



Appeal Decision

Site visit made on 9 February 2026

by David Wyborn BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 March 2026

Appeal Ref: APP/D0840/W/25/3371988

Harbour Lights, Love Lane, Busvannah, Penryn, Cornwall TR10 9LQ

- 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 and Ms B Gowers and J Higginson against the decision of Cornwall Council.
 - The application Ref is PA25/02574.
 - The development proposed is an outline application for residential development of land for up to 1 no self build dwelling with all matters reserved.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr and Ms B Gowers and J Higginson against Cornwall Council. This application is the subject of a separate decision.

Preliminary Matters

3. The application has been made in outline with all matters reserved. In addition to a site and block plan, the submission was accompanied by other plans and details. These included floor plans, landscaping and sketch perspective views of a proposed dwelling. Also, the Design and Access Statement sets out comprehensive details of the intended dwelling for the site.
4. As this is an outline application with all matters reserved, I have treated these other plans and details as indicative of what the appellants have in mind for the scheme. If outline permission was to be granted, while the appellants may wish to pursue the scheme that has been indicated, it would also be possible for other designs and layouts to come forward for consideration at the reserved matters stage. I have treated this outline proposal on that basis.
5. The scheme is advanced as a self-build and custom-build dwelling and these details are confirmed in the self-build pro-forma.

Main Issues

6. The main issues are:
 - whether or not the development plan would support the principle of the proposal in this location, including whether or not the occupants of the development would have the opportunity for a safe and sustainable choice of transport modes to access services and facilities, and

- the effect of the development on the character and appearance of the area, including any impact on the setting of the Cornwall National Landscape and the setting of the Penryn Conservation Area.

Reasons

Location

7. The development plan consists of the Cornwall Local Plan Strategic Policies 2010-2030 (the Cornwall LP) and the Penryn Neighbourhood Plan 2020 to 2030 (the Penryn NP). The Cornwall LP was adopted in November 2016 and the Penryn NP came into force in August 2021.
8. Policy 1 of the Penryn NP establishes the settlement boundary for the town and predominantly directs new housing to within the boundary. The policy also explains that proposals for development outside the settlement boundaries will only be permitted on previously developed land (PDL) or to meet a need for affordable housing.
9. The appeal site, being land within the curtilage of a dwelling in the countryside, can be considered to be PDL. Consequently, the construction of a dwelling on this land would be compliant with Policy 1 of the Penryn NP. However, the policy does not include any criteria against which to assess whether that PDL land is suitable in general planning terms for the proposed development. Other policies in the Penryn NP, such as Policy 16, titled sustainable movement and new developments, are also relevant.
10. Policy 16 of the Penryn NP sets a movement hierarchy, with pedestrians, then cyclists, then public transport as the sustainable travel modes that are encouraged with the private car as the least favoured transport mode. The policy then goes on to deal with a checklist for the assessment of major applications. The Council draw attention to this policy in its appeal statement. As Policy 16 is not directly referenced in the reason for refusal, I separately sought the views of the main parties on the implications of this policy for the appeal and I have taken these views into account in my considerations.
11. I consider that, given the title of the policy and that the first supporting justification to this policy section explains that the key objective of the plan is to support increased sustainability, it means that Policy 16 of the Penryn NP is a relevant consideration in this appeal.
12. In terms of the Cornwall LP, Policy 3 establishes the role and function of places and outside the main towns sets the approach for new development. The scheme is not advanced as an infill or rounding off scheme, nor a proposal for affordable housing. The appeal site is not identified for development in the Penryn NP. The proposed dwelling would be located somewhat from the settlement boundary of Penryn and therefore the scheme would not meet with the criterion in Policy 3 for the development of PDL within or immediately adjoining that settlement. The scheme, therefore, does not receive support from Policy 3 of the Cornwall LP.
13. The scheme would not meet with any of the criteria in Policy 7 of the Cornwall LP concerning the provision of housing in the countryside.
14. Policy 21 of the Cornwall LP seeks development to make the best use of land and buildings, and this includes that encouragement will be given to sustainably

located proposals that use PDL and buildings that are not of high environmental or historic value. Consequently, the use of PDL for development in terms of Policy 21 is on the basis that it is sustainably located.

15. This is consistent with the approach to rural housing in the National Planning Policy Framework (the Framework) where to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. This is also reflected in the Framework section titled promoting sustainable transport where it is explained that the planning system should actively manage patterns of growth in support of a series of objectives including identifying and pursuing opportunities to promote walking, cycling and public transport use. This is while acknowledging that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in decision-making. Furthermore, the Framework requires that development proposals should ensure that safe and suitable access to the site can be achieved for all users.
16. In this case, the Harbour Lights site lies away from the settlement boundary of Penryn, in land which is countryside for planning purposes. To access the services and facilities in Penryn by foot, it would be necessary to initially walk along Love Lane. This road, while it is reasonably narrow and without a footway, is generally lightly trafficked, gently sloping with good visibility for on-coming traffic, and would be reasonable as a route for most people.
17. However, Love Lane then joins with Bissom Road, and this appears to be a busier road connecting Penryn with countryside to the east. The section of Bissom Road up to the sharp bend to the west is without footways and mostly with banks on either side. This would not be a pleasant, or in my view, reasonably safe and suitable route for most people on most occasions. From the bend, Church Hill drops down fairly steeply, is reasonably narrow with no footways and with banks on either side. Pedestrians could be walking in the carriageway as vehicles approached and with no refuge to step back from this traffic. Again, this is not a suitable or safe road for walkers.
18. Further down Church Hill there is a footway but it is narrow and would not be an attractive proposition especially in wet weather. Closer to the bottom of the hill there are better footways and then the routes open up and are more suitable for walkers.
19. As an alternative, it would be possible for occupants of the proposed dwelling to walk down through the church yard along the public right of way, close to the chapel and then onto the public right of way that runs in-land and parallel with the Penryn River. This right of way exits at a position towards the lower part of Church Hill and then connects with other routes that would allow access to Penryn. I walked sections of the right of way parallel with the water and through this part of the church yard as part of my site visit. The route through the graveyard area is reasonable, although overhung by trees and sloping at times, but the right of way parallel with the water is generally unsurfaced, was very muddy in places, unlit and lacking in natural surveillance. It would not be a suitable route for many times of the year. In particular, it would not be a safe and suitable route for those less able or at times when the natural light was not good, such as at dusk. It would not provide a reasonable or more suitable alternative to the main road route.

20. My views on the lack of safe and suitable pedestrian access from the site to and from Penryn are reinforced by the comments in the Penryn NP. This document examines the ability of the housing estate at Bissom to accommodate further development. This estate is further along the Bissom Road and therefore it shares some of the access road from Penryn as would the proposed dwelling at Harbour Lights. The Penryn NP comments that the road to Bissom is narrow and feels threatening for pedestrians in its current form without provision of safe pedestrian access. While this commentary includes the section to the east after Love Lane, it would also apply to the section of Bissom Road to the west of Love Lane, which in my judgement has the same issues and characteristics as the top section of Church Hill.
21. The Penryn NP also comments that while access is possible from Bissom to Penryn along the existing public right of way on the river, it is not currently in a form that would allow safe access to wheelchair users or parents with prams for example.
22. I have carefully considered the appellants' statements about their regular walking from the present house to a wide range of services and facilities in the locality. However, I am not satisfied from my findings at the site visit, which are reinforced by the comments in the Penryn NP, that the public routes would be suitable for most residents on many occasions. I am not aware of any public transport routes that would be practical and usable as a reasonable alternative that could be used on a regular basis. In this way the scheme would not comply with Policy 16 of the Penryn NP.
23. Taking all these matters together, I consider that there would not be a safe and suitable route for pedestrians of the proposed dwelling to access Penryn with its services and facilities. Nor would the routes be suitable for most cyclists on a regular basis, especially given the steep hill up Church Hill which would be necessary on any return journey.
24. It follows that the proposed dwelling would be in a location where occupants would have a likely high dependence on the private vehicle for most journeys and there would not be reasonable safe and suitable sustainable transport alternatives, even taking into account that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. That the car journeys may be short does not satisfy me that the site would be acceptable because there would be a lack of reasonable alternatives. I appreciate that there are other dwellings in the locality, including the dwelling permitted in 2018 at Goran Gorras Farm, where occupants would have the same transport issues, however, that does not justify a further dwelling in this area where occupants would have a high dependence on the private vehicle for most journeys.
25. In conclusion, the scheme would not conflict with Policy 1 of the Penryn NP. However, the scheme would not meet with Policy 3 of the Cornwall LP and, because the site would not be in a sustainable location, it would not comply with the requirements under Policy 21 of the Cornwall Local Plan regarding the use of PDL.
26. I understand the appellants' arguments regarding section 38(5) of the Planning and Compulsory Purchase Act 2004 and that the Penryn NP is the more recent development plan document than the Cornwall LP and therefore Policy 1 of the

Penryn NP should take precedence over policies in the Cornwall LP. However, I do not consider that the approach of Policy 1 is in conflict with other policies of the development plan, in particular Policies 3 or 21 of the Cornwall LP, simply that Policy 1 does not extend to cover sustainable transport issues which are then addressed in other sections of the Penryn NP, notably Policy 16. In respect of this main issue, it is necessary to assess the scheme against the policies of the Penryn NP as a whole and not against a single policy in isolation.

27. Policy 16 of the Penryn NP incorporates sustainable transport requirements which generally accords with the approach of Policy 21 of the Cornwall LP for the site to be locationally sustainable. The scheme would not meet with the approach of Policy 16 of the Penryn NP. There would also be conflict with Policy 27 of the Cornwall LP which requires all development to provide safe and suitable access to the site for all people.
28. Taken as a whole, the development plan policies, and the policy approach of the Framework, leads me to conclude that the principle of this additional dwelling in this location would not be supported, in particular because most occupants of the development would not have the reasonable opportunity for a safe and sustainable choice of transport modes to access services and facilities.

Character and appearance

29. The appeal site is located within the broadly northern section of the curtilage of Harbour Lights, a two storey dwelling. The land gently slopes down to the south east section of the site. There are hedges and some mature trees that bound the curtilage. Beyond the site to the broadly east and south there are open fields and then the Penryn River. There are some views of the site, mainly the upper parts of Harbour Lights, from the public right of way that runs around the edge of the land with the Penryn River. There are also some panoramic views from some areas on the other, southern side of the river where Harbour Lights can be seen as a dwelling in a rural setting, partially screened by trees and boundary hedging. There would also be views from boats using the estuary and from some of the countryside areas to the east.
30. The appeal site lies within open countryside, for planning purposes, in Cornwall Character Area CCA16 (Falmouth to St Mawes). The site falls amongst attractive countryside with the water course in the foreground of many wider views. In these views, in association with the appeal site, there are open, modest sized fields with hedge and Cornish hedge boundaries with smaller areas of woodland fairly typical of the Character Area. The urban development in the wider areas are not especially evident in these vistas towards the site, giving it a rural setting.
31. The boundary of the Cornwall National Landscape is located to the east of the appeal site. The statutory purpose of National Landscapes is to conserve and enhance the natural beauty of the area. Section 85 of the Countryside and Rights of Way Act 2000 (as amended) now includes the duty on relevant authorities that they must seek to further this purpose when exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty (now National Landscapes).
32. Furthermore, the Framework explains that development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the National Landscape.

33. To the west is located the Penryn Conservation Area. The Conservation Area is mainly an urban Conservation Area but it does extend to and include the chapel and graveyard, and part of the Penryn River. Part of the significance of the Conservation Area includes the views of and across the estuary, and the views along the creek 'channels'. The site is separated from the boundary of the Conservation Area and there is landscaped space with some trees and hedges that visually divide the appeal site from the Conservation Area. The hillside above the estuary, and that section within the Conservation Area, curves away from the site and towards the built up section of Penryn.
34. The proposal is in outline form, although detailed plans with a detailed analysis of the effects on the landscape of the indicative two storey, split angled, dwelling have been provided. The single storey element of this proposal would take advantage of the slope and its reasonably low lying nature would not be especially visible. From where it could be seen, mainly from the eastern sections of countryside, the ground floor element would not be visually harmful.
35. The first floor element with its angle, position and height would be seen in conjunction with the upper floor of the existing property in some views from the public right of way and from some areas across the estuary. It could have an external finish in muted colours and finish, nevertheless it would unduly consolidate the built form on this site and have a prominence that would cause some harm to the character and appearance of this section of countryside.
36. The harm would be restricted to this immediate section of countryside and the containment of the built additions within the existing curtilage would not extend to causing any harm to the setting of the Cornwall National Landscape.
37. I also consider that the separation from the boundary with the Penryn Conservation Area, and the landscaping within that area, would be sufficient such that the scheme would not harm the setting or significance of this designated heritage asset.
38. Nevertheless, while the first floor section of the indicatively designed dwelling would cause some visual harm, I am conscious that this is an outline proposal with all matters reserved. There may be a variety of ways that a dwelling could be designed so as to be acceptable and the ground floor section is one indication of how that may be possible.
39. At this stage, with all matters reserved, I am satisfied that a dwelling should be able to be designed that would have an acceptable impact on the character and appearance of the area, and so as to not adversely impact on the setting of the Cornwall National Landscape nor the setting of the Penryn Conservation Area. In such circumstances, the scheme should, at the reserved matters stage, be able to demonstrate compliance with Policies 23 and 24 of the Cornwall LP and Policy 19 of the Penryn NP which notably seeks that development should be of an appropriate scale, mass and design that recognises and respects landscape character.

Other Matters

40. The site is within the zone of influence for the Fal and Helford Estuaries Special Area of Conservation (SAC). The proposed development would likely result in additional recreational pressure on the SAC for which mitigation is required. The

European Sites Mitigation Supplementary Planning Document sets out the strategic access management and monitoring mitigation measures and the financial contribution that is required to address the likely adverse impact based on the scale and nature of the project.

41. The proposal has been accompanied by a section 111 Agreement pursuant to the Local Government Act 1972 confirming that the appropriate payment has been made such that the mitigation would be secured. In these circumstances, I am satisfied that the proposal, either alone or in combination with other schemes, would not have a likely significant or adverse effect on the integrity of the SAC. It would therefore comply with Policy 22 of the Cornwall LP and with the requirements of the Conservation of Habitats and Species Regulations 2017.
42. I have taken into account the various appeal decisions that the appellants have submitted in support of the proposal. With the case at land east of Treliske Lane, Malabar¹, that Inspector found that the proposal for five dwellings did not meet the settlement strategy and was unacceptable even though future occupiers would be able to access services and facilities on foot or bicycle thereby providing them with transport choice and not an over-reliance on a car. The Inspector attached the provision of five dwellings great weight in the circumstances of that case, however, I am not convinced that this decision aids the case in this appeal and I attach it very limited weight.
43. With the appeal decision at land north west of Kenilworth², that Inspector found that the site was within a reasonable walking distance of Rilla Mill where there were facilities including a public house and a village hall, with a bus stop with a daily service to larger settlements. There were, therefore, opportunities to access local services by means other than the car, although they were to a somewhat suboptimal extent. The Inspector considered that the requirements of Policy 21 of the Cornwall LP would be met. The range of circumstances in that case distinguishes that appeal from the present proposal and I attach the case at land north west of Kenilworth limited weight in support of the present proposal.
44. With the appeal at Quaker House³ the site was a fairly short distance from bus stops on the A390 and these could provide an alternative mode of transport for some people and journeys, and in conjunction with short duration car journeys in the rural context, this was considered reasonably sustainable. The lack of any reasonable safe and sustainable transport options with the present appeal distinguishes it from the appeal at Quaker House. I therefore attach the appeal at Quaker House limited weight in support of the present proposal.
45. The proposal at Jimmy May Scrap Metal Ltd⁴ was for a detached dwelling and in a location similar to the present appeal site. While the Inspector found the location reasonably sustainable in transport terms, this was a decision in 2013 and subject to a different development plan and a different version of the Framework. Importantly the Inspector attached a condition that limited occupation to an on-site worker which would prevent the owner of the scrap yard or other worker having to travel to and from his place of work, and this was necessary in the interests of sustainability. Again, the circumstances distinguish the appeal at the scrap metal

¹ Appeal Ref: APP/D0840/W/24/3343450 - Land east of Treliske Lane, Malabar, Truro TR1 3QL

² Appeal Ref: APP/D0840/W/24/3344184 - Land North West of Kenilworth, Uphill, Callington, Cornwall PL17 7PB

³ Appeal Ref: APP/D0840/W/24/3345642 - Quaker House, Penstraze, Chacewater, Cornwall TR4 8PE

⁴ Appeal Ref: APP/D0840/A/13/2197136 - Jimmy May Scrap Metal Ltd, The Scrapyrd, Busvannah, Penryn, Cornwall, TR10 9LQ

site from the present appeal site and therefore I attach this other decision limited weight.

46. A more recent appeal decision, at land east of Bella Vista, Penryn⁵, has also been submitted which it is argued demonstrates similar sustainability credentials as the present proposal. That was a scheme for a single dwelling. That Inspector considered the road conditions adjoining the site and that while the road lacked segregated footways and street lighting, the low levels of slow moving traffic meant that it could be used by pedestrians without any significant highway danger. He also noted that this stretch of road was signposted as a cycle route. The Inspector concluded that the location of the site would provide safe and suitable access, and would allow residents the opportunity to use sustainable and active modes of transport rather than car use for day to day living. He found compliance with Policy 16 of the Penryn NP.
47. This contrasts with the present scheme where I have found a likely dependence on the private vehicle and a lack of reasonable safe and suitable sustainable options for most people. I have concluded the present scheme would fail Policy 16 and I attach weight to the concerns of the Penryn NP with the use by pedestrians of a section of the Bissom Road. The Inspector also noted that the site at land east of Bella Vista was adjacent to the settlement boundary whereas the present scheme is separated from that boundary. These factors all differentiate the present scheme from the appeal proposal at land east of Bella Vista. I therefore attach the appeal at this other site limited weight in support of the present proposal.
48. Penryn Town Council fully support the proposal and its understanding of its own Neighbourhood Plan would have formed part of its judgement in this response. I have taken its support into account as part of my considerations.

Planning Balance

49. The scheme could be designed so as to not harm the character and appearance of the area. However, the location of the proposed dwelling would not accord with the settlement strategy in the Cornwall LP, nor with Policy 16 of the Penryn NP, and most occupants of the new dwelling would not have reasonable access to safe and sustainable transport options. This is a significant failing of the proposal and one to which I attach substantial weight against the development. Indeed, I find the scheme would conflict with the development plan when considered as a whole.
50. I have had regard to the Cornwall Interim Policy Position Statement (April 2025) and the Cornwall Monitoring Report – 5 Year Housing Land Supply Statement (July 2025). This latter report indicates that the Council can only demonstrate a 3.9 year supply of housing land which is below Framework requirements. In these circumstances, the requirements of paragraph 11d of the Framework are engaged. This means that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework when taken as a whole. In terms of having particular regard to the issues that should be taken into account in paragraph 11d, the scheme would not direct development to a sustainable location nor provide affordable homes. It would, however, make effective use of PDL and a well-designed property could result.

⁵ Appeal Ref APP/D0840/W/25/3362082 – Land east of Bella Vista, Enys, Penryn TR10 9LB

51. The benefits of the scheme would include the addition of another house to the stock, which would make effective use of a windfall site and could be built reasonably quickly by a small or medium sized builder, if custom built. The scheme is advanced as a self-build dwelling although I do not have a planning agreement as part of the appeal to secure such an approach. Nevertheless, it is clear that this could be secured and is the anticipated approach of the appellants.
52. The dwelling could be designed as a highly sustainable building with an emphasis on renewable energy generation and would allow the present occupants of Harbour Lights to stay within their community. There would be economic and social benefits from the construction and in the subsequent occupation. An improvement to biodiversity on the site could be secured. These are all worthwhile and meaningful benefits, however, as only a single additional unit of accommodation would be provided, I attach the benefits limited to moderate weight.
53. On the other hand, these benefits need to be balanced against the harm and related policy conflicts that I have identified. With a lack of five year housing land supply the settlement strategy, in particular the approach in Policy 3 of the Cornwall LP, is not being effective and housing sites outside settlements may need to be considered to deliver the required housing. However, the appeal site is some way from the settlement boundary in open countryside. Furthermore, Policy 21 of the Cornwall LP seeks to direct development to sustainably located PDL and I consider that this approach is consistent with the Framework policy requirements for the location of development.
54. In these circumstances, I am not satisfied that there is the justification for the development of land away from the settlement boundary at a site with poor safe and sustainable transport credentials, contrary to the approach of the Framework. I place substantial weight on the conflict with the policies of the development plan that seek to locate development in places where future occupants would have safe and sustainable transport options.
55. It follows that the adverse impacts of the scheme would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework when taken as a whole. The scheme would not be sustainable development within the meaning of the Framework and this weighs heavily against the proposal. There would be a corresponding failure to comply with Policy 1 of the Cornwall LP.

Conclusion

56. The proposal would conflict with the development plan when taken as a whole, and material considerations do not indicate that a decision should be made otherwise. I therefore conclude that the appeal should be dismissed.

David Wyborn

INSPECTOR