



Appeal Decision

Site visit made on 13 July 2026

by Robin Buchanan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 July 2026

Appeal Ref: APP/D0840/C/24/3355652

Treesmill Farm, Treesmill, Par, Cornwall PL24 2TX

- The appeal is made under section 174 of the Town and Country Planning Act 1990, as amended (the Act).
 - The appeal is made by Mrs Louise Lewis against an enforcement notice issued by Cornwall Council.
 - The notice was issued on 31 October 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, dog run/play area, residential uses and the siting/storage of non-agricultural items, through the stationing of a double-decker bus for residential use and caravans and converted horsebox for occasional residential use, a caravan used as an office, construction of a timber building and polytunnel, and the siting/storage of double-decker buses, caravans, and other non-agricultural items on the land. Also, the construction of a rear timber extension to an existing residential caravan'.*
 - The requirements of the notice are to:
 - (1) Cease the residential use of the land shaded in orange on the attached plan. With the exception of the residential caravan shown in the approximate location by a blue 'F' on the attached plan.
 - (2) Cease the non-agricultural use of the land shaded in blue on the attached plan, namely the use as a dog run/play area.
 - (3) Cease the use of the land shaded in orange and blue on the attached plan for the storage of non-agricultural vehicles, items and equipment.
 - (4) Cease the residential use of the double-decker bus shown in the approximate location by a blue 'X' on the attached plan and remove from the land.
 - (5) Remove from the land all services connected to the double-decker bus, shown in the approximate location by a blue 'X' on the attached plan, for the purposes of independent human habitation, including but not limited to electric cabling, water pipes, sewage pipes, gas bottles etc.
 - (6) Cease the occasional residential use of the caravans and converted horsebox shown in the approximate locations by blue 'A's' on the attached plan and remove from the land.
 - (7) Cease the office use of the caravan shown in the approximate location by a blue 'E' on the attached plan and remove from the land.
 - (8) Demolish and remove from the land, the timber building shown in the approximate location by a blue 'B' on the attached plan from.
 - (9) Demolish and remove from the land, the polytunnel shown in the approximate location by a blue 'C' on the attached plan.
 - (10) Demolish and remove from the land, the timber extension along the northern elevation of the residential caravan shown in the approximate location by a blue 'F' on the attached plan.
 - (11) Remove all non-agricultural vehicles, items and equipment from the land shaded in orange and blue on the attached plan; including but not limited to: caravans, double-decker buses, motor vehicles, box trailer, dog jumps and equipment etc.
 - (12) Remove from the land all materials and debris resulting from compliance with the requirements of (4), (5), (6), (7), (8), (9), (10) and (11) above, and restore the land to its former condition before the breach took place.
 - The period for compliance with the requirements is: Sixteen months.
 - The appeal proceeds on the grounds set out in section 174(2)(b) and (c) of the Act.
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Decision

1. The appeal is dismissed and the enforcement notice is upheld.

Ground (b)

2. For ground (b) to succeed, the onus is firmly on the appellant to demonstrate, on the balance of probability, that the matters stated in the alleged breach of planning control in the notice, as set out in the 4th bullet point in the banner heading above, have not occurred. This is uncontested, except for use of part of the land, shaded blue in the notice plan, as a dog run/play area.
3. Before the notice was issued, the owners of the land (neither of whom is the appellant) confirmed that this part of the land was separated to allow owners' dogs to roam freely when using the field for camping. According to the appellant it was fenced off from the rest of the field in 2018 so that the owners of Treesmill Farm, family friends and visitors could let their pet dogs off-lead in a safe private area, including for outdoor training lessons – what the Council also refers to as for dog exercise.
4. The appellant claims this use ceased in September 2023, before the notice was issued, and that associated jumps and other dog equipment was removed. Though this part of the land is still a grassed field in the countryside, it has not been suggested that the dog run/play area is an agricultural use. There is also little evidence that it has since been put to an agricultural purpose and I saw what appeared to be jumps and other dog equipment on it. But, and be that as it may, section 174(2)(b) of the Act is concerned with whether this part of the alleged breach occurred, not whether it had ceased by the date of the notice or since. Accordingly, cessation of an activity cannot in itself justify a ground (b) appeal.
5. The appellant has not, therefore, demonstrated on the balance of probability that the matters pursued by the notice, including a dog run/play area, had not occurred as a matter of fact when the notice was issued. Ground (b) therefore fails.

Ground (c)

6. For ground (c) to succeed, the onus is firmly on the appellant to demonstrate, on the balance of probability, that the matters pursued by the notice are not a breach of planning control. For example, because the necessary planning permission has been granted for this development or it has been found to be lawful for another reason. This is also uncontested, except for the dog run/play area.
7. Although referred to as the 'Cornwall Council 28 day rule', in effect the appellant argues that this use is permitted development, granted planning permission by Article 3(1) under Schedule 2, Part 4, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (the GPDO). Class B includes the use of any land for any purpose for not more than 28 days in total in any calendar year and the provision on the land of any moveable structure for the purposes of the permitted use. The increased 56 day Class B Covid-19 allowance was no longer in force when the notice was issued.
8. Even if active use of the dog run/play area met the relevant number of days timing limitation of Class B, the appellant accepts that the associated dog jumps and other equipment (albeit portable structures and otherwise intended as temporary in nature) remained in situ meantime, in between active use while that use was

occurring. Given the conflict with this limitation of Class B, the dog run/play area is not permitted development under Class B taken as a whole. Moreover, if active use of the dog run/play area ceased as per requirement 2 of the notice, this would not discharge the notice once it had come into effect. It would remain in force, including requirement 11 to, amongst other things, remove the dog jumps and equipment.

9. Furthermore, and in any event, Article 3(5) of the GPDO does not grant planning permission under Article 3(1) retrospectively for unlawful development, thus including in Schedule 2, Part 4, Class B. Nor have I been informed that there is a lawful development certificate for use of the area shaded blue as a dog run/play area with associated dog jumps and other equipment. There is little evidence that this use of this part of the land is immune from enforcement action, such as by passage of time, including that the appellant refers to an 18 month break in the continuity of such use. Indeed, the appeal was not made on ground (d). Little else in support of ground (c) has been advanced.
10. The appellant has not, therefore, demonstrated on the balance of probability that the matters pursued by the notice are not a breach of planning control. As a result, Ground (c) fails.

Other Matters

11. In the appeal, the appellant asked for clarification that Class B permitted development rights would apply to future use of the area shaded blue as a dog run/play area. However, this matter is not within the scope of this appeal or my remit. The appellant may seek such advice from the Council or another planning professional or apply for a lawful development certificate.
12. There is no ground (a) deemed application for planning permission for the matters pursued by the notice. Accordingly, the planning merits of this development, including that there might be similar public dog training activity on nearby land, are not relevant to my decision in this case.

Conclusion

13. Grounds (b) and (c) both fail. Accordingly, the appeal does not succeed.

Robin Buchanan
INSPECTOR