

Date: 18th January 2020

Planning and Development Committee  
Council of the Isles of Scilly  
Town Hall, St Mary's, Isles of Scilly  
TR21 OLA

To the Planning and Development Committee,

PLANNING APPLICATION: P/20/002

I am writing to you to contest the above planning application made by Mrs Diane Edwards and the concern is rear access to 14 Ennor Close, and 12 and 15 Ennor Close, via 36 Ennor Close. The application plans to construct a shed and to block access for 12 Ennor Close through 36 Ennor Close. The application clearly would set a precedent that denies right of access to all properties that back onto CRHA's two adjoined bungalows, i.e. 36 Ennor Close and its adjoined bungalow. The attached 'document 1' is an email from Angie Morrissey of CRHA to me dated 9th October 2019 in which she states in regard to this planning application, "...that you and other occupiers adjacent to our bungalows do not have right of access".

Of course, we do not object to the construction of a shed at 36 Ennor Close. We do, however, strongly object to a shed construction that blocks our right to access through 36 Ennor Close, or sets such a precedent by blocking the right to access to 12 Ennor Close, and we object to the principle that we do not have right of access through 36 Ennor Close.

The initial plan for the two said bungalows 'P.5458 Ennor Close, Old Town, St Mary's' was challenged by residents at the time regarding rear access to the properties adjoining the two said bungalows. In response to this, the Planning and Development Committee on 16th March 2004, "...resolved to grant planning permission for this development subject to a Section 106 Agreement ... and provision of access to the rear of relevant properties adjoining the 2 bungalows ..." (quoted from a letter from the Chief Planning and Development Officer, attached here as 'document 2').

Further to this, the previous owners of 14 Ennor Close, Mr A. and Mrs L. Hicks received a letter from the Chief Planning Officer Craig Dryden dated 10th June 2005 (document '3') that reaffirms the contents of 'document 1' and 'document 2', "Part of the resolution to grant permission was on the basis of revisions to the scheme to include the provision of pedestrian access to the rear of existing properties on the open area where the two dwellings are proposed. As such the approved plans for the scheme indicate at least a one metre strip to provide the access. A recent initial inspection of the site by a building control officer would indicate that this access way is being provided as part of the development."

The fact that CRHA apparently did not contest resolutions from the Planning and Development Committee regarding 'P.5458 Ennor Close, Old Town, St Mary's', one of which grants planning permission subject to provision of access to the rear of relevant properties adjoining the two bungalows, is equivalent to their acceptance of the provision. If CRHA did contest the provision of access then please may we see the relevant documents. In 15 years CRHA have not challenged the provision. Or are we supposed to believe that CRHA, an organisation that deals with housing and planning matters as its business, did not ask the Council of the Isles of Scilly about the outcome of its planning application for the two bungalows that include 36 Ennor Close, in particular to consider any amendments required of the plan, and so were unaware of the amendments?

When I purchased 14 Ennor Close in 2005 my solicitor showed me the amended plans for the construction of 36 Ennor Close which show the requirement for at least a one metre strip to provide access to the rear of our property (and to the rear of our adjoining neighbours). Recently I discussed the matter with Lisa Walton from the Planning and Development Department and again had sight

of the plans clearly labelled 'Amended' that show the above-mentioned one metre strip to provide the access.

In July 2006, I wrote to the Chief Planning and Development Officer Craig Dryden about the right to access and that I could not see the one metre strip as part of the construction. Mr Dryden kindly replied on 26th July 2006 ('document 4'), "After contacting their [CRHA] contractor, they confirm that the access to the rear of the gardens of the neighbouring properties has been provided in accordance with the approved plans. I have also visited the site and am satisfied that rear access has been provided to each of the neighbouring properties." The approved plans are the amended plans referred to in 'document 2' and 'document 3'.


Taking the contents of 'document 4' in good faith, once again there is an acceptance by CRHA that they are required to make the provision of access to the rear of the relevant properties adjoining the two bungalows, including 36 Ennor Close.

I received copies of 'document 2' and 'document 3' in the process of purchasing 14 Ennor Close. My wife and I purchased 14 Ennor Close in the knowledge that the Planning and Development Department had resolved to grant planning permission, among several other things, subject to provision of access to the rear of relevant properties (as per above). I considered the value of the property 14 Ennor Close in this respect. Apart from our right to access documented in communications from the Planning and Development Department, and the value of our house, the vital additional reason for having a right to access is our *safety in the case of a fire in the front of the property forcing escape through the rear*. The planning application proposes to block this escape route for 12 Ennor Close. Of course, there are other reasons why access is important, including maintenance work on the rear of our property when needed, access for the window cleaner, moving large items of furniture, and so on. Incidentally, out of courtesy to the neighbours, we have only ever used the access when absolutely necessary, about four times a year.

If it turns out that CRHA are correct that we do not have a right to access, then we will be seeking a full explanation from the Council concerning the above mentioned documents and issues such as the financial impact on the value of our property and our very safety in case of an emergency preventing escape from the front of 14 Ennor Close (equally the case for 12 and 15 Ennor Close). We are an innocent party in this matter and this is not a matter that we will let rest, even if it requires engaging a solicitor.

The matter could easily be resolved by repositioning the gated access for 12 Ennor Close, at the expense of the applicant, and acceptance of the right to access for 12, 14 and 15 Ennor Close through 36 Ennor Close.

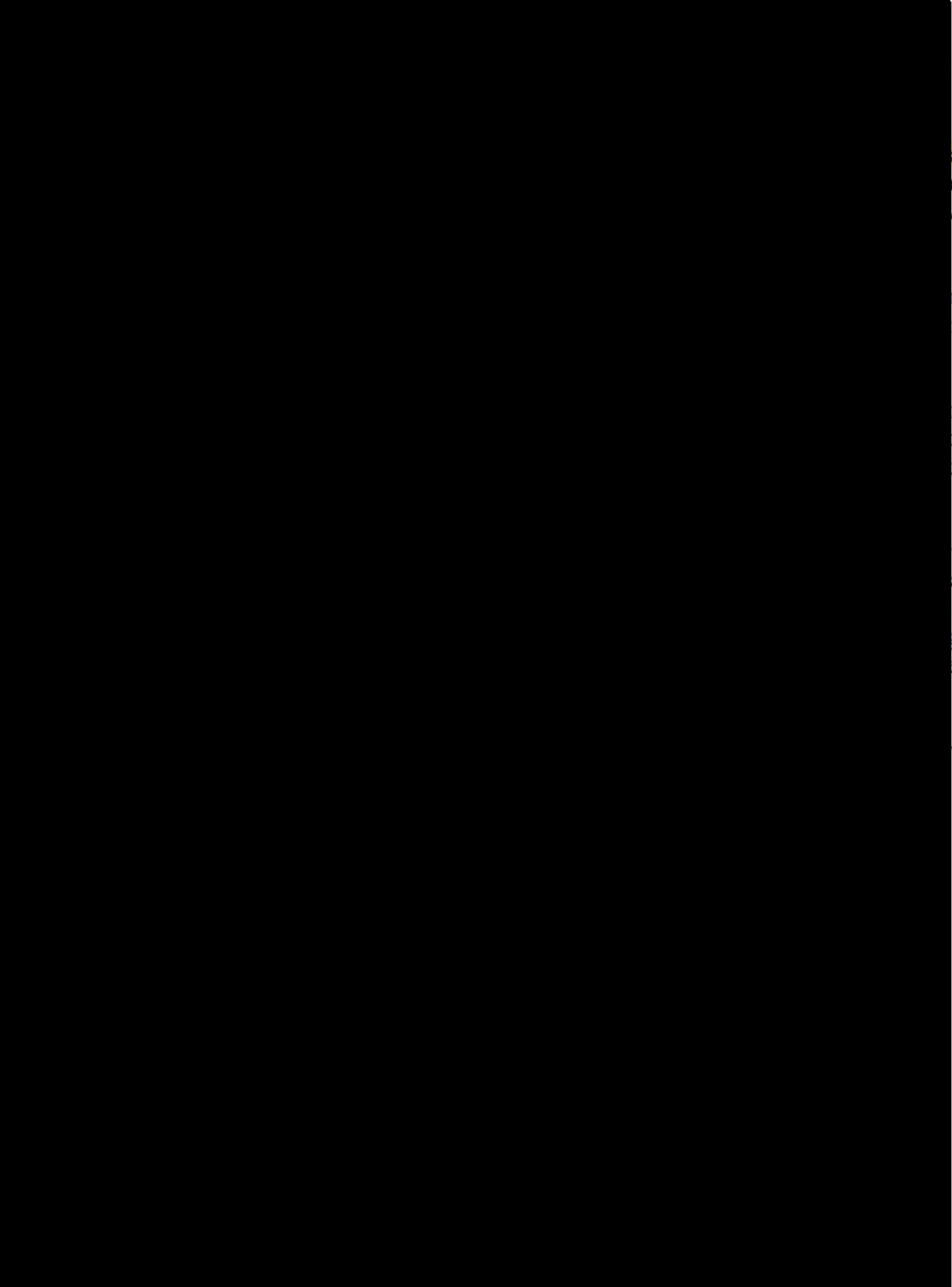
Yours sincerely

  
Dr. Robert Louis Flood DSc PhD Bsc (1st Hons)  
14 Ennor Close, Old Town, St Mary's, Isles of Scilly TR21 0NL

  
Cc Lisa Walton, Planning Department, Council of the Isles of Scilly

Cc Councillor Steve Sims, 13 Garrison Lane, Hugh Town, St Mary's TR21 0NB

Cc Councillor Dan Marcus, Arden House, Rams Valley, St Mary's TR21 0JX



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COUNCIL of the  
ISLES OF SCILLY

OLD WESLEYAN CHAPEL  
GARRISON LANE  
ST MARY'S  
ISLES OF SCILLY

CHIEF PLANNING & DEVELOPMENT OFFICER:  
DON NICHOLASS-MCKEE BSc MRPI

Telephone: [01720] 423486  
Fax: [01720] 422049  
Email: planning@scilly.gov.uk

This matter is being dealt with by ....Don Nicholass-McKee .....Email: dn-mckee@scilly.gov.uk

16 April 2004

TO WHOM IT MAY CONCERN

**P.5458 Cornwall Rural Housing Association, Ennor Close, St. Mary's**

Further to your representation in respect of the above (or petition in which you were the first or main signatory) the Planning and Development Committee on 16<sup>th</sup> March resolved to grant planning permission for this development subject to a Section 106 Agreement restricting occupation to social housing, revised drawings showing deletion of the parking space on the corner of Old Town Road and provision of access to the rear of relevant properties adjoining the 2 hungalows, and to the following conditions;

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PTO.

Condition 1

Details of materials to be used on the external finishes shall be submitted to and agreed in writing with the Local Planning Authority before any works take place.

Reason 1

To protect and enhance the character of the Conservation Area and Area of Outstanding Natural Beauty.

Condition 2

Before any works take place a comprehensive scheme of soft and hard landscaping, including boundary treatments and timescale for implementation, shall be submitted to and agreed in writing with the Local Planning Authority.

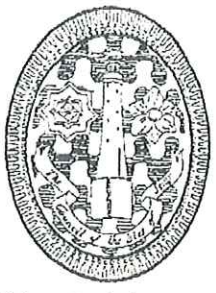
Reason 2

To protect and enhance the character of the Conservation Area and Area of Outstanding Natural Beauty.

Condition 3

Parking spaces provided by this development shall be kept clear and retained for use as such and shall not be used for any other purpose.

/contd....



COUNCIL of the  
ISLES OF SCILLY

CHIEF PLANNING OFFICER & DEVELOPMENT OFFICER:

OLD WESLEYAN CHAPEL  
GARRISON LANE  
ST. MARY'S  
ISLES OF SCILLY  
TR21 0JD  
Telephone: (01720) 423486  
Fax: (01720) 422049  
Email: planning@scilly.gov.uk

This matter is being dealt with by..... Ext. No. ....

Mrs Louise Hicks  
14 Ennor Close  
Old Town  
St Marys  
Isles of Scilly

10 June 2005

Dear Mrs Hicks

**P.5458 Ennor Close, Old Town, ST MARYS**  
**Construction of 6 Dwellings for Rent by Cornwall Rural Housing Association**

I refer to the above development.

As you are no doubt aware, the Planning and Development Committee resolved to approve the proposal in May 2005 taking into account all the relevant planning considerations applicable to the application including representations for and against the development. Part of the resolution to grant permission was on the basis of revisions to the scheme to include the provision of pedestrian access to the rear of existing properties on the open area where the two dwellings are proposed. As such the approved plans for the scheme indicate at least a one metre strip to provide the access. A recent initial inspection of the site by a building control officer would indicate that this access way is being provided as part of the development. As the development progresses, I can assure you that this situation will be monitored to ensure compliance with the approved plans.

For health and safety reasons, the entire site area will need to be closed off to the public during the construction of the development. In order to minimise any disruption and inconvenience to neighbouring residents, the contractors have agreed to carry any items to and from the rear access of adjoining properties. If you require this service, you will need to contact Richard Chiverton or any of the work men on the site.



COUNCIL of the  
**ISLES OF SCILLY**

PLANNING & DEVELOPMENT DEPARTMENT

OLD WESLEYAN CHAPEL  
GARRISON LANE  
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Mr & Mrs Flood  
14 Ennor Close  
Old Town  
St Mary's  
Isles of Scilly  
TR21 0NL

26<sup>th</sup> July 2006

Dear Mr & Mrs Flood

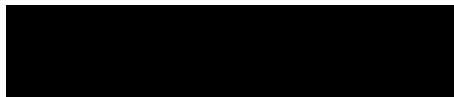
**Re: Access to the rear of 14 Ennor Close**

Further to my letter of the 20<sup>th</sup> June 2006, I have received a final response from Cornwall Rural Housing Association Limited in relation to the above matter.

Firstly the Housing Association apologise for the delay in replying to my initial request on this matter. After contacting their contractor, they confirm that the access to the rear gardens of the neighbouring properties has been provided in accordance with the approved plans. I have also visited the site and am satisfied that rear access has been provided to each of the neighbouring properties.

Please do not hesitate to contact me if wish to discuss this matter in more detail.

Yours sincerely



Craig Dryden  
Chief Planning and Development Officer