
Appeal Decision

Site visit made on 31 August 2021

by Neil Pope BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 September 2021

Appeal Ref: APP/D0840/W/21/3268966

Howard Mill, Stratton, Bude, Cornwall, EX23 9TG.

- 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 K Heard against the decision of Cornwall Council.
 - The application Ref. PA20/05492, dated 2/7/20, was refused by notice dated 8/9/20.
 - The development proposed is the conversion of an agricultural building to a dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal comprises permitted development, in accordance with Class Q of Part 3 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ('the GPDO'), having particular regard to whether the appeal building was in situ on 20 March 2013.

Reasons

3. The appeal building is a three bay, steel framed portal structure with corrugated metal sheeting affixed above approximately 1.2m high concrete block walls. The roof comprises box profile sheeting with oriented strand boarding beneath. At the time of my visit, part of the building was being used to store agricultural machinery, equipment and materials.
4. I understand that an agricultural building was erected on the appeal site prior to 1979 and with the aid of a government grant. Three aerial photographs submitted in support of the appeal and purported to be taken in 1979, 1983 and "1985 onwards", show an agricultural building ('the original building') on the site. That building is a similar size to the one that I saw during my visit.
5. On behalf of the appellant, I have been informed that roof on 'the original building' was replaced due to storm damage and that repairs have been made to the walls. It is asserted that "*the original structure of the building exists and it is felt that the building is still classed as original.*" Whilst it is not unusual for agricultural buildings to be repaired over time, on the basis of the information before me, including what I saw during my visit, the works that have been undertaken in respect of the appeal site are recent and very extensive.
6. It appears to me that, in all likelihood, the concrete block walls, roof and steel frame of the appeal building have all been constructed within the last few years. Other than the corrugated metal sheeting on the walls, which may have

been used on 'the original building', the appeal building appears to be a different one to that shown in the submitted aerial photographs. Furthermore, the roof pitch of the appeal building appears steeper than the roof pitch of 'the original building'. Having walked in and around the appeal building, its 'footprint' appears to be slightly smaller than the 'footprint' of the building shown in the aerial photographs. I concur with the Council's assessment that the building that exists on the appeal site is not 'the original building'.

7. I have carefully considered all of the evidence, including the structural survey which, somewhat unusually, does not specify an approximate date of construction. It is for the appellant to prove on the balance of probability that the appeal building was in existence on 20 March 2013. However, in the absence of any cogent supporting evidence, there is insufficient information to demonstrate that the relevant 'GPDO' conditions, limitations and restrictions have been met in respect of the appeal building. Whilst this information may exist, it has not been presented to me.
8. I conclude on the main issue that the proposal does not comprise permitted development and the appeal should not therefore succeed.

Neil Pope

Inspector