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## Appeal Decision

Site visit made on 14 October 2025

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

an Inspector appointed by the Secretary of State

**Decision date: 03 November 2025**

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**Appeal Ref: APP/D0840/W/25/3368495**

**Land adjacent to Bosence Road, Townshend, Hayle, TR27 6AL**

- 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 Oak Tree Farm Ltd against the decision of Cornwall Council.
  - The application Ref is PA25/01646.
  - The development proposed is construction of a processing building, distribution building, water pump shed, polytunnels, water harvesting tanks, the siting of ground mounted solar panels, the widening of access and associated works.
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### Decision

1. The appeal is allowed and planning permission is granted for construction of a processing building, distribution building, water pump shed, polytunnels, water harvesting tanks, the siting of ground mounted solar panels, the widening of access and associated works at land adjacent to Bosence Road, Townshend, Hayle, TR27 6AL, in accordance with the terms of the application, Ref PA25/01646 and the plans submitted with it, subject to the conditions listed below:
  - 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: drawing No's 001A (Location Plans); 002 (Proposed Processing Building & Workshop); 003 (Proposed Distribution Building); 004 (Proposed Solar Panels); 005 (Proposed Poly Tunnel Cluster).
  - 3) The materials used in the construction of the external surfaces of the development hereby permitted shall be as shown on the application form.
  - 4) Within 6 months of the cessation of any use of the polytunnels, water harvesting tanks, distribution building, water pump shed, processing building and solar panels hereby permitted for the hydroponics use they will all be removed from the application site and the land reinstated to its previous condition.
  - 5) Details of any external lighting or floodlighting shall be submitted to and approved in writing by the Local Planning Authority before the buildings and polytunnels hereby permitted are first used or occupied. Development shall be carried out in accordance with approved details.

## **Application for Costs**

2. An application for costs was made by the Appellant against Cornwall Council. This application is the subject of a separate decision.

## **Preliminary Matters**

3. Whilst the Council's Questionnaire indicated its intention to submit a Statement of Case, no statement was submitted or received by the Planning Inspectorate. As such, the Appellant did not submit any Further Comments. Also, the Council did not provide a schedule of suggested conditions (which is a matter I deal with later in my decision). I have, therefore, determined the appeal on the basis of the evidence that is before me which, in relation to the Council, includes its reason for refusal, Delegated Report (CDR), development plan policy extracts and associated documents included with its Questionnaire.

## **Main Issues**

4. The reason for refusal raises two 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 appeal site comprises a field which I understand remains in the same form as that which existed in 1875 when it was used in conjunction with an engine house for mining. No physical attributes of those mining works remain. The site extends to some 0.8 hectares with its southern boundary fronting Bosence Road. Access to the site is provided in its north eastern corner from a lane that runs south to meet Bosence Road and north to access other land including a farmstead. This lane is also a public bridleway (Public Right of Way (PROW)). To the north and west of the site are further fields. As I observed on site, the land to the north appears to have been used as a campsite retreat.
6. Planning permission was granted on 16 November 2020 for the construction of an agricultural barn, potting shed, two glasshouses, three polytunnels and water harvesting tanks on the appeal site (Ref PA20/04769) (2020 Permission). All of these works were proposed to support a horticultural business growing a range of organic salad crops, vegetables and fruit, that would be sold wholesale. The proposal also included the widening of the existing access, a parking and turning area and bee hives. The approved buildings and other structures were shown sited in the northern part of the site with the majority of the land to the south shown as a vegetable growing area and orchard.
7. As I observed on my site visit, work has commenced on implementing the 2020 Permission. The foundations to the barn have been constructed as has the potting shed, there are bee hives and parts of the site have been planted and are being used to grow food and fruit. The parking and turning area has also been laid out with a sea container stored on part of it. Within this context, the appeal proposal involves the construction of: a new workshop close to the position and to replace the approved glasshouses; a workshop in the position of the approved potting shed; a distribution building to the south east of the approved barn; ground mounted solar panels to the south of the new distribution building; a processing

- building in the position of the approved polytunnels with the latter moved to the south and covering a larger area than those approved.
8. All of the new buildings would still be concentrated in the northern part of the site, with over half of the remainder set aside for vegetable growing and planting. The new buildings, as before, would be single storey with timber cladding, timber doors and windows and corrugated metal sheet roofs. The new buildings would support the expansion of the approved use to enable the growing of crops through a hydroponic method. The latter is a system for growing plants without soil using instead nutrient rich water. This technique would allow for higher yields, reduced water usage and the use of fewer or no herbicides/pesticides. The proposal would enable crops to be grown in a controlled environment, with separate buildings used to avoid cross contamination, to support the growing operation in the polytunnels, to store tractors and machinery, for repairs and staff accommodation and for packaging/distribution.
  9. The Council refer to policies 1, 2 and 12 of the Cornwall Local Plan Strategic Policies 2010-2030 (CLP) which, amongst other matters, require new development to provide a sustainable approach to accommodating growth, taking account of, in particular, location, layout and design that maintains the dispersed development pattern of Cornwall. Also, policies C1 and T1 of the Climate Emergency Development Plan Document (DPD) which, amongst other matters, require new development to be sustainable and accessible to modes of transport other than the private car. Reference has also been made to policies HT1 and EP2 of the Cowan Parish Neighbourhood Development Plan 2018-2030 (NDP) which, combined, support employment growth within the defined development boundaries of the settlements within the Parish, which include Townshend.
  10. I accept that the appeal site is located within the open countryside and outside the defined development boundary of Townshend. However, the site lies just outside the defined boundary and is clearly on its edge and well related to that settlement. It is within a short walking distance to bus stops that I understand serve the settlement, as well as to other local services. As such, the site has a good level of accessibility and is in a sustainable location. It thus accords with the sustainability objectives of policies 1 and 2 of the CLP and of policies C1 and T1 of the DPD.
  11. Whilst the proposal would not accord with policy EP2 of the NDP, as it is not within the defined settlement boundary, it would accord with policy EP3 of the NDP (also paragraphs 8.40 – 8.41 on the importance of agriculture and horticulture to Parish employment). Policy EP3 states that outside the defined settlements agricultural diversification and co-operative agricultural or horticultural enterprises will be supported where they are compatible in scale with their surroundings and the protection of the best and most versatile agricultural land. The site already has an approved horticultural use and the proposed hydroponics use would further support the optimisation of the existing land and maximise food production through an efficient and sustainable approach to agriculture. The hydroponics method would also offer environmental benefits compared to using traditional agricultural methods (as recognised in the DEFRA letter reproduced in the Appendices to the Appellants Statement of Case).
  12. In relation to the scale of the proposal, whilst some of the new buildings replace or are sited on those approved, the proposal would lead to an increase in the number of buildings, a larger area of polytunnels and new solar arrays. Even so, the appeal

proposal would remain compatible with the scale of its surroundings and be of an appropriate scale for the site. As I confirmed, the proposed buildings would still be concentrated, as approved, in the northern part of the site, with over half of the site left open for vegetable growing and planting. In addition, polytunnels are a common feature of the countryside. All of the new buildings would have a utilitarian form and appearance, forming a cluster, again a common feature in countryside locations and on farmsteads. Overall, the increase in built form compared to that approved would be modest.

13. Returning to the CLP, I agree that it contains no specific policy in relation to new agricultural buildings, but I do not agree that it is silent on the issue of new business enterprises and uses within the agricultural sector. Part 1 of policy 5 (also referred to by the Council) sets out the circumstances (criteria) where new business space and employment growth will be supported. Paragraphs 2.4 and 2.7 confirm, as a justification to policy 5, that the employment strategy includes emphasis on supporting indigenous businesses including agriculture. Also, that agriculture is important to the management of the landscape and to food production, and that supporting the continued growth and diversification of the agricultural industry will be critical to Cornwall's future long term prosperity.
14. Turning to the criteria to part 1 of policy 5 they are listed as alternatives ("or"), with criterion 'a)' requiring uses to be well integrated with existing villages. As I have confirmed, the appeal proposal would be well related to Townshend and its built up area. In relation to criterion 'b)', the site is adjacent to Townshend and within easy walking distance of its local services including public transport links. Criterion 'c)' requires, in the countryside, proposals to be of an appropriate scale to its location, which I have already found would be the case here.
15. In terms of the business need to be in a specific location, referred to in the second half of criterion 'c)', this is again an alternative ("or") to the question of appropriate scale. Even so, the evidence before me suggests that the proposed buildings are required to support the hydroponics business. There is no substantive evidence to the contrary and the proposal would expand and diversify the approved horticultural business that the Council previously accepted justified being in this location.
16. In summary, only one of the criteria to policy 5 needs to be met for the proposal to be acceptable. The appeal scheme would accord with all three of the criterion that I have highlighted above. It would also arguably comply with criterion 'd)', as an extension to an existing approved business where relocation would be impractical.
17. The Council suggest that the Business Plan submitted with the proposal contains insufficient information and errors. Whilst that may be the case, that factor alone does not affect my findings on this issue. There is also no substantive evidence before me to suggest that the proposed business enterprise could not secure the necessary investment or yields, bearing in my that it would operate off grid. As I also understand, since the 2020 Permission, the Appellant has refined and adapted their business model in response to the impact of Covid and the emergence of the science of hydroponics.
18. The Council have also referred to policy 21 of the CLP which relates to the best use of land and buildings, with encouragement given to sustainably located proposals. Whilst I have found the proposal to be in a sustainable location, as I interpret this policy it seeks to make best use of land to meet future needs, specifically housing.

In doing so, it also recognises the importance of the open countryside, for amongst others, its agricultural value which the appeal proposal would support and maintain.

19. Further support for my findings is provided in part '4)' and '8)' of policy C1 of the DPD which requires development to conserve the capacity of soils for sustainable food production and avoid and minimise water pollution/quality.
20. All of the above policies are consistent with those in the National Planning Policy Framework (NPPF) including paragraph 88, which states that planning decisions should enable the sustainable growth and expansion of all types of businesses in rural areas, including through well designed new buildings, and the development and diversification of agricultural and other land-based rural businesses. Paragraph 89 continues by stating that policies and decisions should recognise that sites to meet local business needs in rural areas may have to be found adjacent or beyond existing settlements and that encouragement will be given to sites that are physically well related to existing settlements, and where the development is sensitive to its surroundings.
21. In view of the above findings, I have not considered it necessary nor relevant to comment on the example referred to by the Appellant of a planning permission, granted in March 2022 for stables and aquaponic buildings at Noonvares Farm.
22. Accordingly, I find that the appeal proposal would comply with policies 1, 2, 5, 12 and 21 of the CLP, policies C1 and T1 of the DPD and the corresponding policies of the NPPF.

#### *Character and appearance*

23. Policies 1, 2, 5 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 natural character and landscapes are conserved. Policy 23 of the CLP also requires development to protect and where possible enhance Cornwall's natural environment and assets according to their significance. The same approach is set out in policy C1 of the DPD.
24. I have already found that the appeal proposal would be of an appropriate scale for the site and its setting. Also, that whilst it would introduce more buildings and site coverage than the 2020 Permission, any increase in built form would be modest and would remain concentrated in the northern section of the appeal site. The new buildings would be closely clustered on this part of the site and would not therefore represent a scattered form of development. They would not appear dissimilar to a group of agricultural buildings commonly found within the countryside or on farms.
25. The utilitarian design of the new buildings and their low key nature would replicate the appearance of similar agricultural buildings commonly found in rural locations and indeed within the wider area. The new buildings would be modest in terms of their scale and height, as would the larger polytunnels. As I observed on site, the site is effectively screened from public vantage points. On the frontage to Bosence Road the site sits behind a mature screen of trees and hedging. An existing high timber fence sits behind this screen, barely visible through the mature landscaping. This combination of mature landscaping and high timber fencing is replicated on the eastern boundary of the site, where it abuts the lane. Indeed, the effect of this screening is that views into or out of the site are only possible from its site access, in the north eastern corner.

26. Even so, the gated access to the site is formed within the high timber fence and it is only when these gates are open that glimpsed views are possible into the site from the lane and PROW. These glimpsed views would largely be of the approved parking area and barn, with other proposed buildings in the background. As I understand it, the gates are normally kept shut, as they were on my site visit. Even so, any views would be limited and would be of a group of buildings with a traditional appearance and pallet of materials that are not unusual in a countryside location. Overall, the impact of the proposed buildings and other structures on the sites local landscape and rural setting would be modest.
27. The high timber fence continues around the northern and western boundaries of the appeal site, where further mature trees and hedging provide the backdrop to those boundaries. Indeed, I note in this respect that the CDR accepts that the site is bounded by a high level of vegetation and tree planting that successfully screens the site from public vantage points including those along the PROW. It follows from the above, that the appeal site does not form part of and is not viewed as part of a larger area of open countryside.
28. In reaching the above findings, I have had regard to the appeal sites location within the Cornwall Character Area, CCA06 Hayle to Helston Hinterland (CCA). Whilst the site displays some of the key characteristics of that area, including an inland landscape of gently undulating and mixed farmland, Cornish Hedging, trees and belts of riparian woodland, for the reasons given above I am satisfied that the proposal would not result in any harm to the CCA. The proposal would not result in the removal of any trees or Cornish Hedging and both would continue to contribute to the sites verdant character, which is a positive element of the local landscape.
29. The appeal site is located within the Tregonning & Gwinear Mining District World Heritage Site (WHS). Paragraph 202 of the NPPF states that there are a range of heritage assets from those of local value to those of the highest significance, such as WHS, which are internationally recognised to be of Outstanding Universal Value (OUV). It continues by stating that these assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. In considering the potential impact on the significance of heritage assets paragraph 212 of the NPPF states that great weight should be given to the asset's conservation and the more important the asset the greater the weight should be.
30. The advice received by the Council from the World Heritage Site Office was that the proposal would not impact upon any key attribute which contributes to the OUV of the WHS. The smallholdings and new farms, interspersed with established farms, that contribute to the pattern of development within the WHS would continue to exist and any harm would be neutral, bearing in mind the 2020 Permission. There is no evidence before me that would lead me to a different finding and I therefore concur with the Council and find that the appeal proposal would not have an impact on the OUV of this WHS.
31. In view of my findings, I have again not considered it necessary nor relevant to comment on the example referred to by the Appellant of a planning permission granted in March 2022 for stables and aquaponic buildings at Noonvares Farm.
32. Accordingly, I find that the appeal proposal would not result in any harm to the character and appearance of the area and would thus comply with the aims and

objectives of policies 1, 2, 5, 12 and 23 of the CLP, policy C1 of the DPD and with paragraphs 8, 135 and 187 of the NPPF.

### **Other Matters**

33. Concerns have been raised by interested parties in relation to ecology, highway impact, lighting and covenants. There is no detailed evidence before me to suggest that any of these concerns would result in material harm. I note that they also relate to matters that were addressed in the application and in the CDR, and are not matters that the Council have specifically raised in their reason for refusal. In relation to lighting this is a matter that can be controlled by a condition.

### **Conditions**

34. In addition to there being no CSOC, the Council has not provided a schedule of suggested conditions. As such, I have considered the issue of conditions against the advice in the NPPF and the Planning Practice Guidance chapter on the 'Use of planning conditions'. A condition requiring the development to be carried out in accordance with the approved plans is reasonable and necessary in the interests of securing a high quality development. I have also added a condition requiring the materials to be as shown on the application form.
35. The November 2020 Permission included a condition requiring the permitted buildings and associated structures to be removed within 6 months of the cessation of any use of the site for horticulture. I am satisfied that a similar condition that ties the removal of the permitted buildings to the hydroponics use is necessary and appropriate to reflect the details of the application, to control the nature of the development and the use of the site in this countryside location.
36. I have also added a condition to control lighting given the findings of the CDR and to safeguard local amenities and dark skies.

### **Conclusions**

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

*G Roberts*

INSPECTOR