

Appeal Decision

Site visit made on 27 September 2016

by David Walker MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 01 November 2016

Appeal Ref: APP/D0840/W/16/3151545

**Building at Hillhead Road, Hillhead Road, Penryn, Falmouth,
Cornwall TR11 4JW**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015.
 - The appeal is made by Mr D Coleman against the decision of Cornwall Council.
 - The application Ref PA15/09608, dated 9 October 2015, was refused by notice dated 7 December 2015.
 - The development proposed is the conversion of the existing building and land within its curtilage to form a single dwelling.
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Decision

1. The appeal is allowed and approval is granted under the provisions of Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the Order) for the conversion of the existing building and land within its curtilage to form a single dwelling at Building at Hillhead Road, Hillhead Road, Penryn, Falmouth, Cornwall TR11 4JW in accordance with the terms of the application Ref PA15/09608, dated 9 October 2015.
2. The approval is subject to the condition that the development must be completed within a period of 3 years from the date of this decision in accordance with paragraph Q.2 (3) of the Order.

Preliminary Matters

3. The Council has confirmed that it is not pursuing the second part to its reason for refusal relating to the scale and amount of new openings in the proposal. I have not considered this issue further.

Main Issue

4. The remaining part of the reason for refusal related to the adequacy of the evidence provided with the application that the existing building structure could withstand the proposed works in forming the conversion. On this basis the Council's decision was that the proposal was not permitted development under the Order.
 5. I therefore consider the main issue to be whether the proposal would consist of building operations reasonably necessary for the building to function as a dwellinghouse, having regard to the provisions of paragraph Q.1(i) of the Order.
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Reasons

6. The External works proposed to form the conversion would involve a new roof covering with a single ply membrane and wall cladding in horizontal shiplap timber boarding affixed to new rails between existing uprights. Windows and doors would be formed in framed openings within new exterior walls. Such works would create a weather tight structure within which the accommodation would be provided in an insulated timber stud inner leaf.
7. The Council is of the view that extensive internal works would be required to make the building habitable, notably an entire new internal skin with internal subdivision. However, the necessity of internal works is not addressed under Class Q changes of use in the Order and, in any event, these may be lawful under section 55(2)(a) of the Planning Act. Further advice is provided within the Planning Practice Guidance (PPG) where it is stated at paragraph ID: 13-105 that it is not the intention of the permitted development right to include the construction of new structural elements.
8. Of the external works proposed the Council considers that the new roofing system and external cladding rails would require further support. Moreover, the appraisal¹ provided with the appeal acknowledges the difference between the additional loading required of a dwelling compared with an agricultural building to be within the range of 16% to 33%. The accompanying structural engineer's report² notes that a full structural analysis can only be undertaken with a detailed design proposal. No plans detailing the extent of these works have been provided.
9. However, while the parties disagree over the level of information required to demonstrate the integrity of the existing structure, I am mindful that the PPG at paragraph ID: 13-028 describes prior approval as a 'light-touch' process where the principle of development has already been established. Local planning authorities are advised against imposing unnecessarily onerous requirements on developers or seeking to replicate the planning applications system.
10. The appraisal observes that while the building is a lightweight timber structure it is of sound condition with no signs of defect in any structural element. Read in the light of the advice of the PPG, and from my visual inspection of the inside of the appeal building including its frame, walls and foundations, I have no reason to disagree. I also have no other technical evidence before me to dispute the conclusions of the structural engineer that the existing timber frame and foundations of the appeal building are suitable for conversion without the addition of new structural elements.
11. On this basis I conclude that on the information available to me I am satisfied with regard to the limitations set down at paragraph Q.1 (i) that the proposal would consist of building operations reasonably necessary for the appeal building to function as a dwellinghouse. On this basis the proposal would amount to permitted development under Class Q of the Order.
12. In reaching my determination I have had regard to the submissions of the Budock Parish Council but as I have found the proposal to be a permitted

¹ Appeal Statement of Case: Structural Appraisal and Proposed Schedule of Works Addendum, dated 25 May 2016

² Letter from Alan Hannaford C.Eng, Chartered Structural Engineer, dated 20 May 2016

change of use under the limitations of Class Q of the Order, planning permission is not required.

13. Turning to prior approval matters. The Council has also confirmed that all other matters within the limitations of paragraph Q.1 and the prior approval conditions of paragraph Q.2 are complied with in the proposal. I am also satisfied from the documents provided to me that the correct consultation has been carried out on the application to enable me to allow the appeal. Although the Council has not indicated that it wishes to see any further conditions attached, the permitted development is subject to the standard condition at paragraph Q.2(3) of the Order that it must be completed within a period of 3 years starting with the date of this decision.
14. For the reasons given above I conclude that the appeal should be allowed.

David Walker

INSPECTOR