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## Appeal Decision

Site visit made on 8 October 2025

by **M Aqbal BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30 January 2026

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**Appeal Ref: APP/D0840/W/25/3359695**

**Land Southwest of Bridge House Apartments, Melvill Road, Falmouth, Cornwall TR11 4GJ**

- 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 Raj Singh, Marble Homes against the decision of Cornwall Council.
  - The application Ref is PA22/10666.
  - The development proposed is described as: 'Construct nine new apartments with associated infrastructure.'
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### Decision

1. The appeal is dismissed.

### Preliminary Matter

2. The application form describes the appeal site as 'Bridge House Apartments.' However, the appellant's appeal form and the Council's decision refer to 'Land Southwest of Bridge House Apartments.' As this more accurately reflects the location of the site, I have adopted this description for the purposes of my Decision.

### Main Issues

3. The main issues are:
  - i) Whether the proposal would result in the loss of a key open space;
  - ii) The effect of the proposal on the character and appearance of the area including the Falmouth Conservation Area ('Falmouth CA'); and,
  - iii) Whether the proposal makes appropriate provision for education infrastructure, off-site public open space provision and mitigation in respect of the Fal and Helford Special Area of Conservation ('SAC').

### Reasons

#### *Loss of open space*

4. The appeal site ('the Site') comprises land located between Melvill Road and the Truro-Falmouth railway line. This land is flanked on both sides by apartment blocks. To the West is the building known as Holme Oaks and to the East is the recently constructed Bridge House Apartments ('BHA'). The Site is also within the Falmouth CA.

5. On the evidence before me, the Site is part of a wider strip of land, which falls within a Natural Green Spaces designation ('F394') shown on Map 8b within the Falmouth Neighbourhood Development Plan 2021-2030 ('FNDP').
6. With reference to the Green Space Assessment Report for F394, dated April 2016 and which formed part of the evidence base for the FNDP, F394 is described as follows: *"A narrow strip of natural woodland between the eastern end of Melvill Road and the Truro-Falmouth railway line. The area is adjacent to the main A39 trunk road and very prominent. The woodland contains many mature deciduous trees, principally Sycamore, and contains scrub vegetation under the trees. The site is part of the natural wildlife habitat corridor along the railway embankment."*
7. Whilst acknowledging that the Council had approved development on part of this site, this was allocated a "High Value" in the FNDP Local Landscape Character study.
8. Policy FOS 1 of the FNDP seeks to protect key open spaces and states that development of any open spaces recorded as having a high value from the Falmouth Local Landscape Assessment will not be supported. This Policy also says that any development proposals that result in loss or harm to the character and setting of any open spaces recorded as having a moderate value will not be supported unless appropriate mitigation of impact or equal or improved provision is to be provided.
9. Although the supporting text to Policy FOS 1 of the FNDP states that the assessment followed national guidance on Local Green Space designation, the Policy does not itself designate any land as Local Green Space, as defined in the National Planning Policy Framework ('the Framework'). Without explicit wording to that effect, the site cannot be treated as Local Green Space for planning purposes. Its protection arises solely from its identification in Policy FOS 1 of the FNDP as a "key open space," and I have determined the appeal on this basis.
10. The Site was formerly occupied by a nineteenth-century Steam Engine House and associated turntables, but has remained largely unused since their removal. Over time, it has evolved into a natural, wooded landscape that now functions as a key open space. Together with the landscaped area to the east of BHA and the established planting along Melvill Road, it forms part of the wider green and wooded character of the locality. The Site remains visible from public vantage points such as Melvill Road and Bar Lane, ensuring it continues to play a supporting, though not defining, role in the area's verdant setting and contributing positively to the visual amenity and environmental quality of the area, including Landscape Character Area 6 – Seaside Resort and Wooded Suburbs.
11. However, planning permission for 12 apartments on roughly half of the F394 site was granted in 2012. These were completed by 2022 and are known as BHA. As a result, about half of the F394 area had already been lost before the FNDP was made. Additional authorised tree works in 2019 and 2020, together with the subsequent loss of one of the mature trees on the site, have further altered its overall character. The appearance and landscape qualities of the site today are therefore markedly different from those assessed in 2016 and earlier. Although the landscape study assigned the whole F394 site a high value, in my view that assessment no longer reflects current conditions.

12. I, therefore, consider the Site to be of moderate landscape and open space value. Accordingly, Policy FOS 1 of the FNDP, does not preclude development, provided that any harm is appropriately mitigated.
13. In this case, and based on my findings on the second main issue, the harm to the key open space arises from its partial loss to a development of less than acceptable quality, resulting in an erosive impact on the Site's visual quality and its value as a key open space.
14. The trees proposed for removal are of low-moderate quality, and the more established perimeter trees that make the greatest contribution to the site's verdant character would be retained. The scheme also preserves the key landscaped frontage and includes substantial new planting along parts of the southern and eastern boundaries, together with active management of the retained landscape. These measures would support the Site's overall landscape quality.
15. Also, the appellant has submitted a Unilateral Undertaking dated, 23 January 2025 and a Supplemental Unilateral Undertaking dated 15 April 2025, the latter addresses some of the limitations on the main Unilateral Undertaking, as identified by the Council. Hereinafter, I refer to these as the 'Legal Agreement.'
16. The Legal Agreement includes an obligation preventing any development on the Second Land. This is a well-treed area to the east of BHA. The appellant contends that this area has a higher amenity and character value than the Site itself, and therefore its protection through the Legal Agreement is intended to weigh positively in the planning balance.
17. Nevertheless, in the absence of any formal landscape or townscape assessment demonstrating the relative value of the Second Land compared with the Site, I cannot be certain that this is the case. Without this, it is not possible to conclude that the Second Land represents a higher-value open space whose protection would offset or justify harm arising from development on the appeal site. Moreover, there is no details of how the Second Land would be managed and maintained in future.
18. Therefore, I cannot be certain that this obligation meets the tests that are set out in the Framework and Regulation 122(2) of the Community Infrastructure Levy Regulations (as amended).
19. While the appellant refers to potential biodiversity enhancements, these are presented only as broad opportunities rather than a defined or deliverable scheme. In the absence of any evidence of measurable outcomes, only limited weight can reasonably be afforded to these suggested enhancements. As such, they offer limited support to the wider aims of Policy FOS 1 of the FNDP.
20. Overall, while the scheme includes some landscape retention, new planting, and an obligation intended to protect nearby land, the absence of robust evidence, clear management arrangements, or defined biodiversity gains means the mitigation offered is limited and not appropriate. As such, the proposal would be contrary to Policy FOS 1 of the FNDP.
21. It would also conflict with Policy C1 of the Climate Emergency Development Plan Document (February 2023), which, among other requirements, seeks to safeguard

important spaces by retaining their distinctive qualities and ensuring that development enhances rather than diminishes their environmental value.

22. The proposal further conflicts with Policy 2 of the Cornwall Local Plan Strategic Policies 2010–2030 ('LP'), which sets out the spatial strategy for the area and requires new development to deliver a sustainable approach to growth, providing a well-balanced mix of economic, social, and environmental benefits. Given the identified harm to a key open space, the scheme fails to meet the environmental objectives of this policy.
23. For similar reasons, and in light of my findings on the second main issue, the proposal also conflicts with LP Policy 21, which seeks to ensure the best use of land and existing buildings, including previously developed land, provided such land is not of high environmental or historic value.
24. I also find conflict with Policy 1 of the Cornwall Site Allocations Development Plan Document (November 2019), which establishes a presumption in favour of sustainable development, subject to proposals being in accordance with the policies of the development plan.
25. In addition, the proposal would conflict with the Framework's objective of protecting and enhancing the natural environment.
26. Although the Council cites Policy 3 of the LP, that Policy concerns directing development to appropriate locations, supporting existing communities, respecting the settlement hierarchy, and promoting sustainable patterns of growth. The proposal lies wholly within the settlement of Falmouth and is therefore suitably located. In principle, I find no conflict with the overarching aims of Policy 3.

#### *Character and appearance*

27. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the Act') requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area. The Framework further requires assessment of the particular significance of any heritage asset that may be affected by a proposal.
28. Based on my observations and the Falmouth Conservation Area Appraisal, October 1998 ('the Character Appraisal') the Falmouth CA embodies the town's historic role as a major Cornish port, with its development closely tied to shipping, naval activity, and international trade. This maritime legacy is reflected in the layout of the harbour, the historic streets, and the wider townscape.
29. The Falmouth CA incorporates a diverse collection of Georgian, Victorian, and Edwardian buildings, terraces, and roofscapes, alongside more contemporary and modern developments that continue to evolve its character. Together, these elements define Falmouth's unique identity and contribute to its overall significance.
30. Although buildings such as BHA are regarded by the Council as being of lesser architectural quality, they still contribute to the mixed townscape by reflecting the variety of forms and approaches present. However, new development must be judged against the significance of the Conservation Area as a whole and should respond to its defining qualities rather than rely on lower-quality examples as a design precedent.

31. I observed that, irrespective of whether they adopt traditional or contemporary architectural approaches, the higher-quality buildings in the area share certain defining characteristics. They tend to exhibit a clear sense of symmetry or an underlying rhythm in their façades, giving them coherence and balance.
32. The Character Appraisal also acknowledges the special relationship between the built environment and the green and amenity spaces that contribute to its character.
33. As such, the significance of the Falmouth CA relates to its history and evolving architecture with the latter being complemented by its green infrastructure. Despite finding the Site to be of moderate landscape and open space value, this still makes an important and positive contribution to the character, appearance and significance of the Falmouth CA.
34. I acknowledge that the Site sits adjacent to BHA and shares its existing access, giving it a degree of contextual association, this relationship does not in itself demonstrate that the proposed design is an appropriate or successful response to the Conservation Area. The retention of the access and boundary wall is noted, as is the building's set-back position and the presence of landscaping, which may help to moderate its visibility in certain views. I also recognise that the proposal is not required to replicate the nearby period terrace and that reference to contemporary forms within the locality is not inherently inappropriate.
35. The proposal comprises a three-storey building that broadly reflects the height of the development either side. It adopts a contemporary design and a modern palette of materials, including pre-patinated metal shingles, white sand-textured brickwork, cut-polished granite blocks, powder-coated openings, matt-sanded glass panels, and metal rainwater goods.
36. Although the Design and Access Statement and other submissions make some reference to the Falmouth CA, they do not clearly explain the rationale for the chosen materials, their intended heritage purpose, or how they relate coherently to one another, to the building's design, to the site's woodland setting, or to the wider character and appearance of the Falmouth CA. Individually, the proposed materials appear to be of higher quality than those used on the BHA building, but without a clear justification for their selection or use, their contribution to the heritage context remains unclear. The absence of a Heritage Statement means there is no substantive assessment of the Falmouth CAs significance or of how the proposal would preserve or enhance it.
37. Across the wider building, there is a noticeable lack of coherence in the scale and organisation of the fenestration, with each elevation adopting a different arrangement. Also, on the principal south-facing elevation, the end wings, which would be finished in stone blocks provide little articulation and therefore appear visually bulky and unresolved. The exposed rainwater goods and prominently positioned solar panels would add visual clutter to this elevation, diminishing any sense of architectural refinement.
38. Because of the appreciable level difference between the Site and Melville Road, the upper floors and roof of the proposed building would appear particularly prominent when viewed from along this road. To facilitate access to the roof terrace, the design incorporates a stair and lift enclosure that projects noticeably above the main roofline. The additional height and bulk of the access enclosure

would therefore disrupt and distort the main roofline to an even greater extent, appearing visually intrusive and incongruous within the overall form. The harm would be further exacerbated by the proposed vertical flues positioned above the stair and lift enclosure, which would increase its incongruity.

39. The rear elevation of the proposed building is notably wide and although it incorporates numerous openings, it remains particularly flat in its overall composition. Consequently, this façade lacks depth, resulting in a bulky appearance that fails to break down the massing of the building. Any consistency that might otherwise be read in the arrangement of the fenestration is further undermined by the elongated section of glazing serving the internal staircase, which interrupts the rhythm of the elevation.
40. Taken together, these shortcomings result in a building whose overall design and appearance lack the clarity, cohesion, and sensitivity expected in this highly valued setting. The combination of unresolved material choices, inconsistent architectural composition, and visually intrusive roof-level additions produces a scheme that fails to respond convincingly to its context and undermines the refined, simple, and minimalist qualities typically associated with high quality contemporary architecture.
41. I have already found that the proposed development would diminish the Site's contribution as a key open space. This harm would be compounded by the less than acceptable design quality of the proposed scheme, which would further erode the Site's important and positive role within the wider townscape.
42. Accordingly, the proposal would cause harm to the character and appearance of the area and to the significance of the Falmouth CA. This harm would be less than substantial in the terms of the Framework.
43. The Framework says that: Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
44. The public benefits associated with the proposal, as set out under 'other considerations,' are moderate. Therefore, having regard to the less than substantial harm identified, these benefits are not sufficient to outweigh that harm when attaching great weight to heritage impacts in accordance with the Framework.
45. As such, the proposal would conflict with LP Policies 2 and 24 and the contextual requirements of LP12, as well as Climate Emergency DPD Policy C1 and FNDP Policies DG6 and DG7, all of which seek to conserve heritage significance and reinforce local character.
46. Overall, in respect of this main issue, I also find conflict with Policy 1 of the DPD, which sets out a presumption in favour of sustainable development, subject to development according with the policies of the development plan.
47. The proposal would also conflict with the aims of the Framework for conserving and enhancing the historic environment.



*Delivery of infrastructure and community facilities*

48. The provision of nine additional dwellings in this location would increase the local population, with potential implications for education, off-site public open space provision, and the need to mitigate recreational impacts on the Fal and Helford SAC. Although third parties have referred to effects on other local services, I have no substantive evidence before me to demonstrate such impacts.
49. The Legal Agreement includes obligations to address the above matters.
50. Education Infrastructure – The Council's Education and Early Years Service have identified that local school capacity to be insufficient. This is when local primary or secondary schools have less than 10% surplus places, or when cumulative housing growth is expected to place unsustainable pressure on school places in the relevant admissions area. To address this, the Council currently seeks an education financial contribution per qualifying dwelling (open-market homes with two or more bedrooms) to fund additional school places at the designated schools serving the Site. The Legal Agreement includes the required financial contribution for education infrastructure.
51. Open Space – LP Policy 13 (2) requires new developments to provide public open space ('POS') on-site in proportion to their scale and local needs, unless suitable alternative facilities already exist.
52. Because the proposed development is close to existing open spaces but does not provide any on-site POS that meets the Council's minimum size thresholds, an off-site financial contribution is required. The Council's Open Space Strategy sets the contribution rate. Accordingly, the Legal Agreement includes an obligation for the provision of the required financial contribution, which would be directed to Gyllyngdune Gardens or other open space creation or improvement projects within Falmouth parish.
53. Fal and Helford SAC - The Site is within the zone of influence of the Fal and Helford SAC. The Cornwall Council European Sites Mitigation - Supplementary Planning Document – July 2021 ('SPD') explains that the Fal and Helford SAC qualifying features include saltmarsh, intertidal mudflats, subtidal sandbanks, large shallow inlets and bays, estuaries and reefs.
54. Recreational activity within these areas has the potential to disturb the above 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 qualifying features. There is, therefore, an impact pathway between additional residential development in the zone of influences and a resulting likely significant effect on the qualifying features of the Fal and Helford SAC.
55. As recreational pressure would compromise the Fal and Helford SAC 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 development would, in combination with other schemes, likely to adversely affect the Fal and Helford SAC by way of increased recreational disturbance.
56. 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 zones of influence.

57. The Legal Agreement includes the provision for the payment of the appropriate financial contribution for the above mitigation. Natural England have been consulted as part of the appeal process and have not objected to the proposal subject to securing this financial contribution.
58. On this basis, in carrying out the Appropriate Assessment, the adverse effects of the proposal on the integrity of the Fal and Helford SAC would be avoided. For these reasons, the proposal would not harm the integrity of the Fal and Helford SAC.
59. Based on the evidence before me, I am satisfied that the obligations in the Legal Agreement in respect of Education Infrastructure, Open Space and the Fal and Helford SAC are necessary in order to make the development acceptable in planning terms, directly related to the development, and reasonable in scale and kind. They accord with the tests that are set out in the Framework and Regulation 122(2) of the Community Infrastructure Levy Regulations (as amended).
60. For the above reasons, the proposal accords with Policies 1, 13, 22, 23 and 28 of the LP, which collectively and amongst other things seek to secure appropriate infrastructure, safeguard environmental quality, protect biodiversity, and ensure that development is supported by adequate mitigation.

#### *Other considerations*

61. The Council has about a 3.8 years supply of deliverable housing sites. Therefore, because the Council cannot demonstrate a five-year supply of deliverable housing sites, paragraph 11(d) of the Framework applies.
62. Paragraph 14 of the Framework provides additional protection for neighbourhood plans where the presumption in favour of sustainable development applies, but only when the plan is less than five years old and includes policies and allocations to meet its identified housing requirement. The FNDP is more than five years old and contains no such allocations. As a result, any conflict with the neighbourhood plan cannot, in itself, be treated as significantly and demonstrably outweighing the benefits of the proposal. Given that harm to designated heritage assets is a strong reason for refusal under Footnote 7 to Paragraph 11(d)(i), the presumption is disapplied in any event. As such, Paragraph 14 does not provide a mechanism that would alter the planning balance or diminish the weight to be given to the identified heritage harm.
63. The proposal would deliver nine new dwellings. Given the Council's current housing land supply shortfall, this represents an important benefit in line with the Framework's objective of significantly boosting the supply of homes. The Site is also in an accessible location, with convenient access to a range of shops, services and facilities, meaning the new homes would be well-placed to support sustainable patterns of development.
64. The construction of the development would generate some economic activity. New residents would also support shops, services, and facilities in the area. Therefore, there would be some economic benefits arising from the proposal.



65. Although the acceptable obligations secured through the Legal Agreement are necessary to make the development acceptable, several would also deliver wider community benefits. These attract limited weight, reflecting their broader value while recognising that they arise from mitigation rather than enhancement.
66. The proposal is expected to deliver meaningful environmental benefits through the creation of new on-site habitats via enhanced planting and the remediation of previously contaminated land, thereby improving the Site's overall environmental quality. However, these are largely requirements for this type of development in a sensitive location. As such, these attract limited weight.
67. Taken together, these social, economic and environmental benefits align with the development plan and the Framework's overarching aims of delivering new dwellings in sustainable locations, supporting economic growth and improving environmental quality. However, while they contribute positively to those objectives, the weight they attract is tempered by the modest scale of the scheme and the fact that several benefits arise from mitigation rather than genuine enhancement.

### **Other Matters**

68. I acknowledge that the submitted scheme seeks to respond to the previously refused proposal on the Site, and that the Council's Heritage Team do not, in principle, object to some form of development here. However, for the reasons set out above, I find the current proposal to be unacceptable.

### **Planning balance and conclusion**

69. The proposal would make appropriate provision for education infrastructure, off-site public open space, and mitigation relating to the Fal and Helford SAC.
70. However, it would cause harm to a key open space of moderate value. The mitigation offered would not sufficiently address or outweigh that harm, nor the resulting conflict with relevant policy.
71. The partial loss of this key open space, together with the introduction of a building of unacceptable design quality, would result in less than substantial harm to the significance of the Falmouth CA. Taken together, these harms and conflict with the development plan and similar aims of the Framework, attract substantial weight.
72. In summary, although the proposal would deliver nine homes in an accessible location and offer some social, economic and environmental benefits consistent with the development plan and the Framework, these benefits are modest and largely mitigation-led. They therefore attract only moderate weight in the overall balance.
73. Taken as a whole, the other considerations advanced in support of the scheme are not sufficient to outweigh the harm and conflict with the development plan I have identified. They do not justify a decision other than in accordance with that plan. Therefore, I conclude that the appeal should be dismissed.

*M Aqbal*

INSPECTOR