
Appeal Decision

Site visit made on 9 December 2025

by **S Harrington MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16 December 2025

Appeal Ref: APP/D0840/W/25/3363588

The Granary, Road Between Friars Lane and Croft Pascoe, Ruan Minor, Cornwall TR12 7NA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mrs Lucy Carter against the decision of Cornwall Council.
 - The application Ref is PA23/08640.
 - The application sought planning permission for construction of annexe without complying with a condition attached to planning permission Ref PA21/07601, dated 22.02.2022.
 - The condition in dispute is No 3 which states that: The development hereby permitted shall only be occupied by members of the family or non-paying guests of the occupiers of the dwelling known as The Granary, Tresaddern and shall not be used at any time as a separate residential unit of accommodation.
 - The reason given for the condition is: The creation of a separate unit of accommodation in this rural location would be undesirable and conflict with the aims and intentions of policy 7 of the Cornwall Local Plan Strategic Policies 2010-2030 and paragraph 79 of the National Planning Policy Framework 2021.
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. Planning permission¹ has previously been granted for the construction of an annexe. Condition 3 imposed on this planning permission limits the occupation of the building to members of the family or non-paying guests of the occupiers of the dwelling known as The Granary.
3. The appellant proposes to vary condition 3 to also allow a flexible use as holiday accommodation when the building is not needed by family or non-paying guests of the occupiers of The Granary.
4. Consequently, the main issue is whether the condition is reasonable or necessary in relation to the suitability of the location for tourism accommodation, having regard to the local development strategy and the accessibility to services and facilities.

Reasons

5. Policy 2 of the Cornwall Local Plan Strategic Policies 2010-2030 (LP) outlines the Council's spatial strategy. The Policy sets out a sustainable approach to

¹ PA21/07601

accommodating growth, maintaining the dispersed development pattern of Cornwall and providing jobs in a proportional manner based on the role and function of each place.

6. When not in use as an annexe, the proposal would inevitably result in a unit of holiday accommodation which would contain all the facilities to support day-to-day living. Moreover, it would not lose these characteristics if it were occupied for only part of the year, or at infrequent intervals, or by a series of different persons. Consequently, the building exhibits the characteristics of a dwellinghouse, albeit the proposal would result in occupancy partially restricted to holiday use by a planning condition.
7. The appeal building is located in open countryside, where LP Policy 7 restricts housing unless there are special circumstances, none of which have been put to me. It would nevertheless also constitute a form of tourism development, with future holiday occupiers being independent from the occupiers of The Granary, with associated independent movements, which differ from the annexe use of the building.
8. Tourism development is addressed within LP Policy 5. Amongst other things, this Policy states that high quality sustainable accommodation will be supported where it would be of an appropriate scale to its location and to its accessibility by a range of transport modes. Proposals should provide a well-balanced mix of economic, social and environmental benefits.
9. Furthermore, although the National Planning Policy Framework (Framework) supports a prosperous rural economy, which the proposal would contribute towards, it also seeks developments to exploit opportunities to make a location more sustainable, and encourages development directed to sites that are physically well-related to existing settlements.
10. Although there are other examples of tourism facilities in the wider area, the nearest settlement that provides a range of services and facilities is Ruan Minor, noted by the Council as being some 1.3km from the appeal site as the crow flies. However, to access these facilities, visitors to the appeal site would need to travel a longer distance along a minor highway, or across fields via a public footpath. I observed the route to Ruan Minor would not be attractive for pedestrians or conducive to safe pedestrian use due to a lack of pavements and safe refuge, and lack of street lighting along significant sections of the route resulting in possible conflict with vehicles.
11. I have also been directed towards a local bus route. Nevertheless, even if the nearest bus stops can be reached in 10-15 minutes as has been put to me, the pedestrian route to the bus stops would still be via the rural highway network outlined above and is unlikely to be utilised by visitors during their stay, especially during hours of darkness or inclement weather.
12. Therefore, I find that future holiday occupiers of the appeal building are unlikely to access the services and facilities which are closest to the appeal site directly by foot or by public transport. I have also been made aware of a local cycle hire service which delivers bicycles to properties for holiday makers. Nevertheless, even if it is the case that visitors would utilise other modes of transport such as bicycles, the method of transport that future occupiers choose to travel to, or while

at, the appeal site is not a matter that could be effectively controlled by a planning condition.

13. Consequently, there would be nothing to prevent individuals from driving to and from the appeal site in private vehicles. Given the limitations of access to public transport and nearby services and facilities described previously, I find that walking, cycling or public transport is unlikely to be preferential to the use of private vehicles to many individuals.
14. I have been referred to a number of other existing tourist facilities, planning permissions and an appeal decision for holiday accommodation with I'm told similar levels of accessibility to the appeal site. Nevertheless, full details of the other cases are not before me within the evidence. It is not clear the spatial relationship those sites have within the surrounding area, or wider material factors which influenced the judgements reached. Moreover, the current appeal proposal has its own circumstances, and I have determined it on its own merits taking into account the site-specific factors.
15. I therefore conclude that the appeal site would not provide a suitable location for tourism accommodation, having regard to the local development strategy and the accessibility to services and facilities. The proposal would conflict with LP policies 1, 2, 3, 5, and 7 which seeks, amongst other things, to promote sustainable tourism development. The proposal would also be contrary with policies C1 and T1 of the Climate Emergency Development Plan Document (February 2023) which seeks, amongst other things, to locate new development in order to reduce emissions and minimise the need to travel and maximise the sustainable and active modes of transport in all developments.
16. LP Policy 12, and Policies PD-P8 and PD-P11 of the Cornwall Area of Outstanding Natural Beauty Management Plan 2022-2027 are also cited within the Council's reason for refusal. However, these policies seek, amongst other things, to maintain and enhance Cornwall's distinctive natural and historic character and ensure tourism development conserves and enhances the characteristics of the Cornwall National Landscape. Although the proposal may result in a differing character of occupiers' movements, given the proposal relates to an existing building, I find no conflict with these particular policies.

Other Matters

17. Some evidence has been submitted in respect of the personal circumstances of the appellant, the reasons for its initial construction, and the ability to use the appeal building to assist them financially until such a time when a relative would move in when required due to old age/ill health. As required by Section 149 of the Equality Act 2010 in reaching my decision I have had due regard to the need to advance equality of opportunity between persons sharing a relevant protected characteristic and persons who do not share it, including by taking steps to meet the needs of such persons that are different from the needs of persons who do not share the relevant protected characteristic.
18. While I sympathise with the desire to utilise the appeal building to assist financially, until such a time as the appeal building is required to accommodate a relative, there is insufficient specific evidence for me to draw a clear conclusion that the variation of the condition would be the only way to provide future care for an elderly relative if it is, indeed required at that time. As such, taking all relevant

matters into account, I can only give very modest weight to the circumstances of the appellant.

19. The proposal would result in some economic benefit both for the appellant, and also the wider local economy from the use of services and facilities by future holiday occupiers, in accordance with the Frameworks support for a prosperous rural economy. However, due to the scale of the proposal relating to one unit of holiday accommodation, which may at times be utilised by family or non-paying guests of The Granary, I afford this benefit modest weight.
20. The appeal site is within the zone of influence of the Fal and Helford Special Area of Conservation (SAC). Designated features of the SAC include saltmarsh, intertidal mudflats, subtidal sandbanks, large shallow inlets and bays, estuaries and reefs. Within the vicinity of the SAC, new residential development would lead to increased levels of recreational activity. This would be likely to have a significant effect on the designated features of the SAC either on its own or cumulatively with other similar development, without avoidance measures.
21. The application had been accompanied by a financial contribution to seek to mitigate recreational impact of the proposal on the SAC. Notwithstanding, Regulation 63(1) of the Conservation of Habitats and Species Regulations 2017 indicates the requirement for an Appropriate Assessment is only necessary where the competent authority is minded to give consent for the proposal.
22. Given my conclusions on the main issue above, it is not necessary for me to consider this matter any further as the proposal would not take place and would not affect the SAC. Moreover, even if I were to find that suitable mitigation had been appropriately secured, a lack of harm would be a neutral factor.

Conclusion

23. For the reasons given above, I find that the proposal would conflict with the development plan, read as a whole. No material considerations have been shown to have sufficient weight to indicate that a decision should be taken otherwise than in accordance with it. Therefore, the appeal is dismissed

S Harrington

INSPECTOR