



**IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY**

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

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

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

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

<b>Application No:</b>	P/23/006/COU	<b>Date Application Registered:</b>	26th January 2023
<b>Applicant:</b>	Mrs Stephanie Perkins Trethagan Churchtown St Martin's Isles Of Scilly TR25 0QL	<b>Agent:</b>	Mrs Elly Deacon Smith Unit 6.11, Shell Store, Canary Drive, Skylon Park, Hereford, HR2 6SR
<b>Site address:</b>	Trethagan Churchtown St Martin's Isles Of Scilly TR25 0QL		
<b>Proposal:</b>	Change of use of land from agricultural to commercial and the construction of a new single storey (use class A1) retail premises for existing business based at Trethagan.		

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

- R1 The proposal would, as a result of the prominence of the site and scale of the development, have an intrusive impact and harm the character and appearance of the surrounding area, which is designated an Area of Outstanding Natural Beauty, Conservation Area and Heritage Coast. The undeveloped open agricultural landscape makes a positive contribution to the setting of St Martins and the significance of this part of the wider Isles of Scilly Conservation Area. The development proposed would lead to a loss of open landscape through the increase of built environment and whilst the nature of the design seeks to reflect an agricultural style building there is insufficient justification for the scale and location of the building proposed. The proposal, therefore, fails to preserve or enhance the character of the Conservation Area through the harm identified. Although less than substantial, there are no recognised wider public benefits to the proposal sufficient to off-set the harm identified. The proposal is therefore in conflict with Policies WC3, WC1, SS4(1)a, OE1(1)b and OE7(5) of the Isles of Scilly Local Plan (2015-2030) and paragraphs 176, 202 and 207 of the National Planning Policy Framework (2021).

**The Decision relates to the following documents and drawings:**

<b>Ref No:</b>	<b>Plan Type:</b>	<b>Date Received:</b>
Drawing No: PL100 Rev B Location Plan		27/01/2023
Drawing No: PL101 Rev A Proposed Site Plan		26/01/2023
Drawing No: PL102 Proposed Roof Plan		23/01/2023
Drawing No: PL103 Proposed Section		23/01/2023

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

- Policy WC3 New Employment Development
- Policy WC1 General Employment Policy
- Policy SS4 Protection of Retailing, Recreation and Community Facilities
- Policy OE1 Protecting and enhancing the landscape and seascape
- Policy OE7 Development affecting heritage (5) Conservation Area

### **Informative**

Town and Country Planning (Development Management Procedure) (England) Order 2015 - Positive and Proactive Statement: The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner. The reasons for refusal have been clearly set out above.

Signed:



**Chief Planning Officer**

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

**DATE OF ISSUE:** 31<sup>st</sup> March 2023

**IMPORTANT: PLEASE REFER TO THE NOTES ATTACHED TO THIS DOCUMENT**



# COUNCIL OF THE ISLES OF SCILLY

Planning Department

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

☎ 0300 1234 105

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

Dear Applicant,

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

## Appealing Against the Decision

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

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

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

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

## Purchase Notices

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

**Listed Buildings**

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

**Re-submissions for Planning Permission**

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

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



View from road



View from the site towards boundary with road



View from the site towards the sea view

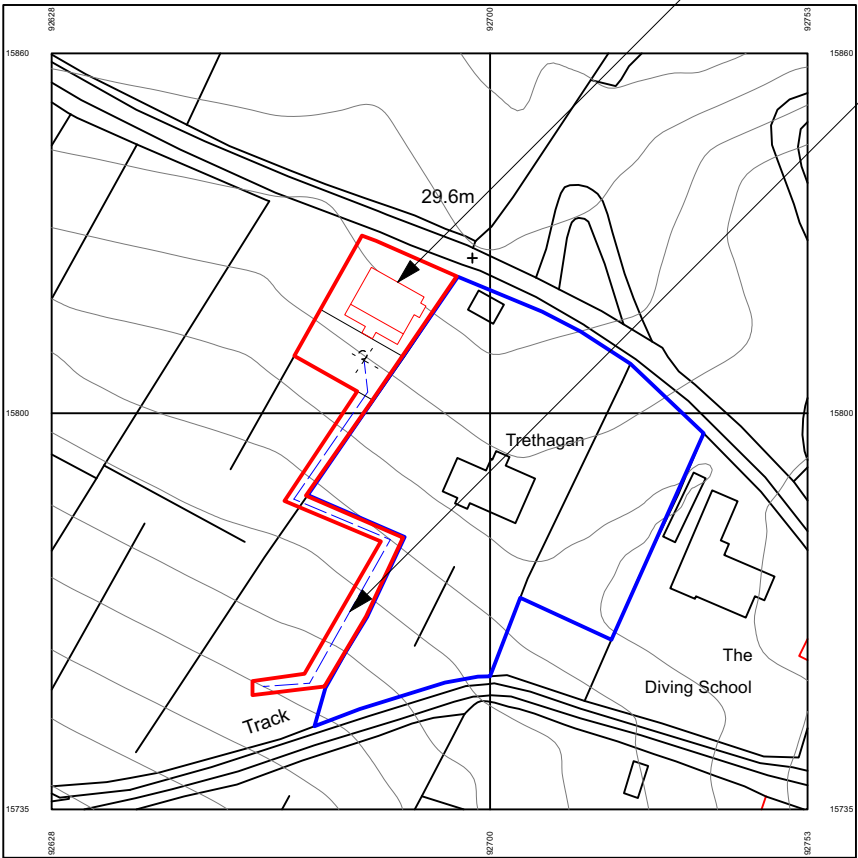


View along eastern boundary to existing small shop



View along eastern boundary to Trethagan

Ordinance Survey  
Ukmapcentre.com



Block Plan of proposed shop

Proposed soakaway for treated outflow from package treatment plant

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Arbor Architects Ltd.  
Shell Store, Skylon Park, Hereford, HR2 6JT  
Registered No. 12037250

www.arborarchitects.co.uk

NOTES:

Check this drawing is the latest revision.  
Do not scale from this drawing.  
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DESIGNERS HAZARD IDENTIFICATION:

Site area

Land within ownership of applicant

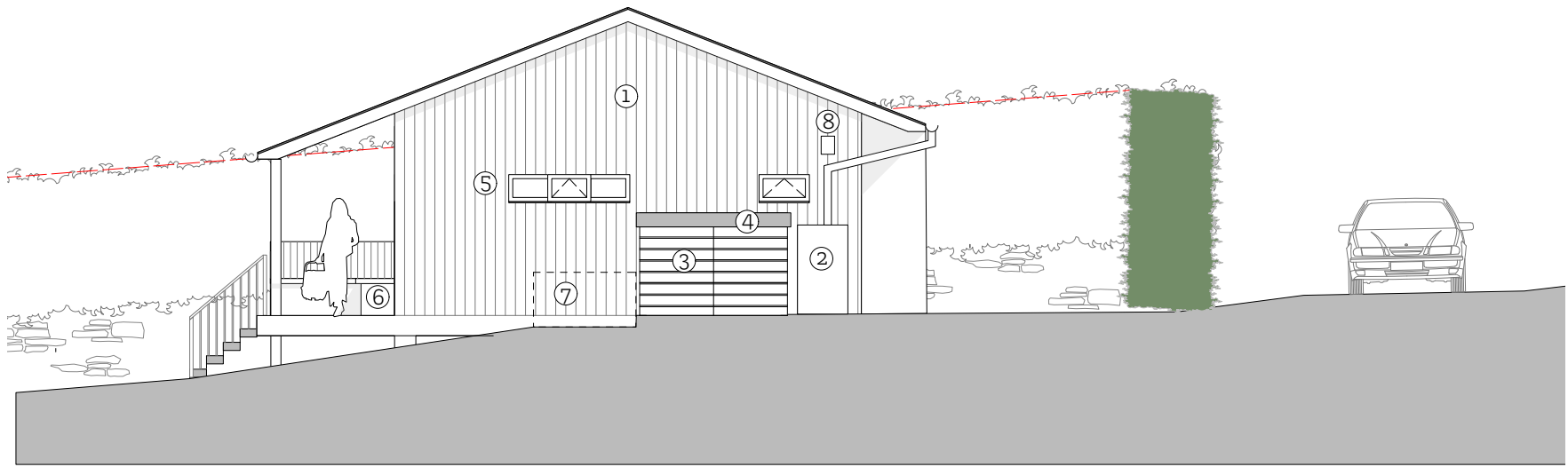
RECEIVED

By A King at 8:18 am, Jan 27, 2023

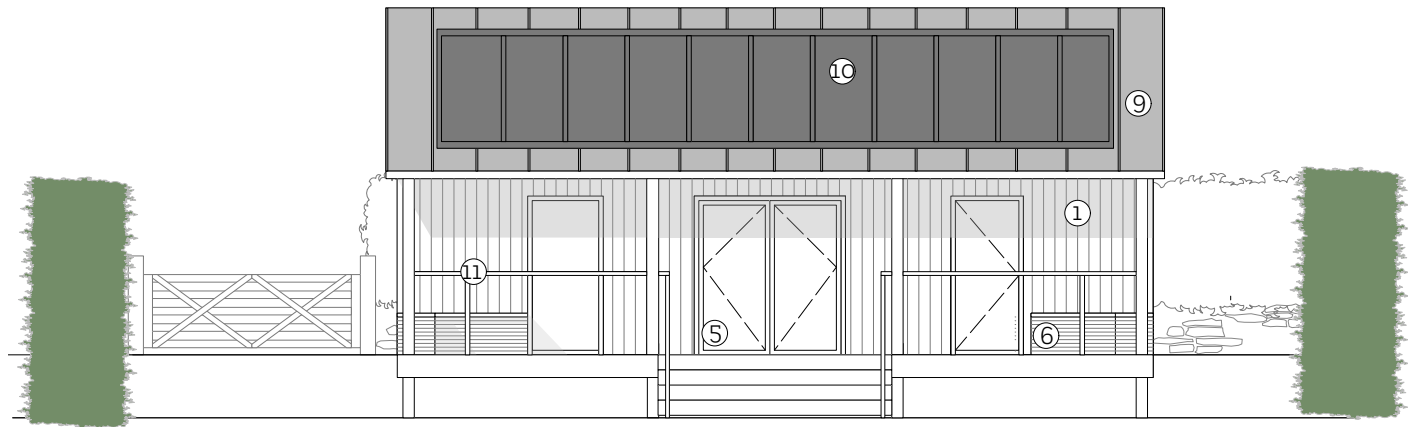


REFUSED  
Council of The  
Isles of Scilly

Rev	Date	Description	DRW	CHK
Project Scilly Billy Shop				
Project No. 1040				
Date		Status		
30/12/22		PLANNING		
Scale		Drawn	Checked	
1:1250 at A3		EDS	MH	
Drawing				
Location Plan				
Drawing No. PL100			Rev. B	



East Elevation



South Elevation

- ① Vertical timber cladding, treated with natural UV protection oil
- ② Rainwater collection
- ③ Horizontal timber cladding to secure bin storage
- ④ Profiled metal roof covering to bin store
- ⑤ Double glazed grey metal framed windows and doors - opening for ventilation
- ⑥ Timber bench seat on deck
- ⑦ Air Source Heat Pump (ASHP)
- ⑧ Bathroom extract ventilation
- ⑨ Grey standing seam metal roof
- ⑩ Photovoltaic array
- ⑪ Timber balustrade to deck

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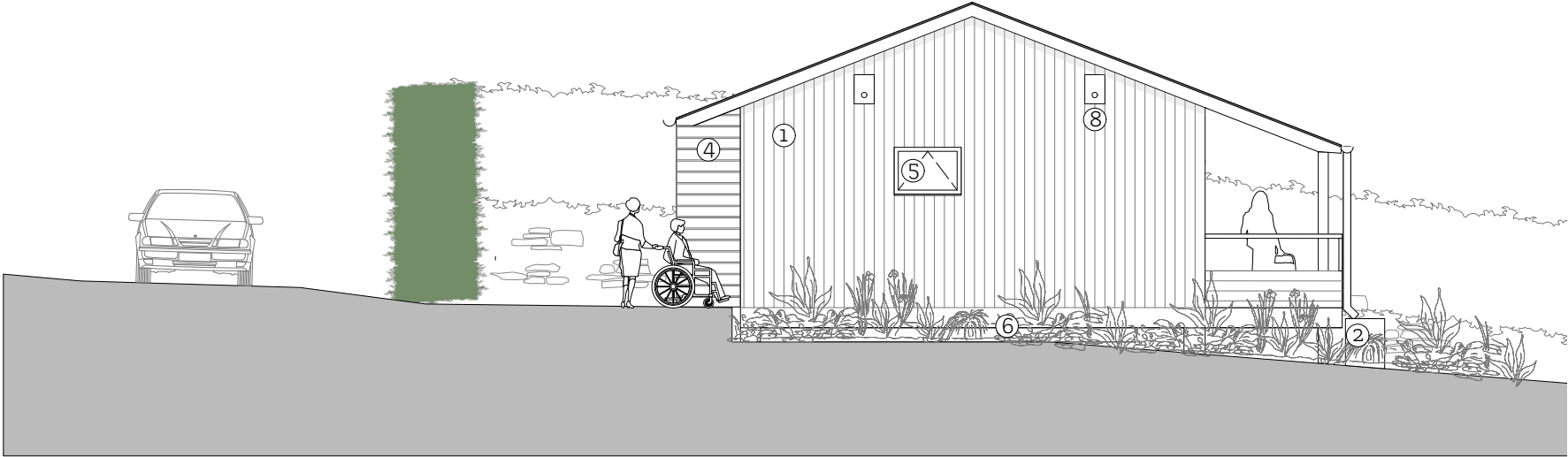
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DESIGNERS HAZARD IDENTIFICATION:

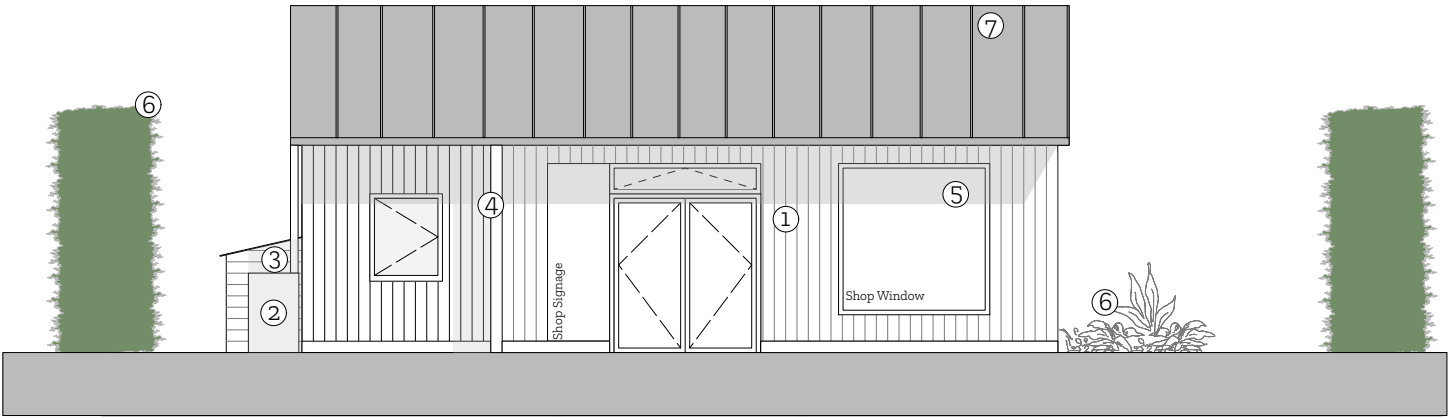
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By Liv Rickman at 12:24 pm, Jan 23, 2023

Rev	Date	Description	DRW	CHK
Project Scilly Billy Shop				
Project No. 1040				
Date		Status		
30/12/22		PLANNING		
Scale		Drawn	Checked	
1:100 at A3		EDS	MH	
Drawing				
Proposed Eleavtions - Sheet 1				
Drawing No. PL104			Rev.	



West Elevation



North Elevation

- ① Vertical timber cladding, treated with natural UV protection oil
- ② Rainwater collection
- ③ Horizontal timber cladding to secure bin storage
- ④ Timber screen between public entrance and staff room window
- ⑤ Double glazed grey metal framed windows - opening for ventilation
- ⑥ Landscaping - new hedge and wildflower planting
- ⑦ Grey standing seam metal roof
- ⑧ Bird boxes

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DESIGNERS HAZARD IDENTIFICATION:

RECEIVED  
By Liv Rickman at 12:19 pm, Jan 23, 2023

Rev	Date	Description	DRW	CHK
Project Scilly Billy Shop				
Project No. 1040				
Date		Status		
30/12/22		PLANNING		
Scale		Drawn	Checked	
1:100 at A3		EDS	MH	
Drawing				
Proposed Elevations - Sheet 2				
Drawing No. PL105			Rev.	



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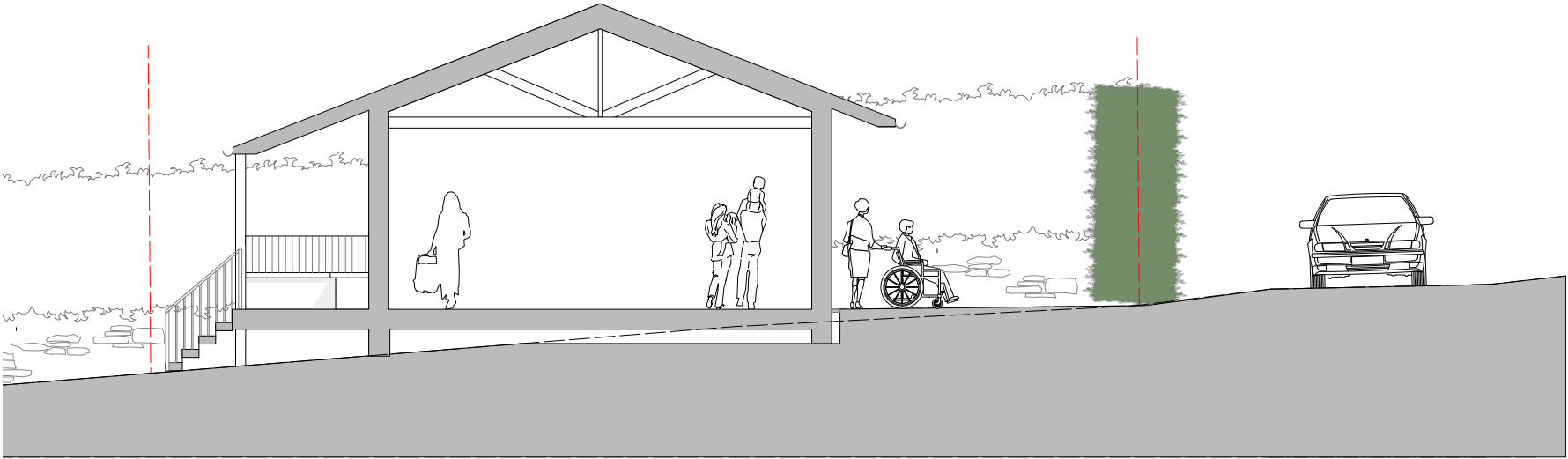
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By Liv Rickman at 12:25 pm, Jan 23, 2023

Rev	Date	Description	DRW	CHK
Project Scilly Billy Shop				
Project No. 1040				
Date		Status		
30/12/22		PLANNING		
Scale		Drawn	Checked	
1:100 at A3		EDS	MH	
Drawing				
Proposed Roof Plan				
Drawing No. PL102			Rev.	

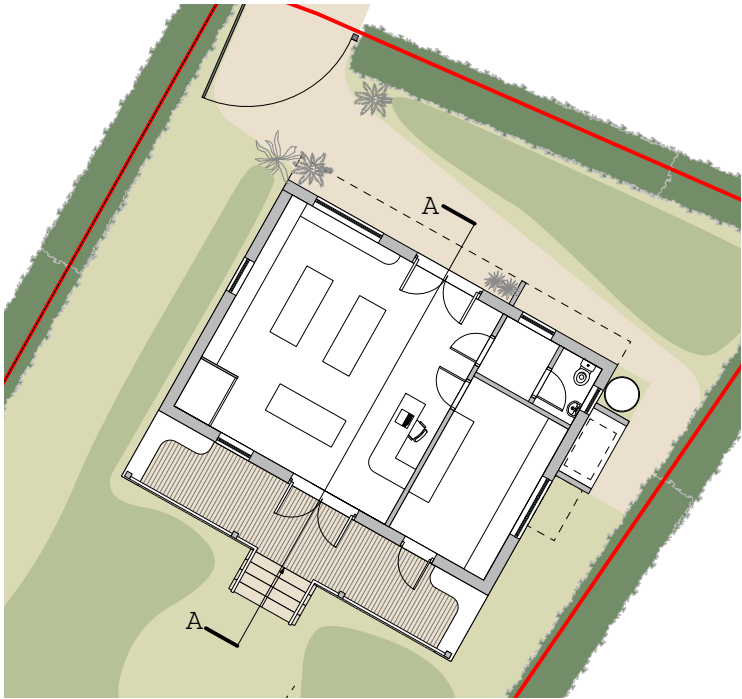


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Section AA



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30/12/22		PLANNING		
Scale		Drawn	Checked	
1:100 at A3		EDS	MH	
Drawing				
Proposed Section				
Drawing No. PL103			Rev.	

RECEIVED  
By A King at 8:42 am, Jan 26, 2023

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1:100 at A3		EDS	MH	
Drawing				
Proposed Site Plan				
Drawing No. PL101			Rev. A	

New gate access to field with  
stone chippings to form pathway  
to new shop

New pittosporum hedgerow for  
increased biodiversity and  
privacy between neighbouring  
properties

Rainwater collection trough

External timber clad bin store

Location for possible ASHP

110m2 wildflower meadow to  
provide biodiversity  
enhancement

Proposed new package treatment  
plant with soakaway to south

