

Council of the Isles of Scilly

Delegated Planning Report

Full Planning application

Application Number: P/25/032/COU

UPRN: 000192000462

Received on: 19 March 2025

Valid on: 10 April 2025

Application Expiry date: 05 June 2025

Consultation expiry date: 15 May 2025

Site notice posted: 24 April 2025

Site notice expiry: 15 May 2025

Extension of Time Agreed: 12/06/2025

Case Officer: SWHITE

Applicant: Jolene Williams

Site Address: The Stable,
Middle Town,
St Martin's,
Isles of Scilly,
TR25 0QN.

Proposal: *Change of use of land to site a sauna and cool water plunge pool.*

Application Type: Change of use

Recommendation: APPROVE

Summary Conditions

1. Standard time limit (3 years)
2. In accordance with the approved plans
3. Materials – PRIOR TO CONSTRUCTION
4. Usage
5. Hours of operation
6. Planting – PRIOR TO FIRST USE
7. External lighting
8. Hours of Construction

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: 28/04/2025

Site Description and Proposed Development

The application site comprises land to the north of Middle Town, along the main road on the island of St. Martin's, Isles of Scilly. The site is a former sand pit and is currently used as a residential garden. It features sandy ground with rough vegetation and includes domestic elements such as a shed, picnic bench, and other garden paraphernalia.

The site is open to the south-west, offering expansive sea views, and slopes to the east, where it is vegetated. Access is provided via an existing track and entrance point on the western boundary. A sandy footpath runs through the garden area, connecting the access point to the rest of the site.

The proposal seeks the siting of a timber sauna, associated decking, and a plunge pool for commercial use.

The sauna would measure approximately 2m by 4m and be constructed from timber, with a galvanised metal roof. It would be positioned on a concrete pad, occupying the footprint of an existing polytunnel and chicken run.

The proposal also includes timber decking on either side of the sauna, along with a pebbled area adjacent to the structure. The sauna and decking would be enclosed with fencing and planting.

Certificate: B

Other Land Owners: Duchy of Cornwall Estate

Consultations and Publicity

The application has had a site notice on display for 21 days (24/04/2025 – 15/05/2025). The application appeared on the weekly list [14 April 2025](#). Due to the nature of the proposal two external consultations were required. These

together with any responses are summarised below.

Consultee	Date Responded	Summary
Cornwall Archaeological Unit	14/04/2025	Comments: Cornwall Archaeological Unit Thank you for consulting us on this application. 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 the proposed scheme. No archaeological mitigation is required, and therefore no archaeological condition is sought
Cornwall Fire and Rescue Service	08/05/2025	The fire authority has no adverse comments to make regarding this application.

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:

There is no relevant planning history.

Constraints:

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

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?	N/A
Would the proposal generally appear to be secondary or subservient to the main building?	Y

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?	Y
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?	Y
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
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
Are biodiversity enhancement measures required	Y
Is a condition required to provide biodiversity enhancement measures	Y

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	Y
Is a condition required to secure a Site Waste Management Plan	N

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

Principal of Development: Policy WC1 provides support for employment and business development that strengthen, enhance and diversify the islands' economy. Policy WC5 outlines that proposals for tourism development will be supported where they contribute to a sustainable, diverse and modern tourism economy and are sited in a sustainable and accessible location.

The Sauna is proposed to be operated commercially to facilitate wellness tourism on this island. The applicant has outlined that the business would operate alongside the existing holiday let and is a diversification from the existing boat tour business.

This presents a diversification of the island's economy and tourism offering towards health and wellbeing. This form of tourism has been seen elsewhere on Scilly, including via the introduction of a Sauna on St Mary's. The proposal is therefore considered to contribute to the island's economy and contribute to a diverse and modern tourism economy in accordance with WC1 and WC5. The wider acceptability of the proposal therefore comes down to accordance with other policies.

Design, Visual and Landscape, Seascape, Historic Environment Impacts: Local Plan Policies OE1, SS2 and WC5 require proposals to respect the character of the site and conserve and enhance the landscape, seascape and scenic beauty and demonstrate an appropriate scale, density, layout, height, mass and use of materials. In

addition, Policy OE7 seeks to conserve and enhance the significance of the AONB and heritage assets, including the Isle of Scilly Conservation Area.

The applicant has provided plans demonstrating that sauna would measure approximately 4m x 2m, with a ridge height of around 2.5m. Indicative photographs have been provided, showing a timber structure with a curved, glazed metal roof. The design is considered generally positive and appropriate for the setting. Final details of the sauna's appearance, including scaled elevations and material samples, can be secured via a pre-commencement planning condition.

Although the proposed siting is somewhat isolated, it remains within an established semi-domesticated garden area and would not appear unduly prominent in the wider landscape. The use of timber construction is expected to allow the structure to weather naturally over time, helping it blend into its surroundings. Fencing and planting are also proposed to enclose the sauna area. Details of the fencing have been submitted and are considered acceptable. Final planting details can be secured through a suitably worded planning condition.

The proposal seeks to make use of the existing sandy footpath and does not include any landscaping works or boundary treatments which would impact the character of the site. With the above conditions in place the proposal is considered to accord with policies OE1 OE7, SS2 and WC5.

Residential Amenity: Policy WC5 requires that proposals do not result in unacceptable adverse impacts, including the loss of neighbouring amenity.

The proposed sauna is located to the north of a small cluster of buildings in Middle Town, including residential dwellings. However, the structure would be relatively well enclosed by fencing and planting, and its intended use is of a low intensity. Given its modest scale, limited visibility, and the nature of the proposed use, the development is not considered to result in any significant impact on the amenity of neighboring properties. It is, however, considered appropriate to restrict the operating hours of the business between the hours of 08:00 and 22:00, Monday to Sunday.

Archaeological Impacts: Policy OE7 7) outlines that proposals 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 county archaeology has raised no objection to the proposal and noted that it is unlikely that significant archaeological remains will be disturbed by the proposed development. The proposal is, therefore, considered to accord with OE7 7).

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.

The proposed sauna would be used primarily during the hours of daylight, with no external lighting proposed. This can be secured via a suitably worded planning condition. With this in place, the proposal is considered to accord with OE4.

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

In this instance the proposal is exempted from the statutory requirement to provide 10% gain in biodiversity. This is because the proposal would be sited on the footprint of an existing polytunnel / chicken run and would impact less than 25 sqm of on-site habitat and no priority habitat would be impacted.

Whilst the proposal is not required to provide a statutory 10% net gain in biodiversity, the proposal is still required to demonstrate net gain for the purposes of OE2. The applicant has indicated that planting is proposed to assist with screening. It is considered appropriate to secure a final detail of this which should ensure a net gain in biodiversity. With this condition in place, the proposal is considered to accord with OE2.

Site Waste Management: The Local Plan requires proposals to demonstrate a reduction in waste, water and energy consumption. In addition, SS2 requires that proposals for the construction of new buildings submit a Site Waste Management Plan (SWMP).

The applicant has provided a Site Waste Management Plan (SWMP) for the proposed development as required by the Local Plan; and on this basis, the proposal is considered to accord with WC5 and 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, Dated 18 March 2025**
- **Plan 2 Site Plan, drawing number: TQRQM2507410571326, Dated 15 March 2025**
- **Plan 3 Proposed Block Plan, drawing number: TQRQM25073142619920, Dated 14 March 2025**
- **Plan 4 Proposed Sauna Floorplan, Received 28 March 2025**
- **Plan 5 Elevations of proposed Sauna, received 10 April 2025**

- **Site Waste Management Plan, received 09 June 2025**

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).

PRE-CONSTRUCTION CONDITION: Submission of final design of sauna

- C3** Prior to the construction of the sauna hereby approved, details of the final design and appearance, including detailed elevations (1:50 or 1:100 as appropriate) and samples or specifications of all external finishes shall be submitted to and be approved in writing by the Local Planning Authority. Once approved the development shall be finished in the agreed details and retained as such thereafter. All nails and fittings shall be corrosion resistant.

Reason: To ensure that the character and appearance of the sauna is sympathetic to this location within the Conservation Area, in accordance with Policies SS2, WC5 and OE7 of the Isles of Scilly Local Plan (2015 - 2030).

- C4** The development hereby approved shall be managed and operated by, and in association with, the existing Holiday Let business associated with Middletown Stable. The development shall be used as a sauna only and for no other purpose.

Reason: In the interest of the character and amenity of the area in accordance with WC5 of the Isles of Scilly Local Plan (2015-2030).

- C5** The development hereby approved shall operate exclusivity between the hours of 08:00 and 22:00 Monday to Sunday and at no time outside of these hours.

Reason To protect the residential amenities of the locality in accordance with WC5 of the Isles of Scilly Local Plan (2015-2030).

PRE-FIRST USE CONDITION: Submission of Planting scheme

- C6** Prior to the first use of the development hereby approved, a detailed scheme of planting proposals shall be submitted to and approved in writing by the Local Planning Authority. Planting should consist of native species. The scheme design shall include a layout of planting to show plant species, planting sizes, locations, densities and numbers. All such work as may be approved shall then be fully implemented in the first planting season, in strict accordance with the approved details. Any plants or species which within a period of 5 years from the time of planting die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure the development delivers biodiversity enhancements in accordance with Policy OE2 of the Isles of Scilly Local Plan (2015-2030).

- C7** No external lighting shall be installed to the sauna 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 Submission Draft Isles of Scilly Local Plan (2015-2030).

- 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. **STATEMENT OF POSITIVE ENGAGEMENT:** 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. **POST-DECISION AMENDMENTS:** 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
3. **DISCHARGING CONDITIONS:** 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. 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
4. **BIODIVERSITY 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 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.
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.

Print Name: Lisa Walton

09/06/2025

Job Title: Chief Planning Officer

Signed:



Authorised Officer with Delegated Authority to determine Planning Applications
