
Appeal Decision

Site visit made on 10 March 2026

by **S Harrington MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20th March 2026

Appeal Ref: APP/D0840/W/25/3370911

Bunts Lane Cottage, Bunts Lane, St Day, Redruth, Cornwall TR16 5PA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
 - The appeal is made by Mr K Wilson against the decision of Cornwall Council.
 - The application Ref is PA25/02112.
 - The development proposed is the erection of dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development in the banner heading above from the application form. However as 'Permission in Principle for' is not an act of development, I have removed this element.
3. Planning Practice Guidance (PPG) advises that permission in principle is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or 'permission in principle' stage) (PIP) establishes whether a site is suitable in-principle, and the second ('technical details consent' stage) (TDC) is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.
4. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent TDC application if PIP is granted.

Main Issue

5. The main issue is whether the site is suitable for residential development, having regard to its location, the proposed land use, and the amount of development.

Reasons

6. There is no dispute between the main parties that the appeal site is within a small settlement, or indeed that it is of sufficient size to accommodate the quantum of residential development proposed. However, the appeal site, which is part of a garden of an existing dwelling, is accessed via a narrow Public Right of Way (226/9/1) known as Bunts Lane,
7. The Councils' Public Rights of Way Team have not objected to the proposal, although have stated that vehicle movements associated with the proposal should

not interfere with public use nor endanger members of the public using the right of way, with the safety of users being paramount and ensured at all times.

8. Although a public footpath and despite its constrained width, Bunts Lane does provide vehicular access to the host dwelling, and two further dwellings, whilst the access point on to Telegraph Hill also provides access to a small carpark associated with St Day Methodist Church.
9. Nevertheless, collision data provided by the appellant indicates that there are no recorded collisions in the area within the last 10 years. This however does not indicate that there have not been any unreported collisions, or that an increase in use of Bunts Lane by vehicles resulting from the proposal, would not result in collisions.
10. Due to both high solid walls to either side of Bunts Lane, and a slight bend, forward visibility is not available from the junction of the lane to the proposed access point of the appeal site. Furthermore, given the solid boundary walls and width, vehicles are unable to pass, and indeed I observed at certain points the lane is not wide enough for both a pedestrian and vehicle to comfortably pass.
11. As such, due to the lack of forward visibility, there is a risk of vehicles meeting in the lane. If this were the case, vehicles would need to either reverse out from the junction onto Telegraph Hill, or back Bunts Lane within a constrained environment to the appeal site. While the extremely narrow width of the lane would reduce vehicular speeds, given the lack of width and in places refuge points, there would be a risk of conflict between vehicles and pedestrians.
12. Moreover, drivers of vehicles that would need to reverse out of the junction onto Telegraph Hill, would lack clear visibility of oncoming traffic or pedestrians along Telegraph Hill. Consequently, increased use of the lane by vehicles would result in potential harmful conflict with pedestrians along Bunts Lane and other highway users along Telegraph Hill and resultant harm to highway safety.
13. Although the appellant has highlighted three passing points along Bunts Lane, I observed that the point just off Telegraph Hill is small, constrained further by telegraph poles, and is unlikely to easily facilitate two vehicles passing, with drivers likely to still reverse onto Telegraph Hill. Furthermore, the point mid-way along Blunts Lane would require the use of part of the driveway of Boskernyc to allow vehicles to pass safely.
14. Moreover, the third passing point is at the access to the appeal site and would therefore be insufficient to prevent a vehicle needing to reverse within the constrained environment and overcome highway safety concerns.
15. Finally, it is put to me that the garage and parking space will be lost for the host dwelling due to the provision of access to the appeal site and therefore potentially resulting in no increase in vehicular movements along the lane. Nevertheless, given the restricted services and facilities available at St. Day, it is reasonable to expect occupiers of both host and proposed dwelling to have some reliance on surrounding larger settlements for day to day living and, notwithstanding public transport links nearby, an associated requirement for a private vehicle.
16. Planning conditions cannot be imposed at this PIP stage. Moreover, although conditions can be imposed at TDC stage, a condition that would require that

parking is removed from the host dwelling, or indeed that any future occupiers would not utilise vehicles to access their property or have to park on surrounding highways is unlikely to be reasonable and meet the tests for planning conditions as outlined within the PPG¹.

17. Consequently, I find that the proposal would result in a modest, but material increase in vehicular movements utilising Bunts Lane, with resultant harm to highway safety. Therefore, I conclude that the site is not suitable for residential development, having regard to its location, the proposed land use, and the amount of development. In this regard, the proposal conflicts with Policy 27 of the Cornwall Local Plan Strategic Policies 2010-2030 (LP), and Policy T1 of the Climate Emergency Development Plan Document 2023 (CEDPD). These policies, amongst other things seek to ensure development provides safe and suitable access.
18. Although the reason for refusal also refers to CEDPD Policy T2, the Council within their appeal statement have stated that this policy does not relate to the appeal proposal, with its inclusion being an oversight. This Policy relates to parking provision and given the size of the appeal site and potential off-road parking available, I find no conflict with this policy.

Other Matters

19. The Council are unable to demonstrate a five-year housing land supply of deliverable housing sites, with the appellant stating, and not refuted by the Council, that their supply is circa 3.8 years.
20. In these circumstances the National Planning Policy Framework (Framework) indicates that where the requisite housing land supply cannot be shown, the policies which are most important for determining the application should be deemed out-of-date. It continues that permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
21. The proposal would achieve an increase in housing supply in an area with an acknowledged lack of housing provision. Nevertheless, the benefit to housing delivery is modest given the small scale of the proposal for a single dwelling. Furthermore, there would be modest short term economic benefits from the construction of the proposal and further modest economic and social benefits from the future occupation of the dwelling and associated spending in the locality.
22. However, the proposal would be in a location where vehicular access would result in harm to highway safety. The proposal is therefore contrary to LP Policy 27, and CEDPD Policy T1, and conflicts with the development plan as a whole.
23. The Framework is clear that new development should function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development and create places that are safe, inclusive and accessible and which promote health and well-being. Furthermore, the Framework requires that safe and suitable access to the site can be achieved for all users and development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety. The development plan policies that the scheme conflicts with are broadly consistent with the Framework. As such, and

¹ Paragraph: 003 Reference ID: 21a-003-20190723

due to the degree of harm I have identified, I give the conflict with these policies substantial weight.

24. While the proposal would align with the objectives of the Framework which seek to significantly boost housing supply and promote the effective use of land, I have found the contribution to housing supply to be a modest benefit alongside other modest benefits. Consequently, the adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Therefore, the proposal would not represent sustainable development.
25. The appeal site is within the zone of influence of the Penhale Dunes Special Area of Conservation (PDSAC) and the Fal and Helford Special Area of Conservation (FHSAC) (the habitats sites). Designated features of the PDSAC include shifting dunes along the shoreline with *Ammophila Arenaria*, dunes with *Salix repens* ssp. *argentea*, humid dune slacks, fixed dunes with herbaceous vegetation, *Rumex rupestris*, *Gentianella anglica* and *Petalophyllum ralfsii*.
26. Designated features of the FHSAC include saltmarsh, intertidal mudflats, subtidal sandbanks, large shallow inlets and bays, estuaries and reefs. Within the vicinity of the habitats sites, new residential development would lead to increased levels of recreational activity. This would be likely to have a significant effect on the designated features of the habitats sites either on its own or cumulatively with other similar development, without avoidance measures.
27. The application had been accompanied by an undertaking under Section 111 of the Local Government Act 1972 with an associated financial contribution to seek to mitigate recreational impact of the proposal on the habitat sites. Notwithstanding, Regulation 63(1) of the Conservation of Habitats and Species Regulations 2017 indicates the requirement for an Appropriate Assessment is only necessary where the competent authority is minded to give consent for the proposal.
28. Given my conclusions on the main issue above, it is not necessary for me to consider this matter any further as the proposal would not take place and would not affect the habitat sites. Moreover, even if I were to find that suitable mitigation had been appropriately secured, a lack of harm would only be a neutral factor.

Conclusion

29. For the reasons given above, I find that the proposal would conflict with the development plan, read as a whole. No material considerations, individually or cumulatively, indicate that a decision should be taken otherwise than in accordance with it. Therefore, the appeal is dismissed.

S Harrington

INSPECTOR