



Appeal Decision

Site visit made on 5 October 2020

by David Wyborn BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 October 2020

Appeal Ref: APP/D0840/W/20/3254577

Treravel Farm, Access To Treravel Farm, St Ervan, Wadebridge, Cornwall PL27 7RS

- 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 Mr & Mrs Peter and Margaret Biddick against the decision of Cornwall Council.
 - The application Ref PA19/09395, dated 27 October 2019, was refused by notice dated 19 December 2019.
 - The development proposed is a prior approval submission under Schedule 2, Part 3, Class R of the GPDO for change of use of an agricultural building to an aparthotel (C1 use).
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Schedule 2, Part 3, Class R of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the 2015 GPDO) for the change of use of an agricultural building to an aparthotel (C1 use) at Treravel Farm, Access To Treravel Farm, St Ervan, Wadebridge, Cornwall PL27 7RS in accordance with the details submitted pursuant to Schedule 2, Part 3, paragraph R.3.(1) of the 2015 GPDO through application Ref PA19/09395, dated 27 October 2019. The approval is subject to the condition that the development must begin within a period of 3 years from the date of this decision in accordance with paragraph R.3.(2) of the 2015 GPDO or such alternative period as allowed for by paragraph R.3.(3) of the 2015 GPDO, and subject to the plans TF1 LP and TF1 SP.

Procedural Matters

2. Schedule 2, Part 3, Class R of the 2015 GPDO allows, subject to meeting the permitted development limitations and the prior approval of certain matters, the change of use of an agricultural building to a range of flexible uses. One such use is a hotel, which is the proposal in this case (in the form of an aparthotel).
3. The permitted development right under Class R is restricted to the change of use of the building and does not grant any physical conversion works. Any associated operational development that would be reasonably necessary to use the building or land for the proposed use under Class R is required to be the subject of a separate planning permission.
4. In this case, the application is accompanied by two plans which identify the building (TF1 LP and TF1 SP). Additionally, an elevational and floor plan (TF1

S1) has also been submitted. This shows what the appellant has in mind for the building. However, this shows works of operational development and these are excluded by Class R. Consequently, I have not considered this plan as forming part of the proposal and I make no judgement as to whether, in any subsequent planning application, those elements of the scheme would be acceptable.

Main Issue

5. The main issue is whether the proposal falls to be considered as permitted development under Schedule 2, Part 3, Class R of the 2015 GPDO and, if so, whether prior approval should be granted.

Reasons

6. The building the subject of the appeal is a fairly substantial, open fronted agricultural barn. It has a concrete frame with a fibre cement sheeted roof and the accompanying structural reports confirm that the building is structurally in good condition.
7. The Council consider that the proposed works to use the building as a hotel would be of such magnitude as to be a rebuild and therefore fall beyond the scope of the permitted development right under Class R. However, as explained above, the permitted development right under Class R is restricted to the change of use and, if agreed, any subsequent physical works are then to be the subject of separate consideration as part of a planning application.
8. References to Class Q, and the findings in *Hibbitt and another v Secretary of State for Communities and Local Government and another* (2016) EWHC 2853 (Admin), and whether a proposal would fall to be considered as a rebuild or a conversion, are not directly relevant to the considerations in this appeal. The permitted development rights under Class Q can specifically allow the change of use of the building *together with building operations reasonably necessary to convert the building* (my emphasis added). Consequently, an analysis regarding whether a proposal would be a conversion (or a rebuild) is appropriate when considering a Class Q proposal. However this is not the case when considering purely the change of use aspects under Class R where there is no conversion issue to consider. I therefore attribute limited weight to the Council's analysis, derived largely from the approach to Class Q cases, when considering the issues with this Class R proposal.
9. In this case, the appeal structure is clearly a building. It is in reasonable condition and capable, as a matter of principle, of accommodating an alternative use. I consider that this allows the building to be considered under Class R. The evidence indicates, in particular, that the building has been in longstanding agricultural use and that there has been no other buildings within the established agricultural unit that have changed under Class R. I am satisfied that these and the other permitted development limitations under paragraph R.1.(a)-(e) are all met.
10. In terms of prior approval matters, the Highway Authority raised no objection and I have found no reason to consider the transport and highways impacts of the development would be unacceptable. The nature and scale of the proposed hotel use, because of the size of the building, should not cause undue noise impacts that would adversely affect the adjoining residential properties or the

wider area. I am not aware of any contamination risks on the site given that the barn appears to have been in agricultural storage use. The site is elevated slightly above the adjoining group of buildings and I have no detailed evidence that there are flooding risks on the site. Consequently, there is no planning reason why prior approval should be withheld.

11. Accordingly, I conclude that the proposal meets with the requirements of permitted development under Schedule 2, Part 3, Class R of the 2015 GPDO and prior approval should be granted.

Conditions

12. The Council has suggested three conditions in the event that I was minded to allow the appeal. The statutory time limits are set by paragraphs R.3.(2) and R.3.(3) and I have referred to them in the decision. I have not included the suggested conditions regarding the submission of external materials and landscaping as these conditions would not be reasonably related to the subject matter of the prior approval.

Conclusion

13. For the above reasons, I conclude that the appeal should be allowed and prior approval granted.

David Wyborn

INSPECTOR