



Appeal Decision

Site visit made on 24 July 2025

by **C Butcher BSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15th August 2025

Appeal Ref: APP/D0840/W/25/3362693

Land North of The Chapel, Rinsey, Ashton, Helston, TR13 9TR

- 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 D Nicholls against the decision of Cornwall Council.
 - The application Ref is PA25/00113.
 - The development proposed is the construction of a minimum of 1, maximum of 2 dwellings.
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Decision

1. The appeal is allowed and permission in principle is granted for the construction of a minimum of 1, maximum of 2 dwellings at Land North of The Chapel, Rinsey, Helston, TR13 9TR in accordance with the terms of the application, Ref PA25/00113.

Preliminary Matters

2. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that 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 (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. It is only at the technical details consent stage where a planning permission can be granted. This appeal relates to the first of these two stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted¹. 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.

Main Issue

4. 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

5. Policy 3 of the Cornwall Local Plan Strategic Policies 2010 – 2030 (the LP) sets out that, outside of the main towns, only certain types of development will be permitted. One such exception is the rounding off of settlements. Policy S2 of the Breage Parish Neighbourhood Plan 2017 – 2030 (the NP) reiterates this position but also adds that development will not be supported if it harms the intrinsic

¹ PPG Paragraph: 012 Reference ID: 58-012-20180615

character of the smaller hamlet in which it is proposed. As such, an initial assessment of the potential effect of the development on character and appearance is necessary in order to help establish whether the site is in a suitable location.

6. The appeal site is located within the settlement of Rinsey, a hamlet which comprises a small number of dwellings around a central junction of roads and tracks. The site itself represents a clear gap within this arrangement, and as such I am satisfied that the proposal would represent the rounding off of the settlement in accordance with the aforementioned policies. I note that the Council does not appear to disagree with this position.
7. The generous spacing between existing dwellings in the hamlet, in combination with the wide grass verges, provides a spacious and verdant character which is framed by views of surrounding fields and the sea. The appeal site is currently covered in scrub, and while its inherent openness does provide views of surrounding farmland, its general appearance makes a fairly neutral contribution to the character of the immediate area.
8. The Council's officer report notes that the site is located within Cornwall Character Area CCA 07: Mount's Bay. One of the identified pressures for this area is the provision of modern development on the edges of settlements, often extending along roads and up valley sides, resulting in a change in the shape and scale of a settlement. However, in this instance, the proposal would round off the hamlet and would not extend along a road or valley side. Furthermore, up to two dwellings in this location would not be out of scale when taking account of the surroundings.
9. Given that this is an application for permission in principle, there are no details before me in terms of the design or layout of the proposed development. However, the site is of a reasonable size, and it seems to me that it would be quite possible to erect up to two dwellings within it while ensuring that the existing feeling of spaciousness and verdancy would not be eroded to an extent that would constitute harm. Indeed, the dwellings could be sited in a way that would still provide views of the farmland beyond thereby preserving the existing openness of the area.
10. The site is also located within the Cornwall National Landscape (the NL). Paragraph 189 of the National Planning Policy Framework (the Framework) states that great weight should be given to conserving and enhancing landscape and scenic beauty within NL's. Furthermore, the Levelling Up and Regeneration Act 2023 requires decision makers to actively seek to further the purpose of conserving and enhancing natural beauty within NL's. However, the designation of an NL does not result in a moratorium on all development. Indeed, for the reasons already expressed, I am satisfied that up to two dwellings could be delivered on the site in a way that would not harm the character and appearance of the area. It therefore follows that sympathetic and well designed homes would not conflict with the purposes of the NL, or the relevant legislation.
11. With this in mind, subject to detailed proposals which would be provided at the technical details consent stage, I am satisfied that the development would be acceptable in terms of location, proposed land use and the amount of development. As such, I conclude that the proposed development would not conflict with LP Policies 2, 3, 12, 21 and 23, NP Policy S2, Policy C1 of the Climate Emergency Development Plan Document, February 2023 or Policy 1 of the

Cornwall Site Allocations Development Plan Document, November 2019. The relevant aspects of these policies seek to ensure that new development is well designed and that it preserves character and appearance, including that of protected landscapes, while also allowing for the rounding off of settlements in appropriate locations. For the same reasons, there would also be no conflict with Policies PD-P1, PD-P2 and PD-P11 of the Cornwall Area of Outstanding Natural Beauty Management Plan 2022 – 2027, which seek to preserve and enhance the scenic beauty of the NL.

Other Matters

12. The site is close to the Grade II listed dwelling known as Evergreen. Its significance and special interest as a designated heritage asset, in so far as it is relevant to this appeal, is drawn in-part from its relevance to the historic evolution of the hamlet and its attractive appearance. The relative spaciousness that surrounds the dwelling contributes to its setting.
13. Mindful of the statutory duty set out in s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have had special regard to the desirability of preserving its setting. In this instance a wide track and grass verge separate the appeal site from the listed building. As such, there is sufficient distance between the two to ensure that the current feeling of spaciousness around Evergreen would not be eroded by the proposed development. Moreover, while this is only permission in principle stage, there is no reason why the design of the proposed development could not complement the appearance of Evergreen. On this basis, the proposal would not cause harm and would therefore preserve the setting of the listed building and the contribution it makes to its significance.
14. The site is within the zone of influence of the Fal and Helford Special Area of Conservation. This protected area supports an important range of natural features including saltmarsh, intertidal mudflats, sandbanks and reefs.
15. The designated site is an important recreational and economic resource. It is well frequented by the public and it is very possible that occupants of the proposed development would visit the site. It is necessary for me, as the competent authority, to conduct an Appropriate Assessment in relation to the effect of the development on the integrity of the protected site.
16. The evidence before me is clear that the proposal, when combined with other development in the area, would have a likely significant effect on the protected site due to an increased disturbance through recreational activity. The main parties have agreed the provision of a financial sum in accordance with the Council's European Sites Mitigation SPD, July 2021 which can be put towards infrastructure or non-infrastructure projects. The SPD has been prepared with the agreement of Natural England. As such, it is not necessary for me to consult them separately as part of this appeal.
17. Based on the evidence before me, I am satisfied that the secured contribution would sufficiently mitigate the level of harm likely to be caused by the development and would be pursuant to the Council's adopted strategies. I therefore find that the proposal would not result in an adverse effect on the integrity of the designated site.

Conditions

18. As set out within the PPG, it is not possible for conditions to be attached to a grant of permission in principle.

Conclusion

19. The proposed development is in accordance with the development plan when considered as a whole. Having had regard to all matters raised, I conclude that the appeal should be allowed.

C Butcher

INSPECTOR