



Appeal Decision

Site visit made on 21 May 2025

by B Astley-Serougi BA(Hons) LLM MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th September 2025

Appeal Ref: APP/D0840/W/24/3357012

Trevellan, High Cross, Constantine, Cornwall TR11 5RE

- 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 Dr J Calderwood against the decision of Cornwall Council.
 - The application Ref is PA24/01424.
 - The development proposed is structures and use of land for the purposes of camping.
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Decision

1. The appeal is allowed and planning permission is granted for structures and use of land for the purposes of camping at Trevellan, High Cross, Constantine, Cornwall, TR11 5RE in accordance with the terms of the application, Ref PA24/01424, subject to the conditions in the attached schedule.

Preliminary Matters

2. The application form states that the development was completed in June 2021. I have therefore considered the appeal on the basis that the development has been constructed, as did the Council.
3. I have removed words not related to acts of development from the banner heading above for clarity.

Main Issue

4. The main issue is whether the appeal site is a suitable location for the development having regard to local policy and its effect on the character and appearance of the surrounding area.

Reasons

5. Policy 2 of the Cornwall Local Plan 2010-2030 (the CLP) outlines a sustainable spatial strategy for growth. Paragraph 2.33 of the CLP highlights that the open countryside for planning purposes is defined as an area outside of the physical boundaries of existing settlements where they have a clear form and shape.
6. The appeal site is located outside of the boundaries of nearby settlements with clear forms and shapes and therefore is to my mind, located in the open countryside for planning purposes.
7. It is located within the Gweek to Constantine Area of Great Landscape Value (the AGLV). The Cornwall AGLV Review 2023 outlines that the AGLV is valued for, amongst other things, its wooded valleys combined with the rolling farmland enclosed by high hedges which result in a landscape with an intimate and secluded feel. Additionally, it is within the Cornwall Character Area CCA10:

Carnmenellis (CCA10). It is described as gently undulating open and exposed elevated granite plateau, boggy in places, with radiating valleys at the edge. It also highlights that it includes numerous tourist facilities such as campsites and in terms of guidance to plan landscape character it outlines that there should be plans for future demand of recreational facilities.

8. The site is currently operating as a certified campsite and is accessed via a minor county road (C0019) which links Constantine with Penryn and Falmouth.
9. The nearest settlement with a range of day-to-day services and facilities is approximately 2km from the appeal site. The roads in the surrounding area are relatively narrow and lack footways as well as lighting. I acknowledge that there is a bus stop close to the appeal site, however the bus service is somewhat limited. Consequently, it is likely that individuals using the appeal site would be relatively reliant on private motor vehicle.
10. Nevertheless, paragraph 88 of the National Planning Policy Framework (the Framework) states that planning decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. Furthermore, that in these circumstances it is important to ensure that development is sensitive to its surroundings and does not have an unacceptable impact on local roads amongst other things.
11. Policy 5 of the CLP outlines, amongst other things, that in the countryside and smaller rural settlements proposals for new employment land and uses should be of a scale appropriate to its location. Therefore, the relatively large size of the appeal site, the nearby bus stop and service (albeit limited) as well as the design of the proposed structures and their scattered layout are not of an inappropriate scale for its location.
12. Additionally, there is limited substantive evidence before me to adequately demonstrate that the appeal scheme results in the unacceptable intensification of the site to an extent it harms the rural character of the surrounding area.
13. There is limited substantive evidence before me regarding the extent of the economic contribution the appeal scheme makes to the local economy. However, it remains that it is likely that the appeal scheme nonetheless contributes to local tourism and business.
14. Nevertheless, the appeal site benefits from a fallback position in the form of a certified site certificate from Go Explore (the certificate) for the operation of a campsite for tented accommodation for up to a maximum of nine tents, yurts or canvas covered structures, 365 days per year operation and the operation of a site for touring caravans, motorhomes, glamping pods or other moveable temporary dwelling (subject to a maximum combined total of five units), for 365 days per year subject to a maximum consecutive stay of 28 days per visitor. In all of the circumstances the maximum number of units on site should not exceed nine tents which can be made up of up to five caravans.
15. Given the appeal site already has an existing certificate, there is to my mind a greater than theoretical possibility that the fallback position could be implemented should the appeal before me not succeed. Concerns regarding the existing waste

and sewage disposal system and if it invalidates the certificate is not a matter before me in this appeal.

16. Notwithstanding this, whilst I acknowledge that the certificate does not allow for the provision of an ablution block or the provision of a building for recreational purposes, it has not been adequately demonstrated that either of these buildings result in unacceptable harm to the rural character of the surrounding area due to intensification of the site. Moreover, the exemption certificate allows for the operation of tents, yurts or canvas covered structures throughout the year. Accordingly, for the reasons given above I do not consider the permanency of the appeal scheme, to be unacceptable in and of itself, however this is further demonstrated when the appeal scheme is compared to the development allowed via the certificate.
17. Furthermore, given the relatively small scale and massing of the appeal scheme and its provision of a yoga studio and thus recreational facilities, it does to my mind, assimilate with the rural character of the appeal site, CCA10 and the wider AGLV.
18. Regarding appeal decisions at Treglossick Farm and Land East of Saltburn Lane, I do not have the full circumstances of these appeal decisions and therefore cannot be certain that they are wholly comparable to the appeal scheme before me. Nevertheless, given the site-specific context of the appeal site before me, as well as the details and similarity of the fallback position with the appeal development, these appeal decisions do not lead me to a different conclusion.
19. Given all of the above, the appeal site is not an unsuitable location for the proposed development and would not result in unacceptable harm to the character and appearance of the surrounding area. Consequently, it would comply with Policies 1, 2, 3, 5, 12 and 23 of the CLP insofar as they seek to ensure developments including those relating to tourism are in appropriate locations and do not result in harm to the character and appearance of their surrounding area including the wider landscape.
20. Policy 7 of the CLP relates to new homes in open countryside and given that the appeal scheme is for camping accommodation rather than permanent residential dwellings, in this case, the policy is not determinative for this appeal.

Other Matters

Appropriate assessment

21. The appeal site lies within the 12.5km zone of influence of the Fal and Helford Special Area of Conservation (SAC). This European Site has the following qualifying features: saltmarsh, intertidal mudflats, subtidal sandbanks, large shallow inlets and bays, estuaries and reefs. It has been established that residential development within the zone of influence would likely result in harm to the protected area through additional recreational pressure. The appeal scheme results in additional tourist accommodation and consequently there would be a likely significant effect on the SAC, whether alone or in combination with other developments.
22. Policy 22 of the CLP requires proposals to demonstrate that adequate measures are put in place to avoid or mitigate any potential adverse effects on the SAC. The

Council has a European Sites Mitigation Supplementary Planning Document 2021. It outlines a strategic mitigation strategy which has been agreed between the Council and Natural England. The mitigation measures include onsite access and management as well as off-site provision of suitable alternative recreational facilities.

23. Section 111 of the Local Government Act 1972 (as amended) allows Local Authorities to charge provided they are discharging a Council function or the payment is incidental to discharging any such function.
24. Natural England has been consulted as part of this Appropriate Assessment and is content that the measures secured by the Section 111 agreement, which align with the SPD, would mitigate the adverse effects associated with the proposed development and thereby relieve the pressure on the SAC. As a competent authority, I am satisfied that the Section 111 agreement secures and ensures the delivery of mitigation sufficient to address the harm likely to result from the appeal scheme. I therefore find that, given the Section 111 agreement, the proposed development would not have an adverse effect on the integrity of the SAC.

Other Considerations

25. The Council has not included highways safety, parking provision, biodiversity net gain and the effect of the development on ancient woodland as putative reasons for refusal. There is limited substantive evidence before me to demonstrate that the appeal scheme would result in unacceptable harm to these matters and therefore, I find no reason to disagree with the Council's conclusions.

Conditions

26. The Council has provided a list of suggested conditions. I have amended the wording of suggested conditions for clarity and to ensure accordance with the tests set out in paragraph 57 of the Framework.
27. I have attached a condition specifying the approved plans to provide certainty (1). In addition, I have imposed a condition requiring the submission of details regarding surface materials for parking and hard surfaces and restricted the number of caravans and yurts to prevent erosion of the character of the surrounding area (2 and 3).
28. I have imposed conditions restricting the use of the development for holiday accommodation alone to ensure the development remains appropriate for the rural context, in the interests of sustainability and prevent them being used as permanent dwellings (4). Finally, a condition requiring a register of occupiers for each calendar year is necessary to ensure that the pods are occupied for holiday accommodation and prevent them from being used as permanent homes (5).

Conclusion

29. The material considerations do not indicate that a decision should be made other than in accordance with the development plan. For the reasons given above the appeal should be allowed.

B Astley-Serougi

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with drawing nos 23123-SK-00-01 (Location Plan), 23123-SK-00-02 (Block Plan), 23123-SK-00-03 (Existing Site Plan), 23123-SK-01-00(Existing Plans and Elevations - Caravan), 23123-SK-01-01 (Existing Plans and Elevations - Yoga Studio), 23123-SK-01-02 (Existing Plans and Elevations - Toilet Block), 23123-SK-01-03 (Existing Plans and Elevations - Hill Top Yurt) and 23123-SK-01-04 (Existing Plans and Elevations - Woodland Yurt).
- 2) Details of the siting, layout and surfacing materials of parking areas and any other hard surfaces including a timetable for its implementation shall be submitted to the local planning authority within 3 months of the date of this decision. Once approved in writing by the local planning authority the works shall be carried out in accordance with the approved details and timetable and retained thereafter.
- 3) There shall be no more than one caravan and two Yurts stationed on the site at any one time.
- 4) The development hereby permitted shall be used as holiday accommodation only and shall not be occupied as a person's sole or main place of residence.
- 5) The owners/operators of the visitor accommodation hereby permitted shall maintain a register of occupiers for each calendar year including their names and home addresses, which shall be made available for inspection by the local planning authority, at any time.

=====END OF SCHEDULE=====