

# Council of the Isles of Scilly

## Delegated Planning Report

### Other application

**Application Number:** P/21/099/COU

**UPRN:** 000192002653

**Received on:** 23 November 2021

**Valid on:** 29 November 2021

**Application Expiry date:** 24 January 2022

**Consultation expiry date:** 05 January 2022

**Site notice posted:** 10 December 2021

**Site notice expiry:** 5 January 2022

**Applicant:** Mr Terry Davis  
**Site Address:** Land to South Of Lower Town Barns  
Lower Town  
St Martin's  
Isles of Scilly

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

**Application Type:** Change of Use

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**Recommendation:** PER

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#### **Summary Conditions:**

1. Standard time limit
2. Adherence to plans
3. Short let holiday use only
4. No external illumination
5. Implementation of landscaping enhancement measures
6. Removal once no longer required
7. Restriction on construction operations
8. Site Restoration Plan for removal within 25 years
9. Implementation of biodiversity measures

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## Reason for Delegated Decision

No Councillor has requested that the application come to the Full Council. The decision defaults to the level of Delegated:

- Not a Councillor ✓
- Not a Senior Officer (or Officer with influence over planning Decisions) ✓
- No relation to a Councillor/Officer ✓
- Not Major ✓
- Not Council's own application ✓
- Not a departure from the Development Plan ✓
- Not Called in ✓

### Lead Member Planning Agreed

Name: Cllr D Marcus

Date: 15/12/2021

## Site Description and Proposed Development

The application site is located at Lower Town in the south west of St Martins, to the south side of Lower Town Barns. The site is relatively enclosed by trees and is not visible from the beach or the main road. The site is accessed by a loop road, off the main road, where it is relatively open, and has previously been used as open storage. The area is understood to be previously or historically used as a flower growing field, which has become overgrown through lack of cultivation and sand blown.

The proposal is to change the use of one field which is partially enclosed by hedging and trees, for the purpose of siting one shepherds hut which will be used in connection with the diversification of land to improve the viability of the applicant's agricultural tenancy/farm holding known as land at Middletown & Lowertown. The intention is to provide options that extend the tourism season and particularly aimed at visitors who come to take advantage of bird watching or the islands spectacular dark night skies during the autumn and winter and visit the St Martins Observatory, which is the only one of its kind on the Isles of Scilly. The hut will measure 9m x 2.8m with an overall height of 3.4 metres. Water is to be supplied via the existing water connection at Lower Town Barns to the north of the site. Energy will be provided by an existing electricity connection at the site.

Adjoining this site is consent for the siting of three shepherds huts (P/21/075/COU) and (P/21/102/COU). The proposal therefore will be well-related to a form of development now established at this site in Lower Town.

**Certificate:** B

**Other Land Owners:** Duchy of Cornwall

### Consultations and Publicity

The application has had a site notice on display for 21 days (10/12/2021 – 05/01/2022). The application appeared on the weekly list on 6th December 2021. Due to the nature of the proposal consultations have been undertaken.

Consultee	Date Responded	Summary
South West Water	20/12/2021	The applicant should liaise directly with SWW regarding the detail of connecting to the existing water supply. They can however cautiously support the request to connect to the existing connection.
Environment Agency	14/12/2021	Environment Agency Position We have no objections to this development. Reasons The site is shown to be located within Flood Zone 1 in the current 1 in 200 (0.5%AEP) return period tidal flood which includes some allowance for wave action. In accordance with NPPF, we would therefore have no objections to the proposal. However, with the potential impacts of climate change, the site could be at risk in the future. We would therefore recommend that the permission should be time limited to 25 years and a flood warning and evacuation procedure implemented for users of the holiday accommodation
Environmental Health	15/12/2021	No Comments as the water will be connected to the mains supply.
Cornwall Fire and Rescue	07/12/20021	Access and Facilities for the Fire Service as detailed in B5 ADB Volume 1 will be required. For dwelling houses access for a pumping appliance should be provided to within 45m of all points inside the dwelling house. It is important to remember that failure to do so may prevent the applicant from obtaining a completion certificate under the Building Regulations but more

		<p>importantly, the lives of the occupiers will be put at risk.</p> <p>Holiday Rental Advice: I note the proposal relates to the provision of holiday letting accommodation. The Responsible Person should ensure the proposal complies with current Fire Safety Legislation and Guidance as this differs from Building Regulations before being used as holiday rentals.</p> <p>Please also consider escape windows are not recognised as a suitable means of escape within fire safety legislation or guidance. The publication, Fire Safety Risk Assessment- Publication Sleeping Accommodation ISBN 978 1 85112 817 4 or Do you have paying guests? ISBN 978 1 85112 815 0 available from <a href="http://www.cornwall.gov.uk/firesafetyguides">www.cornwall.gov.uk/firesafetyguides</a> should be referred to, to help you meet your legal obligations and to ensure compliance.</p>
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#### Representations from Residents:

Neighbouring properties written to directly: 0

[0] letters of objection have been received ; [0] letters of support have been received; [0] letters of representation have been received.

#### Relevant Planning History:

P/21/075/COU for the change of use of the land to site two holiday letting shepherds' huts, was granted at Full Council on the 16<sup>th</sup> November 2021. An earlier permission located close this site was approved for the erection of a storage shed. P/14/038/FUL was approved in September 2014, but was never implemented and has now lapsed. In January 2022 a further permission was granted for a third shepherds hut for staff accommodation was permitted P/21/102/COU.

#### Constraints:

- Conservation Area
- Area of Outstanding Natural Beauty
- Heritage Coast
- Historic Landscape Character Type: Farmland: bulb strips late C19/C20

## Planning Assessment

<b>Design</b>	<b>YES OR NO</b>
Would the proposal maintain the character and qualities of the area in which it is proposed?	y
Would the proposal appear in-keeping with the appearance of the existing site, street and area?	y
Would the materials, details and features match any existing buildings and be consistent with the general use of materials in the area?	y
Would the proposal leave adequate open/green space to prevent the proposal appearing as an overdevelopment of the site and to ensure an adequate level of amenity?	y
Is the parking and turning provision on site acceptable?	n/a
Would the proposal generally appear to be secondary or subservient to the main building?	n/a

<b>Amenity</b>	<b>YES OR NO</b>
Is the proposal acceptable with regard to any significant overlooking/loss of privacy issues?	y
Has the proposal been designed to respect the amenities of neighbouring properties avoiding unreasonable loss of light or an overbearing impact?	y
Is the proposal acceptable with regard to any significant change or intensification of use?	y

<b>Heritage</b>	<b>YES OR NO</b>
Would the proposal sustain or enhance the character and appearance of the Conservation Area?	y
If within the setting of, or a listed building, a) Will the development preserve the character and special architectural or historic interest of the building? b) Will the development preserve the setting of the building?	n/a
Within an Archaeological Constraint Area	n
<b>Other Impacts</b> Does the proposal comply with Highways standing advice such that it does not adversely affect highway safety?	n/a
Impact on protected trees a) Will this be acceptable b) Can impact be properly mitigated?	y
Has the proposal been designed to prevent the loss of any significant wildlife habitats or proposes appropriate mitigation where this has been	y

demonstrated to be unavoidable?	
Does the proposal conserve and enhance the landscape and scenic beauty of the AONB	y
Are the Water connection/foul or surface water drainage details acceptable?	y
If sited within a Critical Flood Risk Area (low lying land below the 5m datum) is the application accompanied by an acceptable Flood Risk Assessment?	y
Are there external lights	n

<b>Protected Species</b>	<b>YES OR NO</b>
Does the proposal include any re-roofing works or other alteration to the roof	n
Does the proposal include any demolition	n
Does the proposal include tree or hedge removal	n
Is an assessment of impact on protected species required	n
Has an assessment been provided that adequately assesses the site and includes mitigation, enhancement and timing requirements	n
Are biodiversity enhancement measures required	y
Is a condition required to provide biodiversity enhancement measures	y

<b>Waste Management</b>	<b>YES OR NO</b>
Does the proposal generate construction waste	y
Does the proposal materially increase the use of the site to require additional long-term waste management facilities	y
Does the proposal include a Site Waste Management Plan	y
Is a condition required to secure a Site Waste Management Plan	n

<b>Sustainable Design</b>	<b>YES OR NO</b>
Does the proposal materially increase the use of the site to require additional sustainable design measures	y
Does the proposal include a any site specific sustainable design measures	y
Is a condition required to secure a Sustainable Design Measures	n

**Analysis:** In terms of the principle of Development. The proposal comprises one unit of self-catering holiday let accommodation. Under policy WC5 it is considered that new tourism accommodation is acceptable, subject to meeting the requirements of the relevant parts of Policy WC5. Part (1) requires proposals to have a positive contribution

to the provision of high quality sustainable tourism on the islands, they should be in sustainable and accessible locations, appropriate in scale and siting, have no unacceptable impacts upon the environment or residential amenities. Part (2) encourages proposals to consider extensions of the tourism season as well as increasing productivity and wages in tourism.

The proposed shepherds hut, while not a particularly common style of building on the Isles of Scilly, has increasingly become a style of 'glamping' accommodation that meets a part of the tourism market nationally. Whilst there are not many 'glamping' opportunities on the islands there are existing shepherds huts already approved on St Martins (P/16/019) is one at Middle Town, (P/19/059) comprises two at Higher Town at St Martin's Vineyard and Winery and one approved on St Mary's (P/16/130) at Watermill Lodge. Similarly 'glamping tents' have been popular on St Mary's at Peninnis Farm, which have now been replaced with 'pods'. These are popular forms of self-catering accommodation that are of a low-rise but non-traditional design. All of the shepherds huts and 'glamping' style units of accommodation are well screened locations and have a limited and reversible impact on the landscape. As noted above, three shepherds huts have recently been approved in the adjoining field. Two as holiday lets delivery eco-tourism (P/21/0775/COU) and one staff accommodation (P/21/102/COU)

The materials proposed are generally considered sustainable and acceptable without having a detrimental impact upon the surrounding landscape. Given the enclosed nature of the site, the low-rise nature of the huts and the natural materials of construction, it is considered that the proposed self-catering unit would be acceptable and have a neutral impact upon the wider landscape. The site is relatively discreet and will not result in a prominent or exposed development, being screened by existing trees minimising the visual impact.

There are no directly adjoining residential neighbouring properties to the application site. The proposed shepherds hut would be situated to the north west corner of the site close to existing mature hedge planting. Sections of traditional hedge form the boundary between the application site and surrounding land. 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 the scale of the proposal and the nature of the

surrounding land.

To the north of the site is a small scale industrial area, comprising a series of agricultural style buildings, which appear to be used primarily for storage either for boats, pots or general storage associated with the hotel and other businesses on St Martins. This creates a much more industrial area, relative to the rest of St Martins. Whilst the application site is not an obvious site for the type of development proposed there is a relatively good degree of separating land between these storage buildings and the proposed site.

The low level nature of the design, together with its location as well as the nature of the use, suggest this building is unlikely to give rise to noise and disturbance for neighbouring properties or adjoining land uses. From an amenity impact it is considered that the proposal is acceptable and would accord with Policy WC1 and WC5 of the Local Plan.

Located within the south west corner of St Martins, the area does not contain traditional or historic buildings, that could be considered to contribute to the character of the area. All of the land of the Isles of Scilly has, however, been identified as an integral part of the islands' historic development. On St Martin's there are many traditional narrow bulb strip fields, which are a legacy of the traditional flower growing industry of the 19th and 20th century economy. In planning decision-making Local Planning Authorities are required to pay special attention to the desirability of preserving or enhancing the character and appearance of the conservation area.

It would appear that this site forms part of an area that has historically been farmed as part of the traditional flower growing industry. Based on the significant changes that have taken place over the latter part of the 20th century, however, as noted in figures 1-4 above, the area now appears to contribute little to the special character of the conservation areas, due to the loss of the characteristic narrow field layout. The structure proposed would appear to be sufficiently low as to not give rise to visual harm from wider vantage points to the north or east. In context with the surrounding use of the land and by virtue of its limited scale, it is considered that the proposed holiday let shepherd's hut will have a negligible impact on the wider character and appearance of the Conservation Area and Area of Outstanding Natural Beauty. It is considered that the proposed development would conserve the character and appearance of the Conservation Area.

In this case, and as noted above, there are no historic buildings or records on this land that could be affected as a result of the proposed use of land. In reviewing historic aerial photographs back to 2005 there appears to be little activity or agriculture taking place at this site. The applicant describes the site as disused flower growing fields, now overgrown.

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 use of land and the siting of a single structure as proposed, would not see any alteration to existing boundaries and as such the proposal is not considered to give rise to harm to the landscape character.

The site is located in a relatively screened location, where there are no archaeological constraint areas. There are no other designated heritage assets within the site boundary and it is not considered the proposal will impact upon the setting of designated heritage assets, other than the Conservation Area.

It is noted that as there are no significant footings proposed and as there is no archaeological constraint area there is limited potential for below ground archaeological remains to be disturbed. There is therefore no requirement to impose a condition for archaeological monitoring. On this basis it is considered that the proposal will not harm the wider historic landscape, in accordance with Policy OE7.

In terms of impacts upon the natural environment designations, the site is situated inland, but relatively close to the Special Area of Conservation (SAC) which runs up to Mean Low Water Spring (MLWS) which is more than 130 metres out from the site. Slightly closer and covering the foreshore around the south west corner of St Martin's is the St Martin's Sedimentary Shore Site of Special Scientific Interest (SSSI). This lies over 80 metres from the proposed position of the Shepherds Huts. This SSSI is 100% in a favourable condition. St Martin's flats form the largest area of sand exposed at mean low water within the Isles of Scilly, comprising a 2km section of shore line on the island's west coast.

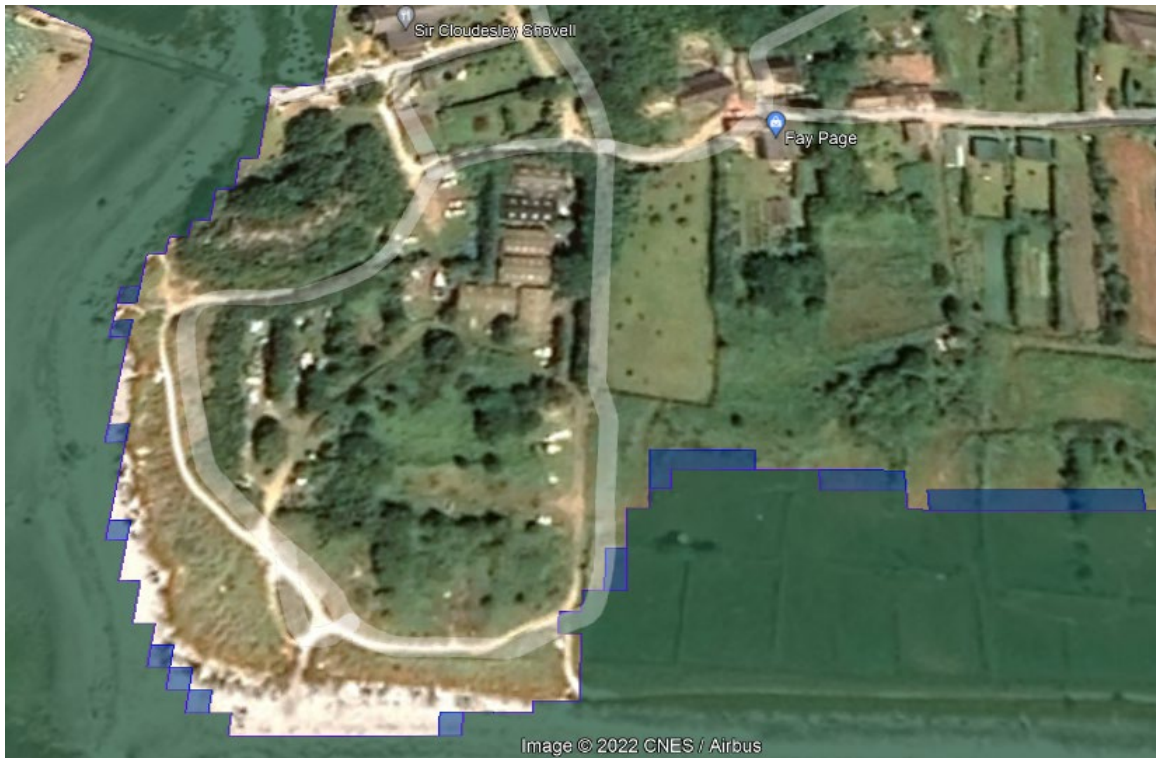
The proposed use of land for the siting of one shepherd's hut would connect to an existing water supply and use a composting toilet facility. South West Water (SWW) have advised that this is acceptable on this occasion providing the applicant contacts SWW directly about the details of use.

Whilst catering for tourism, which is itself a relatively unsustainable industry, the proposal, as submitted, seeks to be operated as part of the diversification of the applicant's agricultural tenancy. They note that in relation to part (1) of Policy WC5 the proposal is for a new visitor experience, one that embraces the growing demand for experiences that are more closely aligned to nature, including a resurgence of interest and demand for camping. The facilities proposed will have minimum impact on the environment in which the hut is sited. b) The proposed site location is both accessible and sustainable. c) The hut is appropriate and sympathetic to the proposed location. In relation to part (2) then they note that the proposal will provide for secure and comfortable accommodation that extends into the periods of less clement weather when there are many potential visitors who enjoy outdoor experiences such as campers, but for whom exposed sites are too uncomfortable. It is stated that by combining and advertising holidays aligned with access to the Cosmos project and a bespoke astronomic experience, it is hoped additional tourists will be attracted to the islands to experience the special 'Dark Skies' status and the opportunity to use the observatory adjacent to the St Martin's Hall.

It is a matter of opinion whether an additional shepherds hut offers a 'new visitor experience' when there three shepherds huts already approved on the adjoining land on the island of St Martins. However the development is aimed widening the tourism season in connection with the islands dark skies and bird watching, offering visitors the chance to view very clear dark skies. A promotion of this facility and the ability to book low-impact accommodation is considered to be reasonable justification for a further unit of tourism accommodation.

In terms of flood risk, although located close to the sea, the site is elevated above sea level, at around 5m above ordnance datum. Having reviewed the emerging Flood Risk Data for the islands it is considered that the site itself is not currently at risk from coastal flooding. Depending on the life span of the shepherds huts, there is a potential that, over the lifetime of the development, there would be an increase in flood risk. The online starting point for determining whether a site is currently, or likely to be in the future, susceptible to flooding, is the Environment Agency's online flood maps. The applicant has reviewed this online information, which confirms that the site is at Flood Risk 1, where as a development of less than 1 hectare, there is a low probability of flooding.

The status as Flood Zone 1, according to the online maps, currently covers all of the islands and does not reflect the most recent understanding of the potential impacts and increased risks of flooding as a result of climate change. On this basis a consultation with the Environment Agency has been carried out. The EA have confirmed the site to be within Flood Zone 1 but on the basis of future sea level rise and the impacts of climate change, the site could become more vulnerable to flooding in the future. On this basis they have requested the proposal be limited to no more than 25 years. This aligns with responses for other approved shepherds to the south (P/21/075/COU and P/21/102/COU)



The site area showing the extent of Flood Zone 2 (blue) and Flood Zone 3(Green)



The site area showing the extent of Flood Zone 2 (blue) and Flood Zone 3(Green) and the 1 in 200 year event flood data (brown/orange) which is the baseline for the LPA in terms of the NPPF

requirements for understanding potential areas for flooding in light of climate change and sea level rise.

Policy OE4 of the Local Plan seeks to afford a greater degree of protection for the dark night skies of the Isles of Scilly. In order to ensure no harmful external lights are attached to the exterior of the proposed building, a condition is recommended to ensure any lights required are approved, before they are put up. Subject to this it is considered that the location of the proposed development, would not have a harmful impact upon the dark sky of the Isles of Scilly, or the St Martins Dark Sky Discovery Site, in accordance with Policy OE4 of the Local Plan.

In terms of biodiversity, then the submission references the current condition of the soil which they note to be mainly compressed sand and remnant topsoil with a mixed sward of grass, bramble and random bulb remnant clusters and seasonal meadow species. The Design and Access Statement sets out that it is intended to keep the environment of the site natural and seasonal with just brambles kept under control and away from the paths and access areas. Naturalised flower species are noted as to be encouraged including agapanthus, crocosmia, belladonna and day lilies, for example, as a means to encourage insect populations. The statement notes that a number of small fruit trees will be planted to add diversity and interest to the site. They also note that hedges, which they note are likely to support nesting birds will be left undisturbed. Construction works are planned to take place outside the bird breeding season to reduce disruption to wildlife. The statement references the installation of bat boxes to compliment those approved on the adjacent site (P/21/075/COU). This includes the installation of improved cavity bat box, suitable for cavity dwelling bats present on the islands such as Brown long eared bats, daubentons and natterers bats. Finally the submission notes that the hedges and nearby trees, more than 10 metres from the hut are unlikely to suffer any root damage from the minimal excavation planned for the wheelbases.

Overall it is not considered that the use of the land, as proposed, would result in any particular net-loss of biodiversity as there are no structures to demolish and no trees or other habitats to be removed. Although a new use is introduced into this area, the proposal does include the above measures to protect and enhance the wildlife at the site. Existing trees and hedges will provide screening and enhance bird nesting opportunities around the site. Subject to the installation of the bat boxes proposed, the general approach, set out in the application, is considered to be acceptable and would accord with the general approach of Policy OE2 the Local Plan.

The application is supported by a Site Waste Management Plan which seeks to ensure waste streams are minimised and monitored and adequately managed as part of the installation phase. In relation to short term construction waste they state that this will be minimal as the shepherd's hut is pre-engineered and delivered to the site in kit form. There will be some pallets and timber off cuts that will be recycled and repurposed on the island. Any materials that may be detrimental to the island environment or waste process will be separately returned to the mainland for efficient disposal. During the construction phase there will be a small amount of shallow excavation for the wheel foundation bases. The soil/sand will be backfilled and any useful topsoil retained for use. In relation to the long-term management of domestic waste the SWMP states that glass and recyclable plastic food containers will be collected locally and sent for recycling by

the existing kerbside collection. For non-recyclable waste then this will similarly be collected by the islands waste collection service.

Overall the site would appear to be of an adequate size for the storage of domestic waste and recyclable materials, in terms of waste management. The applicant would be advised, via an informative, that in order to have domestic waste collected a property must be registered and pay Council Tax. Any commercial waste is collected by arrangement through the purchasing of commercial waste sacks. Subject to this it is considered that the details submitted are appropriate to comply with Policy SS2(2) and OE5 of the Local Plan.

In terms of water and energy use the submission states that the toilet facility for hut will be a composting toilet which uses zero water (spec included in the D&A Statement). So waste water from the compost toilet and from the shower will be disposed of manually to an existing septic tank, whereas solid compost toilet waste will be stored in a composting vessel where, once ready, will be used as compost. This proposal does not include any particular renewable energy generation measures, unlike the development of the adjoining site, which proposes a completely off-grid development, as part of its sustainability credentials. The energy saving measures put forward, do however, seek to reduce energy consumption only through the use of LED lights. They note that an electricity connection already in place will be utilized for the supply of energy for the shepherds hut.

Although a less strong case has been made in terms of the sustainability of this proposal, it is overall and on balance, a form of tourism accommodation that accords with Policy WC5. This together with the non-intrusive location, it is not considered that there would be an adverse impact on this SSSI and SAC designations or on the wider natural environment. It is considered that the proposal would be in accordance with Policy OE2 of the Local Plan.

**EIA:** Due to the scale, nature and location this development will not have significant effects on the environment and therefore is not considered to be EIA development.

**Proactive working:** In accordance with guidance within the National Planning Policy Framework the Council has worked in a positive and creative way and has concluded that the application is acceptable for planning approval.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004 and with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

**Planning Policy:** Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making, as of March 2021, the development plan for the Isles of Scilly comprises the Isles of Scilly Local Plan 2015-2030.

The relevant development plan policies that have been taken into consideration are set out below:

### Isles of Scilly Local Plan, 2015-2030

Policy	Tick if Used ✓
Policy SS1 Principles of Sustainable Development	
Policy SS2 Sustainable quality design and place-making	
Policy SS3 Re-use of Buildings	
Policy SS4 Protection of retailing, recreation and community facilities	
Policy SS5 Physical Infrastructure	
Policy SS6 Water and Wastewater Management	
Policy SS7 Flood Avoidance and Coastal Erosion	
Policy SS8 Renewable Energy Developments	
Policy SS9 Travel and Transport	
Policy SS10 Managing Movement	
Policy OE1 Protecting and Enhancing the landscape and seascape	✓
Policy OE2 Biodiversity and Geodiversity	✓
Policy OE3 Managing Pollution	
<i>Policy OE4 Protecting Scilly's Dark Night Skies</i>	✓
Policy OE5 Managing Waste	
Policy OE6 Minerals	
Policy OE7 Development affecting heritage	✓
Policy LC1 Isles of Scilly Housing Strategy to 2030	
Policy LC2 Qualifying for Affordable Housing	
Policy LC3 Balanced Housing Stock	
Policy LC4 Staff Accommodation	
Policy LC5 Removal of Occupancy Conditions	
Policy LC6 Housing Allocations	
Policy LC7 Windfall Housing:	
Policy LC8 Replacement Dwellings and Residential Extensions	
Policy LC9 Homes in Multiple Occupation	
Policy WC1 General Employment Policy	
Policy WC2 Home based businesses	
Policy WC3 New Employment Development	
Policy WC4 Alternative Uses for Business/Industrial land and buildings	
Policy WC5 Visitor Economy and Tourism Developments	✓

Info Requirements	Submitted (LVC)	Not Submitted	Condition Required
Site Waste Management Plan	y		
Sustainable Design Measures	y		
Biodiversity Enhancement Measures:	y		y

Other material considerations include the policies of the National Planning Policy Framework (NPPF) and guidance in Planning Practice Guidance (PPG).

**Considerations under Human Rights Act 1998 and Equalities Act 2010:** The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report. In discharging their functions, must have “due regard” to the need to:

- a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard in particular to the need to:

- a) removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of other persons who do not share it
- c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove OR minimise disadvantage and in considering the merits of this planning application the planning authority has had due regard to the matters set out in section 149 of the Equality Act 2010.

### **Recommended 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:**

- **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).

### **Informatives:**

1. **Statement of Positive Engagement:** 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 of the National Planning Policy Framework 2021.
2. **Fire Safety:** Access and Facilities for the Fire Service as detailed in B5 AD B Volume 2 will be required. You will be required to provide reasonable facilities for the Fire Service. In most circumstances this will mean providing vehicular access for fire appliances. It is important to remember that failure to do so may prevent the applicant from obtaining a completion certificate under the Building Regulations but more importantly, the lives of the occupiers will be put at risk.
3. **Non-Material Amendments:** In accordance with the provisions of Section 96A of the Town and Country Planning Act which came into force on 1st October 2009, any amendments to the approved plans will require either a formal application for a non-material amendment (for which a fee of £234 would be required) or the submission of a full planning application for a revised scheme. If the proposal relates to a Listed Building you will not be able to apply for a non-material amendment and a new application for a revised scheme will be required. Please discuss any proposed amendments with the Planning Officer.
4. **Discharge of Conditions:** In accordance with the Town and Country Planning (fees for Application and Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2017 a fee is payable to discharge any condition(s) on this planning permission. The fee is £116 for each request to discharge condition(s) and is payable for each individual request made to the Local Planning Authority.
5. **Registering for appropriate Business Rates/Council Tax:** To ensure appropriate contributions are made to fund services provided by or on behalf of the Council on the Isles of Scilly please ensure you contact the Council's Revenues Department:  
[revenues@scilly.gov.uk](mailto:revenues@scilly.gov.uk).

	<b>Print Name:</b>	Lisa Walton	14/02/2022
	<b>Job Title:</b>	Chief Planning Officer	
	<b>Signed:</b>		
		Authorised Officer with Delegated Authority to determine Planning Applications	