



Appeal Decision

Site visit made on 19 May 2025

by **C Cresswell BSc (Hons), MA, MBA, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 June 2025

Appeal Ref: APP/D0840/W/24/3353765

Land and caravans south of The Count House, Road from New Road to Grumbla, St. Just, Cornwall, TR19 7RY

- 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 Mrs J Sutton against the decision of Cornwall Council.
- The application Ref is PA24/04066.
- The development proposed is described as “change of use of existing cow shed to form dwelling house”.

Decision

1. The appeal is dismissed

Main Issues

2. The main issues in this case are:
 - the effect of the proposed development on the character and appearance of the Cornwall National Landscape and World Heritage Site.
 - whether the site provides a suitable location for the proposed development.

Reasons

Character and appearance

3. The appeal concerns a small agricultural business which is based on the site of a redundant china clay works. Former industrial buildings on the site include a tall, stone chimney stack and an open kiln comprising of low walls.
4. The proposed dwelling would be a small, single storey building which would be adapted from one of the original structures on the site. I saw on my visit that a similar building to the one being proposed has already been constructed, though it differs somewhat in design and materials. In addition to this building, there are also sheds, caravans and other structures on the site. While I understand that an Enforcement Notice has been served here, that matter is not before me in this appeal and has no bearing on my decision in this case.
5. The surrounding landscape is characterised by clusters of small settlements interspersed with open countryside. Buildings are predominantly constructed of granite and traditionally proportioned. The mining history of the area is particularly evident, with derelict engine houses, chimneys, and mine workings being distinctive features in this area. Added to this is the spectacular coastal setting, with wild open spaces, cliffs and expansive views of the sea all combining to create a unique and especially scenic landscape.

6. In recognition of this scenic beauty, the area is covered by a National Landscape designation. As such, it has the highest status of protection in relation to these issues. The area is also part of a designated World Heritage Site¹ due to the cultural and historical significance of the former mining activity.
7. The disused chimney and remains of the open kiln on the appeal site are characteristic of other industrial ruins seen in the wider area and hence contribute to the visual interest of the National Landscape. However, as they are related to the china clay industry (rather than metal mining) they do not directly contribute to the Outstanding Universal Value of the World Heritage Site.
8. The proposed dwelling would be modestly sized, low lying, and partly obscured by the walls of the disused kiln. This would reduce its visual prominence within the wider landscape. However, the dwelling would nonetheless be visible, introducing a contemporary building into a location that would otherwise comprise industrial ruins set amongst an undeveloped backdrop. It would therefore distract from the characteristic features of the National Landscape. Although there is other development in the vicinity (including a radio mast, caravan park and builder's merchants) the prevailing landscape here is open and agricultural.
9. Even though the dwelling itself would not be easily seen from the road outside, it would nonetheless change the character of the street scene. While vehicles may still visit the site even if it were used for farming purposes, a permanent dwelling would have additional impacts such as being lit at night and requiring regular services such as refuse collection, postage and deliveries. Inevitably, bins would need to be left out on the road to be collected and there would need to be an accessible letter box. Together with any other domestic paraphernalia, it would be obvious to passers-by that the site is permanently occupied. As such, the proposal would have the effect of changing the character of the road at this point from being predominantly agricultural in nature to residential.
10. The overall effect would be to incrementally erode the distinctive qualities of the landscape in this location, undermining its scenic beauty. The proposal would not further the statutory purposes of the National Landscape designation.
11. I therefore conclude on this issue that the proposal would have a harmful effect on the character and appearance of the National Landscape. There would be conflict with the landscape protection objectives of Policies 2, 12 and 23 of the Local Plan² and Policies AD1, AD8 and BD8 of the Neighbourhood Plan³. However, the proposal would not conflict with Policy 24 of the Local Plan or Policies AD3 and AD4 of the Neighbourhood Plan in terms of heritage protection.

Location

12. Policy 3 of the Local Plan aims to steer the majority of new housing development towards the main towns. Development outside the main towns is mainly limited to land within, or on the edge, of existing settlements. These circumstances do not apply to the appeal site as it is situated in the open countryside. As such, the proposal cannot be justified on the basis of Policy 3.

¹ Cornwall and West Devon Mining Landscape World Heritage Site

² Cornwall Local Plan Strategic Policies 2010-2030

³ St Just-in-Penwith Parish Neighbourhood Plan 2021-2030

13. I have been referred to Policy 21 of the Local Plan which says that *to ensure the best use of land, encouragement will be given to sustainably located proposals that: (a) use previously developed land and buildings provided that they are not of high environmental or historic value*. This is consistent with elements of the Framework⁴ which promote the use of previously land.
14. However, Policy 21 refers to *sustainably located* proposals. With this in mind, I am not aware that the site is easily accessible by means other than private vehicle. Future occupiers of the proposed dwelling would likely drive to St Just, or further, to meet day-to-day needs for shops and services. While driving is common in rural areas, the site is not optimally located to promote sustainable methods of transport. As such, I do not consider that the proposal can be justified on the basis that it would make use of sustainably located previously developed land or buildings. Hence it would not accord with Policy 21 of the Local Plan or Policy AD5 of the Neighbourhood Plan, which both reflect national policy on this issue. Neither can the proposal be justified on the basis of Policy C1 of the Climate DPD⁵ which promotes development in accessible locations.
15. Policy 7 of the Local Plan is of particular relevance as it concerns housing in the countryside. Paragraph 3 of the policy allows new dwellings where they involve *reuse of suitably constructed redundant, disused or historic buildings that are considered appropriate to retain and would lead to an enhancement to the immediate setting. The building to be converted should have an existing lawful residential or non-residential use and be ten years old or greater*.
16. My attention has been drawn to aerial photographs indicating that there has been a building on the site for some time. However, even if I were to agree with the appellant that the building was suitably constructed and appropriate to retain, it would still be necessary for the proposal to lead an enhancement of the immediate setting in order for it to comply with this part of Policy 7. Considering my findings on the first main issue, I do not consider that this would be the case.
17. Paragraph 5 of Policy 7 enables dwellings for *full time agricultural and forestry and other rural occupation workers where there is up to date evidence of an essential need of the business for the occupier to live in that specific location*. With this in mind, the appellant has provided a business plan for a proposed smallholding operation on the site. I saw on my visit that there is already a degree of agricultural related activity taking place here, though it is unclear how current operations compare with the proposals which are set out in the business plan.
18. While some aspects of the business plan appear relatively comprehensive, other aspects lack detail. For example, it is asserted that the average cost of buying a property locally is over £350,000 though there appears to be no detailed analysis of local house prices for sale or rent to support this claim. Nor is it made very clear why irrigation and ventilation systems could not be controlled remotely, or why monitoring of livestock could not make use CCTV. Overall, the evidence provided in this appeal is not sufficiently robust to demonstrate an essential need for a full time worker to live on the site. This leads me to determine that the proposal would not comply with Policy 7 in this regard.

⁴ National Planning Policy Framework, December 2024

⁵ Cornwall Council Climate Emergency Development Plan Document, February 2023

19. I have also been referred to Policy CD6 of the Neighbourhood Plan which concerns the *conversion of existing traditional farm buildings on farm sites*. Yet even if I were to accept that the site is a 'farm' and the building is 'traditional' in the context of this particular policy, it also needs to be shown that *the existing provision no longer meets needs or there is a clear business justification for adaptive re-use*. Given my findings above, I do not consider that this has been demonstrated. While this policy is worded differently than Policy 7 of the Local Plan, it is still necessary to establish that the dwelling is necessary for business purposes.
20. I am mindful that the appellant wishes to establish a rural enterprise and it is certainly not my intention to undermine their ambitions. Both the Framework and Local Plan support rural enterprise, and the establishment of a successful business would go some way to outweighing the harm I have identified in the first main issue. However, the proposal must be viewed against the background of long-established planning policies which strictly control new housing in the open countryside. In recognition of this, the proposal requires an appropriate level of scrutiny.
21. For the above reasons, I conclude on this issue that the site would not provide a suitable location for the proposed development.

Conclusion on the development plan

22. I have found that the proposed development would have a harmful effect on the character and appearance of the area and (based on the evidence provided) would not accord with policies which seek to control the location of new housing. However, I am also aware that the proposal would make a small contribution to local housing supply at a time when there is a shortfall in Cornwall. While I attach moderate weight to this benefit, it is not sufficient to outweigh the harm to the National Landscape, to which I attach much greater weight. Overall, the proposal would conflict with the development plan as a whole and is therefore not sustainable development in the context of Policy 1 of the Local Plan.

Final Balance and Overall Conclusion

23. I understand that the Council is unable to demonstrate a five-year supply of deliverable housing sites. Therefore, according to the Framework, the relevant development plan policies should be considered out of date. In different ways, Policies 1, 2, 3, 7, 12, 23 and 24 of the Local Plan, Policies AD1, AD5 and AD8 of the Neighbourhood Plan and Policy C1 of the Climate DPD all have the effect of restricting locations where housing may be developed. As these policies affect the supply of housing land, they are relevant in the context of this appeal.
24. In circumstances where relevant policies are out of date, paragraph 11d(i) of the Framework indicates that permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a strong reason refusing the development proposed. Footnote 7 says this includes National Landscapes.
25. I have established above that the proposal would harm the National Landscape and that the benefits of the development would not outweigh this, even taking into account the aim of the Framework to significantly boost housing supply and the deficit that exists in Cornwall. As such, there are strong reasons for dismissing the appeal. The proposal does not represent sustainable development.

26. I therefore conclude that the proposal is in conflict with the development plan and there are no material considerations, including the Framework, that outweigh this conflict. The appeal is therefore dismissed.

C Cresswell

INSPECTOR