



Appeal Decision

Site visit made on 29 April 2025 by R Dickson BSc (Hons) MSc MRTPI

Decision by N Praine BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 September 2025

Appeal Ref: APP/D0840/W/25/3359104

The Chalet, Boat Cove Lane, Perranuthnoe, Cornwall TR20 9NW

- 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 Mr De Unger against the decision of Cornwall Council.
 - The application Ref is PA24/04886.
 - The development proposed is described as the demolition and replacement of existing chalet and associated works.
-

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issues are: (a) whether the proposal would be a new dwelling in the open countryside; (b) the effect of the proposal on the character and appearance of the area and whether it would conserve or enhance the landscape and scenic beauty of the Cornwall National Landscape; and (c) whether the proposed development would accord with planning policies concerning sustainable energy and construction.

Reasons for the Recommendation

Whether a new dwelling.

4. The appeal site comprises the access track, field and the remains of the fire destroyed chalet. As well as the outbuilding, the only legible feature of the lawful building¹ is the chimney. The lawful building had small windows on the front elevation with a kitchenette, eating area and reception area. Water was stored in containers, and a toilet was located outside of the main building in the outbuilding. As such, the lawful building provided basic facilities which would not have been particularly welcoming for longer occupation. Any potential for overnight stays are explained in the earlier Appeal Decision¹ as 'occasional' and 'basic'.

¹ Reference: APP/D0840/X/21/3277224

5. The proposed building overall would have a larger footprint and greater height, when compared to the lawful building. It would provide plumbed water connections, an open kitchenette and lounge, with a separate area of amenity space at one end of the building. In contrast to the lawful building, an easily accessible WC would also be provided within the main building accessed from the amenity area, with a basin, toilet, and shower. The front elevation would also have two large, glazed openings allowing natural light into the building.
6. While a bed is not shown on the plans, this does not automatically mean the proposed development could not accommodate a bed or other sleeping facilities. Indeed, the internal facilities in particular would provide a comfortable standard of living accommodation, which would likely give rise to more frequent overnight visits. As such, the proposal would, as a matter of fact and degree, provide the facilities needed for day-to-day private domestic existence and would be tantamount to a new dwelling given the significantly improved facilities.
7. I have considered if a condition could be imposed to control the use within the parameters of the lawful building. However, given the departures in design, as outlined above, which provide a higher standard of comfort including facilities needed for day-to-day private domestic existence, I do not consider this to be reasonable given my findings on this main issue.
8. The proposal is therefore a new dwelling within the countryside. Policy 7 of the Cornwall Local Plan Strategic Policies 2010-2030 (2016) (Local Plan) deals with housing in the countryside and seeks to only permit development within the open countryside where there are special circumstances. No special circumstances have been presented.
9. The proposal would be broadly taller, wider and longer than the lawful building. I acknowledge that there are no policies within the Local Plan or the Perranuthnoe Parish Neighbourhood Plan 2019-2030 (Neighbourhood Plan) that require a like-for-like replacement for replacement buildings, nor any policy that prevents a larger footprint or ridge height. However, when the Local Plan is taken as a whole, it does not support new dwellings within the countryside without special circumstances.
10. The appeal site is in an isolated location outside of a settlement. It is accessed from Perranuthnoe by a walk along an existing unlit grassed access track, I have not been provided with any details of the public transport provision or walking and cycle access to the nearby settlement or other local services and facilities. Overall, it has not been demonstrated that the site is within a sustainable location accessible by a range of transport options.
11. Accordingly, the proposed development would provide a new dwelling within the open countryside. As such the proposal would be contrary to Policies 1, 3 and 7 of the Local Plan, Policies HTA 1 and HTA2ii of the Neighbourhood Plan, and Policies C1 and T1 of the DPD which collectively seek to ensure that development is not located within the open countryside without special circumstances, and that it is sustainably located.

Character and appearance

12. The appeal site is located very near to the coast on the headland of Maen-du Point, separated from Perranuthnoe, within a field which slopes down towards the South West Coast Path below it. There are no buildings in this part of the landscape apart from the remains at the appeal site.
13. Within the appeal site, the remains of the lawful building are positioned in front of a backdrop of small cliffs, rocky outcrops and fields. Although not visible from the coast path immediately below it, the site is exposed within the wider area. There is currently no vehicular access to the site, with a walking route only possible along a private grass track. The current access arrangements highlight its secluded location. Accordingly, the aforementioned features define the character and appearance of the area as well as the landscape and scenic beauty of the Cornwall National Landscape, within which the appeal site is located.
14. The Cornwall National Landscape benefits from varied landscapes with distinctive characters and natural beauty. The appeal site sits within a coastal strip with exposed rock and low-lying headland. It has a scenic and tranquil quality, and this positively contributes to the character and appearance of the area. The National Planning Policy Framework requires that great weight should be given to conserving and enhancing landscape and scenic beauty in National Landscapes which have the highest status of protection in relation to these issues.
15. Therefore, any proposed development should positively reflect the value and sensitivity of the area and integrate appropriately. The evidence before me suggests that the lawful building dated from the 1940s. A simple timber building, it had an irregular shape with modest windows on the front elevation. From the photographs provided, it appeared to show its age despite more modern alterations, including a corrugated roof. The lawful building sits within a backdrop of small cliffs, rocky outcrops and fields.
16. The proposed development would involve clearing the site and constructing a new building with a considerably greater scale and massing. It would be taller than most of the lawful building, and in the main both wider and deeper. Its overall design would fail to integrate into the distinctive landscape and scenic natural beauty unacceptably harming the Cornwall National Landscape.
17. Most notably, the proposal would have large, glazed openings on the front elevation. The appellant notes that the building would be used infrequently. However, during periods of occupation, the large areas of glazing have the potential to result in light spill which is not a feature within this relatively undisturbed area at present. Conditions could mitigate the negative effects of the glazing on the character and appearance of the area when the proposed development is not occupied. However, during occupation light spill into the night sky would occur and this would be harmful to the tranquillity of the area. Even if this could be mitigated, the other harmful effects I have identified could not be mitigated through the use of conditions. As such, the proposal would fail to conserve or enhance the landscape and scenic beauty within the National Landscape, to which I give great weight.
18. The proposal would only be seen in distant and glimpsed views from the South West Coast Path. The appellant contends that there would be limited views from publicly accessible land. That being said, the lack of close public views does not offset the harm I have found above. Even within entirely private views, the proposal

would fail to conserve or enhance the landscape and scenic beauty within the Cornwall National Landscape.

19. Although I acknowledge that the corrugated steel outhouse would be removed as part of the proposal, which would be a benefit and an enhancement of the site, this could be achieved without planning permission. Therefore, this benefit carries limited weight.
20. Accordingly, the proposal would unacceptably harm the character and appearance of the area and would fail to conserve or enhance the landscape and scenic beauty of the Cornwall National Landscape. The proposed development would therefore be contrary to the relevant provisions of Policies 2, 12 and 23 of the Local Plan, Policies CW2, CW5, HTA2ii, BDL1, NLB 1b and NLB 3 of the Neighbourhood Plan, Policy C1 of the DPD and Policies PD-P1, PD-P2, PD-P11, and LS-P3 of the Cornwall Nationally Protected Landscape Management Plan 2022-2027. Collectively, these policies seek to ensure that developments within the Cornwall National Landscape conserve or enhance its landscape and scenic beauty, while being appropriately sited and of a scale and design that is appropriate to the special character of the area.

Sustainable energy and construction.

21. Policy SEC1 2b) of the DPD deals with sustainable energy and construction with regards to new residential development. As I have found that the proposed development would be tantamount to a new dwelling, Policy SEC1 2b) would be relevant in this case.
22. The policy requires the submission of an energy statement, detailing how the proposal would achieve a number of targets. Given the proposed infrequent use of the building, the proposal would likely meet the space heating demand and total energy consumption figures which are set per annum. However, there is also a requirement for on-site renewable generation to match the total energy consumption. Despite the inclusion of solar PV roof tiles as part of the proposal, without an energy statement I cannot be sure that the requirements of Policy SEC1 2b) would be satisfied.
23. As such, the proposal would fail to accord with the relevant provisions of Policy SEC1 2b) of the DPD. This policy looks to ensure that proposals achieve Net Zero Carbon and consider how energy demand such as heating, lighting and cooling could be offset.

Other Matters

24. The appellant suggests that other development has been approved within the area. However, limited information has been provided in this regard. Therefore, this does not alter my overall recommendation.

Conclusion and Recommendation

25. The proposal's adverse effects provide a strong reason for refusing the development proposed. As a result, the presumption in favour of sustainable development does not apply. Nonetheless, in this case, there would be economic, social, and environmental benefits on this previously developed site. However, given the limited quantum of development, I ascribe the cumulative effect of all these benefits moderate positive weight.

26. However, the harm I have identified would be significant and long lasting, given the benefits would be moderate, in the circumstances of this case, they would be outweighed by the identified harm of the development proposal which carries great weight. This would not, therefore tip the planning balance in the appeal scheme's favour when set against its conflict with the development plan.
27. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

R Dickson

APPEAL PLANNING OFFICER

Inspector's Decision

28. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

N Praine

INSPECTOR