

Portreath Parish Council
Clerk To Portreath Parish Council

Your ref:

My ref: EN24/00205

Date: 1 October 2025

Dear Sir/Madam

Town and Country Planning Act 1990 - Appeal Under Section 174

Site Address:	2 Rookery Cottages Mile Hill Porthtowan
Alleged Breach:	Appeal against Enforcement Notice - Without planning permission, the material change of use of the land for the erection of an independent C3 unit of residential accommodation and associated operational development consisting of a concrete base, sceptic tank, decked area, access path, hardstanding, timber fence and covered Heras fencing/screening and associated chattels (e.g., plant pots, outside seating, lighting, etc.).
Appellant's name:	Mr A McCheyne
Appeal reference:	APP/D0840/C/25/3371731
Appeal Start Date:	16 September 2025

I refer to the above details. An appeal has been made to the Secretary of State against an enforcement notice issued by Cornwall Council.

The enforcement notice was issued for the following reasons:

The breach of planning control was substantially complete prior to the new Levelling Up and Regeneration Act coming into effect. The breach has therefore been considered under the time limits set out under Section 171B of The Town and Country Planning Act, 1990. It appears to the Council that the above breach of planning control has occurred within the last four years.

It is considered that the development does not accord with the relevant development plan policies.

In particular; The C3 use of the building has created a residential use in an unsustainable location in the open countryside. National and Local planning policies advise that provision for new dwellings within the countryside is strictly limited to a small range of exception cases, of which this case is not one.

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The proposed development would result in a large self-contained unit of living accommodation which, given its excessive scale, degree of self-containment and lack of functional link with the main dwelling, would be tantamount to a new dwelling in the open countryside without any special justification therefore failing to represent a genuine ancillary development. The proposal is therefore contrary to the aims and intentions of policy 1 of the Portreath Neighbourhood Development Plan, policies 1, 2, 7 and 12 of the Cornwall Local Plan Strategic Policies 2010 - 2030, paragraphs 8, 11 and 135 of the National Planning Policy Framework 2024 and policies C1 and T1 of the Cornwall Council Climate Emergency Development Document.

It is not considered that the matter can be overcome by the use of planning conditions.

The enforcement notice requires the following steps to be taken:

1. Cease the use of the building marked with a blue A on the attached plan for C3 residential occupation.
2. Remove the building marked with a blue A and any associated services, operational development and chattels from the land outlined in red on the attached plan.
3. Remove from the land all material

The appellant has appealed against the notice on the following grounds:

Ground (c) that there has not been a breach of planning control.

Ground (d) that, at the time the enforcement notice was issued, it was too late to take enforcement action against the matters stated in the notice.

Ground (f) the steps required to comply with the requirements of the enforcement notice are excessive and lesser steps would overcome the objections.

The appeal will be determined on the basis of **written representations**. The procedure to be followed is set out in the Town and Country Planning (Enforcement) (Written Representations Procedure) (England) Regulations 2002.

If you wish to make comments, you can do so online at <https://acp.planninginspectorate.gov.uk/>. If you do not have access to the internet, you can send your comments to:

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Mr Craig Maxwell
The Planning Inspectorate
Temple Quay House
2 The Square
Bristol
BS1 6PN.

All representations must be received by 6 weeks from the start date. Any representations submitted after the deadline will not usually be considered and will be returned. The Planning Inspectorate does not acknowledge representations. **All representations must quote the appeal reference.**

Please note that any representations you submit to the Planning Inspectorate will be copied to the appellant and this local planning authority and will be considered by the Inspector when determining the appeal.

If you submit comments and then subsequently wish to withdraw them, you should make this request to the Planning Inspectorate by the date above.

The appeal documents are available for inspection on request.

You can get a copy of one of the Planning Inspectorate's "Guide to taking part in enforcement appeals" booklets free of charge from GOV.UK at <https://www.gov.uk/government/collections/taking-part-in-a-planning-listed-building-or-enforcement-appeal> or from us.

When made, the decision will be published online at <https://acp.planninginspectorate.gov.uk/>

If you require any further information please do not hesitate to contact me.

Yours faithfully

Claire Broughton

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Development Management Service
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