



Appeal Decision

Site visit made on 11 February 2026

by B Astley-Serougi BA(Hons) LLM MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd March 2026

Appeal Ref: APP/D0840/W/25/3371560

Higher Penderleath Caravan & Camping Park, Higher Penderleath Resort, Road Between Penderleath Common And Penderleath, Penderleath, Cornwall TR26 3AF

- 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 Tommy Harris against the decision of Cornwall Council.
 - The application Ref is PA24/07757.
 - The development proposed is siting of manager's accommodation.
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Decision

1. The appeal is allowed and planning permission is granted for siting of manager's accommodation at Higher Penderleath Caravan & Camping Park, Higher Penderleath Resort, Road Between Penderleath Common And Penderleath, Penderleath, Cornwall, TR26 3AF in accordance with the terms of the application, Ref PA24/07757, subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs was made by Tommy Harris against the decision of Cornwall Council. This application is subject to a separate decision.

Preliminary Matters

3. As the site is within the Cornwall National Landscape (the CNL) I have paid regard to my duty under Section 245 of the Levelling-up and Regeneration Act 2023 to seek to further the purpose of conserving and enhancing the natural beauty of the area.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the surrounding area including whether it would conserve and enhance the natural beauty of the CNL.

Reasons

5. The appeal site is located in an elevated position on rising ground on the side of a shallow valley. It forms part of a complex of holiday accommodations which include the Higher Penderleath Caravan and Camping Park as well as the Higher Penderleath Resort.
6. The tourist site was initially started in approximately the 1960's as a camping site and the Council acknowledge that it has been in operation for over 50 years. There has been an extensive planning history at the site, but of particular note for the

appeal before me, a lawful development certificate was issued for the use of the site for camping and caravanning for holiday purposes¹. I also note reference in the committee minutes that the certificate of lawfulness appears to not be for seasonal use.

7. Based on the evidence before me, the proposed accommodation would be a twin unit caravan. I have assessed the appeal scheme on this basis as did the Council.
8. Paragraph 189 of the Framework states that great weight should be given to conserving and enhancing the landscape and scenic beauty of National Landscapes. The appeal site is located within the West Penwith Section of the CNL and an International Dark Skies Park covers the extent of the West Penwith section of the CNL. There are a number of Public Rights of Way (PROW's) near to the appeal site and it is also within a defined Heritage Coast Area.
9. The West Penwith Section of the CNL is described in the Cornwall Area of Outstanding Natural Beauty Management Plan 2022-2027 (the MP) as having a unique character shaped by granite geology and exposed to the Atlantic Ocean. Additionally, it has a sinuous and intricate network of small fields bounded by Cornish hedges which are a characteristic of the locality.
10. I am also mindful of WP-P1, WP-P6 and WP-P9 of the MP insofar as they relate to protecting the undeveloped character of the North Coast, protecting the ancient prehistoric field systems bound by granite Cornish hedge as valuable landscape features as well as seeking a reduction in landscape and visual impact of tourism.
11. Furthermore, the appeal site is also sited within the Cornwall Character Area CCA03 Penwith Central Hills (the CCA) in which, amongst other things, the field pattern is described as generally small and intricate and is of prehistoric origin defined by Cornish hedges. It is notable that the CCA description highlights that fields separated by locally distinct hedges is a valued landscape attribute and that one of the current/future pressures is the widespread erosion of the small field pattern.
12. The appeal site is at a high level and is surrounded by fields that are bounded by predominantly Cornish hedgerows as well as relatively mature vegetation. There is built form within the wider landscape albeit generally limited.
13. The Cornish hedgerows provide a level of enclosure when viewed from the B3311 and the PROW's near to the site. Consequently, whilst the appeal site and thus the proposed development would be visible from the B3311, PROW's, minor road and the slopes of Trink Hill, it would not be overly prominent in my planning judgement when considered in the context of the built form close to the appeal site.
14. I am cognisant of Policy WP-P10 of the MP insofar as it relates to seeking to limit light pollution arising from development. The proposed development would introduce a twin unit caravan with a number of large windows/glazing. Whilst the appeal site does not have a similar level of screening as other parts of the camping and caravan site, given its proximity to the remainder of these sites, in my planning judgement, it would be viewed within the context of the holiday accommodation site and built form close to the appeal site. Consequently, the

¹ PA24/02958

proposed scale and massing would not be unduly dominant and thus the appeal scheme would not be an incongruous or conspicuous addition.

15. Regarding the possibility of light spillage into the surrounding countryside and thus the International Dark Skies Park, whilst it is likely that there would be some lightspill from the appeal scheme, given the scale of the proposal and the existing context of the appeal site regarding the holiday accommodations, it would not to my mind result in unacceptable harm and erosion of the dark skies.
16. Consequently, given the specific site context of the appeal site, the appeal scheme would not result in unacceptable harm to the character and appearance of the surrounding area, the CNL, or the International Dark Skies Park. Accordingly, it is for the same reasons that the views of the surrounding area by users of the PROW's close to the appeal site would not be unacceptably harmed by the proposed development.
17. Additionally, I am mindful that the CCA also outlines the use of slate roofs when describing the characteristics of the farmsteads found in this area. Consequently, given that the appeal scheme would include a slate roof amongst other things, the proposed development would generally assimilate with the character and appearance of the surrounding area.
18. Given all of the above including the choice of materials as well as the proposed scale and massing of the appeal scheme, when considered in conjunction with the surrounding built form, Cornish hedgerows and mature vegetation close to the appeal site, the appeal scheme would not be unduly prominent.
19. Interested parties have raised concerns regarding the proposed landscaping scheme. It would provide, amongst other things, an additional Cornish hedge and common gorse. The MP outlines that the moorland vegetation of West Penwith consists of western heath intermixed with gorse, hawkweed, scabious and fine grasses. Therefore, on balance, the proposed landscaping would not result in unacceptable harm to the character and appearance of the surrounding landscape given the characteristics of this part of the CNL.
20. Given all of the above, I conclude that the appeal scheme would not result in unacceptable harm to the character and appearance of the surrounding area, and having regard to my statutory duty, it would conserve and enhance the natural beauty of the CNL. It would therefore comply with Policies 1, 2 and 23 of the Cornwall Local Plan Strategic Policies 2010 -2030, Policy C1 of the Climate Emergency Development Plan Document 2023, Policies PD-P1, PD-P2 and PD-P11 of the MP. These policies seek, amongst other things, to ensure development proposals sustain local distinctiveness and character as well as conserve and enhance Cornwall's natural environment including the CNL.

Other Matters

Appropriate Assessment

21. The appeal site is within the Impact Risk Zone for the West Penwith Moors and Downs Site of Special Scientific Interest (SSSI). The SSSI has the following qualifying features: mosaic of lowland heathland, fen (including valley mires, marshy grassland, and transitions to wet woodland), lowland dry acid grassland, bracken, scrub, granite outcrops and artificial habitats such as ponds and old

trackways. This mosaic of habitats supports rare and scarce plants, lichens, invertebrates, and breeding Dartford warbler.

22. Natural England has been consulted as part of this Appropriate Assessment and is content that given the type of development proposed by the appeal scheme and the distance of the appeal site to the SSSI, that there would be no likely significant effects either alone or in combination to the integrity of the SSSI and its relevant features. As a competent authority and based on the evidence before me, I am satisfied that the proposed development would not have an adverse effect on the integrity of the SSSI.

Other Considerations

23. Interested parties, including the Towednack Parish Council have raised concerns regarding the need for the proposed development and parking provision. However, none of these matters are raised as putative reason for refusals by the Council. I find no reason to disagree with its conclusions on these matters.
24. Reference to unauthorised structures as well as matters regarding hard standing for caravans has been raised in the evidence before me. These matters are not within the scope of the appeal before me and therefore are not determinative in this case.
25. The appellant has applied for the siting of manager's accommodation as outlined in the description of development. There is no clear definition of a material change of use and therefore it is a matter of fact and degree as to whether there would be a significant difference in the character of the activities from that which was previously on the site. Whilst the appeal scheme may introduce some domestic paraphernalia, the Council has not raised the material change of use of the appeal site as a concern.
26. Nevertheless, in my planning judgement and based on the evidence before me, the appeal scheme would not result in a material change of use. A condition ensuring the occupancy of the appeal scheme is to accommodate a worker associated with the business, is to my mind sufficient, to prevent a residential development on a site where it would not normally be permitted.
27. At the appeal stage, an Environmental Impact Assessment screening direction was issued. It highlights that the appeal site is within approximately 5.5km of the Marazion March Special Protection Area and around 7km from the Bristol Channel Approaches Special Area of Conservation. However, neither of these has been raised an issue by the parties and consequently are not determinative in this case.

Conditions

28. The Council has provided a list of suggested conditions. I have amended the wording of suggested conditions for clarity and to ensure accordance with the tests set out in paragraph 57 of the Framework.
29. In addition to the standard time limit condition (1), I have attached a condition specifying the approved plans to provide certainty (2).
30. I have imposed a condition requiring the submission of a lighting scheme to minimise any light pollution in the West Penwith International Dark Skies Park and the CNL (3).

31. A condition limiting the occupation of the appeal scheme is necessary to ensure it is kept available for meeting the need to accommodate a worker in the business on a site where residential development would not normally be permitted (4).
32. Finally, a condition ensuring the implementation of the approved landscape details for a period of five years is necessary to prevent the erosion of the character and appearance of the surrounding area, especially given the CNL (5).

Conclusion

33. The material considerations do not indicate that a decision should be made other than in accordance with the development plan. For the reasons given above the appeal should be allowed.

B Astley-Serougi

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos 24060-PL-00-01 Rev 03 (Site/Location Plan), 24060-PL-00-04 (Proposed Site Plan), 24060-PL-00-05 (Location Plan – Area of Site Managed), 24060-PL-00-06 (Landscape Plan) , 24060-PL-01-01 (Proposed Ground Floor Plan), 24060-PL-01-02 (Proposed Roof Plan), 24060-PL-01-05 (Detailed Landscape Plan), 24060-PL-02-01 (Proposed Elevations) and 24060-PL-02-02 (Proposed Elevations).
- 3) Prior to the installation of any external lighting, a lighting scheme shall be submitted to and approved in writing by the local planning authority.

The lighting scheme shall include:

- number, design, specification and position of lamps.
- full shielding (at the horizontal and above) of any fixture exceeding 500 initial lumens and evidence of limited impact of unshielded lighting through use of adaptive controls.
- correlated colour temperature limit of 3000 Kelvins or less.
- details of the timetable for the installation of any proposed external lighting including the agreed mitigation measures.

The lighting scheme shall be implemented in accordance with the approved details and retained and maintained as such thereafter.

At the request of the local planning authority, the land owner shall, at their own expense, employ a suitably competent and qualified person to measure and assess, by a method to be approved in writing by the local planning authority, whether the correlated colour temperature limit of 3000 Kelvins is being exceeded.

The assessment shall be commenced within 21 days of the notification, or such longer time as approved by the local planning authority. If the assessment requested by the local planning authority demonstrates that the specified level is being exceeded, the land owner shall take immediate steps to ensure that the correlated colour temperature limit is reduced to, or below, 3000 Kelvins. The land owner shall provide written confirmation of that reduction to the local planning authority within a time period to be agreed with the local planning authority.

- 4) The occupation of the dwelling hereby permitted shall be limited to a person solely or mainly employed or last employed in the business known as Higher Penderleath Camping and Caravan Site and Higher Penderleath Resort, or a widow or widower or surviving civil partner of such a person, and to any resident dependants.
- 5) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5

years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

=====END OF SCHEDULE=====