



Appeal Decision

Site visit made on 17 June 2026

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd July 2026

Appeal Ref: APP/D0840/C/24/3357461

Land adjacent to Wheal Bidden Farm, Twelveheads, Truro, Cornwall, TR4 8PQ

- 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 Ian Mill against an enforcement notice issued by Cornwall Council.
- The notice was issued on 28 November 2024.
- The breach of planning control as alleged in the notice is without planning permission, the material change of use of land from agricultural use to a mixed use comprising of agricultural and residential use, through the siting of a static caravan for residential purposes and the siting a touring caravan used in connection with the residential use. Also, the storage of non-agricultural materials on the site.
- The requirements of the notice are to:
 - (1) Cease the residential use of the land outlined in red on the attached plan.
 - (2) Cease the storage of non-agricultural materials on the land outlined in red on the attached plan.
 - (3) Cease the residential use of the caravan shown in the approximate location by a blue 'X' on the attached plan and remove the caravan from the land outlined in red on the attached plan.
 - (4) Remove from the land all services connected to the caravan for the purposes of independent human habitation, including but not limited to electric cabling, water pipes, sewage pipes, septic tank, gas bottles etc.
 - (5) Remove from the land the touring caravan shown in the approximate location by a blue 'A' on the attached plan.
 - (6) Remove from the land all materials, paraphernalia and debris resulting from the residential use of the land.
 - (7) Remove from the land all materials, paraphernalia and debris resulting from the storage of non-agricultural materials on the land, including but not limited to non-agricultural motor vehicles, containers, tyres, building materials etc.
 - (8) Remove from the land all materials and debris resulting from compliance with the requirements of (3) – (7) above and restore the land to its former condition before the breach took place.
- The period for compliance with the requirements is 12 months.
- The appeal is proceeding on the ground set out in section 174(2)(d) of the Act.

Decision

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

Appeal on ground (d)

2. In order for an appeal on ground (d) to succeed it has to be shown that at the time the notice was issued it was too late for enforcement action to be taken. The burden of proof is on the appellant and the relevant test is the balance of probability. If the Council has no evidence itself to contradict or otherwise make the appellant's version of events less than probable, an appeal on ground (d) can succeed, provided that the appellant's evidence alone is sufficiently precise and unambiguous.
3. With regards to the use of the land, section 171B(3) of the Act states that no enforcement action may be taken after the end of the period of 10 years beginning with the date of the breach. Therefore, in this case, in order to be lawful, the alleged use must have commenced at least 10 years before the date of the enforcement

notice (hence before 28 November 2014) and continued without any significant interruption thereafter for at least a 10-year period of time.

4. The appellant contends that the appeal site comprises a mixed use of residential and agricultural and the site has accrued immunity from enforcement action over the passage of time. Evidence to establish this claim includes letters from neighbours, photographs, Google aerial images and statutory declarations (SD) from the appellant, Mr Mill and a neighbour, Mr Matthews. Documents have also been submitted in relation to previous applications related to the site. This evidence is examined in the following paragraphs.
5. The SD from Mr Mill states that a static caravan was brought onto the site in 2010 and then moved in 2014 to its current location. It details the rooms in this caravan stating that it is equipped as a dwelling. The SD further explains that Mr Mill resided in the static caravan between January 2014 and April 2018, and then from April 2018 to September 2023 he spent weekends at a private rental accommodation for respite whilst residing in the caravan at the site Monday to Friday. Mr Mill contends in the SD that the residential use of the caravan on the land has occurred continuously for more than 10 years.
6. In Mr Matthews SD, he states that he is a neighbour and details the relationship he had with Mr Mill and Mr Mill's parents dating back to 1989. The SD explains that he sold a used static caravan to Mr Mill in 2010 and then claiming that *"on the 2012 Google map Ian's Caravan can be clearly seen and to the best of my knowledge Ian has lived there for the last 12 years, he has visited me regularly and borrows tools and equipment to use at Chopsticks"*. There are some uncertainties with Mr Matthews claims as he indicates that Mr Mill has lived in the caravan at the appeal site since 2012 which contradicts Mr Mill's assertions that he has resided in the caravan since 2014. There is also reference to a 2012 Google image which has not been submitted as evidence. Other than moving a static caravan onto the site in 2010, there is no indication that Mr Matthews has been onto the site in the preceding years and witnessed the residential use of the site for a continuous period of 10 years.
7. A letter from Mr Perryman states that he moved into the property next door to the appeal site in February 2013 and on the second day of living there, Mr Mill introduced himself as *"neighbour who lives in the caravan next door at Chopsticks Farm"*. This letter further details that he knows nothing about Mr Mill apart from he leaves for work every morning as a Tree Surgeon then again, sees him in his garden most evenings. There are no clear assertions in this letter that Mr Perryman has visited the site and witnessed a residential use.
8. A letter from Miss Trerise claims that Mr Mill has lived at the appeal site since 2012 until now. The letter details that Miss Trerise lived at the property next to the appeal site until 2011 and then partly living there after that until 2013 when the property was sold to Mr and Mrs Perryman. Miss Trerise's letter explains the relationship she had with Mr Mill's parents and also details a caravan being bought by Mr Mill in 2010. The assertions that Mr Mill has lived in the caravan at the appeal site from 2012 differs from Mr Mill's own claims. There is also minimal convincing evidence in this letter that Miss Trerise has witnessed the residential use of the site, particularly after 2013 after she had sold her property.
9. Google aerial images are provided showing the appeal site in the years of 2013, 2017, 2019, 2020, 2021 and 2023. A caravan is clearly visible on the images from

2017 onwards however, there is no caravan visible on the 2013 image. An email¹ to the Council explains that in the 2013 image the caravan was positioned at the southwest boundary under tree coverage. These aerial images do physically show that a caravan has been present on site however, this does not provide compelling evidence that the caravan was used for residential purposes for a continuous period of 10 years.

10. Photographs dated 2014 show a person sitting outside a caravan with the photographs of 2024 showing various sides of the same caravan. These photographs are snapshots in time, and they do not provide convincing evidence that the caravan has been used for residential purposes on a continuous basis for over 10 years.
11. An application for Permission in Principle for erection of up to one affordable dwelling² at the appeal site was submitted in 2023 by Mr Mill's parents, Lydia and John. The accompanying planning statement explains that the proposal is to allow their son to get on the property ladder and get him out of his rented accommodation. The planning statement further states that *"on a typical day he would make 6 trips either to or from the site. Being on site would reduce his carbon footprint as there would not be the need to keep coming and going from the site"*. It is also described in the planning statement that the site contains a number of buildings which include two shipping containers, five large poly tunnels, large crib hut/store, dilapidated shed and associated vehicle and agricultural paraphernalia. The existing site plan³ and proposed indicative site plan⁴ for this application has annotations which identifies each structure. The structure shown on these plans which is in the same location as what is identified as the caravan on the aerial images, has been annotated and identified as a "crib room / store". In the submissions with this application, there is no reference to a caravan being on the site nor is there any evidence describing that Mr Mill was living at the site. The appellant does indicate that his parents were advised to implement a poorly conceived planning strategy on this matter and that the use of the caravan as a "crib hut" was a misrepresentation of the facts.
12. The SD from Mr Matthews and the letters from Mr Perryman and Miss Trerise imply that the appellant has been living at the site since 2012, which contradicts Mr Mill's evidence in his SD which states he has resided in the caravan on the site since January 2014. There is no compelling evidence in Mr Matthews SD or the letters that convinces me that the caravan at the appeal site has been used continuously as a residential use for over 10 years. The aerial images and photographs, whilst physically showing the presence of a caravan on site, do not provide significant clarity that the caravan was used for residential purposes. Mr Mill's SD is clear in that he argues he has lived in the caravan on the appeal site for a continuous 10-year period since January 2014. However, the submissions, including the plans and planning statement, with the 2023 application does not reference a caravan on the site or that Mr Mill lived at the site, with the planning statement indicating that Mr Mill had separate rental accommodation elsewhere. I note that Mr Mill explains that for a period he used rented accommodation as respite at weekends, however, the planning statement in the 2023 application does not mention this and the implication is that Mr Mill travelled to the site making 6 trips in a typical day. There is contradicting evidence that does provide doubt and therefore makes the appellant's version of events less than probable. The submitted evidence is not sufficiently precise and unambiguous,

¹ Appendix 2c of appellants statement of case

² Council ref: PA23/04972

³ Drawing reference no: 362 03

⁴ Drawing reference no: 362 04

and the submitted evidence does not convince me that the site has been a mixed use of residential and agricultural for a continuous uninterrupted period of 10 years from 28 November 2014.

13. Accordingly, having regard to all of the evidence before me, I find as a matter of fact and degree and on the balance of probability, that the whole of the appeal site has not been in a mixed use comprising of agricultural and residential use for more than 10 years on a continuous basis before the date of the application.
14. It was not too late for the Council to take enforcement action on these matters and the appeal on ground (d) therefore fails.

Conclusion

15. For the reasons given above, I conclude that the appeal should fail on ground (d) and therefore the appeal is dismissed and the enforcement notice should be upheld.

Chris Baxter

INSPECTOR