

Council of the Isles of Scilly Delegated Planning Report Householder application

Application Number: P/24/092/HH

UPRN: 000192000673

Received on: 26 November 2024

Valid on: 09 December 2024

Application Expiry date: 03 February 2025

Consultation expiry date: 01/01/2025

Site notice posted: 11 December 2024

Site notice expiry: 1 January 2024

Case Officer: SWHITE

Applicant: Mr And Mrs Hicks

Site Address: 10 Parsons Field,
Hugh Town,
St Mary's,
Isles Of Scilly,
TR21 0JJ,

Proposal: *Removal of section of boundary wall, construction of storage shed, removal of existing shed, creation of parking space and replacement of timber boundary fencing.*

Application Type: Householder

Recommendation: Permit

Summary Conditions

1. Standard time limit (3 years)
2. In accordance with the approved plans
3. Details of timber finish
4. Incidental use
5. External lighting
6. Hours of Construction
7. Site Waste Management Plan

Reason for Delegated Decision

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

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

Lead Member Planning Agreed

Name: Cllr D Marcus

Date: 12/12/2024

Site Description and Proposed Development

The application site is 10 Parsons Field to the west of Hugh Town on the island of St Mary's. The dwelling is rendered and painted with a pitched tile roof. The gable end of the dwelling faces south onto the highway with dormers on the east and west roof slopes.

A small private garden is sited to the east which is enclosed by a rendered boundary wall topped with timber paneling. There are 2 timber garden sheds to the west of the dwelling.

The proposal seeks to introduce a pitched roof timber shed to the rear of the dwelling's garden. A section of the boundary wall along the southern boundary of the site would be removed to allow the shed to open south onto the street. The proposal also seeks to replace the existing timber paneling on top of the boundary with vertical timber picket fencing.

In addition, 1 of the existing timber sheds to the west of the dwelling is proposed to be removed to allow this area to be used for parking.

Certificate: A

Other Land Owners: None

Consultations and Publicity

The application has had a site notice on display for 21 days (11/12/2024 – 02/01/2025). The application appeared on the weekly list 16/12/2025. The following external consultations have been received:

Consultee	Date Responded	Comments
Cornwall Archaeological Unit	29/01/25	We have consulted the Cornwall & Isles of Scilly Historic Environment Record and the supporting information, including further correspondence from the agent regarding the concrete footings for the proposed shed. Because of the negligible scale of the proposed groundworks, in this instance, we consider it unlikely that significant archaeological remains will be disturbed by the proposed scheme. No archaeological mitigation is required, and therefore no archaeological condition is sought.
South West Water	24/01/25	Full Comments available at: https://www.scilly.gov.uk/planning-application/planning-application-p24092hh

Representations from Residents:

[0] letters have been received.

Relevant Planning History:

Planning History

App. No.	Description	Date
P.5065	Conditional permission granted for the installation of dormer windows and provision of roofspace accommodation.	20.11.2001
P.5336	Conditional permission granted for the erection of a conservatory.	09.09.2003
P.5684	Conditional permission granted for the erection of a timber fence and building of garden shed.	21.07.2005
P/06/094	Conditional permission granted for the erection of rear extension for dining room, bedroom and utility.	11.12.2006
P/13/037	Permission granted for the addition of first floor window and replacement of existing working chimney with replica false chimney to south elevation.	25.09.2013
P/14/019	Permission granted for the lowering of pavement kerb and removal of part garden wall to allow access for off road parking in existing paved garden.	19.06.2014
P/15/101	Conditional permission granted for the addition of two new dormer windows.	21.01.2016
P/20/045	Permission granted for the conversion of conservatory into front extension.	04.09.2020
P/21/048	Conditional permission granted for proposed additional front dormer to existing dwelling.	30.07.2021

Constraints:

- Conservation Area
- Area of Outstanding Natural Beauty
- Heritage Coast
- Archaeological Constraint Area

Planning Assessment

Design	YES OR NO
Would the proposal maintain the character and qualities of the area in which it is proposed?	Y
Would the proposal appear in-keeping with the appearance of the existing dwelling, street and area?	Y
Would the materials, details and features match the existing dwelling and be consistent with the general use of materials in the area?	Y
Would the proposal leave adequate garden area and green space to prevent the proposal appearing as an overdevelopment of the site and to ensure an adequate level of amenity?	Y
Is the parking and turning provision on site acceptable?	Y
Would the proposal generally appear to be secondary or subservient to the main building?	Y
Is the scale proposed in accordance with NDSS	N/A

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

Heritage	YES OR NO
Would the proposal sustain or enhance the character and appearance of the Conservation Area?	Y
If within the setting of, or a listed building, a) Will the development preserve the character and special architectural or historic interest of the building? b) Will the development preserve the setting of the building?	N
Within an Archaeological Constraint Area	Y

Other Impacts	
Does the proposal comply with Highways standing advice such that it does not adversely affect highway safety?	Y
Impact on protected trees Will this be acceptable Can impact be properly mitigated?	N/A
Has the proposal been designed to prevent the loss of any significant wildlife habitats or proposes appropriate mitigation where this has been demonstrated to be unavoidable?	N/A
Does the proposal conserve and enhance the landscape and scenic beauty of the AONB	Y
Are the Water connection/foul or surface water drainage details acceptable?	N/A
If sited within a Critical Flood Risk Area (low lying land below the 5m datum) is the application accompanied by an acceptable Flood Risk Assessment?	N/A
Are there external lights	N

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

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

Sustainable Design	YES OR NO
---------------------------	------------------

Does the proposal materially increase the use of the site to require additional sustainable design measures	N
Does the proposal include any site specific sustainable design measures	N
Is a condition required to secure a Sustainable Design Measures	N

Analysis:

Principal of Development

Isles of Scilly (IoS) Local Plan Policy LC8 provides support for residential extensions, alterations and ancillary accommodation including proposals for annexes and outbuildings.

The proposal is for a timber log cabin which would provide approximately 11.5 sqm of floorspace incidental to the dwelling. The shed would not increase the habitable floorspace of the dwelling and would not introduce new self-contained holiday letting accommodation.

The proposal is therefore considered to accord with LC8 and is acceptable in principle subject to wider acceptability of the proposal in accordance with other relevant local plan policies.

Design and Siting

Policies SS2 and LC8 requires proposals to demonstrate an appropriate scale, density, layout, height, mass and use of materials. LC8 requires proposals to demonstrate that they would be of an appropriate scale and subservient in relation to the existing building and do not result in the overdevelopment of the site.

Policies OE1 and SS2 require proposals to respect the character of the site and conserve and enhance the landscape, seascape and scenic beauty. OE7 requires that great weight is given to the conservation of the island's irreplaceable heritage assets.

The proposal would remove a section of the existing boundary wall and introduce a pitched roof timber garden shed fronting the street. The proposed shed would be prominent within the street scene, however, would be of a modest scale and timber construction. The proposed amendments to the timber panelling would be an improvement to the visual appearance of the dwelling and would further assist the integration of the shed in the setting. Given the prominence of the timber shed, and proposed timber fencing it is considered appropriate to secure the final details of the timber colour / finish by a suitably worded planning condition.

The removal of the timber shed to the west of the dwelling would also serve to reduce built clutter in front of the dwelling.

The proposal is therefore considered to conserve the setting of the conservation area and is acceptable under LC8, SS2, OE1 and OE7.

Highways

SS10 b) supports proposal where they would not have an adverse impact on the function, safety and character of the local highway network.

The proposal seeks to remove a section of boundary wall to allow the proposed shed doors to open south onto the footway. These doors are intended to provide access to the shed for the purposes of storage. This does not constitute a new vehicular access to the dwelling or a new access onto the highway. The proposal would therefore not impact the function or safety of the highway in accordance with SS10.

Residential Amenity

IoS Policies SS2 and LC8 require proposals to safeguard residential amenities. The proposed works would have no significant impacts on the adjacent properties. As such, the proposal accords with these policies.

Ecology Impacts

Policy OE2 seeks to conserve and enhance biodiversity and priority habitat and ensure proportionate and appropriate biodiversity net-gain is secured.

The proposed shed would be situated to the rear of the garden. Whilst a limited amount of ornamental planting would be removed, the proposal is not considered to result in the loss of biodiversity.

Biodiversity Net Gain (BNG)

As the application is a householder application, it is exempted from the statutory 10% net gain in biodiversity. Furthermore, given the minor nature of the works proposed, it is not considered proportionate to secure a further biodiversity net-gain under OE2 in this instance. The proposal is therefore considered to accord with OE2.

Dark Skies: Policy OE4 seeks to protect Scilly's Dark Skies. Proposals that include external lighting will only be permitted where this is essential for safety, security or community reasons, and where details are provided of attempts to minimise light pollution. To protect Dark Skies, harmful upward light spill should

be avoided, and proximity or automated timers used to reduce unnecessary lighting during hours of darkness.

The proposal seeks to introduce a new structure with a modest amount of glazing. The shed is expected to have a low intensity of use during the hours of darkness and no external lighting is proposed. The proposal is, therefore, considered to accord with Policy OE4.

Archaeological Impacts

Policy OE7 7) outlines that proposal should preserve or enhance the significance of Scheduled Monuments or Archaeological Sites, including their setting. The application site falls within the Archaeological Constraint Area.

The Cornwall Archaeological Unit have commented that it is unlikely that significant archaeological remains will be disturbed by the proposed development and no archaeological mitigation is required. The proposal is therefore considered to accord with OE7 7).

Site waste management: Policy SS2 requires that proposals for the construction of new buildings submit a Site Waste Management Plan (SWMP). A SWMP has not been provided with this application, however, these details can be secured by a suitably worded planning condition. With this condition in place, the proposal is considered sufficient to accord with SS2.

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

Proactive working: In accordance with guidance within the National Planning Policy Framework the Council has worked in a positive and creative way and has concluded that the application is acceptable for planning permission to be granted. This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004. This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004 and with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

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

Isles of Scilly Local Plan, 2015-2030

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

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

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

- a) Eliminate discrimination, harassment, victimisation and any other conduct that is

- prohibited by or under the Act;
- b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

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

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

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

Recommended Conditions:

- C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**
Reason: In accordance with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
- C2 The development hereby permitted shall be carried out in accordance with the approved details only including:**
- Plan 1, Location Plan, Drawing Number: 2051-P01, Dated Sept 2024
 - Plan 2, Block Plan, Drawing Number: 2051-P02, Dated Sept 2024
 - Plan 3, Proposed Plan and Elevations 1, Drawing Number: 2051-P04 Rev: A, Dated Oct 2024
 - Plan 3, Proposed Plan and Elevations 2, Drawing Number: 2051-P04 Rev: A, Dated Oct 2024
- These are stamped as APPROVED**
Reason: For the clarity and avoidance of doubt and in the interests of the character and appearance of the Conservation Area, Area of Outstanding Natural Beauty and Heritage Coast in accordance with Policy OE1 and OE7 of the Isles of Scilly Local Plan (2015-2030).
- C3 Prior to development above ground floor slab level details of the final finish / colour of all exposed timber to be used on the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in full accordance with the**

approved schedule and samples.

Reason: To safeguard the appearance of the building and the character of the area and to enable the Local Planning Authority to properly consider the development.

- C4 The shed / outbuilding hereby approved shall be used solely for purposes incidental to the occupation and enjoyment of the dwelling known as 10 Parsons Field, and shall not be converted into habitable accommodation and shall not be used or occupied separately or severed thereafter.**
Reason: To safeguard the amenities of the local area and to ensure that the outbuilding is used only in connection with the existing dwelling.
- C5 No external lighting shall be installed to the dwelling or anywhere within the site unless otherwise agreed in writing by the Local Planning Authority. This exclusion shall not prohibit the installation internal lighting or of sensor-controlled security lighting of 1,000 lumens or less, which shall be designed and shielded to minimise upwards light spillage.**
Reason: To protect the amenities of the locality, including the amenities of neighbouring residential properties and to protect the amenities of this rural area and preserve the dark night skies of the Isles of Scilly and the Garrison Dark Sky Discovery Site (Milky Way Class) in accordance with Policy OE4 of the Isles of Scilly Local Plan (2015-2030).
- C6 No construction plant and/or machinery shall be operated on the premises, as part of the implementation of this permission, before 0800 hours on Mondays through to Saturdays nor after 1800 hours. There shall be no works involving construction plant and/or machinery on a Sunday or Public or Bank Holiday.**
Reason: In the interests of protecting the residential amenities of the islands.
- C7 Prior to the commencement of the development, hereby approved, a scheme including details of the sources of all building materials and the means/location of disposal of all demolition material and all waste arising from building works, including excess material from excavations, shall be submitted to and agreed in writing with the Planning Authority. The development shall thereafter proceed in strict accordance with the approved scheme only.**
Reason: This is a pre-commencement condition that requires details that were not submitted as part of the application but are required to ensure appropriate reduction and management of waste, to be submitted and agreed by the Local Planning Authority. In accordance with Policy SS2(2) of the isles of Scilly Local Plan (2015-2030)

Informatives

1. *Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements are considered to apply. These can be found in the legislation.*

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that, unless an exception or a transitional arrangement applies, the planning permission granted for the development of land in England is deemed to have been granted subject to the condition ("the biodiversity gain condition") that development may not begin unless:

- (a) a Biodiversity Gain Plan² has been submitted to the planning authority, and*
- (b) the planning authority has approved the plan.*

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan in respect of this permission would be the Planning Department at the Council of the Isles of Scilly.

2. *In the interest of clarity, the proposed shed doors do not constitute a new access or vehicle access onto the highway.*

Print Name: Lisa Walton

[03/02/2025]

Job Title: Chief Planning Officer

Signed:



Authorised Officer with Delegated Authority to determine Planning Applications
