



Appeal Decision

Site visit made on 20 May 2025

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

an Inspector appointed by the Secretary of State

Decision date: 10 September 2025

Appeal Ref: APP/D0840/W/24/3353141

Land to the North of Ship Inn, Portloe, Truro TR2 5RB

- 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 and Mrs C Alston against the decision of Cornwall Council.
 - The application Ref is PA23/10186.
 - The development proposed is the construction of a single self-build dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a single self-build dwelling at Land to the North of Ship Inn, Portloe, Truro, TR2 5RB in accordance with the terms of the application, Ref PA23/10186, subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs was made by Mr and Mrs C Alston against Cornwall Council. This application is subject to a separate decision.

Preliminary Matters

3. As the proposal is in a conservation area, I have had special regard to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
4. As the site is within the Cornwall National Landscape (the CNL) I have paid regard to my duty under Section 86 of the Countryside and Rights of Way Act 2000 (as amended) to seek to further the purpose of conserving and enhancing the natural beauty of the area.

Main Issues

5. The main issues are:
 - whether the proposed development would preserve or enhance the character or appearance of the Portloe Conservation Area (the CA);
 - whether the proposed development would conserve and enhance the natural beauty of the CNL; and
 - whether the proposed development would achieve a sustainable design having regard to net zero carbon and water usage.

Reasons

Significance of the CA

6. The CA does not currently benefit from a Conservation Area Appraisal Report. Nevertheless, according to the CA map, it covers many of the centrally located buildings in Portloe which include contemporary designs as well as traditional cottages. The Roseland Heritage Coast Historic Audit 2000 states that Portloe was first documented in 1653 though it is likely to be considerably older. The character assessment for the Roseland Neighbourhood Development Plan 2015 (the NDP) outlines that the steep sided valley settlement pattern is tightly clustered in the valley bottom and amongst other things there has been a mix of traditional and contemporary refurbishment/extensions on built form and examples of 21st Century eco houses.
7. The built form in the immediate locality of the appeal site generally follows a linear pattern along the valley and the wide valley slopes contribute to the wider character of the CA. Additionally, in my judgement, the historic importance of Portloe as a traditional fishing village and its relationship with the natural harbour cove also contributes to its significance.
8. Consequently, I find that the significance of the CA, insofar as it relates to this appeal, to be primarily associated with the architectural and historic value of Portloe and its valley setting.

The effect of the development on the significance of the CA

9. The appeal scheme would introduce a dwelling in a prominent location within Portloe. The ground floor would be constructed with stone walls whilst the first floor would be constructed using light timber as would the roof. Consequently, given the proposed footprint of the dwelling, its overall design and proposed external materials would reflect the natural surrounding character. Consequently, to my mind, the proposed development, would be sympathetic to its natural setting and positively assimilate with the natural slope of the valley.
10. Whilst the proposed glazing would be relatively large when compared to a number of the historic fishing cottages in Portloe, there is a mix of fenestration within the surrounding area including contemporary balconies and extensions. Consequently, it would not to my mind result in unacceptable harm to the significance of the CA given it would reflect the diversity of fenestration within the wider valley.
11. Given all of the above, I conclude that the appeal scheme would not result in unacceptable harm to the significance of the CA through development within its setting. It therefore would comply with Policies 3, 12, 23 and 24 of the Cornwall Local Plan Strategic Policies 2010-2030 (the CLP), Policies LA2, GP1, GP2, CV1 and CV3 of the NDP, Policies PD-P1, PD-P2, PD-P11 and SCC-P1 of the Cornwall AONB Management Plan 2022-2027(online version) (the CMP) and Policy C1 of the Climate Emergency Development Plan Document 2023 (the DPD) insofar as they seek to ensure developments maintain local distinctiveness, respond to local historical context and pay special attention to the significance of conservation areas.

12. Reference to Policies LA1 and CV2 of the NDP are not determinative for this main issue given that they relate specifically to National Landscapes and Listed Buildings.

Natural Beauty of the CNL

13. The Framework states that great weight should be given to conserving and enhancing the natural beauty of National Landscapes. The appeal site is located in the South Coast Central area of the CNL and is described in the CMP as comprising of traditional characterful villages as well as a ridge forming a key landscape feature. Additionally, that there is an overriding sense of an extremely tranquil and well managed farm landscape with a globally renowned coastline.
14. The appeal site is located on a valley slope overlooking the centre of Portloe. One of the pressures highlighted in the CMP is the character of areas with coastal views being eroded due to the extension of settlements, redevelopment of existing dwelling and uncharacteristic design of enlarged and imposing coastal properties.
15. Policy PD-P11 of the CMP provides support for development in the CNL subject to certain criterion.
16. The appeal scheme before me, reflects the typography of the valley and uses differing materials at ground floor and first floor, which to my mind, would generally reflect the character of the valley slope. This is further supported by the description of woodland on steep valley sides which is highlighted as a notable characteristic of the South Coast Central area within the CMP. Additionally, the scale and massing of the development has been designed to inbed into the valley slope which includes the footprint of the first floor being smaller than the ground floor. Consequently, it would in my judgement be a sensitive addition to the area and would not be overly dominant.
17. I have identified above that there are examples of contemporary design within Portloe and in the locality of the appeal site. The proposed development would include relatively large fenestration towards the cove. However, the appeal scheme would not, when considered as a whole, introduce extensive glazing which would result in an unacceptable imposing presence, given that I have identified above the landscape led design and consequent integration of the scheme to the valley slope including the external materials. Given all of the above, it would to my mind result in a design that is suitably landscape-led.
18. The Local Landscape Character Assessment for the Roseland (2014) (LLCA) reiterates the steep valley sides as a significant feature of the Portloe Settlement assessment and establishes that many of the village properties are built into the steep valley sides. The appeal scheme, in my judgement, responds positively to the steep valley sides and other dwellings built into the valley sides given the design features I have identified above. Accordingly, the appeal scheme would meet the criterion established by Policy PD-11 of the CMP.
19. Given all of the above, and having regard to my statutory duty, I conclude that the appeal scheme would, conserve and enhance the natural beauty of the CNL and comply with Policies 3, 12, 23 and 24 of the CLP, Policies LA1, LA2, GP1, GP2, CV1, CV2 and CV3 of the NDP, Policies PD-P1, PD-P2, PD-P11, and SCC-P1 of the CMP and Policy C1 of the DPD. These policies seek to ensure, amongst other

things, that developments conserve and enhance the CNL and reflect the character and appearance of the landscape.

Sustainable Design

20. Policy SEC1 of the DPD outlines that developments should embed the energy hierarchy within the design of buildings and will be required to achieve Net Zero Carbon.
21. The Council acknowledge that the appellant provided details regarding this matter prior to the original Committee meeting. However, due to the late timing of the submission they were not formally considered. Nevertheless, the Council have confirmed that the details submitted by the appellant adequately demonstrate that the appeal scheme would satisfy the requirements of Policy SEC1.
22. Given that I do not consider the submitted details to involve a substantial difference or a fundamental change to the application and that the Council have had the opportunity to consider the details, I am satisfied that accepting these details would not prejudice the interests of interested parties.
23. Accordingly, I conclude that on the basis of the evidence before me the appeal scheme would comply with Policies C1 and SEC1 of the DPD insofar as they seek to ensure that developments implement the principles of sustainable energy and construction.

Other Matters

Appropriate Assessment

24. The appeal site lies within the 12.5km zone of influence of the Fal and Helford Special Area of Conservation (SAC). This European Site has the following qualifying features: saltmarsh, intertidal mudflats, subtidal sandbanks, large shallow inlets and bays, estuaries and reefs. It has been established that residential development within the zone of influence would likely result in harm to the protected area through additional recreational pressure. The appeal scheme would result in an additional dwelling and consequently, whether taken alone or in combination with other plans and projects there would be a likely significant effect on the SAC.
25. Policy 22 of the CLP requires proposals to demonstrate that adequate measures are put in place to avoid or mitigate any potential adverse effects on the SAC. The Council has a European Sites Mitigation Supplementary Planning Document 2021 (the SPD). It outlines a strategic mitigation strategy which has been agreed between the Council and Natural England. The mitigation measures include onsite access and management as well as off-site provision of suitable alternative recreational facilities.
26. Section 111 of the Local Government Act 1972 (as amended) allows Local Authorities to charge provided they are discharging a Council function or the payment is incidental to discharging any such function.
27. Natural England has been consulted as part of this Appropriate Assessment and is content that the measures secured by the Section 111 agreement, which align with the SPD, would provide a financial contribution to the mitigation measures. Consequently, it would address the adverse effects associated with the proposed

development and thereby relieve the pressure on the SAC. As a competent authority, I am satisfied that the Section 111 agreement secures and ensures the delivery of mitigation sufficient to address the harm likely to result from the appeal scheme. I therefore find that, given the Section 111 agreement, the proposed development would not have an adverse effect on the integrity of the SAC.

Other Considerations

28. I am aware that the site is proximate to the Grade II Listed buildings known as: Portloe Methodist Church including front wall and railings, Anchor Cottage Wheel Cottage, Cliff Villas, Blue House, 2 Lime Kilns and Cliff Garden, Portloe Church, Beach Cottage, Beach Hill, Cove Cottage, Hideaway, The Cottage, and building approximately 5 metres to North of Bay Cottage, Spring Parc, Corfingle, Corfingle Cottage and Quarry Cottage.
29. Mindful of the statutory duty set out in Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), I have had special regard to the desirability of preserving their setting. These buildings are significant due to their architectural and historic interest. Nevertheless, given the diverse range of building styles and ages, the appeal site's location and the extent of the proposed development, I consider that it would preserve the setting of these listed buildings and would not harm their significance. A lack of harm in this respect, however, does not alter my overall conclusions.

Conditions

30. The Council has provided a list of suggested conditions. I have amended the wording of suggested conditions for clarity and to ensure accordance with the tests set out in paragraph 57 of the Framework.
31. In addition to the standard time limit condition (1), I have attached a condition specifying the approved plans to provide certainty (2).
32. I have imposed pre-commencement conditions requiring an assessment and remediation of any risks of contamination to ensure that risks from land contamination to the future users of the land as well as a condition requiring the submission of details in relation to a landscape works, tree planting and their maintenance to ensure the appeal scheme will assimilate into the surrounding area (3, 4, 5 and 6). It is necessary for them to be in the form of pre-commencement conditions to have their intended effect
33. Regarding condition 4, I acknowledge that the appellant has provided landscape details. However, given the nature of the proposal including its specific site context, I consider the submission of further details to be necessary.
34. Furthermore, to prevent the erosion of the character of the surrounding area and given the appeal site's prominent location, a condition requiring the submission of details regarding external materials and fenestration is necessary as is a condition requiring the submission of details in relation to the glass or film used in the fenestration (8 and 11).
35. It is also in the interests of visual amenity that is necessary to attach a condition removing certain permitted development rights given the appeal sites prominent location in both a conservation area and National Landscape (14). However, I do not consider it necessary to remove permitted development rights in relation to

Classes D or G of Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) given that they relate to relatively minor development such as porches and chimneys respectively.

36. It is also necessary to attach a pre-commencement condition requiring the submission of a detailed surface water drainage scheme to minimise the risk of flooding (7). It is necessary for it to be in the form of a pre-commencement condition to have its intended effect.
37. In the interests of ecology, it is necessary to impose a condition requiring the appeal scheme to be constructed in accordance with the submitted ecology report (12). It is for the same reason that a condition requiring bee, bird or bat boxes to be installed as part of the scheme is necessary (13).
38. Given the nature of the proposal and the evidence before me, the approved plans contain within them sufficient energy detail to support the transition to a low carbon future. Therefore, it is not necessary to impose a condition requiring the submission of further energy details. Nevertheless, I have imposed a condition requiring the development to provide a water consumption rate of no more than 110 litres per person is necessary to ensure the efficient use of water (9).
39. Finally, given the location of the Public Right of Way (Bridleway 327/30/02) (PROW), I have imposed a condition requiring details to be submitted to the Council regarding a path to link the PROW to the highway (10).

Conclusion

40. The material considerations do not indicate that a decision should be made other than in accordance with the development plan. For the reasons given above the appeal should be allowed.

B Astley-Serougi

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos 074-P-100 Rev F (Location Plan) 074-P-105 Rev G (Proposed Landscape/Block Plan), 074-P-50 Rev I (Proposed Ground Floor Plan), 074-P-51 Rev J (Proposed First Floor Plan), 074-P-53 Rev E (Proposed Section A-A), 074-P-54 Rev E (Proposed Section B-B), 074-P-56 Rev C (Proposed Section E-E), 074-P-57 Rev I (Proposed East and South Elevations), 074-P-58 Rev B (Proposed Section F-F), 074-P-59 Rev C (Proposed West Elevation), 074-P-60 (proposed North Elevation), 074-P-61 Rev E (Proposed Section A-A (through hillside)), 074-P-62 Rev E (Proposed Section B-B (through hillside)), 074-P-64 Rev E (Proposed Section E-E), 074-P-66 Rev B (Proposed Section F-F) and 074-P-67 Rev B (Proposed West Elevation (through hillside)).
- 3) No development shall take place until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency, Land Contamination Risk Management (LCRM) (or equivalent British Standard and Model Procedures if replaced), has been submitted to and approved in writing by the local planning authority. If any contamination is found, no development shall take place until:
 - i) a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the development hereby permitted has been submitted to and approved in writing by the local planning authority;
 - ii) the site has been remediated in accordance with the approved measures and timescale; and
 - iii) a verification report has been submitted to and approved in writing by the local planning authority.

If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended until:

 - iv) additional measures for the remediation of the site have been carried out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority; and
 - v) a verification report for all the remediation works has been submitted to and approved in writing by the local planning authority.
- 4) No development shall commence until details of landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
 - a statement setting out the design objectives and how these will be delivered;
 - earthworks showing existing and proposed finished levels or contours;
 - means of enclosure and retaining structures;

- boundary treatments and works to the existing embanked land that specifies the engineering works methods materials and final design and finish;
- vehicle parking layouts;
- other vehicle and pedestrian access and circulation areas;
- hard surfacing materials;
- minor artefacts and structures
- proposed and existing functional services above and below ground.
- retained historic or other landscape features and proposals for restoration, where relevant;
- an implementation programme.

The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied in accordance with the agreed implementation programme.

- 5) No development shall commence until a full specification of all proposed tree planting has been submitted to and approved in writing by the local planning authority. The specification shall include the quantity, size, species, and positions or density of all trees to be planted, how they will be planted and protected and the proposed time of planting. The tree planting shall be carried out in accordance with the approved specification.
- 6) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 7) No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority.

The submitted details shall:

- i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii) include a timetable for its implementation; and,
- iii) provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The development shall be carried out in accordance with the approved details. The sustainable drainage system shall be managed and maintained

thereafter in accordance with the approved management and maintenance plan.

- 8) No development above ground level shall take place until details of the materials to be used in the construction of the external surfaces and fenestration of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 9) The development hereby permitted shall have a water consumption rate of no more than 110 litres per person per day.
- 10) Prior to the first occupation of the dwelling hereby permitted, details regarding the provision of a 3 metre wide path to link Bridleway 327/30/02 to the public road network shall be submitted to and approved in writing by the local planning authority. The approved details shall be fully implemented prior to the first occupation of the dwelling and shall be retained thereafter.
- 11) Prior to the installation of any fenestration, a detailed specification for either visible light transmission reducing film or a glass that provides a visible light transmission reduction shall be submitted to and approved in writing by the local planning authority. The approved fenestration film or glass shall be installed prior to the first occupation of the development and retained thereafter.
- 12) The development hereby permitted shall be carried out in strict accordance with the mitigation as set out in the report by Plan for Ecology dated 20th June 2023. The mitigation shall be retained as such thereafter.
- 13) Bee brick, bat box or bird box shall be provided for within the scheme and be retained thereafter.
- 14) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development permitted by virtue of Classes A, B, C and E of Part 1 and Class A of Part 2 of Schedule 2 to the Order shall be undertaken.

=====END OF SCHEDULE=====