



Appeal Decision

Site visit made on 5 August 2025

by **C Rose BA (Hons) BTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 August 2025

Appeal Ref: APP/D0840/W/25/3361708

North Coast Holiday Cottages, New Portreath Road, Redruth, Cornwall TR16 4QL

- 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 Mr Mark Hitchen against the decision of Cornwall Council.
 - The application Ref is PA24/06191.
 - The application sought planning permission for erection of 7 sustainable holiday units without complying with a condition attached to planning permission Ref PA12/07395, dated 04/10/2012.
 - The condition in dispute is No 7 which states that: *'The development hereby permitted shall be used as holiday accommodation only and shall not be occupied as a persons sole or main place of residence. The owners/occupiers 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 address, and shall make this information available at all reasonable times to the Local Planning Authority.'*
 - The reason given for the condition is: *'To accord with development plan housing policies under which permanent residential accommodation would not normally be permitted on the site and the accommodation, by reason of its construction and/or design, is unsuitable for continuous occupation and in accordance with the aims and intentions of Policy 13 of the Cornwall Structure Plan 2024.'*
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal is accompanied by a Unilateral Undertaking (UU) providing a financial contribution towards education provision should the appeal be allowed and development commences. I will return to this below.

Background and Main Issues

3. Planning consent was initially obtained for the construction of 7 holiday units at the appeal site in 2012. The appeal site sits within a wider holiday park site known as North Coast Holiday Cottages.
4. The planning application seeks the removal of Condition No. 7 that restricts the 7 units to holiday accommodation.
5. In light of the above, the main issues are whether the condition restricting the use of the units to holiday accommodation only is reasonable and necessary having regard to:
 - the suitability of the site for unrestricted residential accommodation, with particular regard to local and national planning policy and the effect upon tourism;

- the effect of the proposal on the provision of open space and the effect on the character and appearance of the area; and,
- whether the proposal provides adequate mitigation, with particular regard to education.

Reasons

Local and national planning policy

6. The Council's settlement strategy is contained within Policy 2 of the Cornwall Local Plan Strategic Policies (2010-2030) (CLP). This sets out a sustainable approach to accommodating growth and maintaining the dispersed development pattern of Cornwall and providing jobs in a proportional manner based on the role and function of each place. This follows CLP Policy 1 that details the presumption in favour of sustainable development.
7. Policy 3 of the CLP sets out the strategy for the delivery of housing across Cornwall with growth centred on the named, larger settlements. However, the policy goes on to state that outside of the main towns identified in the policy, housing will be delivered through the identification of sites through Neighbourhood Plans, rounding off of settlements, development of previously developed land (PDL) within or immediately adjoining a settlement, infill schemes that do not physically extend the settlement into the countryside, and rural exception sites.
8. The appeal site is not identified for housing development within the Neighbourhood Development Plan For the Parish of Portreath (NP) and the proposal is not part of a rural exception site for affordable housing. As such, to gain support from CLP Policy 3, the proposal needs to represent PDL within a settlement or the rounding off or infill of a settlement.
9. NP Policy 1 states that new housing development will only be supported in the settlement areas of Portreath, Bridge and Porthtowan. While I acknowledge that the holiday park is adjacent to some other unrestricted sporadic housing off the same access, together this group does not form an identifiable settlement. Furthermore, the holiday park and appeal site are physically and visually detached from Cambrose and Bridge with the NP only identifying Bridge as a settlement. As such, I do not find that the appeal site forms part of a settlement and cannot therefore represent PDL in a settlement or the rounding off or infill of a settlement, and the proposal does not gain support from CLP Policy 3 or NP Policy 1.
10. CLP Policy 5 relates to business and tourism and states that the loss of business space must demonstrate that there is no market demand through active and continued marketing for at least a period of 9 months. While I have had regard to the letters from Goundrys Sales, there is very limited information regarding how, where and how much the units were being marketed for, whether this was continuous and whether it relates to the 7 units forming part of this appeal. Furthermore, the photograph of the advertisement sign does not identify the specific units, there are no details of its location or prices. In light of this, I cannot conclude that the 7 units the subject of this appeal were actively and continuously marketed for at least a period of 9 months to an extent that demonstrates there is no market demand.

11. In addition to this, Policy 17 of the NP relates to business and employment and states that development that results in the loss of existing premises will only be supported where the proposal shows that the premises could not be used as an alternative viable business, employment service or facility, or will result in enhanced premises for business. In relation to this, I have little evidence before me demonstrating that the units could not be used for alternative business use and the loss of the units from holiday accommodation use would not enhance the business.
12. CLP Policy 7 relates to the development of new homes in the open countryside. Although I acknowledge that the units are not new, both parties have referred to the policy in their evidence and as such I will consider whether it provides support for the proposal. The supporting text to this policy defines open countryside as being the area outside of the physical boundaries of an existing settlement and I have found above that the proposal is outside of a settlement.
13. With regard to the criteria to CLP Policy 7, the proposal is not for a replacement dwelling, subdivision, temporary accommodation for workers or for full-time rural workers. As such, to gain support from this policy, the proposal would need to reuse a suitably constructed redundant, disused or historic building, lead to an enhancement to the immediate setting having an existing lawful residential use and be ten years old or greater. In relation to this, the units are lawful and over 10 years old. They would be reused and are suitably constructed. However, the buildings are not redundant or disused and there would be no enhancement to the immediate setting as this would generally remain unchanged. As a result, the proposal does not gain support from CLP Policy 7.
14. CLP Policy 13 states that all new development will be expected to achieve sufficient internal space. This is further reflected in paragraphs 9.1.2, 9.1.3 and 9.1.7 of the Cornwall Design Guide, Achieving quality in development for people, wildlife & the environment December 2021 (the Design Guide) that requires private accommodation to meet the Nationally Described Space Standards (NDSS).
15. From my site visit, I noted that the units are of a reasonable size benefitting from kitchen/sitting areas, separate bedrooms and bathrooms. This is reflected in their floor space measuring approximately 76m² that complies with the NDSS for a 1-storey 3-bedroom 4-person dwelling. However, all three of the bedrooms within the units fall short of the minimum bedroom sizes for one and two bed spaces. Although I acknowledge that internal partitions could be re-arranged to create a two-bedroom dwelling with suitable sized rooms, that is not reflected on the plans before me for consideration.
16. The appellant has drawn my attention to the location of nearby services and facilities including bus routes, employment, a public house and presence of the trails near the site entrance, one of which leads to Redruth and the other to Portreath. My attention has also been drawn to the Council's Interim Planning Policy Statement April 2025 that acknowledges a case-by-case appraisal of location and scale.
17. However, the trails and roads are generally unlit making them less attractive in the winter and in poor weather. Furthermore, future residents of the appeal scheme would need to leave the immediate area in order to access work, education and many other routine health and retail facilities that are only available in large settlements a considerable distance from the site. As such, this would require the

use of private cars with the location restricting the availability of shared transport, for example to access schools. I am however also mindful that because the appeal site is used for holiday accommodation with limited on-site facilities, it is likely that visitors are already undertaking journeys by private cars, particularly when accessing the site. Nonetheless, the development plan policies do not support the immediate area as one where general housing growth will be supported. This is due to its countryside location and the limited nature of the facilities which results in a reliance on private vehicles, particularly to access regular trips to places of work, school, retail and recreational activities. Conversely, the support for tourist accommodation in the countryside or in an area with at least a degree of facilities is largely based around the obvious economic benefits visitors bring to the area and these benefits would not manifest themselves in the same way if the units were to be used as permanent places of residence.

18. Accordingly, I am not persuaded that the proposal would not result in a greater reliance upon the use of the car. I appreciate that guidance within the National Planning Policy Framework (the Framework), recognises that the opportunities to maximise sustainable transport solutions in rural areas may differ from urban areas, which should be taken into account in decision making. However, I give this limited weight in light of the distance of the site to a wide range of services and facilities.
19. The appellant has drawn my attention to the units being unviable. Nonetheless, at the time of my site visit there were no visual signs of aging or need for significant repair or investment. I have had regard to the appellant advising that to maintain its 5-star rating new kitchens, bathrooms and furniture are required with increased running costs and revenue making this difficult. I have also had regard to North Coast Holiday Cottages Ltd running a loss for previous years with only a small surplus in 2023 and 2024 with concerns regarding future losses given the need to invest between £100,000 and £200,000. But the profit and loss accounts have limited detail with regard to the units that they relate to, and whether any salaries are taken from the administration costs. I therefore afford this limited weight, particularly given the return to profit in the last couple of years and there being no policy requirement for the consideration of viability.
20. It follows from the above that the condition restricting the use of the units to holiday accommodation only is reasonable and necessary having regard to the suitability of the site for unrestricted residential accommodation, with particular regard to local and national planning policy and the effect upon tourism. As such, it is contrary to NP Policies 1 and 17 and CLP Policies 1, 2, 3, 5, 7 and 13 and paragraphs 9.12, 9.13 and 9.17 of the Design Guide, the aims of which I have outlined above. For the same reasons, the proposal is contrary to Policies C1 and T1 of the Climate Emergency Development Plan Document February 2023 (DPD). These state, amongst other things, that development should represent sustainable development, and be designed in order to minimize the need to travel and support a modal hierarchy which prioritises walking, then cycling, then public transport, then car clubs, electric vehicles and lastly private fossil-fuelled vehicles.

Open space and character and appearance

21. The appeal site includes considerable areas of grassed outdoor space immediately adjacent to the 7 units. At the time of my site visit, these areas were well maintained and attractive and I understand that they are managed by a management company covering the site.

22. While the outdoor space is on a slight slope, the gradient is not so significant that it prevents its reasonable use in association with the units. Furthermore, I see no reason why conditions could not be imposed to secure the suitable sub-division of the space between the units and to restrict extensions and outbuildings. I acknowledge that the topography of the site is such that it is visible from a distance on approach but given that the space can be used at present in association with the units and is managed by a management company that I am advised would continue, I do not find that the use of the units as unrestricted dwellings would cause any greater visual harm to the landscape.
23. While the existing play equipment within the wider holiday park is within 20m of the nearest unit of accommodation, there is no increase in the number of units proposed. As a result, there should be no greater harmful effects from the use of the play equipment.
24. I have had regard to CLP Policy 13 stating that all new development will be expected to achieve provision of public open space. However, the policy goes on to state that this should be in proportion to the scale of the development and providing for different types of open space based on local need. Although I recognise that there is no public open space nearby, I have not been provided with clear and convincing evidence of a shortage in the immediate vicinity of the appeal site. In this regard, I note that no open space assessment for the Parish of Portreath has been carried out demonstrating a shortfall and justifying further provision. Furthermore, in light of the location of the appeal site within the centre of an existing holiday park, management by a company and suitable space available for occupiers of the units, I do not find the provision of onsite public open space reasonable or necessary in this instance.
25. Therefore, in relation to this main issue, and subject to conditions should I allow the appeal, the proposal would not result in a harmful effect on the provision of open space or on the character and appearance of the area. As such, it would not be contrary to the aims of CLP Policies 1, 13 and 25, NP Policy 9, DPD Policies C1 and G1, and paragraph 9.5.7 of the Design Guide. Amongst other things, these state that development that accords with Local Plan policies will be considered sustainable, secure public open space based on local need, provide well-proportioned and orientated gardens, provide accessible and good quality open space and conserve and enhance our valued landscapes and natural environment.

Education

26. As stated above, the appeal is accompanied by a UU that seeks to secure a contribution toward additional school places at Portreath Primary School as requested by the Council.
27. While I note that the UU is under consideration by the Council, I have no reason to find that it does not adequately secure the necessary financial contribution.
28. Paragraph 58 of the Framework and Regulation 122 of the CIL Regulations sets out three tests that planning obligations must meet. Firstly, they must be necessary to make the development acceptable in planning terms, secondly, they must be directly related to the development and finally they must be fairly and reasonably related in scale and kind to the development.

29. I am satisfied that the financial contribution is necessary to make the proposed development acceptable in planning terms. The obligation would contribute towards the provision of additional school places, and I consider that the contribution is directly related to the appeal scheme. In addition, as it relates to a standard charge based on the scale and type of residential development proposed, I consider it to be fairly and reasonably related to the proposal in scale and kind.
30. It follows that in relation to this main issue, the proposal provides adequate mitigation, with particular regard to education. As such, it complies with Policies 1 and 28 of the CLP that amongst other things, states that applications should be supported where they comply with the policies in the Local Plan and seek developer contributions to ensure that the necessary infrastructure is in place to deliver development.

Other Considerations

31. My attention has been drawn to the grant of planning permissions and allowed appeals on nearby sites¹. However, and although I have limited information in relation to a number of them, some of these do not relate to new build units, some comply with CLP Policy 7 or are of a smaller scale, some were determined under different development plan policies, relate to lawful development certificates, are a considerable distance from the site, propose holiday accommodation, benefit from fall-back positions, do not relate to holiday accommodation or are well located close to services and facilities. As such, they are not directly comparable to the proposal before me. Moreover, I am required to consider the appeal proposal on its merits. I therefore give these decisions limited weight.
32. There is no dispute between the main parties that the Council cannot currently demonstrate a 5 year supply of deliverable housing sites and I note that the Council have declared a 'Housing Crisis'. In light of the proposal relating to existing holiday units, it would not add to recreational pressures on the Penhale Dunes Special Area of Conservation. As a result, this matter does not provide a strong reason for refusing the development proposed under paragraph 11d) i. of the Framework and paragraph 11d) ii. is engaged.
33. The appeal proposal would be of a scale and density appropriate to its setting, represent an effective and efficient use of the land without causing harm to the character and appearance of the area, and it could be delivered quickly. The appeal proposal would also provide economic benefits and jobs to the local economy and rural community, support for schools and public transport, and boost the supply and type of housing.
34. In contrast however, the appeal site is not sustainably located with the distance from the site to a range of daily services and facilities, combined with a lack of lit footpaths and roads near to the site, not encouraging walking or cycling. This would be the case even considering the close location of bus stops/services. As a result, the location of the site would not significantly reduce car dependence. Furthermore, the proposal would harm the tourism offer with bedroom sizes below the minimum sizes in the NDSS. I give these matters significant weight.

¹ APP/D0840/A/11/2162856, PA11/05415, PA17/03305, PA18/04819, PA18/04820, PA22/07274, PA23/037379, APP/D0840/W/24/3348575, PA16/10342, PA13/04180, APP/D0840/W/17/3180021, PA17/05776

35. I therefore find that the adverse impacts of granting permission would significantly and demonstrably outweigh those benefits when assessed against the policies in the Framework taken as a whole.
36. The proposal does not therefore benefit from the presumption in favour of sustainable development given by paragraph 11 of the Framework.

Conclusion

37. Although I have found no harm with regard to the effect on open space, the character and appearance of the area and the proposal secures adequate mitigation toward education, the lack of harm does not equate to a benefit. As such these matters are neutral in my consideration.
38. Overall, and having considered all other matters raised, I consider that the condition is reasonable and necessary to promote a sustainable pattern of development and to provide benefits from tourism. I find that the proposal should be regarded as being in conflict with the development plan, when read as a whole and there are no material considerations, including the Framework, to outweigh the conflict.
39. For these reasons the appeal is dismissed.

C Rose

INSPECTOR