



**IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY**

## **COUNCIL OF THE ISLES OF SCILLY**

Town Hall, The Parade, St Mary's TR21 0LW  
Telephone: 01720 424455 – Email: [planning@scilly.gov.uk](mailto:planning@scilly.gov.uk)

Town and Country Planning Act 1990  
Town and Country Planning (Development Management Procedure) Order 2010

### **REFUSAL OF PERMISSION FOR DEVELOPMENT**

<b>Application No:</b>	P/21/041/FUL	<b>Date Application Registered:</b>	1st June 2021
<b>Applicant:</b>	Mr Mark Roberts Sibleys C/o Island Architects Porthcressa St Marys Isles Of Scilly TR21 0JQ	<b>Agent:</b>	Mr B Coupe Island Architects Courtney Cottage Fairfield Road Shroton Blandford Forum DT11 8QA

**Site Address:** Land At Porthcressa Buzza Road Hugh Town St Mary's Isles Of Scilly  
**Proposal:** Construction of two new dwellings (AMENDED PLANS)

In pursuance of their powers under the above act, the Council hereby **REFUSE** the above development for the following reasons:

- R1** The proposal would, as a result of the prominence of the site and scale of the development, have an intrusive impact and harm the character and appearance of the surrounding area of Porthcressa Bay, which is designated an Area of Outstanding Natural Beauty, Conservation Area and Heritage Coast. The nature of the low-lying isthmus of Hugh Town is an important part of the setting, which is only around 200m wide and higher ground views of this bay are framed by the projecting arms of Porthcressa Bay. The small scale of the settlement means that green open spaces are close and form part of its immediate setting, both physically and visually. The naturalised state of the site together with the surrounding footpaths makes a positive contribution to the setting of Hugh Town and the significance of this part of the wider Isles of Scilly Conservation Area. The development proposed would lead a significant erosion of the rural edge of Hugh Town and would, therefore, fail to preserve or enhance the character of the Conservation Area. Whilst there are recognised wider public benefits to delivering local need homes, this does not off-set the irreversible harm identified as a result of the scale and prominence of the development. The proposal is therefore in conflict with Policies OE1, OE7 and SS2(1) of the Isles of Scilly Local Plan (2015-2030) and paragraphs 176, 201 and 207 of the National Planning Policy Framework (2021).

The Decision relates to the following documents and drawings:

<b>Ref No:</b>	<b>Plan Type:</b>	<b>Date Received:</b>
Plan 1	Location Plan, drawing no: 2138/09	21/05/2021
Plan 2	Proposed Block Plan, drawing no: 2138/08B	28/11/2022
Plan 3	Proposed Street Elevation, drawing no: 2138/07 D	28/11/2022
Plan 4	Proposed Front Elevation, drawing no: 2138/03 C	28/11/2022
Plan 5	Proposed Rear Elevation, drawing no: 2138/04 B	15/11/2022

Plan 6	Proposed side Elevations, drawing no: 2138/05 C	15/11/2022
Plan 7	Proposed Site and Roof Plan, drawing no: 2138/06 C	28/11/2022
Plan 8	Proposed Site Sections, drawing no: 2138/20 C	28/11/2022
Plan 9	Proposed First Floor Plan, drawing no: 2138/02 B	15/11/2022
Plan 10	Proposed Ground Floor Plan, drawing no: 2138/01	21/05/2021
Plan 11	Existing Site Survey Plan (AMENDED, drawing no: 2138/10 A	28/10/2022
Plan 12	Design and Access Statement	21/05/2021
Plan 13	Heritage Impact Assessment	25/05/2022
Plan 14	Flood Risk Assessment and Drainage Strategy	14/03/2022
Plan 15	Preliminary Ecological Appraisal	04/07/2022
Plan 16	AMENDED Site Ownership Plan	15/11/2022

**The following Policies of the adopted Local Plan (2015-2030) are considered relevant to this decision:**

Policy LC1 Isles of Scilly Housing Strategy to 2030  
Policy LC3 Creating a balanced housing stock  
Policy LC7 Windfall Housing  
Policy OE1 Protecting and enhancing the landscape and seascape  
Policy OE7 Development affecting heritage (5) Conservation Area  
Policy SS1 Principles of Sustainable Development  
Policy SS2 Sustainable Quality Design and Place Making  
Policy SS6 Water and Wastewater Management  
Policy SS7 Flood Avoidance and Coastal Erosion  
Policy OE2 Biodiversity and Geodiversity  
Policy OE4 Protecting Scilly's Dark Skies

**Informative:**

1. 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 paragraph 38 the National Planning Policy Framework 2019.

Signed: 

**Chief Planning Officer**

*Duly Authorised Officer of the Council to make and issue Planning Decisions on behalf of the Council of the Isles of Scilly.*

**DATE OF ISSUE:** 30<sup>th</sup> January 2023



# COUNCIL OF THE ISLES OF SCILLY

Planning Department

Town Hall, The Parade, St Mary's, Isles of Scilly, TR21 0LW

☎ 0300 1234 105

✉ [planning@scilly.gov.uk](mailto:planning@scilly.gov.uk)

Dear Applicant,

As your application has been refused, this letter is to inform you of the process in which you can appeal against the decision made by the Local Planning Authority.

## Appealing Against the Decision

If you are aggrieved by the decision to refuse your application as detailed on your decision notice, you can appeal against this decision to the Secretary of State. All appeal decisions are considered by the Planning Inspectorate – a government department aimed at providing an unbiased judgement on a planning application. From the date of the refused decision notice attached you must lodge an appeal within the following time periods:

- Householder Application - 12 weeks
- Planning Application – 6 months
- Listed Building Consent – 6 months
- Advertisement Consent - 8 weeks
- Minor Commercial Application - 12 weeks
- Lawful Development Certificate – None (unless for LBC – 6 months)
- Other Types - 6 months

Note that these periods can change so you should check with the Planning Inspectorate for the most up to date list. You can apply to the Secretary of State to extend this period, although this will only be allowed in exceptional circumstances.

You find more information on appeal types including how to submit an appeal to the Planning Inspectorate by visiting <https://www.gov.uk/topic/planning-development/planning-permission-appeals> or you can obtain hard copy appeal forms by calling 0303 444 5000. Current appeal handling times can be found at: [Appeals: How long they take page](#).

## Purchase Notices

Planning control is intended to regulate the development of land in the public interest. For this reason, planning decisions may conflict with the private interests of land owners. There is no entitlement to compensation for adverse planning decisions (except in limited circumstances). This is because owners usually have some continuing benefit from current uses. However, occasionally there may be no reasonably beneficial use for the land. In order to remedy this situation; an owner has the right, in certain circumstances, to serve a "purchase notice" requiring a local authority to purchase their interest in the land. Purchase notices will be considered by the Planning Inspectorate, although you are advised to contact the Planning Department if you wish to consider this option.

**Listed Buildings**

Please note that any unauthorised works to a listed building are considered to be a criminal offence. If you need further clarification of what type of works may require consent, please contact the department.

**Re-submissions for Planning Permission**

Under planning regulations, you are allowed to re-submit your application after a refusal without a fee, provided certain criteria are met. The re-submission must be within 12 months of the date of the original decision, the proposal must be on the same site and be similar to the previous application. Similarly, the application must be made by the same applicant. If you consider resubmitting your application, contact the Planning Department so we can explain where your application can be improved to be in accordance with local planning policy. In order for the Council reach a different decision, however you will need to address all of the previous reasons for refusal.

Should you require any further advice regarding any part of your application, please contact the Planning Department and we will be happy to help you.