



Appeal Decision

Hearing held on 05 February 2025

Site visit made on 05 February 2025

by N Robinson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 February 2025

Appeal Ref: APP/D0840/W/24/3347766

**Trewartha Hall, road from Trewartha Methodist Church to Trewartha Hall,
Trewartha, Veyan, Cornwall TR2 5QJ**

- 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 James Trounce against the decision of Cornwall Council.
 - The application Ref is PA24/02252.
 - The development proposed is describes as “The proposal is to create a new dwelling for an agricultural worker. In the form of a 2 storey house adjacent to the existing access road through the farm. This is located in the corner of an existing field.”
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether it has been demonstrated that there is an essential need for an additional permanent dwelling to accommodate a rural worker;
 - the effect of the proposal on the Cornwall National Landscape (NL); and
 - whether the proposal would provide sufficient carbon reduction measures.

Reasons

Essential need

3. The appeal site comprises part of Trewartha Hall, a mixed arable and cattle farm. In addition to various agricultural buildings, the site accommodates a farmhouse, which is occupied by the appellant's parents, and a dwelling, which is rented out. The site lies in open countryside, away from any settlements. Planning permission is sought for the erection of a dwelling for an agricultural worker.
4. Policy 2 of the Cornwall Local Plan Strategic Policies 2010-2030 (2016) (LP) seeks to maintain the dispersed development pattern of Cornwall, and to provide housing based on the role and function of each place, with LP Policy 1 reflecting the presumption in favour of sustainable development as set out in the National Planning Policy Framework (the Framework). LP Policy 7 recognises that there may be a need for some housing in other locations, but that the development of new homes in the open countryside will only be permitted where there are special circumstances. One such special circumstance is outlined in LP Policy 7 criterion

- 5, which supports new housing for full time agricultural workers where there is up to date evidence of an essential need of the business for the occupier to live in that specific location. The appellant sets out that the proposal meets that criterion.
5. The appellant currently lives in rented accommodation off-site. Potential animal welfare problems can occur at any time and such events require a quick response time to ensure that there is not a loss of livestock. Given this, the appellant's cattle business requires 24-hours a day proximity of dwelling-place to the enterprise. Based on the evidence before me including what I heard at the hearing, the appellant's parents, who reside in the farmhouse, are unable to fully meet all of the requirements of the farm enterprise, including meeting all animal welfare requirements. In my view, it is clear that there is a need for additional on-site presence 24-hours a day. The permanent presence of an additional agricultural worker on the site increases the chances that issues with animal welfare will be addressed swiftly, reducing the risk of loss of livestock, thereby ensuring the effective operation of the farm and improved outcomes in terms of animal welfare.
 6. However, there is an existing dwelling on the site, 2 Trewartha Hall, which is rented out. Whilst I note that rental income would be lost if this property were occupied by the appellant, there is no suggestion that the farm business would cease to be viable as a result of this, also noting that the appellant's current rental expenditure, whilst more modest than the rental price of 2 Trewartha Hall, would be saved if he occupied this property.
 7. It is stated that the current occupiers of 2 Trewartha Hall are long term tenants, one of whom it is stated is registered as disabled. At the hearing I sought to clarify the needs of this occupier, but the appellant was unable to provide any substantive information on this matter. Whilst I must have due regards to the need to foster equality of opportunity, on the basis of the information before me, there is no particular evidence that the occupiers of this property would be unable to find accommodation which would meet their needs elsewhere. Indeed, a search of alternative accommodation has not been carried out and there is no compelling evidence that alternative accommodation could not serve to meet the requirements of these occupiers. Given this it doesn't follow that 2 Trewartha Hall has to be safeguarded for these occupiers' use and, therefore, there is no substantive evidence why this dwelling could not be made available to the appellant.
 8. 2 Trewartha Hall is located close to the existing cluster of farm buildings, and I have not been presented with any compelling reason to find that this dwelling could not provide the 24-hour a day supervision of livestock. Whilst I note that the appeal site is the preferred location due to its clear views of the access road, I note that the farm has been managed from the existing farmhouse, which is adjacent to 2 Trewartha Hall, for a number of years and there is no particular evidence that security could not be adequately managed from 2 Trewartha Hall, or that alternative measures, such as CCTV, could not be used to improve surveillance of the site and its access. Additionally, I can see no reason why deliveries or visitors arriving at the yard, and other incidences such as loose dogs, could not be adequately dealt with from here. Therefore, I find that 2 Trewartha Hall could meet the identified essential needs of the business.
 9. In summary of the above, whilst there is a need for an additional full-time agricultural worker to live on the site, as there is already a dwelling which could be used to meet this purpose, it has not been demonstrated that the proposal is

necessary in order to meet that need. Mindful of its location within the open countryside, away from any settlement, I therefore conclude that the appeal site is not an appropriate location for housing having regard to the aims of LP Policies 2, 3, 7, 23 and 27, policy GP1 of the Roseland Neighbourhood Development Plan (2015) (NP) and Policies C1 and T1 of the Climate Emergency Development Plan Document (2023) (CEDPD) which seek to permit new homes in the open countryside only where there are special circumstances, ensure that development makes a positive contribution to sustainable development and locate development in order to minimise the need to travel.

NL

10. The appeal site forms part of a field surrounded by rolling agricultural fields and is bounded by hedging on 2 sides. The site lies within the NL within the 'Gerrans, Veryan and Mevagissey Bays' Landscape Character Area as identified in the Cornwall Landscape Assessment (2022) (CLA) which comprises a medieval landscape of undulating, irregular mixed farmland, in which most fields are bounded by Cornish hedges and settlements are sparsely distributed across the area. The NP Roseland Local Landscape Character Assessment (2014) notes that the settlement pattern comprises intermittent clusters of traditional, local stone buildings with some recent contemporary dwellings. With its rural character and verdant, hedge-bound appearance, the site contributes positively to its undulating farmland setting.
11. As the site lies within the NL, I am required to have regard to the purpose of conserving and enhancing its natural beauty. Paragraph 189 of the Framework requires that great weight be given to conserving and enhancing landscape and scenic beauty in National Landscapes, which have the highest status of protection in relation to these issues. LP Policy 23 reinforces this requirement.
12. Planning permission is sought for the erection of a 2-storey flat roof building which would be constructed using natural stone and timber cladding with a sinusoidal roof. The appellant has not submitted evidence in the form of a landscape and visual impact assessment to assist in judging the impact of the development on the NL. My consideration of this issue is, therefore, based on the written evidence provided by all parties, the evidence heard at the hearing and my own observations on site.
13. Appendix 1 of the Cornwall Area of Outstanding Natural Beauty Management Plan 2022-2027 (MP) provides guidance on the form and siting of agricultural buildings in the NL, stating that new buildings should be sited to be closely related to existing farm buildings. The dwelling would be sited away from the existing cluster of farm buildings, separated by the farm access, and would appear physically detached from these buildings in views from the surrounding area. It is reasonable to expect that the residential use of the site would include features such as domestic paraphernalia, garden buildings and structures in addition to the proposed dwelling and associated engineering works. Though the dwelling would cover only a small part of the wider field and would not require the removal of any trees, nonetheless, it would result in the encroachment of built form in an isolated position, which would erode the open rural character of the site.
14. The site's hedges, combined with the topography of the area and the siting of farm buildings in the locality would limit views of the dwelling from the public right of way

from the east, and the ground floor of the dwelling would be screened, to some extent, by the hedge enclosing the building on 2 sides. However, whilst it is stated that the scale of the development has been kept to the minimum required to meet the appellant's needs, and that the dwelling would be sited at the lowest point of the site, nonetheless the first floor of the building would be clearly visible above the hedge and in views along the farm access, across the farm holding and in views from neighbouring fields.

15. The proposal would use materials consistent with those used in dwellings in the local area. However, the modern, flat roof design would be at odds with the predominantly traditional character of dwellings in the surrounding area. Whilst my attention has been drawn to examples of modern dwellings in the NL¹, the CLA sets out that non-vernacular rural housing development away from village cores is a pressure within the character area. Whilst it is suggested that a more traditional pitched roof dwelling would have a greater massing, nonetheless, the dwelling's jarring modern form would fail to maintain local distinctiveness and would appear as an uncharacteristic form of development which would unacceptably detract from the established character of the area.
16. The proposal would not incorporate roof lights, and it is stated that glazing has been kept to a minimum. However, whilst the site is not located within a designated dark skies area, given the limited number of buildings within the area, any light emanating from the dwelling would be particularly perceptible in the local landscape, in particular during hours of darkness. Light emanating from the dwelling would be particularly noticeable given its detached siting away from the existing farm buildings. Lighting within the site would accentuate the visual impact of the development on the wider landscape, particularly at night.
17. It is suggested that the proposal would better enable the appellant to undertake their work, which it is stated would in turn help preserve and protect the landscape. However, as set out in relation to the first main issue, I have concluded that the dwelling is not necessary to meet the essential needs of the farm business. Therefore, I afford this suggestion limited weight.
18. For the above reasons, I conclude that the development would unacceptably detract from the landscape character of the area and would fail to ensure that the natural beauty and landscape character of the NL would be conserved or enhanced. As a result, it would be contrary to LP Policies 2, 12, 21 and 23, NP Policies LA1, LA2, GP1 and GP2 and CEDPD Policy C1 which require that development be sited and designed so as to promote, support and develop the distinctive character of the area and require that great weight be given to conserving the landscape and scenic beauty of the NL. Conflict also arises with those aims of Policies PD-P1, PD-P2, PD-P11 and SCC-P1 of the MP which set out that development should adopt a 'landscape-led' approach in order to conserve and enhance the natural beauty of the NL and should reflect the traditional and characteristic built form and context.
19. The proposal is also contrary to the aims of the Framework in respect of promoting development that conserves and enhances the landscape and scenic beauty of National Landscapes.

¹ Ansells and Tregisswyn Farm

Carbon reduction measures

20. In its pursuit of a low carbon future CEDPD policy C1 requires that development mitigate against and improve resilience to the effects of climate change. CEDPD policy SEC1 sets out that proposals will be required to demonstrate that they have achieved 'net zero carbon' and submit an energy statement which demonstrates how the proposal will achieve a space heating demand of less than 30kWh/m²/annum, total energy consumption of less than 40kWh/m²/annum and on-site renewable generation to match the total energy consumption.
21. As part of the planning application, details of energy consumption were provided. The proposal did not meet the requirements of this policy, falling short in terms of space heating demand and renewable energy generation. It is also stated that the proposed dwelling would have a poor air permeability score.
22. Whilst noting the appellant's criticisms of the energy summary tool used by the Council and noting the conservative approach to the figures input by the appellant, nonetheless the proposal has failed to demonstrate that it would meet the policy's specific requirements in relation to space heating demand and renewable energy generation. I have given due consideration of whether details of these measures could be secured by condition. However, compliance with the requirements of CEDPD policy SEC1 could affect the design and layout of the proposed development. The Framework makes it clear that planning conditions should be kept to a minimum and must only be used where they satisfy certain tests. In this case, there is no evidence that a condition would be enforceable and subsequently reasonable, as meeting the requirements may warrant material changes to the design and layout of the development. Furthermore, CEDPD policy SEC1 is clear in requiring the submission of an Energy Statement to demonstrate how the policy will be complied with.
23. I note the appellant's frustration that the issue of carbon reduction was not raised by the Council as a concern during the course of the planning application. However, the Council's conduct during the application process is not a matter for the determination of this appeal, which I must consider on the merits of the scheme before me. Moreover, the appellant has had the opportunity to address this matter through its appeal submissions in respect of the third reason for refusal.
24. In light of the above I find that the proposal does not provide adequate carbon reduction measures. Therefore, the proposal does not meet those aims of CEDPD Policies C1 and SEC1 as set out above.

Other Matters

25. The appeal site is located within the zone of influence of the Fal and Helford Special Area of Conservation (SAC) in which certain types of development, including all new housing, add to increasing recreational impact at the designated site, which has been identified as vulnerable to such threats. However, as the main issues provide a clear reason for dismissing the appeal, it is not necessary in this instance to undertake an appropriate assessment to consider the effect on the SAC. There is, therefore, no need for me to consider this matter any further as part of my decision.

Planning Balance

26. The Council has confirmed that it is unable to demonstrate a 5 year housing land supply. In light of the acknowledged shortfall, Footnote 8 of the Framework indicates Paragraph 11. d) of the Framework is engaged requiring that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. Footnote 7 of the Framework lists National Landscapes as one such asset of importance.
27. I have found harm in relation to the effect of the development on the NL, which, in accordance with Footnote 7 of the Framework, provides a clear reason for refusing the development proposed. Thus, the proposal does not benefit from the presumption in favour of sustainable development outlined at Paragraph 11 and, as a material consideration, the Framework would not indicate that permission should be granted.

Conclusion

28. 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.

N Robinson

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

James Anderson, Architectural Designer (JAA Architectural Design)

Chloe Pitt, Planning Consultant (Collaborative Planning)

James Trounce, Appellant

Lewis Butlin, Farm Agent (Rural Business Consultant)

Andrew Nunn, Environmental Technology Surveyor (AAD Nunn Energy Assessors)

FOR THE LOCAL PLANNING AUTHORITY:

James Holman, Principal Development Officer

Sophie Rogers, Senior Development Officer

Chukwumaobi Ibe, Senior Project Lead

DOCUMENTS

Policy Guidance Policy SEC1 part 2b: Renewable Energy Offsetting Framework
(April 2024)

Policy Guidance Policy SEC1 part 2b: Renewable Energy Offsetting Framework
(January 2025)