



Appeal Decision

Site visit made on 21 October 2025

by **S Harrington MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 3rd November 2025

Appeal Ref: APP/D0840/W/25/3368079

Land South of 2 Greenbury, Greenbury Lane, Rosudgeon, Penzance, Cornwall

- 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 B Lonsdale against the decision of Cornwall Council.
 - The application Ref is PA25/02366.
 - The development proposed is construction of up to 2 Self-Build Dwellings.
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Decision

1. The appeal is allowed and permission in principle is granted for residential development comprising a minimum of 1 and a maximum of 2 dwellings at Land South of 2 Greenbury, Greenbury Lane, Rosudgeon, Penzance, Cornwall in accordance with the terms of the application, Ref PA25/02366.

Preliminary Matters

2. Planning Practice Guidance (PPG) advises that permission in principle is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or 'permission in principle' stage) establishes whether a site is suitable in-principle, and the second 'technical details consent' stage (TDC) is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent TDC application if permission in principle is granted.

Main Issue

4. 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

5. The appeal site is a largely undeveloped area of land which the application form states to be 'allotment gardens'. Policies 1 and 2 of the Cornwall Local Plan Strategic Policies 2010- 2030 (LP) set out the Council's approach to sustainably accommodating growth based on the role and function of each place. LP Policy 3 aims to steer the majority of new housing towards the main towns, although it does enable a limited amount of new development to take place outside the main towns in particular circumstances. These include where the site is within or immediately adjoining a settlement.

6. The Breage Neighbourhood Development Plan 2017-2030 (NDP) refers to a myriad of smaller hamlets, some consisting of sporadic development with no real central focus. There are dwellings near the appeal site. However, due to their differing orientation and overall dispersed nature, I find, similar to an Inspector in relation to a previous appeal¹ at this site, that the grouping of dwellings lacks a clear, shared sense of form or place. As such, the group of dwellings are akin to the LP definition of a 'low density straggle of dwellings' as opposed to a smaller settlement such as a hamlet.
7. Consequently, I find the site is, for planning purposes, within the open countryside. This leads the proposal to be considered under LP Policy 7, which seeks to avoid new homes in the countryside unless there are special circumstances. There is no evidence before me that any of LP Policy 7's prescribed circumstances would apply to the appeal scheme.
8. In respect of access to services and facilities, the LP identifies the relevance of the proximity of a new development to larger settlements with more significant community facilities. The appeal site is close to Rosudgeon and Golsithney which feature a range of facilities and is also directly located on the A394 which provides a direct road link to larger settlements further afield.
9. However, due to the lack of footpaths along the A394, and speed of vehicles travelling on it, it would be dangerous for pedestrian use. This would discourage future occupiers from accessing the nearby settlements by foot and likely by bicycle.
10. Nevertheless, the appeal site is directly opposite a bus stop which provides regular links to the nearby settlements as well as broader connections to Penzance and Helston. Although getting to the bus stop would require crossing the relatively busy A394, buses could provide an alternative mode of transport for some people and journeys.
11. The National Planning Policy Framework (Framework) recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in decision-making. Furthermore, the Chief Planning Officer's Advice Note – Infill/Rounding Off (December 2017) whilst not forming part of the statutory development plan, also recognises that it is unrealistic for public transport, walking and cycling to meet all transport needs and that considerations include opportunities to minimise the number or length of car trips.
12. As such, although occupiers of the proposal would be partially reliant on private cars to reach services and facilities, in the context of the rural location, such journeys are likely to be short, with an alternative more sustainable mode of transport also available.
13. The appeal site is within landscape character area CCA06. The description of this character area includes an inland landscape of gently undulating and varied mixed farmland, as well as settlement being scattered throughout the landscape. Although rural in character, the area surrounding the appeal site features a number of small, dispersed pockets of housing punctuating the countryside, featuring a variety of designs of properties, often fronting the highway.

¹ APP/D0840/W/19/3242839

14. Given the spatial relationship with other built form along the A394, I see no reason why a suitable design, layout and landscaping which conform to the prevailing pattern of development and general appearance of dwelling in the locality cannot be achieved at TDC stage for the amount of dwellings proposed.
15. Providing a suitably designed scheme comes forward, the proposal would not result in any harmful encroachment or urbanisation of the area. As such, the proposal at this PIP stage would not conflict with LP Policies 12 and 23, which seek, amongst other matters, to achieve high quality design that maintains and enhances Cornwall's distinctive character and natural environment.
16. Nevertheless, for the reasons outlined above due to its location in the countryside, I conclude that the site is not suitable for residential development. The proposal would conflict with LP policies 1, 2, 3, 7 and 21, Policy C1 of the Climate Emergency Development Plan Document 2023 and NDP policies S2 and S3. These policies seek, amongst other things to take a hierarchical approach to direct development based on the role and function of places.

Other Matters

17. The appeal site is within the Cornwall and West Devon Mining Landscape World Heritage Site (WHS), a designated heritage asset of the highest significance. The Cornwall and West Devon Mining Landscape World Heritage Site Management Plan 2020-2025 (WHSMP) describes the WHS as a series of ten areas comprising the distinctive patterns of buildings, monuments and sites which together form the coherent series of distinctive cultural landscapes created by the industrialisation of hard-rock mining processes in the period 1700 to 1914.
18. The Statement of Outstanding Universal Value(OUV) outlines that the attributes which physically express the OUV include mine sites, mine transport and infrastructure, ancillary industries, mining settlements and social infrastructure, mineworkers' smallholdings, great houses estates and gardens, and mineralogical and other related sites of particular scientific importance.
19. Despite the remains of a tin and copper mine near the appeal site, the Council state that there are no mining remains apparent on the site, nor does the site appear to form a miner's smallholding and I observed no reason to disagree. As such, the proposal would not harm the OUV of the WHS or its significance.

Planning Balance

20. The Council have stated that they are unable to demonstrate a five-year housing land supply. In these circumstances the presumption in favour of sustainable development outlined in Paragraph 11d)ii of the Framework is engaged.
21. The proposal would achieve an increase in housing supply in an area with an acknowledged lack of housing provision, and at this PIP stage would not result in any harm to the character and appearance of the area. As such the proposal would align with the Framework where it seeks to significantly boost the supply of housing and achieve well designed places. Furthermore, the Framework acknowledges that small-scale developments can make an important contribution to meeting the housing requirement and be built out quickly. Due to the scope and scale of the proposal, this benefit attracts modest weight.

22. Additionally, the proposal would provide other modest short term economic benefits from the construction of the proposal and further modest economic and social benefits from the future occupation of the dwellings and associated support of local services and facilities.
23. However, the proposal would conflict with LP policies 1, 2, 3, 7 and 21, Policy C1 of the Climate Emergency Development Plan Document 2023 and NDP policies S2 and S3, and the Framework where it seeks to actively manage patterns of growth. Although there will be some reliance on private vehicles to reach services and facilities, given the available access to public transport and the short distances to travel, I give this conflict modest weight.
24. In this instance, the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. As a result, the application of Paragraph 11d) of the Framework indicates that permission should be granted.

Conditions

25. The PPG² indicates that it is not possible to impose conditions as the terms of any permission in principle must only include site location, type of development and amount.

Conclusion

26. The proposal would conflict with the development plan, read as a whole. However, material considerations indicate that a decision should be made other than in accordance with it. Accordingly, the appeal is allowed.

S Harrington

INSPECTOR

² Paragraph: 020 Reference ID: 58-020-20180615