



Appeal Decision

Site visit made on 12 September 2025

by **T Gethin BA (Hons), MSc, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 1st October 2025

Appeal Ref: APP/D0840/W/25/3368721

St Petrocs Farm, Trebetherick, Wadebridge, Cornwall PL27 6SE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a grant of planning permission subject to conditions.
 - The appeal is made by St Petrocs (Trebetherick) Ltd against the decision of Cornwall Council.
 - The application Ref PA24/09337 was approved on 25 March 2025 and planning permission was granted subject to conditions.
 - The development permitted is Construction of two dwellings (Replacement of Class Q permission for 3 dwellings).
 - The condition in dispute is No 3 which states that: The two dwellings hereby permitted shall not be occupied otherwise than by a person as their only or principal home and so shall not be used or occupied as a second home or holiday letting accommodation. The Occupant will supply to the Local Planning Authority (within 14 days of the Local Planning Authority's written request to do so) such information as the Authority may reasonably require in order to determine whether this condition is being complied with.
 - The reason given for the condition is: In order to safeguard the sustainability of the settlements in the St Minver Neighbourhood Development Plan area, whose communities and facilities are at risk of being eroded through the high proportion of housing stock not being occupied on a permanent basis. The condition seeks to ensure that the new dwelling is occupied by persons in compliance with policy 3.2 of the St Minver Neighbourhood Development Plan 2015-2030.
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Decision

1. The appeal is allowed and the planning permission Ref PA24/09337 for 'Construction of two dwellings (Replacement of Class Q permission for 3 dwellings)' at St Petrocs Farm, Trebetherick, Wadebridge, Cornwall PL27 6SE, granted on 25 March 2025, is varied by deleting condition No 3.

Main Issue

2. The main issue is whether condition 3 meets all the relevant tests in the National Planning Policy Framework (Framework).

Reasons

3. The Framework sets out that planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. In this instance, it is not alleged that the condition in question is unenforceable or imprecise. Whilst the appellant's appeal statement makes a passing reference to the matter of relevance, the available evidence is clear that the condition is also both relevant to planning and to the development permitted.
4. In terms of necessity, the submitted legal opinion essentially contends that the condition was not necessary to make the proposed development acceptable in planning terms because of a Class Q fall-back scheme on the site. The available evidence indicates that the fall-back scheme is implementable, has a real prospect

of proceeding and is considered by the Council to provide fewer public benefits. Nevertheless, part 2 of Policy STMNDP 3 of the St. Minver Parishes Neighbourhood Development Plan (NDP) 2017-2030 sets out that all additional residences shall be subject to a planning condition that they are permanent residences only. With the NDP having been made, following public consultation, independent examination and referendum, it therefore forms part of the development plan for which applications for planning permission are considered against.

5. In this instance, the building on site remains derelict and neither the fall-back scheme nor the other Class Q prior approval have been progressed. To my mind, it would thus be premature and perverse to conclude at this stage that the proposed development would not be providing 'additional residences' since clearly none currently exist on the site. In coming to this view, I have taken into account the Parish Council's position and the guidance in the Chief Planning Officer's Advice Note on barn conversions/replacement dwellings.
6. Consequently, the condition is clearly necessary to make the development acceptable in policy terms. With the submitted evidence also identifying the high proportion of holiday/second homes in the area, it is also necessary to protect the supply (and affordability) of housing to local people and avoid harm to the role and function of the local community, including in relation to its services and facilities.
7. With regards to reasonableness, a viability assessment has been submitted with the appeal. This identifies that principal occupancy conditions generally result in potential purchasers having difficulties with financing and concerns about the future saleability of such units. This is said to limit the market and thus homes with principal occupancy conditions in this location would be valued at an approximate 20% discount compared to unrestricted units. The assessment's calculations on the profit/loss of the development permitted with condition 3 attached (the approved development), the development permitted without the condition (the appeal proposal) and the fall-back scheme reflect this.
8. Based on the available evidence, it seems to me that principal occupancy conditions are likely to reduce demand and thus the price the units could command is unlikely to reach what similar but unrestricted units – such as those provided by the fallback schemes – on the site could fetch. Although somewhat basic, the viability details also appear to be based on realistic assumptions, professional opinion and local knowledge; and show a loss for the approved development, compared to profits for both the appeal proposal and the fall-back scheme. Consequently, with the extant Class Q prior approvals having a real prospect of providing unrestricted housing on the site, the condition is unreasonable as it places a financial burden on the appellant that would be disproportionate and unjustifiable.
9. Accordingly, for the above reasons, I conclude that condition 3 does not meet all the relevant tests in the Framework. On this basis, it should not be retained. However, the lack of such a condition would mean the appeal proposal would be contrary to the development plan as a whole because of the resulting conflict with the NDP Policy STMNDP 3 requirement that all additional residences are conditioned to be permanent residences only.

Planning Balance

10. Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate

otherwise. In this case, the condition imposed was necessary to ensure compliance with the development plan. However, it is not reasonable due to the resulting financial implications in this particular instance; and the consequence of the condition is that the approved development would not be delivered.

11. Instead, it is highly likely that any development of the site would be carried out under one of the approved Class Q schemes. That scenario would not only provide unrestricted market housing but also, as agreed between the parties, fewer public benefits, including in relation to design, ecology and energy efficiency. Retaining the disputed condition would therefore result in neither the delivery of principal occupancy homes nor the other benefits associated with the approved development. Accordingly, material considerations indicate that condition 3 should be deleted notwithstanding the resulting conflict with the development plan. The Council's lack of a sufficient supply of housing land and the various examples put to me of other appeal decisions considering similar conditions do not lead me to a different conclusion.

Conclusion

12. For the above reasons, I conclude that the appeal should succeed. Accordingly, the planning permission is varied by deleting the disputed condition.

T Gethin

INSPECTOR