



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: 17 March 2026

Appeal Ref: APP/D0840/W/25/3369960

Land east of Cove Hill, Port Navas, Constantine, Cornwall TR11 5RL

- 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 Chris Kermack against the decision of Cornwall Council.
 - The application Ref is PA24/06454.
 - The development proposed is the construction of new self-build dwelling, access and solar array.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the Cornwall National Landscape.

Reasons

3. The site consists of an open field within the settlement area of Port Navas and within the Cornwall National Landscape (formerly the Cornwall Area of Outstanding Natural Beauty - AONB). Policy 3 of the Cornwall Local Plan Strategic Policies 2010 -2030 (the Cornwall LP) sets the approach to the provision of new dwellings across the plan area and this can allow infill dwellings within settlements. The Policy explains that proposals should consider the significance or importance that large gaps can make to the setting of settlements and ensure that this would not be diminished.
4. Policy 3 also explains, in section 4, that within the AONB, development will be supported where it is in accordance with the other policies of the plan and can demonstrate that it conserves and enhances the landscape character and natural beauty of the AONB. Policy 23 of the Cornwall LP sets the tests for development in the Cornwall AONB.
5. 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).
6. Furthermore, the National Planning Policy Framework (the Framework) requires that great weight should be given to conserving and enhancing landscape and

scenic beauty in National Landscapes, which have the highest status of protection in relation to these issues.

7. The appeal site comprises the top section of a sloping field facing towards the Helford River. It is situated between two residential properties, Cove Hill and the recently redeveloped Oyster House, which is a substantial and contemporary property, the curtilage of which stretches down the slope to the buildings on the Quay side.
8. The appeal site is visually prominent and can be seen from various public and private vantage points. These include the road immediately to the north of the site, parts of the creek itself and sections of the lane on the opposite side of the creek. There are also views from private land and properties including those on the steeply sloping land across the other side of the main water course and which are accessed from Budock Vean Lane.
9. Port Navas is characterised by a mixture of properties, mostly of a vernacular style but some of a more contemporary feel. The settlement has a rural setting surrounded by wooded slopes with some open fields. The creek is a water feature that provides the attractive surroundings in which the area is appreciated. These aspects are characteristic of the Cornwall Character Area Description CCA 11 – Helford Ria.
10. Within this settlement, the size and position of the field makes it a prominent open space. From the adjoining road, the area around the Quay and from areas across the creek, this open green space forms an important component within many panoramic views. From the road, the interrelationship between this part of the village and the creek can be appreciated. I agree with the Cornwall National Landscape Planning Officer that its open nature as a grass field descending towards the creek and the broad views it offers contrast markedly with the more typical glimpsed views between built forms to the creek which forms the wider setting to the village. The space makes a positive contribution to the character and appearance of the landscape within this part of the National Landscape.
11. The proposed dwelling has been designed to minimise its intervention within the landscape. It is a single storey building and the central raised section of the sedum roof would be no higher than the road and other sections would be set down into the slope. The building would span about a third of the width of the field adjoining the road. The driveway would be set on a lower level and a Cornish hedge constructed to divide the new curtilage from the remainder of the field. However, even with these well designed elements, the dwelling would be a prominent and fairly intrusive component into this road side space. It would materially change the nature of views out from the road, with the loss of the open space in the foreground replacing it with a built form together with a garden area on either side with the likely related domestic paraphernalia. The ability to appreciate the remainder of the open, grassed space further down the slope would be substantially eroded. The result would be a harmful intervention within this part of the National Landscape when viewed from the adjoining section of road.
12. From views from the creek and across the water from other hillsides, the large expansive views which include the present open space would be undermined by the introduction of conspicuous built development and the related curtilage. The Computer Generated Image of one such view from across the main water course

reinforces my concerns that the dwelling, even with it being well-designed itself and set into the slope, would harmfully erode the positive contribution that this open space makes to the structure and form of this sloping part of the village.

13. Views from the area around the Quay would be affected but to a lesser extent because the remaining open field would be in the immediate foreground of views. For this reason, and with the area around the Quay unchanged by the proposal, I consider that the heritage significance and setting of the Grade II Listed Port Navas Quay would not be affected.
14. Nevertheless, in landscape terms the presence of the dwelling and associated curtilage, even if very well landscaped, would undermine and materially erode the contribution that this distinctive and valuable open space makes to this section of the village area and to this part of the National Landscape. As a consequence, the scheme would not meet with the duty under the Countryside and Rights of Way Act 2000 (as amended) to conserve and enhance the natural beauty of the area.
15. I have very carefully considered all the landscape and other evidence submitted by the appellant and appreciate the thought that has gone into the design in itself, and that with 2 bedrooms it is a modest proposal. It would, for instance, be a much smaller property than the adjoining Oyster House. However, that is a replacement dwelling and therefore not a situation where there was recently an open, undeveloped green space adjoining the road in the same way as the appeal site. I have also taken into account the wide ranging support locally for the proposal, including from Constantine Parish Council, which has been expressed in representations at both the application and appeal stages. However, based on my site visit and observations, I give the greatest weight to the views of the Cornwall National Landscape Planning Officer and conclude that the scheme would be unduly harmful.
16. I conclude that the proposal would unacceptably diminish a large gap, for this village, that is important to the setting of the settlement. It would also harm the Cornwall National Landscape. Consequently, the proposal would fail Policy 3 of the Cornwall LP regarding the approach to the location of new housing as well as Policy 23 concerning the protection of landscape. Because of the harm to the character of the area from the construction of the building on this open land, despite the thoughtful design, the scheme would conflict with Policy 12 of the Cornwall LP.
17. Additionally, the scheme would not meet with the Framework requirement that great weight should be given to conserving and enhancing landscape and scenic beauty in National Landscapes. There would be corresponding non-compliance with Policies PD-P1, PD-P2, and PD-P11 of the Cornwall National Landscape (AONB) Management Plan 2022-2027.

Other Matters

18. The site is within the zone of influence for recreational impacts from occupants of the development on the Fal and Helford Special Area of Conservation (SAC). A section 111 agreement under the Local Government Act 1972 has been completed and the necessary financial contribution paid in accordance with Policy 22 of the Cornwall Local Plan and the Council's adopted Supplementary Planning Document on European Sites Mitigation. This ensures that the proposal would comply with the requirements for mitigating impacts on this designated European

site. I am satisfied that the potential recreational harm, either alone or in combination with other schemes, has been adequately mitigated and the scheme would be compliant with the requirements of the Conservation of Habitats and Species Regulations 2017.

19. The appellant has highlighted some other proposals and photographs of other sites that are argued support or provide a precedent to the present appeal scheme. For instance, the new, contemporary dwelling at Pentui, Feock¹ was allowed at appeal. That Inspector considered, in that context, that the scheme would be acceptable and not harm the AONB. The National Landscape (AONB) designation does not place a moratorium on development but each case needs to be considered on its merits. In the case of the present appeal, I find the scheme in its context, with the erosion of part of the open green space, would be unduly harmful. I therefore place limited weight on the findings of the Inspector at the site in Feock which would have had its own surroundings, relationship to other buildings and the wider landscape, and therefore specific circumstances that led to that approval. This will also be the case with other examples and therefore I afford them limited weight in support of the present appeal scheme.

Planning Balance and Conclusion

20. The Cornwall Interim Policy Position Statement (April 2025) explains the Council's approach to the operation of its policies and the planning approach in the circumstances of the Cornwall LP being more than 5 years old and with the Council unable to demonstrate a five year housing land supply, presently at about 3.9 years.
21. However, the harm to the National Landscape provides a strong reason for refusing the development proposed. Consequently, notwithstanding the age of the Cornwall LP and the housing supply position, the presumption in favour of sustainable development, as set out in paragraph 11d of the Framework, is not engaged.
22. In terms of the benefits of the scheme, the proposal would provide a boost to housing supply on a windfall site, and within a settlement. The scheme would be delivered on a self-build basis and therefore provide an additional unit to meet this identified need. The scheme could be built out relatively quickly by a small or medium sized builder and make efficient use of the land. There would be economic and social benefits to the area during construction and in subsequent occupation.
23. I particularly note and take into account the background and personal circumstances that are explained in the submissions and the new dwelling would allow the appellant to downsize to a smaller and more suitable property within this community. This would allow the existing and larger property to potentially be occupied by a family moving within or to the area.
24. The scheme would also secure the replacement of the old septic tanks on the land with a modern treatment plant. There may be a minor benefit with the accesses providing a pull in place to assist passing traffic on this narrow road.

¹ APP/D0840/W/20/3261477 - Pentui, Pill Lane, Feock, Cornwall TR3 6SE

25. The proposal would be constructed to high environmental standards, including a solar array and air source heat pump, to ensure it is self-sufficient for energy usage. It will also be built with green sedum roofs to help reduce surface water runoff. The lower sections of the field would be retained for community use when required.
26. I note the weight to be attached to the delivery of windfall housing in settlements, in accordance with paragraph 73d of the Framework. However, because of the identified harm, the site would not be suitable in this case and this reduces the weight to be attributed to this benefit. I have also taken into account the possibility that if planning permission is not granted, the land may be sold and/or subdivided. However, if that were to occur the use would remain the same as at present, as so far as I am aware, there is no alternative permission in place to develop the land.
27. Taking all the benefits into account, and having regard to the level of supply and the Chief Planning Officer's Guidance Note titled 'Housing' (May 2023) which seeks to encourage new housing development in response to the acknowledged 'housing crisis', the proposal would, nevertheless, provide only a single dwelling and I attach this limited to moderate weight in favour of approval.
28. On the other hand, the undue harm to the Cornwall National Landscape is an important planning concern. The Cornwall LP policies which cover the National Landscape (AONB) appear consistent with the Framework and the duty under Section 85 of the Countryside and Rights of Way Act 2000 (as amended). I therefore attach great weight to the harm to the National Landscape and the related conflict with the development plan policies, in accordance with the Framework.
29. The harm and related policy conflict would be such that the scheme would conflict with the development plan when considered as a whole. Material considerations, including the benefits of the scheme, to which I attach limited to moderate weight, do not indicate that the scheme should be determined other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

David Wyborn

INSPECTOR