

James Evans BA (Hons) AssocRTPI  
Independent Planning Consultant  
Email: [james@evansplanning.co.uk](mailto:james@evansplanning.co.uk)  
Mobile: 07763007794  
Website: [www.evansplanning.co.uk](http://www.evansplanning.co.uk)



**Variation of Conditions 6 and 8 attached to Approved Planning Application PA15/09393 for the *'Change of use and conversion of barns to provide 1 residential dwelling, 1 holiday unit, the conversion of the dairy barn to provide a wedding and events barn, and the adjoining workshop to provide a ceremony room and shop with associated works'* at Chypraze Farm, Morvah, Pendeen TR19 7TU to allow for use of the wedding/ events barn by members of the public during day hours and to allow for the sale of refreshment items produced off-site**

# Supporting Statement

## **Background**

This application relates specifically to the variation of conditions 6 and 8 of the approved planning application PA15/09393 for the '*Change of use and conversion of barns to provide 1 residential dwelling, 1 holiday unit, the conversion of the dairy barn to provide a wedding and events barn, and the adjoining workshop to provide a ceremony room and shop with associated works*' at Chypraze Farm, Morvah, Pendeen TR19 7TU.

Condition 6 of the decision notice reads in full as follows:

- 6        *The wedding/events barn, as shown on approved drawing no CPF 008 Rev A, shall be used for weddings and private functions only (with the exception of the requirement of condition 8 of this permission) and for no other purpose (including any other purpose within Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification).*

*Reason: To enable the Local Planning Authority to retain control over other uses that might harm the amenities of the area, in accordance with saved policies GD-7, CC-1 and R-9 of the Penwith Local Plan 2004 and paragraphs 17 and Section 11 of the National Planning Policy Framework 2012.*

Further condition 8 reads as follows:

- 8        *The retail sales area, as shown on approved drawing no CPF 008 Rev A, shall be used for the sale of items produced at Chypraze Farm only (ie farm produce) and for no other purpose (including any other purpose within Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification).*

*Reason: To enable the Local Planning Authority to retain control over other uses that would not accord with development plan policies for shopping, and in accordance with saved policy TV-17 of the Penwith Local Plan 2004 and paragraph 23 of the National Planning Policy Framework 2012.*

Primarily the proposal seeks to enable to use of the building and retail sales area during day hours for the sale and consumption of food and refreshments to members of the public. All food will be produced from Chypraze Farm, however it is necessary that refreshments will be brought in, utilising primarily local

businesses as is the case at present.

Due to the siting of the farm adjacent to popular through routes to Portheras Cove, the coast path and adjacent to heavily used car park, the farm is in an ideal location to capture existing passing-by. This is trade upon which the proposal is focused.

As outlined, the use will be during the day only, utilising the existing premises which are already set up for weddings and private functions and for which retail sales of farm produce are already allowed under the terms of condition 8. To note, the premises already has a licence for the sale of alcohol in association with the weddings and private functions.

Since the time of the original decision, the development plan context has changed, with the adoption of the Cornwall Local Plan in 2016 (the CLP), the revision to the National Planning Policy Framework in 2019 (the NPPF) and the rescinding of the majority of the Penwith Local Plan from 2004 (following the adoption of the CLP).

Further, as outlined in the applicants accompanying supporting statement, the Covid pandemic has had a significant impact upon their farming enterprise and wider business, and further diversification as proposed is necessary to maintain the farm as a viable enterprise moving forward which in itself contributes positively to the management of the surrounding designated landscape and supports a number of other local businesses both directly and indirectly.

### **Legislative Context**

Section 73 of the Town and Country Planning Act 1990, as amended (the TCPA), allows for a grant of permission for the development of land without compliance with conditions subject to which a previous permission was granted. On such an application, the decision-maker shall only consider the question of the conditions that should be imposed on the permission.

Section 73A of the TCPA, allows for the variation of conditions on development which has already been carried out. An application under s73A is in all respects a conventional planning application, save that development will have been commenced.

The NPPF and the National Planning Practice Guidance (NPPG) provide guidance on the imposition of conditions.

The NPPF through Paragraph 55 states that *'Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in*

*all other respects<sup>1</sup>. Agreeing conditions early is beneficial to all parties involved in the process and can speed up decision making. Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification.'*

The NPPG goes on to state that: *'Rigorous application of the 6 tests can reduce the need for conditions and it is good practice to keep the number of conditions to a minimum wherever possible.'*

## **Development Plan and Material Planning Considerations**

The relevant planning policies and material considerations are listed below (underlining our emphasis).

Policy 4.4 of the CLP states that *'Community facilities and village shops should, wherever possible, be retained and new ones supported.'*

Paragraph 1.81 that precedes policy 4 of the CLP states that *'The definition of community facilities is wide ranging'* and includes, amongst a number of uses, *'public houses.'*

Paragraph 2.7, in support of policy 5 of the CLP explains that *'Cornwall's agricultural sector accounts for almost 10,699 jobs and 3% of the GVA for Cornwall. Overall, it is estimated that Cornwall's agricultural sector contributes more than £244m to the gross domestic product of Cornwall. Agriculture also adds considerably to the management of our landscape, upon which tourism relies. It also supplies our food. Supporting the continued growth of the agricultural sector and supporting diversification of the industry will be critical to the Cornwall's future, long term prosperity.'*

Policy 5.1 c) supports *'proposals for new employment land and uses'* that should be *'in the countryside and smaller rural settlements be of a scale appropriate to its location or demonstrate an overriding locational and business need to be in that location such as farm diversification.'*

Paragraph 83 of the NPPF supports *'sustainable rural tourism and leisure developments which respect the character of the countryside'* and *'the development and diversification of agricultural and other land-based rural businesses.'*

Paragraph 84 of NPPF acknowledges that *'Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in*

---

<sup>1</sup> Referred to as the 6 tests

locations that are not well served by public transport.'

As is evident from the above, there is a clear policy presumption in favour of diversification development and the provision of both community and tourism facilities in locations such as Chypraze Farm. The simple fact being that the site itself and its surrounding context in terms of Portherras Cove and the coast path already has a clear 'place' function for which this diversification project will support of an existing indigenous business that contributes positively to the landscape, cultural, economic and social context of the area.

### **Suggested Revised Wording of Conditions**

In light of the change in policy emphasis as above in support of the proposals, and the implication of the Covid pandemic on the farming enterprise, it is suggested that condition 6 is reworded as follows, please see the suggested changes underlined:

- 6        *The wedding/events barn, as shown on approved drawing no CPF 008 Rev A, shall be used for weddings, and private functions and by members of the public between the hours of 11.00 to 19:00 only (with the exception of the requirement of condition 8 of this permission) and for no other purpose (including any other purpose within Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification).*

Further it is suggested that condition 8 is revised as below:

- 8        *The retail sales area, as shown on approved drawing no CPF 008 Rev A, shall be used for the sale of food items produced at Chypraze Farm (ie farm produce) and refreshment items produced off-site including drinks and alcohol sales between the house of 11.00 to 19.00 only and for no other purpose (including any other purpose within Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification).*

### **Conclusion**

As supported through the revised policy context and as a consequence of the implications of the Covid pandemic on the farm, there is the opportunity to diversify by utilising existing assets at the farm in accordance with the development plan in a way that will help to support the ongoing viability of the farming enterprise.

In accordance with Paragraph 55 of the NPPF revised wording for conditions 6 and 8 has been suggested that we consider is 'necessary, relevant to the development to

*be permitted, enforceable, precise and reasonable in all other respects'* to enable the development to be approved.