



Appeal Decision

Site visit made on 20 April 2022

by M Bale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 May 2022

Appeal Ref: APP/D0840/W/21/3280012

Trenerth Farm, Deveral Road, Fraddam, TR27 5EP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 3, Class Q, Paragraph Q.2.(1) of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).
 - The appeal is made by Mr M Vandervliet against the decision of Cornwall Council.
 - The application Ref PA21/02768, dated 11 March 2021, was refused by notice dated 5 May 2021.
 - The development proposed is the change of use of agricultural building to 4 no. dwellinghouses and associated building operations.
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Decision

1. The appeal is allowed and approval is granted under the provisions of Article 3(1) and Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the change of use of agricultural building to 4 no. dwellinghouses and associated building operations at Trenerth Farm, Deveral Road, Fraddam TR27 5EP in accordance with the terms of the application, Ref PA21/02768, dated 11 March 2021, and the plans submitted with it.

Main Issue

2. The Council has confirmed that the technical limitations set out in Schedule 2, Part 3, Class Q would be satisfied. The main issue is whether the proposal is permitted development, with regard to the extent of works required to convert the building to residential use.

Reasons

3. The building is a steel framed barn of some age. The steels show signs of decay, but the submitted structural report indicates that there has been no significant loss of section and the majority of the corrosion was light surface rust that could be cleaned and treated. At one end of the barn, there is evidence that the supporting steels may be moving away from the main structure, but even though there may be apparent movement in windy conditions, the structural report explains that the timber work is providing sufficient strength to the walls.
4. A previous proposal to convert the building was deemed not to be permitted development as the proposal specified additional structural bracing to the building. However, that scheme included the removal of central, block built spine walls, that meant that additional lateral bracing was required. Those walls would be retained in the current scheme to provide the necessary

structural support, and explains some apparent contradictions in the reports relating to this building.

5. The current proposal is, therefore, different to that previously proposed. Fundamentally, there is no substantive evidence to refute the conclusions of the structural report that the building is structurally sound, capable of conversion and supporting the new lightweight roof covering.
6. A new lining structure would be installed that would take the load of internal finishes. I note, that in some cases¹ this has been deemed to take the works beyond a conversion. However, on the basis of the evidence before me, the internal works proposed here would not affect the structural integrity of the building, nor, unlike that other referenced case, be required to give extra support to the main structure. Indeed, it is recommended in the structural report that the lining is tied back to the main structure for its own support, and so would rely on the existing building, rather than being a standalone building within the retained shell.
7. The roof would be replaced, but it is proposed to retain timber cladding to the external walls where possible. The bottom part of the external walls is already a block construction that does not require replacement. I note that the Council was concerned that the extent of new walling and roofing, taken together with uncertainties over the structural integrity would take the works beyond a conversion. However, in light of my conclusions on the structural integrity, I have no reason to conclude that the remaining works would not be allowable within the permitted development right.
8. In addition to cases that broadly accord with my findings, through the representations, my attention has been drawn to a number of others that are said to be comparable, where the works have been deemed to go beyond those permitted. In a case at Lower Colleybrook Farm², an Inspector found that additional structural works were likely to be required to the walls. At The Furzens³, new walling together with new structural support for the roof was required. At West Efford Farm⁴, significant new walling was proposed, and from the Inspector's description, there did not appear to be any retained solid walling in the building. These cases, therefore, differ from that before me.
9. A number of other cases where the Council has refused to accept that the works would be permitted development have also been cited. However, it is unclear how they would be directly comparable, so they do not lead me away from my findings on this particular case.

Other matters

10. I note that the building is close to neighbouring residents. However, given the single storey nature of the proposed accommodation, I see no reason that adequate boundary screening could not be installed to protect privacy. Despite the central atrium, that may reverberate sound, it is unlikely that future residents would cause significantly more noise than may be expected within any other nearby residential property.

¹ Such as appeal Ref. APP/D0840/W/20/3251518; cited by the Council, no address supplied

² Appeal Ref. APP/P1133/W/18/3216804

³ Appeal Ref. APP/G1630/W/17/3187452

⁴ Appeal Ref. APP/Y1138/W/18/3218930

11. I note that there are concerns about highway safety at the junction with the public highway. The road at this point has tight bends that affect visibility. However, there are a number of other dwellings served from this access and there is no substantive evidence that the increase in traffic would cause demonstrable harm to highway safety.

Conclusion

12. With regard to the foregoing, I find that the proposal would be permitted development. Therefore, the appeal is allowed.

M Bale

INSPECTOR