

The Planning Inspectorate

QUESTIONNAIRE (s78) and (s20) PLANNING AND LISTED BUILDING CONSENT (Online Version)

You must ensure that a copy of the completed questionnaire, together with any attachments, are sent to the appellant/agent by the date given in the start letter. **You must include details of the statutory development plan, even if you intend to rely more heavily on some other emerging plan.**

If notification or consultation under an Act, Order or Departmental Circular would have been necessary before granting permission and has not yet taken place, please inform the appropriate bodies of the appeal now and ask for any comments to be sent direct to us by the date your statement is due.

Appeal Reference

APP/Z0835/W/22/3301914

Appeal By

MRS CARMEN STEVENS

Site Address

2 Matthews Field, Church Road
Hugh Town
St Mary's
TR21 0NA

PART 1

1.a. Do you consider the written representation procedure to be suitable? Yes ☒ No ☐

*Note: If the written procedure is agreed, the Inspector will visit the site **unaccompanied** by either party unless the relevant part of the site cannot be seen from a road or other public land, or it is essential for the Inspector to enter the site to check measurements or other relevant facts.*

2.a. If the written procedure is agreed, can the relevant part of the appeal site be seen from a road, public footpath, bridleway or other public land? Yes ☐ No ☒

2.b. Is it essential for the Inspector to enter the site to assess the impact of the proposal? Yes ☒ No ☐

Please explain

The planning application is for a change of use of the property and is therefore the majority of the work would be internal.

2.c. Are there any known health and safety issues that would affect the conduct of the site inspection? Yes ☐ No ☒

3.a. Are there any other appeals or matters relating to the same site still being considered by us or the Secretary of State? Yes ☐ No ☒

3.b. Are there any other appeals or matters adjacent or close to the site still being considered by us or the Secretary of State? Yes ☐ No ☒

PART 2

4. Does the appeal relate to an application for approval of reserved matters? Yes ☐ No ☒

5. Was a site ownership certificate submitted with the application? Yes ☒ No ☐

6. Did you give publicity to the application in accordance with either Article 15 of the DMPO 2015, Section 67/73 of the Planning (Listed Buildings and Yes ☒ No ☐

Conservation Areas) Act 1990 or Regulation 5 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990?

7. Does the appeal relate to a county matter? Yes ☐ No ☒

8. Please indicate the development type for the application to which the appeal relates.

Major Developments ☐

Minor Developments ☐

Other Developments ☒

8.c. Other Developments

Mineral working ☐

Change of use ☒

Householder developments ☐

Is the appeal site within:

9.a. A Green Belt? Yes ☐ No ☒

9.b. An Area of Outstanding Natural Beauty? Yes ☒ No ☐

10. Is there a known surface or underground mineral interest at or within 400 metres of the appeal site which is likely to be a material consideration in determining the appeal? Yes ☐ No ☒

PART 3

11. Would the development require the stopping up or diverting of a public right of way? Yes ☐ No ☒

12.a. Is the site in a Conservation Area? Yes ☒ No ☐

Please attach a plan of the Conservation Area

☒ see 'Questionnaire Documents' section

12.b. Is the site adjacent to a Conservation Area? Yes ☐ No ☒

12.c. Does the appeal proposal include the demolition of a non-listed building within a conservation area? Yes ☐ No ☒

13.a. Does the proposed development involve the demolition, alteration or extension of a Grade I / II* / II listed building? Yes ☐ No ☒

13.b. Would the proposed development affect the setting of a listed building? Yes ☐ No ☒

14. Has a grant been made under s3A or s4 of the Historic Buildings and Ancient Monuments Act 1953? Yes ☐ No ☒

15.a. Would the proposals affect an Ancient Monument (whether scheduled or not)? Yes ☐ No ☒

16. Is any part of the site subject to a Tree Preservation Order? Yes ☐ No ☒

17. Have you made a Local Development Order under s61A to 61C of the Town and Country Planning Act 1990 (as inserted by s40 of the Planning & Compulsory Purchase Act 2004) relating to the application site? Yes ☐ No ☒

18. Does the appeal involve persons claiming Gypsy/Traveller status, whether or not this is accepted by the planning authority? Yes ☐ No ☒

19.a. Is the appeal site in or adjacent to or likely to affect an SSSI or an ☒

internationally designated site (ie. cSAC, SAC, pSPA, SPA Ramsar)?

19.b. Are any protected species likely to be affected by the proposals?

Yes

☐ No



PART 4

Environmental Impact Assessment - Schedule 1

20.a.i. Is the proposed development Schedule 1 development as described in Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011?

Yes

☐ No



Environmental Impact Assessment - Schedule 2

20.b.i. Is the proposed development Schedule 2 development as described in Column 1, Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011?

Yes

☐ No



20.c.i. Have you issued a screening opinion (SO)

Yes

☒ No



Please attach a copy of the SO that was placed on the planning register, and any other related correspondence

☒ [see 'Questionnaire Documents' section](#)

20.c.ii. Did the SO state that the proposed development is EIA development as defined by the EIA Regulations?

Yes

☐ No



Environmental Impact Assessment - Environmental Statement (ES)

20.d. Has the appellant supplied an environmental statement?

Yes

☐ No



Environmental Impact Assessment - Publicity

20.e. If applicable, please attach a copy of the site notice and local advertisement published as required for EIA development.

Applies

☐ N/A



21. Have all notifications or consultations under any Act, Order or Departmental Circular, necessary before granting permission, taken place?

Yes

☒ No



Please attach copies of any comments that you have received in response.

☒ [see 'Questionnaire Documents' section](#)

PART 5

22. Do you wish to attach your statement of case?

Yes

☐ No



For appeals dealt with by written representations only

23. If this appeal is not following the written representations expedited procedure, do you intend to send a statement of case about this appeal?

Yes

☒ No



Copies of the following documents must, if appropriate, be attached to this questionnaire

24.a. a copy of the letter with which you notified people about the appeal;

☒ [see 'Questionnaire Documents' section](#)



24.b. a list of the people you notified and the deadline you gave for their comments to be sent to us;	☒
☒ see 'Questionnaire Documents' section	
Deadline	22/02/2023
24.c. all representations received from interested parties about the original application;	☐
24.d. the planning officer's report to committee or delegated report on the application and any other relevant documents/minutes;	☒
☒ see 'Questionnaire Documents' section	
☒ see 'Questionnaire Documents' section	
24.e. any representations received as a result of a service of a site ownership notification;	☐
24.f. extracts from any relevant statutory development plan policies (even if you intend to rely more heavily on the emerging plan);	☒
<i>You must include the front page, the title and date of the approval/adoption, please give the status of the plan. Copies of the policies should include the relevant supporting text. You must provide this even if the appeal is against non-determination.</i>	
☒ see 'Questionnaire Documents' section	
☒ see 'Questionnaire Documents' section	
List of policies	Isles of Scilly Local Plan 2015-2030 Policies WC5, SS1, SS2, OE1, OE4& OE7
24.g. extracts of any relevant policies which have been 'saved' by way of a Direction;	☐
24.h. extracts from any supplementary planning guidance, that you consider necessary, together with its status, whether it was the subject of public consultation and consequent modification, whether it was formally adopted and if so, when;	☐
24.i. extracts from any supplementary planning document that you consider necessary, together with the date of its adoption;	☐
<i>In the case of emerging documents, please state what stage they have reached.</i>	
24.j. a comprehensive list of conditions which you consider should be imposed if planning permission is granted;	☐
<i>Only tick that this applies if you intend to submit a list of conditions with the questionnaire. If you do not submit the list with the questionnaire, then this should be submitted by the date your statement is due. This list must be submitted separately from your appeal statement.</i>	
24.k. if any Development Plan Document (DPD) or Neighbourhood Plan relevant to this appeal has been examined and found sound/met the basic conditions and passed a referendum, the date the DPD or Neighbourhood Plan is likely to be adopted and, if you consider this date will be before the Inspector's decision on this appeal is issued, an explanation of the Council's policy position in respect of this appeal upon its adoption. You should also include an explanation of the status of existing policies and plans, as they relate to this appeal, upon adoption and which (if any) will be superseded;	☐
24.l. if any DPD or Neighbourhood Plan relevant to this appeal has been submitted for examination, or in the case of a Neighbourhood Plan has been examined and is awaiting a referendum, an explanation of any substantive changes in the progress of the emerging plan, and their relevance to this appeal if it is considered that the plan will not be adopted before the Inspector's decision on this appeal is issued;	☐
24.m. your Authority's CIL charging schedule is being/has been examined;	☐
24.n. your Authority's CIL charging schedule has been/is likely to be adopted;	☐
24.o. any other relevant information or correspondence you consider we should know about.	☐
For the Mayor of London cases only	

25.a. Was it necessary to notify the Mayor of London about the application?	Yes	☐ No	☐
25.b. Did the Mayor of London issue a direction to refuse planning permission?	Yes	☐ No	☐

LPA Details

I certify that a copy of this appeal questionnaire and any enclosures will be sent to the appellant or agent today. ☒

LPA's reference

Completed by

On behalf of

Please provide the details of the officer we can contact for this appeal, if different from the Planning Inspectorate's usual contact for this type of appeal.

Name

Phone no (including dialling code)

Email

Please advise the case officer of any changes in circumstances occurring after the return of the questionnaire.

QUESTIONNAIRE DOCUMENTS

Appeal Reference APP/Z0835/W/22/3301914

Appeal By MRS CARMEN STEVENS

Site Address 2 Matthews Field, Church Road
Hugh Town
St Mary's
TR21 0NA

The documents listed below were uploaded with this form:

Relates to Section: PART 3
Document Description: 12.a. A plan of the Conservation Area.
File name: Q12a Conservation Area.pdf

Relates to Section: PART 4
Document Description: 20.c.i. A copy of the screening opinion (SO) that was placed on the planning register, along with any other related correspondence.
File name: Q20ci EIA Screening.pdf

Relates to Section: PART 4
Document Description: 21. Copies of any comments that you have received in response.
File name: Q21 Consultation Response.pdf

Relates to Section: PART 5
Document Description: 24.a. A copy of the letter with which you notified people about the appeal.
File name: Q24a Notification Letter.pdf

Relates to Section: PART 5
Document Description: 24.b. A document containing a list of the people you notified of the appeal.
File name: Q24b List of people who were notified.pdf

Relates to Section: PART 5
Document Description: 24.d. The planning officer's report to committee or delegated report on the application and any other relevant documents/minutes.
File name: Q24d Committee Report.pdf

Relates to Section: PART 5
Document Description: 24.d. the planning officer's report to committee or delegated report on the application and any other relevant documents/minutes;
File name: Q24d Committee Minutes.pdf

Relates to Section: PART 5
Document Description: 24.f. Copies of extracts from any relevant statutory development plan policies.
File name: Q24f IOS LP 2015-2030 Front Cover.pdf

Relates to Section: PART 5
Document Description: 24.f. Copies of extracts from any relevant statutory development plan policies.
File name: Q24f IOSLP 2015-2030 WC5.pdf
File name: Q24f IOSLP 2015-2030 OE4.pdf
File name: Q24f IOSLP 2015-2030 OE1.pdf

File name:	Q24f IOSLP 2015-2030 SS1-2.pdf
File name:	Q24f IOSLP 2015-2030 OE7.pdf
Completed by	Not Set
Date	25/01/2023 14:49:39
LPA	The Isles of Scilly Council

St Mary's, Isles of Scilly
Entirely within a Conservation Area (shaded blue)



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Date: 27/01/2022

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



Council of the
ISLES OF SCILLY



COUNCIL OF THE ISLES OF SCILLY

Planning & Development Department

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

☎ 0300 1234 105

✉ planning@scilly.gov.uk

Application Number: P/22/009/COU	Town and Country Planning (Environmental Impact Assessment) Regulations 2017
Screened by: Lisa Walton Chief Planning Officer On: 25th January 2022	

This is a schedule 2 development by virtue of 3 (i) of Schedule 2 of the EIA Regs

1. The characteristics of development must be considered having regard in particular to:

a) the size of the development;	n/a
b) the accumulation with other development;	n/a
c) the use of natural resources;	n/a
d) the production of waste;	Minor construction waste as a result of porch extension. Additional NDR/commercial waste
e) pollution and nuisances;	n/a
f) the risk of accidents, having regard in particular to substances or technologies used.	n/a

2. The environmental sensitivity of geographical areas likely to be affected by development must be considered having regard, in particular, to:

a) the existing land use;	The existing land use is residential
b) the relative abundance, quality and regenerative capacity of natural resources in the area;	Outside the site there is a high abundance of high quality natural resources, both coastal at countryside of both designated international importance and local nature reserves.
c) the absorption capacity of the natural environment, paying particular attention to the following areas: I. Wetlands; II. Coastal zones;	The absorption capacity of the natural environment is considered to be high.

III. Mountain and forest areas; IV. Nature reserves and parks; V. Areas classified or protected under Member states' legislation; areas designated by Member States pursuant to Council Directive 79/409/EEC on the conservation of Wild Birds (a) and Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (b); VI. Area in which the environmental quality standards laid down in Community legislation have already been exceeded; VII. Densely populated areas; VIII. Landscapes of historical, cultural or archaeological significance;	
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3. The potential significant effects of development must be considered in relation to criteria set out under paragraphs 1 and 2 above, and having regard in particular to:

a) The extent of the impact (geographical areas and size of the affected population);	The impact will be limited to within the building.
b) The trans-frontier nature of the impact;	There will not be any trans-frontier impacts
c) The magnitude and complexity of the impact;	Low
d) The probability of the impact;	Low
e) The duration, frequency and reversibility of the impact.	n/a

- Q1 Is it a major development which is of more than local importance?
- Q2 Does it affect a particularly environmentally sensitive or vulnerable location?
- Q3 Does it have unusually complex and potentially hazardous environmental effects?

Conclusion

Environmental Impact Assessment

Not Required

Council of the Isles of Scilly Planning Application

Ref: P/22/009/COU

Consultation Response

Date: 24th January 2022

Ref: P/22/009/COU

Site: 2 Matthews Field, Church Road, Hugh Town, St Mary's, Isles Of Scilly, TR21 0NA

Proposal: Change of use of one single (use class C3) dwelling to 3 units, including one ground floor flat (owners' accommodation) and two (ancillary) self-contained flats for short let holiday accommodation, including new entrance porch to rear.

You are being consulted on this application as you may wish to make comments before a decision is made. Should you wish to make any comments on this application, please complete the response form below and return to planning@scilly.gov.uk by 14th February 2022 or by post to the Planning Department, Town Hall, The Parade, Hugh Town, St Mary's, Isles of Scilly TR21 0LW.

Link to application: <https://www.scilly.gov.uk/planning-application/planning-application-p22009cou>

I look forward to receiving your comments in due course. If I have not heard back from you by the 14th February 2022 then I will assume you have no comments to make.

Consultee Name: Cornwall Fire & Rescue Service

Comments here

Access for fire appliances within the site will be considered satisfactory providing it complies with Part B5 of Approved Document B, Vehicle Access.

Adequate water supplies for firefighting purposes will be achieved by complying with the requirements detailed in the attached guidance note W102.

The fire authority would remind the applicant a Building Regulations consultation with the local authority or an Approved Inspector and the Fire Authority will be required for this development should planning permission be granted.

Council of the Isles of Scilly Planning Application

Ref: P/22/009/COU

Name: Graham Hughes Business Fire Safety Officer Cornwall Fire & Rescue Service

Date: 03 February 2022



W102

Cornwall Fire & Rescue Service

Water Supplies for Firefighting & Access for Fire Appliances

1.0 ACCESS FOR FIRE APPLIANCES

Pedestrian Priority

Pedestrian schemes must take into account the need for permanent and unobstructed access for firefighting appliances. The siting of ornamental structures such as flower beds, must take account, not only of the access requirements of fire appliances, but the need to be able to site them in strategic positions; in particular, account must be taken of the working space requirements of aerial appliances. Consultation must take place with the Fire Authority during the earliest planning stages of any development to ensure adequate access for fire appliances, their siting and use.

Access and Facilities for the Fire Service

If the application involves the construction of a building 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.

Appliance type	Pump	High Reach
Minimum width of road between kerbs(m)	3.7	3.7
Minimum width of gateways(m)	3.1	3.1
Minimum turning circle between kerbs (m)	16.8	26.0
Minimum turning circle between walls (m)	19.2	29.0
Minimum	3.7	4.0

clearance
height(m)

Minimum carrying capacity (tonnes)	12.5	17.0
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Design of access routes and hard standings

A vehicle access route may be a road or other route which, including any manhole covers and the like, meets the standards in Tables 1 and 2 (page 3).

Where access is provided to an elevation for high reach appliances in accordance with Table 1, overhead obstructions such as cables and branches that would interfere with the use of ladders etc. should be avoided.

Domestic Dwelling Houses

There should be vehicle access for a pumping appliance to within 45m of all points within the dwelling house. Every elevation to which vehicle access is provided should have a suitable door, not less than 750mm wide, giving access to the interior of the building.

Flats or Maisonettes

There should be vehicle access for a pumping appliance to blocks of flats or maisonettes to within 45m of all points within each dwelling.

Other Buildings

The access requirements for other buildings will depend upon the total floor area and the height. Further detailed guidance can be found in Table 19 of the Building Regulations Approved Document B Volume 2 (2006 edition (amended 2007)) B5.

2. HYDRANT INSTALLATIONS

Underground fire hydrants, surface box frames, covers, and indicator plates must comply with the specifications set out in British Standards BS750: 2012 and BS3251: 1976 (*see Fig 2 overleaf*) respectively and be installed in accordance with BS5306: Part 1: 2006 (*see Fig 1 overleaf*).

Additional requirements are:

- 2.1 *Hydrants should be sited in pavements wherever possible.*
- 2.2 *The screwed outlet of the hydrant shall be made of METAL in accordance with the laid down British Standards.*

- 2.3 *Indicator plates shall be fixed in accordance with Appendix 'A' of BS3251: 1976 to a purpose made concrete post which should be conspicuously sited facing and as close to the hydrant as practicable. These indicator posts shall have an all over durable finish conforming to colour reference no.309 (canary yellow) in BS381C. In exceptional circumstances where it is not possible to site an indicator post, then the indicator plate should be fixed in accordance with Appendix 'A' of BS3251: 1976 to a nearby wall at a height of not more than 1.2 metres or less than 0.6 metres from ground level.*

3. MAIN SIZES: FLOWS: SPACING

Housing

Minimum main size 100mm and spacing of hydrants not more than 180/210 metres apart.

Minimum of 8 l/sec (480 l/min) for detached or semidetached of not more than two floors up. Up to 35 l/sec (2100 l/min) for units of more than two floors, from any single hydrant on the development.

Transportation

Minimum of 25 l/sec (1500 l/min) for lorry/coach parks, multi-storey car parks and service stations from any hydrant on the development or within a vehicular distance of 90 metres from the complex.

Industry (industrial estates)

It is recommended that the water supply infrastructure should provide as follows with the mains network on site normally being at least 150mm nominal diameter and spacing not more than 60/90 metres apart:

Up to one hectare minimum of 20 l/sec (1200 l/min)

One to two hectares minimum of 35 l/sec (2100 l/min)

Two to three hectares minimum of 50 l/sec (3000 l/min)

Over three hectares minimum of 75 l/sec (4500 l/min)

Note: High risk areas may require greater flow rates and spacing not more than 60 metres apart.

Shopping, offices, recreation and tourism

Minimum of 20 l/sec (1200 l/min) to 75 l/sec (4500 l/min) depending on the nature and extent of the development.

Education, health and community facilities

a. Village halls

Minimum of 15 l/sec (900 l/min) through any single hydrant on the development or within a vehicular distance of 100 metres from the complex.

b. Primary schools and single storey health centres

Minimum of 20 l/sec (1200l/min) through any single hydrant on the development or within a vehicular distance of 70 metres of the complex.

c. Secondary schools, colleges, large health centres and community facilities

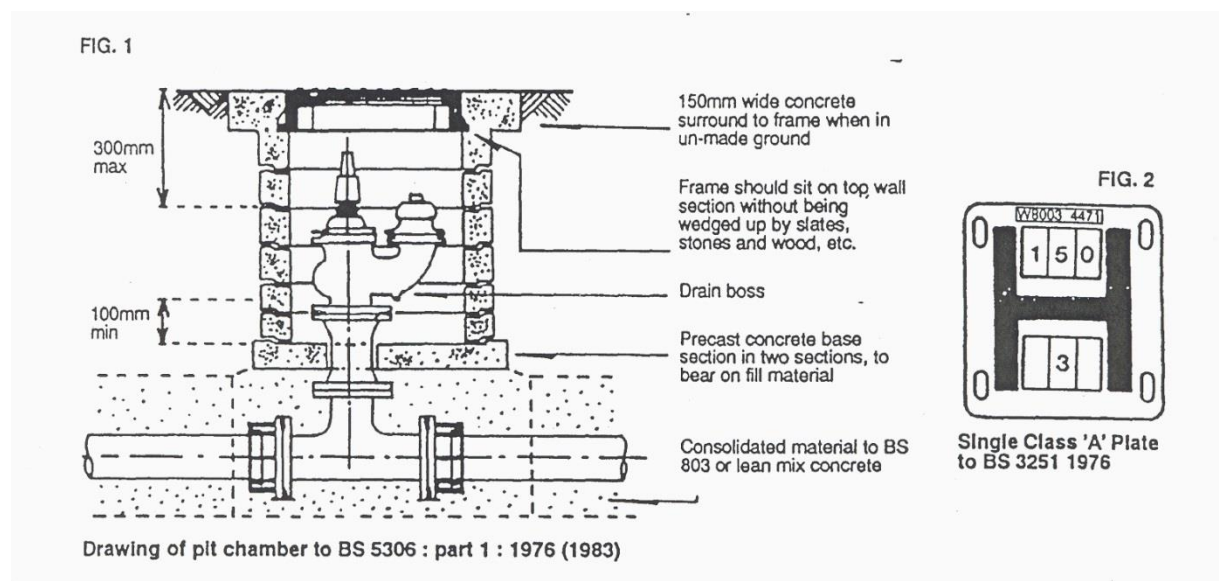
Minimum of 35 l/sec (2100 l/min) through any single hydrant on the development or within a vehicular distance of 70 metres from the complex.

Caravan sites - caravans/chalets

A fire hydrant should be located at the entrance to the site and if necessary, at 300 metre intervals. The hydrant should provide a minimum of 8 l/sec (480 l/min). If no piped water supply is available or where there is insufficient pressure or flow in the water main an alternative source must be provided.

4.0 CONSULTATION

These observations are offered for guidance. It is important that the Chief Fire Officer should be consulted at the design stage in respect of each scheme, especially with regard to the position of any private hydrants within the site area. The Water Company must also be consulted.



Developers should hold joint discussions with South West Water or the Environment Agency and the Fire Authority to ensure that adequate water supplies are available in case of fire.

The Fire Authority reserve the right to ask for static water supplies for firefighting on site as a condition of planning consent, if the supply infrastructure is inadequate for any given risk.



COUNCIL OF THE ISLES OF SCILLY

Planning Department
Town Hall, The Parade, St Mary's, Isles of Scilly, TR21 0LW
☎01720 424455
✉planning@scilly.gov.uk

Q)24)a) – Copy of letter notifying interested parties of the appeal.

25th January 2023

TOWN AND COUNTRY PLANNING ACT 1990 APPEAL UNDER SECTION 78

Site Address:	Appletree, 2 Matthews Field, Church road, Hugh Town, St Mary's, Isles of Scilly, TR21 0NA
Description of development:	Change of use of one single (use class C3) dwelling to 3 units, including one ground floor flat (owners accommodation) and two (ancillary) self-contained flats for short let holiday accommodation, including new entrance porch to rear.
Application reference:	P/22/009/COU
Appellant's name:	Mrs Carmen Stevens
Appeal reference:	APP/Z0835/W/22/3301914
Appeal start date:	18th January 2023

I refer to the above details. An appeal has been made to the Secretary of State against the decision of The Council of the Isles of Scilly to refuse to grant planning permission.

The appeal will be determined on the basis of **written representations**. The procedure to be followed is set out in Part 2 of The Town and Country Planning (Appeals) (Written Representations Procedure) (England) Regulations 2009, as amended.

We have forwarded all the representations made to us on the application to the Planning Inspectorate and the appellant. These will be considered by the Inspector when determining the appeal.

If you wish to make comments, or modify/withdraw your previous representation, you can do so by emailing west2@planninginspectorate.gov.uk. If you do not have access to the internet, you can send your comments to:

Sarah Hardy
The Planning Inspectorate
3C Eagle Wing

Temple Quay House
2 The Square
Bristol
BS1 6PN.

All representations must be received by 22nd February 2023. Any representations submitted after the deadline will not usually be considered and will be returned. The Planning Inspectorate will not acknowledge representations. **All representations must quote the appeal reference.**

Please note that any representations you submit to the Planning Inspectorate will be copied to the appellant and this local planning authority and will be considered by the Inspector when determining the appeal.

The appeal documents are available for inspection online here:

<https://www.scilly.gov.uk/planning-application/planning-application-p22009cou>

You can get a copy of one of the Planning Inspectorate's "Guide to taking part in planning appeals" booklets free of charge from GOV.UK at

<https://www.gov.uk/government/collections/taking-part-in-a-planning-listed-building-or-enforcement-appeal> or from us.

When made, the decision will be published online at

<https://acp.planninginspectorate.gov.uk>.

Yours sincerely,

Lisa Walton MRTPI
Chief Planning Officer

Planning: 01720 424455 | Reception: 0300 1234 105 | planning@scilly.gov.uk |



COUNCIL OF THE ISLES OF SCILLY

Planning Department
Town Hall, The Parade, St Mary's, Isles of Scilly, TR21 0LW
☎01720 424455
✉planning@scilly.gov.uk

Q)24)b) – List of parties sent to:

- Owners/Occupiers, Westward Ledge, Church Road, St Mary's, Isles of Scilly, TR21 0NA
- Owners/Occupiers, The Barn, Church Road, St Mary's, Isles of Scilly, TR21 0NA
- Owners/Occupiers, The Barn Annex, Church Road, St Mary's, Isles of Scilly, TR21 0NA
- Owners/Occupiers, Cadwallan, Church Road, St Mary's, Isles of Scilly, TR21 0NA
- Owners/Occupiers, Lowenva, Church Road, St Mary's, Isles of Scilly, TR21 0NA
- Owners/Occupiers, Nancherrow, 5 Pilots Retreat, Hugh Town, St Mary's, Isles of Scilly, TR21 0PB
- Fire Officer - firesupport@fire.cornwall.gov.uk

Council of the Isles of Scilly – Full Council Committee Meeting

9:30 Tuesday 15th March 2022

<http://committees.scilly.gov.uk/ieListDocuments.aspx?CId=127&MId=1216>

Item C52/22

PLANNING APPLICATION: P/22/009/COU Appletree, 2 Matthews Field, St Mary's

Minutes:

The Chief Planning Officer presented the report entitled 'P/22/009/COU Appletree, 2 Matthews Field, St Marys'.

Councillor D Marcus highlighted the importance of para 31 of the report in considering the application.

Councillors Mrs A Bedford said that she had been to many meetings where the value of self-catering tourism to the islands economy was made clear, though noted that the lack of places to eat on the islands was problematic to sustaining self-catering tourism, and felt that the application presented an opportunity to alleviate that.

The Vice-Chairman noted that planning considerations always required a fine balance and that policies were always under review, and felt that on this occasion the Chief Planning Officer's recommendation had found the correct balance, especially with regard to para 31.

Councillor E Rodger also agreed it was important to highlight para 31 in considering the application and agreed there was an issue of sustainability of eating establishments though felt the application would not serve to truly solve that problem in his opinion.

Resolved:

That the planning application be refused for the reasons set out at Appendix A (of the Officer's Report).

Council of the Isles of Scilly report

P/22/009/COU Appletree, 2

Matthews Field, St Mary's: Change of use of one single (use class C3) dwelling to 3 units, including one ground floor flat (owners accommodation) and two (ancillary) self-contained flats for short let holiday accommodation, including new entrance porch to rear.

Date	15 March 2022
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Meeting	Full Council
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Part	1
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Authors	Lisa Walton, Chief Planning Officer
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Recommendations

-
- | | |
|-----------|--|
| 1. | That members REFUSE this planning application for the reasons set out at Appendix A. |
|-----------|--|
-

Site Description and Proposed Development

1. The application site is a semi-detached dwelling that comprises two floors of accommodation with three bedrooms, set within a private domestic garden, fronting on to Church Road in Hugh Town.
2. The proposal seeks to change the use of the two first floor bedrooms to enable self-contained short-let holiday accommodation through the installation of two kitchenettes within each room. The proposal also includes the construction of a rear porch to enable the ground floor accommodation to have a separate access arrangement to the front porch. As a result of the change of use the ground floor will be retained as a self-contained 1 bedroom unit of accommodation with a rear porch access and the first floor will comprise of two independently accessible self-contained 1 bedroom units, for short let holiday use.
3. The proposal is brought to full council on the basis of development that tests Policy WC5(5) of the Local Plan and to enable Members to consider the issues associated with the use of existing housing on the islands. All of the plans and details submitted with this application together with consultation responses can be found online at **link (1)** below.

Background and Relevant History

4. Whilst there is extensive planning history for this property, the relevant permissions have been set out below. Both applications were assessed under the 2005 Local Plan with consideration of the now adopted policies of the 2015-2030 Local Plan, which were under consideration and public consultation during 2018.

Ref	Proposal	Decision	Date
P/18/026/FUL	Extension of first floor over existing ground floor flat roof.	REFUSED	06/06/2018
P/18/052/FUL	Extension of first floor area over existing ground floor flat roof by means of altering the pitch of the east elevation of the roof and adding dormer. West elevation of roof to remain same pitch with the addition of 2 no. rooflights. (Amended Plans)	APPROVED	06/11/2018

Consultations and Representations

5. A site notice has been on display in the vicinity of the application site for a period of 21 days (24/01/2022 – 14/02/2022). The application appeared on the Weekly List of the 24th January 2022. Neighbouring properties sharing a

boundary with the site, or within 4 metres of the red line site boundary have been written to directly. No representations have been received.

Neighbour	Date Consulted	Response Date	Comments
Cadwallan, Church Road	21/01/2022	-	-
The Annex, Barn House, Church Road	21/01/2022	-	-
Barn House, Church Road	21/01/2022	-	-
Nancherrow, 5 Pilots Retreat	21/01/2022	-	-
Westward Ledge, Church Road	21/01/2022	-	-
Lowenva, Church Road	21/01/2022	-	-

6. Consultations have been sent out to two external consultees, these, including any responses submitted, have been set out below.

Consultee	Date Consulted	Response Date	Comments
Cornwall Fire and Rescue	24/01/2022	03/02/2022	Access for fire appliances within the site will be considered satisfactory providing it complies with Part B5 of Approved Document B, Vehicle Access. Adequate water supplies for firefighting purposes will be achieved by complying with the requirements detailed in the attached guidance note W102. The fire authority would remind the applicant a Building Regulations consultation with the local authority or an Approved Inspector and the Fire Authority will be required for this development should planning permission be granted.
South West Water	24/01/2022	-	-

Primary Legislation and Planning Policy

Primary Legislation

The Town and Country Planning Act 1990

7. Section 70(2) of the Planning Act requires the Local Planning Authority to have regard to the development plan, so far as material to the application, and any other material considerations when determination planning applications.

The Planning (Listed Buildings and Conservation Area) Act 1990

8. The site is within a Conservation Area where there is a requirement to ensure that any development preserves or enhances the character or appearance of the area, as embodied in Section 72 of the Planning (Listed Buildings and Conservation Area) Act 1990.

The Countryside and Rights of Way Act 2000

9. The Isles of Scilly is also a designated Area of Outstanding Natural Beauty (AONB). The legal framework for such areas is provided by the Countryside and

Rights of Way Act 2000. The Act places a statutory duty on the Local Authority to have regard to the purpose of conserving and enhancing the natural beauty of the AONB when exercising or performing any functions affecting land within it.

**The Conservation of Habitats and Species Regulations 2010
(Consolidation of Conservation (Natural Habitats, &c.) Regulations 1994)**

10. It is a legal duty of a Local Planning Authority, when determining a planning application for a development, to assess the impact on European Protected Species ("EPS"), such as bats, great crested newts, dormice or otters. A LPA failing to do so would be in breach of Regulation 3(4) of the 1994 Regulations, which requires all public bodies to have regard to the requirements of the Habitats Directive in the exercise of their functions.

Planning Policy

National Planning Policy Framework (NPPF) 2021

11. At the heart of the NPPF is a presumption in favour of sustainable development. The NPPF does not change the statutory status of the development plan as the starting point for decision-making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. It is highly desirable that local planning authorities should have an up-to-date plan in place. With respect to general development and the Strategic Policies it is considered that the Local Plan remains up to date and conforms to the requirements of the NPPF.
12. Chapter 15 of the NPPF relates to the conservation and enhancement of the natural environment. Paragraph 176 advises that great weight should be given to conserving the landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection. The conservation of wildlife and cultural heritage are important considerations.
13. **Isles of Scilly Local Plan 2015-2030:** The key policy within the Isles of Scilly Local Plan (2015-2030), herein after referred to as the 'Local Plan', would be Policy WC5 , and the relevant sections are set out below. Other policies that are also relevant include SS1, SS2, OE1, OE4 and OE7. A **link (2)** below provides access to the Local Plan.
14. Policy WC5 (Visitor Economy and Tourism Developments) states at Part (1) proposals for new or upgraded tourism development will be permitted where they a) make a positive contribution to creating a sustainable, diverse and modern tourism economy; and b) are located in sustainable and accessible

locations; and c) are appropriate to the site and its surroundings in terms of activity, scale and design; and d) do not result in an unacceptable impact on the environment or residential amenities, in accordance with other relevant policies in the Local Plan; and e) in the case of conversions, do not result in the loss of homes that would otherwise be available for permanent occupation, unless there are wider public benefits demonstrated to offset the loss of permanently available homes.

15. It is drawn to Members' attention that Policy WC5 comprises five parts. Part (5) of Policy WC5 specifically states that proposals for a change of use of a dwelling where an informal bed and breakfast has been operating (and has not been subject to formal planning approval) or for any additional holiday letting accommodation within the curtilage, will not be permitted under Part (1) above, unless a certificate of lawful use has been obtained to demonstrate that the use of the property, as a C1 guesthouse, is lawful.

Planning Assessment

16. In light of the above policy the main planning issue for consideration relates to whether the change of use of an existing single dwelling, where informal Bed and Breakfast has been operating, to create two self-contained units for short let holiday use, is acceptable in terms of the specific policy requirements. As noted in paragraph 10 above, the NPPF requires development that accords with a Local Plan to be approved and development that conflicts, to be refused unless material considerations indicate otherwise.

Principle of Development

17. Number 2 Matthews Field, known as 'Appletree', was extended in 2018 following an initial refusal for a first floor extension. P/18/026 was refused in June 2018 for the following 2 reasons:
 - i. *The proposed first floor extension by reason of its scale and design is considered to be a disproportionate and poorly designed addition to the existing dwelling in a prominent location that is not in keeping with the wider character of the area. The introduction of a large first floor extension with shallow-pitched roof is contrary to the Isles of Scilly Design Guide SPD 2007 and Policy 2 of the Isles of Scilly Local Plan 2005. The proposal is also considered to be contrary to Section 72 of the Planning (Listed Buildings and Conservation Area) Act 1990 and paragraphs 9 and 17 of the National Planning Policy Framework 2012 which requires good design to replace poor design requiring high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Paragraph 56 requires planning authorities to attach great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.*

- ii. *The proposal gives rise to overlooking of the adjacent property at Lowenva to an unacceptable degree due to the proximity of a rear facing bedroom window. This is considered to be unacceptable and contrary to the Isles of Scilly Design Guide SPD 2007.*

18. A resubmission application was made in order to address the above reasons for refusal. The resubmitted application P/18/052 was approved at Full Council in September 2018. A link to this report can be found in **link (3)** below. Documents submitted with the 2018 approval suggest that previously the property was a 4 bedroom house with two rooms let out on a Bed and Breakfast arrangement. As a result of the 2018 permission the property was reconfigured into a three bedroom home to create a utility/work room out of the 4th bedroom. The house remains a two storey three bedroom property.
19. Informal Bed and Breakfast use has historically been permitted in Scilly, without the need for planning permission. This has been as a means to supplement islanders' income and where existing rooms become surplus to requirements. Specifically this has allowed 1 B&B bedroom to be used where the property has 3 bedrooms or for a 4 bedroom sized homes or larger, then 2 B&B bedrooms can be used without the need for planning permission. This was set out at paragraph 31 of the 2005 Local Plan which stated:

31. Many households supplement incomes by providing bed and breakfast. This can become a commercial venture where the primary function of a house is no longer as a home. The Council considers that the letting of more than two rooms (more than one room in a property with three or less bedrooms) is a change of use (from Class C3 to C1) and requires planning permission.
20. Officers do not consider it was ever intended that homes should be permitted to be enlarged purely on the grounds of achieving a spare room. The existing home is a three bedroom property where two of the bedrooms are being used as Bed and Breakfast, with en-suite bathrooms enabled by the dormer extensions approved in 2018. The property is not a lawfully operating guesthouse or commercial property, from a planning perspective. It is a single dwelling with three bedrooms.
21. The current Local Plan does not seek to remove the informal B&B approach but on the basis of a correlation between higher value property and those offering holiday let, the current Local Plan seeks to stem the gradual loss of relatively affordable open market housing, by specifically restricting the change of homes where there is informal B&B use taking place, into formal guesthouse/self-catering holiday lets.

22. Essentially the approach of allowing informal a B&B use without planning permission has led to a number of homes evolving into guesthouses which subsequently get converted to self-catering units, resulting in a loss of homes that could otherwise be affordable to those living and working on the islands.
23. As the property is not lawfully operating as a guesthouse, the change of use as proposed conflicts with Policy WC5(5) of the Local Plan. Although reference contained within the 2018 planning application notes that two rooms were previously used as B&B there is no planning permission for a commercial guesthouse at this property and no certificate of lawful use has been secured on the basis of a continuous and uninterrupted use as a guesthouse. If the informal approach to B&B use is accepted then the property as a 3 bedroom home can continue to offer 1 bedroom as B&B. It is now contrary to policy to allow single dwellings to be converted to multiple units for the purposes of tourism accommodation providing self-catering holiday let accommodation, in the form of informal B&B use, as this results in homes becoming less affordable to the local community.
24. On this basis the proposal to convert the property into three units, with one ground floor owners flat and two attached self-catering units, is in conflict with Policy WC5(5) of the Local Plan. It is therefore necessary to consider whether there are any material planning considerations that would suggest the planning application should be approved.

Other Material Planning Considerations

25. The details submitted with the application suggest that the applicant has, for 17 years, run a successful year-round B&B. The B&B referred to relates to another property known as Colossus on Pilots Retreat. It is understood that a B&B arrangement has taken place by the applicant at this property since 2019/2020, following completion of the extension, with reference to a previous B&B use. This does not demonstrate that the property Appletree has an established use or is a lawfully operating unit of tourism accommodation, in the form of a C1 guesthouse. The route to establishing a lawful use is through an application for a Lawful Development Certificate for an existing use. As it would require a continuous and uninterrupted use of the property as a guesthouse for a period of 10 years, it is not considered that the applicant could demonstrate a lawful use as a guesthouse, in order to comply with the requirements of Policy WC5.
26. A second point is put forward as to justification for the proposed change of use. This relates to the applicants' need to maintain an income as they move into retirement and semi-retirement. Whilst the planning authority is sympathetic to

an applicants' situation, such personal circumstances are not material planning issues on which to base a planning decision.

27. Finally it is stated that feedback from their B&B customers during 2021 highlighted some of the impacts of the global pandemic, COVID-19. This included a shortage of places to eat out in addition to providing adequate social distancing within the property, prompting them to try and provide self-containment for the two bedrooms and provide a kitchen facility. This would allow guests to take advantage of takeaway food as well as arrange their own cooking options when eating out is problematic.
28. In response to justification in relation to COVID-19. During 2020 and 2021 the Government made emergency provisions through the introduction of interim changes to planning regulations, that would allow greater flexibility for certain businesses to continue operating. These interim measures have, however, now lapsed due to the decrease in cases and the removal of all covid restrictions nationally.
29. Officers are not aware of any plans by the government to change or issue new legislation but some of the key changes that came into effect during 2020 and 2021 included:
 - Local Planning Regulations were relaxed to remove the need to place physical documents in public venues as part of public consultation on local plans. This legislative change expired on 31st December 2020.
 - Publicity and consultation for planning applications, to remove the need to provide a physical address where planning documents may be inspected. This expired on 31st December 2021.
 - Emergency legislation was introduced covering virtual meetings and decision-making for Local Authorities. This legislative change expired on 7th May 2021.
 - Time-limited permitted development rights, supporting health service bodies and local authorities' immediate response to coronavirus. These regulations expired on 31st December 2021.
30. None of the interim changes allowed homes to change their use to multiple units of accommodation or indeed allowed guesthouses to convert to self-catering without planning permission, as a result of the need to comply with social distancing. Whilst there is no question that the impact of coronavirus has presented the community with a number of challenges, it is debatable as to how much weight should be given to this as a material planning consideration, particularly in light of all the national restrictions now lifted. Overall it is not

considered that the issue carries so much weight as to tip the balance of considerations in favour of approval contrary to the requirements of policy WC5.

31. The Local Plan was adopted almost 1 year ago on 25th March 2021, and was the result of 6 years of developing and consulting on a set of policies that reflect the local circumstances of a small island community with finite land and extremely challenging circumstances when it comes to building homes for local people. The local plan, and specifically policy WC5, seeks to add friction to the general slippage of property from local occupation, where informal B&Bs, that had no planning permission to commence, gradually and over time become guesthouses which are increasingly sub-divided into self-catering. Policy WC5 does not restrict homes from offering low-level B&B accommodation, but it does seek to stem the loss of relatively affordable homes and prevents B&B from becoming self-contained accommodation.
32. The planning history above notes that permission was secured to enlarge this property before significant weight could be given to the now adopted Local Plan. Policy LC8 restricts the size of extensions to existing homes to be no more than 30% above the national minimum standards, without adequate justification being provided. Policy LC8(2) specifically restricts homes from being enlarged, where the purpose of the extension or alteration is to secure an element of self-contained holiday let use. When permission was granted to enlarge the property in 2018, which resulted in a 3 bedroom home being around 40% above the minimum standard, the Local Plan was going through public consultation and as such limited weight could be attached to this policy.
33. Additionally Policy WC5 was amended following the examination in public, which took place in January 2020. The Inspectors main modifications, which included changes to Policy WC5 were consulted on during September through to November 2020. This now adopted policy context and the housing issues on the islands have been subject to extensive public consultation. The applicants' have therefore had chance to feed into the emerging policy context, prior to the adoption of the local plan.

Other issues

34. The applicant has identified the sustainable improvements made to the property, as a result of the extension permitted in 2018. This included double insulation, eco electric heaters and water saving showers. The installation of kitchens, as part of the change of use now proposed, would add recycling kitchen bins and composting facilities and refillable eco products. Other than the erection of a rear porch no further sustainable design improvements to the property will be as a result of the change of use now proposed. There are no

other provisions that establish the two units of tourism accommodation proposed, over and above other existing serviced and self-catering holiday lets on the islands, to suggest this would provide a diversification or particular improvement to the quality or choice of existing tourism accommodation on the islands.

35. The preamble to policy WC5 in the Local Plan makes it clear that new visitor accommodation is supported where it improves the quality and choice of existing tourism and responds to the changing needs and expectations of visitors, without reducing the housing stock available to meet the community's needs.
36. In light of this Officers have considered that the resulting change of use would see the retention of a large 1 bedroom flat, which would be retained and occupied by a local family, in addition to the two self-contained units at first floor. Following the Council's declaration of a housing emergency in January 2022, however, which is as a result of a shortage of rentable accommodation for staff and seasonal workers, the applicant has been asked to consider whether they would be prepared to amend the plans that could deliver one larger first floor flat, that could be let to local persons. Although the applicant has not amended the application to reflect this possible local need housing use of the first floor, this does not add any weight to the conclusion of this assessment. The applicant can continue to offer an element of informal B&B use.

Conclusion

37. The proposals have been assessed in accordance with the policies of the adopted Local Plan and consideration has been given as to whether any material planning considerations exist to suggest the development should be approved contrary to Policy WC5(5). It is not considered that the justification, as a result of the covid pandemic, is sufficient to tip the balance of consideration in favour of permitting the change of use proposed.

Recommendation

38. Based on the assessment above it is recommended that the application is refused.

Financial implications

39. None

Legal implications

40. There is a requirement to determine planning applications within statutory timescales. In this case the application has a determination date of the 18th March 2022.
41. Members will note that the determination of these applications, if a decision is made at the 15th March 2022 Full Council meeting, will be within the statutory 8 week determination..
42. Should members be minded to approve this application, contrary to the recommendation, then it should be noted that the risk of appeal challenge would decrease (simply on the basis appeal challenges tend to be when planning permission is refused or unnecessarily delayed). If Members are minded to approve the application then they are advised to provide clear reasoning as to the rebalanced material planning issues that concludes why, in Members view, the proposal is acceptable together with any planning conditions they deem appropriate to address any harm. Officers can only provide guidance to Members if reasoning is considered to be material to the planning application and whether any suggested conditions are likely to meet the 6 tests for applying planning conditions to development. Guidance on meeting tests for use of planning conditions can be found in the **link (4)** below. For reference these are:
 - necessary;
 - relevant to planning and;
 - to the development to be permitted;
 - enforceable;
 - precise and;
 - reasonable in all other respects.
43. For information Members are asked to note that as of the 1st October 2018 the Local Planning Authority has a duty to agree with an applicant any pre-commencement conditions it considers necessary to control a development. Members are advised to bear this in mind as any additional requests for pre-commencement conditions will need to be agreed with the applicant. If Members do vote to approve the application, then any decision would need to factor in both the pre-commencement conditions timescale (10 working days) and time to draw up the legal documentation for a Section 106. An extension of time would be required to cover the additional time to deal with these issues.

Other implications

44. Due to the application being located in a sensitive environment, as denoted by the AONB, the application has been screened for environmental impacts through an Environmental Impact Assessment, Screening Opinion. This

screening concluded that the development proposed does not constitute EIA development requiring an Environmental Statement.

45. The planning application engages certain human rights under the Human Rights Act 2008 (HRA). The HRA prohibits unlawful interference by public bodies with conventions rights. The term 'engage' simply means that human rights may be affected or relevant. The rights potentially engaged by this application, including the right to a fair trial and the right to respect for private and family life, are not considered to be unlawfully interfered with by this proposal.

Links

1. The application details submitted for P/22/109/COU:

<https://www.scilly.gov.uk/planning-application/planning-application-p22009cou>

2. Isles of Scilly Local Plan (2015 – 2030):

<https://www.scilly.gov.uk/planning/planning-policy/local-plan-2015-2030>

3. The Full Council Report for P/18/052:

<http://committees.scilly.gov.uk/documents/g1080/Public%20reports%20pack%2011th-Sep-2018%2018.30%20FULL%20COUNCIL.pdf?T=10> (Agenda Item 9)

4. Six Tests for Planning Conditions: <https://www.gov.uk/guidance/use-of-planning-conditions>

Report Approval

Senior Manager/Chief Executive	Not Applicable	[DATE]
Financial	Not Applicable	[DATE]
Legal	Simon Mansell Monitoring Officer	03 March 2022

Appendix A Reasons for Refusal

1. The proposal would result in the creation of 2 units of self-contained holiday let accommodation which, without a certificate of lawful use to demonstrate the property is a lawfully operating C1 guesthouse, would see the loss of a single family C3 dwellinghouse contrary to the requirements of Policy WC5(5) of the Isles of Scilly Local Plan (2015-2030). Whilst the change of use of a lawfully operating C1 guesthouse to self-catering is supported, any change of use of a

C3 dwelling, that would result in the net gain of housing on the Isles of Scilly is supported only where this is to meet a local housing need.

Isles of Scilly Local Plan

Including Minerals and Waste

2015 to 2030

Council of the Isles of Scilly 2021

VERSION: ADOPTED
25TH MARCH 2021



Publication Status

Publication Details

Isles of Scilly Local Plan 2015–2030 | Adopted

Published | 27th March 2021

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Version | Website

If you require any of the documents in an alternative language, in larger text, Braille, easy read or in an audio format, please contact the Council at diversity@scilly.gov.uk or telephone 0300 1234 105.

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Our Outstanding Environment

161. The Isles of Scilly has an outstanding world-class environment that underpins the quality of life and the economy of the islands. Consequently, the policies in the Local Plan aim to safeguard the rich environment and heritage of the islands, so as to maintain its world-class quality and distinctiveness, whilst carefully managing and promoting sustainable development, to support a strong and viable community and economy.

Our Outstanding Environment: Protecting and enhancing the Natural Environment (1)

162. The distinctiveness and richness of the islands' environment is reflected in the plethora of national and international designations. The entire islands are designated as an Area of Outstanding Natural Beauty (AONB) and Heritage Coast, reflecting the quality of the landscape and seascape. The richness and quality of the islands' biodiversity and geodiversity is reflected in the protection afforded to 26 Sites of Special Scientific Interest (SSSI) spread over 25 sites, and the internationally recognised Special Protection Area (SPA), Ramsar Wetland and Special Area of Conservation (SAC). The quality of the historic environment is recognised, as the entire islands are designated a Conservation Area, and Scilly has the densest concentration of archaeology in the UK, with 238 Scheduled Monuments.
163. **Landscape and Seascape** The character of the islands' landscape and seascape is one of outstanding quality and beauty. The outstanding environment and the diversity and distinctiveness of the islands are important both to the quality of life of its communities and the economic prosperity of the Isles of Scilly as a whole. Consistent with the primary purpose of conserving the natural beauty of the AONB, as established through the Countryside and Rights of Way Act, when considering proposals for development great weight will be afforded to the islands' landscape, seascape and scenic beauty and the aims and objectives of the AONB Management Plan. Proposals that contribute towards meeting the economic or social needs of the islands will be supported where they are situated on appropriate sites and of a scale and design that conserves and enhances the natural beauty in accordance with Policy OE1.

Our Outstanding Environment: Protecting and enhancing the Natural Environment (2)

164. The characteristics of the islands' landscape are assessed in detail in 'The Isles of Scilly Landscape Character' (2008), which identified 5 landscape character areas for the Isles of Scilly. Landscape also has a time dimension and the 'Historic Landscape Characterisation Study' (2007) has looked at a range of issues that are impacting on the islands' landscape, some of which are the result of pressures for new development. Other pressures include changes in land management, such as declining fields capes due to abandoned bulb fields, and the removal or deterioration of stone hedges and shelter fences. Similarly, the AONB Management Plan identifies a range of issues that are forcing change to the important landscape and biodiversity of the islands. As well as changes in land management practices, these range from climate change, the introduction and spread of invasive species, to pressure from fisheries and wider recreational and commercial pressures to develop the islands by exploiting their natural beauty.
165. **Heritage Coast** The Isles of Scilly was defined as a Heritage Coastal area in 1974, and covers 64 km of coastline around the islands. The NPPF requires planning policies and decisions in relation to Heritage Coastlines to be consistent with the special character of the area and the importance of its conservation. Major development on the islands is unlikely to be appropriate unless it is compatible with its special character. On the Isles of Scilly there is, in particular, the potential for maritime development to impact upon the purposes of the Heritage Coast.

Our Outstanding Environment: Protecting and enhancing the **Natural Environment** (3)

166. To protect the distinctiveness and wild landscape and seascape nature of the islands' archipelago, development on the uninhabited islands will not be permitted. Development in such locations could irrevocably compromise the environmental qualities of these islands. Given the Local Plan's focus on ensuring the viability of communities on the inhabited islands, there are no circumstances in which development could be justified on any uninhabited island, without clearly demonstrating it will have no adverse effects on protected sites and provides overriding benefits for the community as a whole.

Policy OE1

Protecting and enhancing the landscape and seascape

- 1) Development will only be permitted where it aligns with the statutory purpose of Areas of Outstanding Natural Beauty (AONB), and therefore conserves and enhances the islands' landscape, seascape and scenic beauty. Development must take into account and respect:
 - a) the distinctive character, quality, scenic beauty and sensitivity of the landscape and seascape;
 - b) the undeveloped and special character of the Heritage Coast;
 - c) other qualities, such as important features and views, dark skies and tranquillity, and having regard to the AONB Management Plan; and
 - d) the Isles of Scilly Landscape Character Study and any successor or associated documents.
- 2) Development will not be supported on the uninhabited islands.

Our Outstanding Environment: Protecting and enhancing the Natural Environment (15)

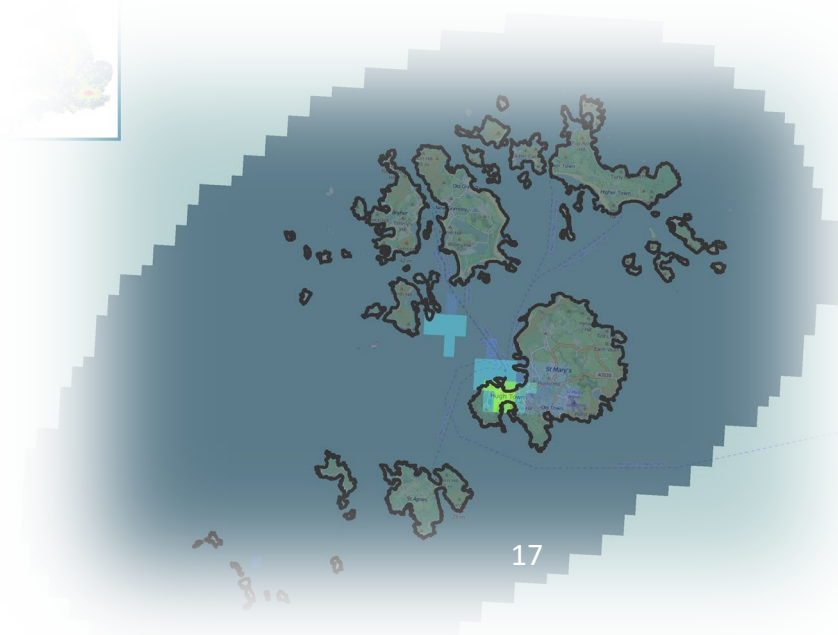
194. Lights should only be provided where needed, and be appropriately shielded, directed to the ground and sited to minimise any impact on adjoining areas. Lights should also be of a height and illumination level that is the minimum required to serve their purpose. The British Astronomical Association, together with the Campaign for Dark Skies (CfDS), has carried out research on the impacts of light pollution. Light pollution has more serious effects than not being able to see stars. Poor lighting can also impact on more intangible health concerns, particularly blue, white and overly bright lights. The impact of artificial light on wildlife can also be very disruptive. Further guidance on lighting will be the subject of supplementary planning guidance, which will guide developments of appropriate lighting and will be a material planning consideration for planning applications.
195. **Dark Skies** The dark sky is important to the islands as an Area of Outstanding Natural Beauty, with Dark Sky Discovery Sites identified for each inhabited island.

16

Our Outstanding Environment: Protecting and enhancing the Natural Environment (16)

Island	Site	Dark Sky Discovery Site Class
St Martins	Cricket Pitch, Pool Green	Milky Way Class
Bryher	Community Play Park	Milky Way Class
St Agnes	Cricket Pitch	Milky Way Class
St Mary's	The Garrison	Milky Way Class With hosted events
Tresco	Playing fields	Milky Way Class

Our Outstanding Environment: Protecting and enhancing the **Natural Environment** (17)



196. The Council for the Protection of Rural England (CPRE) produced interactive satellite images, captured at 01:30am throughout September 2015. These show that the Isles of Scilly is England's darkest district. In order to maintain this distinction, it is important to control light pollution, to ensure, as far as possible, that our existing dark skies are protected and maintained.
197. In order to protect the quality of the islands' dark skies for the benefit of residents, visitors and wildlife, planning policies need to ensure that only appropriate and essential lighting is installed. Policy OE4 aims to reduce the installation of unnecessary lighting on building projects and in connection with land use planning. The Council intends to produce supplementary guidance for developers and householders through island specific good practice advice leaflets in order to guide appropriate lighting.

Policy OE4

Protecting Scilly's Dark Skies

- 1) Development proposals that include external lighting will only be permitted where it can be demonstrated that the lights are essential for safety, security or community reasons, and where details are provided of attempts to minimise light pollution, including:
 - a) costs to the environment (including the unnecessary use of electricity);
 - b) skyglow (visible glow caused by scattering and reflection from clouds and the atmosphere);
 - c) light nuisance (creating amenity nuisance, highway hazards and restricted views of the night sky); and
 - d) glare (over-bright and poorly directed lights that dazzle or discomfort those who need to see, by concealing rather than revealing).

Our Outstanding Environment: Protecting and enhancing the Historic Environment (1)

- 213. National planning guidance advises that Local Planning Authorities should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. The Isles of Scilly is fortunate to have a wealth of heritage assets that represent a distinctive, unique and irreplaceable resource that make it an exceptional historic place.
- 214. Many of the heritage assets on the islands are statutorily protected by being, for example, designated Scheduled Monuments or Listed Buildings. Additionally, the Historic Environment Record (HER) contains a large number of known non-designated assets that also contribute to the local distinctiveness and heritage of the islands. All of these heritage assets are an irreplaceable resource that should be conserved in a manner appropriate to their significance. As such, a positive and proactive strategy should be established for the conservation, enjoyment, and where possible, the enhancement of the historic environment, including those assets considered most at risk of neglect, decay and other threats.

Our Outstanding Environment: Protecting and enhancing the Historic Environment (2)

215. The Isles of Scilly offer a unique combination of heritage components. The maritime and marine heritage includes a large number of harbours and quays, the remains of a shipbuilding industry, lighthouses, daymarks and lifeboat stations. The islands also have a wealth of intertidal and underwater archaeological sites, including prehistoric remains of over 700 wreck sites, five of which are designated under the Protection of Wrecks Act 1973. The surrounding sea also conceals the submerged landscape of ancient settlements, within the wide expanses of shallow subtidal and intertidal environments that have been flooded by rising sea-levels over the centuries. It has long been thought that the islands in their current form are a result of past marine transgressions that flooded early archaeological sites, making the archipelago a valuable laboratory for studying progressive sea-level rises within an historical context. These submerged and intertidal remains have led to the identification of the Isles of Scilly as the 'lost land of Lionesse' – a legendary, low-lying country that once extended westwards from Land's End to Scilly, as encapsulated in Arthurian legend.
216. On land, the known heritage stretches back to truly ancient remains, including the high number of Bronze Age ritual burial monuments with impressive entrance graves, the Iron Age and Romano-British cist burials, the Romano-Celtic site on Nornour, as well as early Christian foundation chapels and hermitages. In addition to the immense ancient archaeology, the later medieval period also remains visibly apparent on the islands. The ruins of Ennor Castle on St Mary's are a reminder that Old Town was the seat of secular rule during the medieval period, whilst the old church of St Mary dates to Norman times. On Tresco there are the remains of St Nicholas Priory, where the monks of Tavistock Abbey presided over the northern islands, and which now form the core of the world-famous Tresco Abbey Garden, a Grade 1 Historic Park and Garden.

Our Outstanding Environment: Protecting and enhancing the Historic Environment (3)

217. The Over the last 400 years, a large and complex series of castles, forts, blockhouses, breastworks, walls and other military installations developed, emphasising the strategic importance and position of the islands. As such, the islands boast an unrivalled sequence of fortifications; medieval and Tudor defences; Civil War installations when the islands were the last Royalist stronghold; early 18th-century massive defence works on the Garrison, commissioned and supplemented during the Napoleonic Wars; gun batteries and other innovative defence works from the turn of the 19th century; World War I flying boat stations; and World War II pillboxes and airfield installations.
218. An intrinsic component of the character of the historic landscape is the pattern of settlement, fields and lanes with field boundaries. Together, these reflect the evolution of the islands over 6,000 years of human impact on the land form, starting when the first settlers ventured across the sea from West Cornwall. The lack of development on the islands has enabled whole landscapes to survive in a relatively unaltered state.
219. As well as having landscape value, field boundaries are of archaeological and historic importance, illustrating how the landscape has changed and developed. The islands' walling techniques are distinct from those of the mainland, and in some respects differ from island to island, although there are broad similarities in the suite of boundary types. With the progressive loss of traditional dry-stone walling skills, some field boundaries are losing their original character.

Our Outstanding Environment: Protecting and enhancing the **Historic Environment** (4)

- 220. In the latter part of the 19th century, the introduction of intensive flower farming produced narrow bulb strips bounded by Cornish hedges, and more particularly, high 'fences' of hardy species, to protect the tender flowers. These bulb strips, which often subdivided earlier fields, are now one of the most distinctive features of the Scillonian landscape.
- 221. The vernacular architecture of the islands is typified by low granite cottages, once roofed with rope thatch; this was later replaced with 'scantle' slated roofs, with small Delabole 'peggies' bedded in lime mortar and laid in diminishing courses. The traditional vernacular also includes box sash windows and sturdy plank doors. Wreck wood was used extensively in buildings throughout the islands.
- 222. Some 16th and 17th-century domestic buildings survive, such as Pier House, together with a few elegant 18th-century and early 19th-century properties, including Hugh House (built as the officers' mess), Veronica Lodge, Newman House, Lyonesse and Lemon Hall on St Mary's, and Dolphin House on Tresco.



21

Our Outstanding Environment: Protecting and enhancing the Historic Environment (5)

223. In the 19th and early 20th century, the influence of the Dorrien-Smith family and the Duchy of Cornwall is evident in the development of a certain 'house-style' of robust and rather severe public buildings. On St Mary's, these include the parish church, Town Hall and Hugh Town post office. On Treco, the Abbey, built by Augustus Smith and situated close to the ruins of the Benedictine priory, is now surrounded by the famous Abbey Garden.
224. Further significant structures of this period are the first glasshouses that were used to produce early flowers in the initial years of the flower industry. Few of these huge timber-framed buildings survive, but those that remain make an important contribution to the economic and architectural heritage of the islands. Often they are attached to older granite buildings roofed with scantle slate or Bridgwater clay tiles brought over as ships' ballast. These once served as animal shelters or hay barns, but were given new life as packing sheds for flowers. A survey of the farm buildings on Scilly has shown that many have become disused and fallen into disrepair, as they no longer fulfil the needs of present-day farming.

Our Outstanding Environment: Protecting and enhancing the **Historic Environment** (6)

- 225. General approach to protecting and enhancing the historic environment of Scilly.** Heritage assets are irreplaceable and should be retained wherever possible. One of the important aims of the Local Plan is to conserve and enhance the historic environment for the benefit of future generations, and this needs to be achieved through a clear heritage strategy based on the following principles:

Our Outstanding Environment: Protecting and enhancing the Natural Environment (7)

Principles

Ensure that the historic environment continues to contribute to the special character, identity and quality of life of the Isles of Scilly.

Ensure the conservation and enhancement of the historic environment of the islands for future generations, including both designated and undesignated heritage assets, their settings and the wider historic landscape.

Ensure that the interplay of the historic and natural environment, which is key to the special character of the islands, is fully understood and considered.

Increase public understanding, awareness and enjoyment of and access to our heritage, for both residents and visitors.

Support the vital tourist economy of the islands, recognising that heritage is a key element.

Ensure that the historic environment is used as a key driver and focus for inward investment, regeneration and re-development, particularly within the islands' settlements.

Explore ways in which new developments can be successfully integrated with the existing historic environment.

Create and support strong partnerships between public, private and voluntary sectors.

Support organisations applying for funding, and maximise the opportunities for external funding to benefit the historic environment.

Ensure that heritage assets and their settings, as well as the wider historic environment, are appropriately managed and maintained, whether in public or private ownership.

Our Outstanding Environment: Protecting and enhancing the Historic Environment (8)

- 226. Assessing Development Proposals** Where heritage assets are likely to be affected by development proposals, these should be identified at the preapplication stage. Applications for development should describe the significance of any heritage asset affected, including any contribution made by their setting. The level of detail should be proportionate to the asset's importance, in order to understand the potential impact of the proposal on its significance. Essentially, an application should clearly demonstrate what is significant about any heritage, and how that significance would be affected by the proposal, whether a material change of use or physical development.
- 227.** The Cornwall and Isles of Scilly HER should be consulted as a minimum to determine whether or not a heritage asset is likely to be affected, and its significance. The national online repository of historic designations can be found on the Heritage Gateway or the National Heritage List for England, which is available through Historic England's website.

Our Outstanding Environment: Protecting and enhancing the Historic Environment (9)

- 228. The Planning Department should be contacted to determine the level of information required to support a planning application. In some circumstances, a Heritage Assessment may be required.
- 229. The setting of heritage assets is often essential to their character and legibility. The setting can be the immediate surroundings, but may often include land some distance away, where the context of the heritage asset can be appreciated. Insensitive development or changes to the landscape can affect the significance of the asset and the ability to appreciate it within its surroundings. Proposals for development will need to address their impact on the setting, and seek to preserve those elements that make a positive contribution to the significance of the asset. In considering proposals that affect Listed Buildings, the Council has a statutory duty to consider the impact of development on their setting.
- 230. Development proposals affecting important heritage assets will be permitted provided they do not detract from the significance, character and setting of an asset. Particular support will be given where a proposal better reveals the significance of the asset.

Our Outstanding Environment: Protecting and enhancing the Historic Environment (10)

- 231. The harm or loss of part or the whole of any heritage asset will need to be justified, on the basis that much of the historic environment is irreplaceable and should be retained wherever possible and feasible. Where the proposal would result in the substantial harm or loss of a designated heritage asset of the highest significance, evidence will be required that there are considerable public benefits to justify its loss, or that there are no other mechanisms for supporting the retention of the asset.
- 232. The merits of an alternative use may be considered where this would retain the heritage asset, provided that it would not result in the loss of its important elements. It would also be important to ensure that any alternative use is capable of funding the conservation of the asset. Should the substantial harm or loss, either in whole or in part, be agreed, a clear indication that there are detailed plans and delivery mechanisms for the proposal's implementation will be required. The condition of an historic asset resulting from deliberate damage and neglect will not be taken into account in any decision.
- 233. In order to advance the understanding of the significance of the asset to be lost, where permission is granted, appropriate conditions and/or planning obligations may be used to ensure that heritage assets are appropriately recorded, conserved or enhanced. Measures secured may include provision for a proportionate recording of assets prior to commencement of any works, and which will be made publicly available.

Our Outstanding Environment: Protecting and enhancing the Historic Environment (11)

- 234. Conservation Area** The special architectural and historic interest of the islands was recognised in 1975 when all of the inhabited islands were designated as a Conservation Area under the Civic Amenities Act. As a result, it is necessary for the character and appearance of each island to be preserved or enhanced by any development. In considering proposals, account will be taken of how well the design and location of the development has considered:

Principles:

- The characteristics and context of the site and surroundings in terms of, for example, important buildings, spaces, landscapes, walls, trees and views into or out of the area;
- The form, scale, size and massing of nearby buildings, together with materials of construction.



Our Outstanding Environment: Protecting and enhancing the Historic Environment (12)

235. Proposals should demonstrate that they will make a positive contribution to the character and quality of the Conservation Area, which will be at least equal to or better than the existing situation. Not all buildings within the Conservation Area contribute to what is important in terms of its character or significance. Proposals that would result in an enhancement of the Conservation Area through the alteration or replacement of those buildings that do not make a positive contribution will be supported.
236. Whilst the current Conservation Area boundary includes all of the islands, there is merit in exploring, through a Conservation Area assessment and management plan, whether there are areas that would benefit from exclusion from this designation. Such an assessment would highlight the importance of those genuinely significant historic elements of the built-up areas of each island. Areas such as the industrial estate and waste site at Porthmellon, for example, do not merit inclusion in a Conservation Area designation. Applying Conservation Area principles to such areas diminishes the value that this designation conveys for genuinely important parts of the islands. The Council will seek to carry out regular reviews of its Conservation Area boundary, as required by the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, which makes it a positive legal duty to assess such boundaries.

Our Outstanding Environment: Protecting and enhancing the Historic Environment (13)

- 237. Listed Buildings** Listed Buildings are those that appear on the Secretary of States 'List of Buildings of Special Architectural or Historic Interest', prepared by the Department of Culture, Media and Sport (DCMS). The statutory body responsible for maintaining the National Heritage List for England (NHLE)²¹ is Historic England.
- 238.** Listed Buildings are grouped into three grades, indicating their relative importance. These are Grade I (one), II* (two-star) and II (two), with Grade I the most important. The majority (116 out of 128) of Listed Buildings on the islands are Grade II. Contrary to popular misconception, when a building is added to the NHLE, the whole of the building (both internal and external) is listed, as well as its curtilage. All three grades are subject to the same legislation.

Our Outstanding Environment: Protecting and enhancing the Historic Environment (14)

- 239. The listing of a building confers a significant degree of protection, and special attention must be paid to maintain its character. Permission in the form of Listed Building Consent is required for any works of demolition, extension or alteration that affect the character of the building as one of special architectural or historic interest. This consent is entirely separate from any need to obtain planning permission.
- 240. In assessing either planning or Listed Building applications, proposals should consider factors such as materials, layout, architectural features, setting, scale and design. Proposals that allow for viable uses that are compatible with the conservation of the fabric of the building and its setting will generally be supported.
- 241. The intention is to produce guidance notes on Listed Buildings, which would include details on the responsibilities of owners and how to apply for Listed Building Consent, the implications for development in the Conservation Area, and guidance for householders and property owners on the wide-ranging Article 4 Directions. Existing Article 4 Directions will be reviewed and updated in line with current regulations on permitted development. These will be available on the Council's website and sent to householders as appropriate.

Our Outstanding Environment: Protecting and enhancing the Historic Environment (15)

- 242. Scheduled Monuments** The islands contain a wealth of Scheduled Monuments which constitute an irreplaceable resource for, and record of, the Isles of Scilly's evolution. These are remains, buildings or structures of national importance, protected under the Ancient Monuments and Archaeological Areas Act 1979. Any works affecting a monument will require Scheduled Monument Consent from the Secretary of State for the Department of Culture Media and Sport (DCMS), in addition to any permission or consents required from the Council under the Planning Acts. To protect the integrity of monuments, including the below-ground archaeological remains, preservation should take place in situ wherever possible.
- 243. Archaeology** Areas that have multiple heritage assets (both designated and non-designated) have been defined as Archaeological Constraint Areas (ACA). All of the ACAs on the islands have been identified on the Policies Map. In these areas it is likely that development proposals may also require archaeological monitoring, guided by a Written Scheme of Investigation (WSI) that sets out how archaeological findings are managed, recorded and published. The ACAs were defined in 1995 through funding by English Heritage (Historic England) and the Council of the Isles of Scilly. Their purpose is to indicate the location of recorded archaeological remains and historic sites and structures. For non-designated heritage assets, development proposals should take into consideration any impact upon archaeology within these areas.

Our Outstanding Environment: Protecting and enhancing the Historic Environment (16)

- 244. Development that would involve ground disturbance in areas of known archaeological potential should be sensitively designed and located. A desk based archaeological assessment and, in certain circumstances, a field evaluation will be required. Where appropriate, archaeological remains should be preserved in situ with development being sensitively designed and located to allow their retention or minimal harm. Where this is not possible or feasible, a programme of archaeological investigation, excavation and recording prior to commencement will be required.
- 245. Where an application affects or has the potential to affect heritage assets with an archaeological interest, including Scheduled Monuments, within the curtilage of a Listed Building or archaeological constraint area, applications must include an appropriate desk-based assessment and, where necessary, a field evaluation which may need to include full excavation, examination and recording.

Our Outstanding Environment: Protecting and enhancing the Historic Environment (17)

- 246. Registered Parks and Gardens** The islands contain one Registered Park and Garden: Abbey Garden on Tresco, which is designated as Grade I. The site dates back to the mid-19th century and comprises 6 hectares of gardens and around 24 hectares of ornamental plantations, through which a series of walks pass an ornamental lake. The site occupies a ridge of high ground that drops north to the Great Pool, south of which stands the principal building of Tresco Abbey. The designation includes the principal building of the Abbey, kitchen gardens, as well as a series of terraced gardens and pleasure grounds.
- 247. Non-Designated Assets** Non-designated heritage assets do not have statutory protection, but have a degree of significance which merits consideration in planning decisions. These assets include locally important and traditional buildings, and non-scheduled archaeological remains. These assets and features make an important contribution to the historic character of that area. The merits of a development affecting an undesignated heritage asset will be balanced against the scale of the harm or loss, either directly or indirectly, to the significance of that heritage asset.
- 248. Heritage at Risk** The Council will monitor buildings or other heritage assets at risk through neglect, decay or other threats. Deliberate neglect of a heritage asset is not sufficient justification for development resulting in harm or complete loss. Solutions will be sought for assets 'at risk' through discussions with owners and, where appropriate, encouraging development schemes that would ensure the repair, restoration and maintenance of the asset. As a last resort, the Local Planning Authority would use its statutory powers to protect the asset.

Policy OE7 (1) (2)

Development affecting Heritage

- 1) Great weight will be given to the conservation of the islands irreplaceable heritage assets. Where development is proposed that would lead to substantial harm to assets of the highest significance, including undesignated archaeology of national importance, this will only be justified in wholly exceptional circumstances, and substantial harm to all other nationally designated assets will only be justified in exceptional circumstances. Any harm to the significance of a designated or non-designated heritage asset must be justified.
- 2) Proposals causing harm will be weighed against the substantial public, not private, benefits of the proposal, and whether it has been demonstrated that all reasonable efforts have been made to sustain the existing use, find new uses, or mitigate the extent of the harm to the significance of the asset; and whether the works proposed are the minimum required to secure the long-term use of the asset.

Continued...

Policy OE7 (3) (4) (5)

Development affecting Heritage

- 3) In those exceptional circumstances where harm to any heritage asset can be fully justified, and development would result in the partial or total loss of the asset and/or its setting, the applicant will be required to secure a programme of recording and analysis of that asset, and archaeological excavation where relevant, and ensure the publication of that record to an appropriate standard in a public archive.
- 4) Proposals that will help to secure a sustainable future for the islands' heritage assets, especially those identified as being at greatest risk of loss or decay, will be supported.

5) **Conservation Area**

Development within the Isles of Scilly Conservation Area will be permitted where:

- a) it preserves or enhances the character or appearance of the area and its setting;
- b) the design and location of the proposal has taken account of:
 - i. the development characteristics and context of the area, in terms of important buildings, spaces, landscapes, walls, trees and views within, into or out of the area; and
 - ii. the form, scale, size and massing of nearby buildings, together with materials of construction.

Continued...

Policy OE7 (6) (7)

Development affecting Heritage

6) Listed Buildings

Development affecting Listed Buildings, including alterations or changes of use, will be supported where:

- a) it protects the significance of the heritage asset and its setting, including impacts on the character, architectural merit or historic interest of the building; and
- b) materials, layout, architectural features, scale and design respond to and do not detract from the Listed Building; and
- c) a viable use is proposed that is compatible with the conservation of the fabric of the building and its setting.

7) Scheduled Monuments and Archaeology

Proposals that preserve or enhance the significance of Scheduled Monuments or Archaeological Sites, including their setting, will be supported where measures are to be taken to ensure their protection in situ based upon their significance. Where development would involve demolition or removal of archaeological features, this must be fully justified, and provision must be made for excavation, recording and archiving by a suitably qualified person(s) prior to work commencing, to ensure it is done to professional standards. Development within the Garrison on St Mary's (i.e. any land or building within the Garrison Wall Scheduled Monument) and its setting should accord with the Garrison Conservation Plan 2010 (or any successor plan). Proposals that would result in harm to the authenticity and integrity of the Garrison as a strategically important coastal defensive site should be wholly exceptional. If the impacts of a proposal are neutral, either on the site's significance or setting, then opportunities to enhance or better reveal significance should be taken.

Continued...

Policy OE7 (8) (9) (10)

Development affecting Heritage

8) Registered Parks and Gardens

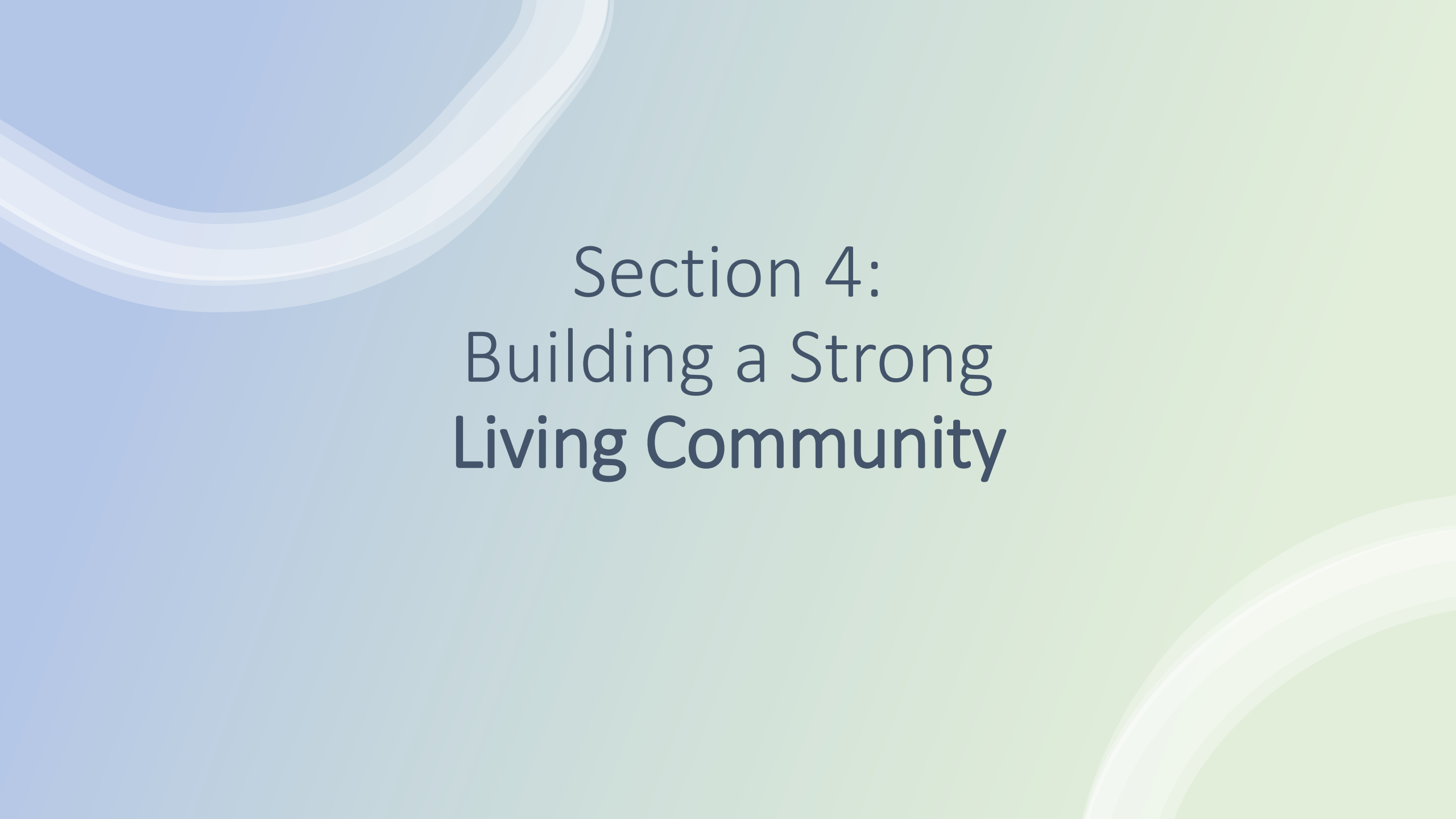
Planning permission for development that preserves or enhances the special historic landscape character and interest of the Tresco Abbey Garden, including its setting, will be granted where:

- a) It is demonstrated that the proposal seeks to protect original or significant designed landscapes, their built features and setting; or
- b) The proposal includes restoration or reinstatement of historic landscape features to original designs using appropriate evidence, or that the proposed works better reveal their setting.

9) Non-designated Local Heritage Assets

Development proposals that positively sustain or enhance the significance of any local heritage asset and its setting will be permitted. Alterations, additions and changes of use should respect the character, appearance and setting of the local heritage asset in terms of the design, materials, form, scale, size, height and massing of the proposal. Proposals involving the full or partial demolition, or significant harm to a local heritage asset will be resisted unless sufficient justification is provided and the public benefits outweigh the harm caused by the loss of the asset.

- 10) All development proposals should be informed by proportionate historic environments assessments and evaluations (such as heritage impact assessments, desk-based appraisals, field evaluation and historic building reports) which identify the significance of all heritage assets that would be affected by a proposal, and the nature and degree of any effects; and which demonstrate, in order of preference, how any harm will be avoided, minimised or mitigated.

The background features a light blue-to-green gradient. On the left side, there are several overlapping, wavy, semi-circular shapes in shades of blue and white. On the right side, there are similar wavy shapes in shades of green and white, creating a sense of movement and depth.

Section 4: Building a Strong Living Community

Promoting a Sustainable Scilly (1)

82. Supporting a 'Sustainable Scilly' has to underpin all development that takes place in these islands. The objectives set out in the Local Plan are designed to work together to ensure that development is able to deliver the principal aim of the planning system, which is to enable sustainable places.
83. **Climate Emergency** At the Full Council meeting in October 2019 the Council of the Isles of Scilly signed up to a declaration of a 'Climate Emergency' with a commitment for the Authority to be carbon neutral by 2030. The Council is therefore committed to encouraging and engaging with its partners and other local businesses and organisations to adopt similar ambitions to become carbon neutral by 2030. To reflect this commitment it is important that development proposals demonstrate a sustainable approach in terms of design, construction and occupation on a proportionate basis.

Promoting a Sustainable Scilly (2)

84. When considering all development proposals, there will be a presumption in favour of sustainable development, to reflect the NPPF. To achieve this purpose, the Local Planning Authority will proactively work with applicants, island businesses and the community, to find solutions that enable proposals to be approved, wherever possible, in accordance with the Local Plan, unless material considerations indicate otherwise. This proactive approach will ensure that any development improves the social and economic well-being of the islands where appropriate and relevant, whilst protecting or enhancing the environment.
85. While the Local Plan supports development that meets the social and economic objectives of the islands' community and businesses, it must also ensure that this objective is not at the expense of the islands' outstanding environment, and development must therefore meet the policies set out in the outstanding environment section. The Local Plan has an overarching commitment to protect the environment, as part of the wider task of balancing economic and social objectives.
86. In order to achieve sustainable development, ensure the most efficient use of land and protect the environment, development should be directed towards brownfield sites wherever possible. Due to the limited amount of brownfield sites, some greenfield land will be required to meet the social and economic requirements of the islands, particularly for much-needed new homes.

Promoting a Sustainable Scilly (3)

- 87. Climate Change** The importance of understanding climate change locally is echoed in the NPPF, which requires Local Planning Authorities to adopt positive strategies towards dealing with climate change. The NPPF identifies a number of factors which need to be considered over the longer term. For the Isles of Scilly this means a particular focus on securing sustainable energy and drinking water supplies, improved waste water treatment, more effective waste management and recycling and avoiding areas at risk of flooding, as part of the requirement to adapt to the effects of climate change. Development that protects against the impacts from coastal flooding or erosion will be encouraged, including measures that improve coastal defences, and protect water resources and the most productive agricultural land.



Promoting a Sustainable Scilly (4)

- 88. Zero and Low Carbon Development** The Climate Change Act 2008 places legally binding targets for the UK to achieve an 80% reduction in greenhouse gas emissions by 2050 and 34% by 2020, against 1990 baseline levels. The Local Plan can make a major contribution to achieving these targets locally, through the Spatial Strategy. Mitigating and adapting to climate change is achieved through criteria-based policies, which will also guide decision-making. The Local Plan, read as a whole, seeks to shape new and existing development through its policies and by supporting sustainable design, more effective site waste management and enhanced biodiversity. To support the islands' resilience to a changing climate and to tackle climate change locally, the Council is committed to ensuring that all new developments have as low a carbon impact as practically possible.
- 89.** It is recognised that the Building Regulations are the primary means of ensuring energy efficiency in buildings, through its control over construction. The planning system does, however, have a role in promoting zero and low-carbon development through good design practices. Although the Local Plan is not proposing to apply an additional sustainability standard, support will be given to proposals that exceed current Building Regulations. Since 2007 the Isles of Scilly Design Guide, a Supplementary Planning Document (SPD), has promoted sustainable design.

Policy SS1

Principles of Sustainable Development

- (1) Development proposals will be permitted where they make a positive contribution to the social, economic and environmental needs of the Isles of Scilly in a manner that does not compromise the ability of future generations to meet their own needs and to enjoy the islands outstanding environment, by:
- a) conserving and enhancing the outstanding natural, built and historic environment;
 - b) locating, designing and constructing development where it makes a positive contribution to reducing the islands' carbon footprint and consumption of natural resources;
 - c) improving accessibility and creating a network of safe and well-connected routes by integrating measures that encourage and promote walking, cycling and electric vehicles as part of any new development wherever opportunities allow;
 - d) promoting the value of biodiversity, geodiversity and soils, including the potential contribution from natural capital³ and ecosystem services;
 - e) taking into account the long-term implications of climate change and rising temperatures for flood risk, coastal change, water supply, biodiversity and landscapes;
 - f) promoting cohesive and resilient communities on each island; and
 - g) generating and sustaining economic activity.

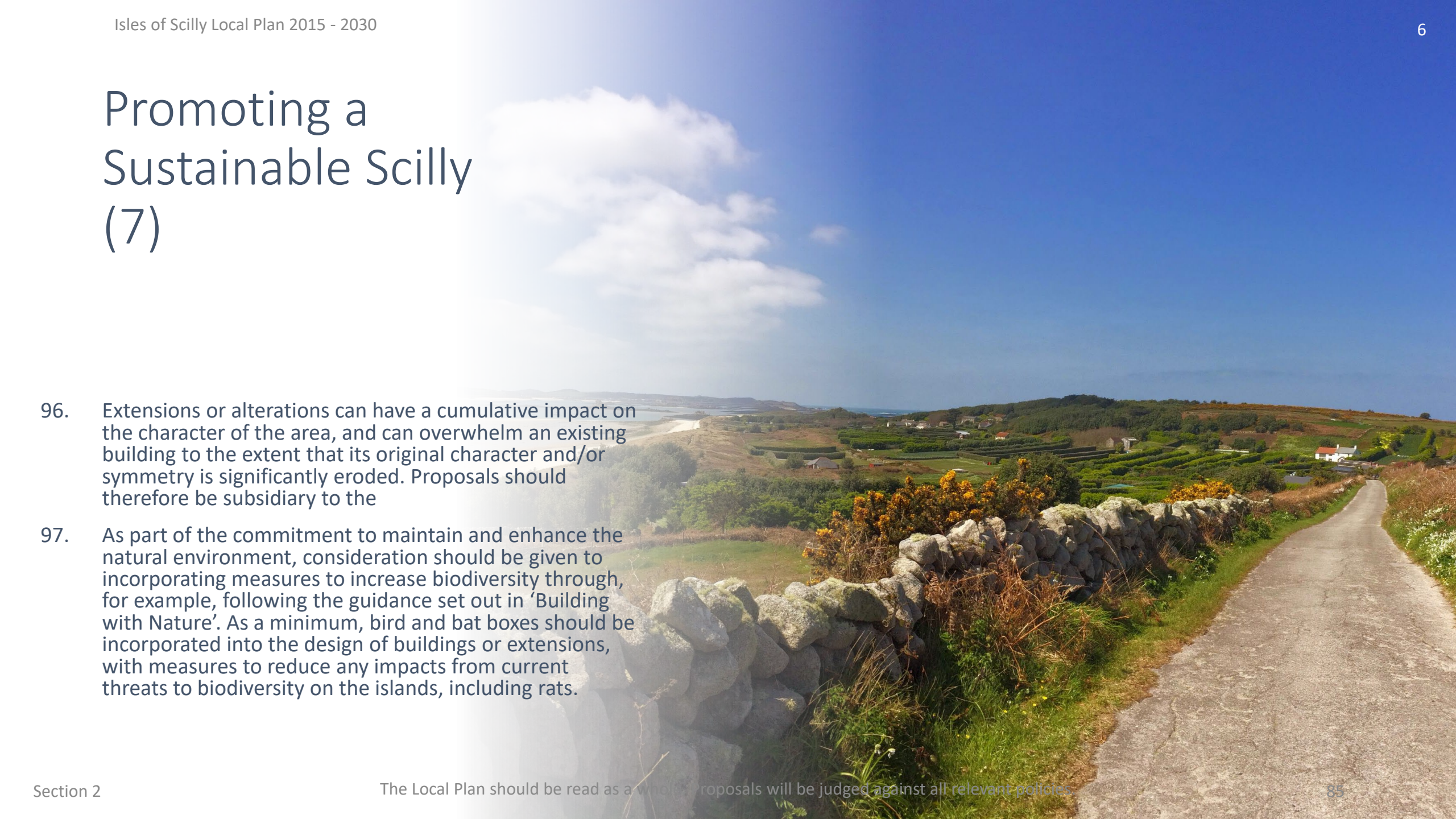
Promoting a Sustainable Scilly (5)

90. **Sustainable Design** The detailed design of buildings and use of materials have provided the islands with character and identity. The Council will seek to maintain and strengthen the character and identity of each island and the distinctiveness of areas within them by ensuring that development is undertaken using natural, sustainable materials and styles that complement those found in the local area, and which avoid proliferating the use of unacceptable or unsustainable resources. This approach does not require traditional construction methods and materials, given the viability and sustainability costs of sourcing such materials, but about ensuring designs and materials are otherwise sustainable in a complementary and appropriate manner.
91. Much of the identity of an area is derived from a combination of distinctive local building types, materials, layouts, the relationship between buildings, and making use of natural features. The pattern of development varies across the five inhabited islands. On St Mary's there will often be a discernible pattern of development, with either a historic core or obvious later modern developments with a particular style. New development should complement distinctive local features and patterns, with regard given to the orientation and character of the immediate area. The Isles of Scilly Design Guide supplements Policy SS2, and sets out the detailed design characteristics of the islands.

Promoting a Sustainable Scilly (6)

92. All new buildings should be carefully designed to respect and enhance their surroundings. Buildings that are out of scale can detract from the character and amenity of an area. A building's scale, including its height and massing (the combined effect of its footprint, volume and shape) determines its impact on views, skylines, and its relationship with surrounding buildings and spaces, as well as on neighbouring and wider amenity.
93. New buildings should be of a similar scale to other buildings in the surrounding area, unless they are required to reflect a development's function or to create a landmark in an appropriate location. In such cases, larger-scale buildings may be appropriate, provided that important views and vistas from the public realm are retained, especially those of landmark features.
94. Developments are generally more attractive if they have a degree of visual interest. The range of styles and materials used should be limited, to avoid a disjointed appearance. Visual interest can be provided through detailing, provided this does not detract from the character of an area. Original and innovative designs can be used to help raise the standard of design in an area, although it is important that such designs do not detract from the visual unity of areas that already have a successful and compatible mix of styles and materials.
95. Given the high environmental quality and finite amount of land, the efficient use of land will be supported where development is appropriately designed and sited in sustainable locations.

Promoting a Sustainable Scilly (7)

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96. Extensions or alterations can have a cumulative impact on the character of the area, and can overwhelm an existing building to the extent that its original character and/or symmetry is significantly eroded. Proposals should therefore be subsidiary to the
97. As part of the commitment to maintain and enhance the natural environment, consideration should be given to incorporating measures to increase biodiversity through, for example, following the guidance set out in 'Building with Nature'. As a minimum, bird and bat boxes should be incorporated into the design of buildings or extensions, with measures to reduce any impacts from current threats to biodiversity on the islands, including rats.

Policy SS2 (1)

Sustainable Quality Design and Place-Making

- (1) Development will not be permitted if it is considered to be of poor or unsustainable design. New development must be of a high-quality design and contribute to the islands' distinctiveness and social, economic and environmental elements of sustainability by:
- a) respecting and reinforcing the character, identity and local distinctiveness of an area whilst not stifling innovation, and with the scale, density, layout, height, mass and materials responding positively to the existing townscape, landscape and seascape setting;
 - b) ensuring that development does not dominate or interrupt important public views, key landmark buildings or significant cultural and heritage features;
 - c) making efficient use of the land whilst respecting the character of the site and surrounding area and neighbouring land uses;
 - d) safeguarding the amenity of individuals and properties by creating a high-quality environment that addresses issues of privacy, overlooking, overshadowing, overbearing impacts and unreasonable noise and disturbance;
 - e) providing high-quality and clearly defined safe private, semi-private and public spaces, including recreational facilities and green infrastructure where appropriate;

Continued...

Policy SS2 (1)

Sustainable Quality Design and Place-Making

- f) ensuring that buildings can easily be altered and adapted to meet changing social and economic conditions and are resilient to climate change, including features to mitigate or enable rapid recovery from a flooding event where recommended in a Flood Risk Assessment;
- g) providing opportunities for achieving measurable net gains in biodiversity by ensuring that natural and semi-natural features are created and enhanced as integral elements of the design, through the provision of features such as bird and bat boxes, and by incorporating measures that support the removal of any threats to the islands' biodiversity;
- h) promoting physical activity by incorporating Sport England Active Design principles⁶ wherever appropriate;
- i) requiring sensitively designed adverts and signage that are appropriate and sympathetic to their local setting in terms of scale, design and materials;
- j) incorporating measures to reduce any actual or perceived opportunities for crime or anti-social behaviour, and which promote safe living environments;

Continued...

Policy SS2 (2)

Sustainable Quality Design and Place-Making

- k) minimising the consumption of resources by requiring sustainable construction and design by:
 - i. incorporating high standards of energy efficiency and maximising opportunities for the micro-generation of renewable, low-carbon and decentralised energy, and where appropriate plugged into the Smart Grid;
 - ii. incorporating passive design measures for heating, cooling, ventilation and natural light, to reduce overall energy demand and improve energy efficiency;
 - iii. using natural resources more prudently, including the use of locally sourced, recycled or low-carbon materials in construction where they are available and represent a viable option;
 - iv. reducing pressure on water resources and increasing re-use by incorporating effective water management measures, including Sustainable Urban Drainage Systems, green roofs and water-saving devices, and rain/grey water collecting and recycling facilities; and
 - v. providing appropriate vermin-proof waste and recycling storage appropriate for the scale of development proposed, and provision for kerbside waste and recycling collections consistent with the islands' waste management practices.

(2) Development proposals that involve the construction or conversion of buildings will need to be supported by a statement of Sustainable Design Measures (SDM) and a Site Waste Management Plan (SWMP).

Building a Strong Working Community (8)

- 313. Tourism** The Local Plan aims to support the islands' ambition to be an internationally competitive visitor destination, capitalising on Scilly's exceptional environment. As such, the Local Plan will seek to support the development and diversification of sustainable tourism, leisure and recreational developments that benefit the economy of the islands, to match and protect its exceptional environment. Support will therefore be given to proposals for the provision of tourist and visitor facilities in appropriate locations where these cannot be met by existing facilities; as well as for the retention and development of local services and community facilities, which could include local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.
314. A strong tourism economy will help support and maintain services and community facilities on the islands, especially on the off-islands, and contribute to the management of the environment. Fundamentally, tourism supports vital transport links connecting the islands to the mainland, as well as between the islands.
315. Given the importance of tourism, it is essential that the tourism sector is ready to continually improve its offer and respond to the needs of visitors. New tourism development should enrich and enhance the islands' assets and resources, rather than harming the very character, quality and beauty that make them attractive to visitors and residents.

Building a Strong Working Community (9)

- 316. New visitor accommodation will be supported where it improves the quality and choice of existing tourism and responds to the changing needs and expectations of visitors, without reducing the housing stock available to meet the community's needs. It will be important to ensure a balance between the types of accommodation offered, to appeal to the widest range of visitors. There is an expectation that new tourism accommodation will be sustainable in terms of water and energy usage, and proposals must comply with Policies SS1 and SS2.
- 317. To sustain the islands as a sustainable and competitive visitor destination, it is necessary to support, wherever appropriate, improvements to existing visitor accommodation. Development proposals, however, that would result in the loss of existing housing stock will be resisted, whether this is serviced accommodation or self-catering, as this can exacerbate the housing problems of the islands. Reverting holiday letting accommodation back to permanent residential use, and resisting the loss of permanent homes to other forms of tourism accommodation, can have benefits of reducing the need for more housing development.
- 318. The re-use or extension of existing tourism accommodation and the provision of appropriately designed, scaled and sited new buildings can play an important part in the tourism industry, through the creation of self-catering accommodation or local craft or artists' studios, for example. Such development needs to be sensitively designed and sited so as to not have an adverse impact on the landscape, as required in Policy OE1 and Policy SS2.

Building a Strong Working Community (10)

- 319. The provision of new or the expansion of existing tourist accommodation sites, including camping, chalets or other forms of self-catering accommodation, may cause visual intrusion and harm to the landscape. This impact could, in some circumstances, be minimised by effective, high-quality screening. It would, however, be inappropriate to allow the rapid expansion of such sites, due to the scale of the landscape and the likelihood of harm.
- 320. Proposals should help support other elements of the rural economy. For example, the extension of a public house to provide tourist accommodation may help to support viability, which in turn will benefit the local community.
- 321. Staff accommodation is an important aspect of supporting the tourism industry. Where new or expansions of businesses are proposed that require additional staff accommodation, this would need to be in accordance with Policy LC4. If accommodation approved or already provided is no longer needed to support a business, Policy LC5 seeks to ensure that any change of use meets local housing needs, unless it is otherwise demonstrated to meet the criteria for other uses.

Policy WC5 (1) (2)

Visitor Economy and Tourism Development

- 1) Proposals for new or upgraded tourism development will be permitted where they:
 - a) make a positive contribution to creating a sustainable, diverse and modern tourism economy; and
 - b) are located in sustainable and accessible locations; and
 - c) are appropriate to the site and its surroundings in terms of activity, scale and design; and
 - d) do not result in an unacceptable impact on the environment or residential amenities, in accordance with other relevant policies in the Local Plan; and
 - e) in the case of conversions, do not result in the loss of homes that would otherwise be available for permanent occupation, unless there are wider public benefits demonstrated to offset the loss of permanently available homes.
- 2) Proposals for tourism developments will be particularly encouraged subject to a) – e) above, and where it is demonstrated that they would:
 - a) extend the tourism season and increase productivity and wages in tourism;
 - b) support the promotion and interpretation of the islands' heritage; and
 - c) provide a viable and appropriate use for under-used buildings where they can be converted and are worthy of retention, and in accordance with Policy SS3.

Continued...

Policy WC5 (3) (4)

Visitor Economy and Tourism Development

- 3) In relation to serviced accommodation (hotels or guesthouses) development proposals that would involve the loss of existing and lawfully operating serviced accommodation, either in whole or in part, will only be permitted where:
 - a) an alternative form of tourism accommodation, including self-catering accommodation is provided, which is of benefit to the islands' overall tourism accommodation offer and where any existing element of permanent residential accommodation (e.g. for owners or staff) is retained; or
 - b) it is for another economic, community or mixed economic and community uses (including retail, leisure, restaurant or café) providing it complies with (1) a)-e).
- 4) Proposals for the change of use of lawfully operating serviced accommodation to residential dwellings will only be permitted where the accommodation is for the permanent occupation by staff or is otherwise meeting a local housing need, in which case an occupancy restriction will be imposed.

Continued...

Policy WC5 (5) (6)

Visitor Economy and Tourism Development

- 5) Proposals for a change of use of a dwelling where an informal bed and breakfast has been operating (and has not been subject to formal planning approval) or for any additional holiday letting accommodation within the curtilage, will not be permitted under (1) above, unless a certificate of lawful use has been obtained to demonstrate that the use of the property as a C1 guesthouse is lawful.
- 6) In all cases, proposals must demonstrate a reduction in waste, water and energy consumption, supported by the incorporation of clear sustainable design measures, in accordance with Policies SS1 and SS2. Applications will need to be supported by justification as to how the above is being addressed by the proposal.