



# COUNCIL OF THE ISLES OF SCILLY

Planning & Development Department  
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## OFFICER REPORT – DELEGATED

Application number: P/17/113	Expiry date: 02/03/2018
Received on: 28/12/2017	Neighbour expiry date: None
UPRN: 000192002720	Consultation expiry date: 02/02/2018
Legal agreement:	Site notice posted: 09/01/2018
Departure:	Site notice expiry: 30/01/2018
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 T Smith
Site Address:	Land at Downs Farm, Downs, St. Agnes, Isles of Scilly.
Proposal:	Erection of farm building.
Application Type:	Full

<http://www.scilly.gov.uk/planning-application/planning-application-p17113>

### Description of site and development:

This application proposes the erection of a new agricultural building at Downs Farm.

### Site Description

The site lies to the south of New Lane, St Agnes within the Downs area. The farm is accessed via a driveway and the farm complex comprises the farmhouse and a series of agricultural buildings which are linear to the access lane which goes south through the holding. The site for the proposed building is enclosed farmland currently laid to rough grazing with mature hedge boundaries. The land associated with the farm holding is predominantly to the south of the farm building complex.

### Description of Proposed Development

The proposed building is to be sited to the northern side of the farm access, approximately 6 metres away (from its nearest elevation) from the building complex approximately 34 metres south (as the crow flies) from New Lane road. The building is proposed with a typical agricultural design of timber clad elevations, under a dual pitched, fibre cement sheeted roof. Translucent roof sheets are proposed to be interspersed within the roof covering to allow natural light into the building.

The proposed building measures approximately 15 metres in length and approximately 8 metres in width giving a total footprint of approximately 120 square metres. The height to eaves is proposed at approximately 3 metres and the overall ridge height is approximately 4.2 metres. The proposal will utilise the existing farm access driveway from the New Lane road and the existing field access to the application site.

### **Background and Relevant History**

Planning permission was granted in July 1978 for the 'conversion of derelict cottage and outbuildings to bungalow and generator shed' under application reference **P1726**. In 1997 a series of applications were approved for the erection of a hay store (**P4252**); the repair, refurbishment and conversion of a redundant farm building to form a diversification visitor unit (**P4253**) and the erection of a new agricultural building with a lean-to which was approved under application **P4297** in November 1997.

#### **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:**

Full consultation responses can be viewed at <http://www.scilly.gov.uk/planning-application/planning-application-p17113>

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

*"the proposed building lies within 100m or so of the Scheduled and Listed lighthouse (DCO620, DCO14372, MCO31432) and a listed ancillary building (DCO14316, MCO58017). Whilst we note the comment of the Design and Access statement that the building will be 'tucked down below the tree line' we would welcome a photo from the site in the direction of the lighthouse (and vice versa if possible) so that we can assess any potential impacts upon the setting of the lighthouse.*

*We also note that the proposed development lies within land characterised as Anciently Enclosed Land by the Isles of Scilly Historic Landscape Assessment and Management Strategy. This historic landscape character type is known to be high in potential for buried archaeological remains of the medieval or earlier periods. For this reason we consider it prudent that should permission be granted an archaeological watching brief should be carried out during the early stages of groundworks, undertaken by a suitably qualified*



*organisation or individual, and subject to a condition attached to planning consent. This is in accordance with the provisions of NPPF Section 12, paragraph 141."*

Cornwall Fire and Rescue Service recommend a series of measures regarding access for fire appliances and water supply.

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

Conservation Area, AONB and Heritage Coast. The building lies within 100m of the Scheduled and listed lighthouse (DCO620, DCO14372, MCO31432) and a listed ancillary building (DCO14316, MCO58017).

#### **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.

Policy 4 of the Local Plan relates to Economic development. This policy essentially seeks to promote employment and economic activity based on the existing economy, including agriculture, and supporting opportunities that lead to modernisation and diversification of the islands economy.

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



The principal planning issue for consideration is whether the erection of an agricultural building at this site are in accordance with policy 4 of the Local Plan. Additionally, it is necessary to assess the impact of the proposed development upon the wider natural and historic environment, its design, scale and materials and its impact on highway safety and amenity of the area.

#### **Economic Development Impact.**

Policy 4 of the Local Plan supports development proposals where they seek to promote economic activity by providing opportunities for businesses to support viable communities. Where the development proposed is seeking to support the existing economic base of tourism, agriculture or fishing then it is likely to be acceptable where it is considered to be contributing to the further diversification and essential modernisation of the islands' economy.

Downs Farm is an agricultural holding covering approximately 20ha focusing on livestock production. The additional building proposed is required by the applicant to provide storage for farm machinery and fodder which are used on the farm holding. It is understood from the applicant that there is insufficient covered space within the building complex at present to accommodate this need. The proposed erection of a new agricultural building is considered to continue to support the island's existing economic base of agriculture in accordance with policy 4 of the adopted Local Plan.

#### **Design, Scale and Materials.**

The proposed building would have the appearance of a typical agricultural building and is considered to not be oversized for its intended purpose. The erection of the proposed building would not constitute overdevelopment of the site.

Regarding building materials, agricultural buildings on the Islands typically take form from traditional materials, such as timber cladding and stone. The proposed use of timber cladding and corrugated fibre cement roof sheeting is considered appropriate for this type of building and in the context of the existing agricultural buildings on site. The design, scale and materials of the building are judged to be acceptable in this context and would not be out of keeping within a farmyard setting.

#### **Visual Impact upon the wider landscape**

The proposed replacement building is a purpose built agricultural building that will mirror the style of agricultural buildings in the area. It is designed to facilitate the usability and functionality of the storage of agricultural machinery and equipment. The building is proposed to be located away from the public highway within an existing agricultural field which has mature, vegetated boundaries. The surrounding landscape to the building complex is enclosed farmland. Both the surrounding landscape and the materials of construction will ensure that its immediate impact will quickly lessen within a short period of time. It is considered that the siting and design are

sufficient to ensure the proposed building will not have a significantly detrimental impact upon the scenic beauty of the islands at this point. Any views from public vantage points are well screened by the existing boundary vegetation to the fields and the proposal will also be seen in the context of the existing building complex on the farm. As such, it is considered that the proposal will not have a significantly detrimental impact upon the visual landscape of St Mary's.

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

The proposed development is within 100 metres of the Scheduled and Listed Lighthouse and a Listed Ancillary building. The site lies within land characterised as Anciently Enclosed Land, which is typically known to be high in potential for buried archaeological remains of the medieval or earlier periods. The applicant notes within the design and access statement that 'the building will be tucked down below the treeline' and has provided additional information of the views from the development site towards the designated heritage assets. Taking into account the mature, vegetated screening, the distance between the heritage assets and the proposal and the change in land level together with the existing built environment between the two sites, it is considered that the proposal will not have an adverse impact on the setting of these listed buildings. The impact of the proposed development on the various Scheduled Monuments and undesignated heritage assets in the vicinity is also assessed as negligible.

The impact on any below ground archaeological remains will be major and irreversible. Any such remains are likely to be of local importance. Cornwall Archaeological Unit therefore recommend that an archaeological watching brief is undertaken during the groundworks for the proposed building. The archaeological interest can be secured by an appropriately worded Condition for archaeological recording attached to the planning permission decision.

#### **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 proposed agricultural building. There are no SPAs within the vicinity of this site.

Around 0.2 kilometres to the south west of the proposed development site is Wingletang Down (St Agnes) SSSI. This is a 27.68 hectare site that covers the southern area of St Agnes. Its condition is identified as favourable. The proposed agricultural building will not have any impact upon this SSSI designation.



**Impact upon residential amenity**

There are no immediate neighbouring properties at Downs Farm. The proposed development site is surrounded by agricultural land within the same farm holding. The proposed agricultural building at this farm would not have any detrimental impacts upon the privacy or amenity of neighbouring properties or land uses.

**Impact upon Highway Safety**

The existing Farm site has a good vehicular access from New Lane Road. As the proposal is for a storage of farm machinery which are used on the farm holding which is all located to the south of the road, it is considered that this will not give rise to any increase in current traffic movements and utilises the existing access and off road parking areas on the site. The proposal is therefore not considered to adversely affect highway safety or give rise to issues on the local highway network.

**Sustainability Issues**

All new development should be 'sustainable' as required by both Policy 2 of the Isles of Scilly Local Plan and the NPPF. Fundamentally sustainable development is about positive growth, making economic, environmental and social progress for the present and future generations. The NPPF makes it clear that where development is sustainable it should be permitted without delay. It is therefore important to consider whether the proposed development is sustainable. Fundamentally Policy 2 requires that development proposals contribute to the sustainability of the islands' environment, economy or local communities through (a) conserving and enhancing landscape, coastline, seascape and existing buildings of the islands through appropriate design including siting, layout, density, scale, external appearance and landscaping; (b) ensuring or facilitating the re-use of previously developed land and existing buildings for the economic, social and environmental benefit of the islands and local communities taking into account any environmental designations; 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.

It is considered that a timber agricultural building required in connection with an existing agricultural business, will be a relatively sustainable form of development. The submitted details include the provision of rainwater harvesting tanks to collect and reuse the water runoff for farming activities. It is considered that the proposed building will be sustainable and in accordance with Policy 2 of the Isles of Scilly Local Plan.

**Other considerations.**

The Cornwall Fire & Rescue Service have highlighted within their consultation response, the requirements that it will be necessary to meet the British Standards for fire safety. An informative note can be added to any subsequent decision notice.

### Conclusion

Drawing on all of the above considerations, it is considered that the proposal is acceptable and it is recommended for approval.

#### Recommendation:

Recommendation: The application be Conditionally Approved subject to the following Conditions:

- 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

Reason: In accordance with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

- 2. The development hereby permitted, shall be carried out in accordance with the approved details only including:**

- The Location Plan, on A4.
- Proposed Site Plan, on A4.
- Proposed Plans, drawing number: 1230

**These are signed and stamped as APPROVED**

Reason: For the clarity and avoidance of doubt and in the interests of the character and appearance of the Conservation Area, Area of Outstanding Natural Beauty and Heritage Coast in accordance with Policy 1 of the Isles of Scilly Local Plan 2005.

- 3. A) No development shall commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions, and:**
  - The programme and methodology of site investigation and recording
  - The programme for post investigation assessment
  - Provision to be made for analysis of the site investigation and recording
  - Provision to be made for publication and dissemination of the analysis and records of the site investigation.
  - Provision to be made for archive deposition of the analysis and records of the site investigation.
  - Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation

**B) No development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).**

**C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.**



**[Note: The archaeological recording condition will normally only be discharged when all elements of the WSI including on site works, analysis, report, publication (where applicable) and archive work has been completed.]**

Reason: This is a pre-commencement condition that requires details that were not submitted as part of the application, but are required to fully understand the impact upon the Islands archaeological, historic and built environment, to be submitted and agreed by the Local Planning Authority. This is to ensure those characteristics which contribute to the status of the Isles of Scilly as a Conservation Area, Area of Outstanding Natural Beauty and Heritage Coast are preserved or enhanced. In accordance with the requirements of Policy 1 of the Isles of Scilly Local Plan 2005.

- 4. The building, hereby approved, shall be constructed with anthracite grey, cement fibre roof sheets and translucent sheets, as shown on the approved plans, unless otherwise previously agreed in writing with the Local Planning Authority. The roof shall be covered and maintained in the approved material thereafter.**

Reason: In the interests of the appearance of the development and to ensure the development harmonises with its surroundings in the interests of the visual amenities and character of this area.

- 5. In addition to Condition 4, the building hereby approved shall be constructed with timber boarding to the external elevations as shown on the approved plans, unless an alternative material has previously been agreed in writing with the Local Planning Authority. The elevations shall remain externally clad with the agreed material thereafter.**

Reason: In the interests of the appearance of the development and to ensure the development harmonises with its surroundings in the interests of the visual amenities and character of this area.

- 6. The development hereby approved shall be used solely for the purposes of agriculture or horticulture as defined under Section 336 of the Town & Country Planning Act 1990.**

Reason: To ensure that the development hereby permitted is used solely for the purposes of agriculture and horticulture.

- 7. Prior to installation on the building hereby approved, details of external lighting or floodlighting to be installed shall be submitted to and agreed in writing with the Local Planning Authority. Such details shall include the position of the light(s) on the building, its design and direction of light beam. The external lighting shall thereafter be installed in accordance with the agreed details.**

Reason: To retain control over external lighting in the interests of visual amenity.

#### **Further Information**

**1. CORNWALL FIRE AND RESCUE SERVICE INFORMATIVE:** Access for fire appliances: Access for fire appliances within the site will be considered satisfactory providing it complies with Part B5 of Approved Document B, 2007.

Water Supplies: Adequate water supplies for Firefighting purposes will be achieved by:

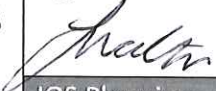

- Complying with the requirements as detailed in the attached guidance note W102.

**2.** 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.

**3.** In accordance with the Town and Country Planning (fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012 a fee is payable to discharge any condition(s)

on this planning permission. The fee is £234 for each request to discharge condition(s). The fee is payable for each individual request made to the Local Planning Authority.

4. In accordance with the provisions of Section 96A of the Town and Country Planning Act which came into force on 1st October 2009, any amendments to the approved plans will require either a formal application for a non-material amendment (for which a fee of £234 would be required) or the submission of a full planning application for a revised scheme. If the proposal relates to a Listed Building you will not be able to apply for a non-material amendment and a new application for a revised scheme will be required. Please discuss any proposed amendments with the Planning Officer.

Signed: <i>S Wade</i>	Dated: 15/02/2018	Signed: 	Dated: 02/03/2018	Signed: 	Dated: 02/03/2018
Case Officer		IOS Planning		Senior Manager	