



Appeal Decision

Site visit made on 9 December 2025

by **S Harrington MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16 December 2025

Appeal Ref: APP/D0840/W/25/3370096

6 Cross Common, The Lizard, Cornwall TR12 7PE

- 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 Barowsky and Miss E Hall against the decision of Cornwall Council.
 - The application Ref is PA24/08781.
 - The development proposed is the construction of a detached dwelling .
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a detached dwelling at 6 Cross Common, The Lizard, Cornwall TR12 7PE in accordance with the terms of the application, Ref PA24/08781, subject to the following conditions:
 - 1) An application for approval of reserved matters must be made no later than the expiration of 3 years from the date of this decision and the development hereby approved shall commence no later than 2 years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
 - 2) Details of the appearance, landscaping, layout and scale, (hereinafter called the reserved matters) shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
 - 3) The development hereby permitted shall be carried out in accordance with drawing nos 36.2020/01; 36.2020/02.
 - 4) Before any other building or engineering works are carried out on the site, the access shall be laid out and constructed in accordance with Drawing No. 36.2020/02; with its gradient, surfacing, drainage and sight lines having first been approved in writing by the local planning authority. The access shall be retained as approved thereafter.
 - 5) No development shall take place until a Construction Traffic Management Plan and programme of works has been submitted to and approved in writing by the local planning authority. The approved Plan shall be adhered to throughout the construction period.

The Plan shall provide for:

- i) construction vehicle details (number, size and type);
- ii) vehicular routes and delivery hours;
- iii) the parking of vehicles of site operatives and visitors

- iv) loading and unloading of plant and materials
- v) storage of plant and materials used in constructing of the development;
- vi) wheel washing facilities; and
- vii) measures to control the emission of dust and dirt during construction.

Preliminary Matters

2. The application was made in outline with only details of access to be determined at this stage. Matters of appearance, landscaping, layout and scale are reserved for future consideration (the 'reserved matters'). I have therefore treated any references to reserved matters in documentation as illustrative.
3. I have taken the description of development in the banner heading above from the application form. However as 'Outline planning application with all matters reserved except access' is not an act of development, I have removed this element.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

5. The appeal site forms part of the garden of 6 Cross Common and is located within an established residential area of The Lizard, and within the Cornwall National Landscape (CNL). Residential development surrounding the site features a mix of single storey and two storey dwellings of differing appearance, resulting in the area having a mixed residential urban character.
6. I observed that dwellings along Cross Common feature a strong linear development pattern. Nevertheless, I also observed that views of properties to the rear of Cross Common, and particularly their roofscapes are evident. Moreover, the wider area features a number of examples of dwellings being visible to the rear of other properties, and my attention has been brought to a nearby planning permission¹ granted for two dwellings to the rear of Rosemullion which lack a street frontage.
7. In this context, 6 Cross Common differs from the remainder of the development pattern of Cross Common due to its orientation and protrusion in front of the common building line. Furthermore, the appeal site, due to its position to the rear of 6 Cross Common, being set back from the highway, and proximity to surrounding bungalows, does not strongly contribute to the development pattern of Cross Common.
8. Consequently, subject to the reserved matters, the proposal would not appear to be a significant departure from the overriding pattern of development in the wider area. Moreover, the site is of sufficient size to accommodate a dwelling of modest scale without appearing cramped in the street scene.
9. Furthermore, even if the proposed development would feature a smaller garden area than those dwellings surrounding it, given its enclosed character, the

¹ PA23/10217

proposal would not visibly appear incongruous or otherwise at odds with its surroundings. As such, there would be no conflict with guidance provided within the Cornwall Design Guide 2021 which seeks, amongst other things, to ensure development maintains Cornwall's distinctiveness, contribute to sense of place and reflect the character of the area.

10. Although within the CNL, the proposal would be seen in conjunction with existing development and as part of the urban form of the settlement, as opposed to part of the surrounding countryside landscape. As such, subject to reserved matters, the proposal would not result in any harm to and would conserve the landscape and scenic beauty of the CNL.
11. To conclude, the proposal would not harm the character and appearance of the area. There would be no conflict with Policies 1, 2 and 12 of the Cornwall Local Plan Strategic Policies 2010-2030 or Policy C1 of the Climate Emergency Development Plan Document 2023. These policies, amongst other things, seek to provide a sustainable approach to accommodating growth, and ensure that local distinctiveness and the character and appearance of the area is protected.

Other Matters

12. The appeal site has neighbouring dwellings to three sides. However, given their spatial relationship and separation distances, I see no reason why, subject to reserved matters, a dwelling could not be designed and sited in a manner to ensure neighbouring occupiers are not significantly overlooked or harmfully effect light levels within the surrounding properties or garden areas.
13. 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.
14. 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.
15. 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.
16. 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.

17. 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.

Conditions

18. The Council has provided a list of suggested conditions in the event of the appeal being allowed, which I have assessed with regard to the advice provided in the Planning Practice Guidance. As well as a time condition and details of reserved matters, a condition regarding the approved plans is required to provide certainty.
19. A condition is necessary to ensure the access is constructed prior to any other building works taking place in the interests of highway safety. Given the residential character of the area, a condition requiring a Construction Traffic Management Plan and programme of works is also necessary in order to protect neighbouring occupiers living conditions and in the interests of highway safety during the construction phase.

Conclusion

20. For the reasons given above the appeal is allowed.

S Harrington

INSPECTOR