
Appeal Decision

Site visit made on 28 April 2026

by K Reeves BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 May 2026

Appeal Ref: APP/D0840/W/25/3370001

Land West of Lowenna, Pentreath Lane, Praa Sands, Penzance TR20 9AD

- 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 & Mrs M Laity against the decision of Cornwall Council.
 - The application Ref is PA25/03739.
 - The development proposed is construction of minimum 6, maximum 8 dwellings & associated works.
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Decision

1. The appeal is allowed and permission in principle is granted for the construction of minimum 6, maximum 8 dwellings and associated works at Land West of Lowenna, Pentreath Lane, Praa Sands, Penzance, TR20 9AD, in accordance with the terms of the application, Ref PA25/03739.

Preliminary Matter

2. The proposal is for permission in principle. Planning Practice Guidance (PPG) 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 (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. This appeal relates to the first of these two stages.
3. 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 technical details consent application if permission in principle is granted. I have determined the appeal accordingly.

Main Issue

4. The effect of the proposed development on the character and appearance of the Cornwall National Landscape (CNL).

Reasons

5. The appeal site lies within the South Coast Western section of the CNL. The National Planning Policy Framework (the Framework) requires that great weight be given to conserving and enhancing landscape and scenic beauty in National Landscapes. Section 85 of the Countryside and Rights of Way Act 2000 (as amended) places a statutory duty on decision-makers to further the purpose of conserving and enhancing the natural beauty of such areas.

6. The site occupies a transitional position between the built edge of Newtown and the more open countryside to the south and west. The A394 forms a strong physical and visual boundary and is used in the updated Cornwall Character Areas (CCA07) as the dividing line between character areas. The immediate roadside environment includes a bus stop, footway, utilities cabinets, signage and parked vehicles. Existing dwellings lie opposite and to the east. As such, the site does not exhibit the more strongly expressed qualities of the CNL, which are experienced further south and along the coastline.
7. The proposal would introduce up to eight dwellings on land that is currently undeveloped. This would extend built form beyond the existing settlement edge and result in an urbanising encroachment into the countryside. The change from undeveloped land to built development would be perceptible from the A394 and would reduce the sense of openness at this point. I therefore find that the proposal would cause harm to the character and appearance of the area and to the CNL.
8. However, the degree of harm must be understood in its landscape context. The site occupies the very northern extremity of the CNL, where the special qualities of the designation (coastal scenery, undeveloped cliffed landscapes and sweeping open plateau) are not strongly expressed. It also has a stronger visual and functional relationship with the developed group of buildings along this section of the A394 corridor than with the more sensitive undeveloped landscape to the south. As a result, the site's contribution to the special qualities of the CNL is limited.
9. The harm would also be localised. Views of the site are largely limited to short-range glimpses from the A394 and nearby roads, while public rights of way to the south sit at lower levels, further restricting visibility. Where it is seen, any development would be read within the established linear pattern of built form along the A394. The site's generous size provides scope to position buildings behind new hedgerows and strengthened retained hedge boundaries, thereby softening their presence in the wider landscape.
10. For these reasons, although the landscape harm would be moderate and localised, the proposal would nonetheless result in material harm to the character and appearance of the CNL. Consequently, it conflicts with Policies 2, 3, 12, 21c and 23 of the Cornwall Local Plan Strategic Policies 2010 – 2030, Policy C1 of the Climate Emergency Development Plan Document (2023), Policy 1 of the Cornwall Site Allocations Development Plan Document (2019) and Policy S2 of the Breage Neighbourhood Development Plan 2017 – 2030, which collectively require development to conserve and enhance landscape character and protect the scenic beauty and special qualities of the CNL.
11. The proposal also conflicts with Policies PD-P1, PD-P2 and PD-P11 of the Cornwall Area of Outstanding Natural Beauty Management Plan 2022 – 2027, which require that all change within the CNL is landscape-led and conserves and enhances natural beauty by protecting landscape and seascape character and ensuring that any development is sensitively designed, small-scale and avoids harm to the CNL.

Planning Balance

12. The Council confirms that it cannot demonstrate a five-year supply of deliverable housing sites and it therefore follows that the development plan policies are

deemed to be out-of-date for the purposes of Paragraph 11(d) of the Framework. In these circumstances, Paragraph 11(d) states that permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed. National Landscapes are an example of such areas/assets.

13. As established, the proposal would result in moderate, localised landscape harm, the site makes only a limited contribution to the special qualities of the CNL and the integrity and purpose of the designation would remain intact. As such, the harm to the CNL does not amount to a strong reason for refusal for the purposes of Paragraph 11(d) and footnote 7 of the Framework.
14. Paragraph 11(d) of the Framework also indicates that, when the development plan policies are deemed to be out-of-date, planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole, with particular regard to certain specified policies.
15. The proposal would deliver between six and eight dwellings in an affordable-led scheme. The Council's Affordable Housing Officer confirms that 93 households in Breage Parish are seeking affordable accommodation. This is a parish heavily constrained by designations, including the CNL and the World Heritage Site, limiting opportunities for conventional growth. The delivery of affordable housing in this context carries substantial weight.
16. The site lies on the edge of Newtown, a recognised settlement with public transport links along the A394. The Breage Neighbourhood Development Plan acknowledges Newtown's connectivity. Paragraph 73 of the Framework emphasises the importance of small and medium-sized sites in meeting housing needs and supporting small and medium sized builders, noting that such sites are often built out quickly. These factors attract significant weight.
17. There would also be modest economic benefits during construction and from future occupiers' expenditure, and social benefits from supporting the vitality of a rural settlement in line with Paragraph 83 of the Framework.
18. Set against these benefits is the moderate, localised landscape harm identified, to which great weight is given in accordance with the Framework. However, in discharging the statutory duty under Section 85 of the Countryside and Rights of Way Act 2000, I am satisfied that the purposes of conserving and enhancing the natural beauty of the CNL can be furthered as far as possible at the technical details stage. In particular, the scope to strengthen the existing hedgerows and to secure a landscape-led layout would allow the residual harm to be limited through careful and sensitive detailed design.
19. In the context of a confirmed shortfall in the five-year housing land supply, a clear and pressing local affordable housing need and the limited contribution this particular site makes to the special qualities of the CNL, the adverse impacts of granting permission in principle would not significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole. Accordingly, the presumption in favour of sustainable development set out at Paragraph 11 of the Framework applies.

20. The Framework is government policy and therefore carries substantial weight. As the most important development plan policies for determining the appeal are deemed to be out of date, I give greater weight to the policies of the Framework. This indicates that a decision should be taken otherwise than in accordance with the development plan.

Conditions

21. The PPG sets out that it is not possible for conditions to be attached to a grant of permission in principle. I have therefore not considered such matters in the determination of this appeal.

Conclusion

22. For the reasons given above, the proposal conflicts with the development plan, but material considerations indicate that a decision should be made other than in accordance with it. Accordingly, the appeal should be allowed and permission in principle granted.

K Reeves

INSPECTOR