



Appeal Decision

Site visit made on 27 November 2025

by H Faulkner BSc (Hons) MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 January 2026

Appeal Ref: APP/D0840/W/25/3371029

Land adjacent to Stone Cross, Road from St Dominick to Junction South West of Tremoan, Cornwall PL12 6TF.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission for a hybrid application for full and outline planning permission.
 - The appeal is made by Mr Steve Wise against the decision of Cornwall Council.
 - The application Ref is PA23/00881.
 - The development proposed is for the erection of 14 dwelling-houses.
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Decision

1. The appeal is allowed and planning permission is granted for a hybrid application totalling 14 dwellings, comprising a detailed consent for five open market units and five affordable units with access road and associated works and outline consent for four open market self-build units with access, scale and layout to be determined at the outline stage (appearance and landscaping for determination at reserved matters stage) at Land adjacent to Stone Cross, St Dominick, PL12 6TF in accordance with the terms of the application, Ref PA23/00881, subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs was made by Mr Steve Wise against Cornwall Council. This application is the subject of a separate decision.

Preliminary Matters

3. The application was described on the application form as the erection of 14 dwellings, however as a change to the wording was agreed between the parties I have used the description from the decision notice in the decision above. Similarly, I have used the address as it appears on the decision notice as this more accurately describes the site.
4. The development proposed is for a hybrid application with full planning permission being sought for the five open market and five affordable dwellings and outline consent for the self-build dwellings with appearance and landscaping for future consideration.
5. A signed Unilateral Undertaking under Section 106 dated 12th August 2025 was submitted with the appeal to secure the affordable housing (including accessible and adaptable dwellings), contributions to off-site open space, contributions to health care and to secure biodiversity net gain. I will further consider this agreement below.

6. The appeal site is within the zone of influence for the Plymouth Sound and Estuaries Special Area of Conservation (SAC) and Tamar Estuaries Complex Special Protection Area (SPA). The appeal has also been accompanied by a Unilateral Undertaking under Section 111 of the Local Government Act 1972 to mitigate the recreational impacts from residential accommodation on the SAC and SPA. The Council have confirmed that the S111 agreement mitigates any related harm. However, as the competent authority in relation to this appeal, I am required to consider this matter and the related duties under the Conservation of Habitats and Species Regulations 2017. As a result, I will deal with this matter as a main issue.

Main Issues

7. Considering the above, the main issues are:
- the effect of the proposed development on the character and appearance of the area including the Tamar Valley National Landscape (TVNL); and,
 - the effect of the development on the integrity of European, nationally, and internationally protected sites.

Reasons

Character and Appearance

8. The site is within the TVNL and as such 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). I have considered this duty in my assessment of this appeal.
9. The National Planning Policy Framework (the Framework) also 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.
10. The Tamar Valley Area of Outstanding Natural Beauty Management Plan 2019-2024 outlines the special qualities of the area. These include a rare valley and water landscape, a landscape of high visual quality, a unique wildlife resource, a remarkable heritage, and a landscape of artistic and public appeal. It recognises that even small-scale developments have had a damaging effect on the National Landscape but also accepts the need for affordable housing.
11. Within the Cornwall Council Landscape Character Assessment, the site is identified as falling within Character Area CCA43: Mid and Lower Tamar Valley. Of particular relevance is the description of the area as having open views across gently undulating pastoral fields, enclosed by low hedgerows, features that are recognised as important attributes of the character area. The assessment also highlights increasing pressure for development on the edges of existing settlements, noting that such development could adversely affect the area's tranquil perceptual qualities and erode the traditional settlement pattern of small, dispersed villages and farmsteads.

12. The appeal site is within St. Dominick, a village which includes facilities such as a school, public house, and church. Outline planning permission¹ has previously been granted on the site for 14 houses including seven affordable and seven self-build units. However, whilst some of the reserved matters² were approved the permission lapsed before development commenced.
13. The previous scheme was not considered to be 'major' development in the context of the TVNL. Neither of the main parties has found this to be the case for this proposal. As I do not find reason to reach an alternative conclusion given the scale of the proposal relative to the scale of the host settlement, the tests under paragraph 190 of the Framework are not engaged.
14. Within the committee report, although the application was recommended for approval, the officer stated that the proposed would have a modest level of adverse impact and would be contrary to Policies 23 and 3.4 of the Cornwall Local Plan (CLP) and some elements of Policies 1 and 2 of the same plan. It was acknowledged that the proposed development would result in a degree of harm to the character and appearance of the area and would not conserve and enhance the natural beauty of the TVNL.
15. The site is located between existing residential development with several two storey houses to one side and The Meadows, a small development of bungalows, on the other. There are open fields opposite and to the south of the site. Although The Meadows is a closeknit development this is mitigated to some extent due to its single storey form. Other nearby houses are varied in their form and design including many traditional dwellings which have a more modest form than the two storey dwellings proposed.
16. The site can be seen from public views within the area. In close range views the houses would be visible above the bungalows when approaching the village along the road, as well as from the lane to the rear of the site.
17. The Landscape and Visual Impact Appraisal considers a number of viewpoints. During my site visit I also observed the site from the surrounding area. In more distant views the site can be seen from viewpoints such as the play park adjacent to the football club. In this view the gap between Stone Cross and The Meadows is visible and the development of the site would be obvious in this view.
18. The development of the site would result in a noticeable impact on the character of the site with the development of an open field and a significant change to the density of housing in this part of the village. Introducing development of predominantly two storey houses clustered in a way which is not common for this part of the village.
19. The introduction of two-storey dwellings extending further across the site than in the previous proposal increases the overall visual and landscape impact. In particular, Unit 13 diverges noticeably from the design of the other proposed two-storey properties: it features a gabled roof rather than a hipped form, is taller, and includes a projecting rear window. Positioned close to the front of the site and directly adjacent to the existing bungalows, its increased height will be readily

¹ PA18/10557

² PA20/01332

visible from the main road and will further accentuate the disparity in building heights.

20. The introduction of housing would result in an urbanising influence through the loss of the field, a feature identified as important within the Cornwall Council Landscape Character Assessment. Although the site is undeveloped, it does not form part of the wider open countryside, being enclosed by existing dwellings and well related to the village. As a result, while the development would be visible in some local viewpoints, it would not be highly prominent across the broader landscape.
21. Despite its limited individual distinctiveness, the site's undeveloped form currently contributes positively to the TVNL. The proposed housing would erode this rural quality, diminishing the site's contribution to local character and landscape value. While the resulting impact would not be severe, the change is still significant in terms of harm to the local character area and to a lesser extent the wider National Landscape.
22. Overall, I find that the development would have a harmful effect on the character and appearance of the area and would not conserve and enhance the natural beauty of the TVNL. The development would therefore conflict with Policies 1, 2, 12 and 23 of the CLP, which amongst other things, seek high quality design which respects and enhances the quality of spaces and require proposals to sustain local distinctiveness and character and requires great weight to be given to conserving the landscape and scenic beauty of the National Landscape.

Designated Sites

23. The appeal site lies within the Zone of Influence for the Plymouth Sound and Estuaries SAC and Tamar Estuaries Complex SPA. Collectively, these sites are known as the Plymouth Sound and Estuaries European Marine Site (EMS). In combination with other residential development in the area, the appeal proposal would therefore be likely to have a significant effect on the EMS. Accordingly, under the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations), Appropriate Assessment of the implications of the project for the sites in view of their conservation objectives is required.
24. The qualifying features of the SAC include large shallow inlets and bays, estuaries, subtidal sandbanks, intertidal mudflats and sandflats, Atlantic salt meadows, reefs, allis shad and shore dock. The SPA qualifies for its populations of pied avocet and little egret. The sites' conservation objectives seek to, in summary: maintain or restore the extent, distribution, structure, function and supporting processes of each of the qualifying features; and maintain or restore the distribution and population of each of the qualifying features within the site.
25. The available evidence indicates that without mitigation it would not be possible to ascertain that the residential accommodation proposed would not adversely affect the integrity of the EMS through the indirect effects of increased recreation. However, the Joint Local Plan Supplementary Planning Document (2020) sets out that the adverse effects of development can be mitigated by means of a payment towards strategic mitigation. As detailed in the EMS Recreation Mitigation and Management Scheme (EMS Scheme), the Tamar Estuaries Management Plan and the Yealm Estuary Environmental Management Plan, such mitigation includes visitor management actions delivered via various projects and capital works,

monitoring, and employing marine recreation officers. The EMS scheme also sets out the costs, funding, and delivery of the mitigation measures.

26. In this case a financial contribution through a S111 agreement has been made. Natural England has been consulted as part of this Appropriate Assessment and indicate that the mitigation would ensure the development would not adversely affect the integrity of the European Sites and their relevant features. On this basis, I am able to ascertain, as the competent authority undertaking Appropriate Assessment, that the integrity of the designated sites would not be adversely affected by the proposed development.

Other Matters

27. In respect of the affordable housing there is an identified need in the parish which the development would contribute towards, albeit does not make provision for any affordable three-bedroom homes. It is also of relevance that the Council reports that there are no other permissions for delivering affordable housing within the parish. Whilst it is noted that the number of affordable housing units is less than the previous proposal the scheme would be policy compliant. The proposal would be valuable in boosting housing supply in circumstances where there is an existing shortfall.
28. In terms of the self-build element of the scheme the proposal includes four self-build dwellings and the Council is supportive of the self and custom build sector as it provides a distinct opportunity for the communities of Cornwall to provide homes to meet their housing demands and to move into home ownership. Broadening the opportunities to deliver a range of housing for local communities will also help contribute towards addressing the housing crisis. Although the self-build units are shown on the site layout attached to the legal agreement they are not secured by the agreement and no condition has been suggested either. As a result, I can only give the provision of the self-build units limited weight.
29. The proposal would include the provision of a pedestrian footpath link, improving the route to the school and the centre of the village, which can be secured by condition.
30. There would be other moderate economic benefits of the proposal, including construction related employment. It would also broaden the availability of housing in the area and once occupied would support the existing services and facilities in St Dominick.
31. I have taken account of other matters raised including from an Electoral Division Member and the Parish Council and other residents. Some of the points raised are covered in the main issues section of the report and I will deal with other matters in the following paragraphs.
32. The current proposal differs from the previously approved scheme in several respects. Although the earlier permission has now lapsed, it remains a material consideration. However, the assessment of this appeal is based solely on the plans submitted as part of the recent application. The building heights proposed have been evaluated within the visual assessment set out above.
33. With regards to matters of highway safety, the Committee Report acknowledges that the local highway authority has no objection to the development. It is accepted

- that safe visibility from the site can be achieved and a condition can be imposed to ensure that this is in place.
34. In respect of the level of parking I have not been provided with any evidence that it does not meet local standards. The level of parking was accepted by the Council and I accept that it would be adequate to serve the development. Whilst cycle parking is not shown on the plans the dwellings have adequate space to accommodate cycles.
35. The development may lead to more cars using the local roads and it is acknowledged that the nearby National Trust property may have an impact on traffic in the locality. However, as set out in the Framework, development should only be refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network, following mitigation would be severe, which does not apply here.
36. The application is supported by an ecology report which identifies negligible potential for protected species within the site, and the associated S106 agreement makes provision for off-site biodiversity enhancements. While the proposal would result in the loss of some hedgerow and a degree of on-site biodiversity, the combined mitigation measures, including those outlined in the ecology report and the provision of bat and bird boxes secured by condition, ensure that the overall ecological impact would be acceptable. In addition, the requirement for an Environmental Impact Assessment has been considered, and it has been concluded that one is not required in this instance.
37. It is acknowledged that the proportion of affordable housing now proposed is lower than in the previous scheme. However, the current provision is policy-compliant and has been accepted by the Council's Affordable Housing Team, with no significant concerns raised regarding its integration or distinction within the development. While the reduced affordable housing offer is a factor within the overall planning balance, this application must be assessed on its own merits rather than in comparison with the earlier, now-lapsed permission.
38. The development would result in the loss of some agricultural land, which has been classified as 3b. The site is relatively small and this loss is balanced against the need for housing. As a result, this is given limited weight.
39. In terms of accessibility, the site is well related to the village, with key facilities, including the school, within walking distance. Footpath improvements can be secured by condition to further support pedestrian access. Although no specific information has been provided regarding public transport availability, it is recognised that, as a rural location, bus services are likely to be less frequent than in larger towns and cities.
40. National and local planning policies direct new housing towards settlements, and given the site's relationship with St Dominick, it cannot be regarded as an unsustainable location. Even if the affordable housing units are situated further from major employment centres, there remains an identified unmet need for such housing within the area.
41. The proposed dwellings would be close to neighbouring properties with Stone Cross and The Meadows being close by. The scheme has been designed to limit overlooking and overshadowing. The Council concluded that there would be an

acceptable impact on the neighbouring properties. Having visited the site, I observed the proposed development would result in a significant visual change for the closest neighbours, who currently look onto an open field. However, although the distances between the properties are towards the lower end of what is considered to be acceptable, on balance, I do not find this to be sufficiently harmful to weigh against the scheme.

42. The development would generate some additional demand on local services, however, financial contributions secured through the scheme, including those towards healthcare provision, would help to mitigate these impacts.
43. The proposal was not refused on any ground relating to flooding or drainage and I am satisfied that further details of the drainage can be secured by condition.
44. A linked appeal at St. Keverne³ is referenced. Each proposal was for 10 dwellings with one being affordable housing led. In this case members concluded that affordable housing was not a sufficient reason to allow the development and an appeal was subsequently dismissed on this basis. The harm to the NL and the weight given to the harm is not comparable. In the appeal cases the Inspector did not undertake a planning balance and only gave limited weight to the affordable housing, in part due, to the uncertainty of its delivery, which is not the case here.
45. Concerns have been raised by interested parties regarding the Council's handling of the application, including matters relating to consultation and the processing of amendments. However, such procedural issues do not fall within the scope of this appeal. My assessment is based solely on the evidence before me, the proposal's compliance with relevant national and local planning policies, and all other material considerations. I am satisfied that the Council had access to all necessary information and documentation submitted in reaching its decision.

Planning Balance

46. The proposed development would give rise to moderate harm to the character and appearance of the area and would fail to conserve and enhance the landscape and scenic beauty of the TVNL. In line with the Framework, I attach great weight to this harm to the National Landscape. Nevertheless, when considered in the overall planning balance, this harm is not of such magnitude as to amount to a strong reason for refusing the proposal.
47. The Council accepts that it is unable to demonstrate a five-year supply of deliverable housing sites, with the position standing at approximately 3.8 years, which falls well short of national expectations. In these circumstances, paragraph 11(d) of the Framework is engaged. Importantly, I have found that the application of policies in the Framework that protect areas or assets of particular importance does not provide a strong reason for refusing the development proposed.
48. Overall, along with the other benefits listed above I afford the provision of 14 dwellings, including affordable housing and potential self-build/custom-build units and the economic and social benefits substantial weight in the determination of the appeal.
49. Having regard to my overall conclusions and the weight attributed to them, I consider that the matters weighing against the proposal, and the resulting adverse

³ APP/D0840/W/18/3208554 and APP/D0840/W/18/3213658

impacts, would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework considered as the framework as a whole. As such, the proposal would constitute sustainable development for the purposes of paragraph 11(d), which attracts substantial weight in favour of the scheme and leads to the conclusion that the appeal should be allowed.

Planning Obligations

50. Paragraph 57 of the Framework and of the Community Infrastructure Levy Regulations 2010 at section 122 require planning obligations to be necessary to make development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind.
51. The appeal proposal is supported by a Section 106 agreement dated 12 August 2025. The agreement secures the provision of affordable housing and biodiversity measures, together with financial contributions towards healthcare and public open space. The Council confirms that the contributions accord with adopted policy requirements, and I am satisfied that the agreement meets the relevant statutory and policy tests.
52. The obligations address policy requirements arising from the additional housing and mitigate the impacts associated with that growth. The financial contributions are based on the evidence and methodology set out in the development plan and are proportionate to the scale of the proposal.
53. I have taken these obligations into account in my decision and conclude that they would adequately mitigate potential impacts on local infrastructure and secure appropriate on-site and off-site provision.

Conditions

54. I have had regard to the conditions suggested by the Council and the advice in the Planning Practice Guidance. Where necessary I have amended the wording of the suggested conditions for clarity, brevity, to avoid duplication and to ensure accordance with the tests set out in paragraph 57 of the Framework. Where pre-commencement conditions are needed the appellant's agreement has been sought.
55. For certainty as to the development allowed, the following conditions are required: standard conditions relating to time limits for both the full and outline elements of the development, approval of reserved matters for the outline part of the proposal, a condition setting out the approved plans and the submission of a phasing plan.
56. Pre-commencement conditions are required to ensure that the footpath and highway works are agreed prior to the development starting to ensure that the development is accessible. Details of the visibility splays are necessary to ensure that the access is safe.
57. Pre-commencement conditions are also required to ensure that surface water is appropriately dealt with and that the development does not result in unacceptable flooding risk.
58. In the interests of the character of the area, biodiversity, and local amenity the following conditions are imposed: a submission and implementation of landscaping proposals, adherence with the mitigation measures with the Preliminary Ecological Appraisal and the inclusion of bat and bird boxes within the dwellings.

59. To protect the living conditions of nearby occupiers a construction management plan is reasonable as is a condition in respect of the windows to the rear elevation of Unit 13.
60. It is not necessary to remove the permitted development rights from the affordable housing. Two of these units are flats and would not have permitted development rights. The other units would only have limited options for extension given the size of the plots and would be unlikely to have a significant impact on the value of the properties should such improvements be made.

Conclusion

61. The proposed development would conflict with the development plan as a whole, but material considerations indicate that a decision should be made other than in accordance with it. Consequently, the appeal should be allowed.

H Faulkner

INSPECTOR

Richborough

Schedule of Conditions

Full and Outline Application

- 1) The development hereby permitted shall be carried out in accordance with drawing nos:
 - 2022-66-1001 Site Location Plan
 - 2022-66-1003 Proposed Block Plan
 - 2022-66-1005 Proposed Site Plan
 - 2022-66-2004 Proposed Plot 4,5 and 6 Plans and Elevations
 - 2022-66-2005 Rev B Proposed Plot 1 Plans and Elevations
 - 2022-66-2006 Rev F Proposed Plots 7 and 8
 - 2022-66-2007 Rev A Proposed Plot 11 and 12 Plans and Elevations
 - 2022-66-2008 Rev A Proposed Plot 14 plans and Elevations
 - 2022-66-2012 Proposed Plot 2 – Self build
 - 2022-66-2013 Proposed Plot 3 – Self build
 - 2022-66-2014 Proposed Plot 9 - Self Build
 - 2022-66-2015 Proposed Plot 10 – Self build
 - 2022-66-2016 Rev A Proposed Plot 13
 - 2022-66-2017 Proposed Off site link plan
 - 2022-66-3000D Proposed Highway Visibility
 - 2022-66-3001 C Accommodation Site Plan
 - 1825-S-GA-302 P3 Drainage Strategy
 - 1825-C-GA-105 P3 Proposed Impermeable Areas
 - 1825-C-GA-250 P2 Overland Flood and Exceedance Route
- 2) No development shall commence (relating to both the Full and Outline permissions) until a phasing scheme for the development which sets out parameters of the development within both the Full and Outline planning permissions hereby approved will be constructed and brought into use has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved phasing scheme.
- 3) No development shall commence until detailed plans have been submitted to and approved in writing by the Local Planning Authority relating to the proposed pedestrian footway and proposed highway works as shown on drawing 2022-66-2017 (inclusive of any pedestrian crossing points). The details shall include construction, surfacing, lighting, and drainage details for the entire area of works. Any works to highway land shall be laid out and constructed in accordance with the requirements of a Section 278 Agreement under the provisions of the Highways Act 1980.

The agreed details shall be completed in their entirety prior to the first occupation of any part of the development and retained as such thereafter.
- 4) No development shall commence (relating to both the Full and Outline permissions) until detailed plans have been submitted to and approved in writing by the Local Planning Authority relating to the proposed internal estate road, internal site footways, parking and turning areas. The works shall be designed to Cornwall Council Highway Design Guidance/Specifications (to ensure these are fit for purpose, irrespective of whether adoption is sought) and shall be carried out in accordance with the

approved details. The works shall be provided in accordance with a timetable to be provided and agreed with the Local Planning Authority.

- 5) No development shall commence until visibility splays are provided at the site access in accordance with drawing 2022-66-3000D. The access shall not be brought into use until all land within the said visibility splays has been reduced to a height not exceeding 900mm above the adjoining carriageway level and thereafter no obstruction shall be permitted within the approved visibility splays.
- 6) No development hereby permitted commence (including site clearance) until a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. This shall include details for all of the following:
 - Details of proposed mitigation measures to minimise any light spill on hedgerows throughout the construction period
 - Construction vehicle details (number, size, and type)
 - Location of the contractor's compound and site office
 - Location of building material storage area
 - Plan showing the location of parking for contractor's and visitor's vehicles
 - Plan showing the location of loading/unloading areas for deliveries to the site
 - Details of the route for all construction vehicles and deliveries to/from the site for the duration of the construction process
 - Details and management schedule for vehicle wheel cleaning regime upon exiting the site onto a public highway for the duration of the construction process
 - Details of all permits, contingency plans and mitigation measures that need to be put in place to control the risk of pollution to controlled waters, protect biodiversity and avoid, minimise and manage the productions of wastes with particular attention being paid to the constraints and risks of the site
 - Details of a Dust Mitigation Plan
 - Contact details for an allocated community single point of contact for the site management team
 - The erection and maintenance of security hoarding including decorative displays
 - Measures by which the construction of the self-build units will be managed within the site alongside the other construction works.

Thereafter the development shall be carried out in accordance with the approved details for the duration of the construction period.

- 7) The development hereby permitted (relating to both the Full and Outline permissions) shall be carried out in accordance with the ecological mitigation

measures set out at Section 5.2 of the 'Preliminary Ecological Appraisal' dated May 2024 carried out by Western Ecology.

Full Application

- 8) The development hereby permitted for full planning permission (plots 1,4,5,6,7,8,11,12,13 and 14) shall begin not later than three years from the date of this decision.
- 9) No development approved by this Full planning permission shall be commenced until details of a scheme for the provision of surface water management has been submitted to and approved by the Local Planning Authority. The details shall include:
- A description of the foul and surface water drainage systems operation.
- Details of the final drainage schemes including ground investigation and groundwater monitoring results, calculations and layout.
1. A Construction Phase Surface Water Management Plan.
 2. A Construction Quality Control Plan.
 3. A plan indicating the provisions for exceedance pathways, overland flow routes, and proposed detention features.
 4. A timetable of construction.
 5. A plan for the future management and maintenance of the drainage systems and overland flow routes. The plan must include a drawing which clearly indicates the management responsibility for each drainage element, and a schedule of maintenance.
- The surface water drainage systems shall fully manage surface water flows resulting from the developed site up to the 1 in 100-year peak rainfall event plus a minimum allowance of 50% for the impacts of climate change.
- The scheme shall be calculated and designed to allow for connection by the self-build plots approved under the Outline scheme. Surface drainage within each self-build plot will be submitted under respective reserved matters applications for "landscaping" and will be designed to accord with the requirements of this condition.
- The approved scheme shall be implemented in accordance with the details and timetable so agreed. The surface water drainage scheme shall be managed and maintained in accordance with the approved details for the lifetime of the development.
- 10) Notwithstanding the approved plans, no dwelling shall be occupied under the Full planning permission until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall provide planting plans with written specifications including:
- Details of all the new hedges and hedgerows, including the details of realigned
- Cornish hedge either side of the access fronting the C Classified road
- Details of domestic boundary features
- Full schedule of plants
- Details of the mix, size, distribution, and density of all trees/shrubs/hedges

Cultivation proposals for the maintenance and management of the soft landscaping

All planting, seeding, or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of any unit or the completion of the development under the Full planning permission, whichever is the sooner. Notice shall be given to the Local Planning Authority when the approved scheme has been completed.

Any trees or plants which within a period of five years from the completion of the development under the Full planning permission die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species as those originally planted

- 11) Prior to the first occupation of any of the dwellings hereby approved under the Full planning permission, a scheme for the incorporation of bat boxes and bird boxes and bee bricks at a minimum rate of one measure per dwelling shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include the location and specific details of each feature. The approved features shall be installed prior to the occupation of the dwelling(s) to which they relate and shall thereafter be retained and maintained as such.

In respect of Plot 13, the upper-floor windows located the south east elevation with the exception of the oriel window must be Obscure-glazed and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

- 12) Prior to the first occupation of Plot 13, the oriel window located on the first floor, south east elevation of Plot 13, shall be installed in accordance with drawing 2022-66-2016A and retained as such thereafter. No other first floor windows shall be installed in the south east elevation, other than those shown on the approved plans.

Outline

- 13) Applications for approval of all of the Reserved Matters for all of the self-build plots (2,3,9 and 10) identified on the approved site plan (2022-66 - 3001 REV C) must be made no later than the expiration of 3 years from the date of this decision and the development under the Outline planning permission hereby approved shall commence no later than 2 years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
- 14) Details of the appearance and landscaping ("the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 15) The development under the Outline planning permission hereby permitted, in respect of layout, scale and access, shall be carried out in accordance with the plans listed below under condition 1.
- 16) Any reserved matters applications for "appearance" shall include details of a scheme for the incorporation of bat boxes and bird boxes and bee bricks at a minimum rate of one measure per dwelling. Such details shall include the

location and specific details of each feature. The approved features shall be installed prior to the occupation of the dwellings to which they relate and shall thereafter be retained and maintained as such.

- 17) Any reserved matters applications for “landscaping” for each of the self-build plots shall include details of the surface water drainage provision within the respective plots and shall be designed to accord with the wider drainage scheme to be agreed under Condition 9 of the Full planning permission. Therefore, any applications for “landscaping” submitted after Condition 9 and the necessary drainage scheme has been formally agreed in writing by the Local Planning Authority. The submitted surface water drainage details must be installed and maintained in Accordance with the agreed details.

Richborough



Costs Decision

Site visit made on 27 November 2025

by H Faulkner BSc (Hons) MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 January 2026

Costs application in relation to Appeal Ref: APP/D0840/W/25/3371029 Stone Cross, Road from St Dominick to Junction South West of Tremoan, Cornwall PL12 6TF

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Steve Wise for a full award of costs against Cornwall Council.
 - The appeal was against the refusal of planning permission for the erection of 14 dwelling-houses.
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Decision

1. The application for an award of costs is refused.

Reasons

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. Unreasonable behaviour on the part of a local planning authority may include preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations, acting contrary to, or not following, well-established case law, or not determining similar cases in a consistent manner.
4. On the substantive grounds the applicant's claim is that the Council acted unreasonably in the following ways: that the Committee overturn the officers recommendation with reasoning that was unsupported by objective analysis, that the application was not considered in a consistent manner and that development was delayed which should clearly have been permitted.
5. In relation to the first ground the case officer concluded in the committee report that there would be a modest level of adverse impact and the proposal would be contrary to Policies 1 and 2 of the Cornwall Local Plan. The report also referenced the great weight that must be given to conserving and enhancing the landscape and scenic beauty of the National Landscape. This formed part of an objective assessment of the scheme.
6. The refusal reason stated that the development would cause harm to the Tamar Valley National Landscape, this view is not contrary to the view taken by the case officer. The refusal reason also refers to the great weight given to the harm and that this is not outweighed by the benefits of the scheme. It was not unreasonable of the committee to find the level of harm to be greater than expressed by the officer.

Furthermore, the committee were also entitled to attribute different weightings to the benefits of the scheme.

7. Based on the evidence the level of harm to the National Landscape and the weight to be given to the benefits is finely balanced and as a result I do not find it unreasonable that the committee reached a different view to officers.
8. The history to this case in terms of it being considered by the committee on two separate occasions and reaching different conclusions is an understandable frustration for the applicant.
9. Having reviewed the reports and updates for both committees there was sufficient justification for the Committee to reach a different conclusion on the application.
10. While the number of affordable and self-build units did not change, and although there may have been no physical alterations to the plans, the plans considered at the first committee meeting were different from those presented at the second. The way this was communicated to the committee in the officer reports, particularly in respect of unit 13, differed, which provided justification for the committee reaching a different conclusion.
11. I have not been provided with any specific information regarding how many of the committee members were the same at each meeting, or whether the political representation remained consistent. Ultimately, the first committee's decision did not result in planning permission being granted, and there were material reasons for the scheme being brought back to the committee for a second determination. It was this second decision, based on the information available at the time, which led to the refusal of the application. As a result, I do not consider that the appeal could have been avoided.
12. Costs can only be awarded where unnecessary or wasted expense has been incurred during the appeal process. Although behaviour at the planning application stage may be taken into account, the concerns raised regarding the Planning Committee do not alter my conclusion that the Council's case at appeal represented a fundamentally reasonable position. This therefore does not amount to unreasonable behaviour on the part of the Council.
13. As stated above and in the decision, the assessment of harm to the National Landscape and the overall planning balance were determinative in this case. The degree of harm to be attributed, and the weight to be given to the various considerations in the planning balance, are matters for the decision-maker. Although I have identified considerations that outweigh the identified harm, the finely balanced nature of this case means that the Council did not act unreasonably in reaching a different conclusion. Accordingly, I do not find that this is a development that should have 'clearly been permitted.'

Conclusion

14. Overall, while I appreciate that the applicant disagrees with the Council's assessment, the Council's approach was not wholly unreasonable. It was entitled to reach the conclusion it did on the planning balance, which ultimately led to the refusal of the application. In these circumstances, the appeal was therefore inevitable.

15. For these reasons, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. For this reason, an award of costs is not justified.

H Faulkner

INSPECTOR

Richborough