

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY



COUNCIL OF THE ISLES OF SCILLY

Old Wesleyan Chapel, Garrison Lane, St Mary's TR21 0JD
Telephone: 01720 424350 – Fax: 01720 424317

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

PERMISSION FOR DEVELOPMENT

Applicant: Messrs Jon & Daniel May
Peninnis Farm
St Mary's
Isles of Scilly
TR21 0NA

Application Number: P/11/101

Agent: Mr Tim Holden
WYG Planning & Design
Hawkridge House
Chelston Business Park
Wellington
TA21 8YA

Date Application Registered: 21st October 2011

Site and particulars of development: Peninnis Farm, St Mary's
Change of Use of land from agricultural to a serviced campsite for 7 tents.

In pursuance of their powers under the above Act, the Council hereby PERMIT the above development to be carried out subject to a Section 106 Agreement which states that the serviced campsite shall not be sold off, sub-let or otherwise managed or operated separately from the farming and management of Peninnis Farm, and in accordance with the following Conditions:

Condition 1

The development hereby permitted shall be begun not later than the expiration of three years beginning with the date hereof.

Reason 1

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.

Condition 2

Prior to the commencement of the approved development, a scheme including details of the sources of all building materials and the means/location of disposal of 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 unless otherwise agreed in writing by the Planning Authority.

Reason 2

To ensure that those characteristics which contribute, inter alia, to the status of the Isles of Scilly as a Conservation Area, Area of Outstanding Natural Beauty and Heritage Coast are not eroded by uncontrolled mineral extraction and tipping of waste.

Condition 3

All external and internal works involving machinery required in connection with the implementation of this permission shall be restricted to between 0800 to 1800 hours Monday to Saturdays. There shall be no works involving machinery on a Sunday, Bank or Public Holiday.

Reason 3

In the interests of protecting the residential amenities of neighbouring properties.

Condition 4

The development hereby permitted shall be carried out in complete accordance with the details shown on the approved submitted plans stamped and dated 3rd April 2012.

Reason 4

For the avoidance of doubt and in the interests of the character and appearance of the building and the surrounding area, which is designated a Conservation Area, Area of Outstanding Natural Beauty and Heritage Coast in accordance with Policies 1 and 2 of the Local Plan.

Condition 5

A) No development shall commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

B) No development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).

C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason 5

The site comprises an area of known archaeological interest where it is the Local Planning Authority's policy to provide for the examination of archaeological remains.

Condition 6

Not more than a maximum 7 tents shall be erected on the site at any one time and all confined to the field edged in red on the approved indicative layout (Drawing No. 2524/02B) produced by Cooper Partnership and dated 3rd April 2012. No ancillary tents shall be erected in connection with any of the 7 tents hereby approved.

Reason 6

To restrict the number and type of tents to safeguard the character and visual appearance of the site and the surrounding area, which is designated an AONB, Conservation Area and Heritage Coast and in accordance with Policies 1 and 2 of the Local Plan, and to minimise the impact of the development on essential infrastructure in accordance with Policy 6 of the Local Plan.

Condition 7

Each of the 7 tents hereby permitted shall be of the same design as the approved drawings indicating the Tsavso tent and shall when measured externally from the base be no larger than 10.8 metres long by 5 metres wide with a maximum height of 3.4 metres to the ridge of the roof. The decked area attached to each tent and as indicated on the approved drawing shall when measured externally be no larger than 2 metres long and 5 metres wide.

Reason 7

To restrict the size of each of the tents hereby permitted, including the decked area, to safeguard the character and visual appearance of the site and the area, which is designated an AONB, Conservation Area and Heritage Coast and in accordance with Policies 1 and 2 of the Local Plan.

Condition 8

Prior to any works commencing on site, details of the tents outer canvas, including the colour, shall be approved by the Local Planning Authority in writing.

Reason 8

To safeguard the character and visual appearance of the locality, which is designated an AONB, Conservation Area and Heritage Coast and in accordance with Policies 1 and 2 of the Local Plan.

Condition 9

Prior to the occupation of any of the tents hereby permitted, the sustainable design measures as set out in the Energy, Waste and Water Management Strategy accompanying the planning application shall be incorporated into the campsite and shall include:

1. The treatment of sewerage comprising a septic and buffer tanks and a soakaway system, as indicated on the approved plan numbered 1202 2413 and dated 3rd April 2012.
2. The disposal of waste, including composting and recycling to be accommodated adjacent to the existing agricultural building as indicated on the approved block plan dated 3rd April 2012 with recycling bins comprising recycled bulb bins;
3. Water conservation and harvesting measures, together with a water treatment plant to ensure water is potable to be located within the existing agricultural buildings as indicated on the approved block plan dated 3rd April 2012;
4. The provision of a biomass boiler to be accommodated within the existing agricultural building as indicated on the approved block plan dated 3rd April 2012.

The approved sustainable design scheme shall be implemented in strict accordance with the sustainable design measures indicated above and as set out in the Energy, Waste and Water Management Strategy prior to the occupation of any of the tents hereby permitted.

Reason 9

To ensure the development incorporates sustainable design measures and to minimise the impact of the development on essential infrastructure in accordance with Policies 2 and 6 of the Local Plan, and to enable the Local Planning Authority to consider and approve details of the development not already identified.

Condition 10

Before the development hereby approved commences, a new Olearia hedge shall be planted along the southern boundary of the field edged in red on the approved indicative layout (Drawing No. 2524/02B) produced by Cooper Partnership and dated 3rd April 2012; and each tent shall have its own privacy hedge using Escallonia, Olearia, Pittosporum and Euonymus. In addition, the existing hedges around the perimeter of the site shall be retained in their entirety and maintained to at least their existing mature height as specified in the Landscape and Visual Appraisal carried out by the Cooper Partnership accompanying the planning application. No new or existing hedge shall be topped or removed in whole or in part without the written consent of the Local Planning Authority.

Reason 10

To provide new landscaping and to ensure that all existing hedges are retained in their entirety to a mature height to effectively screen the development and to ensure that it is assimilated into landscape and to safeguard the character and visual appearance of the site and the surrounding area, which is designated an AONB, Conservation Area and Heritage Coast and in accordance with Policies 1 and 2 of the Local Plan.

Condition 11

No permanent footways, signage, lighting or hard standings shall be provided on the camp site unless otherwise agreed in writing with the Local Planning Authority in writing.

Reason 11

To safeguard the character and visual appearance of the site and surrounding area, which is designated an AONB, Conservation Area and Heritage Coast and in accordance with Policies 1 and 2 of the Local Plan.

Condition 12

No tent or ancillary structure above ground shall remain on the site between November 1st and February 28th of any year unless otherwise agreed in writing with the Local Planning Authority. Unless otherwise agreed in writing, during this period all tents and ancillary services and structures above ground level shall be completely removed from the land and stored within the existing agricultural buildings on Peninnis Farm, with the land restored to its former and natural condition to the satisfaction of the Local Planning Authority.

Reason 12

To provide sufficient time to remove all the tents and associated services and structures above ground level following the close of the main visitor season to safeguard the character and visual appearance of the site and surrounding area, which is designated an AONB, Conservation Area and Heritage Coast by in accordance with Policies 1 and 2 of the Local Plan.

Reason for Approval

Having had regard to all the planning considerations material to the determination of this application, including the consideration of all consultations and representations made in connection with the application, it is concluded that the proposal accords with the Government's National Planning Policy Framework (NPPF) and presumption in favour of sustainable development and the provisions of the Development Plan and other material considerations for the reasons set out below:

- a) The proposed development would make a significant contribution to the economy by providing a high quality and sustainable visitor accommodation and enable the continued agricultural activities at Peninnis Farm and therefore assist in supporting the long term viability and sustainability of the islands in accordance with the relevant guidance set out in the NPPF and Policies 2 and 4 of the Local Plan.
- b) The proposed development, including the landscaping scheme, has been designed and sited to minimise its impact on the character and appearance of the AONB, Conservation Area and Heritage Coast with any harm considered to be outweighed by the economic benefits of the proposal, including the continuing land management of the farm as required by the Planning Obligation. As such, the proposed development is in accordance with the relevant guidance set out in the NPPF and Policies 1 and 2 of the Local Plan;
- c) The proposed development would have no adverse effects on ecology or nature conservation in accordance with the relevant guidance set out in the NPPF and Policy 1 of the Local Plan;
- d) The proposed development by reason of its scale and nature would not have an adverse impact on the local highway network in accordance with Policy 5 of the Local Plan;
- e) The proposal would not have a significant impact on the existing infrastructure following the implementation of the sustainable design measures to be secured through a condition, in accordance with Policies 2 and 6 of the Local Plan.

The proposal has been approved because it is considered that the development proposal subject to compliance with the Planning Obligation and conditions attached to this permission accords with the said policies and there are no other overriding material considerations which justify refusing planning permission. The proposal has also been approved as it is considered that the proposed development would not conflict with its duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the appearance or character of the designated conservation area within which the site is located.

DATED: 3rd April 2012

Signed:



Chief Planning & Development Officer

It is important that you should read the notes at the end of this form.

NOTES:

Development Control:

THE COUNCIL WILL REQUIRE THE COMPLETED DEVELOPMENT TO CORRESPOND WITH THE DETAILS OF THE PLANNING PERMISSION.

IF THE DEVELOPER CONSIDERS THAT AN AMENDMENT OR DEPARTURE FROM THE APPROVED DEVELOPMENT IS NECESSARY, THE APPROVAL OF THE LOCAL PLANNING AUTHORITY MUST BE OBTAINED BEFORE WORK ON ANY VARIATION TAKES PLACE. THERE ARE DIFFERENT APPLICATION AND DETERMINATION PROCEDURES FOR MINOR MATERIAL AND NON-MATERIAL AMENDMENTS. PLEASE CONTACT THE LOCAL PLANNING AUTHORITY IF FURTHER INFORMATION IS REQUIRED.

UNAUTHORISED DEVELOPMENT COULD RESULT IN ENFORCEMENT PROCEEDINGS, REQUIRING THE REMOVAL OF ALL NON CONFORMING WORKS, AND ASSOCIATED LITIGATION.

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- ~~As this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice [reference], if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of this notice.*~~
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within:
28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.*
- ~~As this is a decision to refuse planning permission for a householder application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.*~~
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.*
- Appeals must be made using a form which can be obtained from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at www.planningportal.gov.uk/pcs.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by the Secretary of State.

Purchase Notices

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council (that is, where the land is situated in a National Park, the National Park authority for that Park, or in any other case the district council (or county council which is exercising the functions of a district council in relation to an area for which there is no district council), London borough council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter I of Part VI of the Town and Country Planning Act 1990.