Planning Inspectorate

Appeal Decision

Site visit made on 3 November 2026

by V Goldberg BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 November 2026

Appeal Ref: APP/D0840/C/25/3374560
Little Trewince, Stithians, Cornwall TR3 7BZ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Byron Carter against an enforcement notice issued by Cornwall Council.
- The notice was issued on 12 September 2025.
- The breach of planning control as alleged in the notice is: Without planning permission, the construction of a timber chalet for residential use and the siting of a timber clad caravan for residential use, and the associated material change of use of the land to a mixed use comprising of residential and boat storage as approved and conditioned under PA06/02182/F.
- The requirements of the notice are to:
  (1) Cease the residential use of the land outlined in red on the attached plan.
  (2) Cease the residential use of the caravan shown in the approximate location by a Blue 'B' on the attached plan and remove it from the land outlined in red on the attached plan.
  (3) Remove all services connected to the caravan for the purposes of independent human habitation, including but not limited to electric cabling, water pipes, sewage pipes, gas bottles etc.
  (4) Demolish and remove from the land the chalet shown in the approximate location by a Blue 'A' on the attached plan.
  (5) Remove all services connected to the chalet for the purposes of independent human habitation, i.e. electric cabling, water pipes, sewage pipes, gas bottles etc.
  (6) Remove from the land all structures, materials, paraphernalia and debris resulting from the residential use of the land.
  (7) Remove from the land all materials and debris resulting from compliance with the above requirements and restore the land to its former condition before the breach took place.
- The period for compliance with the requirements is 12 months after this notice takes effect.
- The appeal is proceeding on the grounds set out in section 174(2)(a) 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.

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

The Enforcement Notice

1. Requirement (1) of section 5 of the notice requires the residential use of the land to cease. However, the allegation refers to the material change of use to a mixed use comprising residential use and boat storage. I shall therefore vary Requirement (1) to require the cessation of the mixed use to align the requirement with the allegation. This variation does not change what must cease in practice: ending the residential use brings the mixed use to an end, and boat storage may continue in accordance with planning permission PA06/02182/F and its conditions. As a result, the variation would not cause injustice to either party.

Preliminary Matter

2. At the time of my visit, the timber-clad caravan had been disconnected from its services and moved to the front of the appeal site, amongst other items in the

storage area. The caravan remained within the land outlined in red on the enforcement notice plan.

Appeal on Ground (a) and the Deemed Application for Planning Permission

3. An appeal under ground (a) is that planning permission should be granted for the matters alleged.

4. The matters alleged comprise both operational development and a material change of use. The operational development is the construction of the timber chalet for residential use. The material change of use is to a mixed use comprising residential use, including the siting of the timber-clad caravan for residential use, and boat storage. The boat storage component is the use approved under, and subject to the conditions of, planning permission PA06/02182/F.

5. Whilst the appellant has confirmed that permission is not sought in respect of the timber-clad caravan, it remains part of the allegation in the notice. Its exclusion from my consideration under ground (a) does not remove it from the scope of the notice. Accordingly, I shall retain the caravan in the allegation and leave unchanged the requirements of the notice insofar as they require its removal.

6. The **main issues** are:

   - whether the timber chalet is suitably located, having regard to the Council's spatial strategy;
   - the effect of the timber chalet and the mixed use on the character and appearance of the countryside; and
   - the effect of the development on the local road network and whether occupiers would have reasonable access to everyday services and facilities by modes of transport other than private car.

Reasons

Location

7. The Cornwall Local Plan (Local Plan) defines open countryside as the area outside the physical boundaries of existing settlements where they have a clear form and shape. The appeal site lies between Rame Cross and Stithians, the nearest settlements. Both appear to have a clear form and shape, with built development marking the transition into each settlement. The site lies some distance from both settlements and outside their physical boundaries. It is therefore within the countryside as defined in the Local Plan.

8. Policy 7 of the Local Plan restricts new housing in the countryside to special circumstances. The exceptions relevant to this appeal are replacement dwellings; temporary accommodation for workers to support established and viable rural businesses where there is an essential need for a presence on the holding; and accommodation for full-time agricultural, forestry and other rural occupational workers.

9. The appellant advises that the chalet is required on site to provide security for the business, including theft prevention and access control, and to assist with livestock management. He reports minor thefts in the past and confirms that the premises have CCTV and are locked at night. He explains that security is intended to prevent

major theft and consequent damage to the business's reputation, and that it is both a customer requirement and an advertised selling point on the business's website. While these matters explain the importance of security to the business, they do not demonstrate why residential occupation of the chalet is essential, or why the existing measures, supplemented by improvements to security at the site entrance, if necessary, would be insufficient. The chalet is also positioned away from the storage area, limiting oversight of that area and the entrance. Moreover, even if the criteria for the established and viable rural business exception were met, it would support only temporary accommodation, not the permanent retention of the chalet for residential use sought.

10. The appellant refers to around 15 Highland cattle of a special breed, which he describes as contributing to sustainable farming. However, the information provided does not explain what their management involves or why it requires someone to live on the site. The appellant also states in his response to the Planning Contravention Notice (PCN) that agriculture is not his main source of income. Whilst this does not, by itself, determine whether he works full-time in agriculture, the evidence before me does not establish that he does. I therefore find that the agricultural worker exception in Policy 7 does not support the residential use of the chalet.

11. Reference has also been made to the chalet replacing a dwelling constructed in 2019. Paragraph 2.34 of the supporting text to the Local Plan states that the replacement of existing lawful dwellings will be supported. Policy 7 requires a replacement building to be broadly comparable in size, scale and bulk to the dwelling being replaced and of an appropriate scale and character to its location. However, the evidence before me, including the planning history, does not establish that the previous building was a lawful dwelling. Separately, the Council has advised that the current chalet is materially larger than the building it replaced. In the absence of evidence of the size, use and design of the previous building, I cannot establish that the chalet is broadly comparable in size, scale and bulk to the dwelling it is said to have replaced.

12. The appellant asserts that the chalet makes use of previously developed land, relying on the planning history of the storage building and its associated access and hardstanding. However, the chalet is in a largely undeveloped part of the site, away from the established storage area. The evidence about the storage use does not establish that the chalet and its domestic surroundings occupy previously developed land. Nor does the presence of the former building or the claimed retention of a steel-clad wall, on the evidence before me, establish that this part of the site was lawfully developed. I therefore find that the claimed reuse of previously developed land does not lend support to the development under Policy 21 of the Local Plan.

13. Policy AL1 of the Climate Emergency Development Plan Document (DPD) supports low-impact residential development where it forms part of a regenerative use of land and meets the policy's criteria. I have taken account of the appellant's reported rewilding, native tree planting and additional hedging, as well as his plans for further improvements. However, the evidence does not demonstrate how residential occupation of the chalet is linked to a regenerative use of the land that would support a sustainable lifestyle for its occupants, or how the proposed environmental improvements would be secured through a binding action plan. I

therefore find that Policy AL1 does not provide an alternative basis for permitting the residential development in this countryside location.

14. For the above reasons, it has not been demonstrated that the timber chalet meets the relevant exceptions for housing in the countryside. I therefore conclude that it is not suitably located, having regard to the Council's spatial strategy. It consequently conflicts with Policies 2, 3 and 7 of the Local Plan, which together guide the location of housing development and restrict new homes in the countryside to specified circumstances.

Character and appearance

15. The appeal site lies in the countryside adjacent to the Carnmenellis Area of Great Landscape Value (AGLV) and within area CCA 10 Carnmenellis of the Cornwall Landscape Character Assessment. The assessment describes an elevated, undulating granite plateau with an open, exposed character and few trees on the higher ground. The landscape comprises predominantly pasture and rough grazing, with fields bounded by Cornish hedges or hedgerows. The southern part of the appeal site, away from the storage use, contributes positively to this open, pastoral character.

16. At paragraph 4.29 of its appeal statement, the Council states that the site lies within the Carnmenellis AGLV. The appellant disputes this, stating that the AGLV adjoins the site to the east but does not include it. The appellant's account is consistent with paragraph 2.3 of the Council's statement. On the basis of the information before me, I have therefore assessed the site as adjacent to, rather than within, the AGLV.

17. Although the chalet is modest in size and its timber cladding gives it a rural appearance, the effect of the development depends on more than its external materials. The appellant refers to timber cladding on three sides and the use of a pre-existing steel-clad wall on the fourth. He also cites nearby examples of timber-clad houses, including those at Little Rame Farm (PA20/09672), the substantial steel-clad Feritech Global building and a timber stable block in the adjoining field (PA23/09064). I accept that timber and metal cladding are not inherently out of keeping with a rural setting. However, the presence of such materials on other buildings does not establish that the chalet is appropriate in its location. Here, it extends built form into the undeveloped southern section of the site, which contributes positively to the open, pastoral character of the countryside.

18. Additionally, the chalet's domestic-style windows and glazed door, with curtains visible behind the glazing, give it the appearance of residential accommodation. The surrounding lawn, potted plants, gravel paths, washing line, timber-edged growing bed and children's play equipment reinforce this impression, creating a domestic garden setting. Taken together, the building's detailing and the garden features associated with the residential component of the mixed use erode the open, pastoral character of this part of the site.

19. For the above reasons, the timber chalet and the mixed use adversely affect the character and appearance of the countryside. The development therefore conflicts with Policies 12 and 23 of the Local Plan, which together seek to ensure that development responds appropriately to its landscape setting and sustains local distinctiveness and character. The erosion of the site's open, pastoral character also conflicts with criterion 7 of Policy C1 of the DPD, insofar as it seeks to

conserve the natural environment and reinforce local distinctiveness through design.

Local road network and access to services

20. The appeal site lies approximately 0.8 km to the north of Rame Cross and 2 km southwest of the village of Stithians. The road that connects these settlements is a single carriageway without a footway.

21. The notice identifies two transport concerns: the traffic generated by the residential use and occupiers' reliance on private vehicles to reach everyday services and facilities. In considering those concerns, I have had regard to Policy 27 of the Local Plan, which seeks safe and suitable access and the avoidance of significantly adverse impacts on the road network, and to Policy T1 of the DPD, which seeks to minimise the need to travel and prioritise sustainable modes of transport.

22. The Council considers that occupiers would be likely to rely on private vehicles because of the distance from the site to facilities in Rame Cross and Stithians and the limitations of the road linking the two settlements. The road is narrow in places and lacks a footway. I accept that the distance and road conditions would make walking or cycling to either settlement less attractive.

23. However, the bus service provides a practical alternative to the private car for some everyday journeys. It operates every 1.5 hours during the day, with three services on Sundays, providing a regular service in this rural context. The appellant explains that he uses it to access the school and other facilities. Although daytime-only operation and the more limited Sunday provision would restrict the journeys that could be made, the service offers an alternative means of accessing services and facilities.

24. The residential occupation of the chalet would be likely to generate some vehicle trips. However, having regard to the modest scale of the accommodation and the availability of the bus service, which the appellant reports using, I am not persuaded that its occupation would generate traffic of a scale that would cause an adverse impact on the road network. Nor does the evidence demonstrate that occupiers would be dependent on a private vehicle for all journeys.

25. For the above reasons, the development has an acceptable impact on the local road network and occupiers would have reasonable access to everyday services and facilities by modes of transport other than the private car. In respect of these matters, I find no conflict with Policy 27 of the Local Plan or Policy T1 of the DPD.

Alternative Scheme

26. Section 177(1) of the Act allows planning permission to be granted for the whole or any part of the matters alleged in the notice. The appellant suggests that the chalet could be retained for a non-domestic use to support agriculture and the boat storage business, keeping the water and electricity supplies that he says have been in place for more than 20 years, and limiting the notice to the area around the chalet and its access.

27. Ending the residential use and removing the associated garden features would reduce the domestic character of this part of the site. However, even if the chalet were used only to support agriculture and the boat storage business, the building would remain in the largely undeveloped southern part of the site, away from the

established storage area. Its presence would continue to erode the open, pastoral character of that part of the countryside. The proposed non-domestic use therefore does not overcome the harm arising from the chalet's siting and does not justify a grant of planning permission for its retention.

Other Considerations

28. The appeal site lies within the zone of influence of the Fal and Helford Special Area of Conservation, and the appellant has submitted a unilateral undertaking intended to secure a contribution towards recreational mitigation. However, I have found the development unacceptable for the reasons concerning its location and its effect on the character and appearance of the countryside. It is therefore unnecessary to reach a concluded view on the adequacy of the undertaking or to undertake an appropriate assessment in this case. These matters would require resolution before planning permission could be granted.

29. The appellant reports that he has lived on the appeal site since 2007 and that he previously lived on adjoining land from 1994. In his response to the PCN, he explains that he runs his own business and cares for his elderly mother, who lives next door, and her cattle. He says that the site is the only place where he and his family can feasibly afford to live and where he can work without outside assistance. In his later comments, he refers to the shortage of affordable housing in Cornwall and describes his reasons for living on the site as more functional than financial. I have taken account of his longstanding ties to the area, his caring responsibilities and the financial constraints he describes. His account explains his concerns about finding alternative accommodation but does not establish that no suitable accommodation would be affordable for his household. Upholding the notice would result in the appellant and his family losing their home, causing significant hardship and disruption. I give that hardship considerable weight, but it does not outweigh the harm identified above. I therefore consider that the interference with the appellant's right to respect for his home would be proportionate.

Planning Balance and Conclusion

30. Retaining the chalet would make a modest contribution to local housing supply by providing one home. It would also allow the appellant and his family to remain in their home and avoid the significant hardship and disruption identified above. I give considerable weight to those personal circumstances, separately from the modest contribution to housing supply.

31. I acknowledge the appellant's reported rewilding, native tree planting and additional hedging. However, the evidence does not show that granting permission for the development would secure the retention of those improvements or the delivery of further works. I therefore do not weigh them as benefits of granting permission.

32. Having regard to the presumption in favour of sustainable development in Policy 1 of the Local Plan, I find that the development conflicts with the development plan taken as a whole.

33. Policy S3 of the National Planning Policy Framework sets out the presumption in favour of sustainable development, which is applied outside settlements through Policy S5. For the reasons given above, the evidence does not show that the chalet is necessary for agriculture or for the operation of the boat storage business, or that it replaces a lawful dwelling. I have also considered the appellant's reference to a

shortage of affordable housing in Cornwall under Policy S5(1)(j). Even accepting that there is an evidenced unmet housing need, the site is separated from the built-up areas of both Rame Cross and Stithians by intervening countryside and is not physically well-related to either settlement. The availability of a bus service does not change that physical relationship. Nor, in the absence of a demonstrated need for on-site accommodation, is there anything about the nature of this dwelling that makes a location physically well-related to a settlement inappropriate. The development therefore does not fall within Policy S5(1)(j) or any other relevant category in Policy S5(1).

34. In applying Policy S5, I weigh the modest contribution to local housing supply and the considerable weight I give to avoiding the loss of the appellant's family home against two distinct adverse findings. First, retaining the residential development in this location, without a demonstrated justification for housing outside settlements, conflicts with the spatial strategy. Second, the chalet and its domestic setting harm the character and appearance of the countryside by eroding the open, pastoral character of this part of the site. Taken together, the considerations in favour do not substantially outweigh those adverse effects. The exceptional circumstances required under Policy S5 have therefore not been demonstrated.

35. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the deemed application to be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, neither the Framework nor any other material considerations indicate that permission should be granted despite that conflict.

36. For the reasons given above, the appeal under ground (a) fails.

The ground (f) appeal

37. An appeal under ground (f) is made on the basis that the steps required by the notice exceed what is necessary to remedy the breach of planning control or, as the case may be, any injury to amenity caused by the breach.

38. The notice, as varied, requires the mixed use to cease and both the caravan and the chalet to be removed. I therefore find that its purpose is to remedy the breach of planning control.

39. The appellant asserts that the notice covers too large an area. He contends that the site comprises two planning units and that the notice should be limited to the land immediately around the chalet and its access. He also proposes retaining the chalet for non-domestic use and keeping the water and electricity supplies that he says have been in place for more than 20 years.

40. Appendix F1 shows that the red line for planning application PA06/02182/F encloses a smaller area than the enforcement notice. The appellant's proposed boundary in Appendix F2 includes the approximate original position of the caravan but excludes the northern boat storage area. Although the appellant did not seek planning permission for the caravan under ground (a), its siting for residential use remains part of the material change of use alleged in the notice. The chalet and caravan provided separate accommodation, but both shared access with the boat storage business, and the appellant's own case is that living in the chalet enables him to provide security and manage access for that business. The shared access and that functional link support treating the residential areas and the northern boat

storage area as part of the same planning unit. The smaller application boundary does not alter that conclusion because it shows the extent of the earlier application, not how the wider site was later used. I therefore find that the notice boundary need not be reduced as proposed. Separately, requirement 7 does not require physical restoration of land unaffected by the breach.

41. I have considered the merits of retaining the chalet for non-domestic use under ground (a). For the reasons given above, that proposal does not justify granting planning permission. Furthermore, for ground (f), ending the residential use while retaining the chalet would not remedy the separate breach arising from its construction. Demolition and removal under requirement 4 therefore do not exceed what is necessary to remedy that part of the breach. Requirements 3 and 5 apply to services connected to the caravan and chalet for independent human habitation. They do not require the removal of pre-existing water or electricity supplies insofar as those supplies serve the land or boat storage business independently of the residential connections. I therefore find that removing connections that served the residential use does not exceed what is necessary to remedy the breach.

42. The appellant has not identified, and I am not aware of, any other lesser steps that would remedy the breach. I therefore find that the requirements of the notice, as varied, do not exceed what is necessary to remedy the breach of planning control. The appeal under ground (f) fails.

Conclusion

43. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with a variation 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

44. It is directed that the enforcement notice is varied by:

- deleting the wording of Requirement (1) of section 5 of the notice and substituting the following:

  "Cease the mixed use comprising residential use and boat storage as approved and conditioned under PA06/02182/F".

45. Subject to the variation, 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).

V Goldberg

INSPECTOR