



Appeal Decision

Site visit made on 21 May 2025

by **B Astley-Serougi BA(Hons) LLM MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 9 September 2025

Appeal Ref: APP/D0840/W/24/3356551

Land South Of 1 Trevarth Terrace, Trevarth, Redruth, Cornwall, TR16 6AG

- 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 & Mrs Steven Dale against the decision of Cornwall Council.
 - The application Ref is PA24/03125.
 - The development proposed is permission in principle for the erection of 2 to 3 dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is for permission in principle. Planning Practice Guidance (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. I have removed words not in relation to acts of development from the banner heading above for clarity.

Main Issue

5. 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

6. The appeal site is located in the hamlet of Trevarth and is adjacent to the boundary of the Gwennap Mining District of the Cornwall and West Devon Mining Landscape World Heritage Site (the WHS). It mainly consists of grass but has a relatively small hardcore parking area. A Cornish Hedge with natural shrub and tree planting acts as a boundary between the site and the public highway/pavement. There is a footpath which connects Trevarth to Lanner Village as well as a bus stop nearby to the appeal site.

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

7. Map 1 - the designated plan area, of the Lanner Neighbourhood Development Plan 2017-2030 (the NDP) outlines the designated area for the NDP and it includes the hamlet of Trevarth. The NDP establishes that Trevarth represents a mature hamlet and the parish otherwise features scattered dwellings in what is predominantly farmland with occasional areas of past mining activity. Furthermore, although there is a small cluster of dwellings, near to the appeal site, Trevarth has no defined settlement boundary according to Map 2 – Village Settlement Boundary and paragraph 8.6 of the NDP.
8. Policy 2 of the Cornwall Local Plan 2010-2030 (the CLP) outlines a spatial strategy to ensure sustainable growth across the plan area and highlights amongst other things that it should maintain the dispersed development pattern of Cornwall whilst also identifying the value and sensitivity of the character and importance of landscapes.
9. The reasoning text of Policy 7 of the CLP defines the open countryside for planning purposes as the area outside of the physical boundaries of existing settlements where they have a clear form and shape.
10. This is further supported by Policy 3 of the CLP which outlines, amongst other things, that proposals should consider the significance or importance that large gaps can make to the setting of settlements and should ensure that this would not be diminished.
11. The Chief Planning Officer's Advice Note: Infill/Rounding off – December 2017 (the CPOAN) highlights that some linear developments can meet the test of a clear form and shape suitable for infill and on occasion rounding off.
12. The appeal site is adjacent to the boundary of the WHS and Trevarth Terrace, which is a row of terraced mining cottages. The surrounding built form to the appeal site is linear and relatively dispersed in character. Consequently, Trevarth does not, in my judgement, have a clear form and shape with definable boundaries and instead resembles a low-density straggle of development.
13. Moreover, the CPOAN highlights that the open countryside may include areas containing groups of dwellings which might not constitute a settlement due to the lack of a clear form and shape.
14. Consequently, taking into account the Policies above and the CPOAN, the appeal site is, to my mind, situated in the open countryside for planning purposes. Reference to the existing large Cornish Hedge and views of the appeal site being obscured does not preclude the site from being designated as open countryside for planning purposes. The reference to open countryside does not necessarily refer to the visual characteristics of the site but rather its location as a whole for planning purposes.
15. Policy 2 of the NDP does not specifically restrict development outside of a settlement boundary. The approach undertaken by a previous Inspector has been highlighted by the appellant in the appeal decision at West of Fairview Farm. The previous Inspector in their decision outlined that not only does the NDP generally accord with the strategic aims of the CLP but furthermore, that where the NDP is silent on any matter, it was intended that the Policies of the CLP should have full effect. Given that I have identified above that the appeal scheme would conflict

with relevant CLP Policies, irrespective of Policy 2 of the NDP, the appeal scheme would, in my judgement, be in conflict with the CLP when read as a whole.

16. Furthermore, Policy 7 of the CLP provides support for housing in the countryside subject to certain criterion, such as replacement dwellings, subdivision of existing residential dwellings, reuse of suitably constructed redundant, disused or historic buildings, temporary accommodation for workers (subject to certain criterion) or for full time agricultural and forestry as well as other rural occupation workers where there is evidence of an essential need. None of these have been adequately demonstrated to apply to the appeal scheme before me.
17. Notwithstanding this, the definition of 'infill' within the reasoning text of Policy 3 of the CLP is established as the filling of a small gap in an otherwise continuously built-up frontage that does not physically extend the settlement into the open countryside. However, it further states that large gaps often exist between the urban edge of a settlement and other isolated dwellings beyond the edge of settlement. It identifies that these large gaps would not be appropriate locations for infill development.
18. Given the above, even if the appeal site were to not be classed as in the open countryside for planning purposes, it has a significant length of road frontage (approximately 78 metres). Therefore, in my judgement, this would constitute a large gap. Accordingly, the appeal scheme would, in this case, erode the gap and result in further ribbon development along the road which in turn would link the loose group of dwellings located at the road junction to Trevarth Terrace. Consequently, it would result, in my judgement, an unacceptable urbanising effect. Thus, taking into account Policy 3 of the CLP and its reasoning text, the appeal site would not be an appropriate location for the proposed development
19. Moreover, even though there are footpaths and public transport from Trevarth to larger settlements, this does not provide adequate justification for development within the open countryside given the harm I have identified in relation to the erosion of the aforementioned gap.
20. Rounding off is also defined within the reasoning text of Policy 3 of the CLP 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. Whilst I have identified that the boundary facing the public highway has a significant Cornish Hedge, the overall character of the appeal site is, in my judgement, open with limited obvious clearly defined physical features that would act as a barrier to growth. It therefore does not, to my mind, constitute rounding off.
21. Policy 21 of the CLP outlines the best use of land which includes, amongst other things, using previously developed land (PDL). The National Planning Policy Framework (the Framework) defines previously developed land as either land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land or land comprising large areas of fixed surface infrastructure such as large areas of hardstanding which have been lawfully developed.
22. There is limited substantive evidence before me to adequately demonstrate that a large area of the appeal site has been lawfully developed nor adequate evidence

to demonstrate it was occupied by a permanent structure. Consequently, whilst a small area of the appeal site consists of hardcore, there is limited evidence before me to suggest that the whole site should be considered PDL.

23. Given all of the above, the appeal scheme would result in an unacceptable urbanising effect and thus would not comply with Policy 21(c) insofar as it seeks to increase building density where appropriate, taking into account the character of the surrounding area.
24. Matters regarding the WHS can be taken into account at permission in principle stage if it is an issue that is fundamental to the acceptability of the three 'in principle' matters of location, land use and amount of development.
25. Paragraph 212 of the National Planning Policy Framework (the Framework) advises that when considering the impact of the development on the significance of designated heritage assets, great weight should be given to their conservation. Heritage assets range from site and buildings of historic value to those of the highest significance, such as World Heritage Sites.
26. The significance of the WHS derives in part from the historical mining which took place predominantly between 1700 and 1914. It transformed the landscape both in urban and rural areas including the spatial arrangements of mining towns, villages and hamlets.
27. I note that the Cornish Mining WHS Office has indicated concern regarding the loss of a previously undeveloped section of historic landscape and consequently that the appeal scheme would alter the setting of the nearby former mineworkers' cottages and the setting of the WHS.
28. The appeal site is not located within the WHS but rather is sited within its setting. Paragraph 213 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets or from development within their setting and this should have a clear and convincing justification.
29. Additionally, the Lanner Parish Local Landscape Character Assessment 2016 (the LLCA) and CCA15: Carnon Valley of the Cornwall Character Area (the CCA) both highlight the strongly rural character of the areas as well as a sense of openness of the landscape.
30. Consequently, the relationship between the existing built form of dwellings in this area and the historic remnant of mining is an important characteristic. Therefore, given the harm I have identified above which would result from the erosion of the gap due to the proposed development, there is to my mind no clear or convincing justification for the appeal scheme.
31. I do not have the full details relating to 10 Trevarth Terrace, Pembroath Farm and Rame Villas and therefore cannot be certain that they are wholly comparable to the appeal scheme before me. Nevertheless, each application is determined on its own merit. Notwithstanding this, I have identified the positive contribution the gap at the appeal site makes to the surrounding area and that the appeal scheme would, in my judgement, constitute unacceptable ribbon development. Therefore, given the specific site context, these other examples do not lead me to a different conclusion.

32. Regarding Policies 6 and 16 of the NDP, for the reasons given above, in my judgement the appeal scheme would not comply with Policy 6 of the NDP, insofar as it relates to the in principle matters, given it seeks to ensure that developments take into account the character and appearance of the natural and historical environment of the area. Policy 16 of the NDP relates to off-street parking requirements and is not a determinative policy for this appeal given the Council has not indicated concerns regarding this matter in relation to the amount of development.
33. Considering all of the above, the appeal scheme would be at odds with and undermine the spatial strategy for housing in the development plan as well as result in unacceptable harm to the character and surrounding area, including the setting of the WHS. It would thus be in conflict with Policies 1, 2, 6, 7 and 13 of the Lanner Neighbourhood Plan 2017-2030, Policies 1, 2, 3, 7, 12, 23 and 24 of the Cornwall Local Plan Strategic Policies 2010-2030, Policy C1 of the Climate Emergency Development Plan Document 2023, Policy 1 of Cornwall Site Allocations Development Plan 2019 and Policies P3 and P8 of the Cornwall and West Devon Mining Landscape World Heritage Site Management Plan 2020-2025. These policies seek, amongst other things, to ensure sustainable growth and sustain local distinctiveness and character.
34. It is for the same reasons that it would fail to accord with the guidance contained within paragraph 3.2.1 of the Cornwall Design Guide 2021.

Other Matters

35. The Council has stated that they are able to demonstrate a housing land supply of around 3.8 years. This is below the housing land supply the Council is expected to deliver in line with the Framework. The proposal would deliver up to two to three dwellings and boost the housing stock in circumstances where there is a shortfall.
36. There is limited substantive evidence before me to adequately demonstrate that the appeal scheme would deliver affordable homes or significantly reduce carbon emissions. I therefore attach limited weight to these benefits.
37. Reference to the retention of boundary treatment in relation to the appearance of the appeal scheme as well as the proposed materials, sizes of the dwellings and highways access are matters dealt with at the Technical Details Consent stage. These matters are therefore not determinative for this appeal in this case.
38. The appeal site is in the Zone of Influence of the Fal and Helford Special Area of Conservation (SAC). I have a duty under the Conservation of Habitats and Species Regulations 2017 to assess any impact the proposed development would have upon the SAC. Had I been minded to allow the appeal this would have been a matter requiring further exploration. However, as I am dismissing the appeal for other reasons no further consideration is required.
39. Paragraph 11 d), footnote seven of the Framework includes policies in the Framework that relate to designated heritage assets amongst other things. I have identified above that the appeal scheme would result in harm to the WHS through development within its setting. It follows therefore, that it provides a strong reason for refusing or restricting development and accordingly, the presumption in favour of sustainable development as outlined in paragraph 11 d) is not engaged.

40. Paragraph 232 of the Framework makes it clear that due weight should be given to existing policies according to their degree of consistency with the Framework. Development in the rural area is not precluded but the Framework indicates that great weight should be given to the benefits of using suitable sites within settlements for homes and therefore supports the general thrust of the CLP and the NDP. Therefore, the conflict between the proposal and the relevant Policies of the CLP and NDP should be given significant weight in this appeal.
41. For the reasons given above, the proposed development would harm the strategy for the control of development in the countryside.
42. The proposal would deliver up to three additional housing units and would result in modest economic benefits given the number of dwellings proposed in relation to employment opportunities during the construction of the development and through future occupants spending money in the local economy.
43. Given that the appeal is for permission in principle, design and landscaping are matters that are dealt with at the technical details stage and consequently, any associated benefits regarding renewable energy sources and eco-friendly infrastructure. Therefore, I attach limited weight to these claimed benefits.
44. Taking all of the above into consideration, there are no material considerations of such weight or significance to justify a decision other than in accordance with the development plan.

Conclusion

45. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

B Astley-Serougi

INSPECTOR