



Appeal Decision

Site visit made on 23 March 2020

by David Wyborn BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 April 2020

Appeal Ref: APP/D0840/W/20/3244611

Trenow Barn, Ludgvan, Penzance TR20 8YQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
 - The appeal is made by St Aubyn Estates against the decision of Cornwall Council.
 - The application Ref PA19/08645, dated 26 September 2019, was refused by notice dated 27 November 2019.
 - The development proposed is for the prior approval for a change of use of agricultural barns into two dwellings.
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Decision

1. The appeal is allowed and prior 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 2015 GPDO) for the change of use of agricultural barns into two dwellings at Trenow Barn, Ludgvan, Penzance TR20 8YQ in accordance with the details submitted pursuant to Schedule 2, Part 3 Paragraph Q.2(1) of the 2015 GPDO through application Ref PA19/08645, dated 26 September 2019. 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 2015 GPDO and subject to the plans submitted with it.

Preliminary Matters

2. The site includes two agricultural buildings. Barn A is a two storey, concrete built structure perpendicular to the adjoining road and Barn B is a timber framed, open fronted building set partly to the side and partly behind Barn A. The proposal seeks prior approval for both the change of use and the building operations reasonably necessary to convert the buildings to two dwellings. I have taken the description of the proposal, set out in the heading above, from the decision notice but with the barns in the plural to reflect the detail of the scheme.
3. The Council has confirmed that, subsequently, approval under Schedule 2, Part 3, Class Q of the 2015 GPDO has been granted to convert Barn A, with the related operational works, to a dwelling. There are minor differences to the proposed works to Barn A between the schemes but this is not of material effect in relation to the merits of the conversion.

Main Issue

4. In the light of the approval for Barn A, the main issue is whether, in relation to Barn B, the works fall to be considered as permitted development, in particular,

whether or not the works are to an extent reasonably necessary to convert the building to residential use.

Reasons

5. The Building Survey for Barn B explains that it is a timber frame and clad building with a corrugated roof which is in remarkably good order. The report confirms that the roof structure is deemed of sufficient proportions and in suitable condition for the cement fibre roof proposed either as a repair or replacement, and that the existing columns are capable of taking the additional load of the front wall which would fill the present open gaps between the columns. The Building Survey appears to be from a suitably qualified professional and I attach significant weight to the findings of the report.
6. I have had regard to all the information that sets out how the works would take place to provide the dwelling in Barn B, including the Method Statement. I have also taken into account the advice in the Planning Practice Guidance (the Guidance) and the case of *Hibbitt*¹.
7. In this case, the existing structure would largely be retained and the evidence indicates that it is structurally able to form the base for the additional works. It is such that the building would be suitable for conversion and capable of functioning as a dwelling. The external works which would take place, such as the installation of windows and the timber wall in the open elevation, are to no more than an extent reasonably necessary for the building to function as a dwellinghouse and are specifically allowed under paragraph Q.1(i).
8. The Guidance advises that internal works are not generally development and for the building to function as a dwelling it may be appropriate to undertake internal structural works, including to allow for a floor or internal walls which are not prohibited by Class Q. In these circumstances, I am satisfied that all the other elements of the works, including the new floor, internal walling works and, in particular, the walls behind the existing outer timber boards to be retained, if undertaken as described in the submissions, would fall within the scope of a Class Q conversion.
9. In the light of the above analysis, I conclude that the proposal would be a conversion and not a rebuild, and that the works proposed to Barn B are to the extent reasonably necessary for the building to be converted to residential use.

Other Matters

10. I have noted the objections to the development from a local resident including that it is explained that the yard and buildings are in heavy use for local businesses, that the proposals would prevent swallows nesting, flooding of the road would be increased, there is an issue with sewage and the proposal would add to local traffic and parking issues.
11. In relation to prior approval matters, including transport and highways issues, and flooding risks on the site, the Council do not raise a concern in these respects and I have found no substantive evidence to disagree. The other matters are outside the limited scope of the prior approval subjects, nevertheless, on the information before me they would not be of such

¹ *Hibbitt and another v Secretary of State for Communities and Local Government* (1) and *Rushcliffe Borough Council* (2) [2016] EWHC 2583 (Admin).

substance, or that any protected species would be affected by the development at the present time, that a permission could be withheld in these respects.

Conclusion

12. The Council has confirmed that, other than the matters raised in the reason for refusal, all the other requirements of Class Q would be met by the proposal. I have found no detailed evidence that would lead me to conclude otherwise. No conditions are recommended by the Council were I to find in favour of the proposal. The plans clearly identify the works and the proposal would be subject to the 3 year time requirement for completion. I do not consider that any other conditions are necessary.
13. For the reasons explained above, the works would be to an extent reasonably necessary to convert the barns to two dwellings, they would comply with the requirements of Class Q and constitute permitted development. I therefore conclude that the appeal should be allowed and prior approval granted.

David Wyborn

INSPECTOR