



Appeal Decision

Site visit made on 23 October 2025

by A J Sutton BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 December 2025

Appeal Ref: APP/D0840/W/25/3367803

Treworra Barton, Davidstow PL32 9XY

- 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 Ethan Cowdery against the decision of Cornwall Council.
 - The application Ref is PA24/07301.
 - The development proposed is conversion of a barn to a dwelling.
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Decision

1. The appeal is allowed, and planning permission is granted for the conversion of a barn to a dwelling at Treworra Barton, Davidstow, PL32 9XY, in accordance with the terms of the application, Ref PA24/07301, and subject to the schedule of conditions appended to this decision.

Applications for costs

2. An application for costs was made by Mr Ethan Cowdery against Cornwall Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue is the effect of the proposal on the character or appearance of the area.

Reasons

4. The appeal property is a farm building that is part of a courtyard originally constructed in the 19th century. This courtyard development is set to the side of the Grade II listed Treworra Barton. Originating from the 16th century, the historic interest of that designated heritage asset includes the rubble stone built dwelling with an attached barn, cross wing, horse engine house and cart shed.
5. The listing does not define the curtilage of Treworra Barton, but the appellant's Heritage Statement suggests that it is reasonable to expect the front garden wall, and the former mowhay [stack store/enclosure] boundary to the southwest of the house to constitute the bounds of the historic curtilage of the building.
6. Regarding this matter, while noting that structures do not need to be fixed to be considered curtilage listed, the courtyard, that the appeal property forms part of, appears a separate unit from the listed built form, its gardens and the other historic interest of the designated heritage asset described above. Although it is close to this wider boundary of the listed building, unlike the barn that now forms part of the listing, the courtyard development is set back from the asset and its immediate surroundings. As such it is relatively self-contained and separate of the land associated with the listed building and the space that was necessary for the function or enjoyment of that asset when it was first built and as it has evolved over time. In light of

these factors, I agree with the appellant's assessment that the appeal property is outside the curtilage of the listed building.

7. That said, constructed in stone, with slate roof and of a traditional agricultural form, the buildings of the courtyard, and their arrangement, are in keeping with the rural aesthetic of the listed asset. Also, the structures of the courtyard are subservient to the main farmhouse and accordingly retain a distinct quality of agricultural outbuildings. Even with changes in use to sections of the courtyard building, its historic significance is clearly legible, and it appears a positive feature of the farmstead. In turn it forms part of the wider setting that allows the appreciation of the historic interest of the listed building and its significance. The Council has identified the courtyard, and the buildings that form it, as a non-designated heritage asset, and with the above features, I find no reason to dispute this view.
8. The farmstead is located in the Bodmin Moor Fringe and Inny Valley character area of an Area of Great Landscape Value. Special landscape qualities of this character area, that are evident in this setting, include undulating historic farmland, valley systems, farms and scattered development.
9. The appeal property forms the rear corner of the courtyard and is currently used for storage. Similar to neighbouring attached buildings, its elevations are largely constructed in stone. However, concrete covered buttresses have been attached to its rear elevation and as uncharacteristic additions in this setting, these appear detracting features on this part of the building.
10. Other than the removal of these anomalous features, the proposed change of use would not alter the existing footprint of the building. Nor would the proposal significantly change the existing roof form. Moreover, the external surface materials, that are in keeping with the local vernacular, would be retained. The evidence also indicates that accesses to the courtyard, including the covered passageway next to the appeal property, would remain similar to the existing arrangements under this scheme.
11. The proposed site plan shows green features to be added to the courtyard. While a good part of this area is hardstanding there is already a stone enclosed space fronting the appeal property and existing green features in the courtyard at the front of neighbouring buildings. Some more green features in this area would not be out of keeping with its existing appearance.
12. However, the introduction of domestic items has the potential of eroding the existing simple agricultural aesthetic if not carefully controlled. Ensuring that the layout of this area remains relatively uncluttered is important for maintaining the positive aesthetic of the courtyard. Indeed, this approach is reflected in the appellant's Design and Access Statement. Other than some features shown on the proposed site plan, very limited details of changes proposed in this space are provided in the submission. Moreover, this space is outside of the red line application area shown on the location and block plans for this proposal.
13. This aside, the submitted plans show that it is land in the control of the appellant. Given the potential effect that changes could have on the current appearance of this part of the setting of a designated heritage asset, and the character of the non-designated courtyard development, it would be reasonable and necessary to approve details of a soft and hard landscaping scheme for this space. Certainty of this positive outcome can be conditioned.
14. Turning to the building itself, it is a substantial stone built structure, with a roof that appears well maintained. Internally, there are concrete floors, and the existing windows and doors seem to be a reasonable quality. As such, I agree with the appellant's structural report, that it

is a suitably constructed historic building appropriate to be retained and could be converted for residential use.

15. No additional openings would be formed on the southwest elevation [inside the courtyard]. Some timber boards would be introduced in the northwest elevation, but again no additional openings would be created on this elevation. Moreover, slate and stone would be retained as external surfaces on these elevations. Also, the wooden detail would be in keeping with these existing natural materials and the local vernacular.
16. The gable end of the northwest elevation, at the main access to the courtyard, would be rendered. However, this existing feature is constructed in painted blocks. Rendering this gable would marginally enhance the visual appearance of this existing feature.
17. New openings would be created in the outward facing northeast elevation, but this would be just one additional window. Moreover, its style and size would largely match the existing windows on this side of the building. Again, this elevation would retain the stone and slate external surfaces.
18. Most changes would occur on the southeast side of the building. This would include three new windows, two of which would be floor to ceiling in height. However, all the uncharacteristic existing buttresses would be removed. Removing these detracting features would be a benefit of this scheme.
19. In addition to the existing buttresses on this side of the appeal property, the neighbouring property, (at the rear of the courtyard development) includes windows. It is understood that the original elevation of that neighbouring property was not solid. Be this as it may, there are variant features on this aspect of the building already, but even with those existing windows the wider property nonetheless retains its distinctive agricultural character.
20. The proposed new windows on this side of the appeal property would be very similar to those already in place on the neighbouring building. Also, similar to its neighbour, the new windows proposed in this case would overlook a small plot of grass with few domestic features. Given the existing variant features and the simple nature of the proposed scheme, these changes would be readily assimilated such that the appearance of this side of the existing structure would not be adversely affected.
21. Also, as the existing mass and slate roof of the appeal property would be relatively unchanged from this aspect, (other than the removal of the buttresses), when viewed from the neighbouring field and nearby tracks, the original purpose of this structure, as a traditional farm building, in this farmstead setting, would still be readily appreciable. Moreover, with the limited changes outlined, the existing special landscape qualities in this area would not be harmfully eroded.
22. As set out, this proposed scheme has a simplicity that takes account of the immediate context of the appeal property. This design approach, subject to conditions controlling additional features outside the property, would ensure that the building would not appear overtly domestic and would be altered in a sympathetic manner. In turn, its existing agricultural quality and rural setting would be retained. The proposal would accord with the Chief Planning Officer's Advice Note in this regard. Moreover, the appearance and the historic significance of this non-designated heritage asset would be protected under this scheme. Consequently, this part of the wider setting of the listed building would be preserved.
23. Attention is drawn to an appeal decision for development at Penscombe Barns. The setting of that proposal is similar to this, inasmuch as it comprises a courtyard of converted farm

buildings. However, the proposal in that case involved a sizeable extension which would have considerably altered the simple footprint of that built form. The Penscombe Barns scheme was distinctly different from this proposal in this regard. My findings are unaltered for this reason

24. The Council indicates that there would be little public benefit from the proposal. However, even if I accept this, provisions of the National Planning Policy Framework (the Framework) require public benefits to be considered only where proposals will lead to less than substantial harm to the significance of a designated heritage asset. In respect of non-designated heritage assets which is relevant in this case, the Framework requires a balanced judgement, but this is where there would be harm or loss. This proposal would not harm the significance of a non-designated heritage asset.
25. Accordingly, I find that the proposal would not have a harmful effect on the character or appearance of the area. In this regard the proposal would accord with Policies 1, 7, 12, 23 and 24 of the Cornwall Local Plan Strategic Policies 2010-2030 (Local Plan), Policy ENV1 of the North Cornwall District Council Local Plan and Policy C1 of the Climate Emergency Development Plan Document (DPD). These Policies collectively require high quality design and amongst other matters development must ensure Cornwall's enduring distinctiveness and maintain and enhance its distinctive natural and historic character.

Other Matters

26. The appellant's statement of case references holiday accommodation. However, the description of the development proposed in the application form is for a conversion to a dwelling. Accordingly, the Council considers Policy 7 of the Local Plan relevant in this case. This Policy guides proposals for housing in the countryside and addresses new homes, dwellings and residential use. It does not deal with the provision of holiday accommodation.
27. Policy 7 states that new homes in the open countryside would only be permitted in special circumstances and it includes criteria specifying these circumstances. One of the criterium is for the reuse of suitably constructed historic buildings that are considered appropriate to retain and would lead to an enhancement to the immediate setting. The building to be converted should also have an existing lawful residential or non-residential. For the reasons already set out, I find that this proposal would satisfy this criterium of Policy 7. The proposal would result in a net gain of only one dwelling. This nonetheless would be a significant benefit in a district that is unable to demonstrate a five year supply of housing land.
28. The application indicates that the development is subject to the de minimis exemption from the biodiversity net gain (BNG) required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (as amended). This exemption is for development that does not impact a priority habitat and impacts less than 25 square metres of onsite habitat, and 5 metres of linear habitats such as hedgerows.
29. There is no flexibility in national guidance regarding this matter, and the Council indicates that the proposed patio and paths would be greater than this. However, the proposed plans do not include a patio area, the footprint of the building would not increase, and the submission shows that with regards the small outside space at the rear of the dwelling, changes would be kept to a minimum in this scheme. Moreover, the site boundary is drawn tightly, and no compelling evidence has been advanced that the proposal would not satisfy the requirements of this exemption. I am satisfied that there is a valid exemption to the statutory BNG requirement in this case.

Conditions

30. The Council seeks to restrict the resultant dwelling to a holiday let. However, it provides very little justification for this. This aside for the reasons already set out the proposal would result in an additional dwelling and accords with relevant local policy in this regard. It would be unreasonable to impose restrictions on occupancy for this reason.
31. In addition to the time limit, the development must accord with approved plans for certainty. It is also suggested that samples of external surface materials need to be approved. However, the building is already constructed, and the approved plans specify surface materials. Ensuring the development is maintained in accordance with the details on the plans is necessary in the interest of character and appearance. It is also necessary to approve details of soft and hard landscaping for this reason. However, there is no clear justification for this to be prior to development commencing.
32. The Council seeks 10% biodiversity gain. Whereas Policy 23 of the Local Plan states that development should conserve, protect and where possible enhance biodiversity, I find no requirement for a net gain in respect of this matter. Although Policy G2 of the DPD does require a net gain, the Policy clarifies that this applies for all development except those defined as exempt in secondary legislation. As outlined this proposal qualifies as one of the exemptions set out in paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024.
33. It is necessary to secure the measures set out in the appellant's Ecology Impact Assessments to safeguard protected species. Controls of external lighting is also reasonable and necessary in the interest of the natural environment and to protect the character of the area.
34. National permitted development rights allow enlargement to dwellings, roof alterations, addition of porches, enclosures and the construction of buildings incidental to the enjoyment of a dwellinghouse. All these types of developments have the potential to alter the character of the appeal property. Given the sensitivity of the character of this farmstead, there is a clear justification to restrict these rights. This allows an opportunity for further consideration of the visual effect of such additions, to ensure that harmful domestic changes do not occur.

Conclusion

35. For the reasons stated above and having regard to the development plan, the Framework and other material considerations, the appeal should be allowed.

A J Sutton

INSPECTOR

Appendix

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos: Location Plan 23148-PL-00-01 Rev C, Proposed Site Plan 23148-PL-00-04 Rev A, Block Plan 23148-PL-00-02 Rev B, Proposed Site Plan 23148-PL-00-05 Rev A, Proposed Elevations 23148-PL-02-03 Rev A, Proposed Elevations 23148-PL-02-04 Rev A and Proposed Ground Floor Plan 23148-PL-01-02 Rev B.
- 3) The external surfaces of the development hereby permitted shall be maintained as the materials shown on plan nos. Proposed Elevations 23148-PL-02-03 Rev A and Proposed Elevations 23148-PL-02-04 Rev A.
- 4) Prior to first occupation of the dwelling hereby permitted, a scheme of soft and hard landscaping shall be submitted to and approved in writing by the local planning authority.

The approved landscaping scheme shall be implemented prior to the first occupation of the dwelling hereby permitted or according to the approved timetable. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 5) Prior to the first occupation of the dwelling hereby permitted, the mitigation measures set out in the Preliminary Visual Assessment for Bats and Breeding Birds (Western Ecology dated January 2024) and the Bat Emergence Surveys (Western Ecology dated May/June 2024) shall be installed in accordance with the details contained in these documents and retained thereafter.
- 6) Prior to the installation of external lighting, full details including height, design, location, intensity of external lighting shall be submitted to and approved in writing by the local planning authority. The lighting installation shall then be carried out in accordance with the approved details.
- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development permitted by virtue of Classes A, B, C, D and E of Part 1 and Class A of Part 2 of Schedule 2 to the Order shall be undertaken.

End of Schedule.