**OFFICER REPORT – DELEGATED**

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| **Application number: P/16/080/FUL** | **Expiry date: 5 October 2016** |
| **Received on: 9 August 2016** | **Neighbour expiry date: 30 August 2016** |
| **UPRN: 000192001966** | **Consultation expiry date:**  |
| **Legal agreement:**  | **Site notice posted: 9 August 2016** |
| **Departure:**  | **Site notice expiry: 30 August 2016** |
| **Complies with Development Plan? Y/NIf not, ensure you cover in the report how material considerations outweigh the plan?** |  |
| **Is this decision contrary to local council recommendation?**  |

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| **Applicant:** | **Mr R Perkins**  |
| **Site Address:** | **Trethagan****Churchtown****St Martin's****Isles Of Scilly** |
| **Proposal:** | **Change of use of land from agricultural land to residential garden and erection of garden shed** |
| **Application Type:** | **Planning Permission** |

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| **Description of site and development:** |

This is an application to change the use of the surrounding agricultural land around a newly constructed dwelling, to domestic garden with the erection of a shed. The approved domestic curtilage around the property was reduced in size to ensure the density of the development was at an acceptable level. Permitted Development Rights for this new dwelling were removed when planning permission was granted. St Martins is also covered by the Article 4 Direction which essentially removes permitted development rights for curtilage buildings.

This application is seeking to incorporate the additional land around the property into the domestic curtilage and erect a modest shed to the north boundary, adjacent to the highway, which would be used to sell products, produced on the premises. The shed is a summer house with an overall height of 2.2 metres and covering an area of 1.9 x 2 metres. The building is of a timber construction with a felted shallow pitched roof and small veranda.

**Planning History**

Planning permission for a new local needs dwelling was originally applied for under **P5489** and was approved in 2004 subject to a S106 and S299 Agreement. In 2012 an application was submitted to extend the time of the application **P/12/057**. This was approved subject to a S106 agreement. In 2014 an application was submitted (**P/14/040**) to vary some of the approved details to incorporate a porch and chimney feature. In 2015 an application was submitted (**P/15/074**) and approved for the construction of a patio to the rear of the dwelling.

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| **Public representations:** |

None

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| **Consultee representations:** |

NONE

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| **Constraints and designations:** |

Conservation Area, Heritage Coast, AONB

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

2005 Isles of Scilly Local Plan

Policy 1 Environmental Protection

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

In light of the above policies it is considered that the principal issues for consideration would be the loss of the surrounding agricultural land and its inevitable enclosure and its use for domestic paraphernalia (including the summerhouse/shed) and the visual impact of this on the wider landscape in terms of the character of the conservation area and scenic beauty of the AONB. It is also a material planning consideration to assess the impact upon the privacy and amenity of adjacent or neighbouring residential properties.

**Impact upon the wider landscape**

Inclusion of the surrounding agricultural land as part of the domestic curtilage would not appear to result in a significant loss of the best and most versatile agricultural land on St Martins. In any case its use as a domestic garden would not preclude a reversal back to agricultural land should the need arise. A review of the plans submitted as part of the original application would suggest that this land was originally part of the plot to build a dwelling but it unclear now why, when permission was renewed in 2012, the curtilage was reduced in size. The plans suggest that that this land is leased to the applicant from the Duchy of Cornwall. Its use for wider agricultural purposes therefore is limited to the applicants.

The site slopes down in a south westerly direction from the road and is enclosed by hedges. There would be views of this land from the south, particularly from the water when travelling between the islands, but in general the proposed change of use and construction of a shed would not give rise to any particular harm to the wider scenic beauty of St Martins or detract from the character and appearance of the Conservation Area. It is considered therefore that incorporating this land as part of the domestic curtilage would not have a significant detrimental impact upon the wider landscape.

**Impact upon amenity.**

The application site is now a newly constructed dwelling named Trethagan. It is situated towards the centre of the application site, with the land forming a generous gap before the nearest neighbour to the south east (known as the Diving School). The change of use of land would bring the domestic boundary of Trethagan up to around 6 metres from this nearest residential property. The change of use would potentially introduce noise generating domestic uses in an area of land that separates the two dwellings. It is considered however that the existing hedges would be retained for privacy purposes and would provide a degree of protection for both the existing neighbouring property and the proposed domestic garden. It is recommended that PD rights be removed (where not already removed by the A4D) to ensure that large structures are not constructed on this land that could have a detrimental impact upon neighbouring properties or land uses. Subject to this it is considered that the change of use of land and construction of a shed would not give rise to significant harm to existing neighbouring properties that would warrant a refusal of this application.

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| **Recommendation:** |

Conditionally Approve.

**ANY ADDITIONAL INFORMATION:**

• In dealing with this application, the Council of the Isles of Scilly has actively sought to work with the applicants in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the NPPF.

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| Signed: | Dated: | Signed: | Dated: |
| Planning Officer | Senior Manager |