



# COUNCIL OF THE ISLES OF SCILLY

Planning Department

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**Please Ask For:** Lisa Walton

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**My Ref:** P/21/099/COU

Mr T Davis  
Fuschia Cottage  
Middle Town  
St Martins  
Isles Of Scilly  
TR25 0QN

Email only: [REDACTED]

14<sup>th</sup> February 2022

Dear Terry,

**Location:** Land To South Of Lower Town Barns, Lower Town

**Proposal:** Change of use of the land to site one holiday letting shepherds hut.

**Applicant:** Mr Terry Davis

## **Notice of intention to impose pre-commencement conditions under the Town and Country Planning (Pre-Commencement Conditions) Regulations 2018.**

The Council is minded to approve the above application subject to the imposition of the following conditions. Although there is a duty to allow 10 working days for comment with respect to any condition identified as pre-commencement, I can confirm that none are pre-commencement in nature. I would flag up condition C8, which will require you to address prior to first using the hut.

**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:**

- Plan 1 Location Plan
- Plan 2 Block Plan, AMENDED
- Plan 3 Proposed Elevations, date stamped 23/11/2021
- Plan 4 Proposed Floor Plans, date stamped 23/11/2021
- Plan 5 Proposed Roof Plans, date stamped 23/11/2021
- Plan 6 Design and Access Statement (Site Waste Management, Water/Energy

**Minimisation Measures, Biodiversity Enhancement and Landscaping Measures), date Stamped 26/11/2021**

**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 Policies OE1 and OE7 of the Isles of Scilly Local Plan (2015 - 2030)

- C3** The development hereby permitted shall not be used otherwise than for the provision of short let holiday accommodation in connection with the diversification of agricultural land only at Lower Town, St Martins [Specifically land identified as MRT 145 Land at Middletown & Lowertown as shown with a blue line on the attached map, REF: Plan 1] and for no other purpose, including 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. The unit shall not be occupied as a permanent dwelling and shall not be occupied by any persons for a period exceeding 28 days in any calendar year. The owner or operator shall maintain a register of occupants for each calendar year. This shall be made available on request for inspection by any duly authorised officer of the Local Planning Authority.  
Reason: The unit of accommodation does not meet the minimum space standards required for permanent occupation and to ensure that the development continues to support the diversification of agricultural land that justified the need for it as part of supporting a modern and diverse tourism economy, in accordance with Policy WC5 of the 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 external illumination 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 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 Isles of Scilly Local Plan 2015-2030.
- C5** The landscaping measures and biodiversity and habitat enhancements, set out in the Supporting Statements, referenced as Plan 6, shall be implemented within the first planting season following the installation of the shepherds hut. If within a period of 5 years, following completion of the development, the planting dies, it shall be replaced by new plants to ensure the same level of biodiversity and habitat is retained as part of the use of this site. The landscaping shall be maintained by the site owner thereafter.  
Reason: To ensure the site assimilates into the landscape to safeguard the appearance and character of this part of the Islands and to promote measures to improve an awareness of the value of biodiversity on the Isles of Scilly and in accordance with the requirements of Policies OE1, SS1(d) and SS2(g) of the Isles of Scilly Local Plan (2015-2030).
- C6** The Shepherds huts and associated installations, hereby approved, shall be permanently removed upon redundancy for their dedicated purpose and the land reinstated to its former condition within a period of six months unless agreed otherwise in writing by the Local Planning Authority.  
Reason: To ensure the wider environment is safeguarded from buildings which could detract from the scenic beauty of the islands if allowed to degrade from lack of use, in the interests of the visual amenities of the area.
- C7** All works involving machinery required in connection with the implementation of this permission shall be restricted to between 0800 and 1800 hours Monday to Saturdays. There shall be no works involving machinery on a Sunday or Public or Bank Holiday.  
Reason: In the interests of protecting the residential amenities of neighbouring properties.
- C8** Before the first use of the shepherds hut, hereby approved, a scheme of work to restore the site to its former condition, shall be submitted to and approved in writing by the Local Planning Authority. The site shall be restored in accordance with these details to its former condition on or before 14/02/2047 unless the Local Planning Authority gives any written consent to any

**variation.**

Reason: The most recent coastal modelling data, suggests there are increasingly greater risks to this site, from coastal flooding as a result of sea level rise and climate changes. This suggests parts of St Martins being more affected and the site being potentially unsuitable for the development, as approved. Continuation of the approved use will need to be re-considered in light of changing climate and flood risk conditions within the next 25 years. Additionally the proposal is for a change of use of land for the siting of a mobile home and not a long-term permanent structure.

- C9 Prior to the first bat active season, following the completion of the development, the applicant shall install bat boxes, in accordance with the submission details, which includes the installation of a least one 'Improved Cavity Bat Box' at the location shown on the Block Plan (Ref: Plan 2). The measures approved shall be installed and be retained as such thereafter.**
- Reason: To promote measures to improve and awareness of the value of biodiversity on the Isles of Scilly and in accordance with the requirements of Policies SS1(d) and SS2(g) of the Isles of Scilly Local Plan (2015-2030).

Yours Sincerely,

Lisa Walton  
Chief Planning Officer