



Appeal Decisions

Site visit made on 27 January 2026

by **P N Jarratt BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 4 February 2026

Appeal A Ref: APP/D0840/C/25/3360665

Land to the northwest of Penhalurick Farm, Penhalvean, REDRUTH, TR16 6TG

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Ms Carla Adams against an enforcement notice issued by Cornwall Council.
 - The notice was issued on 14 January 2025.
 - The breach of planning control as alleged in the notice is without planning permission, the construction of a large agricultural building, two timber outbuildings, hardstanding area, access track, earth bunds and creation of a new vehicular access onto a classified road. Also, the material change of use of agricultural land to a mixed use comprising of agriculture, siting of a shipping container and a welfare/storage unit and the storage of non-agricultural items/materials including motor vehicles, caravans, timber, telegraph poles and building materials.
 - The requirements of the notice are:
 - 1) Cease the non-agricultural use of the land outlined in red on the plan attached to the notice.
 - 2) Demolish and remove from the land the large agricultural building shown in the approximate location by blue 'A' on the plan.
 - 3) Demolish and remove from the land the two timber outbuilding shown in the approximate locations by two blue 'B's' on the plan.
 - 4) Remove from the land the shipping container and welfare/storage unit shown in the approximate locations by two blue 'C's' on the plan.
 - 5) Block up the new vehicle access shown in the approximate location by blue 'X' on the plan by reinstating the hedgerow as shown in the image attached to the notice.
 - 6) Demolish and remove the earth bunds, hardstanding areas and access track from the land and restore the land to its former condition/contours before the engineering operations took place .
 - 7) Cease the use of the land for the storage of non-agricultural vehicles, items and equipment, including but not limited to motor vehicles, caravans, containers, timber, telegraph poles, building materials etc,
 - 8) Remove from the land all materials and debris resulting from compliance with the requirements of 2, 3, 4, 5, 6 and 7, and restore the land to its former condition before the breach took place.
 - The period for compliance with the requirements is 10 months.
 - The appeal is proceeding on the ground[s] set out in section 174(2) (b), (c), (f), (g) of the Town and Country Planning Act 1990 (as amended).
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Appeal B Ref: APP/D0840/W/25/3360050

Land NW of Penhalurick Farm, Penhalvean, Redruth, Cornwall, TR16 6TG

- 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 Ms Carla Adams against the decision of Cornwall Council.
 - The application Ref is PA24/04362.
 - The development proposed is retrospective planning application for the retention of an agricultural building, hardstanding, storage container, welfare/storage unit and widened entrance gateway.
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Decisions

Appeal A Ref: APP/D0840/C/25/3360665

1. The appeal is dismissed and the notice upheld.

Appeal B Ref: APP/D0840/W/25/3360050F

2. The appeal is dismissed insofar as it related to the storage container and a welfare/storage unit. The appeal is allowed insofar as it related to the retention of an agricultural building, hardstanding and widened entrance gateway and planning permission is granted for the agricultural building, hardstanding and widened entrance gateway at land NW of Penhalurick Farm, Redruth, TR16 6TG in accordance with the terms of the application, Ref PA24/04362, subject to the following condition:
 - (i) That within three months of the date of this permission visibility splays shall be provided at the site access in accordance with a scheme which shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall also provide for the maintenance of visibility splays.
3. It should be noted that s180(1) indicates that where planning permission is granted for any development carried out before the grant of that permission, the enforcement notice shall cease to have effect so far as inconsistent with that permission.

Preliminary matter

4. In appeals on legal grounds such as grounds (b) and (c) in Appeal A, the onus of proof rests with the appellant and the standard of proof is on the balance of probability.

The site and relevant planning history

5. The appeal site is in open countryside and amounts to some 5 hectares on land rising generally to the north lying between Panhalurick Farm to the southeast and Panhalurick Barton to the west. The area is generally open, undulating plateau landscape with few areas of woodland and a scatter of farmsteads and small groups of buildings. The site is within the Carmenellis Area of Great Landscape Value.
6. The site is accessed from the public highway by way of a stoned track leading to an agricultural building which incorporates a mezzanine floor, two timber outbuildings, a shipping container and a welfare unit located as shown on the plan attached to the notice. Various non-agricultural vehicles, equipment, caravans, containers, timber, telegraph poles, building materials etc, are also situated on the appeal site. A borehole has been installed and a generator provides power. Plans for the smallholding are to have around 20 sheep and 10 goats producing milk and meat to be sold locally. It is also the intention to erect polytunnels for the cultivation of vegetables.
7. The outcome of a prior notification of agricultural or forestry development for a steel framed agricultural building (PA22/07852) was that planning permission is required.

Appeal A: the appeal on ground (b)

8. An appeal on this ground is that the breach has not occurred as a matter of fact.

9. The appellant contends that there has not been any creation of a new vehicular access and that it resulted from the uncovering of an existing field access and a historic granite gatepost and rusty gate evidenced by the former owner, Rosemary Johnson, in a Statutory Declaration dated 30 January 2025. The former owner acquired the land in 2003 and sold it to the appellant, David Retford and Patrick Crawford in July 2022. It is evident from the photos attached to the declaration that a field entrance previously existed but it has now been considerably enlarged, and this enlargement is apparent when comparing the Council's photos at paragraphs 5.3 and 5.4 of their statement. This shows a substantially wider access to the site which is hardcore surfaced rather than just a field gate entry. Additionally an earth bund has been created along the northern side of the track which extends along the entire length of the track.
10. The appellant also contends that no material change of use of the land has occurred and that the items listed in the notice are associated with the lawful use of the land for agricultural and forestry or are ancillary and incidental to the primary use, including vehicles and building materials. From the photographs attached to the Council's statement at paragraph 5.6 and from my own inspection, many of the items are not ancillary or incidental to an agricultural use of the land. There is an extensive area used for the open storage of timber, such as logs and what appear to be very substantial re-cycled beams. The extent and quantity of this timber storage is excessive in the context of the size of the holding, the absence of any woodland on the holding and the proffered explanation that the timber is being used to create fences, wind breaks and 'other matters associated with farming the land.' Whilst there may be a plausible explanation for such storage, none has been submitted as part of the appellant's case and the facts indicate, in reality, that a mixed use of agriculture and commercial timber storage is taking place.
11. Only a few sheep are kept and a few plants are grown and I note that the County Land Agent at Appendix 3 of the Council's statement in commenting on the agricultural building stated that 'There is no additional justification for the numerous storage containers and hardstanding in a second location on the land'.
12. I conclude that a breach of control has occurred as a matter of fact and the appeal on this ground fails.

Appeal A: the appeal on ground (c)

13. An appeal on this ground is that there has not been a breach of planning control. The appellant contends that the erection of the agricultural building and hardstanding area are permitted development under the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO) and were matters subject to a prior notification application. This was not determined by the Council within the statutory 28 day period and the appellant therefore commenced works.
14. However, the building and hardstanding now on site vary from the prior notification application (PA22/07852) when compared to the application the subject of Appeal B. The prior notification building was stated to be 18m x 9m and the present building is 20m x 10m. As the current building and the hardstanding are not those for which prior determination was sought, they do not benefit from permission under Part 6, Class A of the GPDO.

15. The appellant further contends that the siting of chattels on the land, including a shipping container and a welfare/storage unit do not require permission as they are ancillary to the lawful use of the land. However, little information has been submitted by the appellant to justify this contention as it is clear to me that there are a considerable number of items that have little direct use on such a modest sized smallholding.
16. The onus of proof rests with the appellant and it has not been demonstrated on the balance of probability that the prior notification building and hardstanding do not require planning permission, or that the 'chattels' are ancillary to the lawful use.
17. The appeal on this ground fails.

Appeal A: the appeal on ground (f)

18. An appeal on this ground is that the requirements are excessive and lesser steps would overcome the objections. The notice attacks operational development and a material change of use.
19. The appellant contends that the only reasonable requirements would be for the removal of any items and buildings that fall outside the limitations to permitted development rights and are associated with the agricultural use of the land. The notice should not attack any agricultural buildings that ensure the welfare of livestock.
20. The purpose of the requirements of a notice is to remedy the breach by discontinuing any use of the land or by restoring the land to its condition before the breach took place or to remedy an injury to amenity which has been caused by the breach. It is necessary for the requirements to match the matters alleged and therefore I consider that the requirements of the notice in this case do not exceed what is necessary to remedy the breach.
21. The requirements do not preclude the appellants doing what they are lawfully entitled to do in the future once the notice has been complied with.
22. The appeal on this ground fails.

Appeal A: the appeal on ground (g)

23. An appeal on this ground is that the compliance period is too short and that there should be a sequential cessation of uses, followed by demolition and then removal over a period of 21 months.
24. In the light of my decision on Appeal B, I am satisfied that the 10 month compliance period is entirely reasonable.
25. The appeal on this ground fails.

Conclusions on Appeal A

26. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice

Appeal B: the s78 appeal

27. The main issues in the s78 appeal are firstly, whether the enterprise is of a scale appropriate to its location, secondly, the impact that the development has on the landscape and thirdly, whether there is fallback position.
28. The Cornwall Local Plan Policy 2 indicates that support will be given for the indigenous businesses of agriculture, fishing and mining. Policy 12 concerns design requiring the distinctive character of Cornwall is retained. For the rural economy, the National Planning Policy Framework supports sustainable growth and expansion of all types of businesses in rural areas.
29. The Local Plan supports the establishment of businesses in areas where they are of a scale appropriate to their location and their location can be justified. In commenting on the application, the Council's Land Agent considered that there is justification for a building on site to provide storage of winter fodder, machinery and equipment and animal handling when it is necessary. The Land Agent added that the proposed building of 20m x 10m is relatively large given the size of the holding and that its design is suitable for its use. However there is no justification for additional storage beyond that provided by the shed.
30. Although the Land Agent considers the building to be relatively large, the Council's assessment of it being of excessive scale resulting in unnecessarily intense impact on the open countryside seems to be a particularly harsh judgement. Certainly, the building is visible and impacts on the landscape although its size and appearance are little different to other modern agricultural buildings in the vicinity. However, the building is seen in the context of a clutter of other outbuildings, storage facilities, a variety of vehicles, a caravan and trailers together with the storage of a wide range of materials which all add to the harmful visual impact of the site and to the character and appearance of the Area of Great Landscape Value.
31. The appellant contends that the agricultural building is well within the parameters of the permitted development size limitations and, but for an error in the prior notification submission, the building would have been signed off as permitted development. However I note that this would not have been the case as the prior notification related to a building of a different size to that built. Notwithstanding this, the appellant claims that there is a fallback position in which the building would be removed and a further application for prior approval being made but avoiding the earlier mistakes. I consider this to be a realistic fallback position which carries considerable weight. There would be little difference in the visual impact on the landscape between what has been constructed and the fallback position.
32. Whilst the highway access has an impact on the character and appearance of the area due to its increased size, some form of vehicle access would be required to service the smallholding. This shall be subject to a condition in respect of the provision and maintenance of visibility splays, which is required in the interests of highway safety.
33. Although the hardstanding extends beyond what is necessary for the size of the smallholding, its appearance is not so harmful in the landscape.
34. In conclusion on these issues, whilst the size of the outbuilding is relatively large, the fallback position outweighs the harm caused through its impact on the landscape. The vehicular access and hardstanding are necessary to support the

smallholding. I therefore intend to grant permission for these elements but refuse permission for the storage container and welfare/storage unit.

Conclusions on Appeal B

35. For the reasons given above the appeal should be allowed in part and dismissed in part.

P N Jarratt

INSPECTOR