



Appeal Decision

Site visit made on 8 January 2025

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 February 2025

Appeal Ref: APP/D0840/W/24/3342639

Storage Building, Hope Farm, Pennance Road, Lanner, Redruth TR16 5TQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mrs C Allen against the decision of Cornwall Council.
 - The application Ref is PA23/08295.
 - The application sought planning permission for demolition of existing sub-standard outbuilding and erection of a replacement outbuilding for storage use without complying with conditions attached to planning permission Ref PA13/02801, dated 4 July 2013.
 - The conditions in dispute are Nos 2 and 3 which state:
 - (2) *The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application."*
 - (3) *No development shall commence until details (case officer to specify if samples are also required) of the materials to be used in the construction of the external surfaces (stonework/roof tiles) of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.*
 - The reasons given for the conditions are:
 - (2) *For the avoidance of doubt and in the interests of proper planning.*
 - (3) *In the interests of visual amenity.*
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The revised National Planning Policy Framework (the Framework) has been published since the appeal was submitted. My decision is made in the context of the revised Framework. I am satisfied that no interested party has been prejudiced by my approach.

Background and Main Issue

3. In July 2013 planning permission was granted for the construction of a replacement building subject to a number of conditions. In doing so the Council imposed conditions for the proposal to be carried out in accordance with the approved plans and for details of the external materials to be submitted prior to commencement of the development. The appellant is seeking to vary the conditions to reflect the development as built on site.
4. During the site visit I noted that the development has by and large been completed. The application has been submitted retrospectively and I have dealt with the appeal on this basis.

5. The main issue is whether the conditions are necessary with regard to the effect of the proposal upon the character and appearance of the area.

Reasons

6. The appeal building lies within the Carn Marth Area of Great Landscape Value (AGLV) which is a complex undulating landscape and is centred around the Carn Marth Amphitheatre a distinct landform that rises above and dominates the surrounding rugged and atmospheric landscape. The scars of historic tin and copper mining are very much still evident through the remnants of structures and disused mining trails extending across much of the area. These trails and public footpaths across this rolling landscape offer expansive views over Lanner and the surrounding area.
7. The appeal site is located on the steep south facing slope of Carn Marth. It sits within a transition between the scattered pattern of development along Pennance Road and the wilder upland of Carn Marth characterised by small and medium field patterns delineated by Cornish hedgerow and scattered small scale functional agrarian structures. Based on the written evidence before me and my observations during the site visit the landscape is evidently of scenic value, despite the lack of a national designation.
8. The building is used for purposes associated with the appellant's business based around honey production. The building is rendered with stone window surrounds and solar panels protruding from the roof. It largely reflects the scale and form approved under planning permission PA13/02801. That said, the elevations of the building bear little resemblance to the approved plans. Alterations have been made to building including the fenestration - namely the size, number and position of openings; the south elevation has a rendered appearance rather than stone and solar panels have been installed on the southern plane of the roof.
9. Paragraph 140 of the Framework states that local planning authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to the approved details such as the materials used).
10. The deviations from the scheme previously approved are due to the appellant adopting a value engineered and simplified approach to the build and by using some reclaimed materials. There is no doubt that the resultant building has a domestic appearance. A matter which the appellant acknowledges in their submissions.
11. Whilst dwellings are sited close by, they have more of a visual and physical connection with the road. In contrast the appeal building is located beyond any domestic plot, sited some distance away from Pennance Road higher up the slope of Carn Marth and is understood as forming part of the established field pattern and the wider agrarian landscape where buildings tend to be of a simple and functional appearance. As such, there is a clear distinction between rural buildings and dwellings locally.
12. I acknowledge that there are no design standards for buildings of this type. It is, therefore, a matter of planning judgement for the decision maker. In this regard the restrained and functional design of the original scheme has been eroded through

the cumulative impact of the loss of the stone frontage, the new rendered external finish, the materiality, size and number of windows and their formal arrangement which has resulted in a building that is overtly domestic in design appearing as an unduly prominent and incongruous structure on the slope of Carn Marth. This domestication is further compounded by the prominent positioning and projection of the solar panels on the roof.

13. The development, as built, detracts from the agrarian lower escarpment of Carn Marth undermining the character and appearance of the area and the positive characteristics that contribute to the scenic value of the AGLV, being visible from the surrounding area including from trails and footpaths and in glimpsed views along Pennance Road.
14. I note the appellant's comments, however, the presence of other rendered properties in the area does not justify the harm that I have identified.
15. Whilst solar panels have been installed on a neighbouring property, I have not been made aware of the individual circumstances behind their installation. In any case, every appeal must be considered on its own merits. This does, therefore, not lead me to reach a different conclusion on the matter.
16. I conclude that the development adversely affects the character and appearance of the area including the Carn Marth AGLV. It is therefore contrary to Policies 1, 2, 12 and 23 of the Cornwall Local Plan (2016), Policies 1, 6 and 7 of the Lanner Neighbourhood Plan (2017) and the Framework which, amongst other things, seek development to respect the special character of Cornwall; high quality design that maintains and enhances Cornwall's distinctive natural and historic character and distinctive landscape quality; respond to the semi-rural nature of the parish and reflect the identity of surroundings and materials and conserve and enhance the landscape and scenic beauty of the AGLV.

Other Matters

17. I have given the appellant's personal circumstances careful consideration. However, I am mindful of the advice contained in the Planning Practice Guidance that in general, planning is concerned with land use in the public interest. For this reason, I find that this factor is not sufficient to outweigh the harm that I have identified.
18. The appellant contends that the use of natural stone would be prohibitively expensive making the business uneconomical, however, I have not been provided with any evidence to substantiate this. As such, I give this aspect of the appellant's argument very limited weight in coming to my decision.
19. In coming to my decision, I have paid regard to the appellant's comments in respect of natural light and ventilation, the use of green technology and in respect of policies in the NP which support small scale business. However, these factors either individually or cumulatively do not overcome the harm that I have identified in relation to the main issue.
20. I note the comments made in respect of the potential use of stone slips. It is not for me to determine whether this material would be appropriate or not. My attention is focused upon the acceptability of the development before me.

21. The alleged conduct of the Council does not fall within the scope of this appeal. As such, this matter has not influenced my decision.
22. I note that representations were made by the Parish Council raising additional concerns. However, given my findings on the main issue, it is not necessary to consider these matters in detail.

Conclusion

23. For the reasons set out above the appeal does not succeed.

B Thandi

INSPECTOR