

Council of the Isles of Scilly

Delegated Planning Report

Application Number: P/19/033/HH
Received on: 19 June 2019
Application Expiry date: 14 August 2019
Neighbour expiry date: 10 July 2019
Consultation expiry date: 10 July 2019
Site notice posted: 19 June 2019
Site notice expiry: 10 July 2019

Applicant: Mr P Dawes
Site Address: 2 Castle Farm House
Old Town Lane
Old Town
St Mary's
Isles of Scilly

Proposal: Retention of garden shed
Application Type: Householder

Recommendation

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1. That the Application is APPROVED subject to the conditions set out below.
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Contributors:

Public Representations: Neighbours consulted at 1A and 1B Castle Farmhouse. No representations received

Consultation Representations: NONE

Constraints:

Scheduled Monuments: Close to Ennor Castle

Listed Buildings: NONE

Archaeological Constraint Areas: NONE

Site Description and Proposed Development

2 Castle Farm House is a four bedroom apartment that has been created following the subdivision of the former farmhouse to apartments in the 1990s. The application property occupies the entire first floor of the building and also has a private garden area within the grounds. The entire building was the originally the farmhouse for Castle Farm, which was named after Ennor Castle, a medieval castle that is located on the cairn behind the property but is now reduced to remains.

The applicant has erected a garden shed in the aforementioned private garden without planning permission. The proposal is to retain this currently unauthorised outbuilding. The applicant has explained in the application papers that the shed was erected to store a large quantity of tools, bikes and other garden equipment. It is stated that the particular shed that has been erected is designed to withstand the elements on St Mary's.

Consultations and Representations

No comments received

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 property is a Listed Building, when making a decision on listed building consent applications, a local planning authority must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses (sec. 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 applies).

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) 2019

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. The Council of the Isles of Scilly are currently working to a 2005 Local Plan, where policies have been saved until a new plan has been adopted. This 2005 Local Plan is not considered to be compliant with the 2004 Planning and Compulsory Purchase Act or the 2012/2018 NPPF and subsequent guidance (NPPG). The Council commenced a review of the 2005 Local Plan in 2015, with a public consultation on the scope of the new local plan. This work is now at a draft stage, which has gone through one further Regulation 18 Public Consultation and is supported by a raft of evidence on these issues. The Draft Local Plan 2015-2030 whilst it has only limited weight until it is formally adopted, is considered below.

Paragraphs 39-41 identifies the need to front-load the planning system through pre-application engagement. This states that the right information is crucial to good decision-taking, particularly where formal assessments are required (such as Environmental Impact Assessment, Habitat Regulations Assessment and Flood Risk Assessment). To avoid delays the NPPF advocates early discussions with the local planning authority as well as expert bodies as early as possible.

Chapter 15 of the NPPF relates to the conservation and enhancement of the natural environment. Paragraph 172 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.

Chapter 16 of the NPPF relates to the conservation and enhancement of the historic environment.

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, (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 (Sustainable Development) states that development will be permitted in situations where a proposal would, where practicable and appropriate, contribute to the sustainability of the islands' environment, economy or local communities through: (a) conserving or enhancing the landscape, coastline, seascape and existing buildings of the islands through appropriate design including siting, layout, density, scale, external appearance (i.e. details and materials) and landscaping; and (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 set out in Policy 1.

Isles of Scilly Design Guide (2007)

The Isles of Scilly Design Guide was adopted as a Supplementary Planning Document in 2007. This document provides important guidance to the design of development of the islands where planning permission is required.

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 historic environment (Policy OE7). Policies provide principles for sustainable development and water management.

Planning Assessment

The main material planning considerations in this case are considered to be the principle of the development, the design, scale and materials of the development and the impact of the development on the historic environment neighbouring amenity.

Principle of development

The garden shed that has been erected is a domestic outbuilding and would be used ancillary to the residential use of the site. It is therefore considered to be acceptable in principle, subject to other material planning considerations being satisfied.

Design, scale and materials

The garden shed has been constructed from metal. This material is considered to be acceptable in this particular case due to the small scale nature of the building and its overall appearance as a contemporary domestic outbuilding. The mono-pitched design of the roof has helped to keep the massing and bulk of the building to a minimum and it does read as a domestic outbuilding that has been sited within someone's private outdoor space. Its overall scale is considered to be in keeping with a domestic outbuilding and is not considered to be oversized for its stated use, nor is it considered to constitute overdevelopment of the site. It is considered that the design, scale and external materials, which are noted to have a matt finish rather than a shiny and reflective surface, are acceptable.

Impact on historic environment

The application property is located at the base of the cairn that Ennor Castle is located upon. Ennor Castle is a scheduled monument with earliest references of it being in 1244. As a scheduled monument it is considered to have a high level of protection under local and national planning policy as a designated heritage asset. The application property is also located within a conservation area. It is important to consider the potential impact of the development on these heritage designations.

The garden shed is small scale with an approximate floor space of 4.4 square metres and an overall approximate height of 2.2 metres. It has been sited on the lowest part of the applicant's garden behind mature planting that has recently been pollarded but are now growing back sufficiently to screen the building from the public realm. Taking these factors into account, it is considered that the development is not visually prominent, particularly in relation to the nearby scheduled monument, and its low key presence is such that Officers consider the development does not cause material harm to the historic significance of the designated heritage assets outlined above.

Impact on neighbouring amenity

The garden shed has not been erected adjacent to a boundary with a neighbouring property, but the small scale of the garden area in which it is situated means that it is close to neighbouring gardens. However, the building's proportions, as set out earlier in this report, lead Officers to conclude that the development does not cause material harm to neighbouring amenity as a result of overbearing, overlooking or loss of light.

Conclusion



For the reasons outlined above this application is considered to be acceptable and policy compliant. The application is therefore recommended for approval, subject to appropriate conditions.

Conditions

1. Time condition
2. Plans condition
3. Building to be used only for domestic storage ancillary to the application site

Informatives

1. Statement of Positive Engagement
2. Appeal

CIOS Senior Officer:	Date: 14/08/2019	Signed: 	
Signed: K. Reeves Planning Officer	Dated: 12/08/19	Signed:  Senior Manager	Dated: 14.08.2019