



Appeal Decision

Site visit made on 25 November 2025

by Neil Pope BA(HONS) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 December 2025

Appeal Ref: APP/D0840/W/24/3354118

Tresooth Fields, Penwarne Road, Mawnan Smith, Cornwall, TR11 5PF

- 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 Ongley of Tresooth Ltd against the decision of Cornwall Council (the LPA).
- The application reference is PA23/07010.
- The development proposed is the conversion of existing games room to holiday cottage, replacement games room, relocated external swimming pool, new managers dwelling and reception area together with six new holiday cottages.

Decision

1. The appeal is allowed, insofar as it relates to proposed Block C only (four new holiday cottages) and is otherwise dismissed. Planning permission is granted for four new holiday cottages (Block C) at Tresooth Fields, Penwarne Road, Mawnan Smith, Cornwall, TR11 5PF. The permission is granted in accordance with the terms of the application reference PA23/07010, insofar as it relates to Block C only and subject to the conditions in the attached Schedule.

Preliminary Matters

2. The appeal site lies within the 12.5 km Zone of Influence for the Fal & Helford Special Area of Conservation (SAC). I note from the planning officer's report that the LPA has received a financial contribution from the appellant and an Agreement under section 111 of the Local Government Act 1972. This is intended to help mitigate the impact of an increase in recreational pressure upon the SAC arising as a consequence of the proposed development.
3. Part of the appeal site is the subject of an Area Tree Preservation Order¹ (TPO).
4. The LPA has informed me that since it determined the application it is unable to deliver five years supply of housing. The LPA accepts that development plan policies relating to the supply of housing can now be considered out of date.
5. The Design and Access Statement / Planning Statement (DAS) that accompanied the application refers to two separate proposed Block D. I have treated Block D as the proposed manager's accommodation and Block C as the proposed four units of holiday accommodation on the site of the existing swimming pool and sauna. This accords with the details shown on the proposed layout plan. I am unaware of any proposed Block B.
6. An application for an award of costs has been made by the appellant against the LPA. This application is the subject of a separate decision.

¹ Reference W2/K14/098.

Main Issues

7. The four main issues are: firstly, the effect of the proposed development upon the character and appearance of the area; secondly, whether any special need exists for the proposed manager's dwelling so as to outweigh any harm to the character or appearance of the area; thirdly, whether the proposed development would include adequate provision for energy efficient buildings and renewable energy and; fourthly, the likely effect upon the local population of bats.

Reasons

Planning Policy

8. The development plan includes the Cornwall Local Plan Strategic Policies 2010-2030 (LP) and the Budock Neighbourhood Development Plan 2019-2030 (NP). My attention has been drawn to numerous policies. The most important policies to the determination of this appeal are: LP policies 2 (spatial strategy), 5.3 (tourism), 7 (housing in the countryside), 12 (design), 23 (natural environment) and; NP policies B1 (business development), HB1 (habitat and biodiversity) and, HB2 (trees). I note from the NP that the appeal site lies within local landscape character area 7 (CA7)².
9. My attention has also been drawn to the LPA's Climate Emergency Development Plan Document (DPD). I note, in particular, the provisions of policy SEC1 (sustainable energy and construction). In determining the appeal, I have also taken into account the LPA's Cornwall Design Guide 2021.
10. The National Planning Policy Framework (the Framework), is an important material consideration. It carries considerable weight in the determination of this appeal.

First Main Issue – Character and Appearance

11. This 1.4 ha site comprises a rural holiday complex. It includes 16 units of self-catering accommodation in a group of former agricultural buildings. Facilities include a games room, swimming pool, sauna and office. A children's play area has been created in a paddock with granite boundary walls to the south east of the holiday units. Although the DAS refers to existing manager's accommodation³, I note from the appellant's Appeal Statement that this was never provided.
12. CA7 is described in the NP as a relatively open and exposed rural landscape. It is dominated by farmland and farming settlements, with fields bounded predominantly by Cornish hedges faced with granite, some with hedgerows and small trees. A network of footpaths also crosses the landscape.
13. As I saw during my visit, the appeal site lies within an attractive rural area. The holiday units are set back from the roadside, with surrounding trees screening much of the development from the public realm and providing a pleasing sylvan setting to the holiday complex. There are glimpses of some of the buildings and the paddock from the roadside, as well as from the bridleway to the south east. These trees and the paddock contribute to the quality of the local landscape.
14. In essence, established national and local planning policies are aimed at supporting economic growth, taking into account local business needs and

² 'The granite backbone of Budock Parish'.

³ Granted planning permission in 2008 (ref. PA08/01574/F).

opportunities for development. In rural areas, this includes the growth and expansion of all types of businesses, well-designed new buildings and sustainable tourism developments which respect the character of the countryside.

15. Proposed Block A would comprise a two bedroom holiday unit located towards the south western corner of the site. It would take the form of a two storey extension to the existing office and games room⁴ at the end of a row of six holiday units. Due to the gradient of the land, this extension would be taller than the existing building/row and the proposed mono-pitched roof would, in comparison to the existing row, be reversed. I agree with the planning officer that this would appear as a rather ‘awkward’ addition to the existing building and would detract from the consistency in appearance of the existing row. Whilst it would be set well-back into the site and would be finished in an appropriate palette of materials, it would be at odds with established policies/guidance aimed at securing good design.
16. Proposed Block A would also be in close proximity to several trees growing alongside/around part of the southern boundary of the site and which form part of an attractive woodland group⁵. A tall, Sweet Chestnut tree would be removed and some works for the construction of this extension would take place within the root protection areas of several other neighbouring trees. I note from the appellant’s tree survey that this Sweet Chestnut is described as *“Poor structural condition with heavily suppressed form”* and has some bark damage and dead wood. Nevertheless, collectively, this Sweet Chestnut tree and the neighbouring trees in this woodland group, make an important contribution to both the setting of the holiday complex and to the character and appearance of the local landscape.
17. The proposed removal of the Sweet Chestnut tree and the risk of harmful disturbance to important roots of some neighbouring trees, including a mature Sycamore⁶ alongside, would detract from the character and appearance of this part of the countryside. Even if tree protection measures were put in place, I am unconvinced that all of these neighbouring trees would survive the rigours of the construction phase. Were they to do so, the close proximity to the enlarged building could be perceived in the future as a nuisance⁷ or health and safety risk by occupiers of the proposed extension. Pressure could then be applied on the LPA to have these trees removed. This would be difficult to resist⁸ and would result in a further loss of trees and diminish the contribution that this woodland group makes to the character and appearance of the area. This would not be offset by replacement tree planting, which would take many years to establish.
18. At the opposite end of this existing row of holiday units a semi-mature Beech tree would also be removed. I saw the close proximity of this tree to an existing store. However, it is not evident that it is damaging this building or is diseased and likely to fail. The unnecessary removal of this tree would further weaken the contribution that this woodland group makes to the character and appearance of the local area.

⁴ The office and games room would be converted into a separate two bedroom holiday unit.

⁵ I note from the appellant’s tree survey that this group has been identified, under BS 5837:2012 ‘Trees in relation to demolition and construction – Recommendations’, as a Category A (high quality) group. I agree with the findings within this survey that this group is a significant feature within the skyline and site boundary and makes a clear and positive contribution to the local area. This group of trees has a functional value for natural screening and buffers some of the perimeter of the holiday complex to wider views.

⁶ Another semi-mature Sycamore tree immediately behind the existing games room and office also appears to be shown for removal. The loss of this attractive and seemingly healthy tree, would further erode the collective value of the woodland group.

⁷ Through matters such as tree debris, daylight shading and/or an overbearing presence.

⁸ Whilst noting from the appellant’s Tree Impact Assessment & Mitigation that the site manager would resist unreasonable requests to fell or prune trees, it is very far from certain that this would guarantee that occupiers did not approach the LPA directly.

19. Proposed Block C would comprise a terrace of four new holiday units in a two storey building. This would be located to the north of the main courtyard group of holiday units and would replace the swimming pool and sauna. Due to the topography of the site, this new building would be viewed as three storeys on the southern side and would be taller than the separate holiday unit to the west. It would be set away from the attractive row of tall trees⁹ growing along the northern perimeter of the site and would have a contemporary design, including a profiled metal roof with stone and timber clad walls. I agree with the LPA, that Block C would be of an appropriate design and finish and would not intrude into or diminish the landscape setting of the holiday complex.
20. Proposed Block D (manager's accommodation and reception/office) would be built in part of the paddock that lies in front (to the east) of the existing group of buildings. This new two storey building would also have a contemporary design with a profiled metal roof and timber clad and stone walls. Whilst it would be designed to a high standard, it would bring the built form of the holiday complex closer to the roadside and erode the pleasing open qualities of the paddock. Together with the proposed games room/sauna, which would also be located within the paddock, these elements of the proposals would diminish the largely unspoilt qualities of the paddock and detract from the existing rural scene.
21. This harm would be compounded by the likely impact of the development upon the group of trees growing along the northern and western sides of the paddock. Although it would appear that it is only intended to remove a dead Sycamore tree from this part of the site, there is a risk that some of the other trees could suffer harmful root disturbance during the construction phase and/or be subject to future pressure to prune or fell due to the close proximity to the proposed buildings. The removal or foreshortening of the life expectancy or severe pruning of these healthy trees would further detract from the character and appearance of the area.
22. I conclude on the first main issue that whilst the scale of the proposed development would accord with LP policy 5.3, proposed Blocks A¹⁰ and D¹¹, as well as the new games room/sauna¹², would harm the character and appearance of the area and conflict with the provisions of LP policies 2.1, 12, 23 and NP policies B1.b and d, and HB2. This weighs very heavily against an approval.

Second Main Issue – Manager's Dwelling

23. The proposed manager's dwelling would be outside the confines of any recognisable settlement. In essence, established national and local planning policies are aimed at limiting new housing within such locations to accommodation that is necessary or essential for a rural worker.
24. I have found above that the proposed manager's dwelling would harm the character and appearance of the local area and conflict with development plan policies that are aimed at protecting the countryside. It is therefore important to demonstrate some overriding or special need for this element of the proposals.

⁹ I note from the appellant's tree report that no significant tree conflicts are identified regarding development in this part of the site.

¹⁰ By virtue of its design and proximity to important trees.

¹¹ By virtue of its siting within the existing paddock and proximity to important trees.

¹² By virtue of its siting within the existing paddock and proximity to important trees.

25. I note the appellant's argument that the manager's dwelling is necessary for the effective management of the site and the efficient operation of his business. I understand that an on-site manager's presence is deemed necessary for the day-to-day running of the business, guest supervision and ensuring the safety of all of those on the appeal site. I also understand that the business provides part-time employment for 4 people (2.0 full-time equivalent). In addition, I note that from a security perspective, that this element of the proposals received the support of the Police Architectural Liaison Officer.
26. I appreciate the many tasks, responsibilities and time and effort that must be taken in running the appellant's business. These are likely to increase if an approval was forthcoming for the proposed additional holiday units. However, there is no cogent evidence before me to demonstrate that it is essential, rather than more convenient, for a manager to reside on the appeal site and to do so throughout the whole of the year.
27. It has not been fully explained exactly how the appellant's business operates. It is not unusual for those staying in holiday units to receive a key code (or details of where to collect a key) and to let themselves into their accommodation. It is also commonplace for literature to be made available for guests to read on or before their arrival explaining access to any on-site amenities and the availability of any nearby services/facilities.
28. Whilst it may be a requirement to have a pool attendant, this would only be at times when that facility was in use. As the existing and proposed swimming pools are/would be uncovered, this would be unlikely to require supervision throughout the whole of the day. Furthermore, for part of the year, the swimming pool is unlikely to be in use¹³.
29. I have no doubt that there are very many other duties to perform, such as processing bookings, paying bills, cleaning and site maintenance. The owners/operators of most small businesses work exceeding hard and often long hours and make an important contribution to the economy. However, there is nothing to indicate that for this particular business there is a necessary or essential or special requirement for a manager to live permanently on site.
30. Whilst crime can occur anywhere, my attention has not been drawn to any reported incidents of criminal activity or anti-social behaviour affecting the efficient operation of the appellant's business. It is also not lost on me, that having received approval in 2008, for on-site manager's accommodation, this appears to have never been taken up and the business has not suffered as a consequence.
31. I conclude on the second main issue, that it has not been demonstrated that a special need exists for the proposed manager's dwelling so as to outweigh the harm to the character or appearance of the area that I have identified. The proposed manager's dwelling conflicts with the provisions of LP policy 7, as well as the provisions of the Framework for rural workers housing.

Third Main Issue –Energy Efficiency / Renewable Energy

32. Amongst other things, DPD policy SEC1 requires new residential development to demonstrate how it would achieve: a space heating demand of less than

¹³ It was not in use during my visit and the water level inside the pool was very low level.

30kWh/m²/annum and; on-site renewable energy generation to match the total energy consumption. On behalf of the appellant, it is accepted that proposed Block A would not achieve a space heating demand of less than 30kWh/m²/annum¹⁴. It is also accepted that proposed Blocks A, C and D would not achieve sufficient renewable energy generation to match total energy use.

33. Amongst other things, the proposed development would include solar panels on the south facing roof slopes of the new buildings. The appellant has also argued that there are design constraints to accommodating Block A. These include site-specific factors such as the existing buildings, orientation, trees and architectural considerations. There is merit to this argument.
34. As proposed Block A would be sited in close proximity to trees, which are important to retain, as well as the development comprising an extension to a former agricultural building, I agree with the appellant that a rigid application of the specified space heating demand would fail to take into account the wider sustainable credentials of the building. This includes its overall energy efficient building design¹⁵ and the use of water-saving features¹⁶. Amongst other things, the Framework advises that local circumstances, including the character of an area, should be taken into account in achieving sustainable solutions.
35. The appellant has also offered to explore additional measures to improve the energy efficiency and performance of the development. This could include increasing renewable energy capacity, further improving insulation and air tightness, as well offsetting any remaining carbon emissions. These matters could be addressed by way of a planning condition, thereby ensuring that the aims and objectives of DPD policy SEC1 were met.
36. I conclude on the third main issue that the proposed development would include adequate provision for energy efficient buildings and renewable energy.

Fourth Main Issue – Bats

37. It is important that new development does not have an adverse impact on protected species such as bats. Given the large number of trees growing in and around the site, the proposals have the potential to disturb bats and/or result in a loss of roosts. In this regard, I note the LPA's concern that in the absence of a preliminary ground level roost assessment of trees, the development could have a potential adverse effect upon the local population of bats.
38. However, on behalf of the appellant, bat activity surveys and static detector surveys of the site and surroundings were undertaken between 2022-2023, including an assessment of potential bat roosts. Amongst other things, these revealed a relatively high level of bat activity, associated with foraging and commuting bats. A Ground Level Tree Assessment, in accordance with Bat Conservation Trust guidance, was also undertaken in 2024. These assessments did not reveal any evidence of bat roosts in those trees identified for felling. A further survey revealed two potential features but with a low suitability for roosts.

¹⁴ There would be a marginal shortfall in energy performance.

¹⁵ This includes high-performance building envelopes, energy efficient lighting, and mechanical systems to minimise overall energy use.

¹⁶ Such as rainwater harvesting, low-flow fixtures and grey water recycling systems.

39. A precautionary approach to felling is intended, whereby such trees would be felled in sections that would be lowered to the ground and left for 48 hours prior to removal. This would allow any bats that were present to disperse. In addition, the appellant is willing to install bat boxes in remaining trees or on nearby buildings to serve as roosting sites for bats. I agree with the appellant's assessment that the potential risks to bats would be minimal.
40. I conclude on the fourth main issue that, subject to the use of appropriate conditions on any approval, there is unlikely to be any adverse effect upon the local population of bats. The development accords with the provisions of LP policy 23 and NP policy HB1.

Other Matters

41. The proposed development would support the appellant's existing rural tourism/leisure business and, in so doing, help to strengthen the local rural economy. When development works were in progress there would be some support for the construction industry and afterwards there would be an increase in Council Tax receipts. These benefits of the proposals weigh heavily in favour of granting planning permission. However, they are insufficient to outweigh the harm that I have identified to the character and appearance of the area.
42. Given the above, it would only be necessary for me, as the Competent Authority, to assess proposed Block C under the Conservation of Habitats and Species Regulations 2017 (as amended) ('the Habitats Regulations'). In this regard, I note the contents of the LPA's European Sites Mitigation Supplementary Planning Document 2021 and the provisions of LP policy 22 (European Protected Sites).
43. Following the publication of research by Natural England, it is now widely recognised that the cumulative impacts of certain types of development within the Zone of Influence for the SAC¹⁷ would be likely to have a significant effect upon the integrity of the SAC¹⁸. This includes the cumulative impact of holiday accommodation, where occupiers would be likely to increase recreational disturbance within the SAC.
44. On the basis of the information before me, it has not been demonstrated that there is reasonable scientific doubt that the proposed four additional holiday units (Block C) would not harm the integrity of the SAC. However, as already noted, the appellant has provided a mechanism for securing a financial contribution towards the cost of mitigating the likely adverse impact of the proposed development. This would reduce the likely effect upon the SAC to a de minimis level. I understand that this approach and the ensuing mitigation that would be delivered is acceptable to Natural England. As a consequence, the likely effect of the development upon the SAC would be mitigated and permission for Block C should not be withheld.
45. I note the concerns of the Parish Council regarding the absence of footways and cycleways along the public highway that passes the site entrance. As part of my visit, I walked along this section of Penwarne Road. The speed and proximity of

¹⁷ The Qualifying Features of the SAC include intertidal mudflats, subtidal sandbanks, large shallow inlets and bays, estuaries, reefs, Atlantic salt meadows and Shore dock.

¹⁸ Such developments would be likely to compromise the conservation objectives of specific qualifying features. These objectives are maintaining or restoring: the extent and distribution of qualifying natural habitats and habitats of qualifying species; the structure and function of qualifying natural habitats; the structure and function of the habitats and qualifying species; the supporting processes on which qualifying natural habitats and the habitats of qualifying species rely; the populations of qualifying species and; the distribution of qualifying species within the site.

passing motor vehicles was, at times, a somewhat uncomfortable experience. During the summer months it is reasonable to expect heavier flows of traffic.

46. Whilst some occupiers of the proposed holiday units may choose to walk or cycle along this section of highway, the numbers are likely to be limited. The roadside verge also provides some refuge from passing traffic. There is no evidence before me of any road traffic accidents and I note that the highways officer did not object to the proposals. A refusal on highway grounds would be difficult to justify.
47. The proposed relocated swimming pool would be sited closer to the boundaries with some neighbouring residential properties. This has the potential to increase noise and disturbance for some neighbouring residents. However, as set out within the officer's report, a planning condition could be attached to an approval restricting the hours of use of this pool so as to avoid harmful noise disturbance.

Potential for a Split Decision

48. Given my findings above in respect of proposed Block C, the possibility of issuing a split decision and granting planning permission for this part of the development arises. Block C would be physically separate from other elements of the proposals. Whilst it would occupy the site of the existing swimming pool and sauna, there is nothing to demonstrate that these four new holiday units, or the remainder of the holiday complex, could not function without a replacement pool and sauna. However, even if that was not the case, the appellant could choose whether or not to implement any permission. An approval would not prejudice the interests of any party. A split decision could therefore be made.

Planning Conditions (Block C only)

49. In addition to the 'standard' condition requiring the development to commence within a period of three years, for the avoidance of doubt, it would be necessary to attach a condition specifying the approved plans.
50. To safeguard the character and appearance of the area, a condition would be necessary requiring the submission of further details relating to the proposed external materials, as well as a scheme of landscaping.
51. Given the location of the site outside of any recognisable settlement and, in order to protect the character of the area, a condition would be necessary restricting occupancy of the proposed units to holiday use.
52. To avoid the risk of damaging trees growing within the site or compromising highway safety interests or harming the living conditions of those occupying neighbouring residential properties, a condition requiring the submission and approval of a Construction Method Statement would be necessary.
53. To ensure the development included adequate energy performance and renewable energy generation, a condition requiring details of the outcome of an investigation into such matters would be necessary.
54. Given the findings and recommendations within the appellant's Bat Activity Surveys and to safeguard the local population of bats, a condition would be necessary to control external lighting and to include the provision of bat boxes.

Overall Conclusion

55. I have found above that the harm to the character and appearance of the area (excluding Block C) outweighs the benefits of the proposals. When also weighed with my findings in respect of the other main issues and the other matters, the outcome remains the same. As the development plan policies for protecting the character, appearance and distinctives of the area, as well as those relating to design and rural worker's dwellings are not out of date, the 'tilted balance' provided for within the Framework is not engaged. Even if it was, the harm that I have identified would significantly and demonstrably outweigh the benefits.
56. I have found that the proposals would both accord and conflict (excluding Block C) with different elements of the development plan. This is not unusual. However, when the development plan is considered as a whole, the proposals (with the exception of Block C) would be in conflict.
57. Given all of the above, I conclude overall, that the appeal should succeed in part (Block C only), but should otherwise be dismissed. A split decision is issued.

Neil Pope

Inspector

SCHEDULE OF PLANNING CONDITIONS (BLOCK C – Holiday Accommodation only)

1. The development hereby permitted shall commence not later than three years beginning with the date of this decision.
2. The development hereby permitted, insofar as it relates to Block C only, shall be undertaken in accordance with the following approved plans: 1:1,250 scale site location plan ref. 0420-01; 1:500 scale proposed layout (Block C only) plan ref. 0420-12 Rev D; 1:100 scale proposed floor plans plan ref. 0420-03; 1:100 scale proposed elevations plan ref. 0420-05 Rev B; 1:200 scale Tree Protection Plan TPP V3 prepared by Objective Tree Consultancy.
3. No development above ground level shall take place until details of the following have been submitted to and approved in writing by the Local Planning Authority:
 - i) the materials to be used in the construction of the external surfaces of the proposed buildings;
 - ii) a scheme of landscape planting, including a timetable for undertaking the works;
 - iii) an energy efficient building design, measures for the sustainable use of water and the outcome of investigations to increase the energy performance of the building, including efforts to further improve the insulation and airtightness, as well as the potential for increasing renewable energy generation;
 - iv) any external lighting to be installed and provision of bat boxes within the site.The development shall be undertaken in accordance with the approved details.
4. The development hereby permitted shall only be used as holiday accommodation

and shall not be occupied as a person's sole or main place of residence. The site owner/operator shall maintain an up-to-date register of the names of all occupants of the proposed holiday units and their main home addresses. Upon request, this information shall be made available to the Local Planning Authority.

5. No development shall commence, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall provide for:
- (i) the parking of vehicles for site operatives and visitors;
 - (ii) loading and unloading of plant and materials;
 - (iii) storage of plant and materials used in constructing the development;
 - (iv) the erection and maintenance of security hoarding;
 - (v) wheel washing facilities;
 - (vi) measures to control the emission of dust and dirt during demolition and construction;
 - (vii) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - (viii) delivery, demolition and construction working hours.
- The approved Statement shall be adhered to throughout the demolition and construction phases.