



Appeal Decision

Site visit made on 16 January 2026

by C Butcher BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 March 2026

Appeal Ref: APP/D0840/W/25/3369280

Land south of Kirland Road and east of Blowinghouse Lane, Bodmin, Cornwall, PL30 5JQ

- 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 Mr Andrew Barton (Apex Land Ltd) against the decision of Cornwall Council.
 - The application Ref is PA25/01643.
 - The development proposed is a residential development consisting of the construction of nine dwellings and associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal relates to an application for outline planning permission with appearance, landscaping, layout and scale identified as reserved matters. As such, where the proposed site plans show any information relating to those matters, I have treated this as illustrative for the purposes of making my decision.
3. The application form did not contain a site address. I have therefore used the address as provided on the Council's decision notice.

Main Issues

4. The main issues are: (i) whether the site is in a suitable location, taking account of the Council's spatial strategy; and (ii) the effect of the proposal upon the character and appearance of the area.

Reasons

Location

5. The appeal site is an undeveloped agricultural field, immediately to the south of Bodmin. Policies within the Cornwall Local Plan Strategic Policies 2010-2030 (the LP) set out the broad spatial strategy for the county. LP Policy 3 identifies Bodmin as an important location for future growth but notes that the strategy will be governed by the associated Site Allocations Development Plan Document (the SADPD) or Neighbourhood Plans where they come forward.
6. Linked to the overarching approach, Chapter 11 of the SADPD then sets out the detailed strategy for future development in Bodmin. It is notable that the appeal site does not form part of any of the allocated sites for new development within this adopted document. Policy 1 of the SADPD concerns windfall development

schemes, such as the one proposed as part of this appeal. In essence, windfall development is anticipated to come forward through infill development, small scale rounding off and through the use of previously developed land.

7. It is common ground between the two main parties that the proposed development in this instance would not accord with this strategy for windfall schemes. From the evidence before me, I can see no reason to disagree with that assessment. Indeed, having regard to paragraph 1.68 of the LP, it is clear that the development could not be considered to represent rounding off given that the site is not substantially enclosed. On that basis, the proposal would conflict with the Council's spatial strategy.
8. There would, however, be no 'on the ground' harm arising from this policy conflict. Indeed, the site is close to existing homes on the edge of the town, and future occupiers would only have to walk a very short distance along Kirland Road and St Mary's Road before reaching a pavement which would then provide access to the town centre and nearby bus stops.
9. Nevertheless, despite the lack of harm, I conclude that the proposal would conflict with LP Policy 3 which sets out the overarching spatial strategy for the area. Furthermore, while not referenced within the Council's decision notice, there would also be conflict with the spatial requirements of SADPD Policy 1. Given that I am satisfied that the site would enable access to local services and facilities by sustainable modes of transport, I do not find conflict with the relevant aspects of Policies C1 and T1 of the Climate Emergency Development Plan Document (CEDPD) which seek to ensure that new development is located in areas that encourage the use of sustainable forms of transport, including walking and cycling.

Character and Appearance

10. The appeal site forms part of Cornwall Character Area CCA29. In part, the identified past threats for this area, as set out within the published description, include the significant modern expansion of settlements which has changed their shape and scale, particularly where development has extended onto surrounding slopes. It is noted within the description that this is particularly the case in Bodmin.
11. As one walks south along St Mary's Road, under the railway bridge, and then turns left into Kirland Road towards the appeal site, there is a real perception of leaving the settlement of Bodmin and entering the countryside beyond. This feeling is largely provided by the relatively narrow, rural appearance of Kirland Road itself, and the views of gently sloping landscape that quickly open up to the south. As such, the existing homes on the northern side of Kirland Road seem to form a natural boundary to the main built-up area of the settlement in this location.
12. Therefore, while I acknowledge that the site is located close to existing development to the north and west, there can be little doubt that, in terms of visual perception, it has a much stronger relationship with the surrounding countryside than the built form of the town. As the application is in outline form, the scale, layout and design of the proposed development is currently unknown. However, because of the close relationship between the site and the surrounding countryside, it is inevitable that the proposed homes, in whatever form they take, would be seen as an obvious and contrived incursion into the countryside.

13. Furthermore, the development would also greatly reduce the feeling of tranquillity and verdancy that one experiences when travelling along Kirland Road. The homes would be easily visible, both from the road and as part of longer range views across the valley to the south, and as such, the identified harm would be readily apparent. This harm could not be adequately mitigated, even through the provision of a comprehensive landscaping scheme at reserved matters stage.
14. The Council has raised concerns about the density of the proposed scheme. However, a higher density development would clearly be inappropriate in this location given its largely rural character and the loose urban grain of existing development nearby. As such, I do not share the Council's concerns in that regard. Moreover, it is my role to assess the scheme before me rather than a theoretical proposal for a greater number of dwellings.
15. Nevertheless, I do conclude that the proposed development in this instance would harm the character and appearance of the area. It would therefore conflict with LP Policies 1, 2, 12, 21 and 23, as well as CEDPD Policy C1. The relevant aspects of these policies seek to ensure that new development is well designed and that it preserves character and appearance, including the natural environment.

Other Matters

16. The Council's officer report refers to the potential for negligible harm to the Grade II listed Gilbert's Monument. The significance of this heritage asset is derived from its appearance and historical importance. However, the appeal site lies well outside of the key view of the monument as identified within Figure Bd1 of the SADPD. Indeed, I am satisfied that there would be little, if any, intervisibility between the monument and the proposed development. As such, the significance of the heritage asset would not be harmed.
17. The Council's decision notice refers to LP Policy 28. However, this policy does not relate to the main issues considered as part of this appeal. The Council has noted within the officer report that they have concerns regarding the lack of financial contributions towards infrastructure. They have subsequently confirmed, through their appeal statement, that these concerns would be sufficiently addressed through a signed unilateral undertaking (a UU). A UU has been provided as part of this appeal which provides financial contributions towards education facilities. Therefore, based on the evidence before me, including comments received from the Council, I am satisfied that this matter could have been successfully addressed had I been otherwise minded to allow the appeal.
18. The Council's officer report refers to phosphate levels within the River Camel Special Area of Conservation (SAC). I note that the Council is satisfied that there would not be a likely significant effect upon the SAC as a result of evidence provided by the appellant. However, as I am dismissing the appeal, there is no need for me to consider this matter in detail.

Conclusion

19. From the evidence before me, the Council is unable to demonstrate a five-year supply of deliverable housing sites, with the current figure being approximately 3.8 years. In such circumstances the test set out in paragraph 11(d)(ii) of the National Planning Policy Framework (the Framework) is engaged.

20. The proposal is contrary to the objectives of the Council's spatial strategy, as well as policies that pertain to character and appearance. The proposal therefore conflicts with the development plan taken as a whole.
21. The aforementioned policies are broadly consistent with the aims of the Framework, notably, in respect of seeking to promote development in sustainable locations with genuine sustainable travel choices while also requiring development to be well designed. Consequently, I have given considerable weight to the conflict with the development plan.
22. The appellant has provided copies of several appeal decisions wherein the respective Inspectors attributed weight to proposed housing. However, the amount of weight to be afforded to the benefits of a scheme are a matter of legitimate planning judgement for the individual decision maker. In this instance, the appeal proposal would make a small but nonetheless positive contribution towards housing supply in an area with a significant shortfall. There is also potential for the homes to be sustainably constructed and utilised for residents over the age of 55, while biodiversity enhancements could be implemented. Furthermore, there would be some social and economic benefits associated with the construction and subsequent occupation of the proposed dwellings, including the potential for future residents to support wider services.
23. I have considered Paragraph 61 of the Framework which seeks to significantly boost the supply of homes. I have also considered Paragraph 73 of the Framework, which recognises the importance of small sites in meeting the housing requirement of the area. Still, given the limited scale of development, I give the totality of these benefits moderate weight.
24. I have concluded that there would be no 'on the ground' harm as a result of the conflict with the spatial strategy for the area. However, due to the impact of the proposal in relation to character and appearance, there would be adverse environmental effects, contrary to elements of the Framework. In this instance, I find that the harm would be both substantial and enduring and this is a matter to which I have given significant weight.
25. Therefore, when assessed against the policies in the Framework taken as a whole, I find that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits. The appeal scheme therefore does not benefit from the presumption in favour of sustainable development.
26. In conclusion, the proposal conflicts with the development plan when taken as a whole. There are no material considerations, including the provisions of the Framework, that indicate that a decision should be made other than in accordance with it. The appeal is therefore dismissed.

C Butcher

INSPECTOR