

# Council of the Isles of Scilly Delegated Planning Report

**Application Number:** P/19/076/COU  
**Received on:** 8 November 2019  
**UPRN:** 000192001952  
**Application Expiry date:** 3 January 2020  
**Neighbour expiry date:** 30 November 2019  
**Consultation expiry date:**  
**Site notice posted:** 14 November 2019  
**Site notice expiry:** 5 December 2019

**Applicant:** Mr James Faulconbridge  
**Site Address:** St Martin's Vineyard and Winery  
Higher Town  
St Martin's  
Isles of Scilly  
TR25 0QL  
**Proposal:** Change of use of land for the siting of a temporary yurt for accommodation in connection with the construction of staff accommodation dwelling (P/19/060/FUL) and holiday let units (P/19/059/FUL).  
**Application Type:** Change of Use

## Recommendation

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1. That the Application is APPROVED for the following reason/subject to the condition set out below.
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## Site Description and Proposed Development

The application site is located to the west side of the existing vineyard tractor shed building at St Martins Vineyard and Winery at Higher Town on St Martins. The yurt would be for a temporary 2 year period or until the approved staff accommodation is completed, approved under P/19/060/FUL, whichever is the sooner. The yurt would be a simple dome shape with an overall height of 3.1m. Within this structure would be the living arrangements for the new owners of St Martins Vineyard. The bathroom, kitchen and toilet facilities, associated with the occupation of the yurt, are within the existing tractor shed building.

The existing field is well screened and enclosed by high field boundary hedges and together with the tractor shed building itself, would provide screening from the east and south. The applicant has planning permission for a permanent small staff accommodation dwelling and two holiday let shepherds huts, to support the long-term viability of the vineyard.

## Background and Relevant History

In 1999 an application was submitted for Provision of winery and associated business, convert farm barn and build an extension. Application P4753 was approved.

In 2002 an application, P5158, was submitted for the erection of a fingle farm shed measuring 13.85m x 6.77m x 2.77m. This was approved for a winery visitor centre in 2002.

In 2010 permission was sought for the erection of an awning on the south elevation of the winery. P/10/103/FUL was approved in November 2010.

In 2019 two applications were approved at Full Council in November, these were P/19/059/FUL for two holiday let shepherds huts and P/19/060/FUL for a permanent staff accommodation dwelling.

## Consultations and Representations

A site notice has been on display in the vicinity of the application site for a period of 21 days. No neighbouring properties have been written to directly as there are none sharing a boundary with the red line site area.

**Public Representations:** None

**Consultation Representations:**  
Environmental Health Officer None

Mr Terry Nottle - Fire Officer Initial concerns raised about the separation of the tent structure from other buildings, needing to achieve 6m. This has now been amended and Cornwall Fire and Rescue have confirmed this is acceptable. Other than access being retained for fire appliances the proposal is acceptable from a fire safety perspective.

**Constraints:** Historic Landscape Character: Late 19<sup>th</sup> Century/early 20<sup>th</sup> Century bulb strip field.

## Primary Legislation and Planning Policy

### Primary Legislation

The Town and Country Planning Act 1990

Section 70(2) of the Planning Act requires the Local Planning Authority to have regard to the development plan, so far as material to the application, and any other material considerations when determining planning applications.

### **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) 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. 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.

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.

### **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 (a) requires development to ensure conserve or enhance 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.

### **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".

### **Submission 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 OE7). Policy LC4 relates specifically to staff accommodation and seeks to permit new staff accommodation where a) an appraisal is submitted demonstrating that there is a functional and operational need for the proposed accommodation that cannot be met by existing suitable accommodation available in the area; and b) the size and type of the proposed accommodation is appropriate to the functional and operational needs of the business; and c) the proposed accommodation is located within or adjacent to the existing business, or well related to the physical form of an existing settlement or group of existing buildings or involves the re-use of an existing building. A link (3) to the draft Isles of Scilly Local Plan 2015-2030, is set out below.

Paragraph 48 of the NPPF states that local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

Whilst a new Local Plan has yet to be adopted by this Council, as of 30th September 2019, the Submission Draft Isles of Scilly Local Plan 2015-2030 has been submitted to the Secretary of State for Public Examination. There are no outstanding unresolved objections to the above policies and as such they have been given greater weight in the determination of this planning application.

## **Planning Assessment**

The main planning issues for consideration relate to whether the proposed temporary staff accommodation is acceptable in principle, its design, scale and materials, and its impact on the character and appearance of the Conservation Area and Area of Outstanding Natural Beauty and its impact on neighbouring amenity.

## **Principle of Development**

The proposed development comprises a single yurt tent to be used for a temporary period whilst the permanent staff accommodation is being constructed. This will enable the new tenants of St Martins Vineyard and Winery some accommodation to move over the islands to continue with the vineyard operations. As such, the development is considered to be acceptable in principle. The previous owners will remain in their own home on St Martins, which is a separate tenancy to the vineyard, when they retire from the vineyard business. The applicant has stated that following discussion with the Duchy of Cornwall it has been confirmed that there are no alternative available houses that could be used in connection with the vineyard business on St Martins.

The proposed accommodation would be tied to a Farm Business Tenancy and it is recommended that any planning approval given should be conditional on being solely occupied as staff accommodation in connection with St Martins Vineyard for a 2 year temporary period or until the dwelling is complete (whichever is the sooner). Subject to this condition it is considered that the principle of a staff accommodation dwelling is acceptable.

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

The proposed yurt is very modest in scale with a single storey of accommodation. Although falling well below the standard for a home (NDSS), it is recognised that this is a cost-effective transitional arrangement only and not permanent accommodation. Located to the west of the existing Tractor Shed and behind high hedging it is considered that a yurt tent would be an acceptable design and scale that would be appropriate for a temporary period.

In reaching this opinion, Officers have had regard to the emerging Local Plan policy LC3, which advises that the total size of new dwellings shall accord with the national minimum standards. Officers have also given weight to Policy LC5 which requires new staff accommodation to be well-related to the business it serves. Given the locational and operational-tie of the accommodation to the vineyard business, a larger and more substantial temporary arrangement would unlikely meet the policy test of LC5(b) and may also be overly prominent and be contrary to Policy OE1(b) which requires development proposals to take into account and respect the undeveloped and special character of the Heritage Coast. The small scale of the dwelling proposed has therefore been considered acceptable and would meet the needs of the applicants. Overall, the design, scale and materials of the proposal are considered to be acceptable.

### **Impact on Character and Appearance of the Conservation Area**

In context with the surrounding buildings and the built form of the existing site, the proposed yurt, by virtue of its limited scale is considered to have a negligible impact. It will be important to restrict any temporary external illumination. This is on the basis that the Cricket Pitch on St Martins is a Dark Sky Discovery Site, of a Milky Way Class. It is critical therefore that no unnecessary external illumination is installed and a condition restricting this is recommended, in the interests of protecting Scilly's dark night skies, as required by emerging Policy OE5 of the Submission Draft Isles of Scilly Local Plan 2015-2030.

It is considered that the proposed development would conserve the character and appearance of the Conservation Area and that there would be no harm to the scenic beauty and character of the Area of Outstanding Natural Beauty.

### **Impact upon the Historic Environment**

As there are no proposed significant foundations and the site does not lie within the curtilage of a listed building or within the boundary of a scheduled monument or within an archaeological constraint area, there is no likely impact upon the historic environment.

The historic landscape character of this part of St Martins is identified as bulb strip fields of the late 19th, early 20th century. The proposed dwelling would be within the existing field boundary and would

not detract from this historic landscape character. Given the temporary nature of the structure, located in close proximity to existing buildings at the vineyard site, the proposal is considered acceptable from a historic environment perspective.

### **Impact on Neighbouring Amenity**

There are no directly adjoining residential neighbours to the application site. The proposed yurt would lie close to the southern boundary of the site. A traditional hedge forms the boundary between the application site and the track to the south. It is not considered that the proposal would have any detrimental impacts upon the amenity of residential properties in the vicinity of the site, by virtue of its small scale and the nature of the surrounding hedges.

### **Other Issues**

The application submitted states that the staff accommodation will use bathroom, toilet and kitchen facilities that are already located within the vineyard shop building. There will not be a requirement for new connections for water or sewage. The site already has access to the local road network on St Martins, without requiring any modifications or alterations to the existing road or additional car parking provision. On the basis of re-using the existing infrastructure where there are no known issues, the proposal is considered acceptable in terms of water, foul drainage and highway safety.

The site does not directly lie within any natural environment designations and is 135m to the north of the Isles of Scilly Special Area of Conservation, 950m to the south west of Chapel Down SSSI (98% unfavourable but recovering condition) and 640m to the north east of the St Martins Sedimentary Shore SSSI (100% favourable condition). There are no known issues that would suggest the proposed development would have any likely significant effects. The proposal has been screened through an Environmental Assessment. This has concluded that the proposal is not EIA development.

### **Conclusion**

In light of the above assessment, it is considered that the proposal for a temporary yurt for staff accommodation dwelling would be in accordance with both local and national policies. The proposed development is considered acceptable in terms of its design, scale and materials and the proposal would conserve the character and appearance of the Conservation Area and Area of Outstanding Natural Beauty. The proposed development would not materially harm the level of amenity currently enjoyed by neighbouring properties.

### **Recommendation**

The application is recommended for approval, subject to the conditions set out below.

#### **Conditions**

**C1 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 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

**C2 The development hereby permitted shall be carried out in accordance with the approved details only including:**

- **The 1:1200 scale location plan, Drawing Date: 05/11/2019**
- **Temporary Yurt Plan (floor plan, roof plan and elevations), Drawing Date: 05/11/2019**

**These are 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.

**C3 The temporary yurt accommodation, hereby approved shall be for a temporary 2 year period only as staff accommodation in connection with the St Martins Vineyard business and for no other purpose. This includes any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 2015, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification. Within a period of 2 years from the date of the tent being first erected (which shall be confirmed in writing), or upon the completion of the permanent dwelling (approved under P/19/060/FUL), whichever is the sooner, the yurt shall be removed from the site and the land reverted back to its original condition.**

Reason: To ensure that the accommodation is occupied only by a person or persons employed locally in connection with St Martins Vineyard and the temporary structure is removed from site as soon as the accommodation is not required in accordance with Policy LC4 the submission Draft Isles of Scilly Local Plan 2015-2030

**C4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (As Amended), (or any order revoking or re-enacting that Order) prior to installation, details of floodlights or other forms of external lighting shall be submitted to and approved, in writing, by the Local Planning Authority. The lighting shall thereafter be installed in accordance with the agreed details.**

Reason: To protect the amenities of the locality, including the amenities of neighbouring residential properties and to protect the amenities of this rural area and preserve the dark night skies of the Isles of Scilly and the St Martin’s Dark Sky Discovery Site (Milky Way Class) in accordance with Policy OE4 of the Submission Draft Isles of Scilly Local Plan 2015-2030.

Signed: 	Dated: 18/12/2019	Signed: 	Dated: 19/12/2019
Planning Officer		Senior Manager	

Monitoring – Case Officer – Don’t forget to complete and enter into the Monitoring Table:

Y:\Infrastructure & Planning\Planning\Monitoring\2015-2030 Local Plan Monitoring

Promoting a Sustainable Scilly										
	SS1	SS2	SS3	SS4	SS5	SS6	SS7	SS8	SS9	SS10
Clause/Part (State)										
Contrary to (tick)										
In accordance with (tick)										
Our Outstanding Environment										
	OE1	OE2	OE3	OE4	OE5	OE6	OE7			
Clause/Part (State)										
Contrary to (tick)										
In accordance with (tick)										
A Strong Living Community										
	LC1	LC2	LC3	LC4	LC5	LC6	LC7	LC8	LC9	

Clause/Part (State)				1(a), (b), (c), 2 (a), (b)					
Contrary to (tick)									
In accordance with (tick)				✓					
A Strong Working Community									
	WC1	WC2	WC3	WC4	WC5	WC6			
Clause/Part (State)									
Contrary to (tick)									
In accordance with (tick)									