



Appeal Decision

Site visit made on 8 October 2025

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 December 2025

Appeal Ref: APP/D0840/W/24/3354604

Land adjacent Chymanter, Halsetown, St Ives.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr J Bainger, Montague Holdings Ltd against the decision of Cornwall Council.
 - The application Ref is PA24/01423.
 - The development proposed is outline planning permission with all matters reserved apart from access, for a proposed housing development for local people.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application is in outline with all matters reserved except for access. Appearance, landscaping, layout and scale are matters reserved for future consideration. The description of development does not specify a maximum number of units. However, the submissions refer to up to five dwellings and the submitted indicative layout reflects this. Accordingly, I have determined the appeal as a scheme for up to five dwellings with a layout drawing which is for indicative purposes.

Main Issues

3. The main issues are:
 - i) The effect of the proposal on the character and appearance of the area including the Halsetown Conservation Area ('CA'), and;
 - ii) The effect of the proposal on the West Penwith Moors and Downs Site of Special Scientific Interest.

Reasons

Character and appearance

4. The appeal site comprises a parcel of undeveloped agricultural land, located north of the B3311, which also lies within the Halsetown CA.
5. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the Act') imposes a requirement that special attention should be paid to the desirability that the character or appearance of the Conservation Area should be preserved or enhanced. Paragraph 201 of the National Planning Policy Framework

(‘the Framework’) requires me to assess the particular significance of any heritage asset that may be affected by a proposal.

6. According to the Conservation Area Statement, Halsetown was founded around 1830 by James Halse MP and is recognised as the first recorded planned settlement in Cornwall. Established to house miners from the St Ives Consols Mine, each property was accompanied by a plot of land large enough to meet the voting qualification of the time. The settlement is loosely arranged on a grid-iron pattern, with dwellings of varying size and design set among large, regular paddocks and linked by a series of tracks. In contrast, the area surrounding the appeal site to the north of the B3311 is characterised by a linear, but a sporadic arrangement of dwellings which is reinforced by fields including the appeal site, differing markedly from the planned core of the village.
7. In addition, the Conservation Area Statement makes clear that the boundary was deliberately drawn to encompass the principal features of the village, notably the fields to the southwest of the built-up area. Although the appeal site is not physically located within that southwest sector, it is nonetheless a field intentionally included within the Halsetown CA. Its inclusion reflects the same rationale as the southwest fields: both contribute to the open, rural setting that defines the character and significance of the village. In this way, the appeal site complements the southwest fields by reinforcing the wider pattern of undeveloped land that underpins the historic layout and landscape of the CA.
8. Based on the above, together with the submitted Heritage Statement and my own observations, the significance of the Halsetown CA derives from its historic origins, architectural qualities, and the survival of its planned settlement layout within a distinctive rural setting. The appeal site makes a positive contribution to this significance by reinforcing both the integrity of the layout and the rural character.
9. Whilst the application is in outline, the submitted plans provide an indication of the scheme’s density and future layout. These show that the proposed dwellings would be served via a centrally located single access from the B3311. Given that the proposed access point is fixed; the proposal is for up to five dwellings and a permanent buffer from the woodland edge to the rear of the site has also been suggested, it is likely that any final scheme would reflect this indicative layout.
10. Although the site lies outside the formally planned area of Halsetown, its location within the Halsetown CA means that any development must preserve or enhance the area’s character and appearance. The historic field boundaries, even if partially compromised, remain integral to the rural setting of the planned settlement and contribute to the area’s overall significance.
11. The residential development at the appeal site would represent an appreciable change in land use. This along with the removal of frontage vegetation to facilitate the proposed engineered access and associated visibility splays would have an erosive effect on this agrarian landscape.
12. The comparison with nineteenth-century housing north of the B3311 is not persuasive. Those dwellings were sited adjacent to the road in a manner consistent with the settlement’s historic evolution. By contrast, the current proposal seeks to introduce medium to high-density housing on the village periphery, consolidating and extending built form into the countryside.

13. Development at the appeal site would erode the transitional character between the established planned settlement and the surrounding rural landscape. The incremental expansion proposed would progressively dilute and undermine the distinctive grid-iron layout that is integral to the village's historic identity and significance. Reliance on reserved matters to address these concerns is misplaced, as the proposal lies within a Conservation Area where design and layout are fundamental to the principle of development. This includes the unacceptable encroachment of new built development into the countryside within the Halsetown CA.
14. The proposal represents an unacceptable encroachment of built form into the countryside, thereby compromising both the integrity of the Halsetown CA and the important relationship between settlement and landscape that it seeks to protect.
15. For the above reasons, the proposal cannot be regarded as consistent with the historic development patterns. This would harm the character and appearance of the area and would conflict with the objectives of the Conservation Area designation. Therefore, the proposal fails to conserve the significance of the Halsetown CA.
16. In my view, and having regard to the Framework, the proposal would cause less than substantial harm to Halsetown CA. The public benefits arising from the proposal are set out below, which derive from the provision of up to five new dwellings. These public benefits are not sufficient to outweigh the less than substantial harm identified, in particular when attaching great weight to such harm in accordance with the Framework.
17. As such, the proposal fails to accord with the aims of Policies 2 and 24 of the Cornwall Local Plan - Strategic Policies 2010 – 2030 ('LP'), Policy C1 of the Climate Emergency Development Plan Document, February 2023 and Policy BE15 of the St Ives Area Neighbourhood Development Plan 2015 – 2030. Along with other matters, these policies seek to ensure development preserve or enhance designated heritage assets. Accordingly, I also find conflict with similar aims of the Framework for conserving and enhancing the historic environment.

West Penwith Moors and Downs Site of Special Scientific Interest

18. The northern boundary of the appeal site abuts the Bussow Moor and Carn Stabba County Wildlife Site and West Penwith Moors and Downs Site of Special Scientific Interest ('the SSSI'). The SSSI is of special interest for several nationally important features including lowland heathland, fens, lowland dry acid grassland, vascular plants, a collection of invertebrates associated with scrub-heath and moorland, an assemblage of lichens associated with acid non-montane rock and breeding Dartford warbler.
19. The Framework advises that development that is likely to have an adverse effect on land within a SSSI should not normally be permitted. This requires consideration of the effect of the development on its own as well as in combination with other developments. It confirms that the only exception to this is where the benefits of the development clearly outweigh its impact on the features that make the site of special interest, and any broader impacts on the national SSSI network.
20. Amongst other things, the submitted Preliminary Ecological Appraisal ('PEA') acknowledges that the appeal site is adjacent to the SSSI, which includes wet

woodland, a Habitat of Principal Importance. The PEA also acknowledges that the appeal site is within a SSSI Impact Risk Zone and advises that the local planning authority need to consult with Natural England.

21. The PEA includes some reference of offsite habitats and priority species, including those associated with the SSSI. However, in the absence of robust baseline data for the SSSI, the assessment does not adequately address the potential direct or indirect effects of the proposal on its features of special interest. Of particular concern is evidence of ongoing effluent pollution, possibly arising from a septic tank rupture originating from the appeal site and entering the SSSI. In light of this, I cannot be confident that the proposed mitigation measures, or the appellant's stated willingness to address the issue, would be sufficient to prevent adverse impacts on the SSSI. Given this uncertainty, I am obliged to apply the precautionary principle.
22. While the PEA concludes that, subject to the recommended mitigation measures, there appear to be no ecological constraints to the development, this conclusion cannot be relied upon in respect of the SSSI due to the unresolved concerns outlined above.
23. It has been suggested that further assessment of potential impacts on the SSSI, could be secured by condition. However, the Guidelines for Preliminary Ecological Appraisal (CIEEM, Jan 2018) make clear that, in line with Government guidance, ecological surveys should normally be completed and any necessary measures to protect biodiversity identified before permission is granted. Moreover, conditions can only be imposed in relation to Reserved Matters and cannot retrospectively secure evidence or mitigation fundamental to the principle of development.
24. In light of the above reasons, and applying the precautionary principle, it cannot be concluded that harm to the SSSI would be avoided, mitigated, or compensated. Therefore, the proposal fails to accord with the aims of Policies 2 and 23 of the LP and Policy C1 of the Climate Emergency Development Plan Document, February 2023. Amongst other things, these policies seek to ensure that development contributes to and enhances the natural environment by protecting and enhancing sites of biodiversity. Consequently, and as required by the Framework, I cannot ascertain that the benefits of the development would clearly outweigh its impact on the features that confer the site's special interest.

Other Considerations

25. The Council cannot demonstrate a 5 year housing land supply, which stands at about 3.8 years. This would normally mean that Paragraph 11d) of the Framework' is engaged. However, because the application of policies in the Framework as far as they protect designated Sites of Special Scientific Interest and heritage assets, provide a strong reason for refusing the proposal, this would not benefit from the presumption in favour of sustainable development set out in the Framework.
26. I acknowledge that the appeal site is located close to a bus stop and would therefore provide access to certain services and facilities. However, I have limited information regarding the frequency of bus services and the range of services and facilities available in the locality. Nevertheless, it is likely that the appeal site would support some sustainable travel options. The appellant has also agreed to a condition requiring that the new dwellings be occupied as principal residences, which would help address the local issue of second homes in St Ives.

27. As such, the delivery of up to five dwellings would make a modest but important contribution towards meeting the Council's overall housing land supply and towards boosting the delivery of homes in accordance with the Framework.
28. The proposal would create employment during the build phase. Thereafter, new residents would enhance or maintain the vitality of rural communities, in accordance with the Framework.
29. Accordingly, I attach considerable importance to the provision of the new dwellings and the associated benefits, which are further reinforced by some local support.

Conclusion and planning balance.

30. Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that decisions on planning applications should be made in accordance with the development plan unless material considerations indicate otherwise.
31. The proposal would harm the character and appearance of the area and fails to preserve or enhance the Halsetown CA, contrary to the statutory duty under Section 72(1) of the Act and the requirements of the Framework. Furthermore, it has not been demonstrated that the proposal would avoid adverse effects on the adjacent SSSI. The Framework requires that great weight be given to the conservation of designated heritage assets. Separately, the SSSI is a nationally important ecological site, and uncertainty remains regarding the potential impacts of the proposal upon it. Taken together, these considerations lead me to attach substantial weight to both the identified harm to the Halsetown CA and the unresolved risk to the SSSI.
32. On the other hand, the proposal could deliver up to five new dwellings, together with associated benefits. Even so, because this application is in outline and the final quantum of development remains uncertain, I attach only moderate weight to the proposal and any associated benefits.
33. Having taken account of the other considerations in support of the proposal, I do not consider these to be sufficiently forceful, to outweigh the harm and conflict with the development plan I have identified. Consequently, in the circumstances of this case, the material considerations do not justify a decision other than in accordance with the development plan.
34. For the above reasons, I conclude that the appeal should be dismissed.

M Aqbal

INSPECTOR