



Appeal Decision

Site visit made on 7 January 2025

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 January 2025

Appeal Ref: APP/D0840/W/24/3344799

Boquio Farm, Boquio Farmhouse, Access To Boquio Farm, Farms Common, Wendron, Cornwall TR13 0JH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr R D Young against the decision of Cornwall Council.
 - The application Ref is PA23/08129.
 - The development proposed is change of use to commercial (E Use) of existing agricultural machinery workshop building and separate access track.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 12 December 2024, the Government published a revised National Planning Policy Framework (the Framework). The alterations result in some of the paragraphs that are referred to on the Council's decision notice being renumbered. Neither party has indicated that the revisions to the Framework are material to my decision. I have therefore considered the revised advice in my determination of the appeal.
3. The appellant submitted an amended drawing numbered TM778e.P1a with the appeal. The amended drawing shows a proposal that differs significantly from that determined by the Council, and on which the views of interested parties were sought. Consequently, my consideration of the amended scheme would deny those who should have been consulted through the planning application process, the opportunity of such consultation. Furthermore, if I were to accept this drawing, the proposed development would conflict with the description given on the application form, and would alter the extent and configuration of the application site. I have therefore determined the appeal on the basis of the plans considered by the Council.

Main Issues

4. The main issues are:
 - a) Whether the site is suitable for the development, bearing in mind development plan policy, the accessibility of the location, and the effect of the development on the rural character of the area; and,
 - b) The effect of the development on highway safety.

Reasons

Development plan policy, accessibility, and effect on rural character

5. The appeal relates to a modern portal-framed building, which is surrounded by agricultural land. The evidence indicates that it is of relatively recent construction, arising from a Prior Notification of permitted agricultural development in 2017. The appellant advises that the building has been used for a haulage business, the maintenance of non-agricultural vehicles, and the storage of building materials since 2017. However, this use has not been authorised by a planning permission, so the lawful use of the building remains for agriculture. The Glossary to the Framework defines previously developed land (PDL) as land which has been lawfully developed, and specifically excludes land that is or was last occupied by agricultural buildings. The appeal site does not, therefore, comprise PDL.
6. The spatial strategy for new development is set out in Policy 2 of the Cornwall Local Plan Strategic Policies 2010- 2030 (adopted November 2016) (the Local Plan). It aims to provide a sustainable approach to accommodating growth, by providing homes and jobs based on the role and function of each place. Policy 5 specifies that, for employment land and uses, this approach to sustainable growth will be implemented by ensuring that development complies with one of four criteria. The site lies in open countryside, so it would not comply with the criterion a) requirement to be well-integrated with a settlement. Furthermore, I have no evidence to indicate that the site is well served by public transport in compliance with criterion b). The proposal does not comprise an extension to an existing business, so is not supported by criterion d).
7. Criterion c) requires that, in the countryside, development is of a scale appropriate to its location, or that there is an overriding need for it to be in that location. In this case, the proposal involves a building that measures approximately 36 metres X 18 metres and over 7 metres in height. It would also include extensive areas for the open parking of HGVs, tractors, machinery, visitors, and staff, on three sides of the building, together with a new access track of about 150 metres in length. The proposed development would, therefore, be of a considerable scale, which would not be commensurate with its remote countryside setting.
8. The lower part of the building, and the land immediately surrounding it, are not visible from the roads to the north and east. However, the site is entirely open to view from the Public Right of Way (PROW) that runs to the south of the site and joins the road to the east. Although the alterations to the building are limited to the insertion of windows and signage, these would be seen from some distance when approaching along the PROW. They would alter the character of the building from a simple agricultural barn that may be expected in this countryside location, to a commercial building that would be incongruous in its setting. I am mindful that the lawful use could involve the external storage of agricultural vehicles/machinery, but the proposal allows for extensive areas for the parking of vehicles, including HGVs and the private cars of staff and visitors. Together with the long access track through the adjacent field, the overall impact of the proposal would be out of character with, and harmful to the rugged, rural character of the area.
9. The proposal includes landscaping, but this is limited to the western boundary, so would not mitigate the harm when viewed from the PROW. It would be possible to provide additional screening along the southern boundary of the field to reduce the

visual impact from the PROW. However, the surrounding landscape is characterised by its openness, with small fields divided by low hedges. Consequently, a high dense hedge to screen the harmful development would, itself, be an uncharacteristic feature in the landscape. The proposal would not, therefore be of a scale that would be appropriate for its location, and it would be harmful to its countryside surroundings.

10. The appellant contends that a rural location is logical for an agricultural dealership, and my attention has been drawn to a number of others in countryside locations across the country. However, there is no evidence to demonstrate an overriding need for the development to be in this particular location, as opposed to a site nearer to a settlement, or where there would not be the same level of harm to the character of the open countryside. The proposal would not, therefore, comply with the criteria of Policy 5, which govern the location of new employment development.
11. Although I have already concluded that the site does not comprise PDL, Policy 21 of the Local Plan encourages the best use of land and buildings. This is subject to proposals being sustainably located. It is contended that an accessible location is irrelevant in this instance, as customers visiting the site are likely to be coming from farms in other rural locations, so would travel by private vehicle even if the business were located near to public transport options. Furthermore, it is stated that employees of the business would travel to rural locations to service agricultural machinery on-site, so would be reliant on private vehicles regardless of the location of the business. Whilst this may be true, the remote nature of the site means that customers would not be able to visit other local services and facilities as part of a combined trip. Similarly, employees would not have easy access to local businesses and facilities during lunch breaks. Consequently, the location of the site would result in additional, and longer journeys by private transport than would be the case for a more accessible location. The site is not, therefore, sustainably located in accordance with Policy 21.
12. In arriving at my conclusions on this issue, I have had regard to the appeal decision¹ that has been drawn to my attention, relating to the change of use of an agricultural building in Suffolk to a light industrial use. In that case, however, I note that the building was considerably smaller in scale, and located only 242 metres from the boundary of a recognised settlement. Consequently, it is not directly comparable to the case before me and carries little weight in my decision.
13. To conclude on this issue, the site is not suitable for the development as it is not in a sustainable location and does not accord with the spatial strategy of the development plan. The proposal would also be harmful to the rural character of the area. It would, therefore, be contrary to Policies 2, 5, 12, 21 and 23 of the Local Plan, and Policies C1 and T1 of the Climate Emergency Development Plan Document (adopted February 2023). Taken together, these policies seek to ensure that new employment uses are suitably located to minimise travel by private vehicles and to ensure that development sustains local distinctiveness and character.

Highway safety

14. It is contended that traffic movements generated by the proposal would be minimal, as there would only be four employees, and customer visits would be in

¹ Appeal Ref: APP/X3540/W/3237530

the order of 6-10 per day. My attention is also drawn to the existing lawful use of the building for agriculture, which would be likely to include the storage of large vehicles, such that the size and nature of vehicles using the access roads would be no different as a result of the proposal. Whilst this may be the case, vehicles associated with the lawful use of the building would be limited in number to those required in the farming of the agricultural unit, and would not be regularly moved outside the holding onto the surrounding road network.

15. By contrast, the evidence indicates that agricultural machinery will be delivered to the site for storage, and the larger machinery will then be taken to customers' sites for demonstration. It would, presumably, then need to be returned to the site later. The appellant's evidence also states that the business will offer repairs and servicing of agricultural vehicles and machinery, and almost half of the building is proposed to be used as a workshop with an inspection pit. Vehicles would have to be delivered to the site for servicing. Consequently, there would be a considerable increase in large vehicle movements to and from the site compared with the lawful agricultural use.
16. The appellant's evidence also states that employees will travel to customers' farms to service machinery. Therefore, rather than just four movements to and from the site at the start and end of the day, there would also be additional return trips during the day. On top of this there would be deliveries of goods, materials, and post. Consequently, the proposal would be likely to result in a significant increase in traffic of all types visiting the site.
17. Access to the site is gained by a hard surfaced private road, which is also a PROW. It is single track in width and has a sharp bend about halfway along. The western part runs between grass verges. Pedestrians could step onto the verge to allow the passage of a vehicle, so its function as a PROW would not be significantly affected. However, it is of insufficient width to allow two vehicles to pass. Whilst this section is straight, allowing good visibility of oncoming drivers, there are no formal passing places, and lengthy reversing manoeuvres are likely to be necessary when vehicles inevitably meet on this section. Whilst not resulting in highway danger, this would be a regular source of inconvenience for users of the road.
18. The eastern section, after the bend, is constrained between hedge banks. Again, it is only wide enough for one vehicle, and there are no formal passing spaces. In the likely event of two vehicles meeting on this stretch, one of the drivers would have to reverse. This would either be an inconvenient manoeuvre back around the bend in the PROW, or a dangerous one back onto the C road. If a driver entering the PROW were to be confronted by a larger agricultural vehicle, it is likely that they would feel obliged to reverse back onto the road. The increased traffic generated by the development would make this a more likely occurrence, thus resulting in an increase in highway danger.
19. A considerable proportion of the traffic leaving the site would access the wider road network via the B3297 to the east. Drivers would access this road from the C0327 via a junction at Farms Common. Visibility to the left, for drivers emerging from this junction, is limited by a house that abuts the B3297. The Council has estimated that visibility in this direction is in the order of 27 metres, which has not been contested. Manual for Streets indicates that a distance of 43 metres should be achieved where traffic speeds are 30 mph. From what I saw, the speed of vehicles approaching the

junction from the north regularly exceeds that speed. Consequently, the junction is severely substandard in terms of emerging visibility.

20. I have not been provided with any evidence in the form of traffic counts to assess whether the increase in the use of this junction as a result of the proposal would be material. Nor have I been provided with any accident data to corroborate the appellant's assertion that there have been no incidents since the existing unauthorised use of the building commenced in 2017. I am mindful that the Highway Authority did not comment on the application, but visibility for emerging drivers using this junction is clearly below the recommended standard. The B3297 carries a significant flow of traffic, so, in the absence of any expert evidence to the contrary, I can only conclude that the additional use of the junction as a result of the development would lead to a concomitant increase in highway danger.
21. I therefore conclude on this issue that the proposal would lead to additional highway danger and inconvenience. The development would, therefore, be contrary to Policy 27 of the Local Plan, which seeks to ensure that all developments provide safe and suitable access to the site for all people.

Planning Balance

22. I have found that the proposal is contrary to a number of development plan policies. Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that applications for planning permission, and therefore appeals, should be determined in accordance with the development plan, unless material considerations indicate otherwise.
23. Paragraphs 88 and 89 of the Framework aim to support a prosperous rural economy by supporting the sustainable growth of all types of business in rural areas, and recognising that sites to meet local business needs may have to be found in locations that are not well-served by public transport. However, in these circumstances, paragraph 89 says that it is important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads, and exploits any opportunities to make a location more sustainable. Particular encouragement is given to the use of PDL or sites that are well-related to existing settlements. In this case, the proposal would be harmful to its surroundings, would result in increased highway danger, would not provide any sustainability improvements, and is not PDL or well-related to a settlement. Consequently, the Framework advice does not outweigh the conflict that I have found with development plan policies.
24. The proposal would provide economic benefits in the form of employment during the construction phase of the development, and longer-term jobs through the expansion of the business. These would be permanent year-round jobs, so would be of additional benefit in an area where seasonal employment is prevalent. I have given significant weight to these benefits.
25. The Framework makes it clear at paragraph 12, that the presumption in favour of sustainable development does not change the statutory status of the development plan, and that where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. In the final balance, the economic benefits associated with the proposal do not outweigh the harm that I have found to the character and appearance of the area and highway safety, or the conflict that I have found with the development plan policies that seek to ensure

that new employment uses are suitably located to minimise travel by private vehicles.

Conclusion

26. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

Nick Davies

INSPECTOR