
Appeal Decision

Site visit made on 6 January 2026

by **S Harrington MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 January 2026

Appeal Ref: APP/D0840/W/25/3367115

Land to the North-Northeast of Red Lane House, Red Lane, Rosudgeon TR20 9PU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Barbara Cole, Barry Curnow & Michael Curnow against the decision of Cornwall Council.
 - The application Ref is PA24/06737.
 - The development proposed is an affordable-led housing scheme of up to 9 dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for an affordable-led housing scheme of up to 9 dwellings at Land to the North-Northeast of Red Lane House, Rosudgeon TR20 9PU in accordance with the terms of the application, Ref PA24/06737, subject to the conditions in the attached schedule.

Preliminary Matters

2. The application was made in outline with only details of access to be determined at this stage. Matters of appearance, landscaping, layout and scale are reserved for future consideration (the 'reserved matters'). I have therefore treated any references to reserved matters in documentation as illustrative.
3. I have taken the description of development in the banner heading above from the application form. However as 'Outline Planning Permission with all matters reserved except for access for' is not an act of development, I have removed this element.

Main Issues

4. The main issues are the effect of the proposal on
 - the character and appearance of the area; and
 - the Cornwall and West Devon World Heritage Site (WHS).

Reasons

Character and appearance

5. The appeal site is an area of undeveloped agricultural land with hedgebank boundaries. Due to the presence of sporadic residential built form, the surrounding area has a semi-rural character. Large gaps between dwellings such as that created by the appeal site result in views over and across countryside and are in

themselves an important part, and positive contributor to the semi-rural character of the area.

6. However, given the presence and quantum of residential development in the area, further residential built form along the highway at the appeal site would not be wholly unexpected or out of place. Furthermore, I observed existing residential development is often characterised by being set behind hedge banks with associated tree cover. Given the proposed single access point, and subject to reserved matters, I see no reason why such residential character could not be retained within the proposal.
7. Moreover, given the site area and proposed quantum of development, the density of the proposal would not be dissimilar to that seen elsewhere along Red Lane, whilst the provision of appropriate landscaping and a proposed area of public open space would also further help to assimilate the proposal into the area.
8. Additionally, whilst extending the settlement pattern of Rosudgeon, the proposal would not on its own, given other sporadic residential built form between the appeal site and Perran Down, result in a noticeable further coalescence between Rosudgeon and Perran Downs.
9. Nevertheless, the proposal would result in the settlement pattern changing and a stretch of urban residential built form replacing agricultural land and filling a large gap along Red Lane. Given the positive contribution that the appeal site currently provides to the character of the area by providing a significant break and relief in urban form that allows views to open countryside, the proposal would inevitably result in a harmful erosion to the rurality of the area. Notwithstanding, such harm would be modest.
10. Consequently, I conclude that the proposal would result in harm to the character and appearance of the area. As such, the proposal would conflict with policies 1, 2, 9, 12 and 23 of the Cornwall Local Plan Strategic Policies 2010-2030, and Policy CW5 of the Perranuthnoe Parish Neighbourhood Plan 2019-2030 (NP). These policies seek, amongst other things, to ensure development respects and enhances the quality of place, are appropriate in character and appearance, and protect the natural environment.

WHS

11. The appeal site is within the Tregonning and Gwinear Mining District of the WHS. The National Planning Policy Framework (Framework) states that World Heritage Sites are heritage assets of the highest significance, which are internationally recognised to be of Outstanding Universal Value (OUV).
12. The Cornwall and West Devon Mining Landscape World Heritage Site Management Plan 2020-2025 (WHSMP) describes the WHS as a series of ten areas comprising the distinctive patterns of buildings, monuments and sites which together form the coherent series of distinctive cultural landscapes created by the industrialisation of hard-rock mining processes in the period 1700 to 1914.
13. Mineworkers' smallholdings are identified as one of seven attributes through which the OUV of the WHS is expressed. Consequently, mineworkers' smallholdings are an important feature of the WHS both visually and in respect of an understanding of its origins, and their presence is one of the reasons for its establishment.

14. The appellant's Heritage Statement¹ identifies that the appeal site originally comprised the fields of a mineworker's smallholding. Whilst the associated mineworkers' cottage may no longer exist, I observed the historic field pattern retains sufficient integrity and authenticity as part of the legible historic smallholding landscape. As such, its associations to a mine-workers subsistence lifestyle remains and it retains its ability to express OUV as a key attribute of the WHS. Therefore, I find that the site does positively contribute to the OUV of the WHS.
15. Even if existing and former field boundaries would be retained and re-instated, the proposal would lead to the presence of residential built form and domestic paraphernalia, with the plots of individual dwellings leading to further sub-division of the field pattern. This would erode the legibility of the historic smallholding landscape, harming the OUV, and resulting in conflict with policies P3 and C9 of the WHSMP, which seek, amongst other things to protect, maintain and enhance the historic character and distinctiveness of the WHS.
16. Nevertheless, the impact would be minimal relative to the overall extent of the WHS and would be at the lower end of less than substantial within the meaning of the Framework. However, the Framework sets out great weight should be given to the conservation of heritage assets and notes that less than substantial harm should be weighed against any public benefits associated with the development.
17. The proposal would deliver an increase of up to 9 dwellings in a location close to services and facilities, in an area where the Council have recognised a housing crisis and can no longer demonstrate a five-year housing land supply. The proposal would also deliver affordable housing, secured via a planning obligation dated 2nd June 2025 under S106 of the Town & Country Planning Act (S106) which accompanied the appeal.
18. The evidence before me indicates that there is a very high need for affordable housing in the Parish, with a total of 62 householders seeking affordable accommodation. Moreover, affordable housing delivery over the last 10 years has been very low, with just 1 affordable dwelling delivered since 2019/2020. Whilst the final amount of affordable dwellings would be determined subject to a financial viability appraisal at the reserved matters, it would not be less than 50% of the dwellings to be provided.
19. The Framework outlines the Government's objective of significantly boosting the supply of homes; that small and medium sized sites can make an important contribution to meeting the housing requirement of an area; are essential for Small and Medium Enterprise housebuilders to deliver new homes; and are often built out relatively quickly. Whilst the provision of up to 9 dwellings to the housing supply is a moderate benefit, the provision of no less than 50% of these as affordable is a further important public benefit, given the demonstrable need and historic delivery.
20. Further moderate public benefits include economic and social benefits to the local area, both short term during the construction period, and longer term through future occupant's use of nearby services and facilities.

¹ SH Ref REDLA0524_HIA v1.1 20/06/2024

21. To conclude, the proposal would result in less than substantial harm to the WHS. However, I find that this harm is outweighed by the public benefits of the proposal. As far as is relevant to this main issue, the proposal would therefore accord with LP policies 1, 2, 3, 9 and 24, and NP Policy HCA1. These policies seek, amongst other matters, to take a hierarchical approach to direct development based on the role and function of places and ensure any harm to heritage assets is fully justified.

Other Matters

22. Although the Council have stated within their appeal statement that the proposal does not constitute 'rounding off' or 'infill', the proposal is presented as a rural exceptions application to meet local needs. In such cases, LP Policy 9 supports schemes such as the appeal proposal whose primary purpose is to provide affordable housing to meet local needs subject to certain criteria. In this case, whilst there is some harm to the character and appearance of the area, the proposal is outside of but well related to the existing built form of a smaller settlement.
23. Concerns have been raised including the capacity of services and facilities, loss of agricultural land, lack of sewerage connection and drainage, highway safety, effect on ecology and impacts on neighbouring occupiers living conditions both during construction and through future overlooking. I have no substantive evidence before me to indicate that an additional 9 dwellings would result in an unacceptable impact on services and facilities or other infrastructure. Furthermore, whilst the proposal would result in the loss of agricultural land, this is a relatively modest area.
24. Additionally, given the size and topography of the appeal site, I see no reason why a scheme cannot come forward at reserved matters which would ensure appropriate and sufficient foul and surface water drainage, and a layout which would result in no significant direct overlooking. Whilst parts of the surrounding highway network are narrow, movements associated with the quantum of development proposed would not result in severe highway effects given vehicle speeds, and subject to the imposition of a planning condition in relation to the access, the proposal would not result in highway safety concerns.
25. Planning conditions can be imposed to ensure that trees are adequately protected during construction and that the proposal makes suitable provision for the protection of ecology.
26. As well as affordable housing, the S106 which accompanied the appeal seeks to provide financial contributions towards education, and delivery of public open space (POS). Legal and policy tests require that planning obligations should only be sought where they are: a) necessary to make the development acceptable in planning terms; b) directly related to the development; and c) fairly and reasonably related in scale and kind to the development.
27. The secured affordable housing provision has been demonstrated to be required and accords with the requirements and provisions of LP policies 9, 10 and 28. In terms of education, the Education Infrastructure Needs Assessment provides sufficient evidence that mitigation requirement in the form of a financial contribution is necessary due to the school infrastructure capacity being insufficient to support the occupants of the number of dwellings proposed.

28. Finally, LP Policy 13 requires that POS on-site is provided in proportion to the scale of the development and the S106 reasonably ensures that POS is provided and maintained in accordance with a Public Open Space Delivery Plan and Maintenance scheme in perpetuity. As such, I find that the above obligations are necessary, directly related to the development and reasonably related in scale and kind.
29. The Council are unable to demonstrate a five-year housing land supply of deliverable housing sites, with the appellant suggesting, and not refuted by the Council, that only 3.8 years can be demonstrated.
30. Whilst I have identified that the proposal would result in less than substantial harm to the WHS, this harm is outweighed by the public benefits of the proposal. As such, the effect of the proposal on the WHS does not amount to a strong reason to refuse permission 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.
31. The proposal would achieve an increase of up to 9 dwellings, with a minimum of 50% affordable units to the housing supply in an area with an acknowledged lack of housing provision, both open market and affordable, and in a location close to services and facilities. As such the proposal would align with the Framework where it seeks to significantly boost the supply of housing and that the needs of groups with specific housing requirements are addressed. 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 moderate weight.
32. Additionally, the proposal would provide other moderate 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.
33. However, the proposal would conflict with LP policies 1, 2, 9, 12, and 23, and NP policy CW5 and the development plan as a whole, as well as WHSMP policies P3 and C9. Moreover, the Framework seeks to conserve and enhance the natural environment and gives great weight to the conservation of heritage assets. Nevertheless, the harm identified would be relatively localised and modest. In giving great weight to conserving the WHS, the totality of the harm would not be substantial.
34. In this instance, 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.

Conditions

35. The Council has provided a list of suggested conditions in the event of the appeal being allowed, which I have assessed and, where necessary, amended wording with regard to the advice provided in the Planning Practice Guidance. In addition to

a condition in relation to reserved matters and the standard time condition, it is necessary for a condition to confirm the approved plans in the interests of certainty.

36. A condition is necessary to ensure that a tree protection scheme is submitted and adhered to in the interests of the character and appearance of the area. This condition is required to be pre-commencement to ensure appropriate tree protection prior to any works of development.
37. A condition is also required to ensure the site access and visibility splays are constructed prior to any other building work in the interests of highway safety. In order to ensure the proposed dwellings improve water usage efficiency, a condition is necessary in relation to water efficiency standards.
38. Finally, a further condition requiring compliance with an ecology survey is necessary in the interests of the protection and enhancement of biodiversity.

Conclusion

39. The proposed development would conflict with the development plan, when read as a whole. However, material considerations indicate that a decision should be made other than in accordance with it. For the reasons given above the appeal is allowed.

S Harrington

INSPECTOR

Schedule

Conditions

- 1) Details of the appearance, landscaping, layout and scale (hereinafter called the reserved matters) shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) An application for approval of reserved matters must be made no later than the expiration of 3 years from the date of this decision and the development hereby approved shall commence no later than 2 years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
- 3) The development hereby permitted shall be carried out in accordance with the following plans: 23156-PL-00-0X A; 23156.01 A.
- 4) Prior to the commencement of any works associated with the development hereby permitted, a scheme depicting the method by which trees shall be protected during the course of the development shall be submitted and approved in writing by the Local Planning Authority. The scheme shall identify a Root Protection Area (RPA) that will be enclosed by tree protection fencing, which will be erected in accordance with the specification given in the British Standard BS 5837. The tree protection fencing shall be erected prior to commencement of any works associated with the development and be retained and maintained until the completion of the development. At no time shall any works in connection with the development - including storage, access, cement mixing, bonfires, excavations or other level changes - occur within the protected area.

The development shall be implemented in strict accordance with the agreed tree protection methods.

- 5) Before any other building or engineering works are carried out on the site, the proposed site access and visibility splays shall be laid out and constructed in accordance with approved drawing no 23156-PL-00-0X Rev A. All land within the visibility splays shall be maintained at a height not exceeding 0.6 metres above the adjoining carriageway level, and no obstruction shall be permitted within the approved visibility splays at any time. The access and splays shall be retained as approved thereafter.
- 6) The development hereby permitted shall be designed and built to ensure the dwelling achieves the standard of 110 litres/person/day water efficiency prior to occupation and shall be retained as such thereafter.
- 7) The development hereby permitted shall be undertaken in accordance with the mitigation and enhancement recommendations set out in section 5.3 of the submitted Preliminary Ecological Appraisal, produced by Western Ecology (dated March 2024).

End of Conditions