
Appeal Decision

Site visit made on 23 October 2025

by **A J Sutton BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 9th December 2025

Appeal Ref: APP/D0840/W/25/3370428

5 Tregaross Court, St. Minver, Wadebridge, Cornwall PL27 6FW

- 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 Ms Jane Fenlon-Smith against the decision of Cornwall Council.
 - The application Ref is PA25/03698.
 - The application sought planning permission for construction of a new dwelling without complying with a condition attached to planning permission Ref PA16/07999, dated 29 March 2017.
 - The condition in dispute is No 10 which states that: The additional dwelling hereby permitted shall not be occupied otherwise than by a person as his or her Only or Principal Home. For the avoidance of doubt the dwelling shall not be occupied as a second home or holiday letting accommodation.
The Occupant will supply to the Local Planning Authority (within 14 days of the Local Planning Authority's written request to do so) such information as the Authority may reasonably require in order to determine whether this condition is being complied with.
 - The reason given for the condition is: To safeguard the sustainability of the settlements in the emerging St Minver Neighbourhood Development Plan area, whose communities are being eroded through the amount of properties which are not occupied on a permanent basis and to ensure that the resulting accommodation is occupied by persons in compliance with policy 3.2 of the emerging St Minver Neighbourhood Development Plan 2015-2030.
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. The dwelling is in situ, and this proposal seeks to remove a condition on the original permission that prevents this residential unit being used as a second or holiday home.
3. The main issue is whether the proposed removal of condition 10 would accord with the local housing strategy, having regard to relevant policy.

Reasons

4. The supporting text of the St Minver Parishes Neighbourhood Development Plan (Neighbourhood Plan) states that 2011 census data indicates that 52% of residential units in the plan area were second residences. Local research carried out after that date suggested a higher figure near 60%.
5. In light of this factor and to address local need for homes, Policy STMNDP 3.2 of the Neighbourhood Plan requires that all additional residences shall be subject to a planning condition that they are permanent residences only. Planning permission for this dwelling was granted and condition 10 was attached in accordance with this Policy requirement.

6. The Neighbourhood Plan was emerging at the time that the original planning permission was granted. However, the plan was well progressed in its preparation such that Policy STMNDP 3.2 was given great weight in that decision. Moreover, the wording of the Policy that now comprises the 'made' Neighbourhood Plan is the same as the emerging policy referenced on the original planning permission.
7. In light of the distorted local housing market, and the identified need for moderately priced dwellings for local people at the time the original planning permission was granted, condition 10 was reasonable and necessary to help achieve the aims of the Neighbourhood Plan Policy with regards to this matter. In this respect the original proposal for this additional dwelling in this area was made acceptable in planning terms by the imposition of this condition.
8. The appeal property is a detached family sized dwelling in a modest plot. The evidence advanced suggests that this home could now attract a much higher price than that which would normally be expected for a house of this type in a rural setting. Indeed, at a suggested value of £1 million, I agree with the appellant that this dwelling would unlikely be within the reach of many local families seeking a permanent primary home in this area, even though it is a relatively modest family sized property.
9. The evidence points to there still being a high level of second home ownership in St Minver and house prices in this area seem unrealistic for local people. Circumstances remain similar to those prevailing at the time of the original decision to grant planning permission to construct the dwelling. While this condition may now be inconvenient to the appellant, it remains necessary to ensure development works towards meeting local housing policy aims.
10. It is suggested that the condition presents an extra complication even for those wishing to live permanently in this area. However, it is unclear as to why this would cause concern if future occupants were living full-time in the appeal property. This aside, the appellant highlights that for personal circumstances she must move overseas and that she is unable to sell the property unless condition 10 is removed. This may be so at the price at which the dwelling is being marketed, and it is unsurprising that viewings of the property have largely been limited to those looking for second homes. However, to remove this condition because the current price only attracts a certain market would in my view, significantly undermine the planning policy aims to adjust a chronically imbalanced housing market in the area and to make provision of housing for full time residents seeking moderately priced homes in this locale.
11. Although second homeowners contribute to the local economy, and the Neighbourhood Plan recognises the importance of tourism, it goes on to clarify that the residences in full time occupation sustain a community spirit and a wide range of activities throughout the year. Reasonable price dwellings are required to serve this need. The fact that the four of the remaining dwellings in this street are second or holiday homes illustrates the concerns raised in the Neighbourhood Plan regarding the availability of properties for those hoping to live full-time in the area.
12. It is asserted that full-time residents could be absent from the property for periods, particularly if they were retired, regardless of the condition. However, occupiers of a holiday home are less likely to be involved in the community throughout the year in the same manner that a local resident would be. It seems to me that the pattern of use of a principal residential unit would be significantly different to how owners would use a holiday home. Furthermore, it can take time for local housing markets to adjust, and I find no substantive evidence that this condition is not being effective in achieving the planning purpose intended.
13. Without such conditions on new properties, the aims of Policy STMNDP 3.2 would be delayed or not achieved. In turn removing the condition would be to the disadvantage of local people

seeking reasonably priced dwellings in the area to serve as their permanent residence. While the appellant may consider the condition unfair, given the circumstances outlined the condition seems not only necessary but also reasonable.

14. It is stated that the dwelling would be vacant if this condition is not removed, but it seems to me that selling the property at a lower price could increase the interest in the dwelling. While selling at a lower price would disadvantage the appellant financially, she was aware of this condition when she originally purchased the property. Moreover, I find nothing that would preclude the property being rented to individuals living full-time in the area. This is a matter raised by the Council and yet the appellant's written evidence fails to address this option. In light of the above, there are options open to the appellant that ensure the property is not vacant, and these options do not require the removal of condition 10. The appellant's interests would not be unduly disadvantaged if this appeal was dismissed for this reason.
15. The proposal may relate to just one dwelling and is said by the appellant to differ in this regard to developments at St Ives, Trebetherick and Polzeath cited by the Council. However, I note that the St Ives appeal decision, similar to the case before me, relates to a single dwelling. This aside, if this condition is removed, all dwellings in this cul-de-sac would likely be second homes. Attaching this condition to one of the five dwellings in this small development is reasonable and proportionate, given the local housing market conditions. This proposal would result in one home intended for full-time residency being lost to the local housing market and this would be a significant loss in this small settlement.
16. Consequently, I find that proposed removal of condition 10 would not accord with the local housing strategy, having regard to relevant policy. In this respect, the proposal would conflict with Policy STMNDP 3.2 of the Neighbourhood Plan and Policies 1, 2 and 3 of the Cornwall Local Plan. These Policies, in addition to the matters already set out, welcome proposals, that amongst other things, provide homes and jobs in a proportional manner, where they can best sustain the role and function of local communities and that of their catchment.

Other Matters

17. The Council is unable to demonstrate a five year housing land supply. Therefore, the provisions in Paragraph 11 of the National Planning Policy Framework (the Framework) are relevant in this case.
18. The appellant contends due to this factor the policies relevant in this appeal are not determinative. Addressing this matter, Policy STMNDP 3 of the Neighbourhood Plan makes provision for additional dwellings in the plan area, and this includes affordable housing, rural exception sites and self-build provision. In doing so, the Neighbourhood Plan establishes the need, size, type and tenure of housing needed for different groups in the community. Policies of this Plan and Policies 1, 2 and 3 of the Cornwall Local Plan appear responsive to local circumstances and support housing development that reflect local needs. In this regard they promote sustainable development in rural areas and seek to maintain the vitality of rural communities. For this reason, they are largely consistent with provisions of the Framework such that they attract full weight in this decision.
19. While the proposal would change the nature of use, it would not result in an additional dwelling in the area. If allowed, there would not be a net gain in properties intended to serve local need, indeed it would likely result in the loss of an existing dwelling in that market.
20. The estate agent's valuation of the dwelling appears to be deterring full-time residents. However, as already stated, there appears no clear justification why the price of the dwelling could not be lowered so as to attract a wider range of local interest, or indeed that the

dwelling could not be rented out. The property may well sell quickly if the condition was removed and there would be an economic benefit in this regard. However, this benefit would be generally limited to the appellant, and as a largely personal benefit, this attracts very little weight.

21. Accordingly, the adverse impacts with regards undermining the local housing strategy, would significantly and demonstrably outweigh the very limited benefits, when assessed against the policies of the Framework taken as a whole.
22. The appellant states that Policies ENV1 and ENV2 of the Cornwall Local Plan are not relevant. These policies deal with protecting the countryside and landscape, and as the house is already built, no physical changes are proposed and the proposal is limited to removing a condition restricting how the property is occupied, I agree that these policies are not determinative. However, this does not alter the conflict with the local housing strategy which would occur in this case and conflict with the development plan when read as a whole.

Conclusion

23. For the reasons outlined above and having regard to the development plan, the Framework and other material considerations, I find condition 10 is reasonable and necessary and the appeal should be dismissed.

A J Sutton

INSPECTOR