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## Appeal Decision

Hearing held on 26 January 2023

Site visit made on 25 January 2023

**by Nick Fagan BSc (Hons), DipTP, MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 22 February 2023**

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**Appeal Ref: APP/D0840/C/21/3279221**

**Little Sticks, Duloe Road, Dobwalls, Cornwall PL14 4LT**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Ms Laura Brown against an enforcement notice issued by Cornwall Council.
  - The notice, numbered EN18/00358, was issued on 22 June 2021.
  - The breach of planning control as alleged in the notice is without planning permission the creation of a wooden clad chalet and wooden outbuildings for residential purposes.
  - The requirements of the notice are to:
    - (1) Cease the use of the wooden clad chalet for residential use, approximate location shown by red X on the attached plan.
    - (2) Demolish and remove the chalet from the land.
    - (3) Demolish outbuildings, approximate locations shown by blue A, B and C on the attached plan.
    - (4) Remove from the land all materials and debris resulting from the residential use of the land.
    - (5) Remove from the land all materials and debris resulting from the above works and restore the use of the land to a woodland.
  - The period for compliance with the requirements is: ten months after the notice takes effect.
  - The appeal is proceeding on the grounds set out in section 174(2)(a), (f), and (g) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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### Decision

1. It is directed that the enforcement notice is corrected by removing the first requirement of the notice and reordering the remaining requirements (1) to (4), so that (1) now reads: 'Demolish and remove the wooden clad residential chalet from the land.' That is because the notice relates to operational development; the requirement to cease the use of the dwelling is therefore immaterial since the next requirement requires its demolition anyway.
2. Subject to this correction, the appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the erection of a wooden clad chalet and wooden outbuildings for residential purposes at Little Sticks, Duloe Road, Dobwalls, Cornwall PL14 4LT as shown on the plan attached to the notice and subject to the conditions in the Schedule below.

## **Preliminary Matters**

3. Five principal buildings have been erected on the site, albeit there are also a few other temporary structures associated with the use including a small polytunnel, a greenhouse, a small storage shed for tools associated with the vegetable garden and a few basic tarpaulin-roofed open-sided wood storage shelters dotted round the site.
4. Only four buildings, including the main dwelling (approximately 40m<sup>2</sup>) completed in the autumn of 2017, are attacked by the notice. It was agreed by the parties that the three timber outbuildings attacked by the notice are, from east to west, Mr Coyle's tool shed/workshop (10m<sup>2</sup>, mainly used for forestry related activities), the compost toilet building (about 5m<sup>2</sup>) and Ms Brown's jewellery workshop (6m<sup>2</sup>).
5. I also saw during my site visit another timber outbuilding (15m<sup>2</sup>) just to the south of the vegetable garden, which the appellants say is being used from time to time as additional living accommodation for friends and relations, guests and workers on the site. This building has a shower room, kitchen area and wood burning stove much like (though smaller than) the main dwelling. It is not mentioned in the notice, is not attacked by it and is not therefore encompassed within this grant of planning permission.
6. Conditions were discussed at the end of the Hearing, but it was agreed pursuant to some of the matters dealt with below, that two weeks from the date of the Hearing would be given to the parties to submit a final list of agreed conditions, as well as the signed S106 unilateral undertaking (the S106) if the appellant was seeking to rely on this. This was done and I received final copies of both on 13 February.

## **Main Issues**

7. The Council's Climate Emergency Development Plan Document (DPD) was submitted for Examination on 8 November 2021. The Examining Inspector's Report dated 10 January 2023 confirms that the plan is sound subject to the main modifications proposed by the Council. A report was made and agreed at the Council's Cabinet on 8 February recommending adoption of the plan with these main modifications, with a view to its formal adoption at full Council on 21 February.
8. As this plan has not yet been adopted at the time of writing this decision, albeit this is imminent, its policies cannot attract the full weight of development plan policies. Policy AL1 of the DPD is acknowledged by both main parties to be highly relevant to the subject matter of this development in regard to the ground (a) appeal, although the Council disputes the development's compliance with it. Notwithstanding this, the Council acknowledged at the Hearing that Policy AL1, as amended by main modifications, attracts considerable weight in terms of NPPF paragraph 48.
9. Accordingly, the main issues are whether the development complies with DPD Policy AL1, whether it complies with Policies 1, 2, 7, 23 and 27 of the adopted Cornwall Local Plan (2016) and with the development plan as a whole, as well as paragraphs 80 and 174 of the National Planning Policy Framework (NPPF) and if not, whether material considerations – including any possible compliance

with DPD Policy AL1 – indicate planning permission should nonetheless be granted.

## **Reasons**

### Ground (a)

#### *The DPD and Policy AL1*

10. Policy AL1 is entitled Regenerative, and Low Impact Development (One Planet Development). This is described in the explanatory text (paragraph 8.11 of the DPD) as 'supporting innovative, low carbon development that enables more self-sufficient lifestyles could be [sic] part of our approach to help reduce greenhouse gas emissions', similar to the Welsh 'One Planet Development' policy.
11. It states (in paragraph 8.12): 'One Planet Developments (OPD) are proposals on sites that seek to enable off-grid lifestyles that minimise the ecological footprint of the inhabitants to sustainable levels. OPD is low impact, highly sustainable development that either enhances or does not significantly diminish environmental quality. A one planet development should be broadly self-sufficient in terms of energy, water and waste, whilst also providing a significant proportion of food and income directly from the land.'
12. Paragraph 8.13 states: 'Policy AL1 sets out an approach for Cornwall, to meet a local need for development of low impact, easily removable homes that enable sustainable lifestyles. These proposals should utilise regenerative land management techniques and make a significant contribution to carbon sequestration. The policy is aimed at small groups and potentially private estates to provide affordable, low impact housing and other buildings necessary to support the proposed activities, tied to the restorative use of land and controlled by conditions regarding measurable environmental net gain.' Paragraph 8.14 points out that: 'The use of the land may be experimental, in which case it should include elements of education and research.'
13. Paragraph 8.15 states: 'This policy allows for a departure from national and local policy preventing development in the open countryside, so it is critical that proposals clearly demonstrate a truly low impact approach. They will therefore undergo rigorous assessment and ongoing monitoring. In order for proposals to clearly demonstrate the achievability of the project, permissions will only be granted initially on a temporary basis. Applicants will need to confirm in a statement that this will be the principal residence for the proposed occupants.'
14. Paragraph 8.16 accordingly requires robust evidence in the form of a justification and improvement plan, an Ecological Footprint Analysis, a Zero Carbon Analysis and a Travel Plan and Transport Statement or Assessment. Policy AL1 itself states: 'Low impact residential development as part of a regenerative use of land will be permitted where the proposal:' satisfies all 10 separate criteria, which generally mirror the above requirements, though often expressed in more detail. I address these in turn below.
15. Criterion 1 requires such OPD to be adjoining or well-related to a settlement and that travel patterns for day-to-day needs can be met sustainably. The site is an 8-minute walk and 3-minute bike ride to the Spar shop and post office in Dobwalls, a distance of approximately ½km, and just fractionally more to local

bus stops. The first part of this journey from the site up to the fairly recent housing development between the football ground and the Dobwalls Primary School has no footway and is unlit including the bridge over the railway line, where the road bends. However, this is only a very short distance and there is generally sufficient verge to enable pedestrians to step off the road itself. Consequently, I conclude that the appeal site is well-related to Dobwalls, a large village with a number of facilities.

16. The occupiers of the site, the appellant and her partner Lindsey Coyle, have confirmed that most of their trips are done by walking or cycling and car journeys are limited to no more than 8 per week, which generally include linked trips as set out in their Transport Assessment and Travel Plan (Section 7 of their Management Plan). The Travel Plan will involve monitoring all trips to and from the site by travel mode. For these reasons I consider criterion 1 is met.
17. Criterion 2 requires the development to be demonstrably linked to a use of the land that will support a sustainable lifestyle for its occupants, be their principal residence and make a positive environmental and social contribution to Cornwall. I note that the Examining Inspector considered the initial wording of this criterion to support a self-sufficient lifestyle was 'taking the matter too far', hence his Main Modification 29 requiring the Policy to simply support a purely sustainable lifestyle.
18. The dwelling house on the site, the wooden clad chalet marked by a red X on the notice's plan, is the only residence of the appellant and her partner. The site is a 2.63 hectare (6.5 acre) broadleaf woodland planted about 20 years ago with approximately 2,000 sapling trees following a Forestry Commission grant. The occupiers purchased it in 2017 and have been maintaining, coppicing and replanting it with over 200 new trees, in a continuous cover method of forestry rather than a plantation/clear fell methodology. I agree that this method is more environmentally friendly than a traditional clear-felling approach because of its CO<sub>2</sub> benefits and less soil loss and erosion, as well as responding to the Ash die-back on the site, which is important given the large number of Ash trees. The woodland benefits from apple trees as well as cleared areas where the occupiers have introduced a forest garden and vegetable beds.
19. Although the site is not self-sufficient in food, the plan is to become as self-sufficient as possible with 65% of food grown/reared on site within 5 years. The 'no-dig' (bedded) vegetable garden is already well developed including with a small polytunnel to expand the growing season and the occupiers intend to keep chickens for eggs and meat, vegetables and poultry forming the vast majority of current food bills; they intend to double the size of the vegetable garden and are already producing their own compost and liquid fertiliser from comfrey, a large herb high in potassium, nitrogen and phosphorous. They are also growing mushrooms on inoculated logs.
20. In terms of developing productive uses directly linked to the woodland, the occupiers are propagating edible species and seeds in the forest garden and selling the comfrey fertiliser, other herbs, whips and tree saplings to a local nursery in Liskeard and online; they recycle that nursery's plastic containers in doing so. They produce timber/part-timber utensils (such as spoons and pens) and bespoke furniture (such as stools) from the coppicing of the Cherry, Hazel and Ash trees on site, as well as artists' charcoal from coppiced wood.

21. The appellant makes woodland inspired jewellery in her workshop incorporating such timber as well as pyrography pictures, signs and decorative utensils and cosmetics such as soap and face cream from medicinal and aromatic plants (such as chamomile) grown on the site, and trades online with deliveries sent from the local post office. I am satisfied that such activities are demonstrably linked to this woodland site.
22. The residential cabin outbuilding is intended to serve as accommodation for volunteer workers and family guests as well as to provide for potential visitor stays, including for visitors to partake in bespoke workshops learning about off-grid living such as rainwater harvesting, solar energy, dealing with household waste via reed bed construction and the above craft activities. Although this building is not attacked by the notice and is not included in the grant of permission the subject of this allowed appeal, its use in this way would be clearly linked to the woodland and sustainable development of the site. The appellant has given workshops to local young people in the Covid lockdown when they were not able to attend college. For all the above reasons, I am satisfied that the development will support a sustainable lifestyle for its occupiers and make a positive environmental and social contribution to Cornwall.
23. Criterion 3 requires the demonstration through a carbon statement of a clear zero-carbon approach to both construction and operation and self-sufficiency in energy, waste and water.
24. The occupiers are self-sufficient in meeting their waste and water needs in that water is collected from the roofs of the buildings and stored in containers and there is no piped water to the site. Waste/grey (shower and sink) water is dealt with via a reed bed situated immediately south of the dwelling. Only a very small amount of non-reusable glass and tins need collecting or taking to the council household waste site. Human waste is disposed of via the composting toilet.
25. There is no external electricity supply to the site, 100% of its electricity needs being supplied from the photovoltaic panels on the roofs of the buildings, with power being stored in lithium-ion batteries. Heating is supplied by way of wood-burning stoves in the dwelling and ancillary guest outbuilding, and the site is easily self-sufficient in timber to burn. Although a small amount of LPG gas is currently used to cook and to heat water for showers, the intention is to reduce the need for this by installing a rocket mass heater and stove in the dwelling, which will provide hot water and heat for cooking throughout the year.
26. The dwelling and outbuildings have been largely built from recycled timber and insulating material including internal fittings and furnishings and sit on padstones rather than foundations, and all of them could be easily dismantled and the material removed from the site. They are sited to maximise solar gain with green roofs designed to maximise the retention of rainfall in water containers. They are all modest in size. For the above reasons Criterion 3 is complied with.
27. Criterion 4 requires that all activities and structures on site will have a low environmental impact and that the need for new structures is minimised. As set out above, the main buildings and the other structures all have a low environmental impact and are as small as possible to enable this OPD – there

- were no buildings or structures of any kind on site when the occupiers acquired it in 2017.
28. Criterion 5 requires that such development is tied to the land and new buildings are low impact and removable and the land is restored to an acceptable use at the end of an agreed period of time or when the low impact use ceases.
29. The owners of the site have signed a unilateral planning obligation dated 8 February 2023 that ties the dwelling to the land and prevents the separate disposal of either. Although the occupiers argue that if the appeal failed, the buildings (minus any aspects that made them suitable for residential use) could be retained for forestry use associated with the land, they accept that any permission should be temporary to comply with the Policy and that if the requirements of their Management Plan are not met at the end of five years accept that permanent permission would not be granted and that the buildings may and can be removed.
30. The Council argues that OPD as interpreted by Policy AL1 is focussed on the regeneration of land, as set out in the Topic Paper on Alternative Living (a precursor to the DPD itself, Appendix 9 of the Council's appeal statement); it argues that this site does not need any 'regeneration' as such because it has already been planted as a woodland. Paragraph 4.16 of the Council's 'final comments' states that Policy AL1 requires the land for such OPD to be despoiled and neglected. But nowhere in the policy or its explanatory text is that stated: the criterion simply refers to a regenerative or low impact use. Consequently, Criterion 5 is therefore met.
31. Criterion 6 requires the environmental and biodiversity regeneration of the site through a binding action plan and requires development to conserve and enhance the landscape character and biodiversity of the site and surroundings.
32. The Council argues that the buildings are at odds with the surrounding fields and landscape character of the countryside. I disagree. The timber faced grass-roofed buildings are modest in size and blend in well in their woodland and countryside location. I could not see any of them from outside the site itself. Even if, as the Council maintain, they can be seen from Duloe Road or from nearby public footpaths, this would only be for very brief periods in mid-winter. Furthermore, even if they could be clearly seen, they are small in size and scale, built of natural predominantly recycled timber and no more inappropriate in the local countryside than nearby farmhouses, barns and other agricultural buildings.
33. The occupiers' Management Plan (paragraph 3.2) and Phase 1 Ecological Survey explain how biodiversity will be improved: by thinning and coppicing the woodland allowing trees room to thrive whilst establishing the forest garden and introducing a variety of plants as ground cover and corridors of rough grass in the open areas of the woodland as well as layering and thickening the hedgerows around the site, all of which will increase species of fauna on the site.
34. The Council criticised this biodiversity improvement plan at the Hearing on the grounds that it is vague, will be unmeasurable after five years and is also unclear as to how there will be any carbon capture improvements. The Council acknowledged that it is in the process of drafting a Technical Guidance document to set out how applicants for such OPD will be expected to

demonstrate measured improvements in biodiversity and carbon capture, but at present this does not exist.

35. I nevertheless have some sympathy with the Council's arguments in this respect and consider the Management Plan needs improving in these respects so that after five years it will be clearer whether or not the appellants have improved biodiversity and carbon capture on the site. Both parties agreed in principle that a condition could require improvements to it in this regard. Condition 3 deals with this and has been agreed between the parties. I am confident that this condition satisfactorily addresses the Council's criticisms in this respect because it requires an updated Management Plan to establish a baseline survey of the biodiversity and ecological state of the site and carbon capture improvements resulting from the development.
36. For all these reasons criterion 6 is satisfied.
37. Criterion 7 requires an improvement plan for the land and to provide for the livelihood and substantially meet the needs of all residents on the site within five years of first occupation. The Council argues that permission cannot be granted retrospectively since such OPD is only allowed as an exception to normal policies of restraint against residential development in the countryside because of the specific requirement for an improvement plan to be delivered within five years of first occupation. It argues that the occupiers' Management Plan identifies improvements that should have already been delivered by now from a baseline identified in 2017 when they first started living on the site, rather than having lived on it since then and only now seeking to achieve environmental, ecological and biodiversity improvements.
38. Whilst acknowledging the argument, there is no bar in the wording of Policy AL1 to prevent such retrospective development. I also fail to see how this could in any event be effected because no applicant is prevented in law from applying for planning permission retrospectively including via a ground (a) s174 appeal. Furthermore, although the Management Plan does seek such improvements in the future which can be tied to a 5-year monitoring condition from today's date, it also clearly demonstrates the work that has been done to improve the site in this respect since the occupiers acquired it in 2017.
39. In terms of whether the land can meet the needs of the appellant and her partner, the only two permanent residents of the site, the Management Plan (in Section 4) sets out that their ecological footprint now is 2.33gha (global hectares) against the average UK 4.88gha per person and target that within five years it will be 1.76gha as a result of the improvements set out above.
40. There are some differences between the occupiers' minimum needs calculation set out in paragraph 3.1.1 of the Management Plan and the OPD Ecological Footprint Calculator in Appendix 8 of the appellant's appeal statement and it may be that some items such as the costs of insuring and maintaining their car, have been omitted from their annual costings, as the Council argues.
41. However, in overall terms, the way in which the land has been and will continue to be developed by increasing on-site food production, reducing travel requirements, improving soil fertility, making compost and fertiliser and managing the woodland has and will continue to reduce the occupiers' ecological footprint to levels which meet the definition of OPD. These improvements, together with the appellant's jewellery, cosmetics and other

- business developments are likely to continue to generate a viable income linked to the woodland.
42. The Council questions whether felling the woodland for fuel, charcoal production, making of wooden utensils, jewellery etc is sustainable in the long run given the limited size of the site. But the appellant's forestry expert pointed out that 10 tonnes maximum per year of timber from the site would be needed for all these purposes now and in the future and that the growing trees produce double that amount of timber, a figure I note went unchallenged by the Council.
43. For these reasons I conclude that, with the improvements set out in the Management Plan, there is sufficient land and resource for the current occupiers to sustain their living on the site well into the future, if not indefinitely. Criterion 7 is therefore met.
44. Criterion 8 requires the provision of a trust or other bona fide mechanism for the management and running of the enterprise and the selection of future residents or activity. The S106 ties the dwelling to the land and vice-versa. The development is run by the occupiers, a couple, not some larger or wider group or estate. As such I do not see the need for it to be run by a trust. In any case, the conditions below establish a 5-year monitoring process for the improvements in the Management Plan, as revised by Condition 4, such that the need for such a trust or similar mechanism could be revisited after this 5-year monitoring period if necessary.
45. On this point, the Council argues, as set out in paragraph 8.13 of the DPD, that the policy is aimed at small groups and potentially private estates because of the economies of scale that can be derived from groups of dwellings sharing community facilities in the way that is illustrated in paragraph 8.9, such as delivering employment and enterprise benefits on privately managed estates.
46. I appreciate that argument. But paragraph 8.9 relates to Policy AG1, which relates to diversification/improvement of agricultural holdings. This land is not an agricultural holding. Also, it is unclear why the OPD development here, admittedly run and occupied residentially only by the two occupiers as a couple, is not entitled to benefit from environmental improvements associated with the continuous cover method of forestry and the other ecological improvements they seek to deliver through their Management Plan for the site. From the evidence on site and the details set out in the Management Plan, the occupiers do and will continue to utilise regenerative land management techniques and to make at least some if not a significant contribution to carbon sequestration.
47. If they can sustain themselves through such OPD for the foreseeable future, which seems likely, I cannot see why they fail to comply in principle with Policy AL1. In any case, this reference to small groups or private estates is not set out specifically in any of the Policy's ten criteria. So, whilst the Policy may be aimed at 'small groups and potentially private estates' there is no requirement for the occupiers of this site to be either, albeit the site is private in that they own it, and it comprises a woodland estate.
48. Criterion 9 is that the proposals will have no unacceptable adverse impacts on residential amenity or other neighbouring uses. There are no adjoining neighbours. Immediately to the north is the main Cornwall to London railway

line partly in a cutting and partly on an embankment, which the development does not adversely affect. The Council agrees that this criterion is complied with.

49. Criterion 10 states that permission will only be granted for a temporary period of up to six years subject to a condition that one year prior to the end of the agreed period, a Monitoring Report is submitted to the Council reporting on how the requirements of the management plan agreed by the Council have been achieved. This is covered by Condition 4 below. The appellant agrees to the imposition of such a condition.

50. For these reasons the development complies with DPD Policy AL1.

#### *Cornwall Local Plan (2016) Policies*

51. Policies 1, 2, 7, 23 and 27 are the ones mentioned in the notice and are the most relevant ones. Policy 1 essentially repeats the presumption in favour of sustainable development set out in paragraph 11 of the National Planning Policy Framework (NPPF).

52. Policy 2 embodies Cornwall's spatial strategy stressing that strategic growth will be accommodated in its main towns and city whilst also maintaining its dispersed development pattern. Development should, amongst other things, respect and enhance quality of place by: a. ensuring its design is high quality and demonstrates an understanding of its location; b and c. considering its impact upon the biodiversity, beauty and diversity of landscape; and d. protecting, conserving and enhancing natural and historic landscape in recognition of its status in the NPPF and other policies of the plan.

53. The site has no specific national or local landscape designation. It is a fairly recently planted deciduous woodland in local Landscape Character Areas LCA22 (South East Cornwall Plateau) and LCA23 (Looe River Valleys). The buildings and structures on the site have no particularly harmful effect on this landscape in themselves and are well hidden in the woods, nor does the access onto Duloe Road, nor its well screened parking area adjacent, and certainly no more than a typical local farm does.

54. However, new residential dwellings in the open countryside do not comply with the spatial strategy and this policy as a whole. This is when read with Policy 7 which restricts such new dwellings to a number of specific circumstances including where they are required to house agricultural, forestry and other rural occupation workers. The appellant has made no case that this development is essential to house a rural worker. Consequently, the development is contrary to Policies 2 and 7.

55. Policy 23 requires development to sustain local character and distinctiveness and be of a scale, mass and design that respects landscape character. As indicated above, the buildings and structures associated with this development fulfil this requirement, albeit they are contrary to the Council's spatial strategy. In terms of biodiversity, development should conserve, protect and where possible enhance it; I consider this development would be likely to do so for the above reasons. I therefore consider the development complies with Policy 23.

56. Policy 27 requires all development to provide safe and suitable access to the site. The Council maintain that the existing access is not suitable or safe

because it is on the inner bend where the road curves over the railway bridge and highway visibility is poor in both directions. I agree it is not ideal in this respect. But the volume of vehicular traffic to and from the site is minimal and, in my view, clearly insufficient to comprise a significant danger to highway safety. The occupiers' Travel Plan explains that car journeys and deliveries to the site are minimal. If the volume of vehicular traffic to the site were to significantly increase, I would agree that the access is unsuitable, but as it stands and with reference to the Travel Plan, I conclude that Policy 27 is complied with.

57. Nonetheless, and despite compliance on balance with Policies 23 and 27, because the development fails to comply with Policies 2 and 7, I conclude that it fails to comply with the development plan taken as a whole.

*NPPF paragraphs 80 and 174*

58. The Council argue that the dwelling on the site is an isolated home, which paragraph 80 says should be avoided unless it meets one of five exceptional circumstances. Although it does not meet any of these circumstances it is not isolated because of its close proximity to Dobwalls. It is no more than 300m from the nearest dwellings in Dobwalls to the south of the primary school and no further from Penhale Farm to the south. The dwelling at West Tremabe Farm to the west of the site is even nearer. It cannot therefore be said to be isolated.
59. Paragraph 174 requires development to contribute to and enhance the natural and local environment including in terms of its effect on local landscape character, similar to LP Policy 23 and the relevant parts of Policy 2. For the same reasons the proposed development complies with those parts of the LP, it also complies with paragraph 174 of the NPPF.

*Material Considerations*

60. So, the proposed development fails to comply with the development plan, but it complies with Policy AL1 of the DPD and consequently the DPD as a whole, which seeks to positively address the international climate emergency by introducing sustainable development in Cornwall including by such means as OPD, which I consider this development to be.
61. This is the Council's most recent local plan, and it is likely to be adopted imminently. The above extracts are those with the Examining Inspector's main modifications and are therefore almost certainly likely to be the finished text of Policy AL1, including its explanatory and justificatory text. Clearly it therefore needs to be given at least considerable if not significant weight, albeit not full weight since the DPD has not yet been formally adopted by the Council.
62. The OPD here appears in my view, from what I saw on site and from the Management Plan, Woodland Management Plan, Forestry Appraisal, Ecological Survey and Ecological Footprint Analysis, to be a good example of low impact off-grid sustainable development and lifestyle for the occupiers of this woodland – indeed just the sort of development that the Council envisages to deal with the climate emergency that the DPD was in part created to address and encourage to come forward. Whilst the occupiers, who have unauthorisedly occupied the site residentially since before the DPD was even thought about,

may consider themselves fortunate that it has been pursued and written, that does not gainsay the fact that they comply with it and its aims now.

63. As such I conclude that, subject to the conditions in the Schedule below, the circumstances of this particular development and the fact that it complies with the DPD indicate that it should be granted planning permission for a temporary period in accordance with Criterion 10 of DPD Policy AL1, despite failing to comply with the development plan as a whole.

### **Conditions**

64. In order to comply with Criterion 10 of DPD Policy AL1, as set out above, Condition 1 in the Schedule below limits the permission to a period of six years to the appellant and her partner and requires the dwelling to be their sole residence, which is also reinforced by the S106. Condition 2 reinforces the temporary nature of the permission and requires the restoration of the land to the state it existed prior to the development occurring.
65. Condition 3 requires the submission of an updated Management Plan as set out above, because this is a requirement of Criterion 6 of Policy AL1. It requires the cessation of the residential use and removal of the buildings on the site if this does not occur within set time limits. Condition 4 requires the submission of a Monitoring Report a year before the expiry of this temporary permission, and for corrective action to be taken by the occupiers if the improvements in the updated Management Plan are not being achieved, as required by Criterion 10 of Policy AL1, as also set out above.
66. These conditions were the ones submitted to me by the parties on 13 February. In terms of Condition 3, I have adopted the version preferred by the Council because it is more robust and enforceable, albeit I have slightly altered the wording and layout to ensure it makes better sense and reads better.

### **Conclusion**

67. For the reasons given above, I conclude that the appeal succeeds on ground (a). I shall grant temporary planning permission for the erection of a wooden clad chalet and wooden outbuildings for residential purposes as described in the notice.
68. The appeal on grounds (f) and (g) does not therefore fall to be considered.

*Nick Fagan*

INSPECTOR

### Schedule of Conditions

1. The occupation of the dwelling hereby approved shall be limited for a period of 6 years to the persons identified in the Little Sticks Regenerative and Low Impact Development (One Planet Development) Management Plan (see below) operating the site in accordance with the aims, objectives and

methodology of the land-based activities as detailed in the approved updated Management Plan within the site associated with the dwelling and to any resident dependants. The dwelling shall be the sole residence of its occupants.

2. The development hereby permitted shall be discontinued and the land restored to its former condition in accordance with a scheme of work submitted to and approved in writing by the local planning authority, either on or before 1st March 2029 or the cessation of the use of the land and/or dwelling as low impact development under Policy AL1 whichever is the sooner.
3. The use hereby permitted shall cease and all buildings, structures, equipment and materials brought onto the land for the purposes of such use shall be removed within 28 days of the date of failure to meet any one the requirements set out in (i) to (iv) below:
  - i. within 3 months of the date of this decision, an updated Little Sticks Regenerative and Low Impact Development (One Planet Development) Management Plan shall be submitted, incorporating details of how the essential criteria as detailed in policy AL1 of the emerging Climate Emergency Development Plan Document (incorporating the Schedule of Modifications) will be met, specifically including: - details of how the site is self-sufficient in terms of energy, water and waste and how a significant proportion of food and income is derived directly from the land, - an Ecological Footprint Analysis, - a Zero Carbon Analysis demonstrating that a zero carbon status will be achieved for the construction and use of the building(s), - a Travel Plan and Transport Statement, - a baseline survey of the biodiversity and ecological state of the site and - a binding action plan that will lead to a measured improvement in landscape character, biodiversity, environmental net gain and carbon capture improvements and exit strategy provisions, shall have been submitted for the written approval of the local planning authority. The site shall be occupied and managed thereafter in accordance with the approved details.
  - ii. If within 11 months of the date of this decision the local planning authority refuse to approve the updated Little Sticks Regenerative and Low Impact Development (One Planet Development) Management Plan

or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.

- iii. If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted updated Little Sticks Regenerative and Low Impact Development (One Planet Development) Management Plan shall have been approved by the Secretary of State.
- iv. The approved updated Little Sticks Regenerative and Low Impact Development (One Planet Development) Management Plan shall have been implemented.
- v. Upon implementation of the approved updated Little Sticks Regenerative and Low Impact Development (One Planet Development) Management Plan specified in this condition, that updated Little Sticks Regenerative and Low Impact Development (One Planet Development) Management Plan shall thereafter be complied with.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 4. Not later than 5 years from the date of this decision, the occupiers of the site shall submit to the local planning authority a Monitoring Report giving details of the activities carried out during the previous 5 years in compliance with the submitted Little Sticks Regenerative and Low Impact Development (One Planet Development) Management Plan and setting out performance against the policy AL1 Regenerative and Low Impact Development (One Planet Development) essential criteria for the site. Where the report identifies that adequate performance against any of the essential criteria has not been met, the report shall also set out corrective or mitigating measures sufficient to address the identified deficiencies in performance. These measures shall be implemented, in full and within the timescales stated, as set out in the report.

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*End of Conditions*

## **APPEARANCES**

### **FOR THE APPELLANT:**

- Dr Simon Ruston, MA PhD MRTPI, Planning Agent
- Dave Wood, NDF, Forestry expert
- Laura Brown
- Lindsey Coyle
- Eloise Coyle

### **FOR THE LOCAL PLANNING AUTHORITY:**

- James Holman, MRICS MRTPI FAAV, Appeals Officer, Cornwall Council
- Ben Bassett, Enforcement Officer, Cornwall Council

### **INTERESTED PARTIES:**

- Cllr Jane Pascoe, Ward Councillor, Cornwall Council
- Linda Coles, Dobwalls Parish Council Clerk
- Mark Innes, RIBA, Innes Architects

## **DOCUMENTS SUBMITTED AT THE HEARING**

1. Updated version of DPD and track changes version of DPD Policies AG1 and AL1.
2. Appeal decision 3281131 dated 25 January 2023.