
Appeal Decision

Site visit made on 21 October 2025

by **S Harrington MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 7th November 2025

Appeal Ref: APP/D0840/W/25/3363325

Land Adjacent Penhallow Bridge, Constantine, Falmouth, Cornwall TR11 5AL

- 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 M Harris against the decision of Cornwall Council.
 - The application Ref is PA24/06533.
 - The development proposed is erection of between 2 and 5 dwellings.
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Decision

1. The appeal is allowed and permission in principle is granted for residential development comprising a minimum 2 and a maximum of 5 dwellings at Land Adjacent Penhallow, Bridge, Constantine, Falmouth, Cornwall TR11 5AL in accordance with the terms of the application, Ref PA24/06533.

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 an agricultural field located adjacent the small settlement of Bridge, which itself is located in close proximity to the village of Constantine. 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, including rounding off of settlements.

6. 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)’.
7. 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 that ‘open countryside is part of an expansive area before the next settlement’.
8. When observed on the ground, residential development adjacent to the appeal site provide a clear form and shape to Bridge. Whilst the appeal site is enclosed on two sides by a highway and the adjacent development, the northern and western edges are not substantially enclosed, being demarcated by post and wire fencing.
9. Furthermore, even if due to its size, the appeal site cannot in itself be described as ‘expansive’, it is part of the expansive surrounding countryside landscape, adjacent but outside of the urban form of the settlement. Consequently, I find the site is, for planning purposes, within the open countryside. Moreover, given the clear form of Bridge, the proposal would not provide a symmetry or completion to the settlement urban form but would be seen to extend building into the open countryside.
10. In this respect, the appeal site is within the Gweek to Constantine Area of Great Landscape Value (AGLV) and Cornwall Character Area CCA10 Carmenellis (CCA). The appeal site and surrounds exhibit a number of the characteristics of the AGLV and CCA including being a traditional pastoral landscape featuring undulating historic farmland of medium sized field systems and valley systems.
11. Design, layout and landscaping would be considered at TDC stage, as well as consideration of the adjacent Tree Preservation Area and protection of existing planting. Nevertheless, I observed that the proposed quantum of development would be appropriate given the density of nearby development.
12. Notwithstanding there would inevitably be some localised harm to the rural character of the immediate area and wider AGLV due to the introduction of residential built form and urbanisation of previously open agricultural land. However, subject to appropriate design, layout and landscaping coming forward at TDC stage, such harm would be modest given the scale of the proposal in relation to the expansive surrounding countryside landscape, the appeal site being seen in conjunction with existing residential built form and screening effects of the existing mature planted boundary.
13. In respect of access to services and facilities, although within walking distance of Constantine, there is no continuous footpath along the highway, and the route is undulating and lacks streetlighting in part. An alternative route is available via a bridleway. However, due to lack of hard surfacing and street lighting, as well as a number of stiles, I observed this route would be unattractive to future occupiers, particularly in hours of darkness and inclement weather.
14. I am informed by interested parties that the highway can get busy during certain times including school pickup. Nonetheless, whilst a snapshot in time, I observed it to be reasonably lightly trafficked, and although part of the route is within a 40

miles per hour (MPH) speed limit, a large part is within a 20MPH speed limit. Furthermore, despite a lack of footpath, there are sporadic areas for pedestrian refuge and the distance without street lighting is relatively short. Consequently, in my view, the route is not unduly hazardous for pedestrians.

15. 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. As such, although occupiers of the proposal are likely to seek to utilise private cars to reach services and facilities, in the context of the rural location, such journeys are likely to be short, with walking and cycling being a realistic alternative transport option to future occupiers.
16. Nonetheless, for the reasons outlined above, I conclude that the site is not suitable for residential development. The proposal would conflict with LP policies 1, 2, 3, 7, 21 and 23, and Policy C1 of the Climate Emergency Development Plan Document 2023 (CEDPD). These policies seek, amongst other things to take a hierarchical approach to direct development based on the role and function of places and ensure that development within Areas of Great Landscape Value should maintain the character and distinctive landscape qualities of such areas.

Other Matters

17. As well as matters addressed in the main issue above, interested parties have raised a number of concerns about the scheme's effect on matters including highway safety, flooding risk and sewerage infrastructure and the proposal creating a precedent.
18. Anecdotal evidence of near misses and accidents has been provided, as well as concerns in relation to vehicles travelling above the speed limit. Although speeding is a matter outside of the planning regime, given the speeds I observed on the highway adjacent the site, I see no reason why safe access cannot be provided. In any case, technical details to ensure an appropriately designed access is a matter for TDC stage.
19. Similarly, although I am aware of residents' concerns in relation to flooding and sewerage in the area, matters in relation to surface water drainage and sewage systems are matters which would be addressed at the TDC stage if the appeal were to be allowed. In terms of any precedent, this appeal has been dealt with on its own merits, given the particular context of the appeal site. Each proposal must be assessed on its own merits and the particular circumstances of the site.
20. The Grade II listed 'Quilters' is located near the appeal site. The significance of this heritage asset derives in part from its historic and architectural values as an example of a period building. The immediately surrounding area provides a setting which allows an appreciation of the heritage asset's architectural values and contributes to its historic value. Given intervening more modern residential built form between the appeal site, the proposal would, in so far as it relates to this appeal, have a neutral effect on the significance of the heritage asset.
21. Furthermore, the appeal site is also near the Constantine Conservation Area (CA). I observed that the significance of the CA arises in part, from its historic built form and pattern of development around St Constatine's Church. Whilst there is some intervisibility between the CA and the appeal site, given the separation distance

and intervening residential development, the proposal would have a neutral effect on the significance of the CA.

22. The appeal site is within the zone of influence of the Fal and Helford Special Area of Conservation (SAC). The Cornwall Council European Sites Mitigation - Supplementary Planning Document – July 2021 (SPD) explains that the SAC qualifying features include saltmarsh, intertidal mudflats, subtidal sandbanks, large shallow inlets and bays, estuaries and reefs.
23. Recreational activity within this area has the potential to disturb the habitats. The SPD concludes that additional residential development within the identified zones of influence, in combination with other residential development, would likely increase recreational visits and, thereby, increase disturbance to the habitats. There is, therefore, an impact pathway between additional residential development in the zone of influence and a resulting likely significant effect on the qualifying features of the SAC.
24. As recreational pressure would compromise the sites conservation objectives as detailed in the SPD, an adverse effect on integrity cannot be ruled out. In this case, without mitigation the additional residents who would occupy the proposal would be, in combination with other schemes, likely to adversely affect the SAC by way of increased recreational disturbance.
25. A strategic mitigation scheme is available, and the SPD sets out a series of measures, which include a Strategic Access Management and Monitoring plan, to mitigate the effect of increased recreational pressure resulting from additional residential development within the zone of influence. Natural England have been consulted as part of the appeal process and have not objected to the proposal subject to securing a financial contribution. In this case, the appropriate financial contribution has been demonstrated to have been paid to the Council.
26. On this basis, in carrying out the Appropriate Assessment, the adverse effects of the proposal on the integrity of the SAC would be avoided. For these reasons, the proposal would not harm the integrity of the SAC.

Planning Balance

27. The Council have stated that they are unable to demonstrate a five-year housing land supply, stated by the appellant, and not refuted by the Council to be 3.8 years. In these circumstances the presumption in favour of sustainable development outlined in Paragraph 11d)ii of the Framework is engaged.
28. Whilst at this stage the proposal has not been put forward as low cost and social rental housing as I am told is the primary need in the area, the proposal would achieve an increase in housing supply in an area with an acknowledged lack of housing provision. As such the proposal would align with the Framework where it seeks to significantly boost the supply of housing. 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 relatively small scope and scale of the proposal, this benefit attracts modest weight.
29. 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.

30. However, the proposal would conflict with LP policies 1, 2, 3, 7, 21 and 23, CEDPD Policy C1, and the Framework where it seeks to actively manage patterns of growth and conserve and enhance the natural environment. Nevertheless, although detailed design would be considered at TDC stage, harm to the character and appearance of the area, noting its location within the AGLV, would be modest. Moreover, although there will be some reliance on private vehicles to reach services and facilities, given the short distances to travel, and the ability to walk or cycle, I also afford this conflict modest weight.
31. 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

32. The PPG¹ 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

33. 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

¹ Paragraph: 020 Reference ID: 58-020-20180615