



# COUNCIL OF THE ISLES OF SCILLY

Planning & Development Department  
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## OFFICER REPORT – DELEGATED

Application number: P/17/078	Expiry date: 09/02/2018
Received on: 18/10/2017	Neighbour expiry date: 05/01/2018
UPRN: 000192000551	Consultation expiry date: 09/01/2018
Legal agreement:	Site notice posted: 20/12/2017
Departure:	Site notice expiry: 10/01/2018
Complies with Development Plan? Y/N If not, ensure you cover in the report how material considerations outweigh the plan?	
Is this decision contrary to local council recommendation?	

Applicant:	Mr G Snowball
Site Address:	High Barn, Higher Town, St martin's, Isles of Scilly, TR25 0QL.
Proposal:	Erection of 5m x 8m shed to replace 3 existing sheds.
Application Type:	Full

<http://www.scilly.gov.uk/planning-application/planning-application-p17089-0>

### Description of site and development:

This application seeks planning permission for the erection of a building in the north west corner of the curtilage of the dwelling High Barn, to be used as a boat and garden store and a workshop. The building is proposed to be constructed with granite stone on the southern elevation and rendered block on the other three elevations. The roof is proposed to be dual pitched and finished in natural slate. The proposed doors and windows on the south and east elevations of the building are timber. The overall dimensions of the building would be approximately 8 metres in length, 5 metres in width and 3.7 metres in height.

The proposed building would replace three existing garden sheds, which are constructed of timber and cover a floorspace of approximately 25 square metres in total. The applicant has stated that the proposed replacement building will be “far more usable” than the current sheds.

The applicant has provided a statement in support of the application which states: *“The proposed shed is to be sited in the extreme corner of the plot as far away from the public track as possible. The design of the shed is based on an existing shed that stands adjacent the main island road, opposite the fire station. As such the proposed shed will be sympathetic to existing designs on the island. The proposed site is surrounded on 3 sides by mature hedge, around 3m tall. The front of*

*the shed will be obscured to a significant extent by walls, flower beds, olive trees and hedges that have been deliberately planted for this purpose. High Barn as a whole has been sympathetically developed to make a positive contribution to an area of outstanding beauty. The new shed will be in total sympathy with the development of the Barn itself."*

### **Site Description**

The site lies within the southern area of St Martin's, in an elevated location a little way out of Higher Town. The public access path to Daymark runs along the southern site boundary and agricultural land surrounds the remainder of the site area. The site is bordered to the north and west by a high pittosporum hedge and stone walling bounds the east and south. The dwelling is two storey and is positioned within the south-eastern area of the site with the gardens predominantly to the south, north and west. The dwelling has granite stone elevations under a dual pitched slate roof. The nearest residential neighbouring property is situated to the west of the site and is separated from the site by a narrow section of enclosed agricultural land.

### **Background and Relevant History**

The site has an extensive planning history relating to it and the erection of a shed. Application **P/07/084** for the "erection of a boatshed/store/workshop (4m x 8m)" was refused for the following reason:

*The proposed boat shed/ store/ workshop would by reason of its scale and siting have a harmful impact on the character and appearance of the surrounding area, which is designated an Area of Outstanding Natural Beauty, Heritage Coast and Conservation Area, contrary to Policies 1 and 2 of the Local Plan.*

This application was also appealed (**APP/Z0835/A/07/2056781**) and dismissed by the Inspector due to the harm the proposal would have on the character and appearance of the surrounding area.

In 2010, an application (**P/10/050**) was submitted and refused on 5<sup>th</sup> August 2010 for the "erection of a granite and timber clad boatshed/ garden store measuring 8.2m long by 5.1m wide by 3.7m high in North West corner of garden."

The most recent application (**P/14/020**) sought permission for the "erection of timber boat/ garden store and workshop in replacement of two existing temporary sheds." The measurements of the shed proposed were 8.3m in length, 5m in width and 3.7m in height. This application was refused at Committee on 25<sup>th</sup> June 2014 for the following reason:

*The proposed boatshed/garden store and workshop would by reason of its scale, design and siting in a prominent position have a harmful impact on the character and appearance of the surrounding area, which is designated an Area of Outstanding Natural*

*Beauty, Heritage Coast and Conservation Area contrary to Planning Policies 1 and 2 of the Local Plan.*

#### **Public representations:**

A site notice has been on display outside the site for a period of 21 days. No letters of representation have been received.

#### **Consultee representations:**

Cornwall Archaeological Group have considered the application and note the following:

*“the proposed shed is 60m northeast of the presumed location of an undated midden (MCO30655) at Menawethan. It is therefore recommended that, in the event of a successful application, the footprint of the proposed new barn is stripped of topsoil and hand cleaned and inspected by an archaeologist as part of an archaeological watching brief. We recommend, if consent is given, a single archaeological recording condition of sections A-C inclusive.”*

The Isles of Scilly ANOB Partnership has not specific comments to make relating to the proposal, however notes that the application affects the nationally designated area and as such, the Planning Authority has a statutory duty to take the AONB designation into account in determining it.

#### **Constraints and designations:**

Conservation Area, AONB and Heritage Coast.

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

##### **Primary Legislation**

##### **The Planning (Listed Buildings and Conservation Area) Act 1990**

The site is within a Conservation Area where there is a requirement to ensure that any development preserves or enhances the character or appearance of the area, as embodied in Section 72 of The Planning (Listed Buildings and Conservation Area) Act 1990.

##### **The Countryside and Rights of Way Act 2000**

The Isles of Scilly is also a designated Area of Outstanding Natural Beauty (AONB). The legal framework for such areas is provided by The Countryside and Rights of Way Act 2000. The Act places a statutory duty on the Local Authority to have regard to the purpose of conserving and enhancing the natural beauty of the AONB when exercising or performing any functions affecting land within it.

## **The Conservation of Habitats and Species Regulations 2010 (Consolidation of Conservation (Natural Habitats, &c.) Regulations 1994 )**

It is a legal duty of a Local Planning Authority, when determining a planning application for a development, to assess the impact on European Protected Species ("EPS"), such as bats, great crested newts, dormice or otters. A LPA failing to do so would be in breach of Regulation 3(4) of the 1994 Regulations, which requires all public bodies to have regard to the requirements of the Habitats Directive in the exercise of their functions.

## **Planning Policy**

### **National Planning Policy Framework (NPPF) 2012**

At the heart of the NPPF is presumption in favour of sustainable development. The NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material consideration indicate otherwise. It is highly desirable that local planning authorities should have an up-to-date plan in place. With respect to general development and the Strategic Policies it is considered that the Local Plan remains up to date and conforms to the requirements of the NPPF.

Section 11 relates to conserving and enhancing the natural environment and paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils; recognising the wider benefits of ecosystem services; minimising impacts upon biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity; preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability.

### **Isles of Scilly Local Plan 2005**

Policy 1 relates to environmental protection and seeks to permit development proposal only where they respect and protect the recognised quality of the island's natural, archaeological, historic and built environment. Proposals should (a) conserve or enhance the natural beauty, wildlife and cultural heritage of the Area of Outstanding Natural Beauty and protect the unspoilt character and good appearance of the heritage coast, (c) Preserve or enhance the character or appearance of the Conservation Area (d) safeguard the integrity and nature conservation objectives of Special Protection Areas (SPAs), RAMSAR sites and Special Areas of Conservation (SAC); (e) protect a statutorily protected plant or animal species and the wildlife, geographical and geomorphological interest and features of designated Sites of Special Scientific Interest; and locally important biodiversity habitats, species and landscape features.

Policy 2 relates to Sustainable Development and seeks to permit development in situations where the development contributes to the sustainability of the islands' environment, economy or local community through (b) ensuring or facilitating the re-use of previously developed land or existing buildings for the economic, social and environmental benefit of the islands and local communities and (c) Utilising natural resources efficiently in the design, construction and future use of land and buildings, including where appropriate, energy conservation and the use of renewable sources of energy generation, minimising the consumption and discharge of water and waste and by securing the recovery and re-use of suitable building materials.

The Isles of Scilly Design Guide which was created in supplement to Policy 2 of the Local Plan requires that new proposals are sympathetic to the character of the islands.

**Appraisal/key issues and conclusion:**

The main planning issues for consideration are the principle of development; the impact upon the wider natural and historic environment; the design, scale, materials; and the impact on the amenity of the area.

**Principle of development.**

The proposal relates to the erection of a domestic outbuilding within the curtilage of the dwellinghouse. The development is therefore considered to be acceptable in principle subject to the other material planning considerations outlined below.

**Visual Impact on the wider landscape**

The site lies in a prominent, isolated and elevated location to the north-east of Higher Town and is the last property along the public path which leads to Daymark. The site is separated from the other built form along the public path by agricultural land. The proposed shed is to be sited within the far north-western corner of the site and taking into consideration the proposed location and the design, scale and massing, the proposal would therefore appear to have very little differences from that previously submitted under the previous planning history of applications for similar proposals. Although the proposed shed would be sited in the furthest location on site from the public path which runs along the southern boundary, and despite the screening that exists on site and by that proposed, the building would maintain a position of being clearly visible from the public path to the south and from other nearby public vantage points which have views into the site from the east. Although the applicant has proposed materials to be more traditional and in keeping with the materials of other nearby buildings, than those proposed under previous applications, the scale and isolation in this prominent position are considered to cause the proposal to be an incongruous addition to the rural landscape, detracting from the character and appearance of the Conservation Area and the Area of Outstanding Natural Beauty. The proposal would therefore conflict with Policies 1 and 2 of the adopted Local Plan which seeks to conserve

or enhance the natural beauty of the AONB and preserve or enhance the character and appearance of the Conservation Area.

#### **Impact upon the historic environment**

The proposed site does not contain any designated heritage assets. Cornwall Archaeological Group has considered the application and request that should the application be approved, an archaeological watching brief condition is attached to the subsequent decision due to the proximity of the proposed development to the presumed location of an undated midden (MCO30655).

#### **Impact upon the Natural Environment**

The Isles of Scilly have a number of important environmental designations, including Special Areas of Conservation (SAC), Special Protection Areas (SPA) and Sites of Special Scientific Interest (SSSI). The SAC is a strictly protected marine designation under the EC Habitats Directive. The Isles of Scilly Complex forms part of the European network of important high quality conservation sites that make a significant contribution to conserving the 189 habitat types and 788 species of plants and animals. The sites selected around the coastal waters of Scilly encompass extensive sandy sediments between the islands that are contiguous with the intertidal sandflats. The SAC will not be affected by the proposal.

There are no immediate SSSI or Special Protection Areas within the immediate area surrounding the site. The proposed erection of a building within the domestic curtilage of a dwelling is therefore not considered to have any impacts on any SSI or SPA designations.

#### **Impact upon residential amenity**

There are no immediate neighbouring properties at High Barn. The nearest residential property is located approximately 33 metres to the west of the proposed shed and is separated by mature boundary hedging and a strip of agricultural land. The proposed shed is for a domestic use and taking into consideration the distance to nearby dwellings, the proposal is not considered to cause any detrimental impacts upon the privacy or amenity of neighbouring properties or land uses.



#### **Conclusion**

Drawing on all of the above considerations, it is considered that although the removal of the existing three gardens sheds would be an enhancement to the visual amenities of the immediate area, the proposed erection of the replacement building has an unacceptable impact on the surrounding area due to its scale within a prominent and isolated location therefore causing a detrimental impact on the character and appearance of the Conservation Area and the AONB. The proposal is therefore recommended for refusal.

**Recommendation:**

Recommendation: The application be Refused for the following reason:

- 1. The proposed development would by reason of its scale and siting in a prominent position, have a harmful impact on the character and appearance of the surrounding area, which is designated an Area of Outstanding Natural Beauty, Heritage Coast and Conservation Area contrary to Planning Policies 1 and 2 of the Isles of Scilly Local Plan (2005).**

Signed: S. Wade	Dated: 08/02/18	Signed: 	Dated: 09/02/2018	Signed: 	Dated: 09/02/2018
Case Officer		IOS Planning		Senior Manager	