

# Council of the Isles of Scilly

## Delegated Planning Report

### Listed Building Consent Application

**Application Number:** P/25/017/LBC

**UPRN:** 000192002601

**Received on:** 18 February 2025

**Valid on:** 10 March 2025

**Application Expiry date:** 5 May 2025

**Neighbour expiry date:** NONE CONSULTED

**Consultation expiry date:** 07 April 2025

**Site notice posted:** 17 March 2025

**Site notice expiry:** 7 April 2025

**Applicant:** Mr and Mrs Murray

**Site Address:** North Farm  
Higher Town  
St Martin's  
Isles of Scilly  
TR25 0QL

**Proposal:** Replacement of single glazed timber framed window on the  
East end wall with a double glazed timber frame window  
(Listed Building)

**Application Type:** Listed Building Consent

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**Recommendation:** PER

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#### **Summary Conditions:**

1. Standard time limit
2. constructed in timber to match and painted not varnished or stained
3. No other alterations without consent

## 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: 17/03/2025

## Site Description and Proposed Development

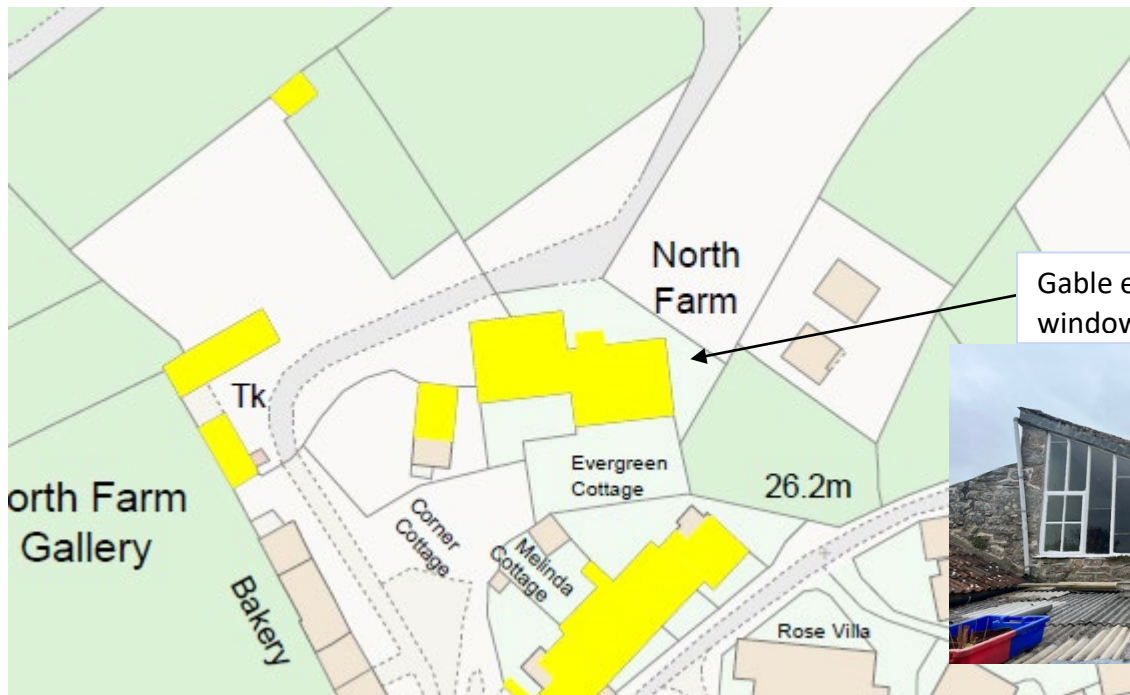
North Farm is a granite cottage at Higher Town, St Martins. It is a detached property with an enclosed garden which wraps around the property from the front (south) with a cottage garden to the west and north. To the east side is an attached greenhouse structure.

The property was added to the statutory list in 1992 and is described as:

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*Farmhouse. C17/18, extended and remodelled in C19. Roughly coursed granite rubble; slate roof, hipped to left; rendered ridge and end stacks. Original 2-unit dwelling with end stacks extended to sides and rear in C19, firstly to left, then parlour wing to rear left, kitchen to rear right and back kitchen, packing shed and glasshouse to right. 2 storeys; 3-window range. Granite lintels over horned 2/2-pane sashes including 2 blocked doorways to original structure; gabled porch to left. Granite lintels over horned 2/2-pane sashes. Similar sashes to 3-window range to left. Interior: C19 features include beaded joists, panelling and cast-iron fireplaces. Dairy door with ventilation holes to left. Rear left room has moulded fireplace with pulvinated frieze and decorative surround. Front room has mid C19 iron Cornish range with decorative surround and bracketed wood overmantle, C19 cupboard in recess and another fireplace in dark hardwood surround reputedly from captain's cabin of wrecked ship. A good example of a Scillonian house with an evolved house plan, forming part of an interesting farmstead.*

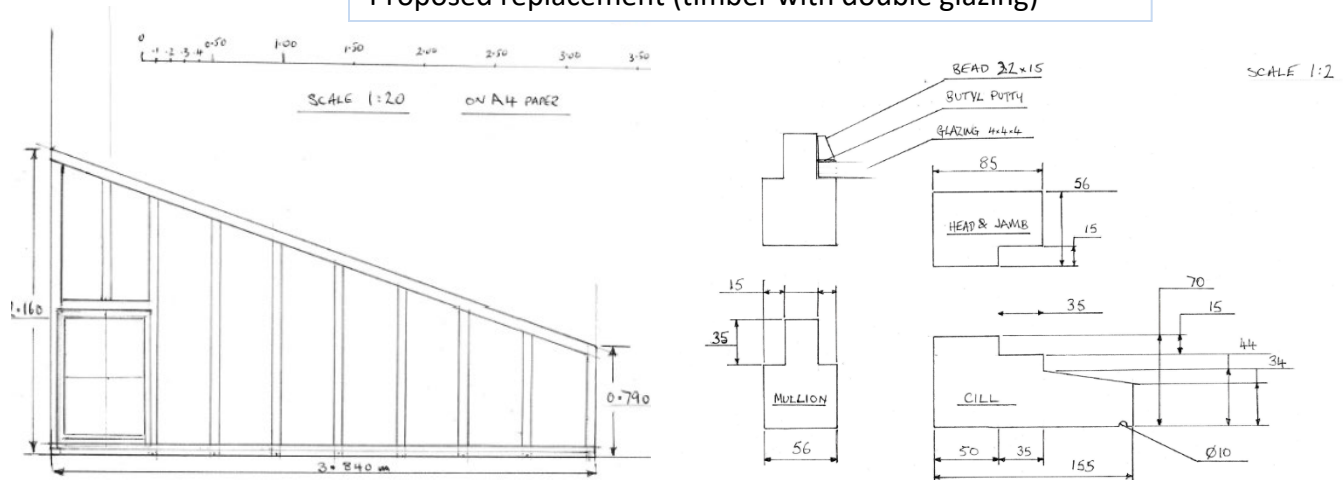
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Gable end with lean-to window replacement



Proposed replacement (timber with double glazing)





Certificate: B

Other Land Owners: Duchy of Cornwall

### Consultations and Publicity

The application has had a site notice on display for 21 days (17/03/2025 – 07/04/2025). The application appeared on the weekly list on 10 March 2025. Due to the nature of the proposal we have consulted with the Council's Conservation Officer. Summary comments are set out below.

Consultee	Date Responded	Summary
Conservation Officer	25/04/2025	The existing window is a wide asymmetrical unit set under the eave of a monopitch roof. It features one side hung 4-pane sash in the bottom left corner for ventilation, the remainder is arranged with 9 vertical panes. There are 4 panes with a single sheet of glass and 5 panes with some overlapping glazing. The glass has 'movement' across its surface and is said to be agricultural glass, therefore it is very thin. The whole

		arrangement is bespoke and characterful. Presumably it enabled plentiful light to flood the room in which flower packing was undertaken. It probably dates from the late 19th century. It is our recommendation that the existing window be carefully repaired with consideration given to secondary glazing, which would greatly enhance its thermal performance.

#### Representations from Residents:

[0] letters of objection have been received

[0] letters of support have been received

[0] letters of representation have been received.

#### Relevant Planning History:

No planning history

#### Constraints:

- Conservation Area
- Area of Outstanding Natural Beauty
- Heritage Coast
- Grade II Listed Building

Planning Assessment	Yes or No
Is there a need or justification for the works?	Y
Has it been demonstrated that the works cannot be addressed through repairs or lesser works?	Y
Have the proposed works been adequately justified with regard to the impact on the significance of the heritage asset and its character and appearance?	Y
Where materials or other details are indicated in the application are these acceptable or can they be adequately secured by condition?	Y
Has it been demonstrated that the proposed works will cause no substantial harm to the significance of the listed building?	Y

Having regard to your answers above, is the application considered to be acceptable?	y
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**Analysis:** The key policies in this application are Policy SS2 (Sustainable Design and Historic Environment) which supports sensitive alterations to heritage assets that preserve or enhance their character and encourages the use of traditional materials and detailing where appropriate. Policy OE1 (Protecting the Historic Environment). This requires that proposals affecting listed buildings demonstrate a clear understanding of the asset's significance. Alterations must not harm the special architectural or historic interest of the building.

National planning policy framework 2024 at paragraphs 212-214 sets out that Great weight should be given to the conservation of heritage assets and any harm to the significance of a listed building must be justified and weighed against public benefits. Paragraph 215 states that where a development proposal would lead to less than substantial harm, this harm should be weighed against the public benefits, including securing the asset's optimum viable use.

The proposal involves a like-for-like material replacement (timber frame) but with modern double glazing, which may improve energy efficiency. I consider that the windows are not original to this building, and indeed the applicant states that they were replaced in the 1980s by the previous owner. The date of first listing is 1991 which would explain why there are no listed building consent records for window replacement in the 1980s. I consider the design, profile, and detailing of the new window closely match the current windows and as such the change is considered "less than substantial harm" under the NPPF.

The public benefit is given as improved thermal performance, which is not altogether a particularly strong public benefit, does, in this case justify the change, on the basis that the current windows are not original and overall, I do not consider the works would not compromise the building's historic character overall.

Although the conservation officer raises concerns that the windows could be original dating back to the 19<sup>th</sup> century, a close inspection on site suggests the frames are a modern replacement, as evidenced by the chunky finish, and confirmed by the applicant. Overall, I consider the application aligns with both local and national policy as the windows are sympathetic in design and materials. The use of slim double glazing in a listed building is acceptable where it does not detract from the building's significance.

**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 granting listed building consent. This application has been considered in accordance with Section 16 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**

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

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

### **Recommended Conditions:**

- C1 The development hereby authorised shall be begun not later than three years from the date of this consent.**

Reason: In accordance with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

- C2 The replacement window, hereby approved, shall be constructed in timber to match the existing in appearance, finish, and profile, and shall be painted, not stained or varnished.**

Reason: In order to maintain the visual and material consistency with the listed building.

- C3 No further alterations to the window opening or surrounding fabric shall be carried out without the prior written consent of the Local Planning Authority.**

Reason: In order to prevent incremental harm to the listed fabric.

### **Further Information**

1. In dealing with this application, the Council of the Isles of Scilly has actively sought to work with the applicants in a positive and creative way, in accordance with paragraph 39 of the National Planning Policy Framework 2024.
2. The assessment considered the following plans, which should be followed when carrying out the works. Any deviation from these approved plans may trigger the need to obtain further listed building consent. The applicant is advised to speak to the Planning Department if this is the case:
  - Location Plan, received 06/03/2025
  - Block Plan, received 06/03/2025
  - Proposed window dimensions, received 06/03/2025
  - Heritage Impact Assessment, received 12/03/2025
  - Photos of Existing Windows, received 018/02/2025
  - Specification of Proposed Windows, received 12/06/2025
  - Window Specifications, received 12/06/2025
  - Existing Plan, received 18/02/2025
3. **BIODIVERSIT NET GAIN:** 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 Plan 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.
4. **BATS:** The Applicant is reminded of the provisions of the Wildlife and Countryside Act 1981 and the E.C. Conservation (Natural Habitats) Regulations Act 1994, the Habitat and



Species Regulations 2012 and our Natural and Environment and Rural Communities biodiversity duty. This permission does not absolve the applicant from complying with the relevant law protecting species, including obtaining and complying with the terms and conditions of any licences required, as described in part IV B of Circular 06/2005. Care should be taken during the work and if bats are discovered, they should not be handled, work must stop immediately and a bat warden contacted. Extra care should be taken during the work, especially when alterations are carried out to buildings if fascia boards are removed as roosting bats could be found in these areas. If bats are found to be present during work, they must not be handled. Work must stop immediately and advice sought from licensed bat wardens. Call The Bat Conservation Trust's National Bat Helpline on 0845 1300 228 or Natural England (01872 245045) for advice.

5. **COMMENCEMENT NOTICE:** Under Section 93G of the Town and Country Planning Act 1990 (as amended), this decision notice informs you that a 'commencement notice' must be served on the Local Planning Authority - subsections (2) and (3) are set out below:

(2) Before the development is begun, the person proposing to carry it out must give a notice (a "commencement notice") to the local planning authority specifying the date on which the person expects the development to be begun.

(3) Once a person has given a commencement notice, the person:

- may give a further commencement notice substituting a new date for the date previously given, and
- must do so if the development is not commenced on the date previously given

The notice should be provided to the Local Planning Authority a minimum of seven (7) days before the development commences.

Failure to provide the commencement notice could lead to the Local Planning Authority serving notice on them to require information to be provided, and if that is not provided within 21 days, they will be guilty of an offence, as below:

(5) Where it appears to the local planning authority that a person has failed to comply with the requirements of subsection (2) or (3)(b), they may serve a notice on any relevant person requiring the relevant person to give the authority such of the information prescribed under subsection (4)(a) as the notice may specify.

(7) A person on whom a notice under subsection (5) is served is guilty of an offence if they fail to give the information required by the notice within the period of 21 days beginning with the day on which it was served.

(9) A person guilty of an offence under subsection (7) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

PLEASE NOTE: The requirement under Section 93G of the Town and Country Planning Act 1990 (as amended) is separate from any requirements under the Community Infrastructure Levy Regulations 2010 (as amended) or any requirements for serving notices secured through the signed Section 106 Legal Agreement.

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**Print Name:** Lisa Walton

12/06/2025

**Job Title:** Chief Planning Officer

**Signed:**



Authorised Officer with Delegated Authority to determine Planning Applications

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