



Appeal Decision

Site visit made on 25 November 2025

by Neil Pope BA(HONS) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 November 2025

Appeal Ref: APP/D0840/W/25/3360628

Land East of Dolphin Cottage Tresowes, Ashton, Helston, Cornwall, TR13 9SY.

- 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 & Mrs Whetton against the decision of Cornwall Council (the LPA).
- The application reference is PA24/06872.
- The development proposed is the demolition of existing stables, construction of affordable housing development (minimum of 2, maximum of 3) and associated works.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The permission in principle consent route has two stages. The first stage establishes whether a site is suitable in-principle and the second, the technical details consent (TDC) stage is when the detailed development proposals are assessed. This appeal relates to the first of these two stages. A planning permission is only created after a TDC is granted. It does not follow that TDC would be given automatically.
3. In this appeal, the scope of the considerations is limited to location, land use and the amount of development. All other matters would be considered as part of a subsequent TDC application if permission in principle is granted. I have determined the appeal accordingly.
4. Although not part of its reasons for refusal, the LPA has argued that as no evidence has been provided of the type or tenure of affordable housing to be provided, the proposal is tantamount to open market housing. In support, it has drawn my attention to an appeal decision in Worcestershire¹. In response, the appellants have drawn my attention to an appeal decision in North Hertfordshire². I note the findings of the Inspectors in these other appeals.
5. I am mindful that the permission in principle process was introduced with the aim of boosting the supply of homes and to give up-front certainty on core matters underpinning the basic suitability of a site for housing. In effect, it is a high level or 'light touch' process. Affordable housing is usually secured by way of a planning obligation. The appellants could have provided such an obligation with the application. However, there is no reason why an obligation could not be entered into at any time. If any subsequent TDC application was unaccompanied by an affordable housing obligation³ it would be open to the LPA to withhold consent.

¹ Reference APP/H1840/W/19/3240409.

² Reference APP/X1925/W/21/3276596.

³ The appellants' agent has confirmed that an affordable housing led development would be provided at the TDC stage.

The absence of such an obligation from this first stage does not mean that I cannot treat the proposal as a scheme for affordable housing⁴.

6. The appeal site lies within the 12.5 km Zone of Influence for the Fal & Helford Special Area of Conservation (SAC). The site also lies within the Cornwall and West Devon Mining Landscape World Heritage Site (WHS)⁵ and within the Godolphin and Tregonning Area of Great Landscape Value (AGLV).
7. The LPA has informed me that it cannot deliver five years supply of housing⁶.
8. An application for a partial award of costs has been made by the appellants against the LPA. This application is the subject of a separate Decision.

Main Issue

9. The main issue is the effect upon the character and appearance of the area.

Reasons

Planning Policy

10. The development plan includes the Cornwall Local Plan Strategic Policies 2010-2030 (LP). My attention has been drawn to numerous policies. As the proposal is for a scheme of affordable housing, the most important policies to the determination of this appeal are LP policies 9 (rural exception sites), 12 (design), 23 (natural environment) and 24 (historic environment).
11. The National Planning Policy Framework (the Framework) is an important material consideration and carries considerable weight in the determination of this appeal. Amongst other things, this states that local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs. Elsewhere, the Framework seeks to conserve and enhance the natural and historic environments.
12. Whilst not planning policy, my attention has also been drawn to the Cornwall and West Devon Mining Landscape World Heritage Site Management Plan (MP) and the Cornwall Landscape Character Assessment 2023 (LCA). These documents can be given moderate weight in the determination of this appeal.

The Main Issue

13. This 0.16 ha appeal site forms part of the countryside on the edge of Tresowes. As noted by the Inspector who determined the 2023 appeal⁷ for a bungalow on a part of the site, Tresowes can be described as a small settlement within a network of other small settlements. Unlike that previous appeal, the proposal before me falls to be considered under housing policies relating to rural exception sites.
14. LP policy 9 supports schemes of affordable housing on sites outside of, but adjacent to the built-up areas of smaller settlements where, amongst other things, they would be well related to the physical form of the settlement⁸. The loss of some countryside could therefore reasonably be expected in accommodating a

⁴ I note from the appellants Supporting Planning Statement that there is a need for affordable housing within the parish.

⁵ I understand that the site lies within 'Area A3', the Tregonning and Gwinear Mining District part of the WHS.

⁶ In another recent appeal that I determined in Cornwall the LPA informed that it had only 3.8 years supply.

⁷ Reference APP/D0840/W/22/3310705. This was an appeal for 'general housing'.

⁸ The LPA's 2017 Chief Planning Officer's Advice Note: Infill/Rounding Off, explains that rural exception sites would not meet the definition of infill or rounding off or necessarily be on previously developed land.

scheme of affordable housing. Moreover, such development provides important public benefits⁹, not least, in helping to meet the housing needs of the local community, as well as helping to address the shortfall in the supply of housing.

15. However, as noted above, other important development plan policies must also be taken into account. In this regard, LP policy 12 includes a requirement for development to maintain and enhance Cornwall's distinctive natural and historic character, with a clear understanding and response to the landscape. Further policy support for this is provided within LP policies 23 and 24.
16. The WHS is a designated heritage asset¹⁰ of the highest significance. It is an important material consideration in the determination of this appeal¹¹. When commenting upon the application, the Cornish Mining World Heritage Site Officer advised that whilst the appeal site may once have been in use as part of a mineworkers' smallholding, the field boundaries have since been removed and this has eroded the legibility of the smallholding to the landscape. Nevertheless, the site and its environs to the north and east remain very much part of the rural and relict mine landscape. As I saw during my visit, the largely unspoilt, green open attributes of the appeal site contribute to the distinctive historic qualities of the landscape and assist in affording an appreciation and understanding of this important designated heritage asset.
17. I agree with the advice provided by the WHS Site Officer that the proposed development would result in further residential development and encroachment into an area that currently retains its rural character. It would intrude into and disrupt the pattern of fields around Tresowes and erode the historic (mining) landscape character of this part of the WHS. In so doing, it would harm the significance of this designated heritage asset and be at odds with MP policy C9.
18. In the context of the Framework, the proposal would comprise less than substantial harm. If there is a sliding scale within this category of harm, the development would be at the lower end. Nevertheless, great weight should be given to an asset's conservation and the WHS is of international importance. The adverse impact of the proposal does not therefore amount to a less than substantial planning objection. This harm would not be outweighed by the public benefits and would conflict with the provisions of LP policy 24.
19. I also understand that this part of the AGLV lies within the Hayle to Helston Hinterland Character Area (CA), as defined within the LCA. The most valued landscape attributes of this CA include its rural agricultural character, a dispersed pattern of settlements and the mining heritage. Some modern rural housing has diluted from the distinctiveness of this landscape. Amongst other things, the LCA seeks to promote the historic importance of this CA, including ties to the mining landscape, as well as conserving and enhancing the sense of place and protecting the strong rural character.
20. The proposed development would extend the eastern edge of Tresowes into the surrounding open countryside. It would bisect a field that makes a pleasing contribution to the setting of the settlement and to the character and appearance of

⁹ Other, lesser, public benefits include support for both the construction industry and some other local businesses, as well as an increase in Council Tax receipts.

¹⁰ It covers an area of 19,710 ha. Area A3 is a rural mining district and its key characteristics include mineworkers' cottages, dispersed in a landscape of small fields.

¹¹ For whatever reason, there is no mention of the WHS or the AGLV in the previous appeal decision.

the area. The loss of the largely unspoilt, green open qualities of the site would erode the strong rural character of this part of the AGLV and further dilute from this historic rural mining landscape.

21. The proposed buildings, hard surfaces and inevitable domestic paraphernalia, would detract from the setting of Tresowes and the distinctive qualities of this valued landscape. Even if the proposed dwellings were designed and finished to a high standard, the proposal would fail to conserve and enhance the sense of place and the natural environment. There would be conflict with LP policies 12 and 23. This adds further weight to the argument for withholding permission in principle.
22. The Inspector who determined the 2023 appeal for a bungalow on part of the site found that proposal would be acceptable in terms of character and appearance. However, between 2-3 dwellings are now proposed on a larger area of land that would involve the loss of a sizeable part of the existing field. These are important material differences with the proposal that is before me. For the reasons given above, this latest scheme would harm the character and appearance of the area.

Other Matters

23. Given my findings above in respect of the main issue, it is not necessary for me to undertake an Appropriate Assessment in respect of the likely effect upon the SAC.
24. The LPA has also drawn my attention to a 2018 appeal decision at Blisland¹². However, this relates to an outline application for 12 dwellings on a site in a National Landscape, a conservation area and within the settings of some listed buildings. When compared to the proposal before me, there are material differences in the type of application, nature of the development and the site. This other decision is unhelpful and does not set a precedent that I must follow.

Conclusion

25. Given my findings in respect of the main issue above and having regard to all other matters raised, I conclude that the appeal should not succeed.

Neil Pope

Inspector

¹² Reference APP/D0840/W/17/3183739,