



Appeal Decision

Site visit made on 6 June 2024

by C Butcher BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 July 2024

Appeal Ref: APP/D0840/W/23/3336105

**Hewden Hire Plant Limited, Mount Carbis Road, Redruth, Cornwall
TR15 2QQ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr James Taylor against the decision of Cornwall Council.
 - The application Ref is PA23/00445.
 - The development proposed is the conversion of the current office block into one 3 bedroomed house and the conversion of the current "main" workshops into three 2 bedroomed bungalows.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) permits the change of use of a building and any land in its curtilage from a use falling within Class E (commercial, business and service) to a use falling within Class C3 (dwellinghouses). For development to be permitted it must satisfy the limitations set out at paragraph MA.1 and the conditions at MA.2.
3. The Council has not referenced any development plan policies within its first reason for refusal. However, for the avoidance of doubt, I have not decided this appeal on the basis of the duty in s38(6) of the Planning and Compulsory Purchase Act 2004. Paragraph W of Part 3 sets out the procedure for prior approvals and requires the local planning authority to take into account any representations made to them as a result of consultation, and to have regard to the National Planning Policy Framework (the Framework). I have considered the appeal on the same basis.

Main Issues

4. The main issues are whether prior approval should be granted for the proposed development with particular regard to: (i) whether or not the proposed development would result in a material change to the external appearance of the buildings; and (ii) whether or not the buildings fell within one of the specified uses under Class E for a continuous period of at least 2 years prior to the date of the application for prior approval.

Reasons

External Appearance

5. In order to facilitate the proposed change of use, the approved plans identify that changes would be required to the east facing elevation of the workshop building. These changes would involve the removal of a series of large double doors and their replacement with smaller domestic doors and the addition of two new windows.
6. Part 3, Class MA of the GPDO does not provide the ability to make changes to a building that would materially affect its external appearance. In my view, the combination of works proposed as part of this scheme would represent a material change given that the east facing elevation of the workshop would look markedly different to its current appearance.
7. As such, a proposal of this nature would require planning permission and I therefore have no option but to conclude that it would not meet the requirements set out under the GPDO legislation.
8. I note that the Council has provided some analysis of the potential impact on the living conditions of future occupiers if these external changes were not made. However, I provide no comment on that issue given that I am only required to come to a decision based on the proposal that is before me.

Previous use of buildings

9. The main parties appear to disagree on matters related to the use of the buildings in the two year period immediately prior to the application for prior approval. It is unfortunate that the Council's officer report does not include the relevant site history. The appellant has provided several lease agreements; however, these do not cover the required full two-year time period.
10. If I had been minded to allow the appeal then it is likely that I would have needed to explore this issue further as it seems to me on the balance of probability that it could have been resolved successfully. Nevertheless, as it stands, I have no substantive evidence before me to confirm that the requirement set out in paragraph MA.1(b) has been met. I therefore conclude that the proposed development does not satisfy the legislation in this regard.

Other Matters

11. The absence of a mechanism to secure the provision of financial contributions to mitigate the recreational impact of the development on the Fal and Helford Special Area of Conservation formed a further reason for refusal. However, as I am dismissing the appeal, I am not required to consider this matter further.

Conclusion

12. For the reasons given above the appeal is dismissed.

C Butcher

INSPECTOR