



Appeal Decision

Site visit made on 4 February 2026

by **T Gethin BA (Hons), MSc, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 February 2026

Appeal Ref: APP/D0840/C/24/3353583

Land known as Land southeast of South Park, Herodsfoot, Cornwall PL14 4RA

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Miss Tina Price against an enforcement notice issued by Cornwall Council.
- The notice was issued on 25 September 2024.
- The breach of planning control as alleged in the notice is Without planning permission, the erection of a timber clad residential building with raised timber decking, construction of a timber shed/chicken coop, new gate and fence, hardstanding areas, siting of a caravan and awning used in association with the residential use and the material change of use of agricultural land (woodland) to residential use.
- The requirements of the notice are:
 - 1) Cease the residential use of the land outlined in red on the attached plan.
 - 2) Demolish and remove the residential building shown in the approximate location by a blue 'X' on the attached plan from the land outlined in red on the attached plan.
 - 3) Remove from the land all services connected to the building for the purposes of independent human habitation, i.e. electric cabling, water pipes, sewage pipes, gas bottles, electric generator, batteries, combi boiler etc.
 - 4) Demolish and remove from the land the raised timber decking adjacent to the residential building shown in the approximate location by a blue 'X' on the attached plan.
 - 5) Remove the caravan and awning from the land outlined in red on the attached plan.
 - 6) Remove from the land all services connected to the caravan for residential purposes, i.e. gas bottles, water pipes, sewage pipes etc.
 - 7) Demolish and remove the timber shed/chicken coop from the land outlined in red on the attached plan.
 - 8) Demolish and remove the hardstanding areas from the land and restore the land to its former condition before engineering operations took place.
 - 9) Remove from the land all materials and debris resulting from the residential use of the land, including but not limited to dustbin, plastic containers, water containers, ladders, tyres, bath, shower tray, birdhouse etc.
 - 10) Demolish and remove the new gate and fencing at the entrance to the site and reinstate the fencing and gate as shown on the attached images.
 - 11) Remove from the land all materials and debris resulting from compliance with the requirements of (2), (3), (4), (5), (6), (7), (8), (9) and (10) above, and restore the land to its former condition before the breach took place.
- The period for compliance with the requirements is: 12 months.
- The appeal is proceeding on the ground set out in section 174(2)(a) 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.

Summary of Decision: The appeal is dismissed and the enforcement notice is upheld in the terms set out below in the Formal Decision.

Preliminary Matters

1. During my site visit, I noted that some additional development had been carried out on the appeal site beyond that described in the enforcement notice (EN). However, as the appeal is against the EN, I am considering the use and works as it was at the time the EN was issued, and not any subsequent development.

Main Issues

2. The main issues are:

- whether the development is acceptably located with regards to housing in the countryside and accessibility;
- the effect of the development on the character and appearance of the surrounding area; and
- the appellant's circumstances.

Reasons

Location

3. The site forms part of what was an undeveloped area of woodland. Given its rural situation and relatively isolated location, it is situated in the open countryside as defined by the Cornwall Local Plan Strategic Policies 2010 - 2030 (CLP). On this basis, the appeal would not meet any of the criteria in CLP Policy 3 and thus Policy 7, which covers the provision of housing in the countryside, is relevant. However, it is not alleged that the appeal meets any of the exceptions in CLP Policy 7 and the available evidence does not indicate otherwise.
4. Settlements with services and facilities are a reasonable distance from the site. Whilst getting to, for example, Lanreath or Herodsfoot on foot or by bicycle would be possible, this would involve negotiating long stretches of unlit highway with no separation from vehicular traffic. Walking and cycling would therefore neither be particularly safe nor appealing.
5. I accept that this is likely to be the case for many rural areas in general. Amongst other aspects, the National Planning Policy Framework (Framework) also recognises that opportunities to maximise sustainable transport solutions will vary from urban to rural areas; and sets out that sites to meet local needs in rural areas may have to be found beyond settlements and in locations not well served by public transport. However, the lack of suitable alternative transport options indicates that occupiers of the residential building would likely be wholly reliant on the private vehicle to serve their daily needs.
6. The proposal cannot therefore reasonably be considered as, in the words of CLP Policy 2, providing a sustainable approach to accommodating growth. Location is also one of the attributes listed in CLP Policy 1 in relation to considering whether a proposal is sustainable. Although this would be relatively limited given the scale of the development, such reliance on the private vehicle also indicates that the proposal would have an adverse environmental impact.
7. For the above reasons, I conclude that the development is not acceptably located with regards to housing in the countryside and accessibility. I therefore find conflict with CLP Policies 2, 3, 7 and 27, Policies C1, T1 and AL1 of the Climate Emergency Development Plan Document (CEDPD), and Policies H1, H2 of the Lanreath Parish Neighbourhood Development Plan 2010 – 2030 (NDP). Amongst other aspects, these set out the Council's approach to accommodating new housing and expect proposals to provide safe and suitable access for all; be located to minimise the need to travel; maximise the ability to make trips by public

and active modes of transport; sustainably meet travel associated with daily needs; and have safe walking and cycling access to the village of Lanreath.

Character and appearance

8. The surrounding area is characterised by agricultural fields and scattered woodlands with limited built form. The site is situated within an Area of Great Landscape Value (AGLV) and Cornwall Character Area 35, which identifies the inland area of the Looe Valley Catchment as being generally sparsely settled undulating farmland intersected by river valleys and containing various woodlands. The site's undeveloped wooded nature means that it would have positively contributed to the area's rural character and verdant appearance of the locality prior to the use and works commencing. The apparent decline in tree cover prior to start of the works and residential use does not lead me to a different conclusion.
9. The top part of the site is visible from the adjoining highway. However, due to the new gate and fence, the sloping topography and existing trees, the remainder of the site is not particularly visible in public views. As such, other than the gate and fence, the development is not readily apparent. Many of the structures are also clad in/constructed of timber or, in the case of the caravan, have now been painted green. Consequently, whilst the development does not necessarily reflect the vernacular of traditional dwellings in the locality, it largely blends into its surroundings; and there is little on site which could be described as entirely incongruous with respect to its rural surroundings and the type of development often found in such areas.
10. However, the currently clad gate and fence fronting the highway form an imposing feature which appears out of place and detracts from the locality's largely undeveloped countryside nature. The numerous other works and associated paraphernalia have also urbanised and domesticated what was undeveloped woodland. Despite most of the works not being particularly visible in public views, the development has therefore eroded the site's positive contribution to the AGLV's rural qualities. In coming to this view, I have taken into account the appellant indicating that they clad the original gate and fence due to trespass issues and that some trees needed removing for safety reasons due to them being split and others having already fallen.
11. For the above reasons, I conclude that the development harms the character and appearance of the surrounding area. The harm is relatively localised and limited given the restricted visibility and scale of the development. Nevertheless, I find it conflicts with CLP Policies 2, 12 and 23, CEDPD Policies C1 and AL1, NDP Policy EH1 and Policy CL9 of the Caradon local plan first alteration. Amongst other aspects, these set out development will only be permitted where it does not adversely impact the AGLV; and expect development to maintain the character and distinctive qualities of such areas, respect quality of place, and conserve landscape and the natural environment.

Appellant's circumstances

12. Article 8(1) of the Human Rights Act 1998 (HRA) provides that everyone has the right to respect for their private and family life, their home and their correspondence. Article 8(2) states that there shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of (among other

things) the protection of the rights and freedoms of others. Article 1 of the First Protocol of the European Convention on Human Rights (FP), as encompassed in the HRA, also states that every natural or legal person is entitled to the peaceful enjoyment of his possessions; and that no one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

13. With no alternative accommodation, the appellant has indicated they would be homeless without the dwelling they have built due to the expensive rental and housing market, a shortage of appropriate rental options in the area and the district's housing shortage. The appellant has also lived in Cornwall for some time rather than only visiting occasionally on a holiday basis, was brought up in the countryside and finds built-up areas not conducive to their mental health. As such, they are wanting a quiet life in the countryside, tidying and maintaining the site.
14. Residential use of the site and the associated development have therefore afforded the appellant significant benefits in terms of providing them with a home and supporting their wellbeing and mental health. As such, being required to cease the residential use of the site and remove the buildings would have a significant effect on them. These are matters to be weighed in the planning balance.

Other matters

15. The Council also allege conflict with CEDPD Policy SEC1. However, with this policy covering sustainable energy and construction, it is not directly relevant to the main issues and has thus not been determinative in my decision.
16. The appellant has cleared part of the site, which is said to have been neglected for some time, by removing some dangerous/fallen trees along with ivy (which was said to be harming trees) and brambles. They have also put up various bird, bat and insect boxes, and indicate their intention is to restore the land to a healthy state. Be that as it may, these aspects attract limited weight given that such actions were not necessarily contingent on the development occurring.

Planning Balance

17. I have found that the development is not acceptably located with regards to accessibility and housing in the countryside and harms the character and appearance of the surrounding area. Based on the submitted evidence and my finding that the proposal would not accord with various policies, this leads me to conclude that it conflicts with the development plan as a whole. However, the Council indicates that it does not have a five year supply of housing; and whilst limited evidence on this matter has been submitted, I am aware from other recent appeals I have dealt with in Cornwall that the supply is approximately 3.8 years. The shortfall in supply, which is relatively significant, means the approach set out in paragraph 11d) of the Framework applies.
18. The off-grid dwelling, with solar panels and rainwater harvesting, contributes to housing supply in the district. It also provides a home for the appellant, who has no alternative accommodation, in a location which supports their mental health. However, the provision of one dwelling would have a negligible effect on the supply of housing in the district whilst most of the other benefits are limited to the appellant's personal circumstances. Nevertheless, these matters attract significant weight and weigh in favour of the appeal.

19. On the other hand, the development is in an unacceptable location with respect to accessibility and local and national planning policy regarding the provision of new housing in the countryside. Although relatively localised and limited, the development also harms the character and appearance of the surrounding area. In addition, the appellant's reliance on the private vehicle would cause some environmental harm. These aspects conflict with the Framework's provisions relating to rural housing, achieving well-designed places, making effective use of land, conserving and enhancing the natural environment, and promoting sustainable transport. These matters weigh against the development.
20. Consequently, I find that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land and securing well-designed places. The presumption in favour of sustainable development does thus not apply in this instance.
21. Dismissing the appeal would interfere with the appellant's right to peaceful enjoyment of their possessions, and to their private and family life and home, under Article 1 of the FP and Article 8 of the HRA. However, these are qualified rights and interference with them in this instance would accord with the law; and be in pursuance of well-established and legitimate planning aims, be necessary and appropriate having regard to the requirements of the adopted development plan, and be in the public interest. Whilst the appellant will be made homeless, it is proportionate and necessary to refuse to grant planning permission, and the protection of the rights and freedoms of others cannot be achieved by means that are less interfering with those of the appellant. With the 12 month compliance period, the appellant also has sufficient time to secure alternative accommodation.

Overall conclusion

22. The totality of the benefits and other points advanced in favour of the appeal neither outweigh the harm I have identified nor form considerations of such weight that they warrant a decision to be made other than in accordance with the development plan. Accordingly, and for the reasons given above, I conclude that it is proportionate and necessary to dismiss the appeal. I shall therefore uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Formal Decision

23. The appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

T Gethin

INSPECTOR