



Appeal Decision

Site visit made on 19 August 2025

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 August 2025

Appeal Ref: APP/D0840/W/24/3356479

Land to the west of Malvern and Pudín Cottages, Rose, Goonhavern, Truro, Cornwall TR4 9PQ

- 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 M Noone against the decision of Cornwall Council.
- The application Ref is PA23/09631.
- The development proposed is erection of up to 7 dwellings (minimum of 6) as a rural exceptions site.

Decision

1. The appeal is allowed and permission in principle is granted for erection of up to 7 dwellings (minimum of 6) as a rural exceptions site at Land to the west of Malvern and Pudín Cottages, Rose, Goonhavern, Truro, Cornwall TR4 9PQ in accordance with the terms of the application, Ref PA23/09631.

Preliminary Matters

2. The proposal is for permission in principle. The Planning Practice Guidance (the 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. 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.
4. An applicant can apply for permission in principle for a range of dwellings by expressing a minimum and maximum number of dwellings as part of the application. In this instance, permission has been sought for a minimum of six, and a maximum of seven dwellings.
5. A plan showing how seven dwellings could be arranged on the site has been submitted. However, it is labelled as indicative, and I have treated it as such, because the application only relates to the principle of the proposed development.
6. The site lies in close proximity to the Penhale Dunes and the Fal and Helford Special Areas of Conservation (the SACs). The Cornwall Council European Sites Mitigation - Supplementary Planning Document – July 2021 (the SPD) explains the

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

importance of the SACs and their qualifying features. It identifies that recreational activity within them, resulting from additional residential development nearby, has the potential to disturb this habitat, resulting in a likely significant effect on the qualifying features of the SACs. The SPD provides a strategic scheme and sets out a series of measures to mitigate the effect of the increased recreational pressure. For small developments, this involves a financial contribution to the strategic mitigation plan to be secured through each application.

7. The PPG explains that conditions and/or planning obligations cannot be secured at the permission in principle stage, only at the technical details consent stage. However, in this case, a signed and dated undertaking under s111 of the Local Government Act 1972 has been submitted. This provides an undertaking, with the appropriate payment for the financial contribution to the strategic plan to mitigate the effect of the additional dwellings. As the payment has already been made, the mitigation requirements in the SPD have been secured.
8. Any application for technical details consent must specify the permission in principle to which the technical details consent relates. There is, therefore, a direct link between the mitigation payment, related to the permission in principle stage for this scheme, and the process of submitting and considering any subsequent technical details, including its effects on the SACs.
9. Natural England has endorsed the measures proposed in the SPD and, following the completion of the s111 undertaking and submission of the related payment, the Council is satisfied that the effect of the development on the SACs has been addressed. In these circumstances, I am satisfied that the proposal, either alone or in combination with other schemes, would have no adverse effect on the integrity of the SACs. Consequently, when undertaking an appropriate assessment, I am satisfied that the scheme would accord with the requirements of the Conservation of Habitats and Species Regulations 2017. The proposal would not, therefore, be habitats development, so can be considered under the permission in principle application procedure.

Main Issue

10. 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

11. The main policies of the development plan that govern the location of new residential development are Policies 2 and 3 of the Cornwall Local Plan Strategic Policies 2010 – 2030 (adopted 2016) (the Local Plan). The strategy set out in Policy 2 seeks to maintain the dispersed development pattern of Cornwall, and provide housing based on the role and function of each place. Policy 3 defines how development will be accommodated, based on this hierarchy, with growth focussed on identified main towns. Rose is not one of the main towns listed in Policy 3.
12. Outside the main towns, Policy 3 says housing growth is to be delivered through the identification of sites through Neighbourhood Plans; rounding off of settlements; development of previously developed land within or immediately adjoining settlements; infill schemes; or rural exception sites. It is not disputed that the suitability of the site for housing is dependent on it meeting the criteria for a

rural exception site under Policy 9 of the Local Plan. The description of the development makes it clear that this is what is proposed.

13. Policy 9 says that development proposals on sites outside of, but adjacent to, the existing built-up area of smaller towns, villages and hamlets, whose primary purpose is to provide affordable housing to meet local needs, will be supported where they are clearly affordable housing led; well related to the physical form of the settlement; and would be appropriate in scale, character, and appearance. Policy HO4 of the Perranzabuloe Neighbourhood Development Plan 2018-2030 (the Neighbourhood Plan) also supports the provision of affordable homes on exception sites in accordance with Policy 9 of the Local Plan. As the Council's reason for refusal does not cite any conflict with Policy 9 or Policy HO4, there seems to be no dispute that, from a purely locational perspective, the proposed exception site would accord with the spatial strategy of the development plan for new housing.
14. The Council's decision notice refers to Policy 23 of the Local Plan, which requires development proposals to sustain local distinctiveness and character, and to protect and where possible enhance Cornwall's natural environment and assets according to their international, national, and local significance. Policy SD2 of the Neighbourhood Plan has similar aims. Although not cited in the reason for refusal, Policy 9 of the Local Plan also requires consideration of the scale, character, and appearance of the proposal. The Council's statement of case also refers to Policies 2 and 12 of the Local Plan and Policies NE2 and NE3 of the Neighbourhood Plan, which seek to protect the landscape.
15. The site is a fairly level grassed field surrounded by low hedges on all four sides. It is one of a group of similar small fields in a triangular area that is enclosed by the built form of Rose on two sides and the B3285 on the other. It lies within Cornwall Character Area 17 - Newquay and Perranporth Coast, and within the Undulating Land typology in the Local Landscape Character Assessment carried out in association with the Neighbourhood Plan. It displays some of the valued characteristics for these areas, such as small to medium scale field patterns in an open and exposed landscape with little tree cover. However, the contribution that it makes is limited, as the triangle of fields is somewhat detached from the wider landscape, due to its containment and the strong urban influences on two sides.
16. Despite the adjacency of the built form of Rose, the site has a closer visual relationship with the fields to the south. The introduction of six or seven new dwellings and associated infrastructure would inevitably urbanise the site, altering its open pastoral nature and extending development beyond the existing envelope of the settlement. This encroachment into the countryside would result in a degree of harm to the character and appearance of the area. However, Policy 9 explicitly states that exception sites will be outside the existing built-up area, so some encroachment into the countryside is an inevitable consequence of any proposal that is supported by this policy. The principle of the proposal must, therefore, be considered in this context.
17. The proposed dwellings would be set back behind the frontage buildings when viewed from the road through Rose. They would be visible in the gaps between the houses, but would be experienced in the context of the existing dwellings in the foreground, so would not be particularly obtrusive. It has been drawn to my attention that the site is at a higher level, so there is the potential for the proposed

dwelling to be a dominant feature. However, the scale, design and materials of the buildings could be controlled through any subsequent application for technical details consent to ensure that they assimilate successfully with the frontage development.

18. A bridleway runs along the northwestern boundary of the site, which is lined along most of its length by a hedgerow to a height of about two metres. Consequently, passers-by would only have limited views of the development. Access is a matter for a future technical details consent application, but if part of the hedgerow were to be removed to allow for an entrance point, the development would be more visible. However, it would be seen in the context of the recent residential development on the opposite side of the bridleway, where there is no hedgerow, and the two-storey houses are not screened. Consequently, this end of the bridleway already has a rather urban character, so the proposal would not be overly intrusive.
19. The B3285 runs approximately 100 metres to the south of the site. It is lined by a high roadside hedge bank, so views of the development from here would be restricted to a somewhat distant roofscape. As a result, any visual impact would be limited. As the surrounding area is relatively flat, with field and roadside hedgerows, there are no long-distance viewpoints into the site. Consequently, the harm to the character and appearance of the area, through urban encroachment into the countryside, would be localised, and no greater than may be expected as a result of any rural exception site.
20. It is contended that the harm resulting from the development could not be mitigated by landscaping, as high hedges are not characteristic of the surrounding landscape. Details of planting are a matter for any future technical details consent application. However, with the potential exception of a new access point, there seems to be no reason why all of the existing boundary hedging could not be retained. Bearing in mind the localised visual impact, and provided the buildings are of a suitable scale, design and materials, the development could be successfully assimilated into its surroundings without substantial additional screening.
21. The Glossary to the National Planning Policy Framework (the Framework) defines best and most versatile agricultural land (BMV land) as land in grades 1, 2 and 3a of the Agricultural Land Classification. It is not disputed that the land is grade 3a and is therefore BMV land. Paragraph 187 of the Framework advises that planning decisions should recognise the economic and other benefits of BMV land. Policy 21 of the Local Plan says that the economic and other benefits (including food production) of Grade 1, 2 and 3a agricultural land will be taken into account, and, where significant development of agricultural land is demonstrated to be necessary, poor-quality land should be used in preference to that of higher quality. There is, therefore, no basis in local or national policy to consider that the use of a relatively small area of BMV land is unacceptable in principle, where there is a need for an alternative use. Rather, a balancing exercise is necessary, that takes account of the importance of BMV land.
22. In this case, the area of land, at 0.4 Hectares, could not reasonably be described as the significant development of BMV land under the terms of Policy 21. Consequently, if there was a demonstrable need for the development, the Policy would not require that a site with a lower grade agricultural classification should be

sought. However, the importance of BMV land as a finite resource should still be weighed in the balance and, in the absence of any demonstrable need for the development, the loss would be contrary to Policy 21 of the Local Plan and the advice in the Framework.

Other Matters

23. Rose contains very few community services and facilities. However, paragraph 2.61 of the Local Plan recognises that within small rural communities, there may be circumstances where the provision of housing to meet a local need is best met at a specific community rather than in a more sustainable nearby settlement. In this respect, I note that the facilities at Goonhavern are only a short distance away.
24. Concerns have been raised about the suitability of either of the two access points that could potentially serve the development. In principle, however, the amount of development at this location would not result in an unacceptable impact on highway safety or severe impacts on the local road network. Detailed consideration of the access point(s) would be a matter to be considered at the technical details consent stage, including the impact on biodiversity of any hedgerow removal.
25. Arrangements for sewage disposal would be considered as part of any subsequent application for technical details consent. There is no evidence to indicate that, in principle, the amount of development in this location could not be suitably served.

Planning Balance

26. I have found that there would be some localised harm to the landscape through the encroachment of urban development into the countryside. This places the proposal in conflict with Policies 23 of the Local Plan and Policies SD2, NE2 and NE3 of the Neighbourhood Plan. There would also be a loss of BMV land which, in the absence of any demonstrable need for the development, would be contrary to Policy 21 of the Local Plan. However, the development plan must be considered as a whole. Policies 3 and 9 of the Local Plan and Policies SD1 and HO4 of the Neighbourhood Plan support proposals outside development boundaries to deliver affordable homes to meet evidenced local housing need.
27. The evidence indicates an acute need for affordable housing in the Perranzabuloe Parish, with 211 households on the housing register, and only 45 affordable homes delivered since the start of the Local Plan period. There is an overwhelming need for 123 one-bedroomed properties. The Council speculates that the development may not yield 100% affordable housing, but, as an exception site, the legal agreement to be secured at technical details stage would have to demonstrate that the proposal was affordable housing led. Considering the level of need, the provision of a significant proportion of affordable housing on the site carries substantial weight.
28. In the final balance, the proposal would provide affordable housing at a suitable scale where there is an identified local need, on a site that is well-related to the built form of the settlement in accordance with Policy 9 of the Local Plan. It would have a limited and localised impact on the character and appearance of the area, but no more than would be expected in the context of a rural exception site. There would be a loss of BMV land, but there is a demonstrable need for the development, and the loss would not be significant. There would not, therefore be conflict with Policy

21 of the Local Plan. Consequently, I conclude that the proposal accords with the development plan as a whole, which supports rural exception sites within the overall strategy for the location of residential development and the maintenance of Cornwall's distinctive natural character.

Conditions

29. The PPG makes it clear that it is not possible for conditions to be attached to a grant of permission in principle, whose terms may only include the site location, the type and amount of development.

Conclusion

30. For the above reasons, I conclude that the appeal should be allowed.

Nick Davies

INSPECTOR