
Appeal Decision

Site visit made on 6 January 2026

by **S Harrington MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16 January 2026

Appeal Ref: APP/D0840/W/25/3369609

Land West Of Redbrooke Terrace, Redbrooke Road, Camborne TR14 7AU

- 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 D Cheal against the decision of Cornwall Council.
 - The application Ref is PA24/08973.
 - The development proposed is construction of residential development of up to between 2 - 4 Dwellings.
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Decision

1. The appeal is allowed and permission in principle is granted for residential development comprising a minimum of 2, and maximum of 4 dwellings at land west of Redbrooke Terrace, Redbrooke Road, Camborne TR14 7AU in accordance with the terms of the application, Ref PA24/08973.

Preliminary Matters

2. Planning Practice Guidance (PPG) 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) 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 permission in principle 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 Cornwall Local Plan Strategic Policies 2010-2030 (LP) seeks to improve the health and wellbeing of Cornwall's communities and residents including amongst other things, by the provision and maximising the opportunity for use of appropriate and accessible public open space (POS). Furthermore, the National Planning Policy Framework (Framework) and the PPG seek to promote healthy and safe communities and promote high quality public space and encourage their active and continual use.

6. The appeal site was indicated to be an area of POS within a planning permission which was granted on appeal¹ in 2001. A subsequent application² required, amongst other things, that the open space not to be used for any other purpose than a play space.
7. The Framework defines open space as 'All open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity.' Furthermore, the Council's Open Space Strategy for Larger Towns in Cornwall 2014 (OSS) refers to open space as being '*land in some form of public ownership that is regularly available for recreational or sporting use by the community, and also includes cemeteries & churchyards*'.
8. The appeal site is an area of undeveloped land featuring some steep gradients. Given the density and impenetrable nature of the overgrown vegetation I observed throughout the appeal site, it is clear that the site has not been accessed, and has been unused for a significant period of time. Indeed, interested parties, whilst highlighting the ecological value of the site have stated that the site has been undisturbed for over 17 years.
9. The site also remains in private ownership. Although the Council's own definition of POS refers to it being land in public ownership, I do not find that ownership is necessarily determinative as to if land is POS. Indeed, the Council indicate that other POS in the area is usually retained under private ownership, and the Council acknowledge that their definition within the OSS requires revision.
10. Nevertheless, there is no substantive evidence before me to indicate that the public have previously used the site for sport or recreation. A robust mechanism is required to ensure that POS is able to be actively used by the public, and maintained as such in perpetuity. In this case, a planning condition does require that the open space is not to be used for any other purpose than a 'play space'. However, there is no robust mechanism in place that has been brought to my attention that would allow the Council to enforce public access, or any clearance or maintenance works so as to enable that access, or otherwise facilitate opportunities for sport and recreation and its active use as a POS.
11. In terms of the wider provision of POS in the area, the OSS identifies that, at the time of drafting in 2014, the Camborne area had a higher than average level of parks and amenity (type 1), but a lower than typical level of natural space (type 2). Whilst the Council's Public Space Officer has stated that given its character, it is now more appropriate to treat the appeal site as type 2 semi-natural space, the OSS nevertheless identifies the site as type 1 amenity space, of which there is a higher than average level. Moreover, even if the site were to be considered type 2, the OSS definition of type 2 POS highlights that this is land that is open to the public, which the Council are unable to enforce.
12. Furthermore, there is also a smaller area of undeveloped land in close proximity to the appeal site to the south side of Hen Wythva. Notwithstanding, even if, for similar reasons as the appeal site, the Council are unable to enforce the use of this area of land as POS, the wider area features other POS sites. Although these may be outside of a 330m walking distance from 'playable space' for some residents, I

¹ APP/Y0815/A/1057648

² W2/PA00/01050/FD02

observed that other areas as identified by the appellant can be easily accessed by residents of Hen Wytha and Vean Road via safe walking routes. Access would therefore still be available to green space as implied within the Cornwall Design Guide 2021 (CDG).

13. As such, given the ability to access other POS, the stated over-provision of type 1 POS, and the clear lack of any historic use of the appeal site as POS, I do not find that there is evidence that the proposal would lead to any notable detriment to residents' health and wellbeing.
14. In terms of visual amenity, single and two storey residential dwellings including both detached and terraced properties result in the area having a residential character. Within this residential area, the appeal site does, despite its overgrown state, provide some relief to built-form in the area, and a green outlook for occupiers of surrounding properties.
15. Given the established pattern of development, in combination with the appeal site area, I see no reason why an appropriate design cannot come forward at TDC for the quantum of development proposed which would assimilate appropriately with the character of the surrounding area. Furthermore, appropriate landscaping could also be secured at TDC to provide a satisfactory outlook for existing residents including green infrastructure features as advocated within the CDG.
16. I therefore conclude that the site is suitable for residential development, having regard to its location, the proposed land use, and the amount of development. There would be no conflict with LP policies 1, 12, 13, 16, 25, and policies C1 and G1 of the Climate Emergency Development Plan Document 2023. These policies seek, amongst other things to ensure sustainable development that provides appropriate and sufficient green infrastructure that improves the health and wellbeing of Cornwall's communities and residents.

Other Matters

17. The appeal site is within the Camborne and Redruth Mining District World Heritage Site (WHS). In respect of Outstanding Universal Value (OUV), this is expressed as the radical reshaping of the landscapes of Cornwall as a result of deep mining, and includes mining settlements and social infrastructure. Whilst once part of a mine site, the appeal site and surrounding area has been significantly altered due to modern development and is no longer legible as a part of the former mining landscape. As such, I find that the proposal would have a neutral effect on, and therefore preserve the OUV and integrity of the WHS, and I note this accords with both the Council's and Cornish Mining World Heritage Site Office's conclusion.
18. Concerns have been raised in relation to other matters including the effect of the proposal on highway safety, loss of ecological value, health and safety during construction, removal of contaminated soil, and the presence of Japanese knotweed.
19. Given the character of the surrounding highway network and potential access, I see no reason why a proposal could not come forward, subject to TDC, which both provides a safe and suitable access with no severe residual cumulative impacts on the road network. Moreover, there is nothing in the substantive evidence which indicates that matters of biodiversity, health and safety (including removal of any

contaminated soil) or the presence of Japanese knotweed cannot be sufficiently dealt with at TDC.

20. Finally, the nature of the PIP process is that 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.

Conditions

21. The Planning Practice Guidance³ 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

22. For the reasons given above the appeal should be allowed.

S Harrington

INSPECTOR

³ Paragraph: 020 Reference ID: 58-020-20180615