



Appeal Decision

Site visit made on 30 October 2025

by **C Butcher BSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 8 December 2025

Appeal Ref: APP/D0840/W/25/3370951

Barn to the west of Truthan Manor, Truthan, St Erme TR4 9BB

- 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 Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by John Mathews against the decision of Cornwall Council.
 - The application Ref is PA25/01496.
 - The development proposed is the conversion of barn to dwelling (Class Q).
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for an award of costs was made by John Mathews against Cornwall Council. This application will be the subject of a separate decision.

Main Issue

3. The main issue is whether the proposal would be permitted development under Schedule 2, Part 3, Class Q of the General Permitted Development Order (the GPDO), with particular regard to paragraph W(3)(b).

Reasons

4. Paragraph W(3)(b) of Part 3 of the legislation sets out that a local planning authority may refuse a planning application where an applicant has provided insufficient information to enable the authority to establish whether the proposed development complies with any conditions, limitations or restrictions that have been specified. Paragraph Q1(e) under Class Q states that development is not permitted if the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained.
5. In this instance, the appellant has set out that, in their view, there is not an agricultural tenancy agreement on the land in question. To this end, they have provided a signed statement of truth. This document sets out that there is no written tenancy agreement and also, to the knowledge of the landowners, no oral tenancy agreement. Moreover, the appellant's evidence has sought to argue that any such tenancy could not have been granted, partly as a result of the personal circumstances of a previous landowner, and also because such an arrangement would require the agreement of all of the legal owners of the land. I have carefully considered all of the evidence provided by the appellant, including the letter from Penderlaw Solicitors dated 7th October 2025.

6. However, during the course of this appeal, Slee Blackwell Solicitors have provided comments on behalf of various third parties. This document articulates in some detail that there is an ongoing County Court case in relation to the land, and that this is as a result of a dispute over whether an oral sub-tenancy agreement exists. Furthermore, it is set out that the third parties, who believe that they are the subject of a tenancy agreement, have not consented to the application for prior approval. From the information provided, it is clear that this matter is some way from being resolved. I note that the appellant has not sought to disagree that this Court case is currently live.
7. As a result of the information provided by the third parties, it is abundantly clear that I cannot determine that the requirements of paragraph Q1(e) of the Class Q legislation have been met. As a result of this uncertainty, I conclude that the proposal would not be permitted development at this time.

Conclusion

8. For the reasons given above, and taking into account all other matters raised, the appeal is dismissed.

C Butcher

INSPECTOR