



Appeal Decision

Site visit made on 19 May 2025

By Colin Cresswell BSc (Hons), MA, MBA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 June 2025

Appeal Ref: APP/D0840/W/24/3356726

Land off Twelveheads Road, Chacewater, Cornwall

- 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 Darran Goldby against the decision of Cornwall Council.
 - The application Ref is PA24/03507.
 - The development proposed is construction of a dwelling.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr Darran Goldby against Cornwall Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The proposal is for permission in principle. This is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has two stages: the first stage (permission in principle stage) establishes whether a site is suitable in-principle and the second stage (technical details consent) is when the detailed development proposals are assessed. This appeal relates to the first of these two stages.
4. The scope of the considerations for permission in principle are limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent Technical Details Consent application if permission in principle is granted.

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

Housing policy

6. Policy 3 of the Local Plan¹ aims to steer the majority of new housing towards the main towns. However, the policy does enable a limited amount of new development to take place outside the main towns. This includes infill schemes that fill a small gap in an otherwise continuous built frontage.

¹ Cornwall Local Plan Strategic Policies 2010-2030

7. In this case, the proposed dwelling would occupy a gap between the village hall to the north and some agricultural sheds to the south. However, the gap between these properties is relatively substantial. As such, I am not convinced that the site represents infill development in the context of Policy 3.
8. Policy 3 of the Local Plan also enables the *rounding off of settlements and development of previously developed land within or immediately adjoining that settlement of a scale appropriate to its size and role*. The term 'rounding off' is not defined in the policy, but paragraph 1.68 of the Local Plan says it applies to *development on land that is substantially enclosed but outside of the urban form of a settlement and where its edge is clearly defined by a physical feature that also acts as a barrier to further growth (such as a road). It should not visually extend building into the open countryside*.
9. Although there is housing on the opposite site of the road, the adjoining land to the north west, south west and south east is mainly open and undeveloped. While there are some agricultural sheds to the south east, these are small, informal buildings located in an otherwise open field. Yet though the appeal site is not surrounded by built development, it is nonetheless contained by a road on one side and on three sides by mature trees and hedgerows. These are physical features that are capable of acting as a barrier to further growth.
10. However, Policy 3 also says that the rounding off should not visually extend building into the open countryside. When travelling from the village hall towards the appeal site, this side of the road is mainly defined by mature trees and hedgerows, with open space behind. While there are some dwellings on the opposite side of the road, the street scene is distinctly green and rural in character. The appeal site itself is an open field and, apart from the small agricultural sheds in the adjoining field, this side of the road remains largely open and undeveloped as it extends away from the village and into the countryside.
11. There are no plans of the proposed dwelling and so it is not possible to describe the visual effect of the development in any detail. Nonetheless, it seems to me that any form of building in this location would have an effect on the street scene. The site, which is currently visible from the road, would lose its undeveloped and rural qualities. Even if a new dwelling could be screened behind existing hedges, the access would need to be formalised and the site would inevitably assume a domestic character. For instance, there would likely be cars entering the site and refuse bins left outside for collection. It would be obvious to passers-by that the site contained a dwelling, whatever the final design.
12. Given the rural nature of the road at this point, it seems to me that the proposal would have the effect of visually extending building into the open countryside. Consequently, it would not meet the Policy 3 definition of rounding off. I have considered the Chief Planning Officer's Advice Note ² produced by the Council, but this does not alter my decision on this matter.
13. While there is historical evidence that the site once contained cottages, these are no longer present and the site is covered in grass. The Framework advises that when the remains of a permanent structure or fixed surface structure have blended into the landscape, a site should not be considered previously developed land for

² Chief Planning Officer's Advice Note: Infilling and Rounding Off (Cornwall Council, December 2017).

planning purposes. As such, I do not consider that the proposal can be justified on the basis that it is previously developed land in the context of Policy 3.

14. I have been referred to other Local Plan policies which control the distribution of new development, including Policies 1, 2, 7 and 21. However, there is little within these policies that would help to justify the proposal.
15. The Neighbourhood Plan³ defines a settlement boundary around some parts of Chacewater. Although the appeal site is close to the village centre, it is excluded from the settlement boundary as drawn. Policy HN1 of the Neighbourhood Plan only enables new housing within the confines of the settlement boundary and so does not support the principle of developing the site.

Effect on Conservation Area

16. The significance of the Chacewater Conservation Area lies mainly in the quality of the historic buildings it contains and their setting within the village. I understand that the Conservation Area was extended in 2010 to include the appeal site and other land to the south of the village hall. This area is predominantly undeveloped as it extends towards St Pauls Church. I am informed that one reason for this change was to recognise the visual isolation of the church. Indeed, during my visit, I saw that the road leading past the appeal site provides a rural backdrop for the more densely populated core of the village, thereby making a direct contribution to the significant qualities of the Conservation Area.
17. I have already determined that the proposal would visually extend building into the countryside. Although there are dwellings on the opposite side of the road, the street scene in this location is predominantly open and rural in character. The proposed development would undermine these characteristics. In my view, the overall effect would be to incrementally erode the rural backdrop of the village, harming the significance of the Conservation Area. The special characteristics of the Conservation Area would not be preserved or enhanced.
18. Nonetheless, the harm I have identified would be less than substantial and the Framework⁴ says that it should be weighed against any public benefits associated with the development. In this case, I am mindful that the development would result in new housing at a time when the Council is unable to demonstrate a five-year supply of deliverable housing sites. However, the contribution from a single dwelling would be relatively modest and this is not sufficient to outweigh the harm to the Conservation Area, which carries great weight.
19. For these reasons, there would be conflict with Policy 24 of the Local Plan and Policies HE1, HE3 and HE4 of the Neighbourhood Plan. These policies all aim to protect heritage assets.

Effect on World Heritage Site

20. The appeal site and surroundings are within the Cornwall and West Devon Mining Landscape World Heritage Site. This is in recognition of the mining history of the area and (amongst other things) its Outstanding Universal Value is based on the remains of mines, smallholdings, ports, canals, railways and new settlements. Historic mapping shows that there were once cottages here and, according to the

³ Chacewater Parish Neighbourhood Development Plan 2018-2030.

⁴ National Planning Policy Framework, December 2024

Council, it is most likely that the site was used by miners as a smallholding. I have little reason to question this.

21. Aerial photography suggests that the cottages were removed during the first part of the 20th Century and I saw no obvious signs of them during my visit. However, the original field boundaries defining the smallholding do appear to be intact. It seems to me that the construction of a new dwelling on the site could preserve these boundaries, thereby retaining the primary element of the smallholding enclosure. This leads me to determine that there would be no harm to the Outstanding Universal Value of the World Heritage Site. In this respect, the proposal would comply with Policy HE2 of the Neighbourhood Plan.

Other matters

22. In its reasons for refusal, the Council refers to Neighbourhood Plan policies BIO1, HE2, LGOS1, LGOS2, LGOS3 and QD1 together with Local Plan Policy 23. Alongside Policy C1 of the Climate Emergency DPD⁵, these cover a wide range of matters including design, public realm, biodiversity, climate change and landscape character. Relatively little evidence has been provided on these issues and so I am not convinced that the development would be in conflict with these policies. The proposal is for Permission in Principle and, at this stage in the process, the exact details of any development are not available. I have based my decision on the general principles of the scheme.

Conclusion on main issue

23. 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.
24. Although the proposal would have an acceptable effect on the World Heritage Site, it would conflict with the housing policies of the Local Plan and would harm the character and appearance of the Conservation Area, to which I attach great weight. The small increase in local housing supply carries moderate weight. However, this does not clearly outweigh the harm I have identified. As such, the proposal would conflict with the development plan as a whole.

Final Balance and Overall Conclusion

25. I understand that the Council is unable to demonstrate a five-year supply of deliverable housing sites. Therefore, according to the Framework, the relevant development plan policies should be considered out of date. In different ways, Policies 1, 2, 3, 7, 21 and 24 of the Local Plan and Policies HN1, HE1, HE3 and HE4 of the Neighbourhood Plan all have the effect of restricting locations where housing may be developed. As these policies affect the supply of housing land, they are relevant in the context of this appeal.
26. In circumstances where relevant policies are out of date, paragraph 11d(i) of the Framework indicates that permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a strong reason refusing the development proposed. Footnote 7 says this includes designated heritage assets.

⁵ Climate Emergency Development Plan Document, Cornwall Council, February 2023.

27. I have established above that the proposal would harm a designated heritage asset and that the benefits of the development would not outweigh this, even taking into account the aim of the Framework to significantly boost housing supply and the deficit that exists in Cornwall. As such, there are strong reasons for dismissing the appeal. The proposal does not represent sustainable development.
28. My attention has been drawn to a number of appeals⁶, including those where paragraph 11(d) was a consideration. I am not familiar with each case, but it would appear that no harm to designated heritage assets was identified. Therefore, these cases are not directly comparable to the current appeal.
29. I therefore conclude that the proposal is in conflict with the development plan and there are no material considerations, including the Framework, that outweigh this conflict. The appeal is therefore dismissed.

C Cresswell

INSPECTOR

⁶ Appeal Decisions 3332730, 3352627, 3347946 and 3345642.