
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: 09 January 2026

Appeal Ref: APP/D0840/W/25/3367424

Hustyn Mine Park, Saint Breock, Wadebridge, Cornwall, PL27 7LG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Balen against the decision of Cornwall Council.
 - The application Ref is PA24/06322.
 - The development proposed is described as 'Proposed Replacement Dwelling, Replacement Cottage, and Pool Building.'
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The evidence shows that the property benefits from planning permission that allows the extension of the main house, connection of the main house to the adjacent mill house and works in the grounds which include the installation of a pool and new garage. As an extant permission there is a high probability that this development will be carried out, and I attach full weight to this approved scheme as a potential fall back option in this case.

Main Issue

3. The main issue is the effect of the proposal on the character of the area with particular regard to non-designated heritage assets.

Reasons

4. The appeal property comprises a large dwelling (main house), a second smaller dwelling (the cottage) and the mill house which has been converted to residential use. This small grouping is somewhat sheltered by a slope, with the rising land visually separating these buildings from the converted estate buildings on the higher ground to the south.
5. The built forms are accessed by narrow rural tracks and set some distance from the main road. With few other buildings nearby and surrounded by relatively undeveloped woodlands and areas of rough grazing the appeal property has a distinctly rural setting.
6. The appellant's heritage assessment and addendum indicates that there has been buildings on this site dating from at least the 19th Century. Despite the appellant stating that there is an inconsistent history, this evidence shows that this plot of land, in the Hustyn's estate, has hosted a number of significant local families. In addition to farming there are also suggestions in the site's name, the landscape and in its buildings of past industrial and mining activities in this locale.

7. In terms of the main house, a significant building is shown in this location on maps dated 1906, and there were also evidence of out buildings during that era. The Design Review shows that the main house was extended substantially to the east and west. While these extensions form a cluster at each end of the dwelling, its linear character is still retained. I saw that these extensions have resulted in a rather grand house which is quite different from its original modest form. That said, the original cottage like structure is still apparent on this south elevation of the main house.
8. While the 20th and 21st Century extensions have altered the original dwelling considerably, in addition to the largely linear footprint, the resultant stonework elevations and generally traditional fenestration, while indicating change, provides for a unified appearance on this side of the property. This feature along with the complementary mix of traditional roof forms and the consistent use of materials has ensured that this south elevation is in keeping with the prevailing rural vernacular.
9. The west elevation is far less complex, but the balance of stone and windows topped with a hipped roof makes for a visually pleasing side of the property. There are a jumble of features on the north side. However, even with some awkwardness, these features are generally traditional in style such that this side of the dwelling does not appear harmfully at odds with built forms characteristic of this area. Moreover, while I agree that the mix of detail on the main house speaks of a 'complex narrative' these features are largely positive visual reminders of how the home has developed overtime such that its historical evolution can be appreciated.
10. Also, from this north aspect, the mill house is most visible. The wheel has been removed, and it has been converted for residential use, but this split level small structure is clearly legible as an historic ancillary building to the main house. Its subservient form and apparently well maintained façade appears a visual benefit in this setting and adds to the interest of the site, even though it is now much altered.
11. The heritage assessment also confirms that the cottage to the west of the main house was a barn. However, it now appears as a small residential unit, with very little reference to its former use. That said, it has been converted such that its appearance is in keeping with the neighbouring building. As with the main house and the mill house, the cottage appears in good condition externally and fits well with the other rural buildings that positively characterise this site.
12. The appellant's evidence suggests that the site has no cohesive history, and that the historic interest is diluted by change. However, as already set out, the historic evolution of the site is reasonably easy to discern. In any event, while much of the internal historic significance of the buildings has been removed, nonetheless, as highlighted in the appellant's heritage assessment, these existing buildings have some aesthetic value, and this is mainly due to their traditional vernacular style.
13. Moreover, despite some demolition works, approved plans show that this existing aesthetic would largely be retained under the planning permission to extend the main house and link it to the mill house (the extant scheme). The heritage assessment concludes that the group of buildings subject of this appeal should be considered non-designated heritage assets and given the factors described above I agree with this assessment. And this would be so, even if the extant scheme was to be implemented.
14. The outside space in the immediate setting has been altered to form some garden. I note further landscaping changes (including a tennis court and ponds) are permitted to the west as part of the development of the estate's management building, and as already stated, a pool

and garage are permitted under the planning permission to extend the main house. But even with these domestic additions in their immediate vicinity and close by, the existing built forms reflect the local rural vernacular, and, given their good state of repair, they are positive features in this rural setting.

15. The site is in Camel and Allen Valleys Area of Great Landscape Value. Valued qualities of this landscape evident in this area include the steep sloping valley, mixed woodland and pastureland. As highlighted in the appellant's design and access statement, development in this area is ad hoc, and largely limited to clusters of farmsteads. Set into the valley wall with panoramic views of woodland and streams below, the appeal property very much reflects this local pattern of development.
16. In the scheme before me all the existing buildings would be demolished. The replacement main house would comprise a series of pitched roofs with stone elevations. However, these pitches would be shallow, and the elevations, with elongated fenestration, would have a vertical emphasis such that the dwelling would have a barn like quality when viewed from the north.
17. Furthermore, this new main dwelling would comprise three gable ended forms, creating M shaped elevations with a linked gable at the west and east. These gables would be relatively narrow, and with a staggered arrangement, the existing pleasing west elevation would be replaced by a cluster of buildings that resemble converted stone warehouses that would be more in keeping at a wharf side than this rural setting. Also, the existing linear narrative of the north and south elevation would be lost. The current interest and positive aspects of the main house would be replaced by an odd arrangement of forms that would appear discordant in this setting.
18. The replaced cottage would have a similar appearance to the new main house, albeit retaining its existing subservient scale. It could be argued that these alterations would be reflective of that building's original use as a barn. However, as the appellant's heritage evidence states the original barn had domestic features such that the existing conversion is relatively sensitive to its past appearance. This sensitivity to its history would be substantially eroded in this scheme.
19. Also, the diminutive mill house would be lost, to be replaced by a new building that although sharing the simple quality of the permitted garage, would lack the existing distinctive character of the former mill building. The history of the existing buildings on the appeal site is well documented through respective planning processes such that there would be limited benefit to require, by condition, the recording of the mill house. In any event, recording its presence would not mitigate the loss of a building which currently adds to the visual interest of the site. A loss that would not occur under the extant scheme that would see this existing positive feature linked by glass to the main house.
20. Although some of the proposed features may be traditional in style, the proposed built forms would lack the pleasing vernacular detail of the existing buildings that evolved over time, and their individual character. The proposed pool may be in a more sensitive location than that already approved. But this would not compensate for the replacement of existing buildings that contribute positively to the character of the area, with a collection of structures that would appear out of keeping in this locale. It is suggested that simplifying the design of buildings on the site would be an improvement. However, the new scheme for the reasons outlined, unlike the changes permitted in the extant scheme, fails to protect existing positive features and would not relate well to this setting and the wider rural development in this area.

21. It is asserted that heritage matters were not raised as a concern with other proposals at the appeal property. However, it is noted in respect of the cottage, that permission for conversion was granted retrospectively and the evidence submitted in that case showed a history of the former barn being used as a dwelling. In any event, while the historical significance of the properties may be low, nonetheless they appear as period estate buildings with a relatively cohesive history. Moreover, this historic significance is recognisable and adds positively to the character of this landscape.
22. Even constructed in local vernacular materials, the new main house, with locally uncharacteristic staggered yet clustered long forms and discordant fenestration, would be an oddity in this rural landscape with most historic references largely lost. In this regard, the proposal would not satisfy local policy and guidance which seek betterment in design for replacement buildings.
23. Significant landscape improvements are proposed, and these include new hedges, woodlands, orchards and planting of areas of wildflowers that could be imposed by condition. However, this is already a pleasing verdant plot, and I am not convinced that the extensive harmful changes proposed could be mitigated by these measures.
24. I am directed to Policy 24 of the Cornwall Local Plan (Local Plan) which requires harm to the significance of non-designated heritage assets must be justified. Proposals causing harm will be weighed against the substantial public benefits. This is somewhat inconsistent with provisions of National Planning Policy Framework (the Framework) on this matter, which states a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
25. Addressing the local policy requirements, the appellant highlights that this new development would be of an exemplary design. With particular reference to securing Passivhaus status, the appellant considers the proposal would satisfy paragraph 84 of the Framework. This provides support for design of exceptional quality, but this would have to be truly outstanding, reflecting the highest standards of architecture, helping to raise standards of design more generally in rural areas, and enhance its immediate setting and be sensitive to the defining characteristics of the local area. Achieving Passivhaus levels of efficiency alone would not satisfy this high bar in my view.
26. Moreover, while there may be other better examples of local vernacular buildings in this vicinity, as already explored the existing buildings do have positive qualities, all of which would be removed under this proposal to be replaced by development which would significantly erode the existing pleasant character of this site. The design would not be exceptional quality and does not appear innovative in this regard. Consequently, it would fail to satisfy the requirements set out in paragraph 84 of the Framework.
27. This aside, the appellant's Whole Life Carbon and Building Circularity Study shows that there would be a 26% efficiency improvement compared to that which could be achieved under the extant scheme. This carbon saving and the energy efficiency proposed in this case would accord with local policies C1, G1, AL1 and SEC 1 of the Climate Emergency Development Plan Document and provisions of the Framework. These benefits could be secured by condition. As this relates to a small group of buildings in just one property, the environmental benefit is moderate at most. Moreover, there will be some improvements to the existing structures in this regard from the extant scheme if it was to be implemented, as set out in the design and access statement. That energy efficiencies could be achieved through less harmful development than proposed in this case counts against this moderate benefit.

28. Biodiversity net gain could be achieved through condition and as set out landscaping improvements are proposed. Setting aside the matter of protected species which I will address in due course, these would be relatively modest public benefits given the scale of the development, and they are tempered by the factor that some of these benefits could be delivered in a less harmful form of development than this.
29. As a replacement dwelling, there would not be a gain in residential units at the site. The accommodation in the appellant's view may well be improved, but the existing development appears to offer a good standard of living accommodation already. It is suggested that the new development would be more suitable for a family member in a wheelchair. However, I find no compelling evidence that the existing property or the extant scheme could not include provisions to address this need. In any event, if I accept that there would be improvements in the living conditions, these would largely be a private benefit for those occupying the accommodation. This would also be the case for any improved access to the site.
30. It is also asserted that the improved accommodation would be a benefit to the running of the wider estate. Minimal information has been provided on this, but I note that the estate management buildings have already been much improved. I am unpersuaded that this visually harmful development is necessary to ensure significant social, economic and environmental public benefits arising from the ongoing management of the wider estate.
31. In short, relatively limited public benefits would be achieved in this scheme and I have not been convinced that similar benefits could not be derived in a less visually harmful form of development than this. Significant public benefits that could justify this considerable harm to the remaining significance of non-designated heritage assets do not exist in this case.
32. Attention is drawn to other appeal decisions and a court judgment, where development that resulted in harm to heritage assets was permitted. However, the Bicton Heath House case improved the quality of accommodation for a care home. Considerable public benefit occurred in that case. Public benefit was also an outweighing factor in the Bohm judgment. In the Heath Farm appeal, the dwelling was in a poor condition, and the setting of that asset was marred by road improvements and other land uses. Those other cases are considerably different from this proposal, and my findings remain unaltered accordingly.
33. It is asserted that the character of this appeal site has already changed. I have already in part addressed this, but I am also directed to the planning permission ref PA22/07497 regarding this matter. While that permission allowed a new dwelling, this is some distance from the appeal property such that changes at that site has not significantly influence the character of the property subject of this appeal. In any event the design and access statement that supported that development shows that the new dwelling replaced an agricultural building. The design of that new dwelling was very much influenced by the previous agricultural aesthetic. Unlike this proposal, that development is sensitive to its immediate setting.
34. I am also directed to consent for camping nearby and the visual effect of the Hustyn's Resort. However, while those developments can be seen in aerial images near to the appeal property, when on the ground, I saw that the landform and existing green features screens those parts of the wider estate from the appeal property such that they have very little visual influence on the character and appearance of the appeal site.
35. It is suggested that permitted development rights would allow the demolition of the existing structures. Limited information has been presented on this matter, but while this may be a potential option, the appellant has not sought this course of action to date. Moreover, it seems to me that demolishing the property alone would not address the appellant's need for living accommodation at the site. This matter attracts little weight accordingly.

36. The appellant highlights the development permitted at land north of Lower Treneague. The site circumstances in that case are very different to Hustyn Mine Park. In any event the design and access statement for that approved development shows a comprehensive and sensitive solution for that particular site, and unlike this proposal, that development appears exceptional quality and achieves the high bar set in paragraph 84 of the Framework in all regards.
37. Even if I agreed with the appellant that the effect on existing heritage assets on the site should attract very little weight given their limited historic significance, the existing property's character is still a positive feature in this landscape regardless. Unlike the extant scheme, this existing character would be considerably eroded by this visually harmful development.
38. I therefore find on this matter, that the proposal would have a significant harmful effect on the character of the area with particular regard to non-designated heritage assets. In this respect the proposal would conflict with Policies 2, 7, 12, 21, 23 and 24 of the Local Plan. These Policies collectively seek high quality design and with regards replacement dwellings, that they are broadly comparable to the size, scale and bulk of the dwelling being replaced and of an appropriate scale and character to their location.

Other Matters

Protected Species

39. The appellant's ecological surveys found that all three existing buildings are moderately suitable for roosting bats. Emergence surveys confirmed the presence of bat populations. As described, the roosts of these European Protected Species (EPS) would be lost under this scheme.
40. Regulation 9(3) of the Conservation of Habitats and Species Regulations 2017 (as amended) (the Regulations) requires a competent authority to have regard to the requirements of the associated Directive in so far as it may be affected by the exercise of its functions. This includes any proposal that might lead to the deterioration or destruction of the breeding sites and resting places of EPS under Article 12(1).
41. The appellant's ecology surveys, reflective of national guidance, identifies potential mitigation on this matter, but bat licences would still need to be secured to facilitate this. As the appellant and the Inspector in the Owls Cottage appeal decision clarifies, protected species licensing is a separate regime to planning and is a matter to be determined by Natural England (NE).
42. That said, the Courts have established, while there is no need to carry out a detailed assessment as to whether there would be a breach of Article 12(1) or whether derogation from that article would be permitted and a licence granted, planning permission should ordinarily be granted, save only in cases where a proposed development would either be likely to offend Article 12(1) or unlikely to be licensed pursuant to the derogation powers.
43. While noting that NE make the decision whether or not to grant a licence, it can only be granted if the development meets 3 derogation tests. In terms of the first test as already set out there would be limited public benefits from the proposal and it is uncertain whether this would be sufficient to address this test. Regarding the second test, the alternative would be either to do nothing or implement the extant scheme. As the existing buildings appear in reasonable conditions for their intended use and the extant scheme would demolish only part of the main house and provide good living accommodation, there seems to be less harmful alternatives to this (in terms of impact on the bat roosts) open to the appellant.

44. Addressing the third test, the appellant has indicated that they would be prepared to incorporate enhancement measures and subject to agreeing such measures favourable conservation status of bats would be maintained.
45. Taking into consideration the derogation tests, the particular circumstances in this case and having regard to relevant duties under the Regulations, the evidence before me points to not all three tests being met. Therefore, there is uncertainty as to whether there is a reasonable prospect of a mitigation licence being granted by NE. If mitigation could not be secured, the proposal would be inconsistent with Policy 23 of the Local Plan and Policy C1 of the DPD which, amongst other things, seeks to safeguard the natural environment and avoid adverse impacts upon European and UK protected species.
46. However, setting this aside, even if the proposal did meet the tests for a licence, this factor would not alter my findings on the main issue in this case.

Viability

47. It is suggested that bringing the existing dwelling up to modern living conditions would be unviable and this includes the cost of implementing the extant scheme. As referenced, the properties appeared to be in a reasonable state of repair such that the living accommodation seems of a good quality. This aside, I appreciate that achieving energy efficient properties, particularly in period built forms, comes at an expense.
48. In support of the appellant' assertion regarding viability, Huers Construction Consultancy has prepared a cost analysis. This is largely limited to the costs of the permitted works of the extant scheme and does not provide significant comparison with the costs that would be incurred by the proposal subject of this appeal. Moreover, the figures of the cost analysis are redacted and therefore I am unable to consider them in detail.
49. Addressing the limited information that has been submitted, the cost analysis anticipates that at least 50% of the existing dwelling will need to be demolished in the approved development. Be this as it may, all of the existing structures are proposed for demolition in the appeal scheme and, given the extent of the existing structures, there would likely be a substantial cost attached to that process. On top of this, there would be the expense of completely replacing those existing dwellings and all other works attached to this.
50. In light of these factors, while it is not in doubt that significant works to improve the existing dwelling would be costly, no compelling evidence has been advanced that the extant scheme would incur costs that are substantially more than the work involved in the proposal before me such that implementation of the extant permission is unviable.

Planning Balance

51. The Council is unable to demonstrate a five year housing land supply, and therefore paragraph 11 of the Framework is relevant in this case. Related to this, the local policies most relevant to this proposal are over five years old. However, as set out they collectively seek high quality design, and this is consistent with provisions of the Framework requiring well designed places.
52. While I have identified some inconsistency regarding local policies related to the historic environment, which limits the weight that Policy 24 of the Local Plan attracts, similar to national policy, that local Policy nonetheless seeks a balanced view regarding impacts on heritage assets. Moreover, the Local Plan's policies for protecting the natural environment and valued landscapes appear to largely accord with Framework provisions relevant to those matters.

53. As already covered the proposal would not result in a net gain of dwellings. Also, although the appellant is of the view that this would result in much improved living accommodation, setting aside energy efficiencies, I am not persuaded that good living conditions are not already available at the site, and this moderates this benefit.
54. While there may be some social, environmental and economic benefits through the different phases of the proposed development, these are also limited for factors outlined previously.
55. In terms of disbenefits, the Framework states that good design is a key aspect of sustainable development. I find this to be a poor design that is not sympathetic to the local character and history, including the landscape setting. The Framework requires that development that is not well designed should be refused.
56. Regarding heritage matters, while the non-designated heritage assets may have limited significance, all this would be lost under this scheme, with only limited benefits occurring at best and similar benefits could be achieved from less harmful development than this at the site. Taking a balanced judgement as required by national guidance, this harm is not justified in this case.
57. Even if the heritage matters balanced in favour of this proposal and the impacts on protected species were found acceptable, the significant adverse impacts, with regards harm to character, would significantly and demonstrably outweigh the limited benefits, when assessed against the policies of the Framework taken as a whole.
58. It is asserted that the Council did not carry out a site visit, although it has provided photographic evidence disputing this. In any event this is a matter between the main parties in this appeal.
59. The appellant highlights some officer comments which were not made available during the application process. These relate to heritage assets, which, as already addressed, was one of the main issues raised by the Council in its decision. Moreover, the evidence shows that the appellant was aware of this main issue and had opportunity to address this matter during the application process and in this appeal. I find no compelling evidence that significant new information has been presented through this appeal process such that it has led to procedural unfairness for the appellant.
60. It is also suggested that incorrect policies are cited by the Council. Addressing this, Policy 3 of the Local Plan guides the location of new development and does not appear determinative in this case. While this appears to be an error on the decision notice, the Council substantiated its reasons for refusing planning permission with reference to relevant Policies. I find no unreasonable behaviour in this respect. My decision is unaltered accordingly.

Conclusion

61. For the reasons stated above and having regard to the development plan, and other material considerations, the appeal should be dismissed.

A J Sutton

INSPECTOR