



Appeal Decision

Site visit made on 5 August 2025

by **G Roberts BA (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29 August 2025

Appeal Ref: APP/D0840/W/25/3364756

Barn east of Prospect Place, Trescowe Common, Germoe, Penzance, TR20 9RT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr S Laity against the decision of Cornwall Council.
 - The application Ref is PA25/00723.
 - The development proposed is conversion of the existing barn to form a dwellinghouse.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of the existing barn to form a dwellinghouse at Barn east of Prospect Place, Trescowe Common, Germoe, Penzance, TR20 9RT, in accordance with the terms of the application Ref PA25/00723 and the plans submitted with it, subject to the conditions listed in the Annex to this decision.

Main Issue

2. The main issue is whether the appeal site is a suitable location for the proposed development having regard to local and national policies and the character and appearance of the building and surrounding area.

Reasons

3. The appeal site comprises an existing barn located to the west of two properties, known as Prospect House and Prospect Place that front onto the main road. The barn is unused and the site overgrown. The barn comprises a single storey building with a low pitched roof. It is located in the south western corner of a larger field used for growing crops.
4. Access to the barn is provided on its southern side from a private track that runs in an easterly direction to meet the main road south of Prospect Place. The track also extends north past the western boundary of the barn to further open fields. The area between the barn and the track is overgrown but appears to contain some hardstanding. Just to the east of the barn is a copse of trees and thick vegetation, some of which falls within the appeal site. All the boundaries to the track and fields are well defined by mature hedges.
5. The appeal proposal involves the conversion of the timber frame barn to a dwelling. No new extensions or substantial structural works are proposed. The corrugated steel roof would be retained with some repair work and the vertical steel cladding to the main front and rear elevations would also be retained. The concrete rendered

side (gable) elevations would also be retained and refurbished. An area for parking and turning is shown to the south of the barn with the curtilage formed to the east and north of the barn to provide space for services and a garden, all enclosed by new Cornish Hedging. The alterations to the barn include new full height windows with an entrance and small casement windows on both main elevations, with those on the south elevation centred around the existing barn doors.

6. An update of the Structural Survey submitted with the application has been provided in support of the appeal and includes detailed Building Regulation plans. The survey and plans confirm that it is a traditionally vernacular building with a timber frame and masonry gables that is well constructed with no signs of any significant structural defects that would require remedial work. Whilst some minor repairs to base posts and timber rails may be required, no structural repairs are required to the external walls and roof. As such, the surveys conclude that the barn is in a reasonable condition and suitable for conversion.
7. The Council's Statement of Case (CSOC) questions the extent of works proposed and the suitability of the building for conversion. The external works are apparent from the Structural Survey when read in conjunction with the Building Regulation technical plans. These reaffirm that no strengthening or significant works are required to the portal frame and that there is no reason as to why the proposed conversion would not comply with Building Regulations in terms of waterproofing, insulation and other regulatory standards. In the absence of any substantive evidence to the contrary, I am satisfied that the building is, therefore, structurally sound and suitable for conversion.
8. The Appellants Statement of Case (ASOC) refers to the existence of a fallback option that they state would be implemented if this appeal was to fail. This relates to an application (Ref PA24/04611) under Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), where the Council determined that Prior Approval was not required for the change of use of the barn to a C1 guest house (Class R Approval). On the basis of the evidence before me, there appears to be a more than theoretical possibility that this Class R Approval could be implemented within the relevant time limit. As a consequence, it is a material consideration in the planning balance.
9. For this fallback option to be afforded significant weight there must not only be a realistic possibility of it being implemented but there would also be a need for it to be equally or more harmful than the proposal before me. That is a matter I return to later.
10. Policy 2 of the Cornwall Local Plan Strategic Policies 2010-2030 (CLP) sets out the spatial strategy for the area. For housing, the policy seeks to manage the location and scale of new development, with the emphasis on development being accommodated through a Site Allocations Document or Neighbourhood Plans for the main towns, through eco-communities and for areas outside the main towns through Neighbourhood Plans, infill, rounding off and previously developed land.
11. Within the open countryside new housing is subject to policy 7 of the CLP. This states that the development of new homes within the open countryside will only be permitted where there are special circumstances, with part 3 stating that this will include the reuse of suitably constructed redundant, disused buildings that are considered appropriate to retain and would lead to an enhancement of the sites

immediate setting. The building should also have an existing lawful use and be 10 years old.

12. Policy S3 of the Breage Parish Neighbourhood Development Plan 2017–2030 (NDP) relates to development in the open countryside and sets out the exceptions where this will be supported, which includes the reuse of appropriate redundant buildings as outlined in policy 7 of the CLP. Policy S3 must be read in conjunction with policy H4 which relates to the conversion of buildings for housing in the open countryside.
13. Policy H4 states that conversions will be supported where the building is redundant and its loss would not result in a reduction in employment or the provision of community facilities; the building is suitable for conversion and would not require substantial re-building; the design takes account of the important characteristics of the building; there is no significant harm to the character and appearance of the area; the site is enhanced including sensitive boundary features in keeping with the locality such as Cornish Hedging; and where there is no significant impact on the landscape character, designated or undesignated.
14. Policies 7 and H4 are broadly similar and consistent with paragraph 84 c) of the NPPF which states that planning decisions should avoid the development of “*isolated*” homes in the countryside unless one or more of the circumstances listed apply, including c), where “*the development would re-use redundant or disused buildings and enhance its immediate setting.*”
15. In relation to policies 7 and H4 the barn is suitable for conversion, no substantial rebuilding is required and the alterations to the building are, in my view, modest and would retain its simple appearance. The CSOC contends that the alterations would be substantial. I do not agree. The external works, in the form of the new windows/doors are of the level you would expect to see in a barn conversion. The proposal reutilises the external fabric of the barn with no new extensions or substantial rebuilding, resulting in a conversion that is respectful and retains key features of the barn.
16. The CSOC accepts that the barn is 10 years old and redundant. The CSOC does contend, however, that the barn is not of historic or architectural value and does not make a positive contribution to the character and appearance of the area. Even so, the criteria to policies 7 and H4 do not limit conversions just to buildings of historic or architectural value or those that make a positive contribution. The criteria of both policies separately support conversions where the building is redundant or disused. In addition, paragraph 2.33 defines the “*appropriateness of buildings for conversion*” as relating to their scale, method of construction, structural soundness and the need for no substantial demolition or rebuilding works, and not, as the Council contend, their age or architectural or historical value.
17. In terms of the remaining criteria to policies 7 and H4 the loss of the barn would not lead to a reduction in employment or the provision of a community facility. The changes to the barn would also not cause any significant harm to the character and appearance of the building or to its landscape and countryside setting, or location within an Area of Great Landscape Value (AGLV). This finding is based on my observations on site and the fact that the alterations to the barn are modest.
18. I accept that the appeal site is within the open countryside but as the site is located at the end of a private track, public views of the proposal would be limited. There

are no views from the main road to the east given the distance involved, the topography and presence of properties and mature boundary hedging. My understanding is that the part of the track that runs past the appeal site is not a public right of way (PROW) but that there is a PROW to the north east. Even so, as the proposed external alterations are modest, the appearance of the barn as converted would not be significantly different to existing.

19. In addition, the proposal involves extending existing Cornish Hedging to all four boundaries of the curtilage, which can be controlled by a condition. This would assist in screening and softening the new garden and parking areas from any views on the PROW (to the north east). In line with policy H4 of the NDP, it would also result in a sensitive boundary feature that is common to the area.
20. Overall, the appeal proposal would not be out of keeping with its landscape and countryside setting. For the same reasons, the proposal would not result in any significant harm to the AGLV or to the key characteristics of the Cornwall Character Area CCA 06 Hayle to Helston Hinterland. It would, therefore, comply, with policies 12 and 23 of the CLP and policy H6 of the NDP through securing a high quality design, by sustaining and enhancing local character, and protecting and enhancing the landscape and natural environment. It would also comply with policy C1 of the Climate Emergency Development Plan Document (DPD) insofar as this seeks to conserve and enhance the natural environment.
21. Policies 7 and H4 and the NPPF also require proposals to enhance their immediate setting. Whilst there is no definition of 'enhance' in any of these policy documents the external works would retain the traditional appearance of the barn. They would also improve its condition and its reuse would prevent it from falling into further disrepair, which could have a harmful impact on its rural setting. The new Cornish Hedge would on its own enhance the immediate setting of the proposal in securing a traditional boundary feature between the new curtilage and the field (to its north and north east), benefits that are recognised in the Cornwall Design Guide. I accept it would alter the field pattern but this change would be minimal and relates only to small part of its south western corner.
22. Turning to 'domestication' there is no reference to this within the NPPF, the CLP or the NDP. The only reference is found in the Chief Planning Officer's Advice Note: Barn Conversions/Replacement dwellings in the countryside (CPO Note). This is not a statutory document but assists in interpreting part 3 of policy 7. The CPO Note does not preclude domestication but seeks to ensure that it does not erode the rural setting of the site and has regard to its visual impact and the mitigation that would be secured by new landscaping and boundary treatments. The note also seeks to balance any harm from domestication against the enhancements that the development will secure.
23. The proposal would secure a number of enhancements which combined would be significant. As I also confirmed earlier, there are limited public views of the barn. Even so, any domestic paraphernalia in the small garden would be modest and well screened by the new Cornish Hedging. Consequently, any domestication of the curtilage would be limited and not harmful.
24. The Class R Approval would reuse the fabric of the barn and reutilise the access from the track. However, this approval does not include any external alterations or operational development, both of which would require planning permission. There

are no details before me of what those external works and operational development might be or involve and whether they would be acceptable to facilitate the Class R Approval. In their absence, it is not possible to make any meaningful comparisons between the two or to reach any firm findings on whether these works would have the same modest impact as those included in the appeal scheme.

25. Given the above, it is not possible to conclude whether the fallback option would have the same or greater impact as the appeal scheme. I therefore agree with the Council that only limited weight can be accorded this Class R Approval.
26. The Council have also referred to policies C1 and T1 of the DPD. The DPD has, of course, been prepared in conformity with the CLP, having regard to the NPPF as a material consideration. The Council contend that the appeal proposal would not be acceptable as it is outside a settlement and would not be accessible. Policies C1 and T1, as I interpret them, are general provisions seeking to encourage a range of transport modes to support new development.
27. In the 'Conformity Grid', within the appendices to the DPD, policy C1 is shown as being in conformity with policy 2 of the CLP and further develops the requirements of that policy. Policy T1 requires new development to be designed and located so as to minimise the need to travel. In support, paragraph 9.6 states that new developments should provide the opportunity to influence a behaviour change and achieve the necessary modal shift through, in particular, locating new development, as far as possible, in areas well connected to public transport, walking and cycling. The 'Conformity Grid' further states that policy T1 conforms with policy 27 of the CLP in developing the principles for sustainable transport.
28. There is no reference in the DPD to barn conversions or "*isolated*" homes in the open countryside or whether it's (DPD) policies apply to such proposals. In addition, neither of the policies (C1 and T1) supplement, replace or supersede policies 7 or H4, or paragraph 84c) of the NPPF. Indeed, paragraph 2.33 of the CLP states that the plan seeks to ensure that development occurs in the most sustainable locations in order to protect the countryside from inappropriate development. It continues by stating that the approach to sustainable new development is set out in policy 3 of the CLP but continues by recognising that there may be the need for some new housing in the countryside. In these locations the focus will be on the efficient use of existing buildings to meet those needs.
29. In relation to policy 21 of the CLP this states that in order to ensure the best use of land, encouragement will be given to sustainably located proposals, that, amongst other criteria, use previously developed land or buildings provided they are not of high environmental or historic value. The supporting text at paragraphs 2.128 to 2.131 (inclusive) provide justification for the policy. These state that the intention is to ensure the best use of land, which should be safeguarded as it is a valuable resource. It continues by stating that policy 3 will assist in the delivery of a sustainable balance of development with NDP's and the Site Allocations Document (SAD) identifying sufficient land to meet those needs locally but at the same time prioritising the use of previously developed land (pdl). The NDP's and SAD should also consider the need for greenfield land to meet future housing needs against the provisions of policy 21.
30. Based on the above, policy 21 is consistent, in my view, with paragraphs 124 and 125 of the NPPF seeking to promote the effective use of land and buildings to meet

the need for new homes and other uses, and make use as much as possible of pdl. The policy is not intended to apply to “*isolated*” new homes in the open countryside. I am, therefore, not convinced that policy 21 is directly relevant or that it any way conflicts with or overrides the positive support provided for barn conversions by policies 7 and H4, and paragraph 84 c).

31. I accept that the appeal site is not well related to an existing settlement or public transport links. However, as I have confirmed above, I am not convinced that such matters should preclude the conversion of redundant barns again given the positive and clear support for such proposals in policies 7 and H4, that remain consistent with paragraph 84c) of the NPPF. Also, where this form of new housing could support local services and facilities in nearby villages in accord with paragraph 83 of the NPPF. Furthermore, the accessibility of the appeal site would be the same as that for the Class R Approval, as would the likely comings and goings of vehicles and other similar activity.
32. For all these reasons, the accessibility of the appeal proposal is not a consideration that would override or outweigh the strong policy support for barn conversions in the open countryside set out in national and local policies.
33. Accordingly, I find that the appeal proposal would comply with policies 1, 2, 7, 12, 21 and 23 of the CLP, policies S3, H4 and H6 of the NDP and the corresponding policies of the NPPF. It would also not be at variance with the aims and objectives of policies C1 and T1 of the DPD.

Other Matters

34. The appeal site is located within the Tregonning and Gwinear Mining District World Heritage Site (WHS). Paragraph 202 of the NPPF states that there are a range of heritage assets from those of local value to those of the highest significance, such as WHS, which are internationally recognised to be of Outstanding Universal Value (OUV). In considering the impact on the significance of such assets paragraph 212 of the NPPF states that great weight should be given to the asset’s conservation, the more important the asset the greater the weight should be.
35. The Council have not raised any objection to the proposal in terms of its impact on the WHS and there is no reference in its reason for refusal to this or policy 24 of the CLP which deals with heritage assets. Whilst I have had regard to the consultation response from the WHS Planning Team, I disagree with their comments on the conversion of the barn. Even so, I note that their principal concern relates to the potential impact on ground stability from mining works. The CSOC accepts that this matter can be controlled by a condition, which I concur with. In view of this and as my attention has not been drawn to any key attributes of the WHS on the appeal site or within its immediate setting, I am satisfied that the proposal would not have any harm on the OUV of the WHS.

Conditions

36. The Council has suggested various conditions that I have considered against the advice in the NPPF and the Planning Practice Guidance (PPG) chapter on the ‘Use of planning conditions’. I have also had regard to the Appellants Final Comments.
37. Conditions relating to compliance with the approved plans, for the submission and approval of details of any boundary treatment, potential contamination, remediation

and verification and ground instability, are all necessary and reasonable in the interests of proper planning, public safety and the residential amenities of future occupiers, to minimise health risks to future occupiers and to protect controlled waters, ecology and other receptors from contamination.

38. Turning to the second part of suggested condition 9 and the whole of condition 10 the PPG states that permitted development rights should only be removed in exceptional circumstances. I am satisfied that in this case those exceptional circumstances exist and that it would be reasonable to remove the permitted development rights set out in both conditions. These restrictions would protect the visual amenities of the area and assist in maintaining its character and distinctive landscape qualities and setting. I have also added a materials condition.

Planning balance and conclusions

39. The appeal proposal would secure the reuse of an existing redundant barn and make full use of a building that is suitable and appropriate for conversion. Whilst it would only secure one new dwelling it would respond to the recognised housing crisis in Cornwall and assist the Government's objective of significantly boosting the supply of homes as set out in paragraph 61 of the NPPF. It would also increase spend on local services and facilities and provide short term employment during construction. Combined, I attach moderate weight to these benefits.
40. In relation to the development plan the appeal proposal would comply with policy 7 of the CLP and policy H4 of the NDP. It would also be compliant with policies 1, 2, 7, 12, 21 and 23 of the CLP and policies S3 and H6 of the NDP. It would also not be at variance with the aims and objectives of policies C1 and T1 of the DPD. As a consequence, I find that the appeal proposal would comply with the development plan, when read as a whole.
41. As the Council can no longer demonstrate a five year supply of housing land paragraph 11 d) ii of the NPPF is engaged and requires planning permission to be granted unless *"any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination."*
42. As the appeal proposal would not result in any adverse impacts the presumption in favour of sustainable development applies and planning permission should be granted.
43. For the reasons given above and having taken all other matters raised into account, I conclude that the appeal should be allowed.

G Roberts

INSPECTOR

Annex – Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 001 Location Plan; 003 Proposed Plan & Elevations.
- 3) No development hereby permitted shall commence until an assessment of the site to identify any ground instability has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with any recommendations within the submitted assessment. If instability is identified on the site during the initial assessment, or at any time during construction works, no works shall proceed until a scheme for on-site investigations, an assessment to identify the extent of unstable ground and the measures to be taken to avoid risk to buildings, the associated land and future users when the site is developed, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented in accordance with the approved details, and it shall be completed before the development hereby permitted is first occupied.
- 4) No development shall commence until an assessment of the risks posed by any contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The assessment shall include: (a) A survey of the extent, scale and nature of contamination; (b) The potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems and archaeological sites and ancient monuments.
- 5) No development shall take place where (following the risk assessment) land affected by contamination is found which poses risks identified as unacceptable in the risk assessment, until a detailed remediation scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use.
- 6) The approved remediation scheme in condition 5 shall be carried out and upon completion a verification report by a suitably qualified contaminated land practitioner that demonstrates the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority before the development is occupied.

- 7) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported in writing immediately to the Local Planning Authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the Local Planning Authority. These approved schemes shall be carried out before the development is resumed or continued.
- 8) No demolition/development shall take place on the application site until a Written Scheme of Investigation shall have been submitted to and approved by the Local Planning Authority in writing. The scheme shall include an assessment of significance and research questions, and
- The programme and methodology of site investigation and recording.
 - The programme for post investigation assessment.
 - The provision to be made for analysis of the site investigation and recording.
 - The provision to be made for publication and dissemination of the analysis and records of the site investigation.
 - The provision to be made for archive deposition of the analysis and records of the site investigation.
 - The nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- 9) Prior to the erection of any gate, fence, wall or other means of enclosure (including the proposed Cornish Hedging shown on the approved plans) within or on the curtilage of the development site hereby approved, details of their height, appearance and siting shall first be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall then only be provided in accordance with the agreed details. Notwithstanding the provisions of Class A, Part 2, of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) no erection, construction, maintenance, improvement or alteration of any gate, fence, wall or other means of enclosure shall be carried out on site without the express grant of planning permission.
- 10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking, re-enacting or modifying that Order), no development within Classes A, B, C, D, E and F of Part 1 of Schedule 2 to the said Order shall be carried out without an express grant of planning permission, namely: The enlargement, improvement or other alteration of the dwellinghouse; The enlargement of the dwellinghouse consisting of an addition or alteration to its roof; Any other alterations to the roof of the dwellinghouse; The erection or construction of a porch outside any external door of a dwellinghouse; The provision within the curtilage of the dwellinghouse of any building or enclosure, swimming or other

pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure; Hard surfaces incidental to the enjoyment of a dwellinghouse.

- 11) The materials to be used in the construction of the external surfaces of the development hereby permitted shall be to match existing or otherwise be as shown on the approved plans.

End of Annex