

Appeal Decision

Site Visit made on 18 February 2026

by J Whitfield BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd June 2026

Appeal Ref: APP/D0840/C/24/3336262

Land west of Hen House, Goonbell, St Agnes, Cornwall TR5 0PL

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended) (the Act).
- The appeal is made by Mrs Amanda James against an enforcement notice issued by Cornwall Council (the LPA).
- The notice was issued on 22 November 2023.
- The breach of planning control as alleged in the notice is, without planning permission, the material change of use of agricultural land to residential through the stationing of a shepherd's hut for residential purposes and associated operational development including the creation of hard standing area and picket fencing. The approximate location of the shepherd's hut has been marked by a blue 'X' on the attached plan.
- The requirements of the notice are to:
 - 1) Cease the residential use of the land.
 - 2) Cease the residential use of the shepherd's hut shown in the approximate location by the blue 'X' on the attached plan and remove the shepherd's hut from the land.
 - 3) Remove all services connected to the shepherd's hut for the purposes of independent human habitation, including but not limited to electric cabling, water pipes, septic tank etc.
 - 4) Remove from the land all materials, paraphernalia and debris resulting from the residential use of the land, including but not limited to outdoor furniture, plant pots, picket fencing etc.
 - 5) Remove from the land the hardstanding shown in the approximate location by the orange polygon on the attached plan and restore the land to its former condition and use before the breaches took place.
 - 6) Remove from the land all materials and debris resulting from the above works.
- The period for compliance with the requirements is: 5 months.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (c) and (f) 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.

Decision

1. It is directed that the enforcement notice is corrected by:
 - the deletion of the words, "and picket fencing" from section 3;
 - the deletion of the words "picket fencing" from section 5 of the notice.
2. Subject to the corrections, the appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act (as amended) for the development already carried out, namely the material change of use of agricultural land to residential through the stationing of a shepherd's hut for residential purposes and associated operational development including the creation of hard standing area at Land west of Hen House, Goonbell, St Agnes, Cornwall TR5 0PL as shown on the plan attached to the notice and subject to the following condition:

- 1) The residential use hereby approved shall be occupied as holiday accommodation only and shall not be occupied as a person's sole or main place of residence. An up to date register shall be kept and be made available for inspection by the local planning authority upon request. The register shall contain details of the names of all of the occupiers of the accommodation, their main home addresses and their date of arrival and departure from the accommodation.

Appeal on ground (c)

3. An appeal ground (c) is brought on the basis that those matters which may be constituted by the matters stated in the notice as constituting a breach of planning control, do not constitute a breach of planning control. The onus of proof rests with the appellant and the relevant test is the balance of probabilities.
4. S171A(1) of the Act defines a breach of planning control as (a) carrying out development without the required planning permission; or (b) failing to comply with any condition or limitation subject to which planning permission has been granted.
5. The notice alleges a breach of planning control comprising of the material change of use of the Land to residential through the stationing of shepherd's hut for residential purposes, along with associated operational development including the creation of hardstanding and picket fencing.
6. The appellant argues that the picket fencing is not a breach of planning control, because it is granted planning permission by Article 3(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO) as permitted development. Class A of Part 2, Schedule 2 of the GPDO states that the erection of a fence is permitted development. Development is not permitted if the fence would exceed 1m about ground level where adjacent to a highway or 2m elsewhere.
7. There is no dispute that the picket fence does not exceed 2m in height. I was able to see that is the case from my site visit. The LPA argues that it has been erected solely to facilitate the unauthorised material change of use of the Land. However, the permitted development right under Class A does not make distinction on the purpose of the means of enclosure to be erected. Even if the fence facilitated the unauthorised development, it would have fallen within the parameters of permitted development under Class A at the date the notice was issued. There are no limitations under paragraph A.1 which the fencing would meet. As a result, at the date the notice was issued, the picket fencing would not have been a breach of planning control as it would have been granted planning permission by Article 3(1) of the GPDO. I will correct the notice accordingly to delete it from the alleged breach.
8. The question as to whether the notice can still require the removal of the fencing, in accordance with the *Murfitt* principle, is a matter for an appeal on ground (f).
9. The appellant argues that the hardstanding subject of the notice has existed on the Land since 1989, as it was linked to the former agricultural shed and formed part of the development for which planning permission for that shed was granted in 1989. However, there is no copy of the planning permission or the associated plans and documents before me. I cannot, therefore, conclude whether or not the

hardstanding subject of the notice was comprised in that planning permission and that it does not therefore comprise a breach of planning control.

10. The argument that it has been in place since 1989 also goes to the question for an appeal on ground (d) which has not been brought. Nevertheless, the appellant has provided a satellite image said to be from 25 May 2017 which they say shows the hardstanding in place at that point. However, it is clear that the hardstanding area on which the shepherd's hut is sited, and which is identified by the orange polygon on the plan attached to the notice, is not fully in place. The image shows the area was largely covered in vegetation at that time. Moreover, the LPA have provided an image said to be from 2 August 2019 which shows even less of the Land covered in hardstanding.
11. It is only on the LPA's image from 10 July 2022 where the full extent of the hardstanding subject of the notice can be seen. As a result, in the absence of evidence to the contrary, it appears the hardstanding subject of the notice was not substantially completed on or before 22 November 2019 and thus would not have been immune from enforcement action at that point. Consequently, the hardstanding constitutes a breach of planning control because the time for taking enforcement action had not expired at the date the notice was issued.
12. The appellant also argues that the provision of outdoor furniture and plant pots are not development under S55(2) of the Act. They do not form part of the breach of planning control, however. The matter of whether the notice can require their removal as part of the requirements is one for an appeal on ground (f).
13. The appeal on ground (c) therefore succeeds but only to the limited extent in respect of the picket fencing as set out above.

Appeal on ground (a)

14. An appeal on ground (a) is made on the basis that planning permission ought to be granted for the breach of planning control stated in the notice. Since an appeal on ground (a) has been duly brought, an application for planning permission is deemed to have been made under S177(5) of the Act.

Main Issues

15. The main issues are:
 - whether the Land is a suitable location for residential development having regard to local and national planning policies in respect of the provision of housing in the open countryside;
 - the effect of the development on the character and appearance of the area, with particular regard to the effect on the Outstanding Universal Value of the Cornwall and West Devon Mining Landscape World Heritage Site (WHS); and,
 - the effect of the development on biodiversity, with particular regard to whether the development provides suitable mitigation for impacts on the integrity of the Penhale Dunes and the Fal and Helford Special Areas for Conservation (SAC).

Reasons

Location

16. Policy 3 of the Cornwall Local Plan 2016 (the LP) sets out a settlement hierarchy for the delivery of housing development in Cornwall. The Policy goes on to state that housing other than in the main towns identified will be delivered through: the identification of sites through Neighbourhood Plans; rounding off of settlements and development of previously developed land within or immediately adjoining settlements; infill schemes; and, rural exception sites.
17. The Land is not allocated within the St Agnes Neighbourhood Plan 2018-2030 (the NP). Indeed, it lies outside of the settlement boundary for St Agnes as identified in Policy 1 of the NP. Moreover, the development is not a rural exception site for affordable housing. Furthermore, having been occupied previously by agricultural buildings, the Land does not constitute previously developed land.
18. In terms of infill schemes, paragraph 1.65 of the supporting text to Policy 3 of the LP states that 'infilling' is defined as the filling of a small gap in an otherwise continuously built-up frontage that does not physically extend the settlement into the open countryside. The Land does not form a gap between a built-up frontage. To that end, the development does not constitute infilling. NP Policy 7 does not thus apply.
19. Similarly, "rounding off" is defined in supporting paragraph 1.68 as development on land that is substantially enclosed but outside of the urban form of a settlement and where its edge is clearly defined by a physical feature that also acts as a barrier to further growth. It goes on to state that it should not visually extend building into the open countryside. The Land is not substantially enclosed and it will sit behind the main bulk of built form on Goonbell. As a consequence, the use of the Land for housing will be contrary to LP Policy 3 in respect of the suitability of the location of new housing. Moreover, LP Policy 7 states that new homes in the countryside will only be permitted where there are special circumstances, none of which appear to apply in this case. As such, the development will be contrary to LP Policy 7.
20. However, the appellant argues that the residential use has been confined to a holiday let basis and would continue to be in the future, with the appellant submitting that its use for holiday lettings only could be controlled by a suitably worded condition. To that end, the appellant argues that LP Policy 5 in respect of tourism is relevant to the development.
21. The LPA argues that the shepherds hut provides all the facilities for day to day living and therefore must be considered first and foremost as a dwelling. However, residential use for holiday purposes can also contain all the facilities for day-to-day living. It is noted that the notice is not targeted against a breach comprising a dwellinghouse but residential use. Residential use can include a holiday let.
22. I note the appellant, in response to a Planning Contravention Notice (PCN) issued on 1 March 2023, stated that upon realising they should not have used the hut for holiday accommodation removed the adverts and cancelled bookings, intending to use it only as ancillary overnight accommodation. They also stated that it had been used as a holiday rental between September and December 2022 with bookings

closed thereafter. The LPA states they issued the notice on the basis that it was used as ancillary accommodation.

23. However, the notice does not state that. The notice is targeted against the material change of use of agricultural land to residential through the stationing of a shepherd's hut for residential purposes. Residential use can include residential use for holiday accommodation purposes.
24. In any event, I am satisfied that future residential use of the Land could be restricted to holiday lettings through a suitably worded condition. Such a use would form part of the matters stated in the notice as constituting the breach, as it would constitute residential use. Indeed, I note the LPA at paragraph 8.28 of its statement indicates that it could be controlled by a holiday occupancy condition. I will therefore consider the development on that basis against the relevant LP Policies.
25. Policy 5 of the LP states that the development of new tourism facilities through the enhancement of existing or provision of new, high quality sustainable tourism accommodation will be supported where they would be of an appropriate scale to their location and to their accessibility by a range of transport modes. It goes on to state that proposals should provide a well-balanced mix of economic, social and environmental benefits.
26. The LPA argues that the development appears as an isolated residential unit that lies outside of the built form of any settlement. I note that it would introduce residential paraphernalia associated with the holiday use such as seating, barbeques and hot tubs in the open countryside.
27. However, in my view that would be relatively well contained given the small area associated with the shepherd's hut. Moreover, the scale of the use will not be unduly large since the hut can only accommodate two people at any one time, meaning the level of paraphernalia and indeed the comings and goings of visitors, will be limited. Indeed, the extent of the visual and noise impacts will not be significant in my view.
28. Furthermore, whilst the LPA indicates that shepherd's huts are not a typical of the Cornish countryside, the development is not located in an isolated and remote location within a field in the open countryside. It is closely related physically to the existing dwellings of Goonbell. Even then, whilst not a traditional Cornish feature, shepherd's huts are increasingly becoming a typical feature of the countryside across the country and are typically read as providing physically unintrusive, holiday accommodation, as is the case here.
29. Moreover, there are bus stops nearby at the junction of Goonbell and Goonown which the appellant submits offer a range of bus services throughout the area. Furthermore, I was able to see from my site visit that Land is within reasonable walking distance of St Agnes which offers facilities and services commensurate with the needs of persons staying for short durations in the shepherd's hut for holiday purposes. The route is well paved and would be a suitably safe and usable route for pedestrians. As a result, I consider the development would be of an appropriate scale to its location and to its accessibility by a range of transport modes.

30. The appellant does not set out what specific economic, social and environmental benefits the development will bring. Nevertheless, by providing suitable accommodation for visitors to the area, it is likely the development will result in increased spend locally in businesses and services which would bring about clear social and economic benefits.
31. The LPA argues that the appellant has not demonstrated “an overriding locational and business need to be in that location”. However, there is no provision within Policy 5.3 for holiday accommodation to demonstrate such a requirement. As a result, taking account all of the above, I conclude that the development will comply with Policy 5 of the LP.
32. The LPA cites an appeal decision from 3 February 2020 in respect of Tresournes Farm¹. However, the appellant in that instance appeared to have advanced a case that the holiday accommodation amounted to farm diversification. That is not the case here. As such, the circumstances are not such that they lead me to a different conclusion.
33. I conclude, therefore, that the Land is a suitable location for residential development. Whilst there will be conflict with LP Policies 3 and 7, I find that, subject to a condition controlling occupancy to holiday accommodation only, the development will comply with LP Policy 5. Moreover, it will comply with LP Policy 2 which states that new development should provide a sustainable approach to accommodating growth, providing a well-balanced mix of economic, social and environmental benefits. There will also be compliance with NP Policy 19 which states that proposals for new tourist accommodation should be accessible to the widest range of transport modes available in the area and should have regard to the need to maintain a range of tourist accommodation types in the parish of St. Agnes. The development will also comply with LP Policy 1 which has a presumption in favour of sustainable development and states that proposals will be approved wherever possible, to secure development that improves the economic, social and environmental conditions in the area. It would also achieve sustainable development as defined in paragraph 8 of the National Planning Policy Framework (the Framework).
34. The development will also comply with Policy C1 of the Cornwall Climate Emergency Development Plan Document (2023) (CEDPD) which seeks to maximise the ability to make trips by public transport, sustainable and active modes of transport in all developments and Policy AL1 which states that low impact residential development will be permitted where it is well-related to a settlement and the travel patterns required for day to day needs can be met sustainably.
35. Finally, the development will comply with paragraph 83 of the Framework which says housing should be located where it will enhance or maintain the vitality of rural communities and paragraph 84 of the Framework which states that decisions should avoid the development of isolated homes in the countryside. It would also comply with paragraphs 88 and 89 of the Framework which set out that planning decisions should enable sustainable rural tourism developments which respect the character of the countryside and should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond

¹ PINS Ref: APP/D0840/W/19/3240028

existing settlements. Whilst paragraph 89 indicates a preference for previously developed land, it is only where suitable opportunities exist.

Character and Appearance

36. Policy 23 of the LP states that development proposals will need to sustain local distinctiveness and character and protect and where possible enhance Cornwall's natural environment and assets according to their international, national and local significance. It goes on to state that development should respect landscape character, taking into account guidance from the Cornwall Landscape Character Assessment (CLCA).
37. The CLCA identifies the Land as lying within the Cornwall Character Area (CCA) 14 St Agnes which covers the coastal area around St Agnes on the north coast of Cornwall. The Land also lies close proximity to CCA09 Silverwell to Camborne, which the CLCA identifies as having rural areas of mixed arable and pastoral landscapes with a medium-scale field patterns of post-medieval origin.
38. The Land also lies within the Cornwall and West Devon Mining Landscape World Heritage Site (WHS). The WHS Management Plan 2020-2025 in its statement of Outstanding Universal Value (OUV) identifies that the landscapes of Cornwall and West Devon were radically reshaped during the eighteenth and nineteenth centuries by deep mining for predominantly copper and tin. The remains of mines, engine houses, smallholdings, ports, harbours, canals, railways, tramroads and industries allied to mining, along with new towns and villages reflect an extended period of industrial expansion and prolific innovation. Mineworkers' smallholdings are identified as one of the attributes which embody the OUV and which impart the distinctive character of the Cornish mining landscape.
39. The Land lies in a landscape which is predominately characterised by a patchwork of small to medium scale fields bound by Cornish hedges which are characteristic of their origins as mineworker's smallholdings in this part of the WHS. These landscapes contrast greatly with the area's heavy industrial past. The settlement pattern is primarily linear with buildings fronting onto roads and constructed mainly in stone and slate.
40. The LPA argues that the Land has the characteristics of open countryside as opposed to the built-up area of the settlement. It identifies the Land as a prime example of the remnants of a mineworker's smallholding. An Ordnance Survey (OS) map extract from 1875 identifies the Land as part of a smallholding. The extract from the Tithe map of the area from 1837-1845 also identifies it as part of a smallholding.
41. The LPA argues that the development cuts through areas of mineworker's smallholdings and reduces how they can be understood in the landscape. They argue that the development will completely overwrite the ability to understand the undeveloped character of the smallholding.
42. However, the development does not appear to alter the field boundaries in their current guise. It appears that the original smallholding as shown on the OS and Tithe plans have altered over time. The shepherd's hut, along with the hardstanding, fencing and associated paraphernalia are sited in the same location as a large agricultural building previously existed. It is indicated that the building was constructed consequent to the grant of planning permission for it in 1989.

43. Indeed, the aerial image from 2012 provided by the appellant indicates that the field boundaries are the same as they are now. As a consequence, I find the development does not materially alter the ability to understand the character of the historic smallholding in this part of the landscape.
44. The LPA argues that the development will result in the visual extension of built development into the open countryside and would appear as a form of sporadic development. They go on to argue that the character of the Land will change from one that appears as an undeveloped parcel of land to one that is clearly residential in nature with all the associated domestic paraphernalia.
45. However, the development is not widely visible from public vantage points and is well screened by vegetation and surrounding development. Moreover, the development is set back behind the extensive built up frontage of the ribbon development on Goonbell, whilst the nature of the topography means it is not readily available or wholly appreciable within the landscape from vantage points in the open countryside to the north and east. Furthermore, the scale and extent of residential paraphernalia will be minimal as a result of the limited number of persons that can be accommodated within the hut, as well as the short periods of time they will stay as a holiday let. As such, I find the development does not appear unduly dominant or obtrusive within the landscape.
46. The LPA also argues that the development increases the density of built development outside of the settlement and appears as an isolated residential unit. However, the ribbon of development in Goonbell has a number of instances where buildings extend northwards into the landscape. Indeed, there is a ribbon of development close to the eastern edge of Goonbell which protrudes into the landscape. As such, whilst the shepherd's hut is around 70m from the bungalow, I nevertheless find the character of the Land is one which is physically and visually relatively contained. Moreover, the scale of the shepherd's hut is such that it does not appear as an extension of the existing built form of the settlement but rather a minor and inconsequential feature within the landscape.
47. The LPA also argues that the shepherd's hut, with its curved roof and glazed fenestration and flues, is not typical feature of the Cornish countryside or the WHS. It does not appear as a miner's smallholding of vernacular appearance. However, whilst the design may not reflect the vernacular architecture of the surrounding buildings in terms of its design and materials, it nevertheless appears as an unobtrusive feature. Indeed, such is the nature of the scale and design of the hut compared to the surrounding buildings, it does not appear as an obtrusive element of built form in stark contrast to the vernacular. Moreover, the siting of shepherd's huts the countryside is a relatively modern addition to the wider landscape and are not an uncommon or particularly unfamiliar feature.
48. I have had regard to the four appeal decisions cited by the LPA with regard to the impact on the landscape in terms of the historical origins of mineworker's smallholdings. In those cases, the respective Inspectors found harm to the WHS as a result of impacts on miner's smallholdings. In contrast, I have not. Thus, those decisions do not lead me to a contrary view.
49. I conclude, therefore, that the development will not have a harmful effect on the character and appearance of the area, and will not unduly harm the authenticity and integrity nor the Outstanding Universal Value of the Cornwall and West Devon

Mining Landscape World Heritage Site. As a consequence, the development will comply with Policy 23 of the LP, as well as policies 2, 12 and 24 which state that proposals should maintain and respect the special character of Cornwall, that development should be high quality design and that development within the WHS should accord with the WHS Management Plan.

50. It would comply with WHS Management Plan insofar as it states that: planning authorities will ensure that new development protects, conserves and enhances the site and its setting (P3); that new development will add to the quality and distinctiveness of the site by being of high quality design (C2); and, the historic character and distinctiveness of the WHS will be maintained (C9).
51. The development will also comply with NP Policy 6 which states that new development must show regard to the distinctive features of St. Agnes parish; including the mining heritage, protected landscape, St Agnes Beacon and coastline, the settlement patterns, key trees, and local building forms and materials. It will also comply with NP Policy 10 which states that proposals for development will be supported where they sustain local character and have appropriate regard to the identity of the local surroundings and do not detract from or have an adverse impact on, and where possible enhance, the characteristics identified as important to the character of the local area in the Cornwall Landscape Character Assessment.
52. Furthermore, it will comply with NP Policy 11 which states that proposals which would impact on the WHS must be in accordance with the WHS Management Plan and NP Policy 19 which states that development should be appropriate in scale and character to its setting and location.
53. It will also comply with Paragraphs 88 and 89 of the Framework which state that planning decisions should enable sustainable rural tourism that respects the character of the countryside and that rural development should be sensitive to its surroundings. There will also be compliance with Paragraph 135 of the Framework which states that developments should be sympathetic to local character whilst paragraph 180 states that decisions should contribute to and enhance the natural and local environment. It will also accord with paragraph 196 of the Framework which states assets such as World Heritage Sites should be conserved in a manner appropriate to their significance. Finally, it will accord with CADPD Policy AL1 which seeks to increase built and natural environment distinctiveness through locally distinctive, high quality and sustainable design.

Special Areas of Conservation

54. LP Policy 23 states that development proposals will need to sustain local distinctiveness and character and protect and where possible enhance Cornwall's natural environment and assets according to their international, national and local significance. The Policy makes clear that the highest level of protection will be given to potential and existing Special Protection Areas. It goes on to state that proposals which have an adverse impact on the integrity of such areas that cannot be avoided or adequately mitigated to remove any adverse effect will not be permitted other than in exceptional circumstances. These circumstances will only apply where there are: a) no suitable alternatives; b) imperative reasons of overriding public interest; and c) necessary compensatory provision can be secured to ensure that the overall coherence of the Natura 2000 network of European sites

is protected. Development will only be permitted where the LPA is satisfied that any necessary mitigation is included such that, in combination with other development, there will be no adverse effects on the integrity of European Nature Conservation Sites.

55. The Land is within the zone of influence of both the Fal and Helford SAC and Penhale Dunes SAC. The qualifying features of the Fal and Helford SAC are identified as saltmarsh, intertidal mudflats, subtidal sandbanks, large shallow inlets and bays, estuaries and reefs. The qualifying features of the Penhale Dunes SAC are identified as shifting dunes along the shoreline. The features of both European Sites are identified as being under pressure from outdoors sports and leisure activities and recreational activities, as well as other human intrusions and disturbances.
56. The development will likely adversely affect the European Sites by way of increased disturbance arising from recreational pressure from occupiers of the shepherd's hut. LP Policy 22 states that for residential development, mitigation measures for recreational impacts on European Sites will be required where development is proposed within the identified zones of influence of those European Sites which are vulnerable to adverse recreational impacts. It states that mitigation measures will include on site access and management and off-site provision of suitable alternative recreational facilities. The Cornwall European Sites Mitigation Supplementary Planning Document 2021 sets out that a contribution of £352 per dwelling is necessary towards mitigation measures in respect of the Fal and Helford SAC whilst a contribution of £180 per dwelling is necessary in respect of the Penhale Dunes SAC.
57. A signed and completed legal agreement has been provided. It provides for a payment of £532.00 to the LPA to address the requirements of the relevant LP Policies and to confirm that a mitigation contribution for the two identified European Sites has been paid to the LPA for the defined purposes to be held by the LPA and used solely for those purposes. The LPA has confirmed the appropriate payment has been received. I consider the contribution is necessary and there is sufficient legal commitment to guarantee that the contribution would be used for its intended purpose.
58. To that end, I find the adverse effects of the proposal on the integrity of the Fal and Helford SAC and the Penhale Dunes SAC would be avoided. For these reasons, the proposal would not harm the integrity of the Fal and Helford SAC or the Penhale Dunes SAC.
59. I conclude, therefore, that the development provides suitable mitigation for impacts on the integrity of the Penhale Dunes and the Fal and Helford Special Areas for Conservation and will not harm biodiversity. As such, the development complies with LP Policy 22 and 23, as well as the provisions of the Framework.

Conditions

60. For the reasons given above, it is necessary to impose a condition which restricts occupancy of the residential use to holiday accommodation only.
61. The LPA states that a condition should be imposed which states that no development shall take place until full details of the finished floor levels have been submitted. However, the development has already taken place. Moreover, I see no

compelling reason why it is necessary for the finished floor levels to be agreed. As a result, I find such a condition is not necessary.

62. Likewise, a condition as suggested by the LPA which seeks to prevent the residential use being used as a second home or holiday letting is at odds to the basis on the which the appeal is to be allowed and the imposed condition requiring the accommodation to be used only in that manner. As such, the suggested condition is not necessary.

Conclusion

63. Paragraph 11 of the Framework is clear that development proposals that accord with an up-to-date development plan should be approved without delay. I find the development accords with the development plan taken as a whole as well as the policies within the Framework as a whole. There are no adverse impacts of granting permission and in accordance with paragraph 11 of the Framework, permission should be approved.
64. Consequently, for the reasons given above, I conclude that the appeal succeeds on ground (a). I shall grant planning permission for the development as described in the notice, as corrected. The enforcement notice will be corrected and quashed.
65. In these circumstances the appeal on ground (f) does not fall to be considered.

J Whitfield

INSPECTOR