

**R.C. & J.M. Tune**  
**The Wagon House, 4 Mathon Place, Mathon**  
**Nr. Malvern, Worcestershire**  
**WR13 5NZ**

Tel: [redacted] Fax: [redacted]  
Home Tel: [redacted]

20th August 2014

Council of the Isles of Scilly  
Planning & Development Department  
Old Wesleyan Chapel  
Garrison Lane  
St. Mary's  
Isles of Scilly TR21 0JD

**Re: Planning Reference P/14/037/ROV**

**Objection to the removal of Condition 2 from Permission P.2365 to allow permanent occupation of Flat 6, Spanish Ledge.**

Our interest in this proposal comes from our ownership of Flat 3, Spanish Ledge which is directly underneath Flat 6 and is similar in size and shape. We would like to make the following comments:-

1. Having read the objection set out by Mrs. L.Bird we would like to further strengthen the points she made about a) the lease, b) the insurance and c) the original planning.

2. We would like the Council to consider that the flats were set up as holiday accommodation and that the plumbing, wiring, sound attenuation etc. were designed to be adequate for this use only. No significant changes have been made to these services since the original planning permission. A permanent residential flat needs more robust services that are entirely dedicated to that residence and not shared with others.

3. As owners of the flat directly beneath Flat 6 we cannot help but have extra concerns. We have already experienced the inconvenience of water damage to our ceilings on 2 occasions in recent years. We can hear every footstep above us as well as voices and the sound of the TV and vacuum cleaner. All these are likely to increase with permanent residency as would the need for more white goods. For example, a washing machine would be most unsuitable, would impact on the quiet enjoyment of the demised premises as stated in our lease and would require major alterations to the services for its installation.

Noise travels particularly well in Spanish Ledge and we did offer to share costs to install sound attenuation blocks under the floor boards during the recent improvements made to Flat 6, but we believe that no alterations to the flooring were made.

4. The footprint of our flat is the same as Flat 6 and, much as we would like it to be otherwise, the flat is 'bijou' – simply not large enough to accommodate two people on a permanent residential basis. It has only 2 rooms plus shower room and the lack of storage space and clothes drying facilities are just two of the problems.

5. With regard to the background statement supplied with the application there is mention of 6 tests that the planning condition fails to meet. However, we consider that, if applied, the 6 tests can be deemed relevant in keeping the condition as it stands.

(i) 'necessary'..... The restriction is necessary to help protect the freedom of all other users and flat owners. Flat 6 is not individual but is part of the whole that is 'Spanish Ledge'

(ii) 'relevant to planning'..... The planning permissions for the smaller flats were intended to ensure that they remained as holiday accommodation because the design and lay-out was intended for this purpose.

(iii) 'relevant to the development to be permitted'.....It was deemed to be true in 1985 and still holds good in 2014 that the smaller flats in particular are not suitable for permanent accommodation with limited access, lack of facilities, sharing of services, and in close proximity to other users.

(iv) 'enforceable'..... It is clearly enforceable -if not, the owners would not be bothering to seek to have the planning permission changed.

(v) 'precise'..... Originally a guest house (commercial) and changed to holiday accommodation (residential) with leases addressed to a holiday flat company. We think that is precise.

(vi) 'reasonable in all other respects'.... Scilly requires holidaymakers. No visitors would mean a drop in the local economy. Lack of employment and opportunities would mean people seeking careers elsewhere and not staying to use permanent accommodation. The restriction to holiday accommodation is therefore entirely reasonable.

Our conclusion is that we believe the restriction should not be removed on the grounds that it passes all six of the tests required by Planning Practice Guidance, March 2014.

It is unfortunate that no-one sought the views of the other interested parties, and at least considered what the legacy would be for the Management Company.

One final thought: if the Council grants permanent residential occupancy to Flat 6, all the flats in Spanish Ledge could expect to be granted the same status. The owners at Spanish Ledge have been involved with Scilly for many years but we might all be forced to apply for permanent residency to ensure uniformity, thereby giving up the letting of our flats as holiday accommodation. It would be easier for us all to obtain permanent residency and attract the open market for selling but we all love the Islands and want to continue offering holidays for visitors. This change of use could seriously reduce the number of small, affordable holiday flatlets available in Hugh Town. Spanish Ledge attracts people who come to Scilly to watch the wildlife and affords easy access to the harbour, cafes, restaurants and shops. Does Scilly really want to lose such a prized possession?

Yours faithfully



June and Bob Tune