



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/25/3365237

Land South East of Skyber, New Road, St. Hilary TR20 9EA

- 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 D Power against the decision of Cornwall Council.
 - The application Ref is PA24/06844.
 - The development proposed is the construction of three dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Planning Practice Guidance 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) (PIP) 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 PIP 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 field located outside, but adjacent a settlement boundary as designated within the St. Hilary Parish Neighbourhood Development Plan 2023-203 (NP).
6. Policy 3 of the Cornwall Local Plan Strategic Policies 2010-2030 (LP) sets out a hierarchical strategy for the delivery of new housing based on the role and function of places. This Policy provides that outside larger named settlements, housing growth is to be delivered through, amongst other means, rounding off of settlements of a scale appropriate to its size and role.
7. LP Para 1.68 defines rounding off as "development on land that is substantially enclosed, but outside of the urban form of a settlement" and "it should not visually extend building into the open countryside". LP para 2.33 states that 'open

countryside is defined as the area outside of the physical boundaries of existing settlements (where they have a clear form and shape)'.

8. The Chief Planning Officer's Advice Note – Infill/Rounding Off (December 2017) (CPOAN) provides further guidance, and states that 'Rounding off provides a symmetry or completion to a settlement boundary' and 'it is not intended to facilitate continued incremental growth'.
9. The CPOAN continues that open countryside is part of an expansive area before the next settlement, although notes that the countryside may include areas containing groups of dwellings. It further states that a judgement will be required as to whether a site has the appearance of being within the physical boundaries of that settlement, and that suitable sites for rounding off must be contained within long standing boundary features (such as a road) and are likely to be surrounded on at least two sides by existing built development.
10. The appeal site is enclosed by established boundaries, a highway, and a track, as well as residential development to two sides and opposite the highway. Notwithstanding, other factors must also be considered in assessing whether a proposal constitutes rounding off, including whether the proposal would visually extend development into the open countryside.
11. The site is within Cornwall Character Area CCA06: Hayle to Helston Hinterland (CCA). The CCA describes the area as an inland landscape of gently undulating and varied mixed farmland, with the legacy of the mining industry clear through amongst other things, mining settlement patterns. The appeal site is seen in conjunction with the surrounding landscape which has a strong rural character and contains many of the CCA characteristics, particularly when approaching the site from the New Road junction, but also when approaching from the southeast.
12. Notwithstanding featuring a polytunnel and small buildings, the appeal site's verdant and rural quality is distinct from the adjoining built form of the grouping of buildings within the settlement boundary, which have a clear form and shape when observed on the ground. I observed that the appeal site positively contributes to the rural character of the immediate area.
13. I therefore find that, despite other sporadic development, notably a dwelling to the south, the appeal site has a greater affinity with the adjoining open countryside landscape, than with the urban form of the settlement. Moreover, even if, due to its size, the appeal site itself cannot be described as 'expansive', it is part of the expansive surrounding countryside landscape, adjacent but outside of the urban form of the settlement.
14. Details such as appearance, layout and landscaping would be considered at the TDC stage. Nevertheless, residential built form at this location would unavoidably result in a visual extension of the settlement into countryside harmfully eroding the strong rural character and appearance of the area. The proposal would not provide a symmetry or completion to a settlement boundary and cannot be considered a rounding off of the settlement.
15. LP Policy 21(c) seeks to ensure the best use of land and encourage sustainably located proposals that increases building density where appropriate, taking into account the character of the surrounding area and access to services and facilities to ensure an efficient use of land. Even if I were to find that the appeal site is in a

location that could provide future occupiers easy access to services and facilities without the reliance of a private vehicle, and be an efficient use of land, I have nevertheless found that the proposal would result in harm to the character of the area.

16. Furthermore, the appeal site is also within the Tregonning and Gwinear Mining District of the Cornwall and West Devon Mining Landscape World Heritage Site (WHS). The Framework states that World Heritage Sites are heritage assets of the highest significance, which are internationally recognised to be of Outstanding Universal Value (OUV).
17. 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. Mineworkers' smallholdings are identified as one of seven attributes through which the OUV of the WHS is expressed. Consequently, mineworkers' smallholdings are an important feature of the WHS both visually and in respect of an understanding of its origins, and their presence is one of the reasons for its establishment.
19. The evidence before me includes details from a Tithe Map (1841) which shows the land at the appeal site being occupied by Josiah Curtis, although no one of that name is listed in this particular area on the 1841 census. Nevertheless, a Josiah Cutis is recorded on the 1841 census at St. Just, where I am told he is recorded as a copper and tin miner.
20. Whilst limited information is provided, evidence summarised by St. Hilary Parish Council provides a compelling argument that both quoted Josiah Curtis are likely to be the same person. This is further supported by Josiah Curtis subsequently being recorded as living in St. Hilary in the 1851 census, still as a miner. Based on my observations of the appeal site and surrounding historic environment and the evidence before me, I conclude that the appeal site was highly likely to have been a miner's smallholding.
21. I observed that variation of some historic field boundaries has taken place, as well as nearby modern residential development. Nevertheless, its integrity and character as part of the legible historic smallholding landscape, and associations to a mine-workers subsistence lifestyle remains due to plot size and location and being part of the wider historic field and settlement pattern as seen within historic mapping. It continues to make an appreciable contribution to the setting of smallholding field patterns within the WHS. As such, I therefore find that the site does positively contribute to the OUV of the WHS.
22. The development of the appeal site would lead to the legibility of the smallholding being completely overwritten, harming the OUV of the WHS. The impact would be minimal relative to the overall extent of the WHS and would be at the lower end of less than substantial within the meaning of the Framework. However, the Framework sets out great weight should be given to the conservation of heritage assets and notes that less than substantial harm should be weighed against any public benefits associated with the development.

23. Up to three dwellings would benefit the areas housing supply. There would also be short term economic benefit due to employment during construction, and an ongoing benefit from future occupants supporting local businesses and services. However, due to the limited scope and scale of the proposal, these benefits in combination attract only modest weight and would not outweigh the harm that I have identified to the WHS.
24. Accordingly, I conclude that the site is not suitable for residential development, having regard to its location, the proposed land use, and the amount of development. The proposal would conflict with LP policies 1, 2, 3, 7, 12, 21, 23 and 24, NP policies 3a, 3b, 5a and 5c and Policy C1 of the Climate Emergency Development Plan Document 2023. These policies seek, amongst other matters, to take a hierarchical approach to direct development based on the role and function of places, ensure that proposals respond to and are demonstrably informed by historic landscape character, and to avoid harm to the authenticity and integrity of the OUV of the WHS. The proposal would also conflict with policies C2 and C9 of the WHSMP, which seek, amongst other things to protect, maintain and enhance the historic character and distinctiveness of the WHS.

Other Matters

25. The Council are unable to demonstrate a five-year housing land supply of deliverable housing sites and have stated that their supply is circa 3.8 years. For the purposes of paragraph 11 of the Framework, the WHS is an asset of particular importance as denoted by footnote 7.
26. The proposal would cause less than substantial harm to the WHS, and the application of the policies in Section 16 of the Framework provide a strong reason for refusing the proposal. Consequently, the provisions of paragraph 11d(ii) of the Framework are not engaged in this instance.
27. The proposal's benefits include the provision of up to three new dwellings to the areas housing land supply. Further benefits include short term economic benefit due to employment during construction, and an ongoing benefit from future occupants supporting local businesses, services, and the community. Notwithstanding, given the small scale and scope of the development, I find the benefits would be modest.
28. Another appeal decision (3345642) cited by the appellant appears to materially differ from the case before me although limited information of this appeal has been provided. However, in that case it appears that whilst the inspector gave significant weight to the benefit of a single dwelling, no detail has been provided as to if that appeal site was within the WHS and any related harm, or if paragraph 11d(ii) of the Framework was engaged.

Conclusion

29. For the reasons given above, I find that the proposal would conflict with the development plan, read as a whole. No material considerations, individually or cumulatively, indicate that a decision should be taken otherwise than in accordance with it. Therefore, the appeal is dismissed.

S Harrington INSPECTOR