



Appeal Decision

Site visit made on 25 February 2025

by **C Rose BA (Hons) BTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 March 2025

Appeal Ref: APP/D0840/W/24/3349033

Reen Cross Holiday Park, Reen Cross Road, Goonhavern, Cornwall TR4 9JS

- 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 C Victory against the decision of Cornwall Council.
 - The application Ref is PA23/00301.
 - The development proposed is the construction of a managers dwelling to include out of hours reception and laundry room to replace extant permission for a Ostrich building; and an additional 16 holiday pitches.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the banner heading above is taken from the application form as neither party has provided written confirmation that a revised description has been agreed.
3. Following the refusal of the planning application, in June 2024 the Perranzabuloe Neighbourhood Development Plan 2018-2030 (NDP) was made. Therefore, and although not referenced in the Reasons for Refusal, I have had regard to the NDP in reaching my decision.
4. During the course of the appeal, a revised National Planning Policy Framework (the Framework) was published on 12 December 2024. While the Council has confirmed that it can no longer demonstrate a five year supply of deliverable housing sites as a result of the revised Framework, and paragraph numbers have altered, any policies that are material to this decision have not fundamentally changed. Given this, and in light of my findings below, I am satisfied that this has not prejudiced any party, and I have had regard to the latest version in reaching my decision.

Main Issues

5. The main issues for the appeal are:
 - the effect of the proposal on the integrity of European, nationally and internationally protected sites;
 - whether there is an essential need for a dwelling to accommodate a rural worker living permanently at the appeal site; and,
 - the effect of the proposal on the character and appearance of the area.

Reasons

Integrity of protected sites

6. The appeal site is within the zone of influence of the Fal and Helford Special Area of Conservation (FHSAC) and the Penhale Dunes Special Area of Conservation (PDSAC). The Cornwall Council European Sites Mitigation Supplementary Planning Document July 2021 (SPD) explains that the Special Areas of Conservation (SAC) are important and have qualifying features because of the saltmarsh, mudflats, sandbanks, shallow inlets and bays, estuaries and reefs and specified range of rare plant species amongst the shifting sand dunes.
7. Public access/disturbance and recreational activity within these areas such as recreational boating, fisheries, water pollution, visitor trampling, erosion and dog fouling has the potential to disturb these habitats. The SPD concludes that additional residential development within the identified zone of influence, in combination with other residential development, would likely increase recreational visits and, thereby, increase disturbance to the habitat. There is, therefore, an impact pathway between additional residential development in the zone of influence and a resulting likely significant effect on the qualifying features of the SAC's.
8. As recreational pressure would compromise the site's conservation objectives as detailed in the SPD, an adverse effect on integrity cannot be ruled out. In this case, without mitigation the additional residents who would occupy the proposal would be, in combination with other schemes, likely to adversely affect this European habitat site by way of increased recreational disturbance.
9. A strategic scheme is available, and the SPD sets out a series of measures, which include a Strategic Access Management and Monitoring plan, to mitigate the effect of increased recreational pressure resulting from additional residential development within the zones of influence. In this case, the appropriate financial contribution has been received by the Council to mitigate for the proposed dwellinghouse on the PDSAC. However, no mitigation has been provided in relation to the effects from the additional 16 camping pitches and on the FHSAC.
10. On this basis, in carrying out the Appropriate Assessment, the adverse effects of the proposal on the integrity of the SAC's would not be avoided. For these reasons, the proposal would harm the integrity of the SAC's and would be contrary to Policy 22 of the Cornwall Local Plan Strategic Policies 2010 – 2030 Adopted November 2016 (CLP) and the guidance outlined in the SPD which in combination, sets out a strategic approach to the provision of mitigation.
11. I have had regard to the appellant's suggestion that the mitigation/any associated payment of financial contributions could be secured by a planning condition. However, the Planning Practice Guidance advises¹ that positively worded conditions cannot be used to secure payment of money and that negatively worded conditions to require a planning obligation should only be used in exceptional circumstances. This may be where there is clear evidence that the delivery of the development would otherwise be at serious risk, such as in particularly complex development schemes. However, the scheme is not particularly complex and there is no clear evidence that the delivery of the development would otherwise be at serious risk so as to amount to exceptional circumstances to justify this course of action.
12. It follows from the above that the proposal, either alone or in combination with other schemes, would have an adverse effect on the integrity of European, nationally and internationally protected sites. As such, the proposal is contrary to CLP Policy 22. Amongst

¹ Paragraph: 005 Reference ID:21a-005-20190723

other things, this requires mitigation measures from residential and tourist accommodation on European Sites with the required level of contributions set out in more detail in the SPD. For the same reasons the proposal is contrary to the provisions in Chapter 15 of the Framework that seek to conserve and enhance the natural environment.

Whether essential need

13. The Council's reason for refusal references Policy 7 of the Cornwall Local Plan Strategic Policies 2010 – 2030 (CLP). Policy 7 sets out the strategy for housing in the countryside. Part 5 of Policy 7 permits new dwellings for full-time agricultural and forestry and other rural occupation workers where there is up to date evidence of an essential need of the business for the occupier to live in that specific location. There is no directly equivalent policy in the NDP.
14. The wording of CLP Policy 7 closely reflects Paragraph 84 of the Framework which states that decisions should avoid the development of isolated homes in the countryside unless there is an essential need for a rural worker to live permanently at or near their place of work in the countryside. There is no dispute between the main parties that the proposal relates to a worker based in the countryside and I have no reason to disagree.
15. The Planning Practice Guidance² advises that considerations that may be relevant to take into account when applying Paragraph 84 of the Framework could include: evidence of the necessity for a rural worker to live at, or in close proximity to, their place of work to ensure the effective operation of a land based rural enterprise, the degree to which there is confidence that the enterprise will remain viable for the foreseeable future, and whether the need could be met through improvements to existing accommodation on the site.
16. The Council has not raised any concerns in relation to the business being established and being financially viable now or into the future. There is nothing in the evidence that leads me to a different conclusion in relation to this. I shall therefore turn to the main issue, which is whether there is an essential need for the proposed manager's accommodation.
17. Reen Cross Holiday Park comprises 18 holiday lodges plus a number of touring pitches. The proposal seeks to add a dwelling to comprise managers accommodation plus an additional 16 holiday pitches. The Site & Location Plan³ shows the provision of 37 pitches in total comprising 21 statics and 16 touring pitches. I have also been advised that the land to the east of the site has consent via the Caravan & Motorhome Club as a certified location to allow for 5 pitches. There is a toilet block and small room with laundry facilities available with the site cleaned from 7am until 12 midnight.
18. The appellant argues that there is a need to have someone living on site 24 hours to deal with daily matters such as, but not exclusively, giving access to keys, cleaning/change over services, managing regular planned and unplanned late arrivals, dealing with anti-social behaviour out of hours, security, responding to emergencies, preventing unauthorised people from entering the site, managing boilers, sewage treatment, waste, dogs and speeding through the site. Examples of some of these occurrences are provided. Included within the proposed dwelling would be a reception and laundry area associated with the holiday park to allow better management of the site and visitors.
19. Furthermore, the appellant states that without suitable accommodation it would result in the complete loss of the business and its function, given that the owner/appellant currently lives in an unauthorised touring caravan on the site away from his family. In relation to this, I accept that this does not provide a satisfactory permanent living environment for the appellant and his family.

² Paragraph: 010 Reference ID:67-010-20190722

³ Plan No.17452C

20. The Council relies in part on comments provided in relation to the proposal from the County Land Agent (CLA). These comments state that no measures have been applied to manage the effects from a worker not being present 24 hours. The appellant refutes this identifying that the applicant has been residing in a caravan on the site, away from his family to run the business with a small shed providing a reception area of sorts.
21. The comments from the CLA are to an extent based on the site being operational seasonally. However, condition number 3 to the original planning permission for the site⁴ allows for year-round use but with the touring caravans restricted to prevent individual occupiers, groups or family from using the caravans for more than 3 months in a calendar year. It therefore allows all-year round occupation as long as this is by different people who occupy for less than 3 months each. Furthermore, this restriction only applies to the touring caravans, there is no time occupancy restriction in relation to the consent for the 18 holiday lodges⁵. As a result, the site can, and I have been advised is, used all year round and is not seasonal and it has not been put to me that the additional 16 pitches proposed as part of this appeal would need to be restricted to seasonal use.
22. With regard to labour demands, the site is currently run by the appellant on a full-time basis with part-time help. These demands are partly demonstrated by the appellant living on site in a touring caravan away from his family. The proposal would allow the family to live together on site to support the management of the business and provide improvements, particularly in relation to the additional pitches that would create additional management and work demands going forward and to ensure the effective operation of the enterprise.
23. In relation to the availability of alternative accommodation nearby, I have been provided with sufficient evidence to demonstrate that a search of properties in the local area has taken place to properly assess whether there is suitable/affordable accommodation nearby. However, the appellant does make the case that there is no accommodation that would be suitable nearby as it would not address the need to be on site for 24 hours of the day. I acknowledge that the business would be more difficult to monitor and manage from a location away from the site. Furthermore, I have not been provided with any detailed evidence from the Council of the availability of suitable accommodation nearby. Moreover, I note that Paragraph 17 of the original planning permission for the site states that 'Goonhaven is within convenient reach for walkers and cyclists and so not all visitors would necessarily use the car for some journeys to and from the site.' This addresses Policy SD2 of the NDP seeking development within walking distance of services and facilities.
24. The appellant therefore presents the case that the only means to deal with the issues that they are facing when there is no staff present in the late evening, early morning or during the night would be to have someone living on site. The appellant has addressed why other potential options for preventing issues arising during those times of the day or night is not possible citing harm to the business from preventing 'walk-ins', and stating that call out numbers, an electric barrier and CCTV would not address the need to be on site to address emergencies and management issues. As a result, the need to give access to keys, carry out cleaning, managing planning and unplanned late arrivals, dealing with anti-social behaviour out of hours, responding to emergencies, preventing unauthorised people from entering the site, managing boilers, sewage treatment, waste, dogs and speeding through the site would continue. This position is supported by comments from interested parties. Furthermore, the appellant lawfully lives a very considerable distance from the site such that a quick response to emergencies and issues is not possible.
25. The council state that night-time work could be carried out by an overnight member of staff, employed for that purpose. However, given the limited extent of out of hours work and the added cost to the business of employing additional staff, the occasional overnight duties are best performed by a site manager who would also work during the day. Again, this is

⁴ APP/D0840/A/13/2206602

⁵ PA16/00048

demonstrated by the existing use of the site and necessity of the appellant living away from his family. Given some unsociable hours work, the site manager role would reasonably necessitate accommodation on site and a permanent dwelling is reasonable and necessary for the business.

26. This is re-enforced in this instance due to the combination of the need to manage a number of static and touring pitches and benefits to the business and local tourism offer from the increased on-site presence. Should I allow the appeal, the construction of the managers dwelling could be conditioned to the provision of the additional 16 pitches given that the additional work demands from these pitches are partly put forward to justify the need for on-site accommodation.
27. The Council have drawn my attention to other appeal decisions⁶ but some of these are elsewhere in the country, considered against different development plans, are from a number of years ago, and I do not have the full details of these proposals to be sure that they are directly comparable. In addition, I am required to consider the appeal proposal on its merits. My attention has also been drawn to the former Planning Policy Statement 7 but I give this very limited weight given that it has been cancelled and as I am required to consider the proposal against the development plan as a whole.
28. It follows that I conclude that there is sufficient evidence to demonstrate that there is an essential need for a dwelling to accommodate a rural worker living permanently at the appeal site. As such, the proposed development would not conflict with CLP Policy 7 and Paragraph 84 of the Framework, the aims of which I have outlined above.

Character and appearance

29. The appeal site comprises a holiday park located off Reen Cross Road. On the opposite side of the road is a small complex of buildings including two-storey residential accommodation finished in a mix of materials including render and stone with domestic scale openings under slate roofs.
30. The proposed dwelling would be in the form of a bungalow finished in vertical dark cladding and render with a slate roof. The proposed dwelling would be located at the site frontage, in a similar position to the foundations of a building granted planning permission⁷ and referred to as the Ostrich building by the main parties. The dwelling would be orientated such that the reception within the building is adjacent to the access to the holiday park.
31. The Council raise no concerns with regard to the effect of the proposed 16 holiday pitches on the character and appearance of the area. Given the current use of the site, location of the pitches adjacent to holiday chalets and as additional landscaping could be secured by condition should I allow the appeal, I have no reason to disagree. I therefore find no conflict with NDP Policies NE2, NE3 and TO1 and do not need to consider this further.
32. The footprint of the proposed dwelling would be similar in size of the Ostrich building, and given its single-storey nature, I do not consider it to be unusually, or excessively large. This is demonstrated by the proposed ground floor plan detaining only 3 bedrooms, alongside a bathroom and kitchen/dining/siting area. Even taking the proposed reception, office and laundry room into account that would be associated with the running of the holiday park, the floorspace would only be approximately 185sqm as stated on the floor plans. I do not find this to be excessively large for a family of three plus space to administer the holiday park. It is noteworthy that the CLA concluded that the size of the dwelling is commensurate with the place of work and of a size in relation to income.
33. The Council have raised concerns regarding the possibility of the roof space being used for further accommodation. However, from the plans before me there would be very limited

⁶ 2217644 and 2197160

⁷ C1/PA21/1402/95/N

headroom to enable the creation of a significant area of usable space, limited opportunity for stairs and limited width. Moreover, if I were to allow the appeal, conditions could be imposed to prevent this and the introduction of any associated alterations to the roof.

34. The windows in the north, east and west elevations are domestic in scale and proportionate to the size of the building. I have had regard to the concerns raised by the Council with respect to the floor to ceiling glazing to the south elevation, and to its orientation toward an open aspect. Nonetheless, the building would still be single-storey in height with the glazing set back from the road partly screened by existing tree and hedge planting and viewed in association with the two-storey dwelling forming Reen Cross Farm. As a result, I do not find that the proposal would be harmful to this open aspect.
35. From the road, and on approach to the site, the proposed dwelling would again be partly screened by tree and hedge planting and would be viewed in association with the remainder of the holiday park structures and the other buildings on the opposite side of the road including Reen Cross Farm. In this regard, the size of the building would have a similar impact to the Ostrich building.
36. With a suitable range of materials that would not be too dissimilar to the other buildings nearby and given that the dwelling would be clearly viewed in association with the holiday park, it would not be incongruous and would promote local distinctiveness. Moreover, it would not be located in an undeveloped immediate setting.
37. I note that Policy H02 of the NDP refers to the Perranzabuloe Design Code (PDC) that sets out that developers should consult the community at the earliest opportunity on proposed designs. Nonetheless, as the decision on the planning application pre-dates the NDP being made, I do not find harm from the proposal in this regard. It is noteworthy that page 24 of the PDC states that the building stock for Goonhavern comprises detached bungalows.
38. In conclusion in relation to this matter, the proposal would not harm the character and appearance of the area. As such, it complies with CLP Policies 1, 2, 12, 13 and 23, Policy C1 of the Climate Emergency Development Plan Document February 2023 and Policies NE2, NE3 and TO1 of the NDP. Amongst other things, these seek development proposals that are sustainable taking into account, layout and design, maintain and respect the special character of Cornwall, achieve high quality safe sustainable and inclusive design, provide sufficient internal space, be of an appropriate scale, mass and design, conserve and enhance our natural environment and respect surrounding buildings in terms of scale, height form and massing. For the same reasons the proposal complies with the provisions in Chapter 12 of the Framework that seek to achieve well-designed places.

Other Considerations

39. I have had regard to the comments from the Parish Council and interested parties in relation to traffic generation, highway safety and setting a precedent, but I have limited evidence before me that the proposal would cause significant harm in relation to these matters. It is noteworthy that the Council came to similar conclusions in these regards.
40. As stated above, the Council has confirmed that as a result of the revised Framework it cannot demonstrate the required supply of deliverable housing land relative to the five year requirement set out in the Framework. Consequently, the presumption in favour of sustainable development set out in paragraph 11 d) of the Framework is engaged.
41. However, by reason of the harm to the integrity of European, nationally and internationally protected sites, the development is contrary to the provisions in Chapter 15 of the Framework that protects such habitats. Given footnote 7 to Paragraph 11 d) i. of the Framework, and the harm I have identified to assets of particular importance, this provides a strong reason for refusing the development. As such, there is no need for me to carry out the assessment in Paragraph 11. d) ii. of the Framework.

Conclusion

42. Although I have found that there is an essential need for a dwelling to accommodate a rural worker living permanently on the appeal site and found no harm to the character and appearance of the area, I have found significant harm to the integrity of protected sites. In my view, this is the prevailing consideration, and the proposal should be regarded as being in conflict with the development plan, when read as a whole.
43. Material considerations, including the Framework do not indicate that the proposal should be determined other than in accordance with the development plan. Having considered all other matters raised, I therefore conclude the appeal should be dismissed.

C Rose

INSPECTOR