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**THE GRANGE, G WEEK, HELSTON TR12 6BE**

**CHANGE OF USE OF A SHOP AND ANCILLARY STORE TO A DWELLINGHOUSE**

**HANNAH St LEDGER BROWN**

**SUPPORTING STATEMENT  
(INCLUDING CLASS W(2)(ba)  
STATEMENT)**

September 2021

## **INTRODUCTION**

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## **THE SITE AND ITS SURROUNDINGS**

The application site is in the countryside between the village of Gweek and the airbase at RNAS Culdrose. It contains a single-storey building with a hipped roof facing the classified road, separated from it by open parking spaces. The application relates to its eastern section that has been used as a shop but is now vacant; the rest of the building is used as a restaurant.

The application site is not in an area whose qualities are designated for special protection under the planning system and it is not liable to flood.

## **RELEVANT PLANNING HISTORY**

- In June 2005 full permission was granted for what was described as the erection of a restaurant, covered plant sales area, sewage treatment plant and formation of a new vehicular access (ref. W2/PA03/01666). The permission was accompanied by a Section 106 Obligation that in particular tied the approved development to the applicants' farm.
- In July 2011 the Section 106 Obligation was modified to remove some of the land to which the development was tied (ref. PA10/05182).

## **THE APPLICATION**

- This document accompanies an application for prior approval under Class MA, Part 3 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 [the GPDO] for the proposed change of use to 1 dwellinghouse.
- Existing and proposed scaled elevations and floor plans accompany this application. They indicate the total floor space of the proposed dwellinghouse, the dimensions and proposed use of each room, and the position and dimensions of windows, doors and walls, in accordance with Class W(2)(bc) of the GPDO.

## **CLASS W(2)(ba) STATEMENT**

The net increase in dwellinghouses proposed by the development that is the subject of this application is 1.

## **SUPPORTING STATEMENT**

### **Class MA.1(1)**

The proposal does not fall within any of the exclusions to the permitted development right in Class MA because:

- (a) The applicant can vouch for the fact that the shop has been vacant for more than 3 months before the date of this application.
- (b) The application relates to a shop (formerly Use Class A1). It is shown on the 2005 approved drawings; it is visible on Google Street View images dated

June 2009 and July 2011; Cornwall Council's reasons for modifying the Section 106 Obligation in July 2011 included reference to this shop in addition to the restaurant; and the applicant can vouch for the existence of the shop subsequently. It has not been used for any other purpose.

- (c) The floor space of the part of the building to which this application relates does not exceed 1,500 square metres, as shown on the accompanying floor plans.
- (d) The application building and its curtilage are not in any of the designated areas.
- (e) The application building is not within any of the designated areas.
- (f) The application site is not occupied under an agricultural tenancy.
- (g) The proposal does not fall within Class O, Part 3 of Schedule 2 to the GPDO and in any event there is no relevant Article 4 Direction covering the site.

### **Class MA.2 conditions**

#### (a) Transport impacts and safe access

- The applicant's property shares an entrance from the classified road at its western end. The entrance is on the outside of a gentle curve enjoying good visibility in both directions, and the road is wide enough for vehicles to pass, so that motorists can arrive and leave safely. There were no highway objections to the development approved here in 2005 and circumstances have not materially changed.
- The present use of the site attracts traffic. The proposed change of use to a dwellinghouse will not generate a significantly greater volume or different nature of traffic. In fact, the proposal is likely to have a beneficial effect on highway safety, taking into account that the shop's customers previously arrived by private transport, and they and the associated commercial vehicles will no longer be attracted along the classified road leading to the site.
- As a result, the occupants of the proposed house will continue to enjoy safe access to the highway network, both by private transport and by using the bus route running past the site.
- The applicant's property includes ample off-road parking and turning spaces, and more such spaces can be provided and/or the site's entrance improved if necessary.

To sum up, the proposed change of use to one dwellinghouse will not have any significant impact in terms of safe access and transport.

#### (b) Contamination risks

- Historic OS maps dating back to 1879 do not show past mining activities on or near the application site.
- The application building was erected only about 15 years ago and since has not been used for any purposes that could have contaminated the ground.
- This proposal relates only to the use of the application building and does not include operational development that might expose any potential ground sources of contamination.

To sum up, there are no contamination risks associated with the application building and its proposed change of use.

### (c) Flooding risks

- According to the Environment Agency's records, the application site is not within a Flood Zone or a Critical Drainage Area, indicating that there is no flood risk.
- For the avoidance of doubt, the proposal is assessed as follows against possible flooding mechanisms, following paragraph 6 of the NPPF's Technical Guidance.
- *Rivers* - The nearest watercourse to the application site is a small stream beginning about 100 metres to the north-east, running northwards to the Helford estuary. The application site is outside any flood plain and it is higher than and distant from the likely extent of any flooding along this minor watercourse. Therefore, there is no risk of fluvial flooding affecting the site.
- *Sea* - The application site lies 2 kilometres from the coast and at an elevation of 70 metres AOD. Sea levels are currently estimated to be increasing in the order of 1 metre in 100 years. The proposed development is consequently well outside any areas of current or anticipated tidal flooding.
- *Groundwater and the land* - As described above, the application site is not close to the nearest watercourse. The topography in this locality means that the application site is on land sloping northwards. The land uphill of the site is undeveloped and so is suitable for absorbing rainfall and discharging surface water run-off. There is no history of flooding from this source.
- *Sewers, reservoirs, canals and other artificial sources* - There are no such potential flood mechanisms near and uphill of the application site.
- Turning to the likelihood of flooding as a result of the proposal, almost all the application site is covered with impermeable surfaces (i.e. the building and the adjoining car-park). The application does not propose to alter this situation. It follows that there will be no change to the present pattern and volume of surface water run-off and so no flooding impact on any adjacent downstream sites as a result of the proposal.

To sum up, there are no flooding risks associated with the application building and its proposed change of use.

### (d) Noise impacts from commercial premises

- The applicant's adjoining restaurant is the only such premises.
- Given that restaurants and other catering uses are often found in built-up areas near residential properties, the nature of this business does not generate noise to a degree likely to cause unacceptable disturbance to the occupants of the proposed house. In addition, the restaurant's entrance is 15 metres from the front door into the proposed house which is at the other end of the building from the main road entrance, so that customers will not enter or leave near its front door or windows.
- Internal sound as well as fire insulation will be required under the Building Regulations to ensure adequate separation of the proposed house from the restaurant in noise and other terms.

To sum up, the proposed change of use to one dwellinghouse will not suffer any significant impact in terms of noise from commercial premises.

### (e) Conservation area impact

The site is not in a conservation area.

(f) Natural light in all habitable rooms of the proposed dwellinghouse

- The internal layout of the proposed dwellinghouse is not “development” subject to planning control by virtue of Section 55(2) of the Town and Country Planning Act 1990.
- Nevertheless, the accompanying drawings show that it is feasible to form a dwellinghouse with a good standard of living in this part of the existing building. In particular, the proposed floor plan and elevations demonstrate that the kitchen/dining/living-room and the two bedrooms will benefit from natural light from present windows and doors.

To sum up, there will be adequate natural light in all the habitable rooms in the proposed dwellinghouse.

(g) Impact from “unneighbourly” commercial uses

- This requires a two-stage assessment.
- First, the application site is not in an area important for general or heavy industry, waste management, and/or storage and distribution. No such activities take place in its locality which is predominantly farmland apart from the applicant’s adjoining restaurant.
- It is therefore unnecessary to go on to the second stage.

To sum up, there will not be any such impacts on the proposed dwellinghouse.

(h) Impact on nursery or health services

The proposed development does not involve the loss of either service.

## **Other matters**

- The GPDO (Amendment) Regulations 2020 that came into force on 6 April 2021 added paragraph 9A to Article 3, requiring all Part 3 dwellinghouses to have a gross internal floor area exceeding 37 square metres as well as complying with the nationally described space standard and associated notes issued by the Government in 2015 and 2016. The dwellinghouse proposed in the current application satisfies these requirements because its usable floor space significantly exceeds 37 square metres, as well as 70 square metres that is the minimum for two-bedroomed single-storey units.
- The application building was not subject to any planning conditions regulating its operation, in particular removing Class MA permitted development rights, in its 2005 permission.
- The external “footprint” of this building is large enough (i.e. 100 square metres) to provide a usable domestic curtilage, although it does not need to be provided or be practical in its arrangement and the 2021 Amendment Order did not apply the definition of “curtilage” in Class X to Class MA developments.
- There is no reason to suppose why a Class MA development as shown on the accompanying drawings could not be completed within 3 years.

## **SUMMARY AND CONCLUSION**

The application building was lawfully used as a shop before 2019 and has been vacant and unused for at least 3 months, and the proposal and its site do not come within any of the other exclusions to the permitted development in Class MA.1.

The proposal does not give rise to harmful impacts or risks under the headings in Class MA.2 and meets the requirements of paragraph 9A of Article 3.

To sum up, the building standing on the application site can become a dwellinghouse within the restrictions and conditions of the relevant parts of the GPDO.

Cornwall Council is therefore asked please to determine that as the Local Planning Authority their prior approval is not required for any aspect of the proposed change of use of this lawful shop to a dwellinghouse under Class MA of Part 3 of Schedule 2 to the GPDO.