



Appeal Decision

Hearing held on 11 January 2023

Site visit made on 11 January 2023

by G J Fort BA PGDip LLM MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 February 2023

Appeal Ref: APP/D0840/W/22/3307770

Land at Banns, St Buryan, Penzance, Cornwall TR19 6EL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs R and M Bone (W R Bone and Son) against the decision of Cornwall Council.
 - The application Ref PA21/08925, dated 26 August 2021, was refused by notice dated 29 March 2022.
 - The development proposed is a new rural workers' dwelling, Land at Banns.
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Decision

1. The appeal is allowed and planning permission is granted for a new rural workers' dwelling, Land at Banns at Land at Banns, St Buryan, Penzance Cornwall TR19 6EL in accordance with the terms of the application, Ref PA21/08925, dated 26 August 2021 subject to the conditions in the schedule to this decision below.

Procedural Matters

2. At the hearing, the Council supplied a paper copy of the hearing notification and a signed statement of common ground (SoCG).
3. The Officer Report on the application that led to this appeal referenced the emerging Climate Emergency Development Plan Document (DPD). By the time of the hearing, the examination of the DPD had concluded as the Council had received the Examining Inspector's report on the Plan on 10 January 2023. However, the DPD was as yet to be formally adopted by the Council. In the light of this, I sought the parties' views on the emerging DPD in the hearing, and I allowed time in an adjournment for the relevant documents to be considered.
4. A prior approval application¹ relating to the polytunnels at the wider landholding at Banns adjacent to the appeal site was referenced in the SoCG. By the opening of the hearing, the Council had determined the application and provided me with a copy of the Decision Notice (dated 6 January 2023), Officer Report and plans relating to it.
5. Accounts relating to the appellants' business were submitted on a confidential basis at the application stage, and referred to in the Council's appeal statement. However, these had not been submitted with the appeal documents. Moreover, the appellants wished to refer to updated accounts in

¹ Council reference: PA22/11035

discussion at the hearing, which neither I nor the Council had seen previously. The appellants provided electronic and paper copies of these at and post the hearing, and the Council were able to consider the latest iteration of the accounts in an adjournment.

6. In discussion, the appellants referred to sketch designs that informed the appeal proposal, but which did not appear in that form in the submitted design and access statement. The sketches were presented at the hearing, and were discussed at the relevant point of the agenda, and were submitted post hearing in electronic form.
7. The appellants referred to the Council's Officer Report on the planning application² for the Farm Shop located on land in their wider ownership adjacent to the appeal site, which gained permission on 19 August 2016. This document had not been previously provided but is relevant to the planning history of the wider holding, is in the public domain, and was drafted by the Council.
8. Consequently, for the reasons set out, I consider that no prejudice would occur to the interests of the parties as a result of me accepting the documentation outlined above, and taking it into account in my consideration of the appeal. In arriving at this view, it is of note that no parties objected to me accepting the above-referenced material.
9. The Department for Levelling Up, Housing and Communities published a consultation document on changes to the National Planning Policy Framework (the Framework) on 22 December 2022. The parties' views on this were sought at the hearing. However, due to the early stage of preparation of this document, and the lack of any proposed substantive changes relating to the aspects of the Framework of most relevance to the main issues in this appeal, it has only a very limited bearing on the current case.

Main Issues

10. The main issues in this case are firstly, whether the appeal site would be a suitable location for a dwelling in the light of development plan and national planning policy; and secondly, the effects of the proposed development on the character and appearance of the area.

Reasons

Site, Surroundings and Proposed Development

11. Located within a landscape designated both as an Area of Great Landscape Value (AGLV) and Heritage Coast, the appeal site comprises a narrow strip of one field which meets with an existing access to the highway and a corner of a relatively small and gently undulating field bounded by sinuous Cornish hedges. In these latter respects the appeal site and its immediate environs are typical of some of the aspects of landscape character for this part of Cornwall as identified in the Cornwall and Isles of Scilly Landscape Character Study (the LCS). The surroundings of the appeal site include a wider landscape characterised by the small-scale field pattern, Cornish hedges, and small dispersed farmsteads, including the listed cluster of buildings situated a field or so away at Banns Farm. More modern interventions include the St Buryan

² Council reference: PA16/04978

Farm Shop, adjacent to the highway, but in the wider landholding of the appellant, and the electricity substation, and related infrastructure, including pylons and enclosures close to that. A right of way crosses the appeal site at its eastern edge.

12. The proposed development would see the construction of a dwelling on the appeal site adjacent to an existing break in a Cornish hedge, through which access to the site would be gained. Of two storeys, the dwelling would incorporate, alongside the living space, a farm office and quad bike store. The access to the proposed dwelling would pass through the adjacent field to meet with the existing servicing area of the Farm Shop.

Whether the appeal site would be a suitable location for a dwelling

Planning Policy

13. It is common ground that the appeal site is in the open countryside for the purposes of the development plan. The Council's housing supply position is not contested, and neither is it suggested that the proposed development would be required to meet the identified needs relating to the West Penwith Community Network Area.
14. Against this general background, the Cornwall Local Plan (adopted November 2016) (the Local Plan) is restrictive of the development of new dwellings in locations such as the appeal site. However, Policy 7 includes a number of exceptions to this general position including the provision of housing for full time agricultural and forestry and other rural occupation workers where there is up to date evidence of an essential need of the business for the occupier to live in that specific location. This is analogous to the Framework (at paragraph 80) insofar as it states that planning policies and decisions should avoid the development of isolated homes in the countryside, unless, amongst other matters, there is an essential need for a rural worker to live permanently at or near their place of work. The appellants contend that the proposed development would fall within these exceptions.
15. The Planning Practice Guidance (PPG) on Housing Needs of Different Groups³ sets out matters that may be relevant to take into account when considering whether an essential need exists – these were discussed at the hearing and are considered in more detail below. Whilst the Council provided an extract from the superseded national Planning Policy Statement 7 (PPS7), this has been supplanted by the Framework, which is now supported by the advice of the PPG, the latter document including several considerations analogous to those in the previous national policy. For these reasons, I attach no weight to PPS7 in relation to this appeal. In arriving at this view, I am aware that PPS7 is referred to positively in the decision⁴ of my colleague supplied to me by the Council. However, it is noteworthy that this decision was issued prior to the inclusion of the above-referenced considerations set out in the PPG. Indeed, in another and more recent decision⁵ drawn to my attention by the Council, which post-dates the relevant PPG update, the Inspector reached contrasting conclusions on the materiality of PPS7, finding that the document carried "no weight" in that appeal.

³ Paragraph: 010 Reference ID: 67-010-20190722 Revision date: 22 07 2019

⁴ APP/D0840/W/18/3200495 Decision date: 4 October 2018

⁵ APP/D0840/W/20/3253885 Decision date: 5 November 2020

16. As noted above, the examination of the emerging Climate Emergency DPD has concluded. It was a matter of common ground at the hearing that due to the very advanced stage that the DPD had reached it should be accorded significant (albeit not full) weight, and this is a position with which I agree. Except from policies relating to renewable energy, the DPD is not intended to replace the adopted Local Plan⁶, but will run alongside it. However, it has not been put to me that the proposed development would conflict with any of the policies contained in the emerging DPD.

Nature and viability of the appellants' business

17. The PPG sets out that the degree to which there is confidence that an enterprise will remain viable for the foreseeable future is one of the considerations that may be relevant to take into account in an assessment of proposals such as the one subject to this appeal, and I note that other Inspectors have considered such matters in the appeal decisions supplied to me by the Council⁷.
18. Focused on three discrete landholdings, Banns, Toldavas and Tregonebris, the appellants' business (W R Bone and Son) is described, in their Agricultural and Business Appraisal (the Agricultural Appraisal) (dated May 2021), as a "mixed farming business". From the mid-2000s, the business has shifted focus from dairy to beef production, which began to include retailing freezer packs of its produce at farmers' markets, together with vegetables and home-produced pasties. Due to the demand for, and turnover generated by these retailing activities, the business expanded to include the St Buryan Farm Shop, which opened in 2018, and is located at Banns.
19. Consequently, as described in the Agricultural Appraisal, the principal enterprises comprised within the business include, the Farm Shop, beef rearing and finishing unit (for sale in the Farm Shop), intensive vegetable and herb production (for sale through the Farm Shop), small bale, hay, haylage and straw production, and combinable crops. Since the production of the Agricultural Appraisal, a suckler herd has been established at the land at Banns, with 14 heifers present at the site currently, and an intention to expand this number further. A polytunnel has also been erected at Banns, albeit this does not appear to benefit from planning consent given the recently determined application relating to the site.
20. Over recent years, the operation of the Farm Shop has become an integral element of the business and provides a considerable amount of its income. The Farm Shop retails goods from sources other than the appellants' business, the proportions of which are controlled by condition attached to a planning permission relating to it⁸. However, the bulk of the agricultural operations carried out by the appellants' business are directed towards providing beef and produce for the shop.
21. Some activities taking place at the Farm Shop do not fall within the definition of "agriculture" set out in s336 of the Town and Country Planning Act 1990 (as amended). Nevertheless, those activities and the presence of the Farm Shop clearly add value to the agricultural operations of the business and are an

⁶ Per paragraph 13 of the Inspector's Report on the Examination of the Cornwall Council Climate Emergency Development Plan Document (dated 10 January 2023)

⁷ Including APP/D0840/W/19/3241270

⁸ Council reference: PA16/10482, decision date 19 January 2017

example of the diversification of such rural businesses of which the Framework (at paragraph 80), and the emerging DPD (per Policy AG1) are supportive. Moreover, the agricultural diversification opportunities offered by the Farm Shop, and its contribution to “improving the business offer for an existing business” are noted in the Council’s Officer Report on the planning permission for it. Taking these considerations together leads me to the view that it is reasonable to include proceeds generated from the Farm Shop in an assessment of the overall viability of the business. Due to this level of integration between the Farm Shop and the agricultural activities of the appellants’ business the current case is clearly distinguishable from the situation pertaining to another appeal⁹ drawn to my attention by the Council, wherein income from an automotive operation appeared to provide financial support for the agricultural enterprise.

22. The Council draws my attention to the amount of grant funding received by the appellants’ business as demonstrated in the accounts, and supplied a copy of the Department of Environment, Food and Rural Affairs’s ‘New farming policies and payments in England’ (dated July 2022) (the DEFRA document), which outlines forthcoming changes to such schemes. Whilst the DEFRA document is clear that some current sources of funding will cease by 2027, it also references new grant funding programmes, some of which the appellants’ business would be well-placed to benefit from given environmental and other designations relating to their landholdings. Moreover, there is clear commitment in the DEFRA document that “all farm types, regardless of size, location and ownership or the systems they use can access funding and support that works for them”. Consequently, I am not persuaded that any reductions of income from DEFRA sources would either be imminent or dramatic.
23. Whilst the accounts do not include salaries for the appellants, they nevertheless show the sums they have drawn from the enterprise, which, given their status as partners in the business is a reasonable way of accounting for income derived. Although the Council expresses concerns about the unknown nature of ‘other income’ shown on the accounts, these are relatively trivial figures of around £2,000 or below, the sources of which were discussed at the hearing. The accounts include income from wayleaves and subletting of land – items which I accept do not require the appellants’ on-site presence, nevertheless their inclusion as part of the overall picture of the management of the landholdings and the income derived from them is relevant.
24. I have been supplied with accounts covering financial years from 2017 to March 2022 – these show considerable growth in net profits over those years, including in the challenging economic environment in periods when social distancing measures relating to the COVID-19 pandemic were in place. The financial performance of the business taken together with recent and planned investments, including the establishment of the suckler herd, point to its overall economic sustainability, and is indicative that it is likely to endure in the long-term. In these respects, I note the response of the County Land Agent in their appraisal at the planning application stage insofar as they state that “there is every prospect that having generated a growing profit through Covid, that the retailing element will be able to pivot to customer needs and overall will remain profitable, whilst at least in the hands of the applicants.” Although

⁹ APP/D0840/W/20/3253885

the costs of constructing the proposed dwelling have not been provided this does not give rise to any material concern given the overall profitability of the business.

25. The land at Banns is the only part of the wider holdings that is in the ownership of the appellants. However, the Toldavas holding is let on a tenancy regulated by the Agricultural Holdings Act 1986, with the considerable security of tenure that is entailed in such arrangements. The Tregonebris holding is let on a 15-year business tenancy which commenced in 2013, meaning that there are still some five years of this left to run, with the potential for a new term to be agreed following that period. For these reasons, it is reasonable to consider the three holdings together, rather than taking Banns in isolation, as the Council invites me to do. It follows, then, that these ownership arrangements are not indicative of a lack of a sustainable footing for the business in terms of its land holdings.
26. Accordingly, the above matters provide a considerable degree of confidence that the enterprise will remain viable for the foreseeable future.

Necessity for a rural worker to live at, or in close proximity to, their place of work

27. The appellants currently live in a dwelling at Toldavas. There are three dwellings on that land, however, one is let on an assured shorthold tenancy outside of the Agricultural Act tenancy, and given the economic advantages to the landlord of leasing property on such a basis is very unlikely to come back into the control of the holding. The other dwelling is occupied by the father of one of the appellants, who since the determination of the application that led to this appeal has retired. It is of note that relevant caselaw¹⁰ establishes the unreasonableness of expecting a farm worker to relinquish their tenancy, on retirement, to provide property for a functional need of the holding.
28. The County Land Agent, in the appraisal that they produced for the Council at the time of the application that led to this appeal, was of the view that when applying standard labour demand figures management of the livestock in the rearing and finishing aspect of the business was likely to equate to 0.5 full time equivalents (FTE), with the FTE figure for the vegetable side of the enterprise being "closer to the figure" in the appellants' Agricultural Appraisal – which is estimated to be around 2.46. At the time of the appraisal one of the appellants was working 85 to 90 hours per week on these and other agricultural activities, with a further 40 hours per week provided at that time by the appellants' father.
29. Against this background, the County Land Agent, on the basis of material submitted in the Agricultural Appraisal, and produced before the retirement of the appellant's father, considered the two dwellings present at Toldavas to be sufficient to cover what they found to be the main agricultural functional need centred on that holding. However, since the date of that report (24 December 2021), there has been a reduction in the labour available to the business and the amount of accommodation available on the holdings for workers, as a result of the retirement of the appellant's father.
30. A further change since that date is the establishment of the suckler herd at Banns, a system which differs from the rearing and finishing operation that the

¹⁰ Including *Keen v Secretary of State for the Environment, Aylesbury Vale District Council* [1995]

beef side of the business has relied on up to this point. In these respects, the comment of the County Land Agent that livestock “being bought in at circa 8 months old and reared on don’t demand as much time to look after as newly born calves” is demonstrative of the material differences in approach, and consequent increase in labour demand arising as a result of the establishment of the suckler herd.

31. Similarly, since the determination of the application that led to this appeal, a polytunnel has been sited at Banns. As set out above, this structure does not appear to benefit from planning consent. Nevertheless, I note from the Officer Report appended to the refusal of prior approval for the siting, design and external appearance of polytunnels, that the Council considers there to be an alternative and “more appropriate location” for them at the holding. Moreover, the appellants indicated at the hearing that they intend to pursue permission for the polytunnels imminently. Taking these issues together leads me to the view that there is a reasonable prospect that a consented scheme for the polytunnels could be realised in the foreseeable future.
32. The above considerations establish that the labour demand for the agricultural elements of the enterprise has likely increased from that estimated at the date of the determination of the application that led to this appeal, and that the availability of labour has reduced as result of the appellant’s father’s retirement. Given the amount of hours that are now likely to be worked by the appellant involved in the agricultural activities, taken together with the overall profitability of the enterprise, the position outlined in the appellants’ ‘Clarifications and Additional Information Document’ and within the Agricultural Appraisal (at paragraph 9.9) relating to the recruitment of an additional worker is a reasonable one. However, there is now a lack of available accommodation, either at Toldavas, or across the wider holding, to house such a worker. The second point I take from the above is that intensive operations highlighted by the County Land Agent, including relating to calving and calves, and those focused on vegetable production are established, or soon to be established at Banns.
33. In arriving at this view, I acknowledge that the Council has questioned the FTE figures set out in the Agricultural Appraisal, and as considered by the County Land Agent, with reference to the John Nix Pocketbook. However, the Council’s figures discount the vegetable and herb aspects of the business, and do not take into account any increases in labour demand which may arise as a result of the establishment of the suckler herd. As a result, the Council’s figures appear to underestimate the amount of FTEs related to those elements of the business which could give rise to an essential need for accommodation.
34. In terms of the suckler herd, lack of supervision of this could lead both to animal welfare issues to the heifers and calves, and to considerable loss of income should animals be lost as a result of issues that could be prevented by prompt action. Due to the intensive nature of the planting in any polytunnels very considerable losses could occur as a result of failures to deal promptly with problems associated with control of their temperature. These are time critical issues that would be served more effectively by a worker’s on-site presence, when considered against the Toldavas holding and the time it takes to travel from there. These are factors which weigh substantially in favour of an on-site presence at Banns.

35. Neither the terms “rural worker” nor “rural occupation worker” are defined in either the Framework or the development plan, but the drafting is indicative that activities outside of agriculture or forestry could be encompassed in their scope. For the reasons set out above, the level of integration between the Farm Shop and the agricultural activities of the business mean that they should be considered as a whole in terms of overall financial viability. Taking these considerations together with the intrinsically rural location of the Farm Shop, I consider that it is clearly part of a land-based rural enterprise for the purposes of the PPG. For these reasons, activities relating to the Farm Shop could fall within the scope of the terms “rural worker” or “rural occupation worker” for the purposes of national and development plan policy.
36. Against this background, there have been instances where out of hours action has been required including relating to freezer failure, and despite the CCTV system and other features present at the site, in relation to the security of the Farm Shop. In that latter regard, the response of Devon and Cornwall Police to the original application for the Farm Shop is relevant, which noted that its “location particularly overnight means it could potentially be vulnerable to crime”. Whilst instances relating to these issues are irregular, the economic losses that could accrue from failure to deal promptly with them could be significant, and these are other aspects of the enterprise that would also benefit from an on-site presence. Whilst the Council consider the proposed dwelling to be outside of sight and sound of the Farm Shop, and thus of limited value in security terms, it would nevertheless be considerably closer to it than the Toldavas dwelling.
37. The above considerations lead me to the view that the need of the business to deal quickly with emergencies that could cause serious loss of crops or products, and issues relating to animal health of the suckler herd require prompt on-site attention, and these issues could arise at any time of day or night. In arriving at this view, I note that the County Land Agent, considered that the carrying out of further agricultural activities at Banns could justify locating a dwelling there, initially on a temporary basis. However, the proposed dwelling would relate to a long-established business, which has more recently diversified to add value to its agricultural operations. Consequently, the appellants’ business is not a new enterprise for the purposes of the PPG and its related advice on temporary residential permissions pertaining to such businesses. Also for these reasons the business in the current case differs to that which was the subject of another appeal decision¹¹ which has been drawn to my attention, wherein the new venture, to which the dwelling would relate was yet to be established. Taking these considerations together with my findings on the viability of the business, I consider there to be a very limited risk in the foreseeable future of the proposed development resulting in an isolated dwelling unrelated to the need for a rural worker arising due to a future application to vary or remove a restricted occupancy condition.
38. Accordingly, the above matters clearly demonstrate the essential need for rural workers to live permanently at Banns.

Conclusion on this main issue

39. For the reasons set out above, the proposed development would provide for an essential need for rural workers to live permanently at Banns. I therefore

¹¹ APP/D0840/W/15/3140564

conclude on this main issue that the appeal site would be a suitable location for a dwelling in the light of the development plan and national planning policy. Accordingly, the proposed development would not conflict with Policy 7 of the Local Plan or the Framework insofar as, taken together and amongst other things, they relate to the development of isolated homes in the countryside.

Character and Appearance

40. The proposed development would be situated in one of the small-scale fields with established sinuous Cornish hedges, which the LCS identifies as one of the key characteristics of the Penwith Central Hills character area, within which it is located. Other salient features of Penwith Central Hills and the nearby West Penwith South character areas, insofar as is relevant to the appeal proposal are the presence of dispersed small granite farmsteads and isolated farms. These aspects contribute to the special character of the heritage coast, within which the appeal site sits, and it is also from these features that the landscape value derives, insofar as is relevant to the proposed development, and as recognised by the AGLV designation.
41. The appeal scheme would retain the existing Cornish hedges adjacent to the site and around the surrounding field, meaning that the contribution these make both to the wider landscape and to the definition of the small-scale field within which the appeal site sits would be maintained. Whilst the appeal scheme would introduce development on an otherwise open field, it would do so in a wider context where scattered farm dwellings and other buildings are inter-visible with the site. Moreover, the proposed dwelling's plan form, elevational detailing and facing materials are all derived from the local vernacular of St Buryan and its environs, and these are aspects of its design that would help the appeal scheme to assimilate readily with its wider surroundings. For these reasons, I consider that the proposed development would not appear intrusively domestic, and the attachment of a condition to limit permitted development at the site would also ensure that the appeal scheme need not lead to any incremental erosion of landscape character in these terms.
42. Although the degree of change to the site as a result of the proposal would be particularly discernible to users of the right of way that runs through the site, in other views, due to its design, the surrounding topography, and the presence of Cornish hedges, the proposed development would blend with the wider landscape character. In arriving at this view, I am mindful of the Council's findings on the adjacent Farm Shop as expressed in the Officer Report on the scheme, which considered that that large building, with a modern materials palette (including metal profiled sheeting and metal roller doors) would not "alter the overall appreciation of the Landscape Character Area".
43. Similarly, the proposed access track would be tucked in close to an existing hedge, and screened from most views by field boundaries and the rolling topography of the area – factors which would limit substantially any landscape impacts of this feature. From the adjacent highway, views of the proposed access would be limited, and seen firmly in the context of existing servicing arrangements for the Farm Shop. It is of note too that relatively long access tracks relating to the area's isolated farm buildings are far from uncommon. Moreover, the on-site deployment of sensitive landscaping and boundary features would also assist the proposed development to harmonise with the

existing character of the area, and these matters can be controlled by condition.

44. Taking these considerations together leads me to the view that the proposed development would therefore accord with the LCS's objectives of conserving the area's small-scale field pattern and avoiding the loss of Cornish hedges. Moreover, both the development plan and national policy in relation to isolated dwellings ensure that development in such areas is limited. This, taken together with the potential to attach a condition to restrict permitted development rights would ensure that the LCS's aim of limiting development in the open countryside would also be met.
45. For these reasons, I conclude on this main issue that the proposed development would not cause material harm to the character and appearance of the area. It would not therefore conflict with Policies 2, 12 or 23 of the Local Plan, or Policy CC-5 of the Penwith Local Plan (adopted 2004), or the Framework. These policies, taken together, and amongst other matters seek to ensure that valued landscapes are protected and enhanced and that their distinctive qualities and character are maintained; that development is consistent with the special character of the heritage coast and the importance of its conservation; that proposals maintain and respect the special character of Cornwall ensuring that development design is of high quality and demonstrates an understanding of its location; and that proposals should avoid significant harm to the AGLV.

Conditions

46. The Framework sets out (at paragraphs 54 and 56) firstly, that conditions should be kept to a minimum and only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects; and secondly, that they should not be used to restrict permitted development rights unless there is clear justification to do so. I have considered the Council's suggested conditions on this basis. In some instances, I have made amendments to the wording of those suggested conditions in the interests of clarity, precision, reasonableness and to ensure that they are justified. Where conditions require compliance with them prior to commencement, I have sought the written agreement from the appellants to the terms of these, in accordance with s100ZA of the Town and Country Planning Act 1990 (as amended).
47. In the interests of certainty, I have attached a condition which specifies the approved plans.
48. As the proposed development relates to one of the exceptions given to the construction of isolated dwellings in the countryside for the purposes of national and development plan policy a condition restricting the occupation of the dwelling to a specified range of rural workers is necessary in this case.
49. Due to the location of the development within the wider AGLV and heritage coast, and the potential impacts on the character and appearance of the surroundings resulting from the implementation of permitted development rights, it is clearly justified in this case to attach a condition which restricts these. Similarly, in the interests of the finished character and appearance of the proposed development, conditions are attached relating to the facing materials to be employed in its construction, and in terms of the landscaping

and boundary treatments to be deployed at the site. As the landscaping condition relates to protection measures for any landscape features to be retained during the course of the development a pre-commencement condition relating to this matter is clearly justified.

50. To ensure that the proposed development would make suitable arrangements for water supply and drainage, a condition is attached which would require these aspects of the scheme to be implemented prior to its first occupation, and retained thereafter.

Conclusion

51. I find no conflict with the above-cited policies of the development plan, and no material considerations have been advanced that would justify a decision other than in accordance with it. For these reasons the proposed development would comply with Policy 1 of the Local Plan insofar as it expects proposals that accord with the development plan to be approved unless material considerations indicate otherwise. Consequently, for the reasons set out above, and taking into account all other matters raised, I conclude that the appeal should succeed.

G J Fort

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

Proposed site plan (135/100 REV A);
Site location plan (135/001);
Proposed site section (135/105);
Proposed ground floor plan (135/110);
Proposed first floor plan (135/111);
Proposed roof plan (135/112);
Proposed NE and SE elevations (135/120);
Proposed SW and NW elevations (135/121);
Proposed section AA (135/130).
- 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development within Classes A (the enlargement, improvement or other alteration to the dwellinghouse), B (the enlargement of the dwellinghouse consisting of an addition or alteration to its roof), C (any other alterations to the roof of the dwellinghouse), D (the erection or construction of a porch outside any external door of the dwellinghouse), and E(a) (any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure) of Part 1, Schedule 2 to the said Order shall be erected other than that expressly authorised by this permission.
- 4) The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry or as a partner or employee of W R Bone and Son, or a widow or widower or surviving civil partner of such a person, and to any resident dependants.
- 5) No development above damp proof course level shall commence until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 6) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.
- 7) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons

following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 8) The development hereby permitted shall not be occupied until a boundary treatment (means of enclosure) has been completed in accordance with details which shall have first been submitted to and approved in writing by the local planning authority. The approved boundary treatment shall be retained thereafter.
- 9) The development hereby permitted shall not be occupied until the installation of a system to serve the development for the disposal of foul and surface water drainage has been completed in accordance with details which shall first have been submitted to and approved in writing by the local planning authority. The system shall be retained and maintained thereafter in accordance with the approved details.

*****End of Conditions Schedule*****

APPEARANCES

FOR THE APPELLANT:

Morwenna Bone	Appellant
Richard Bone	Appellant
Tamsyn Froom RIBA ARB	Architect
Peter Gareth Rowe BSc (Hons) MRICS FAAV	Agricultural Advisor
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FOR THE LOCAL PLANNING AUTHORITY:

Kerra Goody	Senior Development Officer
James Holman MRICS MRTPI FAAV	Principal Development Officer

DOCUMENTS RECEIVED AT AND POST HEARING

1. Hearing Notification Letter
2. Signed Statement of Common Ground
3. Plans, Decision Notice and Officer Report relating to Prior Approval
Application for two polytunnels (Council reference: PA22/11035), dated
6 January 2023
4. Composite Version of the Cornwall Climate Emergency Development Plan
Document incorporating main and additional modifications
5. Inspector's Report to Cornwall Council on the Examination of the Cornwall
Climate Emergency Development Plan Document (dated 10 January 2023)
6. Copy of the Officer Report on the planning application for a "New Farm Shop,
vegetable processing unit and butchery to be located on the farmland at
Banns" (Council reference: PA16/04978)
7. Copies of W.R Bone & Son Accounts 2018-2022
8. Land at Banns Proposed Sketch Views