
Appeal Decision

Site visit made on 5 August 2025

by **C Rose BA (Hons) BTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22nd August 2025

Appeal Ref: APP/D0840/W/25/3362315

Land Adjacent No's 1 And 2, Hillside Terrace, Carharrack, Cornwall, TR16 5RZ

- 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 Jackie Styles against the decision of Cornwall Council.
 - The application Ref is PA24/07447.
 - The development proposed is erection of one dwelling.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Jackie Styles against Cornwall Council. This application is the subject of a separate decision.

Preliminary Matters

3. Planning Practice Guidance 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.
4. 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.

Background and Main Issues

5. The appellant states that any effect from the proposal on the Cornwall and West Devon Mining Landscape World Heritage Site (WHS) is a matter for consideration at the TDC stage. However, given that the considerations for the PIP include location, I find that the effect from a dwelling located within the WHS is a relevant consideration in relation to this appeal.
6. As such, 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

7. The appeal site is located within the WHS. Paragraph 202 of The National Planning Policy Framework (the Framework) states that World Heritage Sites are heritage assets of the highest significance, which are internationally recognised to be of Outstanding Universal Value (OUV).
8. The Cornwall and West Devon Mining Landscape World Heritage Site Management Plan 2020-2025 (WHSMP) describes the WHS as a series of ten areas comprising the distinctive patterns of buildings, monuments and sites which together form the coherent series of distinctive cultural landscapes created by the industrialisation of hard-rock mining processes in the period 1700 to 1914. Carharrack is noted as a fine example of a mining village.
9. The Statement of OUV outlines that, amongst other things, the remains of smallholdings and industries allied to mining, along with new towns and villages reflect an extended period of industrial expansion and prolific innovation. Mining settlements and social infrastructure comprising villages and hamlets is identified as one of seven attributes through which the OUV of the WHS is expressed.
10. The appeal site lies to the front of a terrace of dwellings and associated gardens, which whilst having been extended through various extensions, is recorded on historical maps of Carharrack dating back to the mid/late 1800's. There is no dispute between the main parties that the terrace is of historic interest forming part of the development of the mining landscape with the appeal site originally forming part of the mineworker's cottages gardens to No's 1 and 2 Hillside Terrace.
11. This terrace largely features long front gardens which help provide an understanding of the functional relationship of the gardens/serviced land to the historic dwellings and assists in understanding the relationship of the dwellings to the mining settlement and its historic character.
12. I note that the appeal site is physically separated from the gardens to No's 1 and 2 Hillside Terrace (No's 1 and 2) by fencing, planting and an outbuilding and is in different ownership. However, due to its raised spatial relationship with the terrace and adjacent gardens, and despite the presence of the outbuilding and separation from the gardens to No's 1 and 2, and other permissions and development in Carharrack and St. Day outlined by the appellant (including Carnmarth Castle, Foxes Row, Land North of 6 Manor Road and Land West of The Rookery), the historic layout of the terrace and associated relationship with outdoor space is visually maintained. This is especially the case from viewpoints along Hillside Terrace and Pennance Road despite any increased car parking.
13. While I have had regard to the evidence from the appellant demonstrating that not all historic mineworker's cottages are characterised by extensive gardens, this terrace of properties is. By reason of this and given their historic value and record of the development of this part of the mining community, it is nonetheless of value in reflecting the development of the local mining community.
14. The existence of other sites where historic plots may have been altered, does not provide a reason to allow harmful erosion in this instance. The historic functional relationship of the terrace with gardens remaining legible despite parts of the surrounding area being developed emphasises its historical importance.

15. Consequently, I find that the appeal site contributes to the integrity and character of the area, being part of a legible historic layout of this part of a mining settlement and its associated social infrastructure, and therefore positively contributes to the OUV of the WHS.
16. The Cornwall Design Guide 2021 (CDG) provides guidance to ensure that, amongst other things, new developments enhance their historic context and character and respond to historical landscape context. The proposal would inevitably introduce a residential dwelling onto a site, which whilst it is put to me that the appellant will not return the appeal site to a garden associated with No's 1 and 2 and will erect fencing/walling and add further landscaping, does not change its status as a garden. Furthermore, given that any fencing/walling would be limited in scale with landscaping being representative of garden areas, these matters would not interrupt the historic pattern of development, diminish the historic legibility of the area or harmfully reduce the contribution that the appeal site makes as part of the historic landscape to an extent that would arise from a new, albeit small, dwelling or cottage.
17. As a result, there would be harm to the OUV of the WHS. In view of the localised impact of the proposal, this harm would be less than substantial within the meaning of the Framework. The Framework sets out that great weight should be given to the conservation of heritage assets and notes that less than substantial harm should be weighed against any public benefits associated with the development.
18. The dwelling would contribute towards the areas housing supply, would be well served by a range of services, facilities and transport links and could be built out quickly in a location that accords with the Council's Spatial Strategy for development. There would also be short term economic benefit due to employment during construction, and an ongoing benefit from future occupants supporting local businesses and services with small developments making an important contribution to housing supply. However, due to the limited scale of the proposal, these benefits in combination attract only modest weight and would not outweigh the harm that I have identified to the WHS. While paragraph 73. d) of the Framework states that great weight should be given to the benefits of windfall sites, this is subject to it being on a suitable site.
19. Accordingly, 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 conflicts with policies 1, 2, 12 and 24 of the Cornwall Local Plan Strategic Policies 2010-2030, Policy C1 of the Climate Emergency Development Plan Document 2023 and paragraphs 3.1.2 and 3.2.1 of the CDG. These policies seek, amongst other matters, to ensure that proposals respond to and are demonstrably informed by historic landscape character and historic context and to avoid harm to the authenticity and integrity of the OUV of the WHS. The proposal would also conflict with policies P3, C2 and C9 of the WHSMP, which seek, amongst other things to protect, maintain and enhance the historic character and distinctiveness of the WHS.

Other Considerations

20. My attention has been drawn to another appeal and related costs decision¹ within the WHS. However, that development related to the replacement of an existing

¹ APP/D0840/W/24/3343448

garage with a new garage that the Inspector noted is only readily visible from a service lane with the authenticity of the pattern of long plots no longer readily apparent. As such, it is not directly comparable to the current appeal proposal. Furthermore, I must consider the current appeal on its merits.

21. There is no dispute between the main parties that the Council is unable to demonstrate a five-year supply of deliverable housing sites. I have no reason to disagree. 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 of the Framework, the WHS is a designated heritage asset of particular importance as denoted by footnote 7.
22. The proposal would cause less than substantial harm to the WHS, and the application of the policies in Section 16 of the Framework provide a strong reason for refusing the proposal. Consequently, the provisions of paragraph 11d(ii) of the Framework are not engaged in this instance.
23. Nonetheless, as stated above, the proposal's benefits include the provision of a new dwelling in a location well served by a range of services, facilities and public transport links and could be built out quickly at a time that the council have declared a housing crisis. Small developments can make an important contribution to meeting housing requirements, and the proposal accords with the Council's Spatial Strategy for development. Further benefits include short term economic employment during construction, and an ongoing benefit from future occupants supporting local businesses, services, and the community. In spite of this, given the proposal is for a single dwelling, I find the benefits would be modest and do not outweigh the harm identified above.
24. The appeal site falls within the Fal and Helford Special Area of Conservation. However, as I am dismissing the appeal for other reasons, I do not need to consider this matter or the related duties under the Conservation of Habitats and Species Regulations 2017 further.

Conclusion

25. For the reasons given above, I find that the proposal would conflict with the development plan when read as a whole. No material considerations, individually or cumulatively, and including the Framework indicate that a decision should be taken otherwise than in accordance with it. Therefore, the appeal is dismissed.

C Rose

INSPECTOR