



Appeal Decision

Site visit made on 2 December 2025

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 January 2026

Appeal Ref: APP/D0840/W/25/3371405

The Old Brewery, Lower Treluswell, Penryn, Cornwall TR10 9AT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by Mr & Mrs J Cox against the decision of Cornwall Council.
 - The application Ref PA24/08426 sought approval of details pursuant to condition No 1 of a planning permission Ref PA21/10364, granted on 28 February 2023 (the Outline Permission).
 - The application was refused by notice dated 4 March 2025.
 - The development proposed is demolition of existing mixed use commercial buildings and construction of up to 7 residential units and conversion of existing beauty salon into 1 residential unit.
 - The details for which approval is sought are appearance, landscaping, layout and scale.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr & Mrs J Cox against Cornwall Council. This application is the subject of a separate Decision.

Background

3. The legislation¹ defines “outline planning permission” as a planning permission for the erection of a building, which is granted subject to a condition requiring the subsequent approval of the local planning authority with respect to one or more reserved matters. The Outline Permission permitted the construction of 7 new residential units, and the conversion of an existing beauty salon to a dwelling. Although not expressly described as such, it was, therefore, effectively a hybrid permission for the erection of new buildings on part of the site and the change of use of an existing building on the remainder.
4. The evidence indicates that planning permission for the change of use of the beauty salon has subsequently been granted under a separate planning application². The application that is the subject of this appeal was for approval of details of the appearance, landscaping, layout, and scale of six new dwellings, covering the remainder of the site. Means of access was approved under the Outline Permission.

¹ Article 2 of The Town and Country Planning (Development Management Procedure) (England) Order 2015

² Local planning authority reference: PA23/09874

Main Issues

5. The main issues are:

- a) Whether the proposal, including the demolition of a non-designated heritage asset, would preserve the setting of the grade II listed Malthouse; and,
- b) Whether the proposal would provide suitable living conditions for future residents with regard to outdoor amenity space.

Reasons

Setting of listed building

6. The appeal site lies within a cluster of buildings, arranged on either side of a road junction, in the countryside to the north of Penryn. The site itself contains two vacant buildings, which were recently in use for a range of commercial activities. One is a full two-storeys in height, with a mono-pitched roof, and was historically used as a brewery. The other dates from the 1950s and is lower, with a ridged roof covered in corrugated sheeting. There are two other buildings closely associated with the site, and which formed part of the original brewery complex. One is a historic building to the northwest (the former beauty salon), whilst the other is a grade II listed building, which is referred to in the evidence as the Malthouse. This building lies in the southwest corner, adjacent to the road junction, and dates from the mid to late 19th Century. It is currently being converted to residential use following the grant of planning permission and listed building consent³.
7. The details, which are submitted in pursuance of the Outline Permission, show the demolition of the two buildings within the site, and the construction of six three-storey dwellings across almost the entire eastern side of the plot. It is not disputed that the former brewery building comprises a non-designated heritage asset (NDHA), and that the proposals involve its wholesale loss. Policy 24 of the Cornwall Local Plan Strategic Policies 2010-2030 (the Local Plan) seeks to protect, conserve and, where appropriate, enhance the significance of NDHAs. Paragraph 216 of the National Planning Policy Framework (the Framework) advises that, in weighing applications that directly or indirectly affect NDHAs, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
8. The application was accompanied by a Heritage Statement⁴ prepared by a suitably qualified expert, which identifies that the building has been significantly altered since it was last used as a brewery in the 1940s. I saw that there were few surviving original features of historic or architectural interest externally, and no internal fittings or artefacts which reveal its origins or historic use. The Heritage Statement concludes that the building is of low heritage value, and nothing in the evidence, including my own observations, leads me to a different conclusion.
9. In any event, the Outline Permission that has been granted is described as “*demolition of existing mixed use commercial buildings and construction of up to 7 residential units...*”. I am mindful that a plan submitted with the outline application referred to the potential to convert the building, subject to further investigation, but that drawing was clearly marked as illustrative. There were no conditions attached

³ Local planning authority references: PA21/10362 and PA21/10363

⁴ Heritage Archaeology Report ref P00254.01A dated 19 August 2024

to the permission requiring development to be carried out in accordance with that plan, or qualifying the description of the development to prevent demolition until such further investigations had taken place. The development approved by the Outline Permission therefore expressly includes the demolition of the building. The appeal before me relates to the submission of details required by a condition of the Outline Permission, and cannot result in a change to the description of the development. Consequently, no justification is required to explain why the building cannot be retained and converted, or why its historic fabric cannot be incorporated into the scheme.

10. The Heritage Statement describes the Malthouse as a good example of a brewery building of late 19th Century origin. Although the oast-house flue identified in the list description has since collapsed, and the building is undergoing conversion to residential use, I saw that it has retained its architectural and historic character, and its origins relating to commercial brewing can still be discerned. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving this listed building, or its setting, or any features of special architectural or historic interest which it possesses.
11. From the evidence, including what I saw, the elements of the setting of the building that make a positive contribution to its significance are the layout of the former brewery yard, including the former brewery building and beauty salon, and its relationship with the cottages at Lower Treluswell, which were evidently occupied by employees of the brewery. The more recent building within the site, dating from the 1950s, is also within the setting of the listed building, but does not make a positive contribution to its significance. The Heritage Statement acknowledges that the former brewery building makes a very limited positive contribution to the setting of the listed building. However, as its demolition has already been permitted by the Outline Permission, any harm resulting from its removal is not a matter for my consideration.
12. The proposed dwellings would all be three storeys in height and would occupy almost the entire length of the eastern side of the site. It is contended that the new buildings would be on the footprint of the existing, but they would in fact extend significantly further to both the north and south. Although Units 1 and 2 would be set back from the other four dwellings, the illustrative images of the proposed development show that the buildings would appear as a continuous mass of three-storey development across the entire site, with little variation in ridge height, frontage articulation, or detailing. As a result, the proposed development would have a rather monolithic appearance, which would not be reflective of the historic character of the brewery yard that developed organically over time, with a variety of building heights and forms.
13. It is suggested that the scale of the row of buildings reflects nearby dwellings. However, the houses close to the site, on the opposite side of the road junction, are modest two-storey cottages and, apart from the Malthouse itself, I did not observe any three-storey development in the vicinity of the site. Furthermore, although the ridge height and eaves height may be similar to those of the Malthouse, they would apply across the entire width of the site, with little variation. The considerable, unbroken mass of buildings would be a dominant feature in close proximity to the listed building and would diminish its visual significance.

14. The Heritage Statement concludes that there would be a neutral effect on the setting of the listed building as a result of the proposals. However, this conclusion results from balancing the harm from the loss of the old brewery building against the benefit of removing the 1950s garage building, and the replacement of both with what is described as a high-quality building design. Whilst the 1950s building is not attractive, it is relatively low-level, and recessive in the street scene, so does not challenge the visual primacy of the listed building. By contrast, Units 1 and 2, which would replace it, would be considerably higher and would extend further to the south, resulting in a much more dominant structure within the setting of the listed building.
15. Furthermore, the design of the buildings does not demonstrate a considered response to the context of the site and its historic importance. I acknowledge that a contrasting approach to design and materials could help to maintain the visual distinctiveness of the listed building, and neither the Local Plan, nor the Framework seek to discourage appropriate innovation. However, the proposal responds neither to the historic industrial character of the site, or the rural nature of its surroundings. Instead, it would have the appearance of a development that may be expected in an urban residential environment. Consequently, it would not maintain or enhance the distinctive natural or historic character of the locality, but would be a dominant and discordant feature within the setting of the listed building, which would diminish its significance.
16. The harm that I have identified to the setting of the listed building would be less than substantial for the purposes of paragraph 212 of the Framework. Nevertheless, paragraphs 212 and 213 state that great weight should be given to the conservation of heritage assets, and that any harm to, or loss of, their significance should require clear and convincing justification.
17. Paragraph 215 requires that, where a proposal would lead to less than substantial harm, the harm should be weighed against the public benefits of the proposal. The proposal would give rise to social benefits, through the provision of new homes, and economic benefits through employment during the construction phase, and the ongoing spend of occupants in the local area. However, it has not been demonstrated that similar benefits could not be achieved through an alternative scheme without harm to the setting of the listed building. Consequently, they do not outweigh the great weight that the Framework gives to the conservation of heritage assets.
18. I therefore conclude that the proposal would result in less than substantial harm to the setting of the listed building, which is not outweighed by public benefits. Consequently, it would be contrary to Policies 2, 12 and 24 of the Local Plan and Policy C1 of the Climate Emergency Development Plan Document (February 2023) (the DPD). Taken together, these policies seek to ensure that new development maintains and enhances historic character and protects heritage assets and their settings. The proposal would also conflict with the Framework's aim of conserving and enhancing the historic environment.

Outdoor amenity space

19. Policy G1 of the DPD says that homes should have access to a well-proportioned and well-orientated garden (generally equal in size to the footprint of the house) or other communal green space that provides a cohesive and useable space which is

suited to a range of activities and space for nature. Units 1 and 2 would have a small rear garden and a terrace at first floor level. The combined area of these outdoor spaces would be a little smaller than the ground floor footprint of the dwellings, but similar to the area of the upper floors that contain the living accommodation. Consequently, these two units would broadly accord with the DPD's spatial requirements for outdoor living space.

20. The only outdoor space for Units 3 – 6 would be a narrow first-floor terrace, which would not be suitable for a wide range of activities or provide any opportunities for nature. These areas would be considerably smaller than the footprints of the dwellings, so would not accord with the requirements of Policy G1 in this respect. However, the Policy does say that outside spaces should generally be equal in size to the footprint (my emphasis), indicating that some flexibility of approach is expected. Furthermore, the Policy is preceded by a qualifying sentence saying that the principles should be met, where appropriate to the scale and nature of the development.
21. In this case, the Outline Permission allows for up to seven dwellings on a relatively restricted site that is already entirely hard surfaced. Furthermore, preservation of the setting of the listed building places a constraint on the scale and layout of the approved dwellings. The consent was granted after the adoption of the DPD, and it should have been evident that it was unlikely that the number of dwellings approved could be accommodated with outside spaces to fully meet the requirements of Policy G1. Although the Malthouse conversion was approved prior to adoption of the DPD, the outdoor spaces allocated to residents would be smaller than now required by Policy G1. In view of the scale and nature of the site, a similar approach is likely to be necessary to deliver the development approved by the Outline Permission.
22. To conclude, the occupants of all of the dwellings would have access to a usable outdoor amenity space. Although the areas of these spaces fall short of the spatial requirements that are generally sought by the DPD, the nature and scale of the development dictates that these standards would not be appropriate in this case. Consequently, the proposal would accord with Policy G1 of the DPD and Policy 12 of the Local Plan as far as they relate to the provision of outdoor amenity space for residents.

Planning Balance

23. Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that applications for planning permission, and therefore appeals, should be determined in accordance with the development plan, unless material considerations indicate otherwise. I have found that the proposal would be harmful to the setting of the listed building. It would, therefore, be in conflict with the policies of the development plan as set out above.
24. It is not disputed, however, that the Council is unable to demonstrate a five-year supply of deliverable housing sites in accordance with paragraph 78 of the Framework. Nevertheless, the harm that I have identified to the setting of the listed building, and the great weight that paragraph 212 of the Framework affords to this harm, provides a strong reason for refusing the development. In these circumstances, the approach to decision-taking described in paragraph 11d) of the

Framework means that the presumption in favour of sustainable development does not apply.

25. Nevertheless, the benefits of the proposal must be weighed against the harm that I have identified. Paragraph 61 of the Framework seeks to significantly boost the supply of homes. The development would provide six additional dwellings, which would assist with this aim, and would make a modest contribution to reducing the identified shortfall. Paragraphs 124 and 129 encourage the efficient use of land in meeting the need for homes. There would also be benefits to the economy associated with the construction phase of the development, and the future spend by occupants in the local area.
26. However, the Framework does not seek to achieve these objectives at the expense of the significance of heritage assets. Consequently, the benefits of the proposal are outweighed by the harm to the setting of the listed building. The material considerations do not therefore indicate that a decision should be made other than in accordance with the development plan.

Conclusion

27. For the reasons given above I conclude that the appeal should be dismissed.

Nick Davies

INSPECTOR