



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: 22 July 2026

Appeal Ref: APP/D0840/C/25/3359554

Land north of Burntwood (also known as Weemere Farm) Golberdon Road, Pensilva, Cornwall PL14 5RN

- 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 Stacy Luscombe against an enforcement notice issued by Cornwall Council.
- The notice was issued on 20 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 to a mixed use comprising of agriculture, bird and fish breeding, livery and residential use, through the construction of a residential building consisting of two residential caravans that have been extended and a raised platform along it's southern elevation, siting of a touring caravan for residential purposes, and the construction of stables, pigeon lofts, washroom, outbuildings, scaffold structure, polytunnel, and track/hardstanding area. Also the storage of non agricultural items, including the storage of a touring caravan'.
- The requirements of the notice are to:
 - (1) Cease the residential use of the land outlined in red on the attached plan.
 - (2) Demolish and remove the residential building shown in the approximate location by a blue 'A' on the attached plan and the raised platform along the building's southern elevation.
 - (3) Remove from the land all services connected to the residential building for the purposes of independent human habitation, including but not limited to electric cabling, water pipes, sewage pipes, septic tank, gas bottles etc.
 - (4) Cease the residential use of the caravan shown in the approximate location by a blue 'B' on the attached plan and remove the caravan from the land outlined in red on the attached plan.
 - (5) Remove from the land all services connected to the residential caravan for the purposes of independent human habitation, including but not limited to electric cabling, water pipes, sewage pipes, septic tank, gas bottles etc.
 - (6) Remove from the land all materials, paraphernalia and debris resulting from the residential use of the land, including but not limited to plant pots, raised beds, dustbins, bikes, outdoor furniture, BBQ, trailers, trampoline, domestic sheds, non agricultural motor vehicles etc.
 - (7) Cease the non-agricultural use of the land outlined in red on the attached plan.
 - (8) Demolish and remove from the stables and outbuildings shown in the approximate location by blue 'C's' on the attached plan.
 - (9) Demolish and remove from the pigeon lofts shown in the approximate location by blue 'D's' on the attached plan.
 - (10) Demolish and remove from the washroom shown in the approximate location by a blue 'E' on the attached plan and remove the electric cabling and water pipes connected to it.
 - (11) Dismantle and remove the polytunnel shown in the approximate location by a blue 'F' on the attached plan.
 - (12) Dismantle and remove the scaffold structure shown in the approximate location by a blue 'G' on the attached plan.
 - (13) Demolish and remove the hardstanding area and track from the land shaded in orange on the attached plan and restore the land to its former condition before the engineering operations took place.
 - (14) Remove all non-agricultural materials and paraphernalia from the land outlined in red on the attached plan; including but not limited to: caravans, building materials, building/domestic waste, scrap metal etc.

- (15) Remove from the land all materials and debris resulting from compliance with the requirements of (1) – (14) above and restore the land to its former condition before the breach took place.
- The period for compliance with the requirements is: 15 months.
 - The appeal proceeds on the grounds set out in section 174(2)(b), (f) and (g) 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 (BPC), as set out in the 4th bullet point in the banner heading above, had not occurred as a matter of fact by the date the notice was issued. This is uncontested, except for what is described in the BPC as ‘the construction of a residential building consisting of two residential caravans that have been extended’.
3. I saw what were originally two large single unit residential caravans lined up parallel to each other on the land. The chassis and (dilapidated) wheels/tyres are still present, albeit each caravan rests in situ, also supported on concrete blocks and connected to bottled gas, electricity and fresh and waste water systems.
4. The gap in between the long sides of both caravans has mostly been infilled with a large linking structure. This extension is attached to each caravan and joins them together, similar in design and materials. It is supported mainly on vertical pipes or pillars set into concrete pad footings on the ground. I have not been informed that this structure was brought onto the land already complete or made out of pre-assembled parts, as opposed to built from constituent components in situ, including by cutting openings or using doors in what were external elevations of the caravans and as a means of internal access. This provides a significant amount of additional living space apportioned to each caravan, including domestic storage and primary living accommodation such as a lounge and enlarged bedrooms.
5. One caravan has been further extended with similar structures along the other side of it, essentially in the same way and for similar purposes. But also to provide a room used in connection with animals kept on the land. There is little evidence that either caravan remains mobile without dismantling or detaching the extensions.
6. I have no reason to doubt that this is essentially what the Council observed on this part of the land before the notice was issued, including as is evident from the appellant’s response to a Planning Contravention Notice and the Council’s plans and photographs.
7. Having regard to relevant caselaw, there is, therefore, little to counter that what existed was by then anything other than a large residential building¹ consisting of two residential caravans conjoined (as the appellant puts it) and enlarged by extensions with a significant degree of intended functional use and physical permanence beyond any reasonable notion of ancillary or incidental. There is no apparent reason why this operational development did not require planning permission² or contribute to the mixed material change of use of the land.

¹ Section 336 of the Act

² Sections 55(1) and 57(1) of the Act

8. Each of these caravans is occupied by a separate household; an extended family of related individuals, including young children and elderly adults. The appellant suggests caselaw dictates that both caravans should not be considered as a single dwelling but two separate residential units but has not directed me to any cases or given further explanation. In any event, the notice does not pursue a material change of use to any specific number of residential units and the operational development is directed at a residential building, not a dwellinghouse. It is, in this respect, in much the same way as a block of flats contains several independent, self-contained residential units but is a single residential building.
9. Accordingly, the appellant has not shown, on the balance of probability, that the matters stated in the notice had not occurred as a matter of fact by the date the notice was issued. Ground (b) therefore fails.

Ground (f)

10. For ground (f) to succeed, the appellant must demonstrate that the steps required by the notice to be taken, or the activities required by it to cease, exceed what is necessary to remedy the BPC.
11. Taken with the requirements, it is clear that the purpose of the notice is to remedy the BPC comprising a material change of use and operational development under section 171A(1) of the Act. Sections 173(3), (4)(a) and (5) provide that the steps required to be taken can include discontinuing any use of the land and restoring land to its condition before the breach took place by the alteration or removal of any building or works, the carrying out of any building or other operations and any activity on the land not to be carried on except to the extent specified in the notice. The requirements of the notice are integral to achieving these outcomes and the Council does not seek to under-enforce.
12. I acknowledge that planning enforcement should be remedial, not punitive. But the appellant's case on ground (f) refers to a planning application already submitted to the Council, after a previous planning application was refused. As I understand it, in essence, it seeks planning permission retrospectively for an emerging agricultural enterprise on the land and to retain two caravans as temporary agricultural workers accommodation for 3 years. Although permission might result in less cost and disruption to the appellant, I have not been informed of a decision. In any event, there is no ground (a) deemed application for planning permission for me to consider planning merits of the development pursued by the notice, even if the appellant ceased the residential use on the land. No other lesser steps or obvious alternative were advanced.
13. In these circumstances, the steps required by the notice to be taken are consistent with remedying the BPC, so are necessary, proportionate and not excessive. For these reasons ground (f) fails.

Ground (g)

14. For either ground (g) to succeed, the appellant must demonstrate that the 15 month period specified in the notice to take the steps required by it falls short of what should be reasonably allowed.
15. I appreciate that the notice contains 15 requirements but there is little to suggest that the 15 month period has been derived on a pro rata or one month per

requirement basis. Moreover, although numerous, they essentially involve either cessation of use and activity or removal of items, with no prescribed sequence. The circumstances of other cases said to have been given a 16 month compliance period to cease residential use have not been shown to be directly comparable. Nor is there persuasive evidence that finding somewhere else to live could not be secured within 15 months, inclusive of sufficient time to cease the other uses and remove the structures and other items from the land. I therefore see no justification for an additional 3 month compliance period after residential use ceased.

16. The appellant also argues that a 19 month period would allow for a decision on the planning application and any subsequent appeal. However, even if a decision has not yet been made, that is not the matter in hand in ground (g), which is that the period in the notice must be sufficient to begin with in relation to the requirements, not extraneous matters.
17. In effect, the period sought would amount to an unjustified temporary planning permission and prolong the harm identified in the reasons for issuing the notice. The Council has discretion under section 173A(1)(b) of the Act to extend the period for compliance, such as for the reasons given by the appellant, but this would be a matter for the parties.
18. Consequently, on the evidence before me, the 15 month period in the notice to take the steps required by it does not fall short of what should reasonably be allowed. Accordingly, ground (g) fails.

Other Matters

19. As outlined earlier, people live in the residential building and use part of the land as a garden. The outcome of this appeal could seriously interfere with private rights to this family life, their home and enjoyment of these possessions³. I have also had due regard to the age protected characteristics in this case for the purposes of the Public Sector Equality Duty, including the need to eliminate discrimination and advance equal opportunity⁴.
20. However, there is little evidence that the appellant would not be able to comply with the requirements of the notice within the time period therein. Nor that the best interests of any child would therefore be significantly adversely impacted or that anyone would be made permanently homeless or could not live elsewhere, including as a reasonable adjustment. Qualified rights, such as these personal circumstances, can be infringed by a decision under planning legislation where, as in this case, it is justified to safeguard the wider public interest given the harm the unauthorised development has caused. Consequently, while I am sympathetic to the predicament of the appellant and her extended family, I am satisfied that upholding the notice would be a proportionate outcome in this case.

Overall Conclusion

21. Grounds (b), (f) and (g) all fail, so the appeal does not succeed.

Robin Buchanan
INSPECTOR

³ Article 8 of the Human Rights Act 1998 (as amended), United Nations Convention on the Rights of the Child and European Convention on Human Rights.

⁴ Equality Act 2010