



Appeal Decision

Site visit made on 7 October 2025

by H Faulkner BSc (Hons) MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 November 2025

Appeal Ref: APP/D0840/W/24/3356897

Ragnarok, Trolver Hill, Feock TR3 6RR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Amer Shafi against the decision of Cornwall Council.
 - The application Ref is PA24/05354.
 - The application sought planning permission for Demolition of dwelling and construction of replacement dwelling without compliance with conditions 2 and 3 attached to planning permission Ref PA18/10036, dated 17 December 2018.
 - The conditions in dispute are:
 - Condition 2: "The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application"; and
 - Condition 3: "With the exception of the window openings shown on the approved drawing no 160-PL-204, no new openings shall be added to the East Elevation.
 - The reasons given for the conditions are:
 - Condition 2: For the avoidance of doubt and in the interests of proper planning.
 - Condition 3: To protect the privacy of occupants of the dwelling known as Treliance, Trolver Hill, in accordance with Policy 12 (2) of the Cornwall Local Plan 2010-2030 and paragraph 127 of the National Planning Policy Framework 2018.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of dwelling and construction of a replacement dwelling at Ragnarok, Trolver Hill, Feock, TR3 6RR in accordance with the application Ref PA24/05354, dated 6 November 2024, and subject to the conditions in the attached schedule.

Preliminary Matters

2. The original permission sought the demolition of the property known as 'Brambles,' following the demolition of this property the site has been known as 'Ragnarok' and I have used this above for clarity although 'Brambles' was used on the original decision notice.
3. The proposal seeks to amend the original permission due to changes to the design of the house which have occurred during the construction process. These changes involve the inclusion of a lower ground floor, changes to balcony arrangements and fenestration details along with the creation of an earth bank and planting. The appellant wishes a new planning permission to be granted and that the condition listing the approved plans to be amended to reflect these changes. This requires the amendment to the plans list, approved as part of condition 2, and the details of condition 3 which relates to windows.

4. The application form states that the works started on 19 April 2021 and at the time of the application were not complete. I saw at my site visit that the main part of the building has been constructed. The building has windows and a roof, however, the works have not been completed and the building is not occupied. I have therefore considered the appeal on the basis that the development has commenced, as did the Council. While retrospective, my assessment of the proposal is based on the plans before the Council at the time of the planning application.
5. The site is within the Cornwall National Landscape (CNL) which was formerly the Cornwall Area of Outstanding Natural Beauty (AONB).

Main Issue

6. The main issue is the effect of the proposed changes on the character and appearance of the area, having regard to the CNL.

Reasons

7. The appeal site is in a waterside location where development is situated around the inlet of Restronguet Creek. The evidence base to the Feock Neighbourhood Development Plan 2017-2030 (NDP) describes the area around Point, Penpol and Trolver as being defined by the 'bungalow style' dwellings. However, in the area around the creek there are a mix of housing styles with the architecture and ages of properties being varied. There are smaller cottage style houses and bungalows on the water's edge and there are also examples of much larger detached dwellings. These include several new dwellings of contemporary designs with many featuring large areas of glazing. These dwellings are generally two storeys, however in some cases, they have substantial footprints.
8. Properties have been constructed at different levels and of varying heights on the slope on the side of the creek where the appeal site is located. In views across the creek there is a mix of heights with large houses being visible both in front of and to the rear of the appeal site. There are dwellings with three storeys in the area including the neighbouring property to the appeal site.
9. The site and the wider area are located within Landscape Character Area 16 (LCA16) as identified in the Cornwall and Isles of Scilly Landscape Character Study. The Character Study explains that in LCA16 settlements are influenced by the river and notes the tranquil creeks. Amongst the objectives set out in the Character Study for LCA16 reference is made to ensuring new development is appropriately sited and integrated with the surroundings.
10. Policy 23 of the Cornwall Local Plan Strategic Policies 2010 - 2030 (CLP) requires proposals to be informed by and assist the delivery of the objectives of the Cornwall AONB Management Plan (CMP). The National Planning Policy Framework (the Framework) requires that great weight should be given to conserving and enhancing landscape and scenic beauty in National Landscapes, which have the highest status of protection in relation to these issues.
11. In considering the effect of the proposal on the surrounding area it is important to take into account that it is not on a greenfield site. There was previously a dwelling on the plot and there is an extant approval in place for a large house. The house approved on the site was a two-storey dwelling which included large areas of

- glazing, similar to the revised proposal. The approved building included features such as a gable roof which reflected the more traditional buildings in the locality.
12. The changes to the proposal include a lower ground floor. The height of the approved house was higher than the bungalow previously on the site. It is accepted that the overall height of the building now being considered remains the same as approved. Although there is some disagreement regarding the circumstances surrounding the construction of the lower ground floor and whether it was included in the original plans, the resulting structure on the site now presents, at least in part, as a three-storey building.
 13. Due to the site's elevated position, the building is clearly visible from Trolver Hill and across the creek. Its overall height contributes to its prominence in these views. The lower section of the building is partially screened and would be further obscured to some degree by the proposed bank and landscaping. Given that the upper floors of the building remain similar in form to the original approval I do not find that the building is particularly more prominent in views across the creek than had it been constructed in accordance with the original plans.
 14. The window arrangements are similar to the approved scheme with sliding shutters included. Detailing such as the timber cladding and the sliding window shutters would help reduce the visual prominence of the building in views across the creek and on Trolver Hill. The restricted amount of glazing in the lower storey makes it less visible as a separate storey in more distant views. Even if the three-storey form were clearly visible this would be within the context of the modern house to the rear and other large contemporary houses. Although most of the other houses may not necessarily be three-storey, they still present as large modern additions and have a similar effect on the character of the area.
 15. The building's three-storey structure will be most noticeable when viewed from the entrance on Trolver Hill. While the proposed screening will partially obscure the view, the building will still be perceived as having three storeys. However, based on my earlier observations regarding the area's varied character and especially the relative height of the neighbouring property, this visual impact would not be harmful. Additionally, the terrace and carport elements on the south elevation will help break up the building's overall mass, reducing its visual dominance.
 16. The evidence base for the NDP may state that buildings in excess of 1.5 to 2 storeys in height should be avoided. However, this is not a specific policy requirement and this proposal has been considered within the context of what has previously been approved on the site and the surrounding environment.
 17. The changes to the design result in alterations to the balcony and terrace features although they are largely in similar locations to those originally proposed. The terrace/carport appears more visible on the proposed plans, in part, due to differences in how the plans have been presented and also due to the more open nature of the terrace now proposed. Raised terraces and balconies are common features on both modern and older properties in the area and as a result I do not find that they are out of keeping.
 18. Overall, whilst the changes to the design of the proposed house make it appear as a larger building, I find that within the context of the houses in the area it would not appear out of keeping and would be seen as a further modern addition in an area with a mix of property styles and designs. Whilst I accept that the cumulative

impacts of such modern developments have been identified within the CMP, given what has already been approved, I do not find that the additional lower storey in this instance alters the scheme to such a degree that the proposal would have a harmful impact either individually or cumulatively.

19. Furthermore, with the existing and proposed screening, it would have a similar impact in terms of intrusion to the tranquil creek side landscape as the original approval. Whilst such screening would take some time to establish I do not find this reason to object to this as a method of enhancement. The landscaping condition suggested can ensure that the screening is implemented and maintained in the initial period.
20. Given my findings above, I conclude that the scheme would have a neutral impact on the visual appearance of the CNL compared to the approved scheme and as a result, the requirements of the Framework have been met. Furthermore, I am satisfied that the proposal is acceptable in terms of protecting the key characteristics of LCA16. It follows that in terms of the requirements of Policy LS1 and LS2 of the NDP the proposal does not damage the quality of the creek-side landscape in this location. Policies 12 and 23 of the CLP require high quality design and development to sustain local distinctiveness and character, the proposal would meet these aims.
21. Policy BIO1 of the NDP relates to the safeguarding and enhancement of the natural environment with reference to sites of international, national, and local importance along with tree protection. There is no evidence before me that the changes to the design of the house would lead to any effects on such sites and therefore, I find no conflict with this policy.
22. Considering the above assessment, I conclude that the amendments to the proposal would have an acceptable effect on the character and appearance of the area, and would conserve the landscape and scenic beauty of the CNL. As a result, there is no conflict with the duty to seek to further the purpose of conserving and enhancing natural beauty of the National Landscape. As a consequence, the scheme accords or does not conflict with Policies D1, LS1, LS2 and BIO1 of the NDP, Policies 12 and 23 of the CLP or policies within the CMP or the Framework.

Other Matters

23. I have reviewed the plans for the previous refusal on the site. Whilst I acknowledge that this scheme had a three-storey form its overall design differs significantly to the scheme before me. I have compared the appeal proposal with the more recent approval on the site as this has greater relevance.
24. Part of the works in the construction of the house may have taken place without planning permission, however, the assessment made, whether retrospective or proposed, would be the same in so far as it considered against policies within the development plan.
25. In terms of the impact on any neighbouring properties I concur with the Council's view that as there is no increase to the building's height the effects on neighbouring properties in terms of overshadowing would be unaltered. Where there are new windows or balconies these would not introduce any serious additional overlooking compared to that which has already been approved.

Conditions

26. The Council has supplied a list of suggested conditions, including a list of plans and the appellants have provided comments on these. The Planning Practice Guidance (PPG) makes clear that decision notices for the grant of planning permission under section 73 should also reinstate the conditions imposed on earlier permissions that continue to have effect. I have considered conditions against the PPG and the Framework and made amendments to improve precision and enforceability as appropriate. I have also considered whether it is reasonable to add any new conditions.
27. I have removed any pre-commencement conditions as they are no longer necessary given that works have commenced.
28. The original wording of the plans condition stated that the development permitted shall be carried out in accordance with the plans listed under the section titled "Plans Referred to in Consideration of this Application." However, as these plans were not explicitly incorporated into the condition itself, the revised condition will now include the list of plans to ensure clarity and enforceability.
29. In respect of condition 3 from the original consent this stated that no new window openings other than those shown on a specified plan be added to the East Elevation. The revised plans show an additional window at the lower level which does not have any material effect in terms of overlooking. The condition has been updated to reflect the change in the drawing numbers.
30. A condition in relation to obscure glazing remains necessary in the interests of privacy.
31. Conditions in relation to contamination are no longer relevant as the development has commenced. Conditions relating to ecology and trees are no longer needed given the stage that the development has reached in terms of its construction.
32. A landscaping condition is required so that the specific details of the planting on the proposed plans can be secured, retained, and replaced as needed within the relevant time period.

Conclusion

33. For the reasons given above the appeal should be allowed.

H Faulkner

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with drawing nos PLAN 01 (Ground floor plan), PLAN 02 (Lower ground floor plan), PLAN 03 (First floor plan), PLAN 04 (East and North proposed), PLAN 05 (South and West proposed), PLAN 06 (Roof Plan) and Site Location Plan.
- 2) With the exception of the window openings shown on approved drawing no Plan 4 (East and North Proposed), no new openings shall be added to the East elevation.
- 3) Before the first occupation of the dwelling hereby permitted the windows on the East elevation (to the garden room, WC and living room) shall be fitted with obscure glazing and the windows shall be permanently retained in that condition thereafter.
- 4) The proposed dwelling shall not be occupied until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall provide planting plans with written specifications including:
 - Details of all existing trees and hedgerows on the land, showing any to be retained and measures for their protection to be used in the course of development
 - Full schedule of plants
 - Details of the mix, size, distribution, and density of all trees/shrubs/hedges
 - Cultivation proposals for the maintenance and management of the soft landscaping

All planting, seeding, or turfing comprised in the approved scheme 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. Notice shall be given to the Local Planning Authority when the approved scheme has been completed.

Any trees or plants which within a period of five 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 a similar size and species as those originally planted.