
Appeal Decision

Site visit made on 7 January 2025 by S Wilson LL.B. MSc MRTPI

Decision by Mr A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practising)

an Inspector appointed by the Secretary of State

Decision date: 03 April 2025

Appeal Ref: APP/D0840/W/24/3349443

Land Rear of Godolphin View, Bosence Road, Townshend, Hayle TR27 6AL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
 - The appeal is made by Mrs M Taylor-Smith against the decision of Cornwall Council.
 - The application Ref is PA24/02418.
 - The development proposed is permission in principle for construction of affordable led development (minimum of 2 dwellings, maximum of 4 dwellings).
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Decision

1. The appeal is allowed and permission in principle is granted for construction of affordable led development (minimum of 2 dwellings, maximum of 4 dwellings), at Land Rear of Godolphin View, Bosence Road, Townshend, Hayle TR27 6AL, in accordance with the terms of the application, PA24/02418.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The proposal is for permission in principle. Planning Practice Guidance advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.
4. The scope of the considerations for permission in principle is limited to location, land use and the amount of development. All other matters are considered as part of a subsequent Technical Details Consent application if permission in principle is granted. I have determined the appeal accordingly.
5. A revised National Planning Policy Framework (the Framework) was published December 2024. An opportunity was provided to the main parties to make further written comment over these changes. The decision is based on the current Framework and has taken account of the further representations made on this.

Main Issue

6. The main issue is whether the site is suitable for residential development, having regard to its location and the proposed land use.

Reasons for the Recommendation

7. The appeal site is a parcel of land located to the rear of Godolphin View which forms part of a row of dwellings that front onto Bosence Road. The fields behind this row of dwellings at this location appeared to be used for a mixture of equestrian and camping purposes as at the date of my visit. The appeal site itself is directly behind properties at Godolphin View, which have long rectangular rear gardens with some timber fencing and some hedgerow delineating their boundary with the appeal site. The appeal site has Cornish hedging on two sides and a hedgerow, with no earth stone embankment, to the south side.
8. The Cornwall Local Plan Strategic Policies 2010-2030 (the Local Plan) Policy 3 sets out the circumstances in which the delivery of development outside of main settlement towns is acceptable, such as rural exception sites under Policy 9. The Local Plan Policy 9 supports development proposals outside of but adjacent to the built form of smaller villages and hamlets, where the primary purpose is to provide affordable led homes and where it would be well related to the physical form of the settlement, appropriate in scale, character, and appearance.
9. In this instance, whilst it is separated from the more concentrated built-up form of the nearby settlement by fields, the appeal site immediately abuts existing housing, and the scale of the proposal would not be out of keeping in terms of the size and function of the settlement. The proposal is for an affordable housing led scheme and the evidence suggests that there is an affordable housing need within the parish. Based on the information before me and from my site visit, the site falls within the parameters of an exception site under Local Plan Policy 9.
10. The site is situated within the Tregonning and Gwinear Mining Area of the Cornwall and West Devon Mining Landscape World Heritage Site (the WHS). Paragraph 220 of the Framework notes that not all elements of a World Heritage Site will necessarily contribute towards its significance.
11. The two Cornish hedges that follow the boundaries of the Godolphin View development at the appeal site are significantly interrupted and describe what once may have been a miner's smallholding. However, the legibility and integrity of the appeal site as such a smallholding has been lost in this instance due to the subdivision of the fields in this area, the Godolphin View development and the remaining field's relationship to its surroundings. Consequently, any significance the appeal site may have had as a miners' smallholding has been already overwritten, and its contribution to the Outstanding Universal Value (OUV) of the WHS has been lost with it. I therefore conclude that the proposal would not harm the OUV of the WHS.
12. For the above reasons, the proposal would comply with Policies 1, 2, 3, 9 of the Local Plan and would accord with Policies 12, 21, 23 and 24 of the Local Plan, Policy HI1 of the St Erth Neighbourhood Plan 2017-2030, Policies C1 and T1 of the Climate Emergency Development Plan Document 2023, Policies P3 and C9 of the Cornwall and West Devon Mining Landscape World Heritage Site Management Plan 2020-2025, paragraph 3.2.1 of the Cornwall Design Guide 2021 and the

relevant paragraphs of the Framework, in so far as they concern the location of development outside of the settlement and within the WHS. Whilst the proposal would not gain support from Policy 7 of the Local Plan which concerns development within the countryside, the exception provided by Policy 9 of the Local Plan supports affordable led housing schemes that are located outside of a settlement.

Other Matters

13. Interested parties have raised concerns on the grounds of the effect of the proposal on the living conditions of nearby residents, highway safety, drainage, collection of refuse and loss of habitat. Whilst those concerns are acknowledged, as noted above, it is the second stage of a permission in principle consent route where these technical details of the proposal are assessed. Consequently, such matters would need to be considered at that stage and therefore fall outside the scope of this appeal.
14. Interested parties have raised further concerns regarding access to services by future residents of the proposal, loss of good agricultural land and that by allowing the appeal it would set a precedent. In terms of precedent, it is well established that each application and appeal must be determined on its own merits and, consequently, a concern of this nature does not justify a recommendation to dismiss the appeal.
15. It is acknowledged the appeal site is not located within the concentrated form of a settlement that provides services and facilities. However, paragraph 89 of the Framework provides that planning decisions should recognise that sites to meet community needs in rural areas may have to be found beyond existing settlements and in locations not well served by public transport. Furthermore, paragraph 83 of the Framework provides that where there are groups of smaller settlements, development in one village may support services in a village nearby. Whilst there would be a loss of a small amount of agricultural land in the event that the proposal is developed, that loss would be outweighed by the benefits associated with the provision of housing to include affordable housing.
16. My attention has been drawn to a previous appeal at land northwest of Abercorn, Noonvares Lane. I visited the site and noted that the site retains its integrity, clearly has Cornish hedging on the boundaries, is undeveloped, complete and is legible as a field typical of a miner's smallholding. As such I differentiate it from the subject appeal site.
17. The Council have drawn my attention to caselaw and previous appeal decisions. Those cases and appeals dealt with harm to protected assets and the balance of harm versus benefit and I therefore differentiate those cases and appeals from the subject appeal as I have found no harm to the WHS in the subject appeal.

Conclusion and Recommendation

18. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

S Wilson

APPEAL PLANNING OFFICER

Inspector's Decision

19. I have considered all the submitted evidence and my representative's report and on that basis the appeal is allowed and permission in principle for a minimum of two and a maximum of four dwellings, is granted. As stated in the Planning Practice Guidance, it is not possible for conditions to be attached to a grant of permission in principle and I have therefore not considered such matters in the determination of this appeal.

Mr A Spencer-Peet

INSPECTOR