
Appeal Decision

Site visit made on 9 December 2025

by **S Harrington MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 December 2025

Appeal Ref: APP/D0840/W/25/3368211

Land South of Tregellast Parc, Tregellast Road, St. Keverne TR12 6NQ

- 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 RNC Developments Ltd against the decision of Cornwall Council.
 - The application Ref is PA25/01763.
 - The development proposed is the construction of minimum of 8 dwellings, maximum of 9.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development in the banner heading above from the application form. However as 'Permission in Principle for' is not an act of development, I have removed this element.
3. Planning Practice Guidance advises that permission in principle is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or 'permission in principle' stage) (PIP) establishes whether a site is suitable in-principle, and the second ('technical details consent' stage) (TDC) is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.
4. 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 TDC application if PIP is granted.

Main Issue

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

Reasons

6. The appeal site is a field located on the edge of St. Keverne. Policy 3 of the Cornwall Local Plan Strategic Policies 2010-2030 (LP) sets out a hierarchical strategy for the delivery of new housing based on the role and function of places. This Policy provides that outside larger named settlements, housing growth is to be delivered through, amongst other means, rounding off of settlements of a scale appropriate to its size and role.
7. LP Para 1.68 defines rounding off as "development on land that is substantially enclosed, but outside of the urban form of a settlement" and "it should not visually

extend building into the open countryside”. LP para 2.33 further states that ‘open countryside is defined as the area outside of the physical boundaries of existing settlements (where they have a clear form and shape)’.

8. I observed that St.Keverne has a clearly defined edge, and a distinct shape and form, formed in part by residential development adjacent the appeal site. The appeal site is clearly seen as a field that is part of the open countryside, as opposed to being within the physical boundaries of the settlement. In such locations LP Policy 7 is permissive of housing only in certain prescribed special circumstances, none of which the proposal fulfils.
9. The appeal site is also within the Cornwall National Landscape (CNL). The National Planning Policy Framework (the Framework) directs that great weight should be given to conserving and enhancing landscape and scenic beauty in National Landscapes, which have the highest status of protection in relation to these issues. This requirement is reflected in LP Policy 23, which requires proposals to be informed by and assist the delivery of the objectives of the Cornwall National Landscape Management Plan 2022-2027 (CNLMP).
10. The centre of St.Keverne is located within a lower part of the landscape, with modern development extending outwards towards the appeal site, which due to this sloping topography, is set on higher land than the village. Land levels continue to rise to a prominent high point beyond the site, with land opposite the appeal site which I observed to be allotments and a recreation ground being at a notable lower level. Due to this topography, the appeal site forms a prominent part of the countryside setting of St.Keverne.
11. This surrounding countryside is within landscape character area CCA12: North East Lizard Peninsula (CCA) and contains many of the characteristics of the CCA, including open uncluttered fields on an undulating plateaux landscape bounded by hedges. The field patterns of the appeal site and those surrounding, are part of a largely intact medieval field system and provide an important and sensitive positive contribution to the strong rural character of the area, with agricultural land bounded by Cornish hedges being noted in the CNLMP. The CNLMP seeks development within the CNL to be ‘landscape led’ and positively respond to conserving and enhancing the designated landscape. Furthermore, it requires the cumulative effects of development to be considered.
12. Details such as appearance, layout and landscaping would be considered at the TDC stage. Nevertheless, residential built form at this location, the presence of which would be prominent given the elevated position of the site in relation to the village, would unavoidably result in a visual extension of residential development into the countryside. It would erode the sensitive countryside landscape setting to the village that the appeal site is part of, harmfully diminishing the strong rural character and appearance of the area.
13. My attention has been brought to a previous planning permission¹ (the previous permission) at the appeal site. The Council in that instance, contrary to a previous Inspector’s conclusions², considered that visual harm could be mitigated by a sensitive design that responds to its context. However, the Council also acknowledged the proposal would erode the open nature of the area and would

¹ PA19/07487 & PA21/05284

² APP/D0840/W/18/3208554 & APP/D0840/W/18/3213658

extend built form further into the countryside, having a landscape impact, ultimately approving the proposal due to the weight of the benefits of that scheme as and affordable housing led development.

14. Furthermore, since the previous permission was granted, the Levelling Up and Regeneration Act 2023 now requires decision makers to actively seek to further the purpose of conserving and enhancing natural beauty within National Landscapes.
15. My attention has also been drawn to a court case³ where it was held that in that instance, although there was limited harm to the protected landscape, there was no identified alternative sites within or outside the protected landscape which would deliver that housing need with a lesser impact. Although it is put to me that large areas of Cornwall are within the CNL, or within a World Heritage Site, I have no substantive evidence that there are no alternative sites which could deliver the quantum of development proposed, with a lesser impact.
16. I am required to give great weight to the conservation of the CNL and the proposal would result in harm to landscape and scenic beauty. Consequently, I conclude that the site is not suitable for residential development, having regard to its location, the proposed land use, and the amount of development. The proposal would conflict with LP policies 1, 2, 3, 7, 12, 21, 23, and Policy C1 of the Climate Emergency Development Plan Document 2023. These policies seek, amongst other matters, to secure development that improves the economic, social and environmental conditions in the area, respect and enhance the quality of place, and conserve the landscape and scenic beauty of the CNL. The proposal would also conflict with CNLMP policies PD-P1, PD-P2 and PD-P11 which seek, amongst other things, to ensure development maintains local distinctiveness and does not compromise the special qualities and characteristics of the CNL.

Other Matters

17. It has been put to me that the previous permission provides a fallback with which to assess the proposal against. However, the main parties dispute whether the previous permission remains extant. Within the context of an appeal under section 78 of the Town and Country Planning Act 1990 (as Amended) (the Act) It is not within my remit to determine whether a use or operation is lawful in order to decide whether the appellant might be able to rely on a permission as a fallback position. This can only be formally determined by a lawful certificate application under s191 or s192 of the Act.
18. However, if the previous permission is extant, the appellant has stated an intention to implement the planning permission and, if extant, I consider that there is a real prospect of the fallback development taking place. As such, it would constitute a clear fallback position against which to assess the appeal proposal.
19. Whilst the proposal before me relates to a lesser number of dwellings, final design and appearance would be a matter for TDC, and I cannot be sure that the proposal would result in a less harmful effect on the character and appearance of the area than the previous permission, despite potential less built form. Moreover, the

³ *CPRE Kent v (1) Secretary of State for Housing, Communities and Local Government (2) Tunbridge Wells Borough Council (3) Berkeley Homes (Eastern Counties) Limited* [2025] EWHC 1781 (Admin)

previous permission related to an affordable housing led development and provided 5 affordable dwellings of a type and mix consistent with local needs.

20. In terms of the proposal before me, despite the appellant referring to the proposal possibly providing an off-site affordable housing contribution at TDC stage within their appeal statement, the application supporting statement states the proposal is no longer submitted as a rural exception site. It does not refer to the proposal contributing to affordable housing.
21. The nature of the PIP process is that conditions and legal agreements cannot be utilised to control development at this stage. Consequently, specific tenure or contributions, which directly influences the land use cannot be secured at this stage. In the absence of a means to secure such matters, there can be no certainty that an affordable housing contribution will be carried forwards into the TDC stage.
22. Consequently, in my view, the proposal has to be assessed at face value in an unfettered way. To do otherwise would be to rely on volunteered information that cannot be secured or controlled. On this basis, despite the suggestion of an affordable housing contribution by the appellant, the proposal has to be assessed as one for open market housing.
23. Accordingly, the proposal would not provide any affordable housing provision, as well as providing a lesser number of dwellings than the previous permission, in an area with a demonstrable need for housing. As such, and even if there were a betterment in terms of character and appearance, the proposal would be materially worse in terms of its overall benefits than the fallback.
24. The Council are unable to demonstrate a five-year housing land supply of deliverable housing sites and have stated that their supply is circa 3.8 years. For the purposes of paragraph 11 of the Framework, the CNL is an asset of particular importance as denoted by footnote 7.
25. The proposal would cause harm to the landscape and scenic beauty of the CNL, conflicting with the purpose of conserving and enhancing natural beauty within National Landscapes. As I have found harm to the CNL, there is conflict with the policies of the Framework that protect areas or assets of particular importance and provide a strong reason for refusing the development proposed. Therefore, the proposal does not benefit from the presumption in favour of sustainable development outlined at paragraph 11 of the Framework, and therefore materially differs from the appeal decision⁴ which has been brought to my attention by the appellant.
26. The proposal's benefits include the provision of up to 9 new dwellings to the area's housing land supply close to a settlement which provides a range of services, facilities and transport links as promoted within the Council's Interim Policy Position Statement. Further benefits include short term economic benefit due to employment during construction, and an ongoing benefit from future occupants supporting local businesses, services, and the community. Notwithstanding, given the small scale and scope of the development, I find the benefits would be modest.

⁴ PP/D0840/W/24/3345642

27. The appeal site is within the zone of influence of the Fal and Helford Special Area of Conservation (SAC). Designated features of the SAC include saltmarsh, intertidal mudflats, subtidal sandbanks, large shallow inlets and bays, estuaries and reefs. Within the vicinity of the SAC, new residential development would lead to increased levels of recreational activity. This would be likely to have a significant effect on the designated features of the SAC either on its own or cumulatively with other similar development, without avoidance measures.
28. The application had been accompanied by a financial contribution to seek to mitigate recreational impact of the proposal on the SAC. Notwithstanding, Regulation 63(1) of the Conservation of Habitats and Species Regulations 2017 indicates the requirement for an Appropriate Assessment is only necessary where the competent authority is minded to give consent for the proposal.
29. Given my conclusions on the main issue above, it is not necessary for me to consider this matter any further as the proposal would not take place and would not affect the SAC. Moreover, even if I were to find that suitable mitigation had been appropriately secured, a lack of harm would be a neutral factor.

Conclusion

30. For the reasons given above, I find that the proposal would conflict with the development plan, read as a whole. No material considerations, individually or cumulatively, indicate that a decision should be taken otherwise than in accordance with it. Therefore, the appeal is dismissed.

S Harrington

INSPECTOR