



Appeal Decision

Site visit made on 4 December 2025

by T Gethin BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 December 2025

Appeal Ref: APP/D0840/W/25/3370653

Land south east of 22 Treeve Lane, Connor Downs, Hayle TR27 5DQ

- 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 Fitzgerald against the decision of Cornwall Council.
 - The application Ref is PA25/03544.
 - The development proposed is described as 'Construction of minimum 1 dwellings, maximum 2 dwellings'.
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Decision

1. The appeal is allowed and permission in principle is granted for Construction of minimum 1 dwellings, maximum 2 dwellings at Land south east of 22 Treeve Lane, Connor Downs, Hayle TR27 5DQ in accordance with the terms of the application, Ref PA25/03544.

Preliminary Matters

2. The proposal is for permission in principle. Planning Practice Guidance advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has two stages: the first ('permission in principle') establishes whether a site is suitable in principle and the second ('technical details consent') is when the detailed development proposals are assessed. This appeal relates to the first stage.
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 technical details consent application if permission in principle is granted. I have determined the appeal on this basis.

Main Issue

4. The main issue is whether the appeal site is suitable for residential development, having regard to location, land use and the amount of development.

Reasons

5. The appeal site forms part of an agricultural field and is not physically or visually separated from it. The surrounding area includes some development, including the A30, various buildings and some overhead wires. The site and locality thus reflect the features identified in Cornwall Character Area 05 of the narrow fringe of agricultural land where peri-urban features dominate. However, the site's undeveloped verdant nature and solid hedge boundary mean it is distinct from such built form and positively relates to the surrounding semi-rural landscape, including woodland and other fields.
6. Through the introduction of built form, the proposed development would erode the rural character and undeveloped appearance of the site. However, given its position

between the A30 and the various buildings along and near Treeve Lane, the harm to the visual amenity of the surrounding rural area would be limited. In addition, details at technical details stage relating to matters such as scale, layout, appearance and landscaping could ensure that the proposed development acceptably respects its context. On this basis, the appeal proposal could also be designed to read as suitably consolidating development as part of the group of nearby buildings rather than extending dispersed built form along the lane.

7. The site could potentially accommodate more dwellings at a density closer to that of the tight-knit properties on the opposite side of Treeve Lane. However, the density proposed would not be significantly lower than various other properties in the locality, some of which are on relatively larger plots. In this context, the density would be suitably in keeping with its surroundings. Accounting for the need for a net gain in biodiversity to be provided and that more buildings on the site would likely result in greater harm to visual amenity, the proposed use of the land would also be satisfactory and not unacceptably inefficient. On this basis, the proposal would not conflict with the objective of Policy C1 of the Climate Emergency Development Plan Document to use land efficiently; and the density of the development would be appropriate to the built character, function and setting of the site, as supported by Policy SD2 of the Hayle Neighbourhood Plan 2014-2030.
8. Policy 3 of the Cornwall Local Plan Strategic Policies 2010 - 2030 (CLP) provides for new housing outside of the main towns to be delivered via a variety of means, including the rounding off of settlements. However, the supporting text sets out that this applies to, amongst other aspects, development on land that is substantially enclosed and where its edge is clearly defined by a physical feature that also acts as a barrier to further growth. In this instance, whilst the site is substantially enclosed, there is no physical feature that defines its edge with the rest of the field and which would act as a barrier to further growth. Even with the scale of the development being commensurate to that of nearby dwellings, the appeal proposal does not therefore meet the definition of rounding off. In coming to this view, I have taken into account the site's position in relation to existing development and the adjoining field boundary; and the reference in the Chief Planning Officer's Advice Note to suitable sites likely being surrounded on at least two sides.
9. Irrespective of whether the nearby group of buildings forms a settlement, the site's solid boundary hedges mean that it also clearly reads as being physically separate from – and beyond any boundaries of – the group of nearby buildings. On this basis, whilst the site is not isolated, it meets the CLP definition of open countryside; and it is not alleged that the appeal proposal would meet any of the criteria of CLP Policy 7.
10. For the above reasons, I conclude that the proposed development would harm the character and appearance of the surrounding area and be contrary to the CLP's approach to delivering new housing. In this respect, I find it would not accord with CLP Policies 2, 3, 7, 12, 21 and 23. Amongst other aspects, these set out the Council's approach to accommodating new housing in the area; expect development to sustain local distinctiveness and respect quality of place; and encourage proposals that increase building density where appropriate, taking into account the area's character.
11. However, with the latest housing requirement for the district having risen to 4,421 per year, the available evidence indicates that the Council is only able to demonstrate a housing supply of approximately 3.8 years. The approach set out in paragraph 11d) of the National Planning Policy Framework (Framework) therefore applies.

12. The size of the development means that its benefits would be relatively modest. Nevertheless, the appeal proposal, which would be in an accessible location and could be built out relatively quickly, would contribute up to two additional windfall houses in an area with a relatively significant shortfall and an identified housing crisis. It would also not result in an isolated home in the countryside, whilst future occupiers would support services and facilities in nearby settlements. These are significant aspects which weigh in favour of the appeal proposal and align with what various local and national policies seek to achieve, including the provisions in the Framework in relation to delivering a sufficient supply of homes, promoting sustainable transport and supporting a prosperous rural economy.
13. On the other hand, the proposal would create up to two dwellings in the countryside, contrary to local policy restrictions on housing in such areas; and there would be some harm to character and appearance. However, the harm would be limited whilst the conflict with locational CLP policies attracts lesser weight given the housing supply situation. Consequently, 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, including having particular regard to its key policies for directing development to sustainable locations, making effective use of land and securing well-designed places. The presumption in favour of sustainable development therefore applies; and in this context, the site is suitable for residential development, having regard to location, land use and the amount of development.

Other matters

14. A number of other matters have been raised by various parties, including with regards to highway safety considerations, the impact on wildlife, overlooking of existing occupiers and the lack of surface water strategy details. However, these are considerations for the technical details stage. Whilst some other concerns have been raised (including in relation to increasing demand on local amenities, the proposal not being needed because of the development of other nearby housing and the future possibility of the appellant applying for more houses), I have not been presented with compelling evidence to demonstrate that the proposal would result in unacceptable effects in relation to any of these.

Conclusion

15. In this instance, whilst the appeal proposal would conflict with various CLP policies and result in some harm to character and appearance, there is a clear need for housing in the district given the shortfall in supply. The proposal would also be in an accessible location and support the local economy, whilst the harm would not be significant. Accordingly, material considerations outweigh the harm that would arise and the policy conflicts; and indicate that the development proposed should be permitted notwithstanding its conflict with the development plan as a whole. The appeal is therefore allowed.

T Gethin

INSPECTOR