



Appeal Decision

Site visit made on 8 May 2025

by **G Roberts BA (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 May 2025

Appeal Ref: APP/D0840/W/25/3361581

Derelict land site, Wheal Buller, Buller Downs, Cornwall, TR16 6ST

- 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 Riley against the decision of Cornwall Council.
 - The application Ref is PA24/06226.
 - The development proposed is erection of workshop and access track.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have adopted the address from the application form.
3. A revised National Planning Policy Framework (NPPF) came into force on 12 December 2024. However, the appeal was not lodged until 3 March 2025 and both parties have had, therefore, various opportunities to refer to the revised NPPF in their appeal submissions. Even so, the policies that are relevant to this appeal have not changed, albeit some of the paragraph numbering has.

Main Issues

4. Whilst there is only one reason for refusal it raises two separate issues namely, (a) whether the location of the appeal site would be suitable for the development, and (b) the effect of the development on the character and appearance of the area.

Reasons

Suitability of location

5. The Council refer to policies 1 (Presumption in favour of sustainable development), 2 (Spatial strategy) and 12 (Design) of the Cornwall Local Plan Strategic Policies 2010 - 2030 (CLP). These require, amongst other matters, that new development provides a sustainable approach to accommodating growth, taking account of, in particular, location, layout and design that maintains the dispersed development pattern of Cornwall. Policy 2, in particular, seeks to manage the scale and location of all new development and to direct it to appropriate locations whilst at the same time supporting the expansion of existing businesses and the indigenous business of agriculture. Policy C1 (Climate change principles) of the Climate Emergency Development Plan Document (DPD) has also been referred to, which, amongst

- other matters, requires development to be sustainable and actively support walking and cycling, rather than the use of the private car.
6. Whilst there is no specific CLP policy in relation to new agricultural buildings, both parties have referred to policy 5 (Business & tourism) of the CLP. Part 1 relates to new business and employment uses, including those proposed in the countryside, which should be of a scale appropriate to their location or demonstrate an overriding locational and business need to be in that location. Paragraph 2.7 states that supporting the continued growth of the agricultural sector and diversification of the industry will be critical to Cornwall's future, long term prosperity.
 7. The above policies are consistent with those in the NPPF, including paragraphs 8 and 88, with the latter stating that planning decisions should enable the sustainable growth and expansion of all types of businesses in rural areas and the development and diversification of agricultural and other land-based rural businesses.
 8. The appeal site comprises an open field of some 0.25 hectares and forms part of a holding that extends to some 0.87 hectares. The appeal site is largely enclosed by Cornish Hedging apart from its south western boundary which has no physical features as the appeal site and the Appellants overall holding effectively form one single field. The site is located to the south of a minor County Road (the C0028) and access is via a partly metalled track that leads from the County Road past a property known as Penair towards some scattered properties, to the north and north east of the appeal site. The site is surrounded by similar fields which appear to be used for pasture.
 9. The appeal proposal involves the construction of a single storey workshop building with hardcore access track and parking/turning area. The proposed building would be just under 5.2 metres high to the ridge with a 12 x 12 metre footprint.
 10. The address on the application form refers to the appeal site as a derelict site, but then later on its existing use is described as a paddock. The Appellants Statement of Case (ASOC) suggests that the workshop is required to enhance the operational efficiency and durability of an ongoing arable use of the land. In particular, that it is required to safely store the Appellants agricultural equipment and materials used to work the land including the growing of crops and the keeping of a small selection of livestock, on the whole of their holding. However, there are no details of the type of agricultural activity the new building would support or the equipment involved. It is also unclear where this equipment is currently stored or whether this would be for a new agricultural venture.
 11. The Council have confirmed that at the time of their site visit there was no evidence of any agricultural activity taking place. That was also the position during my own site visit. As I also observed, there were no signs of any recent agricultural activity or work having taken place. The Appellant has provided no specific evidence of an ongoing agricultural use or a business, and I understand that the intention is that a large part of the holding (field) would be left wild to promote biodiversity measures. There is also no indication as to whether any agricultural activity or business extends to other land owned or leased by the Appellant.
 12. Overall, no evidence has been put forward to justify the new building in this open countryside location and on such a small holding. There is no evidence to demonstrate that there is an essential business need for the proposed building in

this location. Whilst the ASOC states that there is a need and that the building is required to make the use viable, no substantive evidence has been provided to support those statements. There is also no evidence before me that the proposal would support the diversification of an existing business or is required to sustainably grow an existing or new agricultural business. Furthermore, the appeal site is located a long distance from any settlements or existing buildings and would be isolated within what is currently an open field surrounded by similar fields. As such, it would result in an unsustainable development with no opportunities to make the location more sustainable.

13. Accordingly, I find that the appeal proposal fails to comply with policies 1, 2, 5 and 12 of the CLP, policy C1 of the DPD and the corresponding policies of the NPPF.

Character and appearance

14. Policies 2 and 12 of the CLP require new development to be of a high quality, to ensure that Cornwall's enduring distinctiveness is maintained and enhanced, and that its distinctive natural character and landscapes are conserved and enhanced. Policy 23 (Natural environment) continues by requiring new development to protect and where possible enhance Cornwall's natural environment and assets, according to their international, national and local significance. For "*Cornish Landscapes*" the policy requires development to be of an appropriate scale, and to recognise and respect the landscape character of both designated and undesignated landscapes. The same approach is set out in policy C1 of the DPD which requires development to conserve and enhance Cornwall's natural environment.
15. As I confirmed earlier, the appeal site forms part of larger field within an undulating open rural landscape. It is surrounded by similar undeveloped fields and benefits from long range views to the hills to the north east and east. The proposed building would be sited within a prominent position in the north western corner of the appeal site close to its nominal boundary with the remainder of the Appellants' holding. A new hardcore access track would extend from the gated access, on the sites south eastern boundary, along the eastern boundary to meet a large area of hardcore for parking and turning. The amount of new hardstanding would be substantial and the proposed building itself would be significant in terms of its height, footprint and scale. The visual prominence of the new building would be accentuated by the use of corrugated sheeting to the walls and roof.
16. The appeal proposal would represent a discordant feature that would detract from the rural and undeveloped character of the appeal site and its surrounds. It would lead to the urbanisation of the open field and its rural appearance, harming the character and appearance of the countryside. The proposed building is excessive in terms of its scale, height and mass and its poor design and pallet of materials results in a development that is not, in my view, characteristic of the landscape, does not respect or maintain local distinctiveness and would be out of character with the more traditional form of agricultural buildings that are commonly found throughout Cornwall. The new building is also isolated with no physical or visual relationship to an existing farmstead or other outbuildings. It would be visually prominent from the access track and the County Road, in long range and other public views.
17. The key characteristics of the local landscape for the appeal site are set out in the Cornwall Character Area Description for CCA 10 Carmenellis. These include: a

dominant landcover of improved grassland/pasture; field patterns of medium scale and regular fields enclosed by Cornish Hedging; bleak and exposed landscape with long range views across and into the area; outside the main settlements scattered development over a rural landscape; a scenic and highly tranquil rolling landscape of dark night skies and isolated dwellings. The appeal proposal would, in my view, result in a harmful impact on a number of the key characteristics of the CCA.

18. In relation policies 2, 12 and 23 of the CLP and policy C1 of the DPD, insofar as these require development to ensure or secure Cornwall's enduring distinctiveness, maintain and enhance its distinctive natural character and where possible enhance Cornwall's natural environment and assets according to their international, national and local significance, the appeal proposal would, for the reasons given above, conflict with the aims and objectives of these policies.
19. Those policies are consistent with paragraphs 8, 135 and 187 (previously 180) of the NPPF, with the latter stating the importance of planning decisions contributing to and enhancing the natural and local environment, and recognising the intrinsic character and beauty of the open countryside. As I have found above, the appeal proposal would be contrary to these aims and objectives.
20. The ASOC includes photographs of what it refers to as other agricultural buildings in the locality. However, no details of their specific location are provided, neither is there any information before me of the planning background to these barns. One of the examples appears to be an older barn and there are no details of whether these barns were approved, involved permitted development or were justified in terms of their location and scale to support the development or expansion or diversification of agricultural or rural businesses. Even so, as is required, I have determined the appeal proposal on its individual merits having regard to its local context and the specific circumstances of the case.
21. The existence of these examples does not, therefore, affect my findings on this issue and neither does the fact that the application was supported by the Parish Council and other interested parties. That support does not negate the need for the proposal to be properly assessed against the prevailing development plan policies in terms of its impact on the open countryside and landscape.
22. Accordingly, I find that the appeal proposal would result in significant harm to the character and appearance of the area and to the intrinsic beauty and character of the countryside and its undesignated landscape contrary to policies 2, 12 and 23 of the CLP, policy C1 of the DPD and the corresponding policies of the NPPF.

Conclusions

23. For the reasons given above and having taken all other matters raised into account, I conclude that the appeal should be dismissed.

G Roberts

INSPECTOR