
Appeal Decision

Site visit made on 2 September 2025

by Juliet Rogers BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 October 2025

Appeal Ref: APP/D0840/W/25/3367204

Field East of Trevelo Cottage, Three Burrows, Blackwater, Truro TR4 8HX

- 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 Peter Jones against the decision of Cornwall Council.
 - The application Ref is PA25/02397.
 - The development proposed is a 15.0m x 6.0m hardstanding and track leading to it from the existing gate, and also a proposed three bay stable building and the change of use of the associated agricultural land to equestrian use.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form confirms that the development commenced prior to submission but had not been completed. During my site visit I observed this to be the case, with only the hardstanding for the stable building and part of the track to it in place. Therefore, I have determined the appeal scheme as proposed and in accordance with the plans submitted with the planning application.
3. Although the site is subject to enforcement action¹, this is not a matter for this appeal. I have removed details that aren't development from the description in the banner heading.

Main Issues

4. The main issues are:
 - the effect of the proposal on ecology;
 - whether the proposal is subject to the mandatory biodiversity net gain (BNG) requirement and, if so, whether it would be met;
 - the effect of the proposal on the character and appearance of the area; and
 - whether the significance of the Cornwall and West Devon Mining Landscape World Heritage Site (CMWHS) would be conserved.

Reasons

Ecology

5. The Ecology Trigger List (ETL) for minor applications submitted by the appellant as part of the planning application indicates that the proposal would not have the potential to impact on ponds, lakes, rivers, streams or water filled ditches, on the

¹ Council ref: EN25/00039

land or within 500 metres of the site. However, the evidence before me, including the appellant's Flood map for planning, indicates that the site is located within 500 metres of the River Tinney and a pond. This is not disputed within the appellant's statement of case.

6. Proposals on sites within this distance of rivers and ponds require, as set out in the ETL, a Preliminary Ecological Assessment (PEA) to be undertaken and submitted with the planning application. The PEA is necessary to ensure the proposal does not harm a variety of protected species, including bats, otters, water vole, amphibians and other invertebrates. As a PEA was not submitted with the application nor has such an assessment been provided as part of the appeal, it has not been demonstrated, that the proposal would not have a detrimental effect on ecology in the area.
7. I conclude that the proposal would harm ecology, contrary to Policy 23 of the Cornwall Local Plan – Strategic Policies 2010-2030 (Local Plan) insofar as it requires development to avoid adverse impacts on existing ecological features. It also conflicts with Policy E1 of the Truro and Kenwyn Neighbourhood Development Plan 2015 (NDP) which recognises the intrinsic value of nature and the protection of the environment. As the proposal would not contribute to or enhance the natural environment, it is contrary to the National Planning Policy Framework (the Framework).

Biodiversity

8. Schedule 7A of the Town and Country Planning Act 1990, places a statutory duty on all minor development proposals to provide a mandatory BNG of at least 10%, unless specific circumstances apply. One such exception includes the *de minimis*² exemption, which applies where development does not effect a priority habitat³ and impacts less than 25 square metres of non-priority onsite habitat or five metres for non-priority onsite linear habitats such as hedgerows. The proposal includes an area of hardstanding which, given the dimensions shown on the Existing Hard Standing plan⁴, exceeds the aforementioned area threshold. Consequently, the proposal does not meet the requirements for a *de minimis* exemption.
9. Although the Council refer to the loss of sections of Cornish hedgerows, a continuous boundary line on the Block Site Plan (Proposed) where I observed during my site visit there to be a gap. No reference to the removal of hedging is made within the Planning Statement⁵ submitted with the planning application and, moreover, the appellant's appeal documentation confirms the proposed infilling of this hedgerow. Nor do the proposals incorporate the removal of landscape features on the site boundary with the unsurfaced track off the A390. Whether the appellant has historically removed parts of the site's boundary hedgerows is not a matter for this decision.
10. My attention has been drawn to the fact that BNG does not apply to retrospective planning permissions. However, given that part of the proposal has not been completed, it is not wholly retrospective. On this basis, the retrospective exemption does not apply. In such circumstances, planning applications must be

² Meaning too small to be meaningful or taken into consideration: immaterial

³ Defined as a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006

⁴ Dwg no: 25.398-04, dated March 2025

⁵ Prepared by Chartwood Heritage Planning and dated March 2025

accompanied by minimum information including, but not limited to, pre and post development biodiversity values using an appropriate metric calculation. As this information is not before me, it has not been demonstrated that a BNG of at least 10% can be achieved as part of the proposal.

11. Consequently, I conclude that the proposal is subject to the mandatory BNG requirement and insufficient information has been provided to demonstrate that it would be met. The proposal, therefore, does not comply with Policy 23 of the Local Plan, Policy E5 of the NDP and Policy G2 of the Council's Climate DPD⁶. In combination these policies require proposals to incorporate a net gain in biodiversity as well as reiterating the BNG statutory duty and reflecting the principles set out in the Framework, amongst other provisions. As the proposal does not conserve the biodiversity that contributes to the distinctiveness of the landscape, the appeal scheme also conflicts with Policy C7 of the WHSMP⁷.

Character and appearance

12. The appeal site is located within the countryside which the Framework recognises has an intrinsic character and beauty. The site's composition of a small, rectangular field plus a section of the adjacent field, both of which are largely defined by Cornish hedgerows, reflects some of the key attributes of the landscape character areas⁸ it is located within and adjacent to, in addition to forming part of what is believed to have been a miners' smallholding. These valued landscape attributes are identified as being sensitive to change, including from white tape or post and wire fencing, old equipment and small caravans cluttering horse paddocks located on the edge of settlements, and the visual clutter of buildings.
13. Although the proposal would result in the use of the site for keeping horses and the introduction of a building into a field currently free from built form, the size and shape of the fields would be unaltered, thereby retaining the distinct field pattern. Furthermore, the single storey height and timber construction of the stables would ensure its equestrian use is clearly identifiable. It would not, therefore, be an alien feature in the local context nor contribute to visual clutter, despite being sited away from Trevelo Cottage. While sited slightly away from the northern site boundary, nonetheless, views of the stables and hardstanding would be set against the backdrop of the existing boundary hedgerow, including several mature trees, located on slightly higher ground to the rear. Indeed, the Council does not dispute that the stables would not be prominent in the landscape.
14. I conclude that the proposal would not harm the character and appearance of the area and would, therefore, accord with policies 1, 2, 12, 13, 23 and 24 of the Local Plan and policies E1, E4 and C3 of the NDP insofar as they require development to maintain and respect the special character of Cornwall within a high-quality development. There would be no conflict with Policy C1 of the Climate DPD which seeks to conserve the natural environment. The proposal also reflects the Framework's principle that new development should be sympathetic to the local character and history of its surroundings.

⁶ Climate Emergency Development Plan Document 2023 (Climate DPD)

⁷ The Cornwall and West Devon Mining Landscape World Heritage Site Management Plan 2020-2025 (WHSMP)

⁸ CCA09 Silverwell to Cambourne and CCA15 Carnon Valley of the Cornwall Landscape Character Assessments

World Heritage Site

15. The appeal site is located within the CMWHS, an area internationally recognised to be of Outstanding Universal Value (OUV). As identified by the WHSMP, the value of the CMWHS relates to it being an outstanding example of a landscape which illustrates a significant stage in human history, specifically the development and global spread of industrialisation. It is the largest industrial WHS in the UK
16. The site is located towards the northern boundary of the Gwennap Mining District (Area A6 of the WHSMP), a former rural mining district that produced a major proportion of the world's supply of copper during the eighteenth and into the nineteenth centuries. The central and northern sections of Area A6 are noted, in particular, for their well-preserved landscape of smallholdings, interspersed with small mining settlements together with the mines they served. Mineworker's smallholdings are identified as one of the attributes that contribute to the OUV of the CMWHS.
17. The appeal site is not located within or close to a former mining settlement, nor are any engine houses, mines or extensive mine shafts identified within the site, as shown on the Council's Historic Environment Record, despite the wider area being heavily mined. However, it does comprise part of the landholding associated with Trevelo Cottage, a dwelling another Inspector concluded on a different appeal formed part of an historic mineworker's smallholding⁹. Consequently, the significance of the CMWHS, insofar as is relevant to the appeal scheme, concerns the site's relationship to the former mineworker's cottage and smallholding.
18. As highlighted in the WHS SPD¹⁰, the way land is used and managed has changed significantly over time, with the traditional miners' smallholdings no longer occupied or managed following their historic pattern of use or tenure. This is particularly relevant to Trevelo Cottage with the aforementioned appeal referencing a greater amount of built form, most likely comprising several discrete cottages, previously located adjacent to it. Nonetheless, the WHS SPD identifies that the authenticity of miner's smallholdings is retained through the preservation of historic field boundaries and the relationship between domestic buildings and their associated landholdings.
19. No alterations to the site's field boundaries are proposed and there would be no loss of buildings or structures associated with the former miners' smallholding. Additionally, as the modest stables would be used for equestrian, rather than domestic, purposes, the elements that contribute to the authenticity of the smallholding associated with Trevelo Cottage would be preserved. As such, there would be no reduction in how easily this part of the CMWHS is understood.
20. I conclude that the proposal would conserve the significance of the CMWHS, in accordance with policies 1, 2, 12, 13, 23 and 24 of the Local Plan, policies E1, E4 and C3 of the NDP and Policy C1 of the Climate DPD insofar as they relate to the historic environment. The proposal would also comply with policies P3, C2 and C9 of the WHSMP which amplify the requirements of the aforementioned Local Plan, NDP and Climate DPD policies. The conservation of the significance of a designated heritage asset ensures it can be enjoyed for its contribution to the quality of life of existing and future generations, as set out in the Framework.

⁹ APP/D0840/D/24/3350638

¹⁰ Cornwall and West Devon Mining Landscape World Heritage Site Supplementary Planning Document (WHS SPD)

Other Matters

21. The proposal would provide some very minor social and economic benefits from its construction and use. However, these would be primarily for the benefit of the appellant and his family. Given my conclusions regarding the effect of the proposal on ecology and biodiversity, no environmental benefits would be derived from the appeal scheme.
22. The appeal site is located within the zone of influence of the Fal and Helford Special Area of Conservation (SAC) and the Pendle Dunes SAC, European Designated Sites afforded protection under the Conservation of Habitats and Species Regulations 2007, as amended. If the circumstances leading to the grant of planning permission had been present, I would have considered the impact of the proposed development on the SACs. However, as I am dismissing the appeal on the main issues above, it is not necessary for me to consider this matter further.

Planning Balance and Conclusion

23. Whilst I have concluded that the proposal would not harm the character and appearance of the area and would conserve the significance of the CMWHS, I have found it would result in harm to ecology and biodiversity. I attribute significant weight to this harm and its associated development plan conflict. This harm, therefore, is not outweighed by the little weight I attribute to the very minor benefits which would be derived from the appeal scheme.
24. The proposal is contrary to the development plan as a whole and material considerations, either individually or in combination, do not indicate that it should be determined other than in accordance with it. For the reasons given above and having regard to all relevant matters raised, I conclude that the appeal should be dismissed.

Juliet Rogers

INSPECTOR