



Appeal Decision

Site visit made on 23 April 2025

by **S Harrington MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 06 May 2025

Appeal Ref: APP/D0840/W/24/3352910

Land At Little Beside, St Day TR16 5PZ

- 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 Mr Terry Evans against the decision of Cornwall Council.
 - The application Ref is PA24/01611.
 - The development proposed is erection of a single dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Planning Practice Guidance advises that permission in principle 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) (PIP) establishes whether a site is suitable in-principle, and the second ('technical details consent' stage) (TDC) is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent TDC application if PIP is granted.
4. During the course of the appeal the revised National Planning Policy Framework (the Framework) was published. The main parties have had the opportunity to comment on the implications of this change and no parties will have been prejudiced by my having regard to the latest version in reaching my decision.

Main Issue

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

Reasons

6. The appeal site is a field near to St.Day and Crofthandy, however it is located outside of any development boundaries as outlined within the Gwennap Parish Neighbourhood Development Plan 2019-2030 (NP).
7. The appeal site is also within the Cornwall and West Devon Mining Landscape World Heritage Site (WHS) and within the Cornwall Character Area CCA15: Carnon Valley (CCA) and exhibits a number of the described CCA characteristics of the area. These include a post-medieval mixed farming landscape, with features

of the mining industry strongly influencing the areas rural landscape character with semi-natural habitats.

8. The local settlement strategy is set out within policies 2 and 3 of the Cornwall Local Plan Strategic Policies 2010-2030 (LP). The strategy seeks to maintain the dispersed development pattern of Cornwall, and provide housing based on the role and function of each place. In locations outside of main towns such as the appeal site, LP Policy 3 provides that housing growth is to be delivered through, amongst other criteria, rounding off of settlements.
9. LP Para 1.68 defines rounding off as “development on land that is substantially enclosed, but outside of the urban form of a settlement” and “it should not visually extend building into the open countryside”. LP para 2.33 states that ‘open countryside is defined as the area outside of the physical boundaries of existing settlements (where they have a clear form and shape)’.
10. Although there is built form in the locality of the appeal site, due to its sporadic nature and low density, it lacks a clear settlement form or shape and is not seen as being part of the settlement form of St Day or Crofthandy. Rather, given the separation distance and spatial relationship of the appeal site to the nearby development, it is seen as part of the surrounding historic countryside landscape, clear views of which are appreciated from the adjacent highway.
11. Furthermore, I observed that Crofthandy contains minimal services or facilities required for day to day living. Whilst St Day and public transport links are in feasible walking distance, future occupiers would be required to walk partly along a highway with no pavements or street lighting and cross the B3298 which I observed to be a relatively busy highway. As such, walking from the site, particularly in the dark, would be unattractive to most future occupiers. Consequently, I find that future occupiers would be likely to rely on the use of private vehicles to access services and facilities that are reasonably required for day-to-day living.
12. In terms of the WHS, the Cornwall and West Devon Mining Landscape World Heritage Site Management Plan 2020-2025 (WHSMP) describes the WHS as a series of ten areas comprising the distinctive patterns of buildings, monuments and sites which together form the coherent series of distinctive cultural landscapes created by the industrialisation of hard-rock mining processes in the period 1700 to 1914.
13. The Statement of Outstanding Universal Value (OUV) outlines that 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. Mining settlements and social infrastructure is identified as one of seven attributes through which the OUV of the WHS is expressed.
14. The appeal site lies within the Gwennap Mining District, which is one of the principal mining districts of Cornwall. The WHS Office have outlined that the appeal site is located within a former rural-industrial landscape which combined metalliferous mining and subsistence farming in close proximity. The route of the former Poldice Plateway is located in close proximity, and the former Wheal Unity adjoining to the north. Furthermore, the WHS Office state that historic mapping indicates that the site and adjacent land comprised smallholding plots, although

dividing boundaries have since been lost. Nevertheless, I observed that the surrounding area contains numerous remnant elements of its mining past, and the appeal site, whilst not exhibiting above ground remnants, is seen as an intrinsic part of the relict landscape.

15. The proposal would be seen with a backdrop of nearby residential built form from certain viewpoints from the adjacent highway. However, it would nonetheless introduce an additional domestic structure and paraphernalia into a site, which are visually divorced from the defined settlement form and shape of St. Day or Crofthandy.
16. The proposal would result in a noticeable change in character of the appeal site and further proliferation of residential development into the rural historic landscape. Whilst the impact would be minimal relative to the overall extent of the WHS, it would nevertheless result in a reduction in the positive contribution that the appeal site makes as part of the historic landscape.
17. As a result, there would be some harm to the OUV of the WHS. In view of the localised impact of the proposal, this harm would be less than substantial. Whilst less than substantial, the Framework sets out great weight should be given to the conservation of designated heritage assets and notes that less than substantial harm should be weighed against any public benefits associated with the development.
18. The dwelling would contribute towards the areas housing supply. There would also be short term economic benefit due to employment during construction, and an ongoing benefit from future occupants supporting local businesses and services. However, due to the modest scope and scale of the proposal, these benefits in combination attract only modest weight and would not outweigh the harm that I have identified to the WHS.
19. Planning permissions PA21/10662 and PA19/06179 have been brought to my attention. Whilst limited information has been provided to allow me to clearly ascertain any material similarities, extracts from the officer report indicates that the first site benefits from a continuous pedestrian footway to St Day, whilst it is stated that the second site was situated in a cluster of cottages and commercial and industrial buildings. As such the spatial relationship and contexts of these other permissions differ from the appeal site before me.
20. For the above reasons, I conclude that the site is not suitable for residential development, having regard to its location, the proposed land use, and the amount of development. The proposal would conflict with LP policies 1, 2, 3, 7, 12, 21, 23 and 24, NP policies H2, H3, H4, GQD1, GQD2 and LL4, and Policy C1 of the Climate Emergency Development Plan Document 2023. These policies seek, amongst other matters, to ensure development does not harm the character of the countryside; promotes sustainable patterns of development and locate development so that the need to travel will be minimised and the use of sustainable transport modes can be maximised; and to ensure that proposals respond to and are demonstrably informed by the historic landscape character and avoid harm to the authenticity and integrity of the OUV of the WHS. The proposal would also conflict with Policy C9 of the WHSMP, which seeks to maintain the historic character and distinctiveness of the WHS.

Other Matters

21. The Council are unable to demonstrate a five-year housing land supply of deliverable housing sites and have stated that their supply is circa 3.8 years. Where the development plan is considered to be out of date for the policies most relevant to the determination, paragraph 11(d) of the Framework requires that presumption in favour of sustainable development is applied unless the application of policies in the Framework that protect assets of particular importance provides a strong reason for refusing the development proposed. For the purposes of paragraph 11 of the Framework, the WHS is an asset of particular importance as denoted by footnote 7.
22. The proposal would cause less than substantial harm to the WHS, and the application of the policies in Section 16 of the Framework provide a strong reason for refusing the proposed development. Consequently, the provisions of paragraph 11d(ii) of the Framework are not engaged in this instance.
23. Nevertheless, the proposal's benefits include the provision of a new dwelling to the housing supply, short term economic benefits due to employment during construction, and an ongoing benefit from future occupants supporting local businesses, services, and the community. Notwithstanding, given the scale of the development, I find the benefits would be modest.
24. The appeal site is within the zone of influence of the Penhale Dunes Special Area of Conservation (PDSAC) and the Fal and Helford Special Area of Conservation (FHSAC) (the SACs). Designated features of the PDSAC include shifting dunes along the shoreline with *Ammophila Arenaria*, dunes with *Salix repens* ssp. *argentea*, humid dune slacks, fixed dunes with herbaceous vegetation, *Rumex rupestris*, *Gentianella anglica* and *Petalophyllum ralfsii*.
25. Designated features of the FHSAC include saltmarsh, intertidal mudflats, subtidal sandbanks, large shallow inlets and bays, estuaries and reefs. Within the vicinity of the SACs, new residential development would lead to increased levels of recreational activity. This would be likely to have a significant effect on the designated features of the habitats sites either on its own or cumulatively with other similar development, without avoidance measures.
26. The application had been accompanied by an undertaking under Section 111 of the Local Government Act 1972 with an associated financial contribution to seek to mitigate recreational impact of the proposal on the SACs. Notwithstanding, Regulation 63(1) of the Conservation of Habitats and Species Regulations 2017 indicates the requirement for an Appropriate Assessment is only necessary where the competent authority is minded to give consent for the proposal.
27. Given my conclusions on the main issue above, it is not necessary for me to consider this matter any further as the proposal would not take place and would not affect the SACs. Moreover, even if I were to find that suitable mitigation had been appropriately secured, a lack of harm would only be a neutral factor.

Conclusion

28. For the reasons given above, I find that the proposal would conflict with the development plan, read as a whole. No material considerations, individually or cumulatively, indicate that a decision should be taken otherwise than in accordance with it. Therefore, the appeal is dismissed.

S Harrington

INSPECTOR