



The Planning Inspectorate

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Your Ref: P/21/045/COU

Our Ref: APP/Z0835/W/21/3287898

Ms Lisa Walton
The Isles of Scilly Council
The Planning Department
Old Wesleyan Chapel
Garrison Lane
St. Marys
Isles Of Scilly
TR21 0JD

01 July 2022

Dear Ms Walton,

Town and Country Planning Act 1990
Appeal by Mr Toby Tobin-Dougan
Site Address: Land at Lawrences Brow, St. Martin's, Isles Of Scilly, Cornwall,
TR25 0QL

I enclose a copy of correspondence from Mr Toby Tobin-Dougan applying for an award of costs against you.

If you wish to respond, please do so separately from other submissions, ensuring that you forward 2 copies within 7 days from the date of this letter.

Any response you make will be passed to Mr Toby Tobin-Dougan for comment.

Yours sincerely,

Linda Hutton

Linda Hutton

<https://www.gov.uk/government/publications/planning-inspectorate-privacy-notice>

Where applicable, you can use the internet to submit documents, to see information and to check the progress of cases through the Planning Portal. The address of our search page is - www.planningportal.gov.uk/planning/appeals/online/search

From: Toby Tobin-Dougan [REDACTED]
Sent: 13 June 2022 12:05
To: West1
Subject: appeal Z0835/W/21/3287898 Land at Lawrences brow, St Martins
Attachments: img654.jpg; img655.jpg; img656.jpg; img657.jpg; img658.jpg; img659.jpg

Please find attached examples demonstrating the delays encountered by this refusal, which had enormous bearing on the progress of Grant application, investment funding and Business development, with the allotted help of Jackie George, Business advisor, Oxford Innovation.

Yours sincerely

Toby Tobin-Dougan
[REDACTED]

Toby Tobin-Dougan <[REDACTED]>

8/3/2022 15:07

Re: Touching base

To Jackie George [REDACTED]

Hi Jackie,

My apologies, I was going to send you the business plan last week, then my Planning Appeal got in the way, 8.5 K words later, it's filed with the Inspectorate, and awaiting a hearing and site visit in June.

The business plan for Fernfuel, is 90% I just need to tweak some areas.

I had an approach late last week, by Marine i, an Exeter Uni based organisation.

They had heard about my briquettes and the intended use of seaweed as a binding agent, so are trying to find some way of working with, and supporting me.

I am now back in the zone, especially with the Farming in Protected Landscapes grant possibilities.

I WILL be in touch very shortly and send you my draft Business plan.

Kindest regards

Toby

On 08/03/2022 12:51 Jackie George [REDACTED] wrote:

Hi Toby

Just touching base to see how you are getting on with things.

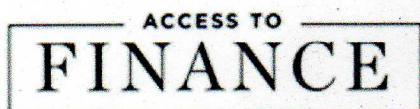
Do you need any assistance with anything?

Best wishes

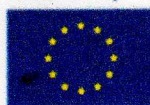
Jackie

Jackie George

Business Finance Specialist (Grants)



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Toby Tobin-Dougan <[REDACTED]>

20/1/2022 09:00

Fwd: Voucher Scheme

To Jackie George <[REDACTED]>

NOT FOR PUBLICATION, NOT FOR SHARING;



Hope you're well,
Toby
[REDACTED]

----- Original Message -----

From: Kirsty Graham (Isles of Scilly)
To: Toby Tobin-Dougan <[REDACTED]>
CC: Milena Fallows <[REDACTED]>
Date: 06/01/2022 15:28
Subject: Voucher Scheme

Dear Toby,

Thank you for expressing your interest to the Isles of Scilly Voucher Scheme. After careful review of your proposal, particularly with regard to the size of expenditure and timing of outputs, we have concluded that we will unfortunately be unable to progress your project to full application.

As the Voucher Scheme is now in its final stages we need to balance the programme outputs and expenditure to achieve our contracted targets with MHCLG.

Jackie George <[REDACTED]>

9/11/2021 09:46

RE: Voucher Scheme

To Toby Tobin-Dougan <[REDACTED]>

I'll do my best.

EOI form is [EXPRESSION OF INTEREST FORM | voucher-scheme \(iosvoucherscheme.co.uk\)](https://email.iosv.co.uk/appsuite/v=7.10.5-33.20220322.083434/)

Need to be able to evidence you can pay 100% of the costs up front and the grant is paid in arrears...

From: Toby Tobin-Dougan <[REDACTED]>**Sent:** 09 November 2021 09:31**To:** Jackie George <[REDACTED]>**Subject:** RE: Voucher Scheme

Hi jackie,

Thanks.

Could you find out.

Despite sending a paper to all council members covering this new business, and the imminent trial, which took place a month ago, they voted to refuse my planning application for an existing building as "Seasonal agricultural workers accommodation", on the grounds that it couldn't be shown that there was a case for seasonal accommodation associated with this business.

Not one councillor has asked me a single question about this new enterprise, including the Lead for Climate affairs, nor the councils employed Environmental officer.

They prefer to present glossy green-washed presentations, with rhetoric, but scant detail.

I fear the worst, I am afraid.

I would like to state an expression of interest formally now.

There has been so much press, and so much contact with myself.

Yet the council remains true to form.

Frankly I am very disappointed, but really after seeing their behaviour over the last 31 years, I really should have expected this.

I would be grateful if you could find out who are the people who can/will determine whether this will be funded or not, as I believe that local politics here, will possibly/probably, kill this project dead in the water, For the want of flushing a toilet on the Outer Islands.

Toby

PS; I even had a recent quote from a certain Royal secretary that,

"THE BOSS" is very enthusiastic about your project Toby"

I will send some briquettes to Windsor this week.

On 09/11/2021 09:09 Jackie George <[REDACTED]> wrote:

Morning Toby

I could find out – but I honestly don't know. I believe that it's not just council employees but private sector representation also.

I would like to think its on the merit of the application. What amount are you looking for? – and what will you give back in return e.g. jobs, new products, workspace creation etc.

I know the funds are running out and time is of the essence. I know you didn't want to put an EOI in a while back because of commercial sensitivities, but given the press coverage, tweets, visits etc are you now in a position to do this to put a marker in the sand?

Regards

Jackie

Jackie George <[REDACTED]>

9/11/2021 16:31

RE: Logs

To Toby Tobin-Dougan <[REDACTED]>

You don't have to prove anything to me...

I'm on your side

But you need to put fingers to keyboard and write a business plan, application form and produce financial forecasts!

From: Toby Tobin-Dougan <[REDACTED]>**Sent:** 09 November 2021 16:27**To:** Jackie George <[REDACTED]>**Subject:** Fwd: Logs

Hi Jackie,

Just to prove a point, after a huge delay, the batch of briquettes are finally home and pumping out some considerable heat !

Toby

----- Original Message -----

From: Terry Davis <[REDACTED]>**To:** Toby Tobin-Dougan <[REDACTED]>**Date:** 09/11/2021 15:33**Subject:** Logs

Hi Toby

try this link

Regards

Terry

<https://we.tl/t-tYvGxTTkHx>

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From: Toby Tobin-Dougan [REDACTED]
Sent: 06 October 2021 07:11
To: Jackie George <JGeorge@oxin.co.uk>; Paul Masters CEO <paul.masters@scilly.gov.uk>; Nicola Stinson <Nicola.Stinson@scilly.gov.uk>
Subject: Fern Fuel

Hi Jackie,

I have just returned from the Yeo Valley factory, Ubely Warren, Somerset.

Kindly, owner Tim Mead loaned me his blending and briquetting plant there, for a week of trial production, at his site. I harvested, shredded and transported 1.5 tonnes of bracken there, last week, to join other organic "Ingredient" and two friends with some experience in this manufacture, to transform the bracken (70% content) into briquettes for use in all types of fires and devices for combustion..

The briquettes are heading back here, where the two main fuel importers of solid fossil fuels into Scilly, namely Sibleys fuels, and Robert Dorrien-Smith are waiting to trial the product.

This is already a proven product, with track record, and I have recently had laboratory tests on both the St Martins bracken and briquettes which shows that the calorific burn, is longer and hotter than Oak, (without the need to fell a 300 year old tree) the Bracken contains zero carcinogens, and it omits zero particulates when burnt, the ash content is high in Potash, meaning it is a by-product of great value and can be added back to the land again, to benefit growth.

My intention, as you are aware, is to harvest the Bracken here on Scilly, on an ongoing basis and manufacture the briquettes here for local use. Inevitably this new renewable eco-fuel will gradually replace imported fossil fuels from the mainland.

Radio 4, Farming Today, came to the Yeo Valley factory, and recorded this trial production, and interviewed me about my ambitions and aspirations for this new venture. I currently don't have a date when the programme will be aired, but the producer has told me that it will be broadcast to coincide with the Cop 26 Climate change conference, as a shining example of an exciting new fossil-free, fuel product.

I also have interviews lined up, to talk with Countryfile Magazine, The Guardian and Martin Hesp, of Western Morning news. A recording and interview at the production trial did actually air on Radio Scilly (Islands FM) last Friday afternoon.

I already have some offers of investment for the establishment of this business, and will now go forward with this successful proven trial behind me, to secure more.

I will also be applying for Voucher scheme grant, to assist with Capital expenditure set-up, alongside website design.

I have also made initial preliminary contact with the crowdfunding company, Crowdcube, who have replied in an affirmative manner, that they believe my proposal for raising capital for this business, would qualify for listing, and they also believe, that the project would attract further investment nationally.

To quote Tim Smit, who visited my home some days ago to discuss this new business;

"I would be delighted if this technology could be brought into use, because its potential could be significant"

I look forward to your thoughts on this matter.

Toby
[REDACTED]

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- 1 - CAF Guidance v24.pdf (159 KB)
- 2 - How to Complete CAF v.4.pdf (157 KB)
- A2F business plan template - blank.docx (88 KB)
- A2F new business plan template - with notes.docx (320 KB)
- CAF - Client Application Form_v24.docx (150 KB)
- image001.png (187 Byte)
- image002.jpg (43 KB)
- image003.jpg (3 KB)

Jackie George <jgeorge@oxin.co.uk>

6/10/2021 08:26

RE: Fern Fuel

To Toby Tobin-Dougan <[REDACTED]> Copy Paul Masters CEO <paul.masters@scilly.gov.uk>
Nicola Stinson <nicola.stinson@scilly.gov.uk>

Good morning Toby

Glad to read that the trials have gone well and that you are preparing to progress the venture.

As previously discussed, it is crucial that you draft a business plan and build a cashflow forecast to show that this is a viable business going forward. This will be required for the voucher scheme as well as investment from private investors as well as the 'Crowd'. I believe that I previously sent you a template for a business plan which the team here at Access to Finance can support you with (attached again for ease). We can also work with you on your financial modelling. We run webinars which will give you great foundations for building your own plans and then we can work with you on a 1:1 basis to fine tune them. I can send you the links to register for the webinars if this is of interest – please let me know.

Given that that Voucher Scheme is in its final stages, I urge you to put an expression of interest in as soon as possible so they know that the application is forthcoming. I can then work with you in developing the application and collating all the supporting documentation (incl business plan and forecast). <https://www.iosvoucherscheme.co.uk/how-to-apply>

We also spoke about your registering the business (assuming that you will run it as a limited company rather than as a sole trader....). We will need these details to formally register the venture with our fully funded programme as well as the voucher application – so again, something to get on with sooner rather than later. I need the 'CAF' form complete as attached.

If you are going down the 'crowdfunder' route – you will probably need to think about a PR campaign to 'reach the crowd' and for this, you may want to engage a marketing agency to work on your behalf. Again – the business plan and forecast is crucial for this as you will need to how much you are 'asking' them for – and what the return on their investment is. We have a small pot of money which can part fund professional support required to 'access funding' – so crowd campaigning can be part of this.

I hope this gives you a good starter for 10. As always, here to assist!

Best wishes

Jackie

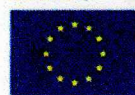
Jackie George
Business Finance Specialist (Grants)

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LAND AT LAWRENCES BROW, ST MARTINS

APP/20835/W/21/3287898

RESPONSE TO THE LOCAL PLANNING OFFICERS STATEMENT OF COMMON GROUND;

This is a response to the LPA decision refusing retrospective permission, for change of use of agricultural barn, to seasonal agricultural workers accommodation.

Firstly, the LPA in their latest statement of common ground state that they Agree that this application site is "remote"

The fact that the council make the statement that the application is " , "remote" then state that they "Agree", implies that I have made the statement myself that this site is remote.

They seem to be asking the questions then agreeing to the questions they put to themselves.

I have never stated, nor any resident local person would, that this is remote structure/site.

I have attached a plan of the surrounding area, highlighting the plethora of residential housing, school buildings, agricultural business premises, and holiday let businesses that entirely surround this site.

The council's position here is a deliberate mis representation of fact.

These properties exist to this day. Eleven are marked on the plan, all within 300 metres of my application.

The LPA themselves gave permissions to all of the developments marked on the plan, with the most recent being the Holiday Yurt business, owned by former Councillor Jonathan Smith, a work colleague of the past four years of the Local planning officer. Professionally, she should/would be aware of this recently approved holiday business, as she is also aware of the seven other Shepherds hut holiday and workers accommodations recently granted, along with the council's own statement of a Critical Housing situation.

In somewhat contradiction to the calamitous confusion of the council in this matter, is when the planning officer came for a pre hearing site visit to my application. I received a call from her, from some four hundred metres away, apparently lost, unable to find the site. I had to go to collect her and walk her to the site, not remote, but most certainly well concealed from sight.

This shows the LPA's complete lack of knowledge of this applications position, its relationship to its direct neighbouring environment, its place within the Island landscape in entirety, or any possibly stated effect that it has on any area of this landscape, or any influence or reflection in the community. This application is all but invisible from any position outside of the stated Holding boundary.

The decking mentioned, approximately 6m x 3.5m IS TOTALLY INVISIBLE FROM ANYWHERE, EXCEPT FROM INSIDE THE MAIN FIELD QUESTION. The wooden garden shed, 8ft x 6ft, which includes a solar shower and compost toilet is only partially visible due to complimentary landscape planting (see picture attached)

The concrete building itself had been previously used as accommodation for agricultural workers, since its erection for that use in 1937. It has never been connected to any utilities, indeed to this day it is completely self-sufficient, so therefore does not have a paper-trail of utility bills to show this.

This is commonly accepted local historical knowledge.

The site is accessible from all side, by all vehicles and pedestrian access, it is not in a flood risk area.

It is my understanding that the role of the Planning authority is to allow and enable developments which "Benefit the Community and Economy"

The LPA's position that this development is firstly remote, and secondly is a generic term of being "Harmful" is a direct contradiction of its role in the community.

The LPA sets out zero qualification, delineation, interpretation or justification of the term "Harm" to set its case out ?

Is it an opposition to the visual aspect of this application, for it cannot be hardly seen?

Is it because of the materials used in the erection of a wooden garden shed, or the laying of wooden decking?

Is it because of the consequence of allowing this application, will have detrimental effects on the Community ?

I would invite the LPA to accurately define how this application is harmful

The prevention of this application is in itself "Harmful" to the community in which I work, and live, its denial is damaging to the economy of that community and to the Landscape upon which that community depends "For its civilised existence".

The LPA claim that a case has not been demonstrated to justify the need of agricultural help.

A business plan was sent to the LPA and all Members, and some Officers prior to the planning meeting regarding the history of the Organic vegetable business. A plan of proposed extension and expansion of that business was sent to all Members, some officers and the LPA. A paper on Fernfuel Ltd was sent to all Members, some Officers and the LPA , again prior to the planning meeting.

I discussed The aims and objectives, in great detail, with the CEO of the Isles of Scilly Council, the Chair of the Isles of Scilly Council and one Member, long before the day of the planning meeting.

I fully expected the application to be passed Unanimously, and was extremely surprised and shocked when the application was refused. To me it was beyond belief, and to all residents of St Martins when told, given the precedents of applications approved in recent times.

The LPA should seek to approve applications which are beneficial, yet by a singular sweeping statement, claim that this very modest application is "harmful". I will expand later on my distaste and anger, at being labelled as harmful to the community, in which I have lived in for most of my life, in harmony.

For the moment , I will concentrate on the opposite of "harmful", which is the term "beneficial", which aptly applies to my application, to state my case here.

THE BENEFITS TO SUPPORTING THIS APPLICATION, as follows :

1. This will provide support for an existing Organic Vegetable and Fruit growing business which has been patronised for nearly thirty years, by residents and returning holidaymakers, who all rely on this Organic local bounty, with zero food miles, grown sympathetically on their doorstep. This, along with the other local agricultural growers, provide for a huge gap in the

market for produce which cannot be imported, or is imported from vast distances at considerable cost to quality and the effects of fuel miles on the wider environment. A business plan for the vegetable business, along with proposed plans for expansion on this site, given agricultural workers help, was sent to the LPA prior to application, these are also attached above.

2. This will also provide secure accommodation for a new renewable, fossil-free, fuel company which as mentioned before in detail, will improve Biodiversity, the landscape, the economy, employment, lower the carbon footprint here, and later on the Mainland, and visually improve the local vista. A paper on this renewable fuel business **Fernfuel Ltd** was also sent to the LPA officer, and all Council members (including the CEO) prior to this application.
3. (I received no response from any member of the council regarding this new renewable fuel , whatsoever. I received no response from the Lead Member for Environment and Climate control. I received no response from the Officer for Environment and Climate affairs, I received no response from the LPA officer, or any questions pertaining to the new fuel business, or the existing agricultural business.) Given the very public rhetoric and statements made of late, by the Council of the isles of Scilly regarding matters of climate, environment and carbon footprint, I find this lack of response to my new business, to be appalling, especially given the favourable responses I have had by HRH Prince Charles, Tim Smit, Dale Vince, The Wildlife Trust, RSPB, Radio 4 Farming Today, Radio Scilly and Exeter University. Radio \$ Farming today, recorded my trial production live, in July of 2021, and repeated in Cop26 week , as a shining example of a new fossil-free fuel. I have attached the audio above.
4. With the exception of the LPA officer, no members made a site-visit to my application and relied solely on her report when voting on the application. The LPA officer, after finding the site, had a cursory look at one of my polytunnels, did not walk the rest of the site and apart from the concrete building, asked no questions regarding my agricultural production for the past thirty years or so , or present or future plans whatsoever.
5. This application will benefit local employment. It will provide local seasonal employment for both those working and growing Organic vegetables and fruit, and those working sowing and growing addition crops, and the harvesting and processing of those crops, and Bracken, to produce renewable fuel briquettes. This was not considered by the LPA.
6. It will help provide training and education in agricultural growing practices, such as, General Organic agriculture, No Dig practices, Hugelkultur, production of Bio-char. Agricultural equipment driving/control, Harvesting, Briquette making, marketing and advertising, accountancy, customer care. This was not questioned by the LPA on their site visit, or subsequently.
7. It will utilise land, which if left abandoned, would be quickly taken over by Invasive species such as Bracken, Gorse, Bramble, this would diminish and deplete biodiversity. The very act of successional growing a series of varying crops on ground is a huge benefit to the environment providing food, water and housing for insects, birds and mammals. Attached above are examples of housing for birds incorporated in the replacement Barge-Boards, which provide sixteen additional nest box homes for a variety of birds and an automatic water supply which they have all come to rely on. The LPA officer was shocked to see a brood of four swallow chicks, above her head, chirping from the barge boards, and pointed them out to me, That is what I was writing to you about, I replied! None of this is subsequently approved of, by the LPA.
8. It utilises a building to provide seasonal accommodation which could remain abandoned to the elements. This building whilst contributing to the employment and economy of the Community, is not a drain on any resources, and as recommended by the Local Plan in many

places, is Off-grid, dealing with its own supply of harvested water, Solar electricity and deals with its own recyclables/compost, and composts its own human occupier output. This is seemingly not being approved by the LPA, massively contradicting the Local Plan. The majority of local sewage here on Scilly is either discharged into the ground, untreated, by Septic tanks, which historically have been shown to contaminate local drinking water, or discharged untreated into the sea. One Third of all Potable water on the main Island of St Marys, has to be provided by desalination. The roof-harvested water here, for showering purposes, is managed, monitored and maintained on a regular basis. Attached above are the results of the latest water test results from 8th June 2022 , showing a count of Zero Coliforms.

9. The Environment Agency has recently stated that they require No Environmental Impact assessment, regarding the application.

I have found this whole experience onerous and distasteful.

The LPA has been more than unreasonable in their approach to this application and **I wish to apply for a full repayment, for costs, for the delay and considerable costs implications that has been incurred by myself.**

I have lived on st Martins for most of my life and am passionate about my home, my environment and my Community.

I have grown Organically here all of my life, and never burdened the Landscape.

As an employee of st martins Hotel for five years, I not only worked as maintenance operator, maintaining and managing the infrastructure, machinery and manager of the Water supply, because of my local knowledge, I was also employed to create an itinerary of Historical walking for the guests, foraging local wild food sources and fishing with the guests. I love this landscape, and would do nothing to harm it.

I was invited 32 years ago, by Cornwall's Senior Archaeologist, Charles Johns, to help excavate a tar deposit on Higher town beach, where we excavated the second oldest Domestic cow's tooth in the UK , 2030 BC.

Subsequently Charles Johns has invited me on two recent digs on st Martins, because of my experience of local flint tool finds. At Old quay we unearthed 7600 flint tools and a prehistoric settlement. I am soaked with the local History and landscape here, and I find it wholly distasteful and Criminal to be stated to be "Harmful" to a place I love so dearly, and have cherished and protected in any way I could.

Indeed I feel as though I have committed a crime here, I feel attacked and Criminalised, this has had a big impact on me in every aspect and had severe effects on my mental health.

I have found the LPA's approach to this application be onerous, aggressive, entirely misplaced, unprofessional, biased, error ridden, and lacking in fact or qualification.

This one whole year delay with my planning application has literally cost me a year. It has set back my plans for development, diversification and expansion of my Organic vegetable growing business, and it has literally put back my first year's production of commercial fuel briquettes a Whole Season. By now I should have sowed three acres of Organic linseed, This has to wait until next spring now, I should have already purchased equipment, hired agricultural help, and be spending time concentrating writing marketing plans for both businesses, not sitting writing tens of thousands of words to appeal against a terribly wrong decision by the LPA.

I wish no one to suffer, the way I have suffered through this whole sordid exercise. The LPA seemingly are desperately throwing everything they can at my application, in the desperate attempt, to make some of their influence stick.

Once I have pressed "send" for this response I will have sent;

41 e-mails

With 49 attachments, both written and imagery

I will have Written **18,758 words,** the time taken to consider and write this appeal has been considerable, all in response to an unreasonable and appalling decision.

My first published book (of four) contained 58,000 words.

I am now asking to apply for costs in this matter.

The time, expense and considerable impetus and energy, taken away from both businesses has indeed been Harmful to me, certainly not to this Area of Outstanding Natural Beauty, in which I have lived for 32 years, without inflicting "harm".

I wish for these huge inconveniences to be taken account of, when considering this appeal.

Kindest regards

Toby Tobin-Dougan

