



Appeal Decision

Site visit made on 13 July 2026

by Robin Buchanan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 July 2026

Appeal Ref: APP/D0840/C/25/3364019

2 Battery Terrace, Mevagissey, Cornwall PL26 6QS

- The appeal is made under section 174 of the Town and Country Planning Act 1990, as amended (the Act).
 - The appeal is made by Mr David Wright against an enforcement notice issued by Cornwall Council.
 - The notice was issued on 27 March 2025.
 - The breach of planning control as alleged in the notice is 'Without planning permission, the construction of a timber, concrete and gravel raised platform and solar panel array'.
 - The requirements of the notice are to:
 - (1) Remove the solar array in the approximate location marked with a black A, from the land outlined in red on the attached plan.
 - (2) Remove the timber, concrete and gravel raised platform in the approximate location marked with a black B, from the land outlined in red on the attached plan.
 - (3) Remove from the land all materials and debris resulting from compliance with the requirements of 1 and 2 above and restore the land to its former condition before the breach took place.
 - The period for compliance with the requirements is: three months.
 - The appeal proceeds on the grounds set out in section 174(2)(a), (e) and (g) of the Act. 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.
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Decision

1. The appeal is dismissed and the enforcement notice is upheld. Planning permission is also refused on the application deemed to have been made under section 177(5) of the Act.

Ground (e)

2. Ground (e) is that copies of the enforcement notice were not served as required by section 172 of the Act. The appellant argues that the signature of the Council's designated officer in the notice is illegible and there is no printed name. However, neither of these alleged defects is a requirement for service of a notice in section 172 – which is about serving everyone who has an interest in the land with a copy of the notice and the timing of service. The appellant advanced no complaint in these two regards. Whether or not the officer 'held proper authority' to issue the notice would have needed to be the subject of an application for judicial review and is not within the scope of this appeal. For these reasons, ground (e) fails.

Ground (a)

Background and Main Issues

3. The deemed application for planning permission in ground (a) is for the matters in the alleged breach of planning control in the notice, as set out in the 4th bullet point in the banner heading above. Part of the solar panel array is attached to the timber,

concrete and gravel raised platform but these are otherwise two discrete, severable structures. This is also borne out by the separate requirements 5(1) and 5(2) of the notice. I can consider a split decision for each of these parts of the matters under section 177(1)(a) of the Act. Consequently, the main issues are the effect of the platform and the effect of the array on the Cornwall National Landscape, the setting of Mevagissey Conservation Area and the setting of listed buildings.

Platform and array

4. Some of the land in front of the house at No.2, separated by Battery Terrace cul-de-sac, appears to be used as a garden. But for the presence of the platform and array, this mostly open and undeveloped plot slopes steeply down, facing towards Mevagissey harbour with a panoramic aspect, similar in these regards to the plots in front of the other houses in Battery Terrace.
5. Approximately half of the platform is a flat rectangular concrete slab, laid flush with the grass at ground level either side of it. This shallow terrace has a low concrete blockwork wall behind and is retained at the front by a low stack of recycled timber sleepers either side of the slab. The other half is a wider rectangular gravel surface. It juts out beyond the concrete slab, progressively further above and beyond the slope, and is retained by a much taller stack of sleepers to form an elevated plinth. Although the platform is set in from the side boundaries of the plot and sited towards the top end, leaving much of it open and planted (including but for the array), this structure as a whole is extensive in area. Furthermore, the raised gravel part is notably more angular and box like than the concrete part with more substantial vertical and horizontal scale and massing.
6. From Battery Terrace above and the public footpath that arcs past below, I saw some raised platforms and similar structures in the other plots. These include concrete and gravel surfaces with timber sleeper, concrete, stone or block paver retaining walls or edging. While some are comparable or more extensive than the platform, most are more frequently terraced and follow the natural slope more closely, without such a large, consolidated surface area or abrupt, pronounced visual or physical presence. Outbuildings are not directly comparable structures.
7. I saw no solar panel arrays in the other plots and none were pointed out to me by the main parties. The black panels in the array sit up at a greater angle than the slope and are edged or divided with silver beading. They are supported underneath by a metal frame, with legs piled into the ground on the lower side and the upper side screwed or bolted to timber sleepers in the front face of the gravel part of the platform. The fairly large surface area stretches across almost the full width of this part of the platform in a single plane, from ground level to the upper edge, and most of the width of the plot to cover an appreciable proportion of it..

Cornwall National Landscape (CNL)¹

8. Paragraph 187 of the National Planning Policy Framework (NPPF) includes that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. The CNL is a nationally designated protected landscape and, as such, also a valued landscape. NPPF paragraph 189 confirms that National Landscapes have the highest status of protection in relation to conserving and enhancing landscape and scenic beauty. In

¹ Formerly known as the Cornwall Area of Outstanding Natural Beauty (AONB).

addition, that the conservation and enhancement of cultural heritage in these areas is an important consideration and where the scale and extent of development should be limited².

9. The special qualities of the South Coast Central section of the CNL include the historic fishing village of Mevagissey, now also a tourist destination. The mainly traditional layout of houses and plots make a positive contribution to the cultural significance of the village townscape in this part of this landscape, including these plots at Battery Terrace. Amongst other things, the condition of the landscape in this part of the CNL, at Mevagissey, is acknowledged to be undermined by the intrusive design and scale of some modern external works that do not respect local character. This is at odds with objectives for the CNL, which include to maintain local distinctiveness, sense of place and the essence of Cornish culture³.
10. I accept that the materials used to construct the platform broadly reflect some of the similar structures in the other plots. Nevertheless, although the concrete part is relatively innocuous in visual and physical presence, the raised, discordant gravel part is not. Nor is the array, which is also incongruous in form and purpose and an anomaly in its immediate surroundings. Moreover, the platform as a whole is not limited development in this context, nor is the array and neither of these modern external works are characteristic in this road.

Mevagissey Conservation Area (MCA), including listed buildings (LBs)

11. Conservation Areas and listed buildings are designated heritage assets⁴. NPPF paragraph 202 confirms that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance.
12. The extract of the Council's MCA plan essentially covers the harbour, including water environment and the quayside/walls and breakwaters which are Grade II* listed buildings. In addition, buildings wrapping around the harbour sides on rising ground and in-depth to the northwest, over other parts of the historic village core. The extract of the Council's listed buildings plan also shows many Grade II listed buildings in these parts of MCA.
13. The platform and array are not in MCA but the boundary of this Conservation Area runs near the bottom edge of the plots in Battery Terrace. They still form a mainly open, green finger in the immediate surrounding setting of this part of MCA, including as would have the entire plot at No.2. This locally distinctive feature separates some of the lower, older, more historic parts of the village within or on the edge of MCA from some upper, newer parts beyond it, as can be seen from Battery Terrace and the public footpath. I also saw this can be noticed in longer views from the south side of the harbour lower down and rising ground, including part of a coastal path and some public open space on the headland and from along Polkirt Hill.
14. The platform as a whole and the array are each more than limited development and not a prevalent type of built form in these plots. Both of these structures can be seen in public views above the general hedge line from the places mentioned above, despite an anti-glare coating on the panels (the reflection in the aerial image provided by the Council is not a public viewpoint and there is anyway little evidence

² Also reflected in the Countryside and Rights of Way Act 2000 and the Levelling-up and Regeneration Act 2023 (as amended).

³ Cornwall AONB Management Plan 2022-2027.

⁴ NPPF Annex 2: Glossary.

of the same or similar glare from normal vantage points). By extent and this encroachment, each structure erodes the green finger and undermines this part of the setting of MCA, blurring the separation and distinction between development in MCA and in its immediate surroundings. The negative presence of the platform and array in the setting of MCA therefore do not preserve the character or appearance of this part of MCA as experienced from within and next to it, or MCA overall⁵.

15. The significance of the LBs that I saw includes their location and residential, maritime or other uses, as well as their intrinsic architecture and design. These features reflect the historic pattern and layout of the village and harbour or activity in it. The LBs therefore also make an important positive contribution to the significance of MCA.
16. Some LBs face towards the platform and the array from across other sides of the harbour but have a distant relationship. Those closer are separated by intervening built form or topography, with little or no direct intervisibility. In my view, this means that the platform and array are not within the individual immediate setting of many of these LBs or have no meaningful impact on the ability to appreciate their significance. Even the closest LBs in MCA, on the south side of the public footpath, have a main orientation and aspect towards the harbour, set lower down the slope with a diminutive secondary visual and physical relationship to the plot.
17. Consequently, I find no direct harm to, or loss of, the significance of the LBs. The neutral effect of the platform and array on the special architectural and historic interest of the LBs preserves them and their settings⁶, which in turn maintains their contribution to the character and appearance of MCA.

Conclusion on the Development Plan

18. For the reasons outlined above, the platform and array are contrary to Policies 2, 12, 23 and 24 of the Cornwall Local Plan, November 2016 (CLP), Policies D1, D5 and EG3 of the Mevagissey Parish Neighbourhood Development Plan, February 2018 (MNP) and Policy C1 of the Climate Emergency Development Plan Document, February 2023 (CEDPD).
19. These policies include that development should maintain and respect the special local character and enduring identity, significance and distinctiveness of Cornwall and should harmonise with its surroundings having regard to its location, design, setting, size, scale, layout, height, mass, topography and continuity with existing built form. It should also respect and be in sympathy with the historic and cultural sensitivity and value of the landscapes, townscapes and maritime environments such as harbours, including the setting of designated historic assets and take account of cumulative impact.
20. The Council also cited MNP Policy HC1 but it is concerned with development in Conservation Areas so does not apply. It also referred to CLP Policy 1 which in essence sets out the presumption in favour of sustainable development in NPPF paragraph 11(d)(i), i.e. the 'tilted' or 'weighted' balance. This is not engaged in this case, including by virtue of NPPF footnote 7 because the application of policies in the NPPF that protect areas or assets of particular importance (in this case the CNL and MCA) provide a strong reason for refusing the development.

⁵ Section 72(1) - Planning (Listed Buildings and Conservation Areas) Act 1990, as amended.

⁶ Section 66(1) - Planning (Listed Buildings and Conservation Areas) Act 1990, as amended.

Other Considerations and Public Benefits

21. The array replaced a much larger solar panel array, more conspicuous and prominent higher up in the plot, previously refused planning permission then removed after enforcement action. Subsequent written Council Officer advice was given without prejudice. Even though the array is notably smaller, sited lower down on the plot and of necessity a modern structure (not a local vernacular), I have not been informed the appellant asked for further advice about this specific proposal (or the platform) or sought a formal grant of planning permission before it was erected. I accept that the array could be removed relatively easily, but it is evidently intended to have some longevity meantime and this perpetuates the harm identified earlier. These considerations therefore have limited weight in support of the appeal.
22. The Council decided it was expedient to take enforcement action and that is a matter for it, not me. It provided a copy of a 2015 letter from the Government's (then) Chief Planner which includes making intentional unauthorised development a material consideration. There is no dispute that the development in this case is unauthorised, but I have not been expressly informed the Council believes it was intentional, considering also that the appellant believed he was acting on his understanding of the Council's advice.
23. As in the other plots, the platform provides additional, more useable private outdoor amenity space for domestic activity. But I do not know if planning permission has been granted for these other structures, including whether they are permitted development⁷. Nor if any are lawful for another reason, such as by the passage of time or a lawful development certificate. In these circumstances, the existence of this other development is largely a neutral factor in my decision. I appreciate that this is a small part of the CNL and the setting of MCA. Nonetheless, where a grant of express planning permission is required, the Council seeks to maintain a strong sense of place and protect what remains of these mainly natural plots from further unacceptable loss or degradation, including adverse piecemeal or cumulative change, such as in this case. These considerations therefore also have limited weight.
24. Planning conditions could secure further details of new planting I saw on the plot, such as along the side boundaries of the garden or the edges of the platform or array and also for new fences. The bottom of the garden is already dense shrubs. But boundary treatments or landscaping would need to be circumspect of direct sunlight falling on the array, thus it needs to remain unobstructed. Such measures alone should not, anyway, be used to screen development that is fundamentally unacceptable to begin with. I am satisfied that conditions could not overcome the harm in this case.
25. The appellant generates renewable energy (electricity) from the array to help meet his household's energy needs, with no gas supply. This innovative approach aligns with some environmental objectives of the Council⁸. Nonetheless, it has not been shown that a ground array (as opposed to building mounted) in this domestic situation is the only option and given a location that is for planning purposes less conducive to such installations. There is also little evidence that the array must be this size or design and in this position to achieve these or similar outcomes. These

⁷ The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

⁸ Such as part of CEDPD Policy C1 and MNP Policy D6, though not other parts or therefore in overall accordance with these policies.

are, anyway, largely private benefits. I accept that the array mitigates use of fossil fuels and the impact of greenhouse gases on climate change in the wider public interest. But there is little to counter that the offset in these regards is small and, for example, I have not been informed that excess electricity is sent to the national grid. As a result, though important these considerations have modest weight.

26. I have distinguished between the concrete and gravel parts of the platform because I consider they are also potentially severable structures. I further appreciate that in design or extent the platform and array could be altered. However, this is not the development pursued by the notice, which is what is under consideration in ground (a). In any event, there is no ground (f) to consider another scheme in relation to the requirements of the notice and, anyway, no specific obvious alternative before me. I am therefore not able to make any split decision.
27. Development is usually considered on its individual merits. But the homogeneity of these plots means that if planning permission was granted for the platform and array pursued by the notice, there would be a real prospect of the same development overwhelming this part of the CNL and this part of the setting of MCA. Though not determinative, this adds further weight against the appeal.

Other Matters

28. The Council draws on its officer report for the larger refused solar panel array. However, I am satisfied that its detailed appeal statement has addressed the smaller array (and the platform) the subject of the notice.

Heritage and Planning Balances

29. In accordance with NPPF paragraph 189, I give great weight to conserving and enhancing landscape and scenic beauty in National Landscapes. The platform and array do not conserve or enhance the landscape or scenic beauty of this part of the CNL, or the CNL overall. Moreover, the significant harm caused by both structures in these regards also detracts from features which are important to the conservation and enhancement of cultural heritage in the CNL.
30. As required by NPPF paragraph 212, in considering the impact of development on the significance of a designated heritage asset, I give great weight to its conservation irrespective of the level of harm. Notwithstanding no harm to the setting of the LBs (itself a matter of considerable importance and weight), the platform and array cause less than substantial harm to the significance of MCA by virtue of this development within its setting. Furthermore, the loss of significance is without a clear and convincing justification, necessary under NPPF paragraph 213 and does not override the presumption in favour of preservation having regard to caselaw put to me⁹.
31. The individual or cumulative modest public benefits do not, therefore, outweigh significant harm to the CNL and less than substantial harm to MCA. There are no other considerations to indicate that ground (a) should be determined otherwise than in accordance with the development plan taken as a whole¹⁰.

⁹ *Barnwell Manor Wind Energy Limited v (1) East Northamptonshire District Council (2) English Heritage (3) National Trust (4) SSCLG* [2014] EWCA Civ 137, *North Norfolk D.C. v. SSCLG and Mack* [2014] EWHC 279 (Admin).

¹⁰ Section 38(6) – Planning and Compulsory Purchase Act 2004 (as amended).

Conclusion on Ground (a)

32. Consequently, for the reasons given above, the timber, concrete and gravel raised platform and the solar panel array are unacceptable development and planning permission should not be granted for either. Accordingly, ground (a) fails.

Ground (g)

33. For ground (g) to succeed, the appellant must demonstrate that the three month period specified in the notice to take the steps required by it falls short of what should be reasonably allowed.
34. The appellant argues that twelve months would include time to complete works to mitigate the presence of the platform and array on the land. But given the outcome of ground (a) in this appeal, there is no basis for such works. I have not been informed that the array is the only means of electricity supply at No.2, nor that the platform is the only external amenity area for the appellant and his family.
35. I acknowledge the personal circumstances raised by the appellant. However, more than a year has passed and some were said to be temporary in nature. Moreover, and in any event, while I sympathise with the appellant in these regards, they are not the matter in hand in ground (g). There is little evidence that removing the array by dismantling it into constituent parts would be anything other than relatively straightforward and, for instance, within the means of the appellant. Though routine work for a builder, I accept that removing the platform would likely require some specialist equipment or machinery and workers, considering also topography and the limited means of access by narrow steps. Nevertheless, there is little evidence that a suitable contractor could not be secured and the requirements of the notice completed within the three month period. I therefore see no apparent justification for an additional period, including up to the further nine months the appellant seeks.
36. The Council has referred to its discretion under section 173A(1)(b) of the Act to extend the period for compliance, such as to reflect personal circumstances or facilitate a planning application for any amended proposal. But that would be a separate matter for the parties.
37. Consequently, on the evidence before me, the three month period in the notice to take the steps required by it does not fall short of what should reasonably be allowed. Accordingly, ground (g) fails.

Overall Conclusion

38. Given that grounds (a), (e) and (g) all fail, the appeal does not succeed and I will uphold the notice.

Robin Buchanan
INSPECTOR