
Appeal Decision

Site visit made on 9 December 2025

by **S Harrington MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 December 2025

Appeal Ref: APP/D0840/W/25/3367358

Land East of Meneth, Bonallack Lane, Gweek TR12 6UJ

- 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 Lugg, MJL Development LTD against the decision of Cornwall Council.
 - The application Ref is PA25/00840.
 - The development proposed is construction of minimum 8 dwellings, maximum of 9 dwellings & associated works.
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Decision

1. The appeal is allowed and permission in principle is granted for residential development comprising a minimum of 8, and maximum of 9 dwellings at Land East of Meneth, Bonallack Lane, Gweek TR12 6UJ in accordance with the terms of the application, Ref PA25/00840.

Preliminary Matters

2. 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.
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 TDC application if PIP is granted.

Main Issue

4. 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

5. The appeal site is a field located on the valley side on the edge of Gweek and is within the South Coast Western section (08) of the Cornwall National Landscape (CNL), and within Cornwall Character Area CCA11: Helford Ria (CCA). The National Planning Policy Framework (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. Furthermore, the Levelling Up and Regeneration Act 2023 requires

decision makers to actively seek to further the purpose of conserving and enhancing natural beauty within National Landscapes.

6. These requirements are reflected in Policy 23 of the Cornwall Local Plan Strategic Policies 2010-2030 (LP), which requires proposals to be informed by and assist the delivery of the objectives of the Cornwall Nationally Protected Landscape Management Plan 2022-2027 (CNLMP).
7. The appeal site occupies the mid-valley slopes above Gweek and whilst adjacent residential built form, its verdant and open character positively contributes to the landscape setting of the village. Notwithstanding, due to both sporadic built form on the hillside, and the topography of Gweek being contained within a valley creek, the site lacks an intimate association with the wider rural landscape.
8. The special qualities of the CNL are set out in the CNLMP and referred to within a Landscape and Visual Impact Assessment¹ (LVIA) submitted as part of a planning application previously allowed at appeal² at the appeal site (the previous appeal). This section of the CNL is noted to be wide-ranging and diverse with special qualities including the Helford River being an area of great individual character and tranquil beauty, and with settlements featuring an eclectic mix of both modern and traditional property.
9. Gweek has evolved as a settlement since the CNL designation, with development expanding into formerly undeveloped areas, including those surrounding the appeal site. I observed that although part of the valley landscape, due to surrounding sporadic development and its lack of intimate association with the wider landscape, the appeal site provides only a modest contribution to the CNL special qualities.
10. The proposal would be experienced in the context of built form associated with the existing edge of the settlement as well as being contained within the river valley. Subject to an appropriate design, layout and landscaping (which could retain boundary hedges and provide additional planting) being achieved at TDC, the proposal would not be overly prominent, dominant, or substantially uncharacteristic when seen against nearby development.
11. Furthermore, my attention has been brought to an adjacent site where planning permission³ has been granted in relation to two affordable local needs dwellings. The resulting built form would further contribute to the sporadic development on the hillside, additionally diminishing the openness and verdancy of the hillside and its associated contribution to the surrounding landscape setting.
12. Even so, given the sloping and elevated nature of the site, which I observed is visible from a number of public views within Gweek, the loss of the open, undeveloped and verdant character of the site would result in moderate harm to the character and appearance of the area. However, whilst this also results in a harmful impact on the purpose of conserving and enhancing the natural beauty of the CNL, given the containment of the site from the wider landscape, the harm would be localised in extent.

¹ Redbaydesign Rev. A March 2022

² APP/D0840/W/22/3308876

³ PA21/11675

13. Accordingly, 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, 21c, 23, Policy C1 of the Climate Emergency Development Plan Document 2023 (CEDPD) and Policy 1 of the Cornwall Site Allocations Development Plan Document 2019 (CSADPD). 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

14. The previous appeal granted planning permission for 11 dwellings (7 affordable and 4 open market) (the fallback). The appellant has stated an intention to implement the planning permission, and I consider that there is a real prospect of the fallback development taking place. As such, it constitutes a clear fallback position against which to assess the appeal proposal.
15. Whilst the proposal before me relates to a lesser number of dwellings, final design and appearance would be a matter for TDC. Nevertheless, images and plans have been provided to illustrate the potential appearance of the proposal and given the substantive evidence before me, I see, given the reduction in dwellings, no reason why a scheme could not come forward which would result in betterment in terms of less visual massing, and less harm to the character and appearance of the area and CNL than the fallback.
16. However, the previous appeal was assessed on the basis of the proposal being an exceptions site where the primary purpose is to provide affordable housing to meet local needs. The Inspector gave substantial weight to the provision of affordable housing of a type and mix consistent with local needs, which outweighed the harms of that proposal. In this case, the proposal would not provide any affordable housing provision, as well as providing a lesser number of dwellings, in an area with a demonstrable need for housing. As such, and despite any betterment in terms of character and appearance, I find on balance the proposal would be materially worse overall due to the reduction in social benefits than the fallback.
17. Nevertheless, the Council are unable to demonstrate a five-year housing land supply of deliverable housing sites as detailed within the Council's Interim Policy Position Statement 2025.
18. I have carefully considered the statutory duty related to National Landscapes. Overall, although of moderate harm, I have found that the landscape and visual impact on the CNL would be localised. Moreover, the proposal, subject to an appropriate scheme at TDC, would be a betterment in terms of its effect on the character and appearance of the CNL than the fallback. As such, the effect of the proposal on the CNL does not amount to a strong reason to refuse permission in principle with regard to Paragraph 11 d)i of the Framework. In these circumstances the presumption in favour of sustainable development outlined in Paragraph 11d)ii of the Framework is engaged.

19. The proposal would achieve an increase of up to 9 dwellings to the housing supply in an area with an acknowledged lack of housing provision and in a location close to services, facilities and public transport links. As such the proposal would align with the Framework where it seeks to significantly boost the supply of housing. Furthermore, the Framework acknowledges that small-scale developments can make an important contribution to meeting the housing requirement and be built out quickly. Due to the scope and scale of the proposal, this benefit attracts modest weight.
20. Additionally, the proposal would provide other modest short term economic benefits from the construction of the proposal and further modest economic and social benefits from the future occupation of the dwellings and associated support of local services and facilities. The proposal would therefore align with the significant weight the Framework states should be afforded to the need to support economic growth, and the retention and development of accessible local services and community facilities.
21. However, the proposal would conflict with LP policies 1, 2, 3, 7, 12, 21c, 23, CEDPD Policy C1 and CSADPD Policy 1 and the development plan as a whole, as well as CNLMP policies PD-P1, PD-P2 and PD-P11. Moreover, the Framework seeks to conserve and enhance the natural environment and gives great weight to conserving and enhancing landscape and scenic beauty in National Landscapes, as well as seeking to actively manage patterns of growth.
22. Nevertheless, the harm identified would be relatively localised, and, subject to TDC, a betterment to the fallback. In giving great weight to conserving and enhancing the landscape and scenic beauty of the CNL, the totality of the harm would not be substantial.
23. In this instance, and at this 'PIP' stage, the adverse impacts of granting permission would not significantly and demonstrably outweigh the range of benefits, when assessed against the policies in the Framework taken as a whole. As a result, the application of Paragraph 11d) of the Framework indicates that permission should be granted.
24. I am aware that contributions have been requested in relation to healthcare provision and education infrastructure. The nature of the PIP process is that conditions and legal agreements cannot be utilised at this stage to secure any necessary contributions which may be required. Any obligations that meet the tests as set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 are a matter for TDC stage.
25. Furthermore, concerns have been raised in relation to other matters including the effect of the proposal on drainage and highway safety. However, given the available land at the site, distance to travel to services and facilities, and character of the nearby highway, I see no reason why a proposal could not come forward, subject to TDC, which both provides a suitable drainage solution and a safe access. Moreover, the proposal relates to less dwellings and therefore less associated movements than the fallback, and, again subject to TDC, could result in a betterment in relation to highway safety.
26. 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.

27. 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.
28. 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.
29. 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.
30. 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

31. The PPG⁴ indicates that it is not possible to impose conditions as the terms of any permission in principle must only include site location, type of development and amount.

Conclusion

32. The proposal would conflict with the development plan, read as a whole. However, material considerations indicate that a decision should be made other than in accordance with it. Accordingly, the appeal is allowed.

S Harrington

INSPECTOR

⁴ Paragraph: 020 Reference ID: 58-020-20180615