



Appeal Decisions

Site visit made on 13 July 2026

by Robin Buchanan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 July 2026

Appeal A Ref: APP/D0840/C/25/3365106

Appeal B Ref: APP/D0840/C/25/3365111

Land east of The Stables (also known as Blu Den Stables), Bar Lane, Connor Downs, Cornwall TR27 5DF

- The appeals are made under section 174 of the Town and Country Planning Act 1990, as amended (the Act).
 - Appeal A is made by Mr Roland Hardman and Appeal B is made by Mrs Caroline Hardman against an enforcement notice issued by Cornwall Council.
 - The notice was issued on 2 April 2025.
 - The breach of planning control as alleged in the notice is 'Without planning permission, the construction of a timber chalet for residential use, associated development in the form of raised timber decking and hardstanding area/paths and the material change of use of the land from agricultural to a mixed use comprising of agricultural and residential'.
 - 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 from the land the timber chalet shown in the approximate location by a blue 'X' on the attached plan.
 - 3) Demolish and remove from the land the raised timber decking along the southern elevation of the timber chalet.
 - 4) Remove all services connected to the timber chalet for the purposes of independent human habitation, i.e. electric cabling, water pipes, sewage pipes, septic tank etc.
 - 5) Remove from the land all materials and debris resulting from the residential use of the land including but not limited to outdoor furniture, plant pots etc.
 - 6) Demolish and remove the hardstanding/path surrounding the chalet and restore the land to its former condition before the breach took place i.e. turfed.
 - 7) Remove from the land all materials and debris resulting from compliance with the requirements of (2), (3), (4), (5) and (6) above, and restore the land to its former condition before the breach took place.
 - The period for compliance with the requirements is: 6 months.
 - The appeals proceed on the grounds set out in section 174(2)(b), (f) and (g) of the Act.
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Decisions

1. It is directed that the enforcement notice is corrected as follows:

- Section 3 (breach) – delete *'from agricultural'*.
- Section 3 (breach) – delete *'to a mixed use comprising of agricultural and residential.'* and insert *'to a mixed use comprising of equestrian and residential.'*
- Section 4 (reasons) – after *'within the last four years'* insert *'and ten years respectively'*.
- Section 5 (requirements) – delete 5.1) and replace with a new 5.1) *'Cease the mixed equestrian and residential use of the land outlined in red on the attached plan'*.

2. Subject to these corrections, Appeal A and Appeal B are both dismissed and the notice is upheld.

Preliminary Matter

3. Both appeals make the same case about the same enforcement notice and land so I have considered them together.

Enforcement Notice

4. It is important that the notice is in order. The material change of use (MCOU) in the alleged breach of planning control (BPC) does not need to specify the previous use of the land, which the appellants dispute in any event. But as the BPC includes the MCOU, the reasons for issuing the notice should also refer to it as having occurred within the last ten years, which can be included without injustice to any party.

Ground (b)

5. The appellants previously informed the Council that the land was primarily used for grazing horses¹. However, the land includes more than a grass paddock. The appellants use a stable building on part of it to house and care for their own horses, which I saw includes stalls and space for tack/feed and grooming. It is evident that such grazing as happens in the paddock is incidental, because there is no way to prevent this, and is in association with these horses kept on the land in the stable. Whereas horses simply turned out to live exclusively in an open grass paddock, sustained by grazing it and water provided on it, would be more akin to livestock and likely within the meaning of agriculture². There is also little to suggest the appellants are farmers, the horses are working horses or that the land is part of an agricultural holding.
6. In light of this, the MCOU when the notice was issued is more appropriately described in the BPC as to a mixed use of equestrian and residential and is not to say that any use of the land is lawful. This would not offend the main thrust of what the notice pursues; namely the construction of a timber chalet for residential use, with associated works, and residential use of the land. Nor the reasons it was issued or the requirements, once 5.1) is altered accordingly.
7. For either ground (b) to succeed, the onus is then firmly on the appellants to demonstrate, on the balance of probability, that the matters stated in the BPC had not occurred as a matter of fact by the date the notice was issued. The nub of the dispute is whether the chalet was constructed as a building for residential use and whether there was a material change of use of the land to a mixed equestrian and residential use.
8. The chalet is approximately 10m long and 6m wide with some 54sqm net internal floor area, so it is significant in size. There is little evidence it was brought onto the land already complete or made out of portable pre-assembled parts bolted together, rather than built from constituent components in situ. It is supported by feet resting on concrete slabs but is connected to electricity, fresh and waste water systems, including a septic tank. It also includes permanent materials, such as high quality insulated sheet metal roof and timber cladding.

¹ Response to a Planning Contravention Notice

² Section 336 of the Act

9. Despite the appellants describing it as a temporary structure, the chalet was evidently constructed on the land with some intended permanence and no obvious means of mobility other than by dismantling. There is no ground (c) case that it was or is a caravan or a mobile home and little else to counter that what was constructed is anything other than a building³ and operational development that required planning permission⁴.
10. I have not been informed about the outcome of the appellants' planning application seeking to retain the chalet and reconfigure it internally and externally as a 'stable/store with washroom associated with the equestrian use of the land'⁵. According to the application, the chalet was 'set up internally for domestic purposes' and the as existing plans show two double bedrooms, a shower room including toilet and an open plan lounge, kitchen and dining area. I saw that these rooms are finished to a high standard of decoration, including carpeted and one with fitted wardrobes and drawers and an electric wall heater in the main room. A fitted kitchen has extensive worksurfaces with sink, cupboards, drawers and domestic appliances include a fridge freezer, hob, oven, washing machine, dishwasher, microwave, kettle and toaster. A Council Officer essentially saw the same before the notice was issued.
11. The appellants maintain the chalet is a crib room in equestrian use so they can shelter during inclement weather, prepare food and drinks while they look after and care for their horses or simply 'relax and enjoy their land'. They claim there has been only two overnight stays since the chalet was established on the land in August 2023 – one to care for a sick horse and the other to celebrate a birthday. I understand that they live nearby in Connor Downs.
12. However, having regard to relevant caselaw put to me⁶, there is little to suggest other than that from the outset the chalet had all the viable facilities required for day-to-day private domestic living as a dwellinghouse. Furthermore, that the external design and internal layout, including double glazed fenestration and sliding patio doors onto the raised timber decking, was conceived as a building then substantially completed and fitted out suitable for residential use in a partitioned corner of the land with some paving and gravelled hard surfaces in its own curtilage. Despite some tack, wood shavings and horse feed I saw in some rooms, it is plainly something other than a utilitarian stable/store or temporary crib room providing basic facilities.
13. In these circumstances, and also considering other relevant caselaw⁷, even if the chalet had not been actively occupied as a dwellinghouse, it was clearly capable of being used in this way. As such, taken with the raised decking and curtilage, it resulted in a material change of use of the land to a mixed use comprising equestrian and residential.
14. I appreciate that the appellants consider the chalet is not in residential use and that some furniture and domestic paraphernalia have been removed, including outdoor table and chairs and plant pots on the decking. Also, they believe it could internally and externally be remodelled for use as a stable/store with washroom associated with the equestrian use of the land, including removal of remaining domestic items.

³ Section 336 of the Act

⁴ Sections 55(1) and 57(1) of the Act

⁵ Planning Portal Ref PP-14199030

⁶ *Gravesham BC v SSE & O'Brien* [1983] JPL 306

⁷ *Welwyn Hatfield BC v SSCLG & Beesley* [2011] UKSC 15

15. But section 174(2)(b) of the Act is concerned with whether the development in the BPC occurred, not whether it had ceased or changed by the date of the notice or since or might do. As such, cessation of activity or the start of another on the land and change to the fabric, structure or internal arrangement of the chalet cannot in itself justify the ground (b) appeals.
16. Accordingly, the appellants have 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. Each ground (b) therefore fails.

Ground (f)

17. For either ground (f) to succeed, the appellants 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.
18. Taken with the requirements, it is clear that the purpose of the notice is to remedy the BPC comprising operational development and a material change of use 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.
19. I acknowledge that planning enforcement should be remedial, not punitive. But the appellants' case on ground (f) is essentially that outlined in ground (b) and dependent on success with the application for retrospective planning permission. While that might result in less cost and disruption to the appellants, I have not been informed of any outcome to that application. There is, anyway, no ground (a) deemed application for planning permission before me to consider planning merits of the proposed changes to the development pursued by the notice or a specific scheme to this effect. No other lesser steps or obvious alternative were advanced.
20. 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 each ground (f) fails.

Ground (g)

21. For either ground (g) to succeed, the appellants must demonstrate that the 6 month period specified in the notice to take the steps required by it falls short of what should be reasonably allowed.
22. They argue that the period should be extended to 12 months to allow a decision to be made on the planning application for retrospective planning permission. But that is not the matter in hand in ground (g). The period in the notice must be sufficient to begin with in relation to the requirements and the appellants do not otherwise claim that 6 months is insufficient in this regard. While the Council has discretion under section 173A(1)(b) of the Act to extend the period for compliance, such as to allow for a decision on the appellants' planning application, that would be a matter for the parties.

23. Consequently, on the evidence before me, the 6 month period in the notice to take the steps required by it does not fall short of what should reasonably be allowed. Accordingly, each ground (g) fails.

Overall Conclusions

24. Each of the grounds (b), (f) and (g) fail, so both appeals do not succeed.

Robin Buchanan
INSPECTOR