



Appeal Decisions

Site visit made on 3 February 2026

by **M Bale BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 February 2026

Appeal A Ref: APP/D0840/C/25/3360786

Land Known as Penhallow Barn, Trewithen, Stithians, Truro, Cornwall TR3 7DU

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Tresyjo LLP against an enforcement notice issued by Cornwall Council.
- The notice was issued on 28 January 2025.
- The breach of planning control as alleged in the notice is: Without planning permission, the construction of a cabin for residential accommodation (holiday let), associated development in the form of a shed and hardstanding area and the material change of use of the land from agricultural to residential. The approximate locations of the residential cabin and shed are marked by a blue 'A' and a blue 'B' respectively on the attached plan¹.
- The requirements of the notice are to:
 - 1) Cease the residential use of the land outlined in red on the attached plan.
 - 2) Demolish and remove the cabin shown in the approximate location by a blue 'A' on the attached plan from the land outlined in red on the attached plan.
 - 3) Remove all services connected to the cabin for the purposes of independent human habitation, i.e. electric cabling, water pipes, sewage pipes, gas bottles etc.
 - 4) Demolish and remove the shed shown in the approximate location by a blue 'B' and other timber structures from the land outlined in red on the attached plan.
 - 5) Remove from the land all materials and debris resulting from the residential use of the land shaded in orange, including but not limited to outdoor furniture, outdoor lights, fire pit, outdoor bathtub with surrounding privacy screening etc.
 - 6) Demolish and remove the hardstanding from the land shaded in orange and restore the land to its former condition before the breach took place i.e. turfed.
 - 7) Remove from the land all materials and debris resulting from compliance with the requirements of (2), (3), (4), (5) and (6) above, and restore the land to its former condition before the breach took place.
- The period for compliance with the requirements is 8 months after the notice takes effect.
- The appeal is proceeding on the grounds set out in section 174(2)(c), (f) and (g) of the Town and Country Planning Act 1990 (as amended).

Summary Decision: The appeal succeeds in part, the enforcement notice is upheld with variations as set out below in the Formal Decision.

Appeal B Ref: APP/D0840/W/25/3361288

Penhallow Barn, Trewithen, Stithians, Truro, Cornwall TR3 7DU

- 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 Tresyjo LLP against the decision of Cornwall Council.
- The application Ref is PA24/07329.
- The development proposed is a glamping cabin.

Summary Decision: The appeal is allowed and planning permission is granted.

Preliminary Matter

1. The development subject to appeal B was described on the application form as 'retention of glamping cabin'. As 'retention' does not describe an act of

¹ Reference here to an attached plan in this heading is reference to the plan attached to the enforcement notice.

development, I have omitted that word from the above heading and my formal decision.

Appeal A on ground (c)

2. Ground (c) is that the matters alleged in the enforcement notice (“the Notice”) do not constitute a breach of planning control. On this ground of appeal, the onus is on the appellant to prove their case to the standard of the balance of probability. It is argued that the cabin has been granted planning permission by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (“the GPDO”).
3. The GPDO provides that certain types of development do not require express planning permission. Part 5, Class A of schedule 2 relates to the use of land as a caravan site, permitting development where a site licence is not required in the circumstances referred to in paragraphs 2 to 10 of Schedule 1 to the Caravan Sites and Control of Development Act 1960 (“the 1960 Act”).
4. While the appellant indicates that the cabin was assembled off-site and connected together on-site in accordance with Freedom Camping Club guidelines, there is little actual evidence as to what this process entailed. It is, therefore, unclear as to whether the cabin meets the definition of a caravan, even if it is not permanent and not physically attached to the ground.
5. In any case, the relevant circumstance at paragraph 5 of Schedule 1 to the 1960 Act, relates to the issuing of a certificate by an exempted organisation – in this case the Freedom Camping Club – for use by its members for the purposes of recreation. The appellant’s evidence includes reviews from a popular holiday booking site, suggesting use by people other than members of the exempted organisation. While the Council may not have questioned the use of a shepherd’s hut and bell tent on adjoining land, that does not alter the evidence about the way that the cabin appears to be used.
6. The laying of the shale surface around the cabin is an obvious alteration to the appearance of the land. Although ground levels have not been changed, I have no substantive evidence to demonstrate that such an alteration would not constitute development within the meaning of the Town and Country Planning Act 1990 as amended (“the 1990 Act”). Likewise, the shed and other items, while moveable, appear to be associated with the change of use of the land alleged and so are part and parcel of the breach of planning control.
7. Given this, on the balance of probability, I find that the matters alleged in the notice are development and do not benefit from the planning permission granted by the GPDO. There is no substantive evidence that it would otherwise not constitute a breach of planning control. Accordingly, the appeal on ground (c) should fail.

Appeal A on Ground (f)

8. The Notice seeks to remedy the breach of planning control. In this context, an appeal on ground (f) is that the steps required by the Notice to be taken, or the activities required by the Notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters alleged. Whether lesser steps may remedy any injury to amenity is not relevant.

9. The allegation includes the construction of a cabin and the material change of use of land from agricultural to residential. The first requirement of the Notice is to cease the residential use of the land, which the appellant suggests might be unreasonable given the lawful use rights granted by the GPDO for use of the land as a caravan site.
10. However, the permission granted by the GPDO and described in Schedule 2, Part 5 (insofar as it relates to this site) is for the use of land for the purposes of recreation. Therefore, requiring the cessation of the residential use would not interfere with those rights and would be consistent with, and so required to remedy, the alleged breach of planning control.
11. The Notice requires the demolition and removal of the cabin and shed. I understand that they are movable structures, such that demolition might not be required. That being the case, it is not necessary for the cabin to be demolished in order to meet the purpose of the Notice. The Notice can be varied to the extent that removal would suffice and the appeal will succeed to this limited extent.
12. The various services and the hardstanding, however, are on the land to facilitate the breach of planning control. While it might be possible to use them in connection with the use of the land as a caravan or camping site, their removal would not interfere with any such right to do so. The same can be said for other small items and paraphernalia brought onto the site in connection with the use, even if they do not constitute development in their own right. In order to restore the land to its former condition, the removal of these items and any residual material does not go beyond what is necessary to remedy the breach of planning control.
13. I, therefore, find that the appeal on ground (f) should succeed to the limited extent that the demolition of the cabin and shed are not necessary provided that they are removed from the land. The Notice will be varied accordingly.

Appeal A on Ground (g)

14. Ground (g) is that the period specified to comply with the Notice falls short of what should reasonably be allowed. The appellant suggests that the extent of works required could take up to a year to complete. However, no detailed explanation is given as to why that could be the case.
15. Moreover, the appellant's own evidence suggests that moving the cabin with specialist lifting equipment may only take around two and a half hours. There is no particular evidence to suggest that the required contractors would not be available within the timeframe specified in the Notice. The services and hardstanding cover relatively small areas of land and the appellant indicates elsewhere that the small items and paraphernalia can be 'readily moved'.
16. Therefore, it has not been shown that the specified 8 month period falls short of what should reasonably be allowed and the appeal on ground (g) fails.

Appeal B

17. Appeal B relates to the refusal of planning permission to retain the cabin. The main issues are whether the cabin is in an appropriate location for the development, with regard to the policies of the development plan; and the effect on the character and appearance of the area.

Location

18. The site is in a rural location where development plan policies do not permit new dwellings. However, the proposal is for tourism accommodation, to be restricted as such by planning condition, so those policies that govern tourism development are of greater weight and importance than those relating to the provision of general housing. Policy 5 of the Cornwall Local Plan 2016 ("LP") permits new tourism development, including accommodation, where it would be of an appropriate scale to their location and to their accessibility. These terms are not qualified or further explained.
19. There are clear shortcomings in accessibility relating to the distance to the closest significant settlement of Stithians and the narrow, undulating and winding road that leads there. I understand that Stithians has a shop and public house, but I have limited information about the extent of any public transport connections. In any case, the distance and route to Stithians is such that any bus stops there are unlikely to provide an attractive alternative to the private car, which is, therefore, likely to be the travel mode of choice when travelling further afield.
20. The Climate Emergency Development Plan Document 2023 ("CEDPD") sets out, at Policy T1 that new development should be designed and located in order to minimise the need to travel, and support a modal hierarchy that places private vehicles as the least favourable. As private vehicles are likely to be the mode of choice for most trips from the appeal site, the development does not comply with Policy T1. It would also conflict with CEDPD Policy C1 that seeks to maximise the ability to make trips by public, sustainable and active modes of transport, rather than car use. Other sites that I have been advised have been permitted since adoption of the CEDPD appear to have better accessibility than this one.
21. Nevertheless, this site has been granted an exemption certificate for use as a camping and caravan site by members of the Freedom Camping Club. It seems likely that, if I were to dismiss the appeal, the cabin site would be put to use as a camping or caravan pitch, albeit to a more limited market. The cabin is of small scale and provides similar facilities to those that one would expect to find in a small caravan. Travel patterns would likely be comparable. Therefore, the level of harm that would result from the conflict with CEDPD Policies C1 and T1 would be small. Within the permissive environment of LP Policy 5, this leads me to conclude that the scale of the development would be appropriate to its location and accessibility, and there would be no conflict with the development plan, read as a whole in respect of this issue.

Character and appearance

22. The site is within an elevated rolling rural landscape. In the wider area, hilltops are open and exposed with few trees. The topography limits most views to short-range, although there are longer views towards the north, such that the site may also be visible from any vantage points in that area. Nevertheless, from there, the cabin would be seen against a backdrop of rising land, that, in the immediate vicinity does include numerous trees, and grouped with other buildings on the appellant's land.
23. The cabin is finished in stained timber boarding and grey corrugated sheets. These are generally recessive colours such that they would not be prominent in any long views when seen within the landscape and planting. There is some

glazing, but the window openings are small, such that any light spill would be minimal. Paraphernalia about the building would be generally concealed by boundary hedges.

24. I, therefore, find no conflict with LP Policies 12 and 23 that seek to ensure that development is appropriately designed for its context, sustains local distinctiveness and protects the natural environment.

Other matter

25. The site is within the zone of influence of the Fal and Helford Special area of Conservation ("the SAC"). The SAC has been designated for its saltmarsh, intertidal mudflats, subtidal sandbanks, large shallow inlets and bays, estuaries and reefs. Increased disturbance from greater public access and recreation have the potential to cause harm to the integrity of the SAC.
26. The appellant has made payment in accordance with the SAC Strategic Mitigation Plan, supported by Natural England and designed to avoid increase adverse effects, that will be implemented by the Council. As competent authority under the Conservation of Habitats and Species Regulations, and following appropriate assessment, I am, therefore, satisfied that adverse effects on the integrity of the SAC will be avoided and I can agree to the proposal. There would be no conflict with LP Policy 22 that seeks to safeguard European Protected Sites.

Conclusion on appeal B

27. To prevent the creation of an inappropriately located permanent dwelling, a condition is required to limit the occupation to holiday use. Such would avoid conflict with LP Policies 1, 2 and 7. A plans condition is required in the interests of certainty. Subject to such conditions, for the reasons given, I find that the development complies with the development plan when read as a whole. There are no material considerations that indicate otherwise that permission should be refused. Therefore, planning permission should be granted and appeal B succeeds.
28. Notwithstanding my decision on appeal A, Section 180 of the 1990 Act provides that where, after the service of an enforcement notice, planning permission is granted for any development carried out before the grant of that permission, the Notice shall cease to have effect so far as it is inconsistent with that permission.

Formal Decisions

Appeal A:

29. It is directed that the enforcement notice is varied by:

In Section 5 'What you are required to do', the deletion of the words "Demolish and remove" and their substitution with the word "Remove" in paragraphs 2) and 4).

30. Subject to the variations, the enforcement notice is upheld.

Appeal B:

31. The appeal is allowed and planning permission is granted for a glamping cabin at Penhallow Barn, Trewithen, Truro TR3 7DU in accordance with the terms of the application, Ref PA24/07329, subject to the following conditions:

- 1) The development hereby permitted shall be carried out in accordance with drawing nos 1470.01, 1470.02B, 1470.03.
- 2) The development hereby permitted shall be used as holiday accommodation only and shall not be occupied as a person's sole or main place of residence. The owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of each individual unit on the site, and of their main home addresses, and shall make this information available at all reasonable times to the local planning authority.

M Bale

INSPECTOR