



Appeal Decision

Site visit made on 22 July 2025

by **S Harrington MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29 July 2025

Appeal Ref: APP/D0840/W/24/3356804

Land North East of Steephurst, Nansmellyon Road, Mullion, Helston TR12 7HB

- 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 C Jory against the decision of Cornwall Council.
 - The application Ref is PA24/06825.
 - The development proposed is construction of a minimum of one dwelling and maximum of three dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Planning Practice Guidance (PPG) 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 located within the Cornwall National Landscape (CNL) and is an area of sloping undeveloped land enclosed by hedgerows, a highway and residential built form to two sides. The CNL is an area designated for its landscape and scenic beauty. The appeal site and surrounding area reflects part of the landscape characteristics of 'Cornwall Character Area 07 Mounts Bay' that it lies within, namely undulating historic farmland and has a rural character.

7. Notwithstanding the position of the adjacent dwelling Steephurst which appears as somewhat of an outlier from the main settlement form of Mullion, I observed that dwellings along Glenmoor Lane provide a strong settlement shape when viewed from the west at Nansmellyon Road. Moreover, despite a pedestrian footway, parking bay and overhead wires, the appeal site provides a large gap in built form which is an important contributor to the setting of Mullion and the overall character and appearance of the area.
8. The appeal site also has a strong relationship with the open rolling countryside of the CNL beyond, providing, and being part of an attractive vista of the surrounding CNL landscape when viewed from Nansmellyon Road. As such, the appeal site provides a positive contribution to the scenic beauty of the CNL.
9. Although the appeal relates to a PIP, I must be satisfied at this initial stage that the location and amount of development proposed could feasibly be accommodated at the appeal site having regard to the character and appearance of the area. Only illustrative details are before me which indicate linear development running across the site. However, irrespective of final design and appearance, the proposal as well as associated domestic paraphernalia, would inevitably give rise to the introduction of a domestic character and a visual urbanisation of the site which would be prominent from surrounding viewpoints.
10. In some views from the south this residential built form would be seen in the context of nearby dwellings, including modern residential development highlighted by the appellant. However, the degree of change to the site as a result of the proposal would be discernible in the context of the wider landscape characteristics of the CNL from Nansmellyon Road. The proposal would result in residential development encroaching into both the countryside and an important gap in built form, that would harmfully erode the rural character of the area, thereby failing to conserve and enhance the landscape and scenic beauty of the CNL.
11. 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 is contrary to policies 2, 3, 12, 21c and 23 of the Cornwall Local Plan Strategic Policies 2010-2030, Policy C1 of the Climate Emergency Development Plan Document 2023 and Policy 1 of the Cornwall Site Allocations Development Plan Document 2019. These policies seek, amongst other matters, to ensure development leads to the protection and enhancement of Cornwall's distinctive landscape and natural character and conserves the landscape character and natural beauty of the CNL.
12. The proposal would also conflict with policies PD-P1, PD-P2 and PD-P11 of the Cornwall Nationally Protected Landscape Management Plan 2022-2027, insofar as they seek to conserve and enhance the natural beauty of the CNL.

Other Matters

13. 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, the CNL is an asset of particular importance as denoted by footnote 7.

14. The Framework states that great weight should be given to conserving and enhancing landscape and scenic beauty in such areas, which have the highest status of protection in relation to these issues. In contrast, the proposal would cause harm to the CNL, and paragraph 189 of the Framework provides a strong reason for refusing the proposal. Consequently, the provisions of paragraph 11d)ii) of the Framework are not engaged in this instance.
15. Nevertheless, my attention has been brought to the findings of *Securing Homes for All: A Plan to respond to Cornwall's Housing Crisis* and the contribution that small windfall sites can make to housing supply. The proposal's benefits include the provision of up to 3 new dwellings to the housing supply in a location with good access to services and facilities, 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 scope and scale of the development, I find the benefits would be modest.
16. The appeal site is within the zone of influence of the Fal and Helford Special Area of Conservation (SAC). Designated features of the SAC include saltmarsh, intertidal mudflats, subtidal sandbanks, large shallow inlets and bays, estuaries and reefs. Within the vicinity of the SAC, 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 SAC either on its own or cumulatively with other similar development, without avoidance measures.
17. The application had been accompanied by a financial contribution to seek to mitigate recreational impact of the proposal on the SAC. 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.
18. 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 SAC. 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

19. 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