to its setting and the protection of the natural environment. It would not represent sustainable development and is therefore at odds with the terms of CLP Policy 1 and the Framework.

Other matters

51. The business employs up to 5 people at a time; this is equivalent, I am told, to 2 full-time positions, though only one person is employed throughout the year. These are material considerations to which I give limited weight.
52. I understand the Appellant's position that the provision of generators during power outages is a vital service. I give this some weight in my assessment, but this is limited as the necessity to be located on this site has not been demonstrated. That the generators are taken to customers, so there is relatively little traffic to and from the site, carries little weight in my assessment.
53. Taken individually or cumulatively, the matters do not outweigh the significant harm to the Council's policy approach to guiding the location of development and protecting the countryside that I identify, above.

Conclusion

54. For the above reasons, and having taken all other matters into account, Appeal B is dismissed.

R Curnow

INSPECTOR