



COUNCIL OF THE ISLES OF SCILLY

Planning & Development Department

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OFFICER REPORT – DELEGATED

Application number: P/18/015/FUL	Expiry date: 14 May 2018
Received on: 16 March 2018	Neighbour expiry date: 9 April 2018
UPRN: 000192002724	Consultation expiry date:
Legal agreement:	Site notice posted: 19 March 2018
Departure:	Site notice expiry: 9 April 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 David Mawer
Site Address:	Mooey Barn Trewince Lane St Mary's Isles Of Scilly
Proposal:	Extension to existing barn.
Application Type:	Planning Permission

Description of site and development:

Mooey barn is located to the south west of Trewince Cottage, close to the existing built up area that comprises Trewince House, Trewince Cottage and associated outbuilding. The site lies approximately 90m to the north of three existing residential properties of Harbour View, Trevarrick and Smugglers Retreat. The site is surrounded by agricultural land which slopes down in a south westerly direction.

Description of Development

This is an application to extend a rebuilt agricultural building at Trewince. The barn is a granite cow shed called Mooey barn which is situated within the agricultural farm holding of the Mawer family. Formally redundant and without a full roof, the building has been rebuilt following permission granted in 2016 (P/15/108/FUL). The proposal is to extend the granite/timber building with a small lean-to extension which will measure 6m x 3m with an eaves height of 1.8m with a continuation of the existing roof. The extension will be off the north elevation and be constructed with a hit and miss timber cladding which matches other parts of this building.

Public representations:

One letter of support has been received from a nearby resident who has expressed that the quality of the building and that the proposed extension will not have any significant impacts or result in any loss of view. A site notice has been on display in the vicinity of the site for a period of 21 days.

Consultee representations:

Cornwall Fire and Rescue has commented on the proposal and does not appear to comply with Part B5 of Approved Document B of the Building but subject to adequate supplies of water for firefighting purposes and compliance with the Building Regulations then there are no objections.

Constraints and designations:

Historic Landscape Character Multiple (Spatial)

Relevant policies, SPGs and Government guidance:

Primary Legislation and Planning Policy

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 a 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 considerations 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.

In relation to the historic environment then paragraph 128 enables Local Planning Authorities (LPA) to require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. Paragraph 131 requires LPAs to take account of (a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; (b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and (c) the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 132 also advises that great weight should be given to the conservation of heritage assets. The more important the asset the greater the weight given to its conservation. The Isles of Scilly Conservation Area is a designated heritage asset. The application site building is not designated and does not affect the setting of any nearby listed buildings and are traditional buildings in the vicinity. The building is an older traditional agricultural building which has recently been rebuilt as part of an agricultural holding and is considered to be an important building within the wider character of the conservation area. Paragraph 135 states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Chapter 11 of the NPPF relates to the conservation and enhancement of the natural environment. Paragraph 115 advises that great weight should be given to conserving the landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection. The conservation of wildlife and cultural heritage are important considerations.

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, (b) Preserve nationally important archaeological remains and their settings; (c)

Preserve or enhance the character or appearance of the Conservation Area and preserve the architectural or historic interest of all listed buildings, including their features and settings; (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 (SSSI); 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. Policy 2 requires development to ensure or facilitate the re-use of previously developed land or existing buildings for the economic, social and environmental benefit of the islands and local communities. This policy also seeks to ensure natural resources are utilised 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 relates to Economic Development and seeks to promote economic activity by providing opportunities for businesses to support viable communities. Proposals based on the existing economic base of tourism, agriculture and fishing, as well as the distinctiveness of the islands, will be supported in the following cases: (a) where such development contributes to the further diversification and essential modernisation of the islands' economy; or (b) where it demonstrably improved the quality of existing tourist accommodation, including that of managed campsites, or potentially extends the length of the tourism season.

Isles of Scilly Design Guide 2007

The Isles of Scilly Design Guide is a Supplementary Planning Document (SPD) that forms an important part of the local Development Plan. This states that "It is important that the nature of the surrounding area is understood and reflected in any development proposal. Without this awareness it is likely that a development will be unsympathetic".

Consultation Draft Isles of Scilly Local Plan 2015-2030

The emerging policies within the consultation draft of the Local Plan set out a clear range of policies designed to protect the landscape character (Policy OE1) as well as the natural (Policy OE2) and historic environment (Policy OE3). This emerging document also contains policies for the re-use of buildings (Policy SS3) and support for tourism development (Policy WC5).

Policy OE1 *Landscape Character*: seeks to support development and uses of land where they would not cause significant harm to the character, quality, distinctiveness or

sensitivity of the landscape, including its perceptual qualities such as tranquillity and the important dark skies of the islands.

Policy OE2 *Geodiversity and Biodiversity*: aims at conserving and ensuring development does not harm the delicate important natural environment of the islands and, where possible, results in net gains to biodiversity (plants and animals) and geodiversity (the underlying rocks types, soils, minerals, landforms and natural processes).

Policy OE3 *Development Affecting Heritage*: seeks to ensure appropriate protection and enhancement of the historic environment “Great weight will be given to the conservation of the heritage assets on the Isles of Scilly. Development and/or works affecting any heritage asset, including designated and non-designated assets, will be permitted provided that it would make a positive contribution to sustaining or enhancing the significance of the heritage asset, taking account of its character, appearance and setting; and specifically: a) conserve and enhance the special character or appearance of the Conservation Area and its setting, especially those positive elements identified in any appraisal; b) protect the architectural merit or historic interest of a listed building, including its features and setting; and c) preserve nationally important remains and their setting, including scheduled monuments.

Policy SS3 *Re-Use of Buildings*: allows for the re-use of non-residential buildings as new homes but this needs to be balanced against the importance of retaining buildings which are capable of helping the islands’ economy. Specifically this policy states that the re-use of buildings for commercial use will be permitted provided that: (a) the building is structurally sound and capable of conversion without substantial rebuilding, extension or alteration; (b) the proposal would not result in the requirement for another building to fulfil the function of the building being converted; (c) the proposed use is restricted primarily to the building; and (d) the development would lead to an enhancement of its immediate setting.

Clearly the consultation draft Local Plan is out to public consultation, at the time of writing this report, and as such the policies it contains can only be given limited weight. However, it is important to ensure Members are fully aware of relevant policy requirements being proposed moving forward.

Appraisal/key issues and conclusion:

The main planning considerations for this application are whether the proposed introduction of a small lean-to extension would detract from or harm the wider character of the landscape as a designated Conservation Area and Area of Outstanding Natural Beauty. Additionally it is a material consideration to assess whether the proposal is likely to have any detrimental impacts upon the privacy or amenity of adjacent neighbouring residential properties or land uses.

Impact upon the landscape

It is considered that the extension, for agricultural storage purposes, of an existing granite building with modest and sympathetic extensions is an appropriate form of development. The proposed works will comprise timber walls and timber fenestration together with steel sheeting for the roof. I consider these are likely to quickly weather down and not be prominent in the landscape, particularly given the lean-to design of the roof. It is considered that the extension is an appropriate form of development that would preserve the wider character of the conservation area without any significant harm being identified overall in terms of the landscape.

Impact upon amenity

The existing building is located around 24 metres to the west of Trewince House, which is unconnected with the agricultural holding. The existing agricultural building is visible in views towards Hugh Town and the west from this neighbouring property. The proposed works to the agricultural building, however will retain a low level, lean-to roof, which will not create a significant obstruction to this view. Whilst a right to a view is not a material consideration it is considered that the proposed lean-to design seeks to minimise any harm as a result of the reinstatement of this existing agricultural building. Its use for farming purposes is considered acceptable without impacting upon the privacy or amenity of this neighbouring property. Overall it is considered that the proposed works will not have a significant impact upon amenity of this area.

Other Issues

It is noted that the existing building is not recorded in the Agricultural Building Survey of 1995/6, it is not recorded as a Historic Environment Record or within an Archaeological Constraint Area, it is not a designated listed building or scheduled monument and there are no other such designations or records within the vicinity of this structure. None of the nearby buildings are listed and it is considered that in terms of the impact upon the historic environment the proposal is acceptable.

Overall and in light of the above considerations it is considered that the application is acceptable.

Recommendation:

Conditionally Approve subject the following conditions:

C1 Standard 3 year time limit

C2 In accordance with the approved plans



- Proposed Floor Plan – Amended 16 April 2018
- Proposed East Elevation – Amended 16 April 2018
- Proposed North Elevation – Amended 16 April 2018
- Location Plan – Dated 16 March 2018
- Block Plan – Dated 16 March 2018

Stamped As Approved

C3

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.
- In accordance with the Town and Country Planning (fees for Application and Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2017 a fee is payable to discharge any condition(s) on this planning permission. The fees are as follows:
 - a) £34 for each request to discharge conditions(s) where the planning permission relates to a householder development (domestic extension/alteration or outbuilding etc).
 - b) £116 for each request to discharge condition(s) where the planning permission relates to any other type of development other than a householder application.The fee is payable for each individual request made to the Local Planning Authority.
- 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 £34/£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: 	Dated: 15/05/18	Signed: 	Dated: 15/05/2018
Planning Officer		Senior Manager	