



Appeal Decision

Site visit made on 24 March 2026

by Juliet Rogers BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th June 2026

Appeal Ref: APP/D0840/W/25/3371780

Penbro Farm, A394 Between School Road and B3304, Breage, Cornwall TR13 9PN

- 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 Robert Moore against the decision of Cornwall Council.
 - The application Ref is PA24/06230.
 - The development proposed is the erection of 14 lodges, communal building and associated works.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr Robert Moore against Cornwall Council. This is the subject of a separate decision.

Preliminary Matters and Main Issues

3. The appeal site is located within the catchment of the Fal and Helford Special Area of Conservation (SAC), a European Designated Site afforded protection under the Conservation of Habitats and Species Regulations 2009 (as amended). Whilst not indicated as a reason for refusal, it is incumbent upon me, as the competent authority, to consider whether the proposal would be likely to have a significant effect on the integrity of this SAC. As the main parties have addressed this as part of the application, my dealing of this matter as a main issue would not prejudice either party.
4. Consequently, the main issues are:
 - the effect of the proposal on the character and appearance of the area; and
 - whether the proposal would be likely to have a significant effect on the integrity of the Fal and Helford SAC.

Reasons

Character and appearance

5. The appeal site comprises land associated with Penbro Farm, currently devoid of permanent built form, within a wider area characterised by gently undulating and varied mixed farmland, divided by shallow wooded river valleys¹. The site is physically separated from the nearest settlement of Breage in the west by several large, open fields. However, the site's position on the sloping topography between

¹ Cornwall Landscape Character Assessment – CCA06: Hayle and Helston Hinterland

the elevated settlement and the stream valley in the east leads to the middle and southern fields being highly visible from the surrounding area, particularly from the east and south. Despite the distance to Breage, the built form associated with the settlement can be appreciated in the backdrop to the site in some of these views.

6. The proposal comprises lodge accommodation in permanent structures, thereby introducing built form onto otherwise undeveloped and open fields. The presence of buildings would also be accentuated by the two storey height of the lodges, together with their generous footprints, hardstanding and associated paraphernalia for such a tourism use. Moreover, given their siting in the northern half of the southern field, the lodges would be located within a highly visible part of the landscape, including within views from publicly accessible locations recognised as being of high quality and/or high value, within the appellant's LVIA²; viewpoints 2, 3, 4, 5, 6b, 6c, 7, 26 and 2, in particular. Additionally, where Breage is visible in the backdrop, the introduction of built form onto the site would dilute the distinct separation of the settlement with the open rolling fields of the landscape.
7. While the lodges would be 'hunkered down' and afforded screening by the existing landscape features along the northern and western site boundaries, this would not be the case on the more exposed eastern and southern boundaries. New planting comprising hedges, hedgerow trees and wooded areas is proposed to provide some screening of, and softening to, the built form. However, such planting would take time to establish and grow to a scale sufficient to provide effective screening to the built form, particularly given the two-storey height of the lodges and communal building.
8. In the meantime, the proposed lodges would be highly visible, particularly when viewed from the east and southeast, incongruous permanent additions in the landscape which would be detrimental to the character and appearance of the countryside. The use of natural materials in recessive colours or the imposition of conditions to control light spill, were I to allow the appeal, would not be sufficient to mitigate these harmful effects. The absence of an objection to the planning application from the Council's Natural Landscape Team does not alter this outcome. Furthermore, the Council came to a similar conclusion in the pre-application advice note³, stating that further detail would be required within any subsequent application for planning permission to ensure the overall design remained recessive in the landscape.
9. I conclude that the proposal would harm the character and appearance of the area, contrary to policies 2, 12, 21 and 23 of the Local Plan⁴. These policies, amongst other aspects, require development to maintain and respect the special character of Cornwall, including the countryside, by ensuring it is an appropriate scale, mass and design.
10. It also conflicts with Policy EM5 of the BNDP⁵ which supports the improvement of tourism facilities provided it does not lead to an adverse effect on the landscape and Policy C1 of the Climate DPD⁶ which aims to conserve the distinctiveness of the natural environment.

² Landscape and Visual Impact Assessment (LVIA), Ref: 22431; prepared by Laurence Associates; dated February 2024.

³ Council Ref: PA22/01445/PREAPP; dated 5 October 2022

⁴ Cornwall Local Plan Strategic Policies 2010-2030 (Local Plan)

⁵ Breage Neighbourhood Development Plan (BNDP)

⁶ Climate Emergency Development Plan Document 2023 (Climate DPD)

Fal and Helford SAC

11. The special interest of the Fal and Helford SAC relates to saltmarsh, mudflat, sandbank and reef habitats of interest that, amongst others, make up the drowned river valleys of the Fal Estuary and Helford River. The overarching objective for the management of the SAC is the ongoing protection of these internationally important habitats. One of the issues preventing this objective being met relates to the increased pressure to access the area for recreational purposes, as well as from urbanisation and damage caused by pets, resulting from a rise in the population living or staying overnight nearby.
12. As the proposal would lead to an increase in the amount of overnight accommodation in the area, it would, therefore, lead to an increase in the number of visitors to the SAC for recreational purposes. When considered alone or in combination with other plans or projects, the proposal would have the potential to result in likely significant effects on the SAC. Consequently, it is necessary for me to conduct an Appropriate Assessment concerning the effect of the proposal on the integrity of the SAC.
13. As part of the application, the appellant submitted a signed s111 undertaking, together with a fee required by the Council's European Sites Mitigation Supplementary Planning Document (SPD), prepared in support of policies 22 and 23 of the Local Plan, and adopted in consultation with Natural England. The payment made by the appellant is based on the number of lodges proposed, thereby relating directly to the scale of the proposal. The Council will use the fees to deliver a Strategic Access Management and Monitoring project for the SAC, so that it is more resilient to visitor pressure. This includes water based monitoring patrols of the estuary, provision buoys to denote no anchor zones and code of conduct signage, amongst others.
14. I conclude therefore, that, subject to mitigation, the proposal would not be likely to have a significant effect on the integrity of the SAC and accords with policies 22 and 23 of the Local Plan, and the SPD in this respect.

Other Considerations

15. The proposal would provide social and economic benefits to the local area during the construction of the appeal scheme as well as when it is occupied as holiday accommodation. Environmental benefits would also be derived from the planting of trees, hedgerows and shrubs, as the proposal surpasses the amount of tree canopy cover set out in Policy G3 of the Climate DPD and would exceed the 10% biodiversity net gain statutory requirement (51.85% for habitats and 36.64% for hedgerows). Due to the modest scale of the proposal, the totality of these benefits would be correspondingly modest.
16. Given my conclusions above, any in-principle support from Policy 5 of the Local Plan and Policy EM5 of the BNDP⁷ relating to the upgrading of existing caravan and camping sites is limited by these policy's requirement that such proposals should not result in an adverse effect on the landscape. While I have concluded that the proposal would not be likely to have a significant effect on the integrity of the SAC, it would result in harm to the character and appearance of the area. Consequently, the proposal conflicts with the development plan as a whole.

⁷ Breage Parish Neighbourhood Development Plan 2017-2030 (BNDP)

17. There is no dispute that the campsite development previously approved⁸ for various tent and camper pitches, shepherd's huts, pods, safari tents and communal facilities has commenced through the provision of the access track. Although I observed this to be the case during my site visit, the evidence before me confirms that the approved scheme has not been fully implemented.
18. Despite comprising a similar tourism use, the proposal includes a significantly greater amount of permanent built form features than the approved scheme, with the proposed two-storey lodges being of a scale and bulk substantially larger in footprint and height than the approved shepherd's huts and pods. Moreover, as the appeal site encompasses the full width of the southern field, several of the lodges would be sited on higher, more prominent ground than the locations for the safari tents, with other approved permanent structures located on the lower, less exposed, slopes. The potential for the proposal to be more prominent than the approved scheme was also identified in the advice note.
19. Few conditions have been attached to the approved scheme to control the various accommodation types, including their colour, and specific siting and orientation of guest's tents, camper vans, awnings and gazebos on each of the designated pitches. However, these features would have a more transient appearance when compared with the proposed lodges, even if haphazardly laid out.
20. Despite the evidence before me indicating that fewer vehicular trips are likely to be undertaken to and from the lodges and greater economic benefits would be derived from their year round use, the proposal would have a more harmful effect on the character and appearance of the countryside than the approved scheme. While the latter represents a more than theoretical prospect of being fully implemented, it comprises fewer permanent features of a comparable height, bulk and scale which, combined with their more temporary appearance, represents a use that is commonplace in the Cornwall countryside. As such, it provides little justification to allow this appeal and attracts minimal weight in my decision.
21. Given the Council's latest five-year supply of developable housing sites, with the current position totalling 3.9 years⁹, the presumption in favour of sustainable development set out at paragraph 11d of the National Planning Policy Framework (Framework) is relevant. Although the site is located within a protected area, I have found that the proposal would not result in a significant effect on the integrity of the SAC and is not, therefore a strong reason to refuse the proposal. Consequently, paragraph 11di does not apply.
22. My attention has been drawn to another appeal¹⁰ and the *Gravesham*¹¹ judgement which accepted that the distinctive characteristic of a dwellinghouse was its ability to afford to those who used it the facilities required for day-to-day domestic existence. Furthermore, that this characteristic was not lost even if it was occupied for only part of the year, at infrequent intervals, or by a series of different people. As the lodges would be provided with all the facilities for daily domestic life, even if their occupancy were restricted by condition, the development plan policies relating to the location of dwellings are relevant, specifically policies 3 and 7 of the Local Plan.

⁸ Council Ref: PA16/04591; dated 13 December 2016

⁹ Cornwall 5 Year Housing Land Supply Statement (1 July 2025)

¹⁰ APP/D0840/W/24/3349253

¹¹ *Gravesham BC v SSE and O'Brien* [1983] JPL 306

23. Policy 3 of the Local Plan provides a strategic approach to the distribution of new homes based on the role and function of Cornwall's settlements while Policy 7 seeks to prevent the provision of new housing in the countryside unless specific circumstances can be demonstrated. As the site is located outside of all the core settlements listed in Policy 3 and the types of development which constitute special circumstances in Policy 7 are not proposed in this case, these Local Plan policies do little to support the proposal. Moreover, as the scheme before me comprises holiday accommodation, were I to allow the appeal, it would be necessary to impose a condition limiting the occupation period of each lodge, thereby leading me to attribute very minor weight to these policies in my decision.
24. Nonetheless, the biodiversity gains derived from the proposal and the contributions a tourism use would make to supporting a prosperous rural economy are benefits supported by the Framework. The scale of the scheme leads me to attribute modest weight to these benefits.
25. However, I have found that the proposal would conflict with policies 2, 12, 21 and 23 of the Local Plan. These are broadly consistent with the Framework's principles for directing development to sustainable locations, contributing to the natural and local environment by recognising the intrinsic character and beauty of the countryside and achieving well-designed places. The significant harm to the character and appearance of the area resulting from the proposal and the conflict with the aforementioned principles within the Framework attracts substantial weight in the determination of this appeal.
26. Consequently, I conclude that paragraph 11dii applies as the adverse impacts of granting planning permission significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Conclusion

27. The proposal conflicts with the development plan and there are no material considerations, including the presumption in favour of sustainable development, which indicate that a decision should be made other than in accordance with it. For the reasons given, the appeal is dismissed.

Juliet Rogers

INSPECTOR