

# Council of the Isles of Scilly

## Delegated Planning Report

### Householder

**Application Number:** P/25/025/HH

**UPRN:** 000192001697

**Received on:** 11 March 2025

**Valid on:** 26 March 2025

**Application Expiry date:** 21 May 2025

**Neighbour expiry date:** 21 April 2025

**Consultation expiry date:** 21 April 2025

**Site notice posted:** 31 March 2025

**Site notice expiry:** 21 April 2025

**Case Officer:** Stella New

**Applicant:** Tim Hicks  
**Site Address:** Windridge  
7 McFarland's Down  
St Mary's  
Isles Of Scilly  
TR21 0NS

**Proposal:** Erection of single storey rear extension and garage.

**Application Type:** Householder

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**Recommendation:** **APPROVE**

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#### Summary Conditions/Reasons for refusal

1. Standard time limit
2. Adherence to plans
3. Materials
4. Obscure windows
5. No external illumination
6. Ancillary accommodation
7. Precautionary Method Statement
8. Noisy works

#### 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 Dan Marcus

Date: 01/04/2025

### Site Description and Proposed Development

The application site is located to the east of McFarland's Down (off Telegraph Road via Pungies Lane). The area is to the north west of St Mary's. The site comprises a single-storey 3-bedroom dwelling, sited in a linear residential development. The dwelling is rendered with a tile roof.

The application proposes:

- The demolition of an existing single storey, flat-roof rear projection.
- The erection of a replacement single storey rear extension to the rear of the dwelling which would be 6.07m long (2.75m longer than the existing projection), with a hipped roof. The ridge height would be 3.87m, with an eaves height of 2.8m. The extension would be rendered and have a tiled roof.
- The erection of a detached single-car garage which would be 6.5m long and 3.2m wide. The roof ridge height would be 3.45m with an eaves height of 2.45m. The garage would be rendered and have a tiled roof.
- The insertion of 2 windows in the northern side elevation.
- Internal alterations to relocate the existing bathroom and provide a utility room.

**Certificate:** A

**Other Land Owners:** N/A

### Consultations and Publicity

The application has had a site notice on display for 21 days (31.03.2025-21.04.2025). The application appeared on the weekly list on 1 April 2025. Due to the nature of the proposal external consultations are required as set out below.

Consultee	Date Responded	Summary
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<b>Cornwall Fire and Rescue Service</b>	10/04/2025	As this is a domestic dwelling application [not for short term holiday rental] the Fire Authority have no adverse comments to make. We would remind the applicant to ensure a building regulations application is made prior to the works being started to avoid any potential costly remedial works.
<b>Cornwall Archaeological Unit</b>	11/04/2025	We have consulted the Cornwall & Isles of Scilly Historic Environment Record and, in this instance, we consider it unlikely that significant archaeological remains will be disturbed by groundworks. No archaeological mitigation is required, and therefore no archaeological condition is sought.

#### **Representations from Residents:**

None received.

#### **Relevant Planning History:**

None relevant.

#### **Constraints:**

- Conservation Area
- Isles of Scilly National Landscape
- Heritage Coast
- Archaeological Constraint Area

#### **Planning Assessment**

<b>Design</b>	<b>YES OR NO</b>
Would the proposal maintain the character and qualities of the area in which it is proposed?	Yes
Would the proposal appear in-keeping with the appearance of the existing dwelling, street and area?	Yes
Would the materials, details and features match the existing dwelling and be consistent with the general use of materials in the area?	Yes
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?	Yes

Is the parking and turning provision on site acceptable?	Yes
Would the proposal generally appear to be secondary or subservient to the main building?	Yes

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

<b>Heritage</b>	<b>YES OR NO</b>
Would the proposal sustain or enhance the character and appearance of the Conservation Area?	Yes
If within the setting of, or a listed building, a) Will the development preserve the character and special architectural or historic interest of the building? b) Will the development preserve the setting of the building?	N/A
Within an Archaeological Constraint Area	YES
<b>Other Impacts</b>	
Does the proposal comply with Highways standing advice such that it does not adversely affect highway safety?	N/A
Impact on protected trees 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?	Yes
Does the proposal conserve and enhance the landscape and scenic beauty of the AONB	Yes
Are the Water connection/foul or surface water drainage details acceptable?	Yes
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	No

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

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

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

## **Planning Assessment**

**Principle of Development:** Isle of Scilly Local Plan Policy LC8 provides support for the extension and alteration of lawful dwellings.

The proposal seeks to replace an existing rear projection and the erection of a detached single garage, which would accord with LC8.

**Design and Heritage Impacts:** OE1 seeks to protect the National Landscape and Heritage Coast, and any development in this location must conserve and

enhance the landscape, seascape and scenic beauty of the area and be consistent with its special character and the importance of its conservation. Policy OE7 seeks to conserve and enhance the significance of heritage assets, including the Conservation Area.

The application is supported by a Planning Statement setting out the proposed amendments and how these will affect the appearance of the dwelling.

The proposed replacement extension would be larger than the existing but would have a pitched roof which would better integrate with the host dwelling. The additional bulk would not be highly visible in the public realm and would not appear overly prominent.

The proposed garage would introduce more built form into the plot, however this would be well related to the host dwelling and would be in keeping with the character of the area, where it is commonplace for the dwellings to have garages or outbuildings sited behind the front elevation of the associated dwelling. The appearance of the garage would integrate well with the host dwelling. Further, the plot is sufficient to accommodate the garage whilst maintaining generous garden amenity space.

Materials to match the existing dwelling are proposed.

Policy LC8 sets out that where a proposal results in an increase in size of the original dwelling then this should meet and be no greater than 30% above as a maximum, the minimum space standards as set out in the Nationally Described Space Standards unless clear justification is provided as to why a larger home is required. With the proposed extensions, the dwelling would have a gross internal floor area of 98.7sqm. This would be above the space standards for a 3-bed, 6-person, 1-storey dwelling but within the 30% buffer. On this basis, it would be acceptable.

The is considered to not result in harm to local amenities, the landscape, seascape and scenic beauty of the area, or the historic significance of the Conservation Area. The proposal therefore accords with policies LC8, OE1 and OE7.

**Residential Amenity:** Policies SS2 and LC8 require proposals to safeguard residential amenities.

The proposed extension would project further than the existing projection but would remain single storey. No concerns are raised regarding overbearance or loss of light in this regard. Two windows are proposed in the northern side elevation facing adjacent dwelling 'Summertime' (shown below) however these

would be at ground floor level serving a WC and bathroom (highlighted blue) and would face the existing boundary treatment. A condition is recommended to ensure that these windows are obscure-glazed and fixed shut below 1.7m. On this basis, no concern is raised regarding overlooking or loss of privacy to neighbouring occupiers.



The proposed garage would introduce built form adjacent to the boundary with 'Minalto'. It is noted that the adjacent property has a rear projection closest to the shared boundary. Owing to the single storey nature of the proposed garage and the existing built form at Minalto, no concern is raised regarding overbearance or loss of light to the adjacent occupiers.

On this basis, the proposal is considered to accord with Policies SS2 and LC8.

**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 would introduce 2 additional windows in the northern side elevation, however these will face the existing boundary treatment at fairly close proximity. As such, the additional light spill will be minimized. No external lighting is proposed but it is considered appropriate to attach a condition requiring permission to be sought for any additional lighting. On this basis, the proposal is considered to accord with OE4.

**Archaeology:** Policy OE7 supports the preservation or enhancement of the significance of archaeological site where measures are to be taken to ensure

their protection in situ based upon their significance. The application site is located within an Archaeological Constraint Area.

The Cornwall Archaeological Unit have been consulted and consider that it is unlikely that significant archaeological remains will be disturbed by groundworks. No archaeological mitigation is required. On this basis, the proposal is considered to accord with Policy OE7.

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

The application is supported by a Preliminary Roost Assessment (PRA) by IOS Ecology, dated 1 March 2025. The assessment identified negligible bat roosting potential in relation to the structures to be impacted by the proposed works. The Ecologist notes that no further surveys are recommended as the PRA conclusion does not require further information with regards to bats in order to inform a planning application. However, it is recommended that works are carried out in accordance with the Precautionary Method Statement provided. It is considered that compliance with this statement should be required via condition. As no roosts were identified, there is no requirement for the development to incorporate mitigation measures for bats, other than the adoption of a precautionary method of working.

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.

**Site Waste Management:** Policy SS2 requires that proposals for the construction of new buildings submit a Site Waste Management Plan (SWMP). The applicant has not provided a SWMP. The proposal is likely to generate short term construction waste which will have to be sustainably managed. Given the nature of the existing building and the minor scale of the proposed construction, the amount of construction waste generated is likely to be minimal. It is considered that the proposal, subject to a condition to secure a SWMP, would comply with the requirements of Policy SS2.

**Sustainable Design:** Policies SS1, SS2 and SS6 require development proposal to consider measures to improve sustainability. The submitted Planning Statement indicates that the dwelling and proposed garage would be fitted with



solar panels however no further details are provided. On this basis, the proposal is considered to accord with Policies SS1, SS2 and SS6.

### **Other Matters**

**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 Sections 16 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

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

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

<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	Tick if Used ✓
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.

## **Conclusion**

Given the above it is considered that the proposal is in accordance with the Development Plan and there are no overriding material considerations to indicate that permission should not be granted. It is therefore recommended that the application be approved subject to the conditions below.

## **Conditions**

- C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

Reason: In accordance with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

- C2 The development hereby permitted shall be carried out in accordance with the approved details only including:**

- **Plan 1 Location Plan**
- **Plan 2 Proposed Block Plan**
- **Plan 3 Proposed Plans**
- **Plan 4 Proposed Garage Plans**
- **Plan 5 Site Waste Management Plan**
- **Plan 6 Submission Details**

**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 The materials used in the construction of the development hereby approved shall be as detailed within the permitted application**

**particulars and shall be retained permanently as such, unless prior written consent is obtained from the Local Planning Authority to any variation.**

Reason: To safeguard the appearance of the building and the character of the area.

- C4 Before the first occupation of the building/extension hereby permitted the new windows on the northern elevation shall be fitted with obscure glazing. The windows shall be non-opening below 1.7 metres from the finished floor level of the room in which the window is installed. The window(s) shall be permanently retained as such thereafter.**

Reason: In the interests of protecting the residential amenities of the islands.

- C5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (As Amended), (or any order revoking or re-enacting that Order) or the general lighting information set out in the document *Details Submission* by Evans Jones (Project: 17931) and date stamped 27/05/2025, no external illumination shall be installed within the site boundary unless details have been first submitted to, and approved in writing by, the Local Planning Authority. Details shall include the design, height, location on the building, luminance/brightness, details of cowl and control mechanisms. Only those approved lights shall be installed at this site.**

Reason: To protect the amenities of the locality, including the amenities of neighbouring residential properties and to protect the important features 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 The outbuilding hereby permitted shall be used solely for purposes incidental to the occupation and enjoyment of the dwelling known as Windridge 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.

- C7 The development hereby approved shall be carried out in strict accordance with Appendix 1 of the submitted Precautionary Method Statement by IOS Ecology dated 01 March 2025.**

Reason: To safeguard protected species and their habitats.

- C8 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.

### **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. In accordance with the provisions of Section 96A of the Town and Country Planning Act which came into force on 1st October 2009, any amendments to the approved plans will require either a formal application for a non-material amendment or the submission of a full planning application for a revised scheme. Please discuss any proposed amendments with the Planning Officer. There is a fee to apply for a non-material amendment and the most up to date fee will be charged which can be checked here: [https://ecab.planningportal.co.uk/uploads/english\\_application\\_fees.pdf](https://ecab.planningportal.co.uk/uploads/english_application_fees.pdf)
3. In accordance with the Town and Country Planning (fees for Application and Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2017 a fee is payable to discharge any condition(s) on this planning permission. The fee is payable for each individual request made to the Local Planning Authority. You are advised to check the latest fee schedule at the time of making an application as any adjustments including increases will be applied: [https://ecab.planningportal.co.uk/uploads/english\\_application\\_fees.pdf](https://ecab.planningportal.co.uk/uploads/english_application_fees.pdf)
4. 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 planning 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. This decision is not a determination under the Building Regulations. Please ensure that all building works accord with the Building Regulations and that all appropriate approvals are in place for each stage of the build project. You can contact Building Control for further advice or to make a building control application: [buildingcontrol@cornwall.gov.uk](mailto:buildingcontrol@cornwall.gov.uk).
6. 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.
7. Registering for appropriate Business Rates/Council Tax: To ensure appropriate contributions, are made to fund services provided by or on behalf of the Council on the Isles of Scilly please ensure you contact the Council's Revenues Department:  
[revenues@scilly.gov.uk](mailto:revenues@scilly.gov.uk).
8. 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 givenThe 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

27/05/2025

**Job Title:** Chief Planning Officer

**Signed:**

Authorised Officer with Delegated Authority to determine Planning Applications

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