



## SUPPORTING STATEMENT

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Proposal Development under Class Q of the Town and Country Planning (GPD) (England Order 2025): Conversion of agricultural buildings (2no former Free-Range Duck Barns) into 2no residential dwellings at Tremayne Farm, Cambourne, Cornwall, TR14 9NB

For: Stonegate Farmers Ltd

Written by: RARW Checked by: RARW & CB

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### 1.0 INTRODUCTION

This application notifies the Local Planning Authority of the applicants' intention to convert two existing, redundant agricultural buildings to Class C3 use under Class Q, of the Town and Country Planning (General Permitted Development) (England) Order 2015.

The buildings to which this application relate were both constructed as shelter for ducks at the specialist breeds free-range poultry farm at Tremayne Farm, Camborne, Cornwall.

The two barns formed part of a previous Prior Approval Application (ref: PA23/09404) to Cornwall Council for the conversion of 3 former agricultural buildings. This application was refused on the 30<sup>th</sup> January 2024.

However, the refusal related to an issue on another barn (Barn 6) which was included in the previous application, and not to the two barns in this application.

Following some informal discussions with the Local Planning Authority following the refusal; we have decided to submit Barns 8 & 10 separately once again for a Prior Approval submission, as there was previously no reason cited in either the Decision Notice, or Officer's Report in application PA23/09404 as to why these two barns do not comply with the Class Q Legislation.



Former Duck Barn (Barn 8)



Former Duck Barn (Barn 10)



## 2.0 PURPOSE OF THIS DOCUMENT

This document is intended to provide an overview of the design rationale, and to demonstrate how the proposal complies with all the various technical and practical issues which need to be addressed under the Class Q Legislation.

*NB: Please note that the referencing numbers for all the buildings on this site have been apportioned by HPA whilst working on this project after the farm had become vacant. These differ from the references on the Cornwall Council Planning Archives.*

*The internal reference numbers that we have use for the 2 buildings in this application are Barns 8 & 10 (former Duck Barns). These references appear in some of the supporting statements.*

## 3.0 LOCATION

The buildings to which this application relates, are part of the former free-range enterprise for rare-breeds, quail, duck and goose eggs, which is situated to the east of the former battery units, off the Old Rail Road.

The Grid References for the buildings within this application are:

- SW 64630 34919 (Easting: 164630, Northing: 034919) - Former Duck Barn
- SW 64715 34903 (Easting: 164715, Northing: 034903) - Former Duck Barn

## 4.0 PROPOSAL:

The proposal is to convert the 2 redundant agricultural buildings into 2 dwellings as follows:

- Former Duck Barn (also referenced as Barn 8): 1 dwelling at 225 m sq
- Former Duck Barn (also referenced as Barn 10): 1 dwelling at 225 m sq

The proposal has been designed in such a way to retain the key characteristics and primary structure of the barns, whilst complying with Class Q requirements.

The buildings are all in a good, robust condition and can be converted with minimal openings. The two Duck Barns are identical in appearance, form and construction, and the former grain store is a totally different structural system. The structural integrity of the buildings is examined in greater detail later in both this report and the Engineer's Reports which accompany this application.

The existing access from the Old Rail Road is retained.



5.0 | PLANNING LEGISLATION:

The relevant legislation is the Town and Country Planning (General Permitted Development) (England) Order 2015, specifically Schedule 2, Part 3, Class Q - Agricultural Buildings to Dwellinghouses.

6.0 | COMPLIANCE WITH SPECIFIED CLAUSES WITHIN THE CLASS Q LEGISLATION

The responses to the requirements of the various sections of the Class Q legislation are as follows.

*Q.1 Development is not permitted by Class Q if–*

*(a) the site was not used solely for an agricultural use as part of an established agricultural unit–*

- i. on 20<sup>th</sup> March 2013, or*
- ii. in the case of a building which was in use before that date but was not in use on that date, when it was last in use, or*
- iii. in the case of a site which was brought into use after 20<sup>th</sup> March 2013, for a period of at least 10 years before the date development under Class Q begins;*

*RESPONSE: The barns were constructed prior to March 2013 and were in use until 2019 / 2020 for agricultural purposes.*

*The Planning Officer's report for application PA23/09404 says "It is evident from aerial imagery and the planning history that the barns were constructed prior to March 2013, and the application submission confirms that they were in use for agricultural purposes until 2019/2020. There is no evidence to the contrary to suggest otherwise".*

*(b)in the case of–*

*(i)a larger dwellinghouse, within an established agricultural unit–*

*(aa)the cumulative number of separate larger dwellinghouses developed under Class Q exceeds 3; or*

*(bb)the cumulative floor space of the existing building or buildings changing use to a larger dwellinghouse or dwellinghouses under Class Q exceeds 465 square metres;*

*(ba)the floor space of any dwellinghouse developed under Class Q having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeds 465 square metres;*

*RESPONSE:-There are 2no larger dwelling houses proposed. These are both 225m sq and do not exceed the overall limit of 465m sq.*



(c) in the case of–

(i) a smaller dwellinghouse, within an established agricultural unit–

(aa) the cumulative number of separate smaller dwellinghouses developed under Class Q exceeds 5; or

(bb) the floor space of any one separate smaller dwellinghouse having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeds 100 square metres;

*RESPONSE: There are no smaller dwelling houses in this application.*

(d) the development under Class Q (together with any previous development under Class Q) within an established agricultural unit would result in either or both of the following–

(i) a larger dwellinghouse or larger dwellinghouses having more than 465 square metres of floor space having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order;

(ii) the cumulative number of separate dwellinghouses having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeding 5;

*RESPONSE: The number of dwellings created does not exceed 2 and the cumulative area does not exceed the 465m<sup>2</sup> threshold.*

(e) the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained;

*RESPONSE: The site is not occupied as part of an Agricultural Tenancy.*

(f) less than 1 year before the date development begins

- i. an agricultural tenancy over the site has been terminated, and
- ii. the termination was for the purpose of carrying out development under Class Q, unless both the landlord and the tenant have agreed in writing that the site is no longer required for agricultural use;

*RESPONSE: The building is not subject to an Agricultural Tenancy.*

(g) development under Class A(a) or Class B(a) of Part 6 of this Schedule (agricultural buildings and operations) has been carried out on the established agricultural unit

- i. since 20<sup>th</sup> March 2013; or
- ii. where development under Class Q begins after 20<sup>th</sup> March 2023, during the period which is 10 years before the date development under Class Q begins;

*RESPONSE: The buildings were all in existence in their current form in 2013. The buildings have not been extended within this timescale, and no other buildings within the wider farm are subject to a Class Q Approval. The Planning Officer's report for application*



*PA23/09404 states " There are no records available to the LPA that development under Class A(a) or Class B(a) or Class Q have been carried out on the holding within the timeframes specified above".*

*(h) the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point;*

*RESPONSE: The designs do not extend beyond the confines of the original building. The designs of the Barns 8 & 10 were noted as being acceptable in the previous submission and remain unaltered.*

*(i) the development under Class Q(b) would consist of building operations other than–*

- i. the installation or replacement of–
  - (aa) windows, doors, roofs, or exterior walls, or*
  - (bb) water, drainage, electricity, gas or other services, to the extent reasonably necessary for the building to function as a dwellinghouse; and**
- ii. partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1(i)(i);*

*RESPONSE: It is confirmed that the design complies with the requirements of this clause.*

*(j) the site is on article 2(3) land;*

*RESPONSE: The site does not lie in a National Park or an AONB*

*(k) the site is, or forms part of–*

- (i) a site of special scientific interest;*
- (ii) a safety hazard area;*
- (iii) a military explosives storage area;*

*RESPONSE: The site does not lie in an SSSI, in a safety hazard area or military explosives area.*

*(l) the site is, or contains, a scheduled monument; or*

*RESPONSE: The site is not a Scheduled Monument.*

*(m) the building is a listed building.*

*RESPONSE: The site is not a listed building.*

*Q.2 – (1) Where the development proposed is development under Class Q(a) together with development under Class Q(b), development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to–*

- (a) transport and highways impacts of the development,*



- (b) noise impacts of the development,
- (c) contamination risks on the site,
- (d) flooding risks on the site,
- (e) whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order, and
- (f) the design or external appearance of the building,

and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

(2) Where the development proposed is development under Class Q(a) only, development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the items referred to in sub-paragraphs (1)(a) to (e) and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

(3) Development under Class Q is permitted subject to the condition that development under Class Q(a), and under Class Q(b), if any, must be completed within a period of 3 years starting with the prior approval date.

**RESPONSE:**

- (a) Transport: The proposal will reduce traffic (domestic traffic compared to farm traffic). The buildings are all served by existing concrete or hardcore tracks.
- (b) Noise: Domestic Use will be quieter than the previous agricultural use which saw the keeping of poultry and farm vehicle movements.
- (c) Contamination: A report has been commissioned and is included as part of this application.
- (d) Flooding: The site is in Flood Zone 1.
- (e) The former grain store barn is detached from the main group of buildings, and can act as a self-contained entity. The nearest poultry house on the former Battery Farm is over 25m away from the building in this application. Whilst the buildings in the Battery Farm are structurally sound, they cannot be brought back into use as a Battery Farm due to the banning of Battery Farming.  
<https://www.rspca.org.uk/adviceandwelfare/farm/layinghens/farming>
- (f) The design works within the structure of the building and tries to retain the rural character.

The houses will have plenty of natural light, as we trust is evident in the proposed designs.



## 7.0 STRUCTURE

A Structural Report by Graham Schofield Associates (Engineers) accompanies this application. The report demonstrates and concludes that the 2 buildings are capable of being converted without any interventions to the principal structure.

A summary of our understanding, and an explanation of the structural approach to the design of the conversions is as follows:

These two buildings were used to house free-range ducks, and are identical in structure and appearance. They are both of a steel framed structure and are clad in timber Yorkshire Boarding with a profile sheet roof.

The buildings are sound structurally and can be lined internally to create a thermal envelope needed for conversion into residential use.

The buildings are located in a detached location in the eastern free-range section of the Rare Breeds Farm, and are accessed along two existing hardcore farm tracks which run either side of a belt of mature trees. The tracks are suitable for car access.



'Barn 8'



'Barn 10'



Interior of 'Barn 10'

Please note that the suspended non-structural Timber Floor in both barns has been removed (you can see the upstands for the secondary beams for the suspended floor in the above photograph). The footings are still intact as are the ground beams. The Engineers have made an assessment of the ground beams in their report and have concluded that they are sound.





Existing Access Track to Barns 8 & 10

The Planning Officer's Report in Application PA23/09404 made the following Structural Assessment of Barns 8 & 10 as follows:

*"With regard to barns 8 and 10, the steel structures were found to be in an adequate structural condition, and the Yorkshire boarding to the exterior would be retained, with a replacement roof proposed, which is not uncommon for these types of conversions.*

*The assessment of compliance with Q.1(i) is carried out on a case-by-case basis. In this finely balanced case, the proposal is not considered to conflict with Q.1(i)."*

## 8.0 MATERIALS

In the two barns, the thermal upgrade work can be made within the confines of the building envelope, by the insertion of a non-structural timber framed inner leaf which will also contain insulation.

Windows, rooflight and doors will be powder-coated aluminium and finished in a mid-grey.

Roof and wall cladding will be retained.

## 9.0 SUSTAINABILITY

The buildings are capable of being lined internally with a thermal envelope to create the high levels of insulation and air tightness as required in the current Building Regulations.



Applications for Solar Panels would need to be made separately, following the Prior Approval process.

There is also some sustainability gain in retaining an existing building (e.g., proposed NPPF 2023 para 161).

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**10.0 ECOLOGY**

An Ecology Survey from Wheal Grey Ecology (October 2023) is enclosed as part of the application. This looks at all the three buildings in application PA23/09404 together (Barn 6 is not included in this application).

The report concludes on page 8 that *"No evidence of the use of these buildings by roosting bats were found, the buildings were carefully inspected and were not found to support any significant features with the potential to be used by roosting bats"*.

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**11.0 TREES**

No trees will be impacted upon by the delivery of this proposal.

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**12.0 CONTAMINATION**

A Contamination Survey has been commissioned and is submitted as part of this prior approval.

This report notes that there have been no uses within the building or its immediate surroundings to suggest that high levels of contaminants would be present.

The site is in a Radon area, and radon protection measures should be included within the proposed scheme.

The report suggests that further investigation works should be completed prior to construction as would be normal practice with any conversion of a former agricultural building to residential use.

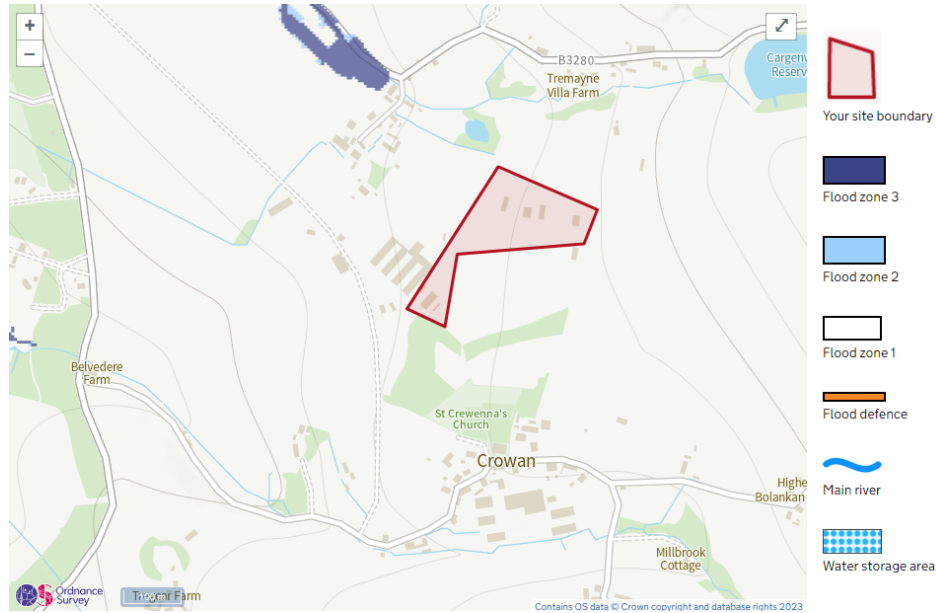
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**13.0 DRAINAGE & FLOOD RISK**

Foul water will be dealt with via a new Package Treatment System and Foul water from this conversion will be connected to the same system.

Surface water drainage will not be increased through this proposal and therefore the existing soakaway system will be retained.

The site is within Flood Zone 1, as demonstrated on the EA Flood Plan.



Source: <https://flood-map-for-planning.service.gov.uk/>  
Accessed 09/08/23

The site lies outside the Cornwall Nutrient Neutrality Zone.

**14.0 UTILITIES**

Electric - service already available on site.

Water - service already available on site.

Waste Collection - a covered storage area for each dwelling is included in the design, which includes an area to locate waste and recycling bins/boxes for each dwelling.

**15.0 OFF SITE SPECIAL AREA OF CONSERVATION HABITAT MITIGATION PAYMENT**

The payment of £1760.00 for the Habitat Mitigation Contribution in relation to the Fal and Helford area was originally made for application PA23/09404 was paid on 5/1/24. The Case reference is C2X2MCW8.

**16.0 SUMMARY**

The proposed development can be achieved within the parameters defined by Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015.

The proposal aligns with both National and Local Planning Policy.

Subsequently, we respectfully suggest that this prior approval request is supported.



APPENDIX: Planning Officer’s Report to accompany the issue of the Decision Notice on application PA23/09404 on 30/1/24

Development Management  
Development Management Service



**OFFICER REPORT – DELEGATED**

<b>Application number:</b> PA23/09404	<b>Expiry date:</b> 30 January 2024
<b>Received on:</b> 20 November 2023	<b>Neighbour expiry date:</b> NONE CONSULTED
<b>UPRN:</b> 010007805291	<b>Consultation expiry date:</b>
<b>Legal agreement:</b> Y	<b>Site notice posted:</b> 14 December 2023
	<b>Site notice expiry:</b> 4 January 2024
<b>Is this decision contrary to local council recommendation?</b> N/A	
<b>Applicant:</b>	<b>Adrian Gott Stonegate Farmers</b>
<b>Site Address:</b>	<b>Tremayne Poultry Farm Old Rail Road Crowan Praze An Beeble Camborne Cornwall TR14 9NB</b>
<b>Proposal:</b>	<b>Application to determine if prior approval is required for a proposed: Change of use of Agricultural buildings to dwellinghouses (use Class C3).</b>
<b>Application Type:</b>	<b>Prior Approval Agri Build to Dwelling</b>
<b>Constraints and designations:</b>	

2022 Candidate AGLV

Candidate AGLV 2022: Carnmenellis. Source:

Cornwall Local Plan - 2016

Area of Special Advertisement Control Name: Cornwall. Notes: This information is derived from the former District and Borough Councils. Date Approved: 09.11.1981

Area Susceptible to Ground Water Flood

Flood Type: Superficial Deposits Flooding

Airfield Safeguarding Zone MODName: RNAS Culdrose. Restriction: All building, structure or works exceeding 45.7m in height above ground level. Consultee: Ministry of Defence



Airfield Safeguarding Zone MODName: RNAS Culdrose. Restriction: All applications involving a refuse tip, a reservoir, a sewage disposal works, a nature reserve or a bird sanctuary. Consultee: Ministry of Defence

Airfield Safeguarding Zone MODName: RNAS Culdrose. Restriction: All building, structure or works exceeding 91.4m in height above ground level. Consultee: Ministry of Defence

Airfield Safeguarding Zone MODName: RNAS Culdrose. Restriction: All developments that involve flying activities including gliding, micro-light aircraft and hang-gliding sites. Consultee: Ministry of Defence

Community Infrastructure Levy Parish: Crowan. Band: Band 5. Sub Zone: Designated Rural Areas/AONB

Designated Rural Areas                      Housing Order 1981: Designated rural areas

Meteorological Safeguarding Zone Location: Camborne Met Station. Criteria: Any building, structure or works exceeding 91.4m in height above ground level

Meteorological Safeguarding Zone      Location: Predannack Airfield. Criteria: Any building, structure or works exceeding 10.7m in height above ground level

Meteorological Safeguarding Zone      Location:      Predannack      Airfield.      Criteria:  
Consultation required for any developments involving wind turbines

Meteorological Safeguarding Zone      Location: Camborne Met Station. Criteria: Consultation required for any developments involving wind turbines

Neighbourhood Development Plans                      Name: Crowan. Status: Made.

ParishName: Crowan

SSSI Impact Risk Zones All Consultations: . Infrastructure: Airports, helipads and other aviation proposals.

Wind and Solar Energy:

Minerals Oils Gas Extraction: Oil & gas exploration/extraction.

Rural Non Residential:

Residential:

Rural Residential:



Air Pollution: Livestock & poultry units with floorspace > 500m<sup>2</sup>, slurry lagoons & digestate stores > 750m<sup>2</sup>, manure stores > 3500t.

Combustion: General combustion processes >50MW energy input. Incl: energy from waste incineration, other incineration, landfill gas generation plant, pyrolysis/gasification, anaerobic digestion, sewage treatment works, other incineration/ combustion.

Waste:

Composting:

Discharges: Any discharge of water or liquid waste of more than 20m<sup>3</sup>/day to ground (ie to seep away) or to surface water, such as a beck or stream. Water Supply:

Wind Turbine Safeguarding Zone Classification: Any wind turbine 11metres to blade tip or taller, or has a rotor diameter of 2 metres or more. Consult: Ministry of Defence. Site: Cornwall

Wind Turbine Safeguarding Zone Classification: All wind turbine development. Consult: NATS. Site: UK and Northern Ireland

Zones of Influence Natura 2000 Sites Site Name: Fal and Helford SAC. Buffer Distance: 12500

### **Relevant policies, SPGs and Government guidance:**

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

The Conservation of Habitats and Species Regulations 2017

National Planning Policy Framework 2023

### **Appraisal/key issues and conclusion:**

This application seeks determination as to whether prior approval is required for the change of use of 2 agricultural buildings to provide 5 dwellinghouses on land within Tremayne Poultry Farm, Old Rail Road, Crowan.

Class Q of Part 3 of Schedule 2 The Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (GDPO) permits development consisting of:

(a) a change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order; or



(b) development referred to in paragraph (a) together with building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule.

Q.1 Development is not permitted by Class Q if (the Officer assessment is included in **bold** below):

(a) the site was not used solely for an agricultural use as part of an established agricultural unit:

(i) on 20th March 2013, or

(ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use, or

(iii) in the case of a site which was brought into use after 20th March 2013, for a period of at least 10 years before the date development under Class Q begins;

**It is evident from aerial imagery and the planning history that the barns were constructed prior to March 2013, and the application submission confirms that they were in use for agricultural purposes until 2019/2020. There is no evidence to the contrary to suggest otherwise.**

(b) in the case of:

(i) a larger dwellinghouse, within an established agricultural unit:

(aa) the cumulative number of separate larger dwellinghouses developed under Class Q exceeds 3; or

(bb) the cumulative floor space of the existing building or buildings changing use to a larger dwellinghouse or dwellinghouses under Class Q exceeds 465 square metres; (ba) the floor space of any dwellinghouse developed under Class Q having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeds 465 square metres;

(c) in the case of:

(i) a smaller dwellinghouse, within an established agricultural unit:

(aa) the cumulative number of separate smaller dwellinghouses developed under Class Q exceeds 5; or

(bb) the floor space of any one separate smaller dwellinghouse having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeds 100 square metres;

(d) the development under Class Q (together with any previous development under Class Q) within an established agricultural unit would result in either or both of the following:



- (i) a larger dwellinghouse or larger dwellinghouses having more than 465 square metres of floor space having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order;
- (ii) the cumulative number of separate dwellinghouses having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeding 5;

*"larger dwellinghouse" means a dwellinghouse developed under Class Q which has a floor space of more than 100 square metres and no more than 465 square metres having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order.*

*"smaller dwellinghouse" means a dwellinghouse developed under Class Q which has a floor space of no more than 100 square metres having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order.*

*Article 2 of the GDPO defines "floor space" as the total floor space in a building or buildings.*

**The proposed plans are annotated to indicate that there are 3 smaller dwellinghouses (floor space no more than 100 square metres) proposed within barn 6, and 2 larger dwellinghouses (floor space more than 100 square metres and no more than 465 square metres) proposed within barns 8 and 10. However, the floor space that has been annotated on the floor plan for barn 6 has not included the internal bin/bike/recycle stores that would be provided to serve each of the three dwellings. Although the store areas are proposed to be open-fronted/not fitted with a door, the stores are provided within the external shell of the building and are considered to count towards the floor space of the dwellinghouses. These store areas would be considered to have a use within Class C3 if they were to be used in accordance with the details included on the plans.**

**It is considered that that the floor space of units 1, 2 and 3, when including the internal stores, would individually be in excess of 100sqm, and thus would be considered to be larger dwellinghouses; and the cumulative floor spaces of the larger dwellinghouses developed under Class Q would exceed 465 square metres of floor space, when considered together with the other 2 larger dwellinghouses proposed to be provided within the other barns, which are also the subject of this application. The proposal therefore conflicts with Q.1(b)(i) and Q.1(d)(i).**





(e)the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained;

(f)less than 1 year before the date development begins

(i)an agricultural tenancy over the site has been terminated, and

(ii)the termination was for the purpose of carrying out development under Class Q,

unless both the landlord and the tenant have agreed in writing that the site is no longer required for agricultural use;

**The application submission confirms that the site is not occupied as part of an Agricultural Tenancy.**

(g)development under Class A(a) or Class B(a) of Part 6 of this Schedule (agricultural buildings and operations) has been carried out on the established agricultural unit:

(i)since 20th March 2013; or

(ii)where development under Class Q begins after 20th March 2023, during the period which is 10 years before the date development under Class Q begins;

**There are no records available to the LPA that development under Class A(a) or Class B(a) or Class Q have been carried out on the holding within the timeframes specified above.**

(h)the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point;

**The proposed floor and elevation plans do not appear to indicate that the development would result in the external dimensions of the proposed development would extend beyond the external dimensions of the existing buildings.**

(i)the development under Class Q(b) would consist of building operations other than'

(i)the installation or replacement of'

(aa)windows, doors, roofs, or exterior walls, or (bb)water, drainage, electricity, gas or other services,

to the extent reasonably necessary for the building to function as a dwellinghouse; and



(ii) partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1(i)(i);

**The Planning Practice Guidance (PPG) (Paragraph: 105 Reference ID: 13105-20180615) advises that it is not the intention of the permitted development right to allow rebuilding work which would go beyond what is reasonably necessary for the conversion of the building to residential use. Therefore, it is only where the existing building is already suitable for conversion to residential use that the building would be considered to have the permitted development right. It goes onto reference the difference between conversions and rebuilding, signposting the case of Hibbitt and another v Secretary of State for Communities and Local Government (1) and Rushcliffe Borough Council (2) [2016] EWHC 2853 (Admin). The Hibbitt judgment found that the building must be capable of conversion to residential use without operations that would amount either to complete or substantial rebuilding of the pre-existing structure or, in effect, the creation of a new building. It is however noted that since the Hibbitt judgment, the PPG no longer refers specifically to the permitted development right depending upon the existing building being structurally strong enough to take the loading which comes from the external works to provide for residential use.**

**Additionally, internal works are not generally development. For the building to function as a dwelling it may be appropriate to undertake internal structural works, including to allow for a floor, the insertion of a mezzanine or upper floors within the overall residential floor space permitted, or internal walls, which are not prohibited by Class Q. The existing buildings are considered to be relatively substantial and in a reasonable structural condition and the plans together with the Structural Surveys indicate that the works required to make the buildings habitable would fall within the tolerances of Q.1(i).**

**With regard to barn 6, the Structural Survey advises that the main frames would compromise the local and overall structural integrity of the building. Although the exterior cladding would be replaced/refurbished in some areas, the existing building benefits from a suitable structural condition to facilitate the works, and the domestic openings would be provided within existing openings.**

**With regard to barns 8 and 10, the steel structures were found to be in an adequate structural condition, and the Yorkshire boarding to the**



**exterior would be retained, with a replacement roof proposed, which is not uncommon for these types of conversions.**

**The assessment of compliance with Q.1(i) is carried out on a case-by-case basis. In this finely balanced case, the proposal is not considered to conflict with Q.1(i).**

(j)the site is on article 2(3) land; **The**

**site is not on article 2(3)**

**land.**

(k)the site is, or forms part of:

(i) a site of special scientific interest;

(ii) a safety hazard area;

(iii) a military explosives storage area;

(l)the site is, or contains, a scheduled monument; or (m)the building is a listed building.

**The site is not and does not form part of any of the constraints listed in Q.1(k).**

Summary:

The proposal would therefore conflict Q.1(b)(i) and Q.1(d)(i) of Class Q of the GDPO and the proposal is therefore not permitted under Class Q. In the circumstances, it is not necessary to provide a full assessment as to that matters that would otherwise require determination as to whether the prior approval is required.

Other Matters:

Ecology:

An Ecological Report has been submitted which indicates that the works to convert the buildings could be carried out without harming European Protected Species, providing birds are not nesting at the time of the development.

Curtilage:

Class Q relates to development within the curtilage of an agricultural building. Paragraph X explains that for the purposes of Part 3, "curtilage" means, for the purposes of Class Q, R or S only:



(a) the piece of land, whether enclosed or unenclosed, immediately beside or around the agricultural building, closely associated with and serving the purposes of the agricultural building, or

(b) an area of land immediately beside or around the agricultural building no larger than the land area occupied by the agricultural building, whichever is the lesser.

The curtilage of the dwellinghouses as indicated by the red line included on the site location plans do not appear to exceed the tolerances of Paragraph X.

#### Internal Areas:

In accordance with Article 3 of the GPDO development is not permitted where the gross internal floor area is less than 37 square metres in size; or does not comply with the nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015. The proposed development is not considered to result in conflict with Article 3.

#### Special Area of Conservation (SAC):

The development lies in a zone of influence of Fal and Helford Special Area of Conservation (SAC), which is a European site. In this case, the proposal would provide new residential development, which, when considered in combination with other plans and projects, is likely to result in increased recreational pressures on, and thus cause harm to, the SAC. To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to provide sufficient mitigation for any recreational impacts which might arise upon the European designated site, having regard to paragraphs 180 and 187 of the National Planning Policy Framework 2023 and the Conservation of Habitats and Species Regulations 2017. It is acknowledged that paragraph W.(10)(b) of Part 3, Schedule 2 of the GPDO advises that local planning authorities must, when determining an application, have regard to the National Planning Policy Framework. Whilst the Development Plan policy is not relevant to the assessment of the application, it is noted that a contribution of £352 per dwelling within the zone of influence of the Fal and Helford SAC would constitute acceptable mitigation, in accordance with the Council's European Sites Mitigation Supplementary Planning Documents. In this case, £1760 and a S111 to secure the contribution has been received, which would have provided sufficient mitigation for any recreational impacts which might arise upon the European designated site.

#### Public Representation:

Public representations have been received objecting to the application on the grounds as follows:

- Planning history of agricultural unit comprising negative responses or refused applications;
- Buildings structural unsound, unsuitable for conversion and not worthy of retention;
- Slender metal frame to remain following removal of sheeting;



- Conflict with Class Q, which is intended to permit the retention of Cornish vernacular architecture
- Other schemes for barn conversions have created beautiful dwellings and preserved landscape character
- Lack of community or wildlife benefits
- Barn owl has been seen to roost within one of the barns
- Loss agricultural land and agricultural buildings
- Lack of access to bus routes and road not suitable for excessive use

#### Conclusion:

The proposal fails to adhere to the requirements of Section Q.1(b)(i) and Q.1(d)(i) of Class Q of Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended. This is because the proposed development includes 5 larger dwellinghouses, and the cumulative floor space of the buildings changing use to a larger dwellinghouses under Class Q would exceed 465sqm. Whilst the submission indicates that units 1, 2 and 3 contained within barn 6 would be smaller dwellinghouses with floor space no larger than 100sqm per unit, the total floor space indicated fails to include the enclosed bin/bike/recycle stores that would be provided within the original building and are proposed to serve the development.

#### **Recommendation:**

Planning permission is required.

The proposal fails to adhere to the requirements of Section Q.1(b)(i) and Q.1(d)(i) of

Class Q of Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended. This is because the proposed development would include 5 larger dwellinghouses, and the cumulative floor space of the buildings changing use to larger dwellinghouses under Class Q would exceed 465sqm. Whilst the submission indicates that units 1, 2 and 3 contained within barn 6 would be smaller dwellinghouses with floor space no larger than 100sqm per unit, the total floor space fails to consider the enclosed bin/bike/recycle stores that would be provided within the original building and are proposed to serve the development.

Therefore, the express grant of planning permission would be required in order to proceed with the development proposed.

PPRQD

#### **PLANS REFERRED TO IN CONSIDERATION OF THIS APPLICATION:**

Existing 2358-102 A received 29/11/23



Proposed 2358-013 A received 20/11/23

Existing 2358-022 P1 received 20/11/23

Proposed 2358-090 A received 20/11/23

Proposed 2358-110 A received 20/11/23

Proposed 2358-091 A received 20/11/23

Proposed 2358-111 A received 20/11/23

Site/location Plan 2358-100 A received 20/11/23

Copies of decision notices and documents associated with the decision making process, where relevant, for the above applications can be found in the Council's online planning register using the following link and by entering the reference of the application you are interested in.

Link: <http://planning.cornwall.gov.uk/online-applications/>