



Appeal Decision

Site visit made on 4 December 2025

By G Powys Jones FRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 December 2025

Appeal Ref: APP/D0840/W/25/3367293

Former Polharmon Reservoir, Penpillick Hill, Par, Cornwall, PL24 2RT

- 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 Keith Fitzpatrick against the decision of Cornwall Council.
 - The application Ref is PA24/04087
 - The development is described as change of use from South West Water storage reservoir to hydroponic farming store.
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Decision

1. The appeal is dismissed.

Preliminary and procedural matters

2. Arrangements had been made for an access required site visit. No-one was at the site when I arrived, but the entrance gates from the adjoining highway were open. I entered the site on foot and conducted the site alone.
3. The appeal property is a redundant covered storage reservoir. I could see into the disused reservoir through a new opening which had been made in the reservoir's northern elevation, notwithstanding that the plans show this as a proposal. Development has clearly begun and so I shall treat the appeal as if the original application had sought permission for the works already carried out and for the proposed change of use.
4. Based on the representations submitted, the appellant notes that only one issue seems to concern the Council. No policy objection is raised to the principle of the proposed use, to the minor elevational changes proposed or that the proposed use is likely to affect neighbouring amenities. I share the view that there appears to be some common ground, and this is reflected in the main issue identified.

Main Issue

5. The main issue is the effect of the proposal on highway safety.

Reasons

6. The appeal site is sited directly alongside the A390 and obtains its sole access from it. The A390 at this point runs uphill from south to north; it is subject to a 60mph speed restriction and is 3-laned. Two of the lanes cater for uphill traffic, with the centre lane used for overtaking. A single lane runs southwards separated from the other two lanes by double white line road markings. Just to the south of the site

on the eastern frontage is the junction of a country lane with the A390. Vehicles are restricted by signage from turning right from the A390 into the country lane. I have carefully noted the empirical information provided by the applicant, but this strikes me as a potentially hazardous stretch of highway where great care is required in assessing the acceptability and use of access points, particularly one which has not been used for many years.

7. Scant information was provided at application stage both as to the nature and intensity of the proposed operation, and very little more has been provided at appeal stage. The appellant says that he is a local commercial market gardener, and that the former reservoir would be used by him to grow commercial crops using hydroponic systems. I saw that the former reservoir, notwithstanding the number of internal concrete pillars, was a moderately sized building which could accommodate a significant level of planting. The ceiling was of a height that could also accommodate stacking, if elevated growing trays were intended.
8. However, no proposed internal layout has been provided or any other information, such as a horticultural assessment which would give an indication of the level of planting proposed. Nor is there a basic business plan providing data such as projected turnover which would assist in assessing the proposed intensity of the business and operational requirements. Notwithstanding the level of automation that could conceivably be installed, an operation such as proposed could still likely require the human touch and presence for preparation, planting, maintenance, reaping, packaging and despatching. The absence of such information give rise to difficulty in assessing the potential level of activity at the site, including levels of traffic generation, when the business was fully grown and operational. It is also of relevance that any permission granted would run with the land, and the potential of the site for the proposed use may be greater than the appellant has in mind.
9. The appellant's highways consultant, in assessing likely trip generation levels, points to the absence of TRICS data for enterprises of this nature and size. Instead, reliance is placed on the appellant's personal estimate that no more than 2 trips a week to the site would be required. In the absence of any basic information as to the level, scope and intensity of the intended business, and any independent horticultural assessment as to the potential of the site, I consider such reliance to be misplaced.
10. I note that the speed survey relied upon is over 8 years old and was conducted at a point on the A390 south of the appeal site, and to the south of the junction with the country lane mentioned previously. Nevertheless, judging from what I saw, I have no reason to conclude that it does not give a reasonably accurate account of current speeds outside the appeal site.
11. The two manoeuvres of concern to me would be the right turn into and out of the site respectively, both of which having regard to local traffic conditions are potentially hazardous. The forward and lateral visibility exercises carried out by the appellant are noted and I agree that visibilities when emerging from the site to the right are relatively good.
12. However, little or no allowance or regard has been paid to a pattern of vehicles¹ travelling uphill grouping together or travelling in convoy in the middle lane when

¹ Which I observed during my visit

overtaking a slower vehicle or vehicles on the inside. This level of grouping when it occurs materially affects both forward and lateral visibilities, as I experienced when driving past the site during my visit. In such circumstances forward visibilities for some drivers on the A390 become significantly constrained, and the same applies, albeit to a lesser extent, for drivers looking left as they leave the site. A vehicle stopping to turn right into the site could severely obstruct following vehicles travelling at relatively high speeds causing potential danger.

13. Based on what I saw, the empirical evidence and the absence of a realistic assessment of the future use of the access, I shall adopt a precautionary approach since I share the previous Inspector's² view that this is an inherently unsafe access having regard to local highway conditions.
14. The appellant has asked that I consider the appellant's fall-back, but no adequate explanation has been provided as to the nature of the fall-back. It appears to me on the evidence presented that none exists since the former use as a reservoir has long been abandoned. I have noted the accident data, which is relatively low in the vicinity of the site. It is best that it is maintained at that level by avoiding the use of accesses which would in my view adversely affect safety.
15. I conclude that the proposed development is likely to put the safety of users of the A390 at increased and unacceptable risk. Accordingly, a conflict arises with that provision of policy 27 of the Cornwall Local Plan and provisions in the Framework³ that all developments should provide safe and suitable access to the site. Having regard to the Framework's paragraph 116 I consider that the development would have an unacceptable impact on highway safety.

Other matters

16. All other matters raised in the representations have been considered. Other development plan policies have been referred to by the parties, but those that I have mentioned are considered the most relevant having regard to the particular circumstances of the case.
17. I have also had regard to the other references to the Framework. I have noted the Parish Council's views, and have seen the representations submitted by the local member of parliament. With regard to the latter, the speed limit on this stretch of the A390 remains at 60mph. No other matter is of such strength or significance as to outweigh the considerations leading to my conclusions.

G Powys Jones

INSPECTOR

² An appeal concerned with the conversion of the appeal property to a dwelling. Ref APP/D0840/W/18/3207379 dated 30 October 2018

³ National Planning Policy Framework