



Appeal Decision

Site visit made on 14 September 2021

by C Cresswell BSc (Hons) MA MBA MRTPI

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

Decision date: 5 October 2021

Appeal Ref: APP/D0840/W/21/3268261

Gluvian Farm, Mawgan Porth, Newquay TR8 4BG

- 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 & Mrs M Sterling against the decision of Cornwall Council.
 - The application Ref PA20/04670, dated 8 June 2020, was refused by notice dated 4 August 2020.
 - The development proposed is change of use of an agricultural building to a dwellinghouse.
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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 GDPO") for the change of use of an agricultural building to a dwellinghouse at Gluvian Farm, Mawgan Porth, Newquay TR8 4BG in accordance with the details submitted in pursuant to Schedule 2, Part 3, Paragraph Q.2 (1) of the GDPO through application Ref PA20/04670, dated 8 June 2020. 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 GDPO and subject to the following additional conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan (as revised), 2001/PL01, 2001/PL 02 A, 2001/PL 03 A.
 - 2) The development shall be carried out in accordance with the recommendations and mitigation measures identified within Section 5 the Bat Survey Report dated 12 June 2020 and prepared by Plan for Ecology.

Procedural Matter

2. I have taken the description of development in the heading above from the Appeal Form rather than the Application Form as this provides a more concise description of the proposal.

Main Issue

3. The main issue is whether the proposed change of use is permitted under Schedule 2, Part 3, Class Q of the GPDO¹.

¹ Town and Country Planning (General Permitted Development) (England) Order 2015

Reasons

4. The appeal concerns an agricultural building which is currently being used for storage. I saw on my site visit that the walls are composed of natural stone and concrete blocks, with a metal sheet roof. The wall in the north elevation is at a low height, with metal sheeting filling the space above, whereas the eastern elevation is entirely open. According to the plans, the proposed residential conversion would occupy the same built footprint as the existing barn, with the height of the roof also largely unchanged.
5. The Council's main concern is that the proposal would not comply with paragraph Q.1(i)(i) of the GPDO. This states that building operations should be limited to installation or replacement of windows, doors, roofs, exterior walls, or water, drainage, electricity, gas or other services to the extent reasonably necessary for the building to function as a dwellinghouse.
6. The appellant has provided a report² from a structural engineer which indicates that the existing building is structurally sound. Various loading calculations are provided and it is concluded that there would be no need to make any changes to the existing structural elements (including the blockwork, stonework and principal rafters) to accommodate the proposed conversion.
7. The Council has questioned some of the assumptions made within the report. However, the appellant's structural engineer has responded to most of the technical points raised by the Council in its appeal statement and maintains that the building is structurally capable of conversion in its existing form. In the absence of any professional engineering evidence to the contrary, I have few reasons to disagree with that conclusion.
8. Nonetheless, I am aware that the PPG³ says that it is not the intention of the permitted development right to allow rebuilding work which would go beyond what is reasonably necessary for the conversion of the building to residential use. Therefore it is only where the existing building is already suitable for conversion to residential use that the building would be considered to have the permitted development right.
9. While the Council argue that a new floor will be required and the conversion would involve an internal timber frame, there is little to before me to indicate that these are necessary to provide structural support to the existing the building. Furthermore, the PPG advises that internal works are not generally development. 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.
10. Although my attention has been drawn to the need to connect services and provide drainage, this may be expected in the conversion of an agricultural building that is not specifically designed for residential use. For similar reasons, the provision of new doors and windows would be reasonably necessary for the intended use of the converted building.
11. I am nevertheless mindful that the conversion would involve a whole new east elevation, improvements to some of the existing walls (including increasing the height of the wall on the north elevation) and a new roof. Together with other

² Structural Engineer's Report, Knevitt Consulting, April 2020.

³ Planning Practice Guidance (Paragraph: 105 Reference ID: 13-105-20180615).

works, this would involve a good deal of building operations. However, these forms of development are permitted under Class Q (i)(i) and, fundamentally, they would be based around the existing built fabric of the agricultural building which the engineering report has found to be structurally sound. With reference to the Hibbitt Judgement⁴, the building would be capable of conversion to residential use without operations that would amount either to complete or substantial re-building of the pre-existing structure.

12. I therefore conclude that the proposed change of use is permitted under Schedule 2, Part 3, Class Q of the GPDO. The appeal should be allowed.

C Cresswell

INSPECTOR

⁴ Hibbitt v SSCLG [2016] EWHC 2853