



Appeal Decision

Site visit made on 11 August 2025

by **S Harrington MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22nd August 2025

Appeal Ref: APP/D0840/W/25/3364964

Longmeadow, Carnbargus, Perranporth

- 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 Ms E Miners against the decision of Cornwall Council.
 - The application Ref is PA24/06414.
 - The development proposed is the construction of two self-build dwellinghouses.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the determination of the application, a revised version of the National Planning Policy Framework (the Framework) was published. Parties have had the opportunity to comment on the changes within the appeal timetable. Therefore, no parties will have been prejudiced by my having regard to the latest version in reaching my decision.

Main Issues

3. The main issues are:
 - whether the site is a suitable location for the proposal, having particular regard to the local development strategy; and
 - the effect of the proposal on the character and appearance of the area.

Reasons

Location

4. Policy 3 of the Cornwall Local Plan Strategic Policies 2010-2030 (LP) sets out a hierarchical strategy for the delivery of new housing based on the role and function of places. This Policy provides that outside larger named settlements, housing growth is to be delivered through, amongst other means, rounding off and development of previously developed land (PDL) within or immediately adjoining a settlement of a scale appropriate to its size and role.
5. 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)’.

6. The Chief Planning Officer's Advice Note – Infill/Rounding Off (December 2017) (CPOAN) does not form part of the statutory development plan and is to be regarded as informal guidance. However, it does provide some clarity on the locally adopted approach in relation to matters such as rounding off, indicating that 'Rounding off provides a symmetry or completion to a settlement boundary' and 'it is not intended to facilitate continued incremental growth'.
7. The CPOAN also advises that a judgement will be required as to whether a site has the appearance of being within the physical boundaries of that settlement. It further states suitable sites for rounding off must be contained within long standing boundary features (such as a road) and are likely to be surrounded on at least two sides by existing built development.
8. The appeal site does not fall within any defined development boundaries, with the nearest development boundary (Perranporth and Bolingey) being approximately 190m to the north. It is put to me that the appeal site is within a settlement known as Carnbargus, with both Carnbargus and Perrancombe named on the Council's mapping system. However, even if the Council have previously granted planning permission for dwellings within Carnbargus, I observed that 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.
9. Although enclosed and bordering extensive domestic gardens to two sides, the appeal site's verdant and rural quality is distinct from the built residential form of nearby settlements and positively contributes to the rural character of the immediate area. Given the spatial relationship of the appeal site to nearby built form (which appears more as a low-density straggle of development interspersed with woodland, rather than that of a settlement), and the character of the appeal site within a wooded valley, it is experienced as part of the surrounding countryside as opposed to being within, or adjoining a settlement.
10. In terms of PDL, I observed modest buildings at the appeal site, described within the appellant's appeal statement as a recreational horse stable and hobby workshop and domestic store. There is however disagreement between the main parties as to the lawful use of the appeal site. Within the context of an appeal under section 78 of the Town and Country Planning Act 1990 (the Act), it is not within my remit to formally determine the lawful use of land. If a person wishes to ascertain whether an existing use is or would be lawful, the correct approach is for an application to be made under section 191 or 192 of the Act for a certificate of lawful use.
11. Notwithstanding, even if I were to find the site constituted PDL, given that I find the appeal site to be within open countryside and not within or immediately adjoining a settlement, the proposal would not gain support through LP Policy 3.
12. Moreover, although LP Policy 21 is permissive of the use of PDL, this is subject to taking into account matters including access to services and facilities. The nearest services and facilities required for day-to-day living are located in Perranporth, which, the appellant states to be 1.2km away, and the Council 2.25km away. Nevertheless, the highway to Perranporth features country lanes, largely with no footpath, street lighting, limited pedestrian refuge off the vehicular carriageway in areas, and undulating topography.

13. As such, in combination with the distance, walking from the site, particularly in the dark, inclement weather or in colder months, would be unattractive to most future occupiers. Furthermore, given the location of the nearest bus stop, future occupiers would still be required to walk partly along this highway network to reach the bus stop. Consequently, I find occupiers would be likely to rely heavily on the use of private vehicles to access those services and facilities that are reasonably required for everyday living.
14. As such, the proposal materially differs to an appeal¹ highlighted by the appellant, where in that case the Inspector found that future occupiers would have easy access to facilities on foot due to its position on the edge of a village.
15. A further appeal decision² and a permission in principle³(PIP) granted by the Council are cited by the appellant. However, whilst the full details of the other cases are not before me, these concern differing sites to the appeal proposal. The Inspector in the appeal decision considered that particular site was adjacent to a settlement, unlike my findings in relation to the appeal site the subject of this appeal. The PIP also related to a differing site with materially differing spatial relationships with the surrounding area, being abutting a defined settlement boundary on three sides. This limits the equivalence of the other cases to the current proposal. Moreover, the current appeal proposal has its own circumstances, and I shall determine it on its own merits.
16. Subsequently, I conclude that the proposal would not be in a suitable location, having particular regard to the local development strategy. It would conflict with LP Policies 1, 2, 3, 7, 27 and Policy T1 of the Climate Emergency Development Plan Document 2023 (CEDPD). These policies, amongst other things, seek to promote 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.

Character and appearance

17. The area that surrounds the site has a strong rural character that despite sporadic built form, has the perception of being within countryside. Moreover, being within a sheltered wooded valley, the site both demonstrates and positively contributes to some key characteristics of the landscape character area⁴ it falls within.
18. Notwithstanding the use of the site, I observed that the existing buildings are visible in glimpse views from the adjacent highway and are modest with a rural character. The proposal would result in the construction of two large new dwellings, which whilst utilising materials not dissimilar to that found in rural buildings, would have a domestic contemporary appearance.
19. Even if the appeal site is currently used for recreational purposes, the introduction of two dwellings, and associated use of garden areas with domestic paraphernalia would increase the appearance of domestication of the appeal site. Furthermore, despite mature planted boundaries the proposal would be more prominent than the existing buildings due to the significant increase in height and massing.

¹ APP/D0840/W/19/3242527

² APP/D0840/W/23/3320333

³ PA22/05071

⁴ CCA17 Newquay and Perranporth Coast

20. The proposal would not appear as an entirely unexpected or incompatible element in the landscape given existing residential development near the appeal site. However, the erection of residential built form would result in further additional sporadic urban development and associated residential activity within the countryside, harmfully eroding the rural character of the area.
21. Any unmitigated loss of mature trees at the appeal site would harm the wooded valley character of the area. Nevertheless, if the proposal was acceptable in other respects, given the proposed location of the dwellings within the appeal site, I see no reason why a planning condition could not be imposed to ensuring appropriate and effective tree protection measures are implemented.
22. However, I conclude in any case that the proposal would harm the character and appearance of the area. It would therefore conflict with LP Policies 12, 23 and CEDPD Policy C1. These policies, amongst other things, seek to ensure that development is well designed and that it preserves existing character and the natural environment.

Other Matters

23. 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. In these circumstances the Framework indicates that where the requisite housing land supply cannot be shown, the policies which are most important for determining the application should be deemed out-of-date. It continues that permission should be granted unless any adverse impacts 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.
24. Whilst the proposal is described as self-build housing, there is no mechanism before me that would guarantee the scheme would meet the definition of self-build or custom build homes. Therefore, I can only afford minimal weight to this element. Nevertheless, the proposal would achieve an increase in housing supply in a rural area where dwellings can support larger rural service centres, and within an area with an acknowledged lack of housing provision. Nevertheless, the benefit to housing delivery is modest given the small scale of the proposal for two dwellings.
25. Furthermore, there would be modest short term economic benefits from the construction of the proposal and further modest economic and social benefits from the future occupation of the dwellings and associated spending in the locality.
26. However, the proposal would be in a location where future occupiers would rely heavily on the use of private vehicles to access services and facilities that are reasonably required for everyday living, as well as harming the character and appearance of the area. The proposal is therefore contrary to LP policies 1, 2, 3, 7, 12, 23 and 27, CEDPD policies C1 and T1, and conflicts with the development plan as a whole.
27. The Framework is clear that new development should be directed to sustainable locations and add to the overall quality of an area. It highlights that development should be visually attractive and sympathetic to local character and the surrounding built environment. The development plan policies that the scheme conflicts with are

broadly consistent with the Framework. As such, and due to the degree of harm I have identified, I give the conflict with these policies substantial weight.

28. While the proposal would align with the objectives of the Framework which seek to significantly boost housing supply and promote the effective use of land, I have found the contribution to housing supply to be a modest benefit alongside other modest benefits. Consequently, the adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Therefore, the proposal would not represent sustainable development.
29. 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 habitat sites). 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*.
30. Designated features of the FHSAC include saltmarsh, intertidal mudflats, subtidal sandbanks, large shallow inlets and bays, estuaries and reefs. Within the vicinity of the habitat sites, 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.
31. 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 habitat sites. 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.
32. Given my conclusions on the main issues 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 habitat sites. 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

33. 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, outweigh the identified harm and associated development plan conflict. Therefore, the appeal is dismissed.

S Harrington

INSPECTOR