



Appeal Decision

by John Braithwaite BSc(Arch) BArch(Hons) RIBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 December 2025

Appeal Ref: APP/D0840/X/24/3352702

Owls Cottage, Killiganoon, Carnon Downs, Truro, Cornwall TR3 6JT

- The appeal is made under section 195 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Mr Daniel Lawrence against the decision of Cornwall Council.
 - The application ref PA24/05072, dated 29 June 2024, was refused by notice dated 26 September 2024.
 - The application was made under section 192(1)(b) of the Town and Country Planning Act 1990 (as amended).
 - The development for which an LDC is sought is proposed alteration to the roof of existing dwellinghouse.
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Decision

1. The appeal is allowed and attached to this decision is an LDC describing the proposed operation which is found to be lawful.

Preliminary Matters

2. Determination of the appeal requires an assessment of the proposed development against the provisions of The Town and Country Planning (General Permitted Development)(England) Order 2015 (the GPDO). The proposed development is shown on drawings submitted with the application. In these circumstances visiting the site is unnecessary. The appeal has been determined without undertaking a site visit.
3. The planning history of the appeal property is not relevant.

Reasons

4. Owls Cottage is a detached dwelling. The proposed alteration to the roof of the dwellinghouse falls to be considered under the provisions of Class B of Part 1 of Schedule 2 of the GPDO. Class B states that the enlargement of a dwellinghouse consisting of an addition or alteration to its roof is permitted development subject to conditions. The Council claims that the proposed alteration does not comply with condition B.2(b) which requires that the enlargement must be constructed so that (i)(aa) the eaves of the original roof are maintained or reinstated and (i)(bb) the edge of the enlargement closest to the eaves of the original roof is not less than 0.2 metres from the eaves, measured along the roof slope from the outside edge of the eaves.
5. The main part of the dwellinghouse has a hipped roof that wraps around a valley gutter and terminates at two gables on its north-west elevation. The valley gutter discharges into a short gutter that has a downpipe down to a flat roof. The proposed enlargement would fill in the valley section by raising the outer three roof slopes of the hipped roof up to a flat roof centre section. The two gables on the north-west elevation would become a single gable with a flat top.

6. The Council's concerns relate to their interpretation of 'eaves'. They consider that the three existing roof slopes down to the valley gutter have eaves. They do not. The 'eaves' of a building is the intersection of a roof slope with an external wall, where the roof usually extends a small way beyond the outer face of the wall. The roof slopes that terminate at the valley gutter do not intersect with an outer wall of the building and do not extend beyond any wall. There are no eaves to be maintained or reinstated and the enlargement of the roof would not be close to the eaves of the main part of the dwellinghouse, which is along its south-west, north-east and south-east elevations. In this case there is no need to comply with condition B.2(b)(i)(aa) and (bb).

7. Though not mentioned in the reason for refusal of the application the Council, in their appeal statement, refer to the nature of the proposed works and to an annotation on a drawing which states that 'existing roof to be carefully removed, and a new roof to be constructed'. They comment that "...the whole roof structure will need to be removed with a new replacement roof structure with a different roof truss design installed" and "Such major works cannot be considered an 'addition' as nothing is being added to the existing roof and likewise it cannot be an 'alteration' to the roof as the existing roof is to be removed in its entirety...".

8. The GPDO does not define 'addition' or 'alteration' and does not limit the extent of works required to complete an addition or alteration of a roof. The annotation could refer to the existing roof covering, rather than to any roof structure, and no where in evidence is it suggested that "...the whole roof structure will need to be removed with a new replacement roof structure with a different roof truss design installed".

9. The proposed alteration to the roof of existing dwellinghouse is development permitted under Class B of Part 1 of Schedule 2 of the GPDO.

10. For the reasons given above, and on all evidence now available, the Council's refusal to grant an LDC for proposed alteration to the roof of existing dwellinghouse at Owls Cottage, Killiganoon, Carnon Downs, Truro, Cornwall was not well-founded and the appeal succeeds. The powers transferred under section 195(2) of the 1990 Act as amended have been exercised accordingly.

John Braithwaite

Inspector



Lawful Development Certificate

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 191
(as amended by Section 10 of the Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)
ORDER 2015: ARTICLE 39

IT IS HEREBY CERTIFIED that on 29 June 2024 the operations described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged and cross-hatched in black on the plan attached to this certificate, were lawful within the meaning of section 191(2) of the Town and Country Planning Act 1990 (as amended), for the following reason:

The proposed alteration is development permitted under Class B of Part 1 of Schedule 2 of the GPDO.

Signed

John Braithwaite

Inspector

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First Schedule

Proposed alteration to the roof of existing dwellinghouse

Second Schedule

Land at Owls Cottage, Killiganoon, Carnon Downs, Truro, Cornwall TR3 6JT

IMPORTANT NOTES

This certificate is issued solely for the purpose of Section 191 of the Town and Country Planning Act 1990 (as amended).

It certifies that the operations described in the First Schedule taking place on the land specified in the Second Schedule were lawful, on the certified date and, thus, were not liable to enforcement action, under section 172 of the 1990 Act, on that date.

This certificate applies only to the extent of the operations described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any operation which is materially different from that described, or which relates to any other land, may result in a breach of planning control which is liable to enforcement action by the local planning authority.

Plan

This is the plan referred to in the Lawful Development Certificate dated: 03 December 2025

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Land at: Owls Cottage, Killiganoon, Carnon Downs, Truro, Cornwall TR3 6JT

Reference: APP/D0840/X/24/3352702

Scale: Not to Scale

