
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: 05 September 2025

Appeal Ref: APP/D0840/W/25/3358451

Land East of Reen Hill, Bolingey, Perranporth, Cornwall TR6 0AS

- 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 Darran Goldby (Tregothnan Estate) against the decision of Cornwall Council.
 - The application Ref is PA24/05840.
 - The development proposed is construction of 2 dwellings.
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Decision

1. The appeal is allowed and permission in principle is granted for construction of 2 dwellings at Land East of Reen Hill, Bolingey, Perranporth, Cornwall TR6 0AS in accordance with the terms of the application, Ref PA24/05840.

Applications for costs

2. An application for costs was made by Mr Darran Goldby (Tregothnan Estate) against Cornwall Council. This application is the subject of a separate Decision.

Preliminary Matters

3. 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.
4. 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.
5. 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 specifically been sought for two dwellings. A plan has been submitted showing how two dwellings could be accommodated on the site, but I have considered this to be solely for illustrative purposes because the application only relates to the principle of the proposed development.

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

6. On 12 December 2024, the Government published a revised National Planning Policy Framework (the Framework). The alterations result in some of the paragraphs referred to on the Council's decision notice being altered or renumbered. However, both parties have had the opportunity to refer to the updated Framework in their submissions. I have therefore considered the revised advice in my determination of the appeal.
7. 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 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 this increased recreational pressure. For small developments, this involves securing a financial contribution to the strategic mitigation plan through each application.
8. 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, the evidence indicates that a signed and dated undertaking under s111 of the Local Government Act 1972 has been submitted. This provides an undertaking to make the appropriate financial contribution to the strategic plan to mitigate the effect of the additional dwellings. The payment has already been made, so the mitigation requirements in the SPD have been secured.
9. 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.
10. 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

11. The main issue is whether the site is suitable for two dwellings, having regard to its location, the proposed land use, and the amount of development.

Reasons

12. The Council's overall settlement strategy is set out in Policy 2 of the Cornwall Local Plan Strategic Policies 2010 - 2030 (the Local Plan). The strategy seeks to maintain the dispersed development pattern of Cornwall, and provide housing based on the role and function of each place. Policy 3 of the Local Plan defines

how development will be accommodated, based on this hierarchy of role and function. Outside specific main towns (Bolingey is not one of these), housing growth is to be delivered through the identification of sites through Neighbourhood Plans; rounding off of settlements; development of previously developed land (PDL) within or immediately adjoining settlements; infill schemes; and rural exception sites.

13. The site lies outside the Development Boundary for Bolingey as defined by the Perranzabuloe Neighbourhood Development Plan 2018-2030 (the Neighbourhood Plan). However, the Neighbourhood Plan defers to the Local Plan on rounding off. Policy SD1 says that development proposals will be supported within the defined boundaries or where it complies with the requirements of Policy 3 of the Local Plan for infill and rounding off. The development would not comprise infilling as it would not fill a gap in an otherwise continuously built-up frontage. Furthermore, the site is not PDL, is not identified for development by the Neighbourhood Plan, and is not being promoted as an exception site. Therefore, the proposal would only comply with Policy 3 of the Local Plan and Policy SD1 of the Neighbourhood Plan if it constituted rounding off.
14. Rounding off is defined at paragraph 1.68 of the Local Plan as development on land that is substantially enclosed, but outside of the urban form of a settlement, and where its edge is clearly defined by a physical feature that also acts as a barrier to further growth. Furthermore, it should not visually extend building into the open countryside. Further guidance is contained in the Chief Planning Officer's Advice Note of December 2017 (the CPOAN) titled Infill/Rounding Off, which both parties have referred to. This note advises that rounding off provides a symmetry or completion to a settlement boundary, and is not intended to facilitate continued incremental growth. It says that the history and nature of the land will be an important consideration; that proposals must be adjacent to existing development; and that suitable sites are likely to be surrounded on at least two sides by existing built development.
15. By its definition, rounding off involves land that is outside the urban form of the settlement. So, although the site lies outside the more densely developed area that is enclosed by the Development Boundary, it accords with the CPOAN's requirement to be adjacent to existing development. Indeed, there are existing buildings and roads on all four sides of the site, so it is substantially enclosed. These physical features would act as a barrier to further growth, so the proposal would not create any opportunities for further development. In all these respects, the site accords with the Local Plan and CPOAN requirements for rounding off.
16. It is contended that, despite the surrounding development, the sloping nature of the site means that it does not appear enclosed, so the development would visually extend development into the countryside. I saw that, in close views from the crossroads to the west, the site and any features beyond are entirely screened by high foliage, so it is not seen in association with the surrounding countryside. The extent to which this foliage would be removed to facilitate the development would be a matter for consideration under a future application for technical details consent. However, even if an access point did punctuate the frontage screening, the development would be seen against the backdrop of the three dwellings that are a very dominant presence on the higher ground immediately to the east of the site, rather than open countryside.

17. The site is partly visible behind the roadside foliage when viewed from Bone Mill Road to the south of the site. In these glimpsed views, the dwellings on the higher land to the east are readily apparent, so there is no perception that the land behind the boundary planting is open countryside. From here, the site is also seen in the context of existing buildings on either side of the road, and the wider landscape is not visible beyond.
18. The site can be seen in a wider context, from Mill Road to the southwest. From here, the surface of the site can be seen above the roadside foliage as a narrow green strip of land. It is seen between the roofs of the houses in Mill Road in the foreground, and the prominent dwellings that border the site to the east, and which are on the skyline from this viewpoint. The dwellings close to the northern and southern boundaries of the site are also evident from here, so the site appears detached from the surrounding countryside and enclosed by built form on all sides. Consequently, the proposal would not visually extend building into the open countryside, and would fulfil all the criteria for rounding off set out in the Local Plan and CPOAN.
19. The evidence indicates that the site lies within a Candidate Area of Great Landscape Value (cAGLV), which may be formally adopted as part of a forthcoming Local Plan. I have not been provided with evidence on the timescale for preparation and adoption of the Plan, or whether there are unresolved objections relating to the proposed cAGLV. I cannot therefore give the designation significant weight. In any event, the site plays a limited role in the character and appearance of the wider landscape, as it is surrounded by development and visually separated from the open countryside to the north and east.
20. There is a group of trees in the western corner of the site, which make a positive contribution to the character and appearance of the area. The scale, siting, and design of the buildings and access could be controlled at technical details stage to ensure that they could be retained. With the retention of the trees, the proposal would not have a harmful impact on the wider landscape.
21. For the above reasons, I conclude that the proposal would not involve a harmful intrusion of built development into the open countryside, but would constitute rounding off as defined by Policy 3 of the Local Plan. The proposal would, therefore, accord with the settlement policy of the development plan, and there would be no conflict with Policy 23 of the Local Plan, which seeks to protect and where possible enhance Cornwall's natural environment and assets according to their international, national, and local significance.

Other Matters

22. Concerns have been raised regarding the increased traffic that would be generated by the development, and the increased pressure on local services. However, at two dwellings, the scale of the proposal is small, so there would not be any material harm in either regard.
23. The arrangements for surface water drainage from the development would be a matter for detailed consideration at the technical details consent stage, but there is no evidence to indicate that, in principle, suitable arrangements could not be implemented to avoid any increase in flood risk.

Conditions

24. 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

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

Nick Davies

INSPECTOR