
Appeal Decision

Site visit made on 23 March 2026

by Juliet Rogers BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 May 2026

Appeal Ref: APP/D0840/W/25/3373972

Land adjacent to Valley Lane, Quenchwell Road, Carnon Downs, Cornwall TR3 6JS

- 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 M Yates and Mrs C Mitchell against the decision of Cornwall Council.
 - The application Ref is PA25/01765.
 - The development proposed is the construction of a minimum of 4 and a maximum of 5 dwellings.
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Decision

1. The appeal is allowed and permission in principle is granted for the construction of a minimum of 4 and a maximum of five dwellings at Land adjacent to Valley Lane, Quenchwell Road, Carnon Downs, Cornwall TR3 6JS, in accordance with the terms of the application, Ref PA25/01765.

Preliminary Matters and Main Issues

2. As part of the appeal, the appellant has submitted a Preliminary Landscape Visual Appraisal¹. As this was not before the Council when the application was determined and the subject of consultation, were I to take this into account as part of my decision this would result in procedural unfairness as interested parties may not have had the opportunity to provide comments on it. I have, therefore, determined the appeal based on the details submitted considered by the Council at the application stage.
3. The proposal is for permission in principle. Planning Practice Guidance advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has two stages. The first stage establishes whether a site is suitable in principle with the scope of the considerations limited to location, land use and the amount of development permitted². All other matters are then considered as part of the second stage, via a Technical Details Consent (TDC) application, including detailed development proposals should permission in principle be granted. This appeal relates to the first of these two stages. Given the limited scope of the application, I have treated any details submitted which constitute elements beyond matters relating to location, land use and amount as being indicative.
4. The appeal site is located within the catchment of the Fal and Helford Special Area of Conservation (SAC), a European Designated Site afforded protection under the Conservation of Habitats and Species Regulations 2009 (as amended). Whilst not

¹ Prepared by FPCR, dated September 2025

² Paragraph: 012 Reference ID: 58-012-20180615

indicated as a reason for refusal, it is incumbent upon me, as the competent authority, to consider whether the proposal would be likely to have a significant effect on the integrity of the SAC. As the main parties have addressed this as part of the application, no party would be prejudiced by this matter being dealt with as a main issue.

5. Consequently, the main issues are:

- whether the site is suitable for residential development, having regard to its location, the proposed land use and the amount of development, with particular regard to the local development strategy and the effect of the proposal on the character and appearance of the area; and
- whether the proposal would be likely to have a significant effect on the integrity of the Fal and Helford SAC.

Reasons

Local development strategy

6. Policy 2 of the Cornwall Local Plan Strategic Policies 2010-2030 (Local Plan) establishes the objectives which underpin the spatial strategy for the delivery of new development, emphasising that growth will be accommodated in the main towns and city where it can best support regeneration. This hierarchical approach is expanded within Policy 3 of the Local Plan through the identification of the main settlements. Carnon Downs is not identified as a main settlement. Notwithstanding this, Policy 3 of the Local Plan does not restrict housing growth from areas other than at the main towns but rather indicates the circumstances where such development would be appropriate.
7. The circumstance of relevance to the appeal site is where residential development would result in the rounding off of a settlement, within or immediately adjoining it, and of a scale appropriate to its size and role. While the term 'rounding off' is not defined within Policy 3 of the Local Plan itself, its supporting text refers to it comprising development on land that is substantially enclosed but outside of the urban form of a settlement and where its edge is clearly defined by a physical feature (or features) that also act as a barrier to further growth.
8. The appeal site is also located beyond the Carnon Downs settlement boundary, as defined within the Feock Neighbourhood Development Plan (FNDP). The site boundary is separated from this designation, other than where access off Valley Lane is proposed, by an area identified in the FNDP as a sensitive settlement edge which encompasses part of the small stream valley. Properties marked on the Location Plans as The Beeches and The Willows adjoin the site;- both of which are also located beyond the settlement boundary. Therefore, the site is not within Carnon Downs boundary nor is it located immediately adjoining it.
9. The boundaries to the site are clearly defined by landscape features comprising established hedgerows, Quenchwell Road, the aforementioned residential properties and the Carnon Downs Garden Centre. As similarly concluded by the Inspector on a previous appeal³, these features enclose the site and would act as a significant barrier to further growth.

³ Appeal ref: APP/D0840/W/23/3327622

10. Nonetheless, Policy 7 of the Local Plan stipulates that the development of new homes in open countryside, defined as the area outside of the physical boundaries of existing settlements (where they have a clear form and shape), will only be permitted where there are special circumstances. In this case, the designated settlement boundary within the FNDP establishes the physical boundary of the site. As the proposal does not meet any of the special circumstances to development in the open countryside, it conflicts with Policy 7 of the Local Plan.
11. My attention has also been drawn to the CPOAN⁴ which further elaborates upon Policy 3 of the Local Plan, highlighting the attributes considered to be components of a suitable site for rounding off, including that it is likely to be surrounded on at least two sides by existing built development. In the case of the appeal site, the garden centre adjoins one side boundary with The Beeches adjacent another and, together with Quenchwell Road, these surround the equivalent of at least two sides of the site.
12. However, due to the use of the word 'likely' is not a prescriptive requirement and, in any event, the contents of the CPOAN provides guidance only to the application of Policy 3 of the Local Plan. It does not form part of the adopted development plan. Furthermore, whether or not a site can be described as surrounded by existing built development also requires an assessment of the components which contribute to the character and appearance of an area.
13. As the appeal site is separated from the existing dwellings on Valley Lane by the wooded sensitive edge and the enclosed generous garden setting of The Beeches, visual connections between these properties and the site were partially restricted by existing landscape features at the time of my site visit. However, the presence of the built form nearby is appreciable from various locations within the site, given the topography of the stream's valley. In particular, the white rendered exterior of the properties between the site and Bissoe Road mean they are prominent features in these views. Similarly, the scale and bulk of the garden centre buildings and the presence of goods and equipment stored close to the sparsely vegetated boundary provides a feeling of being surrounded by built form.
14. In contrast, visual connections to Quenchwell Road were, at the time of my site visit, blocked by the dense planting on parts of this edge of the site and, due to its elevated position, the carriageway itself was hidden. Other than noise from traffic moving along it, the road's influence on the character of the site is minimal. However, when travelling along the road, particularly towards Carnon Downs, the site is appreciated as a clear gap in the built form, between the garden centre and the properties between Valley Lane and Bissoe Road and, to a lesser extent, The Beeches. Beyond its junction with Valley Lane, the site forms part of an area of transition from the main settlement form into the countryside. As similarly observed by the Inspector on the previous appeal, this point of change corresponds with the designated settlement boundary.
15. The situation on the ground also reflects the description of the Cornwall Character Area for Carnon Valley (CCA15) being located within the shelter of a valley where fields are smaller and boundary more sinuous. The proposal would, therefore, result in an extension of Carnon Downs. This is not disputed by the appellant. Furthermore, although the ability of the site to lend itself to a successful

⁴ Chief Planning Officer's Advice Note: Infill/Rounding Off (December 2017) (CPOAN)

agricultural enterprise is limited by its small scale and accessibility, these factors do not alter my conclusions regarding the effect of the proposals on the character and appearance of the area, even with the retention of the field pattern and boundary features.

16. Since the previous appeal, traffic calming measures have been introduced on Quenchwell Road between its junction with Valley Lane and the garden centre. These works include a highway build out to provide priority to those travelling south along the road, new street lighting and signage, and the relocation of the settlement sign to the other side of the garden centre. These changes have, to a small degree, urbanised the highway. However, they have not altered the character of the site nor its immediate surrounds to a degree sufficient for me to conclude the introduction of residential development in this location would not lead to the visual extension of Carnon Downs into the countryside.
17. Additionally, the recently constructed residential development off Ash Tree Close⁵ and the further five dwellings approved in 2024⁶ on land adjoining it, are located nearer to the main form of the settlement and before the aforementioned point of change which travelling out of Carnon Downs. Given the openness to the road near Ash Tree Close and the dominance of built form rather than natural features, these new developments have a character more readily associated with Carnon Downs, despite also located beyond the designated settlement boundary.
18. I conclude that the proposal would not be suitable for residential development, having regard to its location, the proposed land use and the amount of development, with particular regard to the local development strategy and the character and appearance of the area. It, therefore, conflicts with policies 2, 3, 7, 12, 21 and 23 of the Local Plan which, combined, set out the local development strategy whilst seeking to protect the local landscape and built form character through, amongst other things, making the best use of land. I attach great weight to the proposal's conflict with the local development strategy while the harm to the character and appearance of the area would be moderate.
19. The decision notice indicates that the proposal conflicts with Policy 8 of the Local Plan. However, as this policy relates to the provision of affordable housing within developments comprising ten (10) dwellings or more, Policy 8 is not determinative in my decision. The fact that the proposal is not seeking to meet the definition of a rural exception site as set out in Policy 9 is not, in and of itself, a reason to refuse the application.

Fal and Helford SAC

20. The special interest of the Fal and Helford SAC relates to the saltmarsh, mudflat, sandbank and reef habitats of interest that, amongst others, make up the drowned river valleys of the Fal Estuary and Helford River. The overarching objective for the management of the SAC is the ongoing protection of these internationally important habitats. One of the issues preventing this objective being met relates to the increased pressure to access the area for recreational purposes, as well as from urbanisation and damage caused by pets, resulting from a rise in the population living nearby.

⁵ Reserved Matters Ref: PA19/11087; dated 23 April 2020

⁶ Council Ref: PA23/10329; dated 21 October 2024

21. As the proposal would lead to an increase in the number of people living in the area, it would, therefore, lead to an increase in the number of visitors to the SAC for recreational purposes. When considered alone or in combination with other plans or projects, it would have the potential to result in likely significant effects on the SAC. Consequently, it is necessary for me, as the competent authority, to conduct an Appropriate Assessment concerning the effect of the proposal on the integrity of the SAC.
22. As part of the application, the appellant submitted a signed s111 undertaking, together with a fee based on the number of dwellings proposed. This reflects the mitigation fees set out within the Council's European Sites Mitigation Supplementary Planning Document (SPD), as required by policies 22 and 23 of the Local Plan. The Council will use the fees to deliver a Strategic Access Management and Monitoring project for the SAC, so that it is more resilient to visitor pressure.
23. I conclude therefore, that, subject to mitigation, the proposal would not be likely to have a significant effect on the integrity of the SAC and accords with policies 22 and 23 of the Local Plan, and the SPD in this respect.

Other Considerations

24. Several concerns have been made by interested parties regarding the proposal, some of which have already been addressed in the reasoning above. The evidence before me indicates that, as a small part of the site is susceptible to surface water flooding (1 in 100 year) and rainfall (1 in 1000 year), a flood risk assessment will be required as part of any application for TDC. No works to the trees to the rear of the properties along Valley Lane, alongside the stream, form part of the proposal and this area, in any event, lies outside the site boundary.
25. Others relate to detailed development proposals, such as the effect of the proposal on drainage, the condition of Valley Lane, the potential to provide a footpath link through the development and biodiversity matters. As such, they fall to be considered at the TDC stage, should such an application be submitted. An application for TDC must be decided in accordance with terms of the permission in principle granted for the site and the relevant policies in the development plan, unless there are material considerations, such as the Framework, which indicate otherwise. The granting of permission in principle does not mean that an application for TDC will automatically be approved.

Planning Balance and Conclusion

26. The provision of four or five additional dwellings would be beneficial to the local housing stock, with social and economic benefits derived from their construction and occupation. The use of a greenfield site where there would be an increase in building density gains some support from Policy 21 of the Local Plan from an environmental perspective. Given the size of the proposal, although these benefits would be moderate in scale, they could be delivered quickly.
27. However, I have found that the site would not be suitable for residential development given its conflict with the local development strategy and it would lead to a moderate level of harm to the character and appearance of the area. My conclusion relating to the effect of the proposal on the integrity of the SAC is a

neutral matter. Consequently, I conclude that the proposal is contrary to the development plan as a whole.

28. The evidence before me indicates that the Council is unable to demonstrate a five-year supply of deliverable housing sites, with the latest position, as set out within the Cornwall 5 Year Housing Land Supply Statement (1 July 2025), representing a 3.9 year supply. This deficit is not insignificant and represents a materially different housing supply position from the previous appeal was determined as, at that time, a five-year supply of deliverable housing sites could be demonstrated.
29. The consequence of the housing supply position is that the presumption in favour of sustainable development at paragraph 11dii of the Framework is engaged. This states 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 taken as a whole. As the FNDP was made in 2017, it exceeds the age required at paragraph 14 of the Framework to meet the exemption to the aforementioned presumption.
30. While the hierarchical approach to the distribution of new homes across the Council's area set out at Policy 2 of the Local Plan is broadly consistent with the Framework as a whole, as confirmed in the Cornwall Interim Policy Position Statement⁷ (CIPPS), the Local Plan's housing targets are not. Therefore, as also identified in the CIPPS, the weight given or the way Policy 3 is applied in decisions has changed as a result of the current housing land supply deficit. I attach moderate weight to the proposal's conflict with Policy 3.
31. Policies 7, 12, 21 and 23 of the Local Plan are broadly consistent with the Framework's approach to ensuring development is sympathetic to its local character and landscape setting, as well as the enhancement of the natural environment. As I have found that the proposal would lead to a moderate level of harm to the character and appearance of the area, I attach a corresponding moderate weight to the proposal's conflict with these policies.
32. Consequently, I conclude that the adverse impacts of the proposal do not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
33. For the reasons set out above, I conclude that the appeal should be allowed.

Juliet Rogers

INSPECTOR

⁷ April 2025

