



Appeal Decision

Site visit made on 4 December 2025

By G Powys Jones FRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 December 2025

Appeal Ref: APP/D0840/W/25/3367753

Kernow Slide, south of Park Farm, Ladder Lane, Cardinham, Bodmin, Cornwall, PL24 2RT

- 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 James Lance of Kernow Slide Ltd against the decision of Cornwall Council.
 - The application Ref is PA24/05867
 - The development is described as temporary use of land (3 years) for the siting of a water slide attraction for up to 70 days (operational period) annually.
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Decision

1. The appeal is allowed, and planning permission is granted for temporary use of land (3 years) for the siting of a water slide attraction for up to 70 days (operational period) annually at Kernow Slide, south of Park Farm, Ladder Lane, Cardinham, Bodmin, Cornwall, PL24 2RT in accordance with the terms of the application, Ref PA24/05867, subject to the conditions set out in the accompanying Schedule.

Main Issues

2. The main issues are: (a) whether this is an acceptable location for the development having regard to the site's accessibility and the effect on the character and appearance of its surroundings, and (b) the effect on the living conditions of nearby uses with particular reference to noise and disturbance.

Reasons

Location

3. The appeal site is situated in the heart of the countryside divorced from a recognised or designated settlement, but where sporadic development is evident. Many of the development plan policies relied upon by the Council¹ emphasise the requirement, particularly having regard to climate change, that development should be sustainably located; that the use of the private motor car to serve new development should be minimised, and that the use of public transport, walking and cycling to access facilities should be encouraged.

¹ Policies C1; C2; C3; 27 of the Cornwall Local Plan (CLP); saved policy ENV1 of the North Cornwall Local Plan (NCLP) & policies C1 and T1 of the Council's Climate Emergency Supplementary Planning Document (SPD).

4. However, as three of my colleagues found in dealing with appeals in respect of other proposed tourism related development² CLP policy 5³ is also of significance. The explanatory text to the policy stresses the importance of tourism to the Cornish economy, and the first paragraph of the text provides that to make the local economy competitive it is important to remove unnecessary barriers.
5. It seems to me that this approach is reflected in part within CLP policy 5 wherein tourism ventures are not, under the terms of paragraph 1(c), precluded from countryside locations, notwithstanding their dislocation from settlements, provided they are of a scale appropriate to the location. Paragraph 3 of CLP policy 5 is supportive of tourism development subject to the same criterion and to its accessibility by a range of transport modes. There is also a requirement that proposals should provide a well-balanced mix of economic, social and environmental benefits.
6. The development has been in operation for a limited period. Judging from what I have read and seen the business is of a modest scale, drawing a limited number of customers for part of the year, self-regulated throughout the day by an online booking system. The Council's highway officers indicated that the access roads to the site from the main highway network are country lanes with restricted width in places, but with sufficient passing bays to ensure that highway safety would not be at risk. I saw that to be the case, which signifies to me that the scale of the development is not inappropriate to its location in highway capacity and safety terms.
7. The site is located within attractive countryside designated as an Area of Great Landscape Value (AGLV), subject to restrictive policies designed to safeguard it from harm. The Council assessment of the proposal is contained in the officer report. Although the slide's colour is striking, officers took the view that:

'.. the slide itself is predominantly low to the ground with only a small raised section where the scaffold structure is located. Additionally, the site is bounded by dense and mature boundary trees and hedging such that from public vantage points, it is extremely well screened. Views are visible when looking through the entrance to the site and from a gateway some 530m to the south west of the site, however, these views are transitory in nature and are only possible as glimpses when passing.'
8. Officers concluded that the resultant level of landscape harm was very limited. My visit took place when defoliation had occurred and when the slide equipment had been dismantled. Nevertheless, I could envisage from the plans and photographs the likely level of visual impact. I found the site to be physically and visually contained, and I share the officer view that the level of visual harm when the site was in use would be very limited, such as to persuade me that the proposal is of a scale appropriate to its countryside location in the context of CLP policy 5.
9. The use would provide a well-balanced mix of economic and social benefits, in the sense that a number of part-time jobs would be generated, and tourists and some of the local population would be provided with a facility to be enjoyed in the summer. There would, however, be no immediately discernible environmental benefit.

² Referred to by the appellant and Council respectively: APP/D0840/W/22/3295146; 17/3189025 & 24/3350593

³ Relating specifically to Business and Tourism

10. The appellant has indicated the intention and methods to encourage customers to travel to and from the site by means other than the private car. However, whilst the site is not inaccessible on foot, by cycle or by taxi, it appears to me that for the most part customers would arrive by car, and in this regard I share the view expressed by the Council and Parish Council. On the other hand, I consider it would be unrealistic and unreasonable, having regard to the thrust of paragraph 1(c) of CLP policy 5, to expect tourists not to make use of the vehicles which probably transported them for their Cornish holidays from distant origins.
11. The Framework⁴ provides 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. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport)..’
12. It appears to me that the general thrust of CLP policy 5, reflects the Framework’s tone.
13. I conclude that the proposed development, for the duration of time sought, would not harm the character and appearance of its surroundings and, as to accessibility, is generally in accord with the relevant provisions of CLP policy 5, which is specifically directed to business and tourism such as proposed.

Noise and disturbance

14. In response to the Council’s second reason for refusal, the appellant commissioned an Environmental Noise Assessment. I note that the report was based on surveys undertaken outside the peak holiday season. However, the surveys coincided with the May half-term holidays when the facility, including the generator, was in use.
15. The Council, having considered the report through the aegis of its Environmental Health Officer, subsequently dropped its second reason for refusal. Nevertheless, some local residents including the operators of a nearby tourist facility objected to the proposals on similar grounds to the concerns initially raised by the Council.
16. The appellant’s report is an empirical assessment of measured noise levels at receptors close to the site’s boundaries and potential sensitive uses. Neither the Council nor any resident has seriously questioned the methodology used in the report, which concluded that, whilst noise generated within the site may be audible outside the site, it would be at acceptable levels having regard to recognised standards.
17. It is inevitable that children using the facility would generate a level and type of noise reflecting their excitement and enjoyment of a facility such as proposed. It is also likely, as the appellant accepts, that some noise generated would be heard outside the confines of the site. To my mind, however, having regard to the outcome of the empirical assessment I am satisfied that such levels of noise as would be discernible outside the site should not reasonably give rise to an unacceptable nuisance or adverse living conditions either on the part of local residents or tourists attending the nearby facility.

⁴ National Planning Policy Framework at paragraph 89

18. I therefore conclude that no material conflict arises with those provisions of CLP policies 12 & 16 designed to protect individuals and property from unreasonable noise and disturbance.

Planning balance and overall conclusions

19. In assessing the visual impact of the development and its effect on the character and appearance of the countryside and its attractive landscape, I find the proposal would have a very limited effect on either. Whilst development policies need to be considered as a whole, I find the provisions of CLP policy 5 to be the most relevant given that it is specifically directed to tourism and business, and provides that in certain circumstances, such as apply here, countryside locations are not inappropriate for tourist ventures. Having regard to the evidence, the development should not give rise to adverse living conditions for those living or visiting in close proximity to the site.
20. The appellant seeks a temporary permission. I am conscious that, although now stopped, the use was initially commenced on an unauthorised basis, and to that extent a trial run may be considered to have taken place. However, there is no clear evidence before me that the use has run to its full potential where its possible impacts could possibly be different, particularly with regard to parking, traffic levels, littering, pollution, noise and disturbance.
21. On balance, I consider a permission to be warranted but for a temporary period enabling the Council to assess its effects and general management so that it has a more complete picture than at present if an application is eventually made for a permanent permission.

Conditions

22. The Council has suggested a number of conditions and the appellant was given the opportunity to comment on them. Most will be imposed, albeit some will appear in a modified form.
23. In the interests of certainty it is necessary that the development is carried out and implemented in accordance with the approved plans, and a condition to this effect is imposed. It is also necessary to limit the duration of the permission, and to ensure that the site, if necessary, is restored.
24. It is also necessary in the interest of amenity to ensure that the hours of operation and the duration of the use in the summer is clearly identified. The necessity of preserving the identified car parking spaces is important in the interests of highway safety.
25. Given the temporary nature of the use, and that the access to the site is already surfaced, it would be unreasonable to impose the condition suggested by the Council at its paragraph 7.7.
26. The Council's suggested condition in respect of foul drainage is noted. However, the plans show provision being made for siting temporary toilet facilities. It is however necessary to ensure that arrangements are in place for their servicing and how foul matter will be disposed of.
27. In the interests of amenity, and to reflect the appellant's intentions it is necessary to identify the dates on which the slide structure shall be annually dismantled. The

plans show that the dismantled structure would be stored in temporary buildings on the fringes of the site.

Other matters

28. All other matters raised in the representations have been considered. Other development plan policies have been referred to by the parties, but those that I have mentioned are considered the most relevant having regard to the particular circumstances of the case. I have also had regard to the various other references to the Framework.
29. I have noted the concerns raised in respect of visibilities at the site entrance, but they are acceptable to the highway authority, and having regard to that seen at my visit, I have no reason to disagree. Concerns have been raised as to the use of chemicals at the site and the disposal of treated water from the slide. This is dealt with at some length in the officer report, based on the appellant's submitted details, and on this basis, I am satisfied that the officer conclusion on the issue is not misplaced.
30. No other matter is of such strength or significance as to outweigh the considerations leading to my conclusions.

G Powys Jones

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: JL.24.PL01 B; JL.24.PL02 B & JL.24.PL03 B.
- 3) The use hereby permitted shall be discontinued and any associated temporary buildings and other paraphernalia shall be removed from the land in its entirety and the land shall be restored to its former condition on or before 30 September 2029 in accordance with a scheme of work previously submitted to and approved in writing by the local planning authority.
- 4) The slide structure shall be dismantled by 30 September each year for the duration of the use and shall be stored entirely within the temporary storage buildings shown on the approved plans.
- 5) The use of the application site hereby permitted shall be undertaken in strict accordance with the details, opening times and hours of use as set out in the Planning Statement prepared by Moor Planning, dated July 2024.
- 6) During the operation of the approved development the parking areas shown on the approved drawings shall be provided and retained during the approved period of use for each calendar year. The parking areas shall be kept free of obstruction and shall not be used for any other purpose.

- 7) The development hereby permitted shall not be brought into use until details for the management of the proposed toilet facilities and disposal of foul water have been submitted to and agreed with the local planning authority. The toilet facilities shall thereafter be retained and managed in accordance with the agreed scheme.