



Appeal Decision

Hearing held on 8 July 2025

Site visit made on 8 July 2025

by P N Jarratt BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 July 2025

Appeal Ref: APP/D0840/C/25/3363671

Higher Mill Lawn Farm, Golberdon, Cornwall, PL17 7NQ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Ross Anthony Edwards against an enforcement notice issued by Cornwall Council.
 - The notice was issued on 12 March 2025.
 - The breach of planning control as alleged in the notice is without planning permission, the material change of use of land from agricultural to a mixed use comprising of agricultural, residential and storage of non-agricultural items/materials, through the stationing of caravans for residential purposes, construction of a timber chalet and associated timber structures/outbuildings, and the storage of non-agricultural motor vehicles, caravans and other non-agricultural items/materials on the land. The approximate location of the timber chalet is indicated by a blue 'X' on the plan attached to the notice.
 - The requirements of the notice are;
 - 1) Cease the residential use of the land outlined in red on the plan.
 - 2) Cease the use of the land outlined in red on the attached plan for the storage of non-agricultural vehicles, items and equipment.
 - 3) Remove from the land outlined in red on the plan, all services connected to the caravans for the purposes of independent human habitation, included but not limited to electric cabling, water pipes, sewage pipes, septic tanks, gas bottles etc.
 - 4) Remove all caravans from the land outlined in red on the plan.
 - 5) Demolish and remove from the land outlined in red the timber chalet and adjacent timber structures/outbuilding shown in the approximate location by a blue X.
 - 6) Demolish and remove the timber structures associated with unauthorised uses of the land from the land outlined in red.
 - 7) Remove from the land all materials and debris resulting from the residential use of the land.
 - 8) Remove all non-agricultural items/materials from the land; including but not limited to; non-agricultural motor vehicles, caravans, polytunnels, Heras fencing, containers, tyres, building/domestic waste, building materials, trailers, scrap metal/timber etc
 - 9) Remove from the land all materials and debris resulting from compliance with the requirements of 3 to 8 above and restore the land to its former condition before the breach took place
 - The period for compliance with the requirements is 18 months.
 - The appeal is proceeding on the grounds set out in section 174(2) (a), (f) and (g) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. The appeal is allowed insofar as it relates to the material change of use of land from agricultural to a mixed use comprising of agricultural and residential use through the stationing of caravans for residential purposes and the construction of a timber chalet and associated timber structures/outbuildings, and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act (as amended), for agricultural and residential use through the stationing of caravans for residential purposes and the construction of a timber

chalet and associated timber structures/outbuildings, at land at Higher Mill Lawn Farm, Golberdon, Cornwall, PL17 7NQ, as shown on the plan attached to the notice and subject to the conditions attached as an appendix to this decision.

2. The appeal is dismissed and the enforcement notice is upheld insofar as it relates to the change of use to the storage of non-agricultural items/materials and planning permission is refused in respect of the use and storage of non-agricultural items/materials of the alleged development at Higher Mill Lawn Farm, Golberdon, Cornwall, PL17 7NQ, as shown on the plan attached to the notice on the application deemed to have been made under section 177(5) of the 1990 Act (as amended).

Preliminary Matters

3. Prior to the hearing the Council suggested a lengthier compliance period in order to allow for a planning application to be submitted. As the appellant considers this to be inappropriate, he has requested that this be considered as a ground (g) appeal in order to give an option to this suggestion. I have therefore included this as a further ground of appeal to grounds (a) and (f) originally made.
4. A Statement of Common Ground dated 4 June 2025 sets out matters of agreement relating to landscape, the principle of development/sustainability, matters relating to Policy AL1 of the Climate Change DPD, traveller related and other material considerations and personal circumstances. Matters not agreed include whether Mr Bird meets the definition of 'gypsies and travellers' set out in Planning Policy for Traveller Sites (PPTS) (MHCLG 2024); why a rural location is required; and, whether a personal consent is appropriate rather than an extended compliance period.

The site and relevant planning history

5. The site is in open countryside accessed through a field entrance from an unclassified highway. It lies within an Area of Great Landscape Value and the zone of influence of the Plymouth Sound and Estuaries SAC.
6. Document 1 shows the position of the residentially occupied caravans and associated structures occupied by the joint land owners: Ross Anthony Edwards, Darrell Bird and Rebecca Pitman. There are other minor structures and sheds on the site and a lawful stable block containing collective laundry facilities, refrigerators and for the storage of tools/equipment.
7. The site is well maintained and run as a self-sustainable small holding with a considerable amount of recent planting evident including hedgerows, fruit trees flowers and vegetables There is a chicken run and another animal enclosure. As the site has been largely cleared since the occupiers moved onto the land in August 2023 there is little evidence of dumped or abandoned materials indicated in the photos of the site attached to the parties' submissions.
8. The planning history includes a temporary permission E2/86/01003/F in 1986 for the stationing of a mobile home for agricultural purposes, extended to 1/10/92 through E2/88/007795/F. Outline permission E2/90/00789/0 for an agricultural dwelling was granted in 1990 but its renewal in 1993 was refused. A temporary personal permission E2/92/01506/FR for the retention of a mobile home was granted in 1993. It is understood that the site has been used as a pig farm and as

dog kennels in the past which is the reason for the extent of concrete hardstanding present.

9. The erection of a stable block in 1996 was refused but subsequent approval E2/96/00248/F was granted for the erection of a field shelter and feed store.

The appeal on ground (a) and the deemed application

10. An appeal on this ground is that planning permission should be granted for what is alleged.
11. The appellant has requested that the case be considered as a whole and that a split decision on residential use should not be reached as the land is collectively owned. If only one or two pitches are granted permission the remaining occupier/s would not have the means to buy the other/s out. The Council agrees with the appellant's position.
12. The main issues relate to the principle of development, the impact of the development on the character and appearance of the area, and the personal circumstances of the occupants.

Principle of development

13. The case for Mr Bird relies partly on planning policy in respect of traveller sites whereas Mr Edwards and Ms Pitman partly rely on other development planning policies and the Public Sector Equality Duty (PSED).
14. Policy 11 of the Cornwall Local Plan and the PPTS indicate that mobile homes for travellers are acceptable in rural locations and it is common ground that the appeal site is suitable for a traveller site.
15. Mr Bird has family commitments to his children and an elderly mother. His youngest son lives with his father at weekends and for half the school holidays. He is an agency lorry driver, which is his main source of income and occupation, and he is also a musician who attends fairs, festivals and other events in various roles including stage management and merchandise sales. Dr Ruston drew attention to the case of Maidstone BC v SSE and Dunn [1996] JPL 584 in which it was held that a person whose main occupation was in landscape gardening but also bred horses and attending horse fairs did not indicate that he had lost his gypsy status.
16. Since the appeal was submitted, information about Mr Bird's status as an ethnic Romany Gypsy and as a traveller has been submitted, including confirmation from TravellerSpace (Document 2). Mr Lee advised that considerable weight is normally attached by the Council to such a confirmation when dealing with traveller issues.
17. Appeal APP/W/D0840/W/21/3267255 was upheld for a gypsy site at Lanivit, Bodmin, in which the inspector accepted that there is a substantial unmet need for permanent pitches in Cornwall against the Local Plan requirement; that there is not an up-to-date five year supply of deliverable sites for gypsies and travellers; that there has been a long standing failure of policy since 1994 to meet needs through the plan led system; and, that there are no suitable, acceptable, alternative sites, either public or private. Mr Lee confirmed that nothing has significantly changed since the determination of that appeal and I therefore accord substantial weight to the conclusions of that inspector's assessment of the position.

18. I am satisfied that Mr Bird meets the requirements of the PPTS definition of 'gypsies and travellers' and that his position gains support through the Council's Gypsy, Roma and Traveller Strategy 2024-34.
19. In respect of Mr Edwards' and Ms Pitman's case, spatial policies of the Local Plan seek to limit residential development in the countryside. Local Plan Policy 7 sets out the special circumstances where new homes in the open countryside will be permitted but the appellant acknowledges that these do not apply. Similarly paragraph 84 of the National Planning Policy Framework (NPPF) advises that isolated homes in the countryside should be avoided. These factors weigh heavily against the principle of Mr Edwards' and Ms Pitman's use of the land for the stationing of caravans for residential purposes.
20. Policy AL1 of the Climate Emergency DPD adopted by the Council in February 2023 allows for a departure from national and local policy preventing development in the open countryside which supports innovative, low carbon development that enables more self-sufficient lifestyles. The policy is subject to a range of criteria and subject to a temporary permission of up to 6 years initially. Due to the personal circumstances of the occupiers some of the criteria cannot be met although they are committed to the sustainable and productive use of the land within their capabilities.
21. Paragraph 8 of the NPPF sets out the three interdependent overarching objectives of sustainable development comprising economic, social and environmental factors. The social objective is to support strong, vibrant and healthy communities and the environmental objective, is, in part to protect the natural environment, minimise waste, and adapt to climate change. The development makes some contribution to these objectives.
22. I conclude on this issue that the principle of development is met in respect of Mr Bird's status as a traveller but not so in respect of the other two occupiers.

The character and appearance of the area

23. The appeal site is at odds with the prevailing landscape character of agricultural pasture and the residential use of the site and domestic paraphernalia intrudes into the countryside. The site is not visually related to the nearest settlement of Pensilva and accessibility is poor, but this is a characteristic of many sites in rural Cornwall. Although road access is poor in terms of it being narrow, unlit and devoid of footways it is not so unreasonable that the occupants of the site cannot meet their own and their children's needs.
24. The Council is concerned that this results in the urbanisation of the site and erodes the rural character and beauty of the area contrary to Cornwall Local Plan Policy 23. However, planning policy recognises that sites for traveller pitches can be appropriate in rural locations and in general terms, caravans are not uncommon in the countryside.
25. The site has a history of residential and agricultural use and that the stable building is lawful. Because of the narrowness of the lane, the extent of established hedgerows and the general topography of the immediate countryside, the site is only visible from short range views around the entrance. It is acknowledged that the occupiers have made significant improvements to a derelict and despoiled site, through the removal of rubbish and the carrying out landscaping and planting

works. The appellant has suggested a land management plan condition to include further landscape and biodiversity improvements.

26. I conclude on this issue that the development has some impact on the character and appearance of the countryside but it is limited in scale and any harm caused is not at a significant level in landscape terms. Any continuing impacts could be further mitigated by appropriate conditions to which I attach limited weight.

Personal Circumstances

27. Details of the personal circumstances of all three occupiers and their families have been submitted and are accepted by the Council. Comprehensive information includes that from teachers, health professionals and others providing an understanding of how the health and behaviour of the children and parents have been affected.
28. It would not be appropriate to set out the details in a public document, other than to say that Mr Bird's son has health issues and stays with him at weekends and half of the school holidays. Mr Edwards is a Veteran of the Royal Marines who lives on the site with his two children for whom he is the primary carer. He suffers from various health issues as do both his children. Ms Pitman is registered disabled with mobility problems and has suffered from various medical issues. Her eldest daughter is her registered carer. Two of her children live on the site with one having particular issues which require considerable supervision. Mr Edwards and Mr Bird provide support to Ms Pitman on such occasions.
29. The occupants have protected characteristics under the Public Sector Equality Duty (PSED) and in order to meet this duty, the application of planning policy needs to take account the impact of the various disabilities on the ability to meet the terms of policy. The EHRC Guidance states 'In order to comply with the general equality duty, relevant bodies should consider meeting the needs of disabled people by treating them more favourably than others¹.
30. The Council acknowledges that the personal circumstances of the occupants attract significant weight.
31. The occupants represent a cohesive group with interdependence between themselves in terms of assistance with one of the children, which is recognised in a safeguarding plan, and in other ways such as maintaining the site and car share. As such the group have collective Article 8 rights.
32. The rural location provides a stable base for the occupants as such a location provides for the particular circumstances for those living on the site including security, a safe space and quiet, which are particularly therapeutic for certain occupants. It is accepted that the specific requirements of the group would preclude a site in a village but in any event such sites even if they were acceptable in most other respects, would be unaffordable.
33. I conclude on this issue that the personal circumstances of the occupants of the site and their families carry significant weight.

¹ Para 4.2, Equality and Human Rights Commission: Technical Guidance on the Public Sector Equality Duty: England Guidance

Other Matters

34. The parties have made reference to caselaw and to appeal decisions which has been helpful but they illustrate material differences between cases and the varying approaches of the decision maker.
35. Many individuals have made written representations or attended the hearing in support of the appellant and the other occupiers acknowledging the improvements made to the site and, in particular, the high standing afforded to Ms Pitman for contributions to community life. Unusually for a case such as this, no third party objections have been made to the development.
36. One of the reasons for the issuing of the enforcement notice relates to the impact of the development on the Plymouth Sound and Estuaries Special Area of Conservation (SAC) and Tamar Estuaries Complex Special Protection Area (SPA). It has been confirmed that the appropriate mitigation fee has been paid and the issue addressed.

Planning Balance

37. There is a statutory requirement that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. One such consideration is NPPF paragraph 11 (d) (ii) which indicates that where the most important relevant policies are out-of-date (such as the absence of a 5 year supply of deliverable housing sites) where any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF as a whole and having regard to the policies in footnote 9 in paragraph 11.
38. The main benefit arising is the provision of three homes for persons with protected characteristics where similar alternative provision is either unavailable or unaffordable in view of the long-standing housing problems that prevail in Cornwall. It also enables the occupants and their children to achieve a settled lifestyle and contribute to the continual improvement in the physical appearance of the site as part of a sustainable approach to the development of the site.
39. Against this, the use of the site creates three isolated homes in the countryside, the site has a degree of visual impact on the countryside and is not in a sustainable location. It requires private vehicular access for day-to-day living rather than through the means of sustainable transport although paragraph 110 of the NPPF distinguishes between opportunities for sustainable transport solutions that exist between urban and rural areas.
40. PSED considerations indicate weight should be attached to the 'tilted balance' for the presumption in favour of the development.
41. The consequences of the enforcement notice being upheld would be that the occupants and their families would lose their homes. Article 8 of the European Convention of Human Rights would be engaged which is a right applied individually and collectively to the occupants for respect for private and family life. This is a qualified right which should be balanced against the legitimate interests of others and the wider public interest. The law also requires that the best interests of the children are a primary consideration.

42. The balance indicates that planning permission should be granted for part of the matters alleged relating to the stationing of caravans for residential purposes notwithstanding the conflict with the development plan but limited in duration and to the current occupiers and their families. This represents a proportionate response having regard to all the material considerations and taking into account the interference with human rights of the individuals concerned, the best interests of the children and the PSED.
43. Although much of the storage of non-agricultural items/materials on the site has ceased and items disposed of it would be harmful to the character of the countryside for items unrelated to the residential and agricultural use of the site to re-commence, consequently this part of the deemed planning application will be refused.

Conclusions

44. I have found Mr Bird has traveller status which enables him to satisfy Local Plan Policy 11 although Ms Pitman and Mr Bird's case is contrary to Policy 7 and the NPPF in respect of development in the countryside.
45. Personal circumstances seldom outweigh other planning considerations. In this appeal, however, the personal circumstances of Ms Pitman and Mr Edwards carry significant weight. These circumstances combine with the benefits of sustainable development and improvements to the site to permit the development but subject to a number of conditions set out below and which will help to mitigate any adverse impacts arising. On applying the guidance in paragraph 11(d) of the NPPF the benefits of granting planning permission significantly and demonstrably outweigh the adverse impacts.

Conditions

46. The compliance period in the notice is 18 months but the Council has suggested a lengthier compliance period of two years in order to allow for a planning application to be submitted. The appellant is opposed to this. He considers that a personal consent would be a more appropriate as a planning permission allows for control over what goes on the site that a lengthy compliance period does not, such as the number of caravans and who lives on the site. Furthermore s70(c) provides the Council the power to decline to determine albeit that that Mr Lee indicated that the Council could offer a letter of comfort in this respect.
47. Dr Ruston considers that a personal permanent permission or a temporary 5 year permission would be more appropriate. Whilst a longer period may provide an expectation that housing supply could improve over that time, the personal circumstances of the occupants is not likely to, particularly for the children, or the ability to acquire a site elsewhere.
48. There is some reliance on Policy AL1 of the Climate Emergency DPD but an acknowledgement that Ms Pitman and Mr Edwards would be unable able to meet a number of the criteria of that policy and that of the guidance by reason of their and their children's disabilities. Taking into account the PSED guidance of meeting the needs of disabled people by treating them more favourably than others, much of the spirit of that policy can be met by condition (i) which grants planning permission for 5 years for the named occupants and their families and condition (vi) requiring the submission of an environmental management plan, with

conditions (vii) and (viii) connected with it. Although that policy limits permission for up to 6 years, I consider that 5 years is an adequate period for the appellant and occupants to manage the site in a manner that demonstrates that it constitutes a regenerative and low impact development.

49. Condition (ii) provides for the arrangements necessary in the event that the named occupants cease to occupy the site. Conditions (iii), (iv) and (v) are necessary to define the permission and to enable the Council to control activities on the site.

Overall conclusion

50. For the reasons given above I conclude that the appeal should succeed in part only, and I will grant planning permission for a mixed agricultural and residential use of land through the stationing of caravans for residential purposes and the construction of a timber chalet and associated timber structures/outbuildings, but otherwise I will uphold the notice and refuse to grant planning permission in respect of the other part of the matters. The requirements of the notice will cease to have effect so far as inconsistent with the planning permission which I will grant by virtue of section 180 of the 1990 Act (as amended).

P N Jarratt

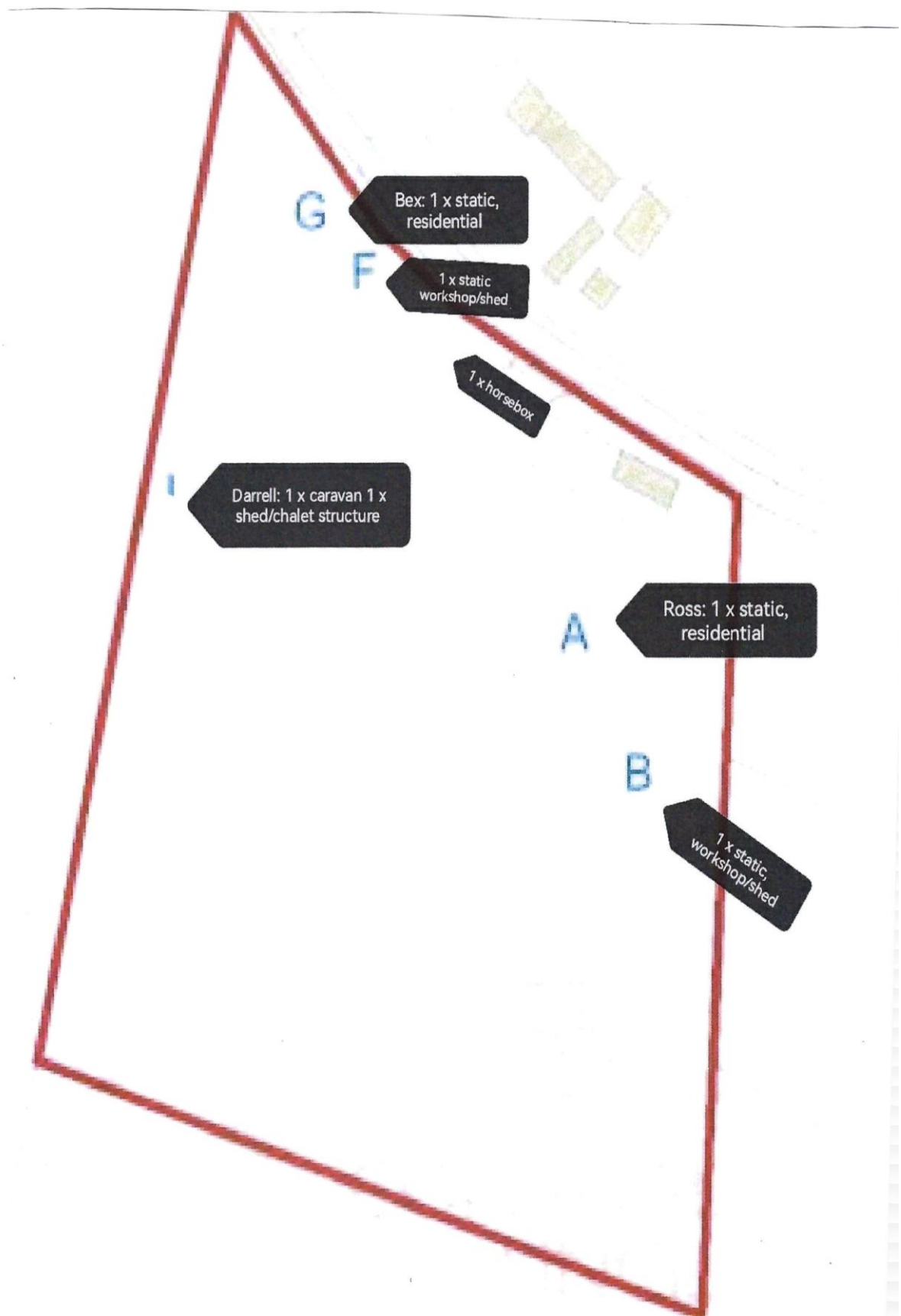
INSPECTOR

Appendix

Conditions

- i) The occupation of the site hereby permitted shall be carried on only by Mr Ross Edwards, Ms Rebecca Pitman, Mr Darrell Bird or a widow or widower or surviving civil partner of such person and any resident dependents and shall be for a limited period of 5 years from the date of this decision.
- ii) When the land ceases to be occupied by those named in condition (i) above the use hereby permitted shall cease and all caravans, structures, materials and equipment brought on to or erected on the land and/or works undertaken to it in connection with the use shall be removed and the land shall be restored to its condition before the development first took place in accordance with the scheme to be submitted to an agreed in writing by the local planning authority.
- iii) The caravans identified for residential occupation are shown in positions A, G and I on the plan annexed to this decision.
- iv) No commercial activities shall take place on the site.
- v) No storage of vehicles, caravans and other non-agricultural items/materials shall take place on the site other than those associated with the residential and agricultural use of the site.
- vi) Within 6 months of the date of this decision, a 5 year environmental management plan will be submitted for the approval of the local authority and will cover the following:
 - Landscaping measures
 - Measures to improve the energy efficiency of the caravans on site
 - Management of foul and grey water
 - Environmental and biodiversity enhancements
 - Details of a trust or other bona fide mechanism for the management of the site
- vii) The environmental management plan shall be implemented within the agreed timetable and maintained thereafter.
- viii) Any future application to extend the period of the planning permission shall be accompanied by a monitoring report showing how the approved requirements of the management plan have been achieved.

Annex: Plan referred to in Condition (iii)



APPEARANCES

For the appellant

Dr Simon Ruston – Ruston Planning Ltd

Ross Anthony Edwards appellant and occupier

Darrell Bird – occupier

Rebecca Pitman – occupier

For the Local Planning Authority

Jim Lee - Appeals Officer, Cornwall Council

Interested person

Some 25 members of the public attended the hearing

Documents

- 1 Site plan showing location of caravans and other structures on the site submitted by the appellant
- 2 Undated letter from TravellerSpace submitted by the appellant