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## Appeal Decision

Site visit made on 18 September 2025

by **B Plenty BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 02 October 2025

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**Appeal Ref: APP/D0840/W/24/3353195**

**Land Northwest Of Penosivvi, Withiel, Bodmin, Cornwall PL30 5NP**

- 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 Kate Cherry against the decision of Cornwall Council.
  - The application Ref is PA24/02456.
  - The development proposed is for a holiday let in the form of shepherd's hut and associated development as part of farm diversification scheme.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The proposal is also subject to an appeal against an enforcement notice. This is a matter the subject of a separate decision.
3. The proposal relates to a change of use to erect a shepherd's hut and associated equipment, including a separate toilet and shower block and parking area. The proposal has already been undertaken, and the submitted plans appear to reflect the development I observed on site. As such, I shall consider the scheme under Section 73A of the 1990 Town and Country Planning Act. Furthermore, I have adjusted the description of development to remove 'retrospective' as this is not a description of development.

### Main Issues

4. The main issues are:
  - whether the proposed holiday let accommodation would be in a suitable location with respect to local and national policies,
  - The effect of the proposed development on the character and appearance of the area, and
  - The effect of the proposal on the River Camel Special Area of Conservation (SAC).

### Reasons

#### *Locational matters*

5. The Cornwall Local Plan Strategic Policies [2016] (LP) at policies 2 and 3 establish the sustainable growth objectives and hierarchy for the delivery of development, favouring main towns and settlements where future residential occupiers can gain

access to goods and services. The site is outside a settlement boundary and, as such, the proposal would be in the countryside for policy purposes. LP policy 7 establishes that housing in the countryside will only be permitted if it meets one of five criteria, none of which could be applied to the proposed scheme. Consequently, the proposal would be contrary to the settlement policies of the development plan.

6. The appeal site is on the edge of Tregawn Farm, alongside a track and public right of way. The track includes a steep climb uphill from a single width lane. The site is around 4km from the village of Lanivet and 6.5km from Bodmin. As such, the site is set away from nearby settlements in the open countryside.
7. Local highways are narrow, are largely single track in character and do not benefit from streetlights or footways. The nearest bus stop is 800 metres from the site and offers only a limited service for occupiers of the proposal. It is recognised that the proximity of the bus stop is regarded as being within walking distance of the site, albeit the maximum distance deemed suitable. However, such a distance would be more attractive within an urban context where users would be more likely to have access to a footpath link and streetlights. The appellant informs that the Camel and Saits trails would be alternatives to the bus route for cycling and walking, but limited evidence demonstrates whether these routes would provide meaningful and suitable alternative access to local settlements.
8. Also, local lanes provide limited safe refuge for pedestrians and cyclists from passing vehicles. As a result, this context would be intimidating and unsafe for such road users especially at night and during inclement weather. Consequently, visitors to the accommodation would be reliant on the private car to access the site and visit the local area. Therefore, the site's remote location results in accommodation that has poor accessibility by sustainable travel means, offering no real alternative for visitor's travel other than the private car. Nonetheless, tourist accommodation gains support in the Local Plan and Neighbourhood Plan, as a specific type of residential development. The proposal could be restricted to such a use by the imposition of a planning condition.
9. LP policy 5 relates to Business and Tourism. Part 1(c) of this policy supports business, and tourism uses in the countryside where it is of a scale appropriate to its location or can demonstrate that it has an over-riding locational or business need to be in that location, such as for farm diversification. Furthermore, Part 3 identifies that sustainable tourism accommodation would be supported where it is of an appropriate scale to its location and accessible by a range of transport modes.
10. The proposal would support the diversification of Tregawne Farm. The appellant's planning statement explains that before 2019 the farm operated as a conventional dairy farming business but, in result to a change in circumstances, the farm has now diversified. The route taken for diversification, is explained as involving the creation of a number of holiday-lets over several years, one of which is the subject of this appeal.
11. The appellant's Agricultural and Business Appraisal, explains that the farm is a highly successful dairy farm, with around 320 cows, and also includes land for arable cropping. The appraisal shows the extent of the holding and that the appeal site is on the eastern most edge of the area. Alternative agricultural enterprises

have been considered to run alongside the existing dairy, but none are considered by the appellant to be viable. Due to the economics of the dairy industry, and the stated pressures on the existing farm business, the appellants have reported an urgent need to diversify their income resulting in the siting of the shepherd's hut the subject of this appeal.

12. The appellant's shepherd's hut proposal was chosen as it would provide income at a time of year when the farm's annual income was in deficit and had a small footprint and limited capital investment. Based on the financial details provided, it is clear that the proposal provides a contribution to the income of the farm.
13. In seeking to explain the selected location, the appraisal explains that siting the hut closer to the main farm buildings was eliminated due to operational concerns. It was considered that tourist related visitors could be disturbed by the active operation of the farm and vice versa. It also reports that alternative sites would require a new access and would place it further from public transport linkages. As such, the appraisal concludes that a location closer to the farmstead would not be suitable, affecting the core farming activity.
14. However, there seem to be alternative sites that could meet the identified constraints without creating a remote form of development or landscape harm. Sites closer to the farm buildings, such as within parcel 4041 and with a direct highway access, could be more suitable. Also, the locational benefits of the chosen site, in providing the closest access to public transport, is of limited benefit to the chosen site. Furthermore, other holiday-lets exist on site to assist in the provision of summer income, eroding some of the stated financial need for the proposed development to balance income across the year.
15. As such, based on the submitted evidence, the scheme does not present an over-riding locational or business need for it to be in its selected location. Accordingly, the proposal would not be within a suitable location, offering poor access to a range of transport modes. The proposal would therefore conflict with LP policies 1, 2, 3, 5, 7, and 16 and NP policy B1, and policies C1 and T1 of the Climate Emergency DPD [2023]. These policies seek, among other matters to maintain the disperse development pattern of the district and support sustainable rural tourism.

#### *Character and appearance*

16. The site is alongside a track that is part of a linear strip of boundary land with trees and bushes along both sides of the route. It is within the open countryside in within an area designated as an Area of Great Landscape Value where objectives seek the conservation and enhancement of its landscape quality and individual character.
17. The Council's landscape character appraisal identifies the appeal site as being within the Camel and Allen Valleys (area CCA29). It is identified as an area of intact tranquillity within a rural landscape with undulating farmland and enclosed wooded valleys. The site, is in clear view from the adjacent public footpath and when presented as an undeveloped parcel of land, would have made a positive contribution to surrounding open views and the characteristics identified in the appraisal.
18. The proposal consists of various relatively small buildings, with parking and associated paraphernalia combining to create an overall mass of development that

has an adverse effect on the area's landscape character. This effect is exacerbated by the associated attendant activity due to the relatively high turnover of visitors attending holiday accommodation. Also increased traffic movements would occur due to a visitor's reliance on the private car to visit local attractions. As a result, the proposal would not conserve or enhance the landscape qualities of the area.

19. Accordingly, both the visual effect of the proposal and the change in character to the immediate area would have demonstrably harmful effects on the character and appearance of the area. This would result in conflict with policies 2, 12 and 23 of the LP and policies E.2, D1 and D3 of the NP. These seek, *inter alia*, for development to enhance and maintain Cornwall's enduring distinctiveness and natural character and to respect landscape character.

#### *Effect on SAC*

20. The site is within the catchment area of the River Camel SAC. It is in an unfavourable condition due to the effects of eutrophication caused by excessive phosphates. LP policy 23, Part 3(a) states that the highest level of protection will be given to Special Protection Areas and Special Areas of Conservation. The policy states that proposals that would have an adverse impact on the integrity of such areas, that cannot be avoided or adequately mitigated, will not be permitted. Meeting this policy would require a 'competent authority' to be satisfied that a proposal would not lead to likely significant effects upon the protected site.
21. The proposed development, in-combination with other developments, could result in an increase in phosphates caused by wastewater from the proposal resulting in an adverse effect on the SAC. The impact of increased residential development would be to result in likely significant effects. In those circumstances, having regard to the Habitats Regulations, planning permission should not be granted unless an Appropriate Assessment (AA) has been undertaken to assess the likely effects.
22. The appellant's Nutrient Neutrality and Mitigation Strategy, September 2024, demonstrates that the development generates a phosphorus load of 1.08kg.TP/yr. However, when assessed against the small-scale thresholds it has been shown that the proposal would have a lesser significant effect on the SAC. As such, the Strategy concludes that all thresholds are met, and no AA is necessary. Accordingly, this concludes that the development would not adversely affect the integrity of the River Camel SAC.
23. Nonetheless, whilst potentially meeting the small-scale thresholds, the Council identifies that no drainage plan or percolation tests have been provided to demonstrate the full effects of the scheme on the SAC. As a result, I cannot be satisfied that the increase in phosphorus loading would not, in combination with other projects, result in an adverse effect on the integrity of the SAC. To consider this matter further would require me to undertake consultation with Natural England. However, as I am dismissing the appeal for other reasons it is not necessary for me to consider this matter further as it could not change the outcome of the appeal.

## **Other Matters**

24. The proposed development includes some economic benefits relating to income and visitor's use of local services, facilities and attractions. However, the economic benefits are relatively modest having regard to the scale of the development. Accordingly, these benefits attract limited weight in favour of the proposal.
25. The appellant refers to two approved schemes for shepherd huts, within the district, which the Council considered made a positive contribution to farm diversification. Nonetheless, these, whilst also within countryside locations, appear to be close to existing buildings and were not remote from other development. These were therefore in very different contexts to the proposed site, and in any event, each decision must be made on its own merits.

## **Conclusion**

26. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. As a result, the appeal should be dismissed.

*B Plenty*

INSPECTOR