



Appeal Decision

Site visit made on 20 May 2025

by R Kent BA (Hons) MTP DipM MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 June 2025

Appeal Ref: APP/D0840/W/24/3355705

Greenhill House, Delaware Road, Drakewalls, Cornwall PL18 9AS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Ray Stephens against the decision of Cornwall Council.
 - The application Ref is PA24/02566.
 - The development proposed is construction of a two-storey, detached dwellinghouse, using existing access to highway.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised National Planning Policy Framework (the Framework) was issued in February 2025. I sought the parties comments on the relevance of the revised version to their respective cases and have taken their responses into account. In its response, the Council confirmed that it can currently demonstrate around 3.8 years' housing land supply and submitted a 'Cornwall Interim Policy Position Statement' dated April 2025. I return to this later in my decision.
3. Whilst not referred to in the description of the development, the Proposed Site Block/Roof Plan' J-21-36-GRE 10 B includes notes indicating proposed restoration works to the boundary wall, cobbled yard, miners' office and existing chimney stack. These proposed works are referred to in both parties' evidence and I have taken them into account in my decision.

Main Issue

4. The main issue is whether the proposal would be in a suitable location having regard to the development plan's strategy for the distribution of new housing.

Reasons

5. The site is within a small group of existing dwellings fronting the road with some substantial commercial premises beyond. From my site visit, I did not see any clear form, shape or physical boundary to the loose collection of buildings amongst which the site is located. The pattern of development in the vicinity of the site is quite dispersed and fragmented in its overall character.
6. Whilst the site is located within the yard of a former industrial works, it is not within the development boundary of any of the villages identified in policy H1 of the Calstock Parish Neighbourhood Development Plan 2022 (NDP). Even though it

situated within a loose group of buildings, it is not within a defined settlement and as a consequence, falls within the open countryside for the purposes of development plan policy.

7. The site also lies within Area A10i 'Tamar Valley Mining District' of the Cornwall and West Devon Mining Landscape World Heritage Site (WHS). Whilst the evidence indicates that the proposed development would enable the restoration and repair of structures on the site, the proposal is for a new build dwelling rather than the re-use of an historic building. As such it does not fall within any of the categories of acceptable development in the countryside identified in either NDP policy HP1 or policy 7 of the Cornwall Local Plan 2016 (CLP). Moreover, as the site also lies outside a settlement development boundary, nor would it constitute acceptable infilling as defined in NDP policy HP 3 which seeks to restrict infill development to the settlements with development boundaries designated by policy HP1.
8. Whilst CLP policy 3 allows for infill schemes and the development of previously developed land (PDL) within settlements and the Chief Planning Officer's Advice Note 'Infilling/Rounding Off' 2017 provides further guidance on this, the advice note recognises that Neighbourhood Plans may define the settlements in their area including the introduction of a settlement boundary. That is what has happened in the Neighbourhood Plan which has been made for the area which includes the appeal site. The NDP is part of the development plan, significantly post-dates the advice note and was made more recently than the adoption of the CLP.
9. Even though CLP policy 3 is part of the development plan and provides a description on what might constitute a 'settlement', Planning Practice Guidance states that under section 38(5) of the Planning and Compulsory Purchase Act 2004, if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published. In this appeal, that is the NDP.
10. The site is clearly detached from the nearest villages of Drakewalls, Gunnislake and Chilsworthy. Whilst Gunnislake and Drakewalls have some local services and facilities including primary schools, some shops and a railway station, pedestrian access to these villages would be via the road which has no footways or street lighting for much of its length. I walked some of the route during my site visit and the absence of footways together with the frequent passing traffic did not make it an attractive pedestrian route. Whilst there is a public footpath leading some of the way to Chilsworthy, where facilities include a pub, its rough surface and sloping nature means it would not provide a suitable pedestrian access for some users particularly after dark or in inclement weather.
11. Although the villages and railway station would be within cycling distance of the site, the evidence before me does not clearly demonstrate the destinations or frequency of service served by the station. Nor does it demonstrate the location of the nearest bus stops, the bus routes which they serve or the level of bus service which would be available to future occupiers of the development.

12. Therefore, I cannot conclude that the development would provide safe and suitable access for all users. It is likely that future occupiers would rely on the private car for the day to day needs to access services and employment.
13. For the reasons given, the site would not be in a suitable location and would cause substantial harm to the development plan's strategy for the distribution of new housing. It would conflict with NDP policy HP1 which seeks to control development outside of defined development boundaries and with CLP policies 2, 3 and 7 which seek to provide a sustainable approach to accommodating growth and limit new housing in the countryside.
14. For the same reasons it would also conflict with policy C1 of the Climate Emergency Development Plan Document 2023 in so far as it seeks to maximise the ability to make trips by sustainable and active modes of transport rather than car use for day to day living.

Other Considerations

15. I am aware that the Council has previously indicated that sites in the vicinity of the appeal site fall within a settlement. I have not been provided with all the details of those proposals but from the evidence before me, the Council's comments were made in 2018¹ and 2019² and pre-date the formal making of the NDP which defined the settlement development boundaries and now forms part of the development plan. As set out above, I have found that the appeal site falls outside a defined settlement development boundary and lies within the countryside for the purposes of development plan policy.
16. I am also aware of the Chief Planning Officer's Advice Note 'Providing homes' dated May 2023 which indicates that Cornwall is experiencing a housing crisis. The more recent guidance in the 'Cornwall Interim Policy Position Statement' dated April 2025 submitted with the appeal sets out the Council's approach to the delivery of additional housing. This includes the expectation that development should help to reduce car dependence through increasing the accessibility of homes to facilities, services and public transport. Whilst the guidance does not form part of the development plan, for the reasons given above, the proposal would conflict with it regarding the accessibility of new development.
17. Section 58B of the Town and Country Planning Act 1990 requires that special regard is had to the desirability of preserving or enhancing the WHS or its setting. The Statement of Outstanding Universal Value for the WHS indicates that it gains its significance from being the most authentic and historically important components of the Cornwall and west Devon mining landscape dating principally from 1700 to 1914. Within this, the site has significance as a transport yard for the Greenhill Works, an arsenic refinery built in the nineteenth century.
18. The building has been designed to reflect the industrial character of the site and would be sited between the boundary wall and chimney and between the remains of the cobbled yard and the access ramp leading to the lower part of the former works. As a consequence, the building would not cause harm to the attributes and components that embody the Outstanding Universal Value of the WHS or to the significance of the asset.

¹ LPA ref PA17/03361/PREAPP

² LPA ref PA18/02740/PREAPP and LPA ref PA19/02175

19. The site lies to the south of the Gunnislake Clitters Mine scheduled monument. The distance between the site and the lack of intervisibility between it and the monument means that the proposal would not cause harm to the significance of the monument. The Council did not find that the proposed development would have a harmful impact on the significance of either heritage asset and I have found no sound reason to come to a different conclusion.
20. The development would have the moderate benefit of providing a new use for the site and enabling the restoration and conservation of the boundary wall, gateways, cobbled yard and chimney which form part of the WHS. This would contribute to its enhancement and be consistent with CLP policy 24 and policy C1 of the Cornwall and West Devon Mining Landscape World Heritage Site Management Plan 2020-2025.
21. I am aware of Historic England's guidance on enabling development and heritage assets³. Whilst the evidence indicates that a proposed development on the site has been the subject of previous proposals and pre-application advice, and conditions have been suggested by the Council to secure various restoration works if the appeal were to be allowed, the evidence before me does not clearly demonstrate that all alternative means to deliver the same outcome have been explored as the guidance indicates they should be. Alternatives suggested by the guidance would include, for example, seeking grant funding for repairs or the transfer of ownership to a building preservation trust or similar charity. Nor does the evidence demonstrate how the proposal would secure the maintenance of the various structures for the foreseeable future, for example through a management plan or funding to be secured through an enforceable legal mechanism such as a planning obligation.
22. The proposal would provide an additional, energy efficient dwelling to assist with meeting the Council's housing land supply shortfall which would be a moderate benefit of the development. It would also have the benefit of making use of PDL. However, as the site is not within a settlement and does not have safe and suitable access for all users this benefit would be limited. There would also be moderate short term economic benefits arising from the construction and renovation works, with longer term economic and social benefits upon occupation should future occupiers use services and facilities in the nearby villages.
23. The site lies within the zones of influence of the Tamar Estuaries Complex Special Protection Area and the Plymouth Sound & Estuaries Special Area of Conservation. Regulation 63(1) of the Conservation of Habitats and Species Regulations 2017 indicates that the requirement for an Appropriate Assessment is only necessary where the competent authority is minded to give consent for the proposed development. Therefore, given my conclusions on the main issue, it is not necessary for me to consider this matter in any further detail.

Planning Balance

24. The Council can only demonstrate around 3.8 years' housing land supply which is below the minimum level required. Consequently, paragraph 11 d) of the Framework requires that consideration of the presumption in favour of sustainable development is necessary.

³ Historic England 2020 GPA4 'Enabling Development and Heritage Assets'

25. Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework is simply one such consideration and in this case the presumption in favour of sustainable development set out within paragraph 11 d) ii. of the Framework applies by virtue of Footnote 8 and is not disapplied by paragraph 11 d) i.
26. Whilst the proposal would have the benefit of providing a means to restore parts of the WHS, in the absence of clear evidence that all alternative means to deliver the same outcome have been explored and that long term maintenance of the restored structures would be secured, this benefit, although favourable, attracts limited weight in favour of the proposal. The moderate benefits of adding an energy efficient, additional dwelling to the housing supply and the moderate benefit to the local economy also attract moderate weight in favour of the proposal as does the limited benefit of using PDL.
27. The CLP and NDP form the development plan for the area containing the appeal site. The location of the development in the countryside results in conflict with the policies referred to above. Whilst the proposed development would accord with other policies in the development plan, I am satisfied that the conflicts with the policies identified above means that there would be conflict with the development plan when taken as a whole
28. Paragraph 232 of the Framework makes it clear that due weight should be given to existing policies according to their consistency with the Framework. The Framework recognises the intrinsic beauty and character of the countryside and promotes sustainable transport, including ensuring that safe and suitable access can be achieved for all users. It makes clear that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Whilst the Framework also recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, CLP policies 2, 3 and 7 and NDP policy HP1 are broadly consistent with the Framework in so far as they seek to limit residential development in the open countryside and direct it towards more sustainable locations. The conflict with those policies therefore carries substantial weight in this appeal.
29. Applying footnote 7 of paragraph 11d) i. of the Framework, there are no policies in the Framework that protect areas or assets of particular importance relevant to this appeal. In these circumstances, paragraph 11 d) ii. of the Framework requires that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
30. Although the benefit of providing an additional dwelling attracts moderate weight and there would be other benefits which weigh in favour of the scheme, including the enablement of restoration works to the WHS, the harm caused by the conflict with the policies of the Framework to promote sustainable development would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole. As a result, the presumption in favour of sustainable development, including that in CLP policy 1, does not apply.

Conclusion

31. The proposal would not be sustainable development and conflicts with the development plan when read as a whole. The material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

R Kent

INSPECTOR