
Appeal Decision

Site visit made on 5 August 2025

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

an Inspector appointed by the Secretary of State

Decision date: 11 September 2025

Appeal Ref: APP/D0840/W/24/3357490

Lakeside, Menherion, Redruth TR16 6NW

- 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 Mrs Sarah Sear against the decision of Cornwall Council.
 - The application Ref is PA22/00821.
 - The development proposed is use of land for campsite for use all year round, retention of three holiday accommodation pods, incidental buildings including wash facilities and site shop, glass house, storage container and pig shed, and retention of access track and works to site entrance.
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Decision

1. The appeal is allowed and planning permission is granted for use of land for campsite for use all year round, retention of three holiday accommodation pods, incidental buildings including wash facilities and site shop, glass house, storage container and pig shed, and retention of access track and works to site entrance at Lakeside, Menherion, Redruth TR16 6NW in accordance with the terms of the application, Ref PA22/00821, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. At the time of my site visit the development had been commenced and appeared to accord with the submitted plans with the exception of the completion of alterations to the walls bounding the access. For the avoidance of doubt, I have determined the appeal based on those plans.
3. The description of development on the application form seeks year-round use for the campsite and the development has been advertised and considered by the Council on this basis. Therefore, and despite the appellant suggesting that the campsite use would only operate for 6 months of the year, I have considered the proposal as originally applied for and as determined by the Council.
4. The appeal has been accompanied by a Unilateral Undertaking (UU) under Section 111 of the Local Government Act 1972 to mitigate the recreational impacts from tourist accommodation on the Fal and Helford Special Area of Conservation (SAC). Although the Council have confirmed that it has approved the UU, 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 as a main issue.

Main Issues

5. In light of the above, the main issues for the appeal are:

- the effect of the development on highway safety, with particular regard to visibility; and,
- the effect of the development on the integrity of European, nationally, and internationally protected sites.

Reasons

Highway safety

6. The appeal site is accessed off the C0093, opposite a small group of houses with direct vehicular access onto the road. To the north-east of the site is a public house that also benefits from vehicular access onto the road.
7. The area has a 60mph speed restriction in place but is considered to be a lightly trafficked rural lane by the Council. The access is positioned between two high stone entrance walls. The road is relatively flat and does not benefit from any footpaths, lighting or road markings. At the time of my site visit the entrance walls had been partly set back with adjacent vegetation within the visibility splays as shown on drawing number JP01 Rev:1 cut back.
8. There is no dispute between the main parties that despite the 60mph speed restriction, due to the country/rural lane feel to the road adjacent to the appeal site and presence of nearby development, the speed of traffic generally ranges between 30-40mph. From what I observed at my site visit, and from driving the road, I have no reason to disagree.
9. Furthermore, there is no dispute between the main parties that subject to the entrance walls being set back 500mm, visibility would be below the 59m sight stopping distance for 37mph streets as recommended in Manual for Streets and the 60m distance requested by the Council with a 2.4m distance back from the road.
10. I have had regard to the lack of any recorded collisions associated with the site access over the last 7/8 years when in active use, the lack of recorded collisions in the immediate area over the last 23 years in relation to other existing access points and to the lack of concerns raised regarding the use of the access by existing users of the site. I have also had regard to a number of users of the site being in elevated driver positions and in vehicles more noticeable to road users and to the location of the access in a position that looks and feels part of the adjacent settlement.
11. Taking all of the above matters into account, and considering that drivers would be exiting the site at low speeds and would need to use a 'peep and creep' technique due to the restricted visibility, as carried out when I exited the site at the time of my site visit, I find that vehicles exiting the access are unlikely to result in additional risk to highway users, particularly given that the road is a lightly trafficked rural lane. I note the Council's Highway Development Management - West comments regarding amended OS data and the lack of topographical data, but nonetheless I find the access as constructed on site acceptable.

12. I have had regard to interested parties' comments in relation to near misses when exiting the access and to the use of the road by pedestrians, cyclists and horse riders. I also acknowledge that the use of a 'peep and creep' method necessitates cars pulling onto the road to gain good visibility in both directions and that the reduced visibility has historically been exposed by the presence of mirrors on the opposite side of the road. However, given the speed of vehicles, width of the road, and the necessitated use of low-speed peep and creep method of exiting the site, I find that users of the highway should be able to safely manoeuvre without undue difficulty or unacceptable or severe impacts on highway safety.
13. Consequently, I conclude that the proposal would utilise a safe and suitable access and therefore would not have a harmful effect on highway safety. The proposal would accord with Policy 27 of the Cornwall Local Plan Strategic Policies 2010-2030 (CLP) and Policy T1 of the Climate Emergency Development Plan Document 2023 (DPD). Amongst other matters, these state that development provide safe and suitable access and not cause a significantly adverse impact on the local or strategic road network. The proposal would also accord with the National Planning Policy Framework (the Framework) which requires safe and suitable access to be achieved for all users and for development to only be prevented on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
14. The Councils first reason for refusal also references Policies 1, 2 and 5 of the CLP and Policy C1 of the DPD but given that these do not relate directly to matters of highway safety, I do not find them determinative in relation to this main issue.

Integrity of protected sites

15. The appeal site is within the zone of influence of the Fal and Helford Special Area of Conservation (SAC). The Cornwall Council European Sites Mitigation Supplementary Planning Document July 2021 (SPD) explains that the SAC is important and have qualifying features because of the saltmarsh, mudflats, sandbanks, shallow inlets and bays, estuaries and reefs.
16. Public access/disturbance and recreational activity within these areas such as recreational boating, fisheries and water pollution, 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.
17. 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 development would be, in combination with other schemes, likely to adversely affect this European habitat site by way of increased recreational disturbance.
18. 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 development on the SAC.

19. The Council and Natural England have confirmed that the contribution and mitigation would be sufficient.
20. On this basis, in carrying out the Appropriate Assessment, the adverse effects of the development on the integrity of the SAC would be avoided. For these reasons, the development would not harm the integrity of the SAC and would comply with Policies, 1, 2, 22 and 23 of the CLP, Policy 1 of the DPD and the guidance outlined in the SPD which in combination, sets out a strategic approach to the provision of mitigation. Amongst other things, these state that development that accords with policies in the CLP will be regarded as sustainable development, protect, conserve and enhance biodiversity and the natural environment, and mitigate recreational impacts on European Sites.

Other Matters

21. I have had regard to the comments from interested parties raising concerns with regard to the expansion of development on the site; pollution and disturbance; capacity of the sewage network; business rates; waste storage; licensing compliance; lack of demand or need for an additional campsite; impact from the shop to local traders; lack of public transport provision; facilities and accreditation for pigs; on-site parking provision; effect on drinking water and water pollution; effect on flora and fauna and the natural environment; effect on trees; loss of property value; location of development and effect on the character and appearance of the area; failure to adhere to pre-application advice; erection of a flagpole; and need to balance benefits against harm to the living conditions of nearby occupiers.
22. However, the loss of property values, licensing, business rates and accreditation for pigs are not planning considerations. The Council have found no harm with regard to matters related to the principle/location of development, effect on character and appearance, noise pollution, water pollution, capacity of sewers and effect on flora, fauna and the natural environment, effect from the small shop and effect on living conditions. From the information before me in relation to these matters, I have no reason to disagree.
23. Matters regarding a lack of detail in relation to the layout of the site, occupation of the development, lighting, drainage, on-site parking, waste storage and trees can be covered through the imposition of appropriate conditions should the appeal be allowed.
24. My attention has been drawn to planning application ref PA15/03912 and to the erection of a flagpole close to the site entrance. However, I have limited details in relation to that planning application that is in any case on a different site and not therefore directly comparable. The flagpole is not within the description of development and is not detailed on the plans before me and as such does not form part of the development.
25. Furthermore, while I note the concerns from interested parties in relation to the retrospective nature of the development, and lack of compliance with pre-application advice, I am required to assess the development on its planning merits.

Conditions

26. A number of conditions have been suggested by the Council in the event of the appeal being allowed, which I have assessed and, where necessary, amended wording with regard to the advice provided in the Planning Practice Guidance. As the development has already commenced, there is no need for the standard time condition. A condition regarding the approved plans is however required to provide certainty.
27. As I have found that the existing access is acceptable subject to the changes to the boundary wall to improve visibility at the access, and given these works had not been completed at the time of my site visit, a condition is required to ensure that the wall is set back by 500mm and to ensure that the improved visibility is provided in accordance with details to be submitted within 3 months in the interests of highway safety.
28. Related to this, given that the development has commenced, within the same condition it is necessary to ensure that details of the means of foul and surface water, lighting, internal layout of the site and landscaping not reflected on the approved plans, are submitted for approval within 3 months. These details are required in the interests of protecting the character and appearance of the area and to prevent flood risk.
29. There is a strict timetable for compliance with this condition because permission is being granted retrospectively, and it is not possible to use a negatively worded condition to secure the approval of the details. The condition will ensure that the development can be enforced against if the requirements are not met.
30. Further conditions are necessary to ensure that the development is limited to three camping pods and to ensure that the holiday accommodation is not occupied as a person's sole or main residents. These conditions are required in the interests of protecting the character and appearance of the area, and to accord with development plan policies in relation to the location of permanent residential accommodation.

Conclusion

31. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed and planning permission granted.

C Rose

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: drawing number SK001 Revision C Location and Block Plans, drawing number SK002 Revision B Container, Pig Sheds and Pods – Plans and Elevations, drawing number SK003 Revision B Shower Block, Shop and Bin Store Plans and Elevations, drawing number SK004 Revision B Glass House Plans and Elevations, and drawing number JP01 Revision 1 Proposed Access Visibility Splays.
- 2) Unless within 3 months of the date of this decision details of the following matters are submitted in writing to the Local Planning Authority for approval, and unless the approved scheme is implemented within 2 months of the Local Planning Authority's approval, the use of the site shall cease until such time as a scheme is approved and implemented:

1. Improved visibility splays in accordance with drawing number JP01 Revision 1 Proposed Access Visibility Splays including details of the removal of the first 500mm of boundary walling and details of the finish to the remaining walling.
2. The means of foul and surface water drainage of the site.
3. Existing and proposed lighting on the boundary and within the site.
4. The internal layout of the site, including the siting of caravans, plots, hardstanding, access roads, waste storage, parking and amenity areas.
5. Tree, hedge and shrub planting including details of species, plant sizes and proposed numbers and densities.

Upon implementation of the approved details, the use shall operate strictly in accordance with the approved details for the duration of the use.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limit specified in this condition will be suspended until that legal challenge has been finally determined.

- 3) There shall be no more than three camping pods stationed on the site at any one time.
- 4) The development shall be occupied as holiday accommodation only and shall not be occupied as a person's sole or main place of residence. The owners/operators of the site shall maintain an up-to-date register of the names of all of the occupiers of the campsite and camping pods, their main home addresses and their date of arrival and departure from the site, and shall make this information available for inspection by the local planning authority upon request.

END OF SCHEDULE