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Planning Appeal Statement

Holy Vale Farmhouse
Holy Vale
St Mary's
Isles of Scilly
TR21 0NT

Prepare on Behalf of:
The Holy Vale Partnership

Our Ref: 13123
Local Authority Ref P/16/060/FUL

Date: 29 January 2017

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1. INTRODUCTION

- 1.1 Evans Jones Ltd present the case demonstrating that planning permission should be granted for development described upon the planning application as *“reconfiguration of 5 existing dwellings and conversion of outbuildings to create 3 new dwellings (amended plans)”*.
- 1.2 The appeal proposal fundamentally relates to the conversion of existing structurally sound outbuildings to create 3 new dwellings. Whilst it is noted that reference is also made to the reconfiguration of existing dwellings within the curtilage of the same site, I submit that the internal works proposed to reconfigure the existing dwellings do not constitute development as defined with the T&CP Act and thus the matter for consideration in the determination of this appeal is limited to creation of 3 new dwellings having regard to the Isles of Scilly Local Plan, the National Planning policy framework, Planning Practice Guidance, ministerial statements and other material considerations;
- 1.3 The submitted application comprised of the following drawings/documents;
- Bat Survey dated 11 August 2016
 - Island Architects Design and Access Statement.
 - Island Architects Drawing No. 100/01, 100/02, 100/03 Rev. 2, 100/04 Rev. 2, 100/08 Rev. 1, 100/09, 100/06 (location and block plan), 100/09 proposed block plan.
 - Covering letter/e mail exchanges.
- 1.4 The application was refused Planning Permission by the Planning Committee of the Isles of Scilly Council. The refusal notice was dated 22 September 2016.
- 1.5 The refusal of Planning Permission is subject to a single reason for refusal as follows:-

“Without the use of formalised restrictive mechanisms to control occupancy to meet recognised local needs or to accommodate key workers, the creation of 3 new open market dwellings is contrary to Policy 3 of the Isles of Scilly Local Plan 2005. Consequently, the proposed dwellings are not considered to be a socially sustainable form of development in the context of the Isles

of Scilly as required by paragraphs 7 and 8 of the National Planning Policy Framework 2012.”

- 1.6 A copy of the Local Planning Authority’s Decision Notice is attached at Appendix 1 of this Statement.
- 1.7 Article 35 of the Town & Country Planning (Development Management Procedure) (England) Order 2015 states, inter alia, that where a local planning authority gives notice of a decision to refuse planning permission, the Notice shall state clearly and precisely their full reasons for refusal. Having regard to the above, the main issue to be addressed in the determination of this appeal relates to:
- 1.8 Policy 3 of the Isles of Scilly Local Plan 2005 and whether planning permission should be granted having regard to the adopted local plan, NPPF and other material considerations .
- 1.9 In particular I seek to demonstrate that having regard to the Local Authority’s lack of 5 year housing land supply and the presumption in favour of development triggered within the Framework that this appeal should be allowed.
- 1.10 It is to be noted that the Local Authority have raised no concerns in respect of the design, detailing or highway access/parking proposed to serve this development, it is thus a matter of common agreement between the Appellant and the Local Authority that the proposed works of conversion, vehicle parking, highway access, amenity, etc. are all acceptable.
- 1.11 In the opinion of the Local Authority the conversion of the existing outbuildings to form 3 dwellings should be restricted to occupants who have a specific local need or meet the local authorities key worker status.
- 1.12 For reasons set out within this Statement the Appellant does not consider that it would be appropriate or necessary having regard to the most up to date policy guidance to impose a Specific Local Need (SLN) or a key worker (KW) restriction in respect of the proposed conversion scheme.
- 1.13 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning decisions should be made in accordance with the adopted Development Plan unless material considerations indicate otherwise.

- 1.14 This statement reviews the relevant Development Plan policy framework as it applies in this case, together with the other material considerations. On the evidence presented it will be demonstrated that the proposed development is wholly acceptable and the proposed change of use to create 3 new open market dwellings is appropriate having regard to all relevant material considerations.

2. SITE AND SURROUNDINGS

2.1 The site known as Holy Vale Farmhouse comprises of a tightknit group of buildings occupying a corner plot within the hamlet of Holy Vale.

2.2 The existing farmhouse and attached buildings comprise a group of 5 dwellings all of which are unrestricted. i.e. none of the existing 5 dwellings are subject to a SLN or KW restriction. The accommodation within the existing Holy Vale Farmhouse block is as follows:-

- Holy Vale Farmhouse 4 bedroom dwelling currently used as a holiday let.
- Honeysuckle 2 bed dwelling currently let on an assured shorthold tenancy to the head chef of 'Juliets Garden' Restaurant (one of the island premier eating establishments)
- Old Dairy 1 bedroom unit currently let on an assured shorthold tenancy to a local couple, one of whom works for the island fuel distributor and his partner who works for a local retail agency.
- Camelia 2 bedroom unit to be let shortly to seasonable workers until October 2017
- Magnolia 2 bed unit let to a housekeeper and dry stone wall contractor working on the island.

Whilst 4 of the 5 existing properties are let or to be let to people working on the island none of the occupants would meet the requirements of the standard S106 occupancy restriction imposed by the Local Authority in respect of SLN or KW housing.

2.3 Within this Appeal Statement, I will consider further the standard Section 106 occupancy restriction imposed by the Local Authority and explore how this works on the islands in practice and whether such a restriction remains fit for purpose having regard to the most up to date housing need data and policy guidance within the framework.

2.4 On the basis that it is accepted by the Local Authority that the refurbishment and internal rearrangement of the 5 existing dwellings on site do not require planning permission, this Appeal relates to the existing range of outbuildings located immediately to the north of the main farmhouse complex.

- 2.5 The range of buildings proposed to be converted to form 3 additional dwellings comprise traditional former farm buildings, (Currently used for storage purposes) these are of robust permanent construction. The external walls comprise a mixture of solid local stone, painted render/concrete and part glazed, under interlocking Roman roof tiling.
- 2.6 The buildings are set into sloping ground with the eaves level to the northern elevation being set close to existing ground levels.
- 2.7 There are other residential properties located to the west of the main farmhouse complex (identified as 1 and 2 Chy Kelyn upon the site location plan). These fall outside of the Appellant's ownership and beyond the application site boundary. An outbuilding with the curtilage of Chy Kelyn abuts the western end of the range of outbuildings which it is proposed to convert.
- 2.8 To the north of the outbuildings there is an open area of land surrounded by trees, this lies within the site boundary of the appeal site.
- 2.9 Access to the site is via an unnamed lane, this is generally of single carriageway width with passing provided within bays and site accesses.
- 2.10 Vehicle parking required to serve the proposed development is indicated upon the site block plan, this identifies the location of the 5 additional car parking spaces to be formed between the eastern walled boundary of the open land lying to the north of the barns and the public highway. Parking serving the existing dwellings on site will remain unaltered.
- 2.11 I have previously identified the Local Authority have raised no highway objection in connection with this proposal, no objection is raised in respect to the proposed additional vehicle parking or the physical works required to form the parking spaces.

3. APPEAL PROPOSAL

- 3.1 The amended plans determined by the Local Authority include proposals for alterations to the existing Holy Vale Farmhouse complex, within which there are some minor internal alterations proposed to reconfigure the existing dwellings.
- 3.2 These internal works do not alter the number of dwellings or bed spaces, I thus submit that the internal reconfiguration of the 5 existing flats does not comprise development requiring planning permission, albeit that reference to the reconfiguration of the existing 5 dwellings was included within the description of development upon the application form. No reference is made to the reconfiguration of the existing dwellings within the Local Authority's refusal notice and thus it is taken to be either development not requiring permission or development for which the Local Authority have no objection.
- 3.3 The proposal plans also identify how the existing outbuildings lying to the north of the farmhouse are to be converted to form 3 dwelling units identified as Unit 1, 2 and 3 upon Drawing No. 100/04 Rev. 2. The proposal is to create 2 x 2 bedroom units and 1 x 1 bedroom unit. Internal secure storage is provided for bins/bikes for each of the units together with additional storage provision for the existing accommodation on site, all accommodated within the envelope of the existing building. Each unit would be provided with a small area of private garden.
- 3.4 Again, as with the works of alteration within the existing farmhouse, the Local Authority have raised no objection to the physical works of conversion, indeed, it is safe to assume that if the proposal had been submitted with a Section 106 agreement restricting occupancy, then permission would have been granted for this proposal.
- 3.5 On the basis that this is an agreed matter, I do not intend here to analyse further the proposed works of conversion which as far as the Appellant is concerned, are in themselves non-contentious.

4. PLANNING HISTORY

- 4.1 The Officer's report to Planning Committee sets out under item 3 the background and relevant planning history. The planning history of the site primarily relates to various proposals for the subdivision of the original farmhouse to create the 5 dwelling units which are found today. None are subject to occupancy restriction.
- 4.2 There is no suggestion that the accommodation within the existing farmhouse is unauthorised.
- 4.3 There is no planning history relating to the outbuildings which it is proposed to convert as part of this appeal, it thus assumed that the construction of the outbuildings predates formal planning controls.
- 4.4 The application site is located within a designated Conservation Area and the whole of the Isles of Scilly are a designated Area of Outstanding Natural Beauty.
- 4.5 Whilst both are material considerations. It is notable that the Local Authority have not withheld consent on the grounds that the development would cause harm or detriment to the Conservation Area or indeed the Area of Outstanding Natural Beauty.

5. PLANNING POLICY CONTEXT

- 5.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that planning decisions should be made in accordance with the Development Plan, unless material considerations indicate otherwise.
- 5.2 Paragraph 214 of the National Planning Policy Framework (NPPF) advises that for 12 months from the day of its publication, decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with the Framework. Following this 12-month period and in other cases, paragraph 215 advises that due weight should be given to relevant policies in existing plans given their consistency with the framework.
- 5.3 The National Planning Policy Framework (NPPF) was published on 27th March 2012. The Framework sets out the Government's economic, environmental and social planning policies for England and details how these are expected to be applied. It is, in itself, a material consideration in planning decisions.
- 5.4 At the heart of the NPPF is a presumption in favour of sustainable development. For decision taking, this means *"approving development proposals that accord with the development plan without delay"* and where the development plan is absent, silent, or relevant policies are out-of-date, granting permission unless *"any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted"*.
- 5.5 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act requires Local Authorities to have special attention to the desirability of preserving or enhancing the character or appearance of that area.
- 5.6 It is notable that the Decision Notice is silent in respect to the Conservation Area citing solely the lack of a mechanism to control occupancy as the only reason for refusal of consent in this instance.
- 5.7 The proposals themselves comprise minor alterations to the existing buildings necessary to convert to residential use, these alterations would not in the writer's view affect the character or appearance of the Conservation Area and thus would not be contrary to the aforementioned Act.

The Development Plan

- 5.8 The Development Plan policy context for the site and surrounding area is provided within the Isles of Scilly Local Plan adopted November 2005. (Relevant extracts attached at appendix 2)
- 5.9 The introduction to the Plan at paragraph 1 confirms that
- “the role of the planning process is to bring about the most efficient and effective use of land in the public interest. This role is achieved through the framework of policies and proposals contained in this Local Plan (the Plan)”.*
- 5.10 The Plans vision is set out on page 2 confirming:-
- “Ensure the viability of resident communities on the island by providing sufficient housing, local employment, means of transport and general social infrastructure in order to meet their needs and aspirations whilst preserving and enhancing the island’s outstanding environment and natural beauty”.*
- 5.11 Paragraph 19 confirms that
- “Information is important. Making policy and decisions based on the **latest and most relevant information** is also appropriate for other policy areas. We will therefore monitor the Plan’s policies and proposals and keep them under review”.*
- 5.12 Whilst it is noted that the refusal reason references paragraphs 7 and 8 of the NPPF (a matter I will return to later) no mention is made of Policy 2 of the Adopted Local Plan.
- 5.13 Policy 2, Caveat (b) confirms that development will be permitted in situations where a proposal would:
- “(b) ensuring or facilitating the reuse of **previously developed land and buildings** for the economic, social and environmental benefit of the islands and local communities taking into account environmental designation set out in Policy 1.*
- 5.14 Paragraph 26 of the Plans explanatory text states at bullet point 3 that new

development should incorporate, wherever appropriate, the following principles of sustainability by:

- *“maximising the efficient use of buildings and land, particularly where it has been previously developed”.*

- 5.15 The aforementioned extracts from the Local Plan (Appendix 2) are all supportive of proposals to reuse existing building and to redevelop previously developed land.
- 5.16 **Policy 3** of the Local Plan is cited within the refusal notice as the sole Local Plan policy which in the opinion of the Local Authority supports the withholding of consent. A copy of Policy 3 and its supporting text is attached at Appendix 2.
- 5.17 In consideration of this policy it is necessary to weigh in the planning balance the degree to which Policy 3 is compliant with the more up to date Policies set out within the NPPF. Paragraph 214 of the NPPF and paragraph 215 provides clear guidance as to the weighting of policies within outdated Local Plans.
- 5.18 Policy 3 does not specifically relate to schemes for the conversion of existing buildings, however it is accepted that where such conversion results in the creation of new dwellings it is appropriate to have regard to this policy as a material consideration.
- 5.19 It is further acknowledged that the islands are deserved of appropriate protection. Large scale housing development would undoubtedly diminish that which makes the islands special.
- 5.20 It is equally true however that development is required to ensure that the islands remain sustainable and don't become a closed ageing community.
- 5.21 The occupancy restrictions required to comply with Local Plan Policy 3 are set out within the model Section 106 Agreement available upon the Local Authority's website (copy attached at Appendix 3).
- 5.22 The Third Schedule of the model agreement defines Specific Local Need (SLN) as a person who satisfies **both** of the following pre-conditions:
- (A) he/she must be unhoused or living in inadequate accommodation and unable to rent a home appropriate to their circumstances on the local housing market.*

(B) he/she is the child of parents who along with the child have for the preceding 10 years been and still are in continuous residence on the Isles of Scilly in permanent residential accommodation, such accommodation not to be commercial and he/she has attained the age of 25 years.

The aforementioned pre-conditions mean that notwithstanding the period of residency a child living with their parents within an adequate house are unable to purchase a house on the island for themselves (at any age) as they will be deemed to be housed in adequate accommodation living with their parents.

- 5.23 The ability for young people to move away from the parental home is an intrinsic and essential part of a sustainable community. The model agreement would prevent children living within the family home being classed as having a specific local needs. The Housing Growth Plan 2014 (Appendix 5) at paragraph 1.17 confirms:-

There is a need to bring back younger people to create a sustainable community. Failure to do so will place pressure on service provision including social services and healthcare provision as well as leading to a decrease in the proportion of residents who are economically active, in a context where a small decrease in the number of economically active or the loss of key businesses or social infrastructure can have considerable consequences.

- 5.24 Similar comments apply to the key worker criteria. Key Worker is limited to those who work for an organisation or business whose **primary purposes is delivering services that can benefit the community.**

- 5.25 The definition of key worker is set out within the Key Worker Policy and Procurement Document (Appendix 4), the criteria specifically excludes any employees of private companies who do not provide a service that directly benefits the community including, for example, those commercial business solely or mainly engaged in agriculture, fishing, retailing and tourism.

- 5.26 In practice the vast majority of business activities upon the island are related to agriculture, fishing, retailing and tourism, therefore the key worker criteria primarily relates to persons working for the Isle of Scilly Local Authority,

teachers and doctors.

- 5.27 The island generates a significant revenue from those activities which are specifically excluded from the definition of key worker, for example two of the existing units within Holy Vale Farmhouse are occupied by a chef and an employee of the local ferry company. The chef is for all intents and purposes a key worker helping to sustain the economic viability and sustainability of the islands, likewise the ferry worker helps to maintain transport links with the mainland. Both are excluded from the key worker criteria.
- 5.28 The restrictive occupancy conditions and inflated construction costs have effectively strangled the supply of new housing on the islands.
- 5.29 Furthermore, because of the restrictions imposed, mortgage companies will generally not provide mortgage finance for properties subject to occupancy restrictions.
- 5.30 When undertaking construction projects on the islands, all material arising from development and all incoming materials are required to be transported on and off the island via ferry. Likewise, personnel required to undertake building projects are sourced from the mainland, here again imposing a significant uplift on construction costs compared to the mainland.
- 5.31 Investigation of building cost on the island reveal that the above factors significantly increase construction costs, building cost information for new build projects completed in the last few years is set out below:-

A - Spray View

Demolition and re-build of a block-built bungalow by Duchy of Cornwall 2015.

Replacement dwelling is a detached two bedroom, reverse level two-storey house.

Generally level site, but some retaining walls needed.

Overall costs equated to £2,825/m² including drainage, infrastructure and demolition.

B - Cornwall Rural Housing Association Scheme, Well Cross

Conversion of redundant granite outbuildings in two residential dwellings.

Tight town-centre courtyard site, with poor access and limited storage.

QS Estimate for overall build cost £2,950 per sq m, excluding fees.

- 5.32 From our enquiries and investigations I estimate that construction costs on the island are currently between 45-60% higher than the mainland (dependent upon ground works and finish).
- 5.33 The high cost of building impacts directly on viability. For example a new build dwelling of say 100m² will cost circa £290,000-300,000 to build (excluding land purchase)
- 5.34 The sale price of a detached house average is circa £360,000.00. (Data from SHMA 2016)
- 5.35 The valuation of land for housing is usually determined as a % of the sale price of a completed dwelling, normally the land value is between 25-35% of the gross development value). On the basis of a house price value of £360k, this would equate to a land value of circa £110K. With build costs in excess of £290K, this would equate to a total development cost of around £400K clearly not a viable proposition where land is required to be purchased.
- 5.36 The issue is exacerbated with affordable housing schemes, the high cost of delivery and lack of HCA funding mean that affordable housing schemes are generally not viable unless land is “gifted” to a housing provider.
- 5.37 Whilst it is acknowledged that adopted Housing Policy 3 prohibits general open market housing upon the islands, Policy 3 predates the NPPF, Furthermore, it is clear that the Local Authority have consistently failed to assess the degree of consistency of Policy 3 with the more up to date policy guidance contained within the NPPF.
- 5.38 I submit that Policy 3 is not consistent with the framework and thus only limited weight may be afforded to this adopted policy.
- 5.39 The Local Authority’s Housing Growth Plan of 2014 forms part of the strategic evidence base for the Isles of Scilly and will form part of the evidence base for the emerging Local Plan.

- 5.40 The Housing Growth Plan (attached at Appendix 5) confirms that:
- “the Local Plan was drafted at a very different time and significantly predates the NPPF. There are other parts of the NPPF which ensure the protection of prized environments. But what the NPPF has introduced is a need for planning authorities to consider future housing provision to meet the range of needs of the whole community – across all tenures and types of household.*
- 5.41 On page 11 of the Growth Plan it is confirmed that provision for 40 to 70 dwellings would need to be found over the next 10 years to achieve the Housing Growth Plan’s very provisional figure of 90-120 new dwellings. To meet this need the Growth Plan confirms that:
- “Priority for these dwellings can be given to other brownfield development opportunities and infill sites before any new greenfield development need be considered.*
- 5.42 The appeal proposal creates 3 new dwellings upon previously developed land.
- 5.43 Whilst it is acknowledged that the document states that a more detailed analysis and debate is required to refine the required housing numbers. The fact remains that the NPPF has now been in place for over four years and the Local Authority have failed to bring forward new housing sites which are achievable and deliverable within the terms set out under the Framework. As such it is inappropriate to seek to rely upon an out of date plan which does not seek to deliver new housing on the islands.
- 5.44 The thrust of the NPPF is to plan for growth and to bring forward new housing development to meet demand. The Housing Growth Plan concludes that the Isles of Scilly should be making provision for between 90 to 120 new homes over the next 10 years.
- 5.45 Upon page 12 mention is made of development upon 3 allocated sites in the Plan which would deliver circa 30 dwellings, however, no assessment is made as to the deliverability or viability of the allocated sites mentioned. Indeed the Local Authority confirmed that of the 30 houses allocated only 7 of those have come forward and have been developed. The other 2 sites for 23 dwellings have not been brought forward.

5.46 The limitations imposed by Policy 3 effectively impose a moratorium on the building of any new homes, building viability upon the islands is exacerbated through the withdrawal of funding to support affordable housing schemes and economic factors including the cost of building being significantly more expensive than the mainland and the imposition of occupancy restrictions via the standard Section 106 restriction limiting occupancy to specific local needs and keyworkers which in turn prevents traditional mortgage funding.

6. Other Material Consideration

6.1 Our conclusions in respect of housing availability and lack of supply are validated within the Strategic Housing Market Assessment 2016.

6.2 This is a document running to nearly 200 pages and thus I do not propose to attach the full document as an appendix, however I do attach extracts as relevant to this Appeal. (Appendix 6)

6.3 The key findings are expanded upon on page 129 which confirms that the main reason for people leaving the island are family reasons followed by being unable to afford to buy a home locally.

6.4 The same section confirms that 34 existing households require market housing and 8 need affordable housing. In addition 20 concealed households need market housing and 13 need affordable housing. The main tenure requirement for existing households was owner occupation whilst within the concealed households the main requirement was for private rent.

6.5 At page 143 (Appendix 6) the SHMA sets out the total demand for market housing in the Isles of Scilly to 2030. This identifies a requirement of 124 dwellings including a requirement for existing residents of 12 x 2 bed properties and 3 x 1 bed properties.

6.6 For the sake of completeness, I attach at Appendix 7; The Strategic Housing Market Assessment (SHMA) Executive Summary of the key findings dated July 2016.

6.7 This sets the scene for the Objectively Assessed Need (OAN) confirming an OAN requirement of 120 units over the plan period to 2030.

6.8 In meeting this need the Local Authority will need to allocate land for new open

market housing.

- 6.9 In view of the key findings of the SHMA 2016 report identifying a clear objectively assessed need for new open market housing during the plan period and the unquestionable fact that Policy 3 of the Adopted Local Plan restricts all open market housing, the only conclusion that can be drawn is that Policy 3 is not compliant with the NPPF.
- 6.10 The Housing Growth Plan 2014 (Appendix 5) concluded that the Housing Growth Plan identified a need for between 90 and 120 homes over the next 10 years, including market housing for economic growth and new dwellings to meet the need for young local households to move to home ownership. This chimes with the SHMA insofar as this identifies an OAN of 120 dwellings.
- 6.11 In simple terms having regard to Figure 9 of the Growth Plan (page 10) recommends a range of between 90 to 120 dwellings over 10 years equates. In the period to 2020 the Growth plan identifies a requirement of 60-90 dwellings.
- 6.12 Since publication of the Growth Plan in May 2014, consent has been granted for around 5 dwellings subject to SLN or KW restriction, this leaves (as a minimum) say, 55 dwellings over a 5 year period or extending the period to 2030, then this equates to circa 46 dwellings over the next 5 years. Neither projection makes an allowance for past under supply.
- 6.13 The current Local Plan allocation is understood to be in the region of 23 dwellings, this amounts to around 2.5 years' supply of housing land. This is on the assumption that those allocated sites are viable and deliverable, a matter which in itself is questionable due to the restrictions imposed by Policy 3 and issues associated with viability as detailed elsewhere in this statement.
- 6.14 All of the data referenced above supports my contention that Policy 3 restricts the delivery of new housing and thus is not in conformity with the NPPF and thus Framework policies should take precedence.

7. National Planning Policy Framework

- 7.1 Paragraph 7 of the Framework confirms the three dimensions to sustainable development; economic, social and environmental.
- 7.2 I have identified earlier in this Statement the need for new housing as defined

within the underlying data supporting the emerging Local Plan specifically the SHMA and OAN. This appeal proposal thus fulfils an economic role ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation.

- 7.3 Against the social dimension this proposal will provide housing required to meet the needs of present and future generations creating a high quality built environment. Furthermore, the development optimises the use of previously developed land.
- 7.4 The environmental dimension is met insofar as this development enhances the natural, built and historic environment re-using existing buildings, minimising waste and re-using a previously developed site.
- 7.5 I submit that having regard to paragraph 8 of the Framework this proposal scores highly when measured against each of the three dimensions of sustainability.
- 7.6 Paragraph 11 of the Framework confirms that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 7.7 The overriding requirement as set out under paragraph 5 is that the Development Plan is up to date. In this case the Plan is out of date.
- 7.8 Paragraph 14 of the Framework sets out the presumption in favour of sustainable development confirming that Planning Authorities should positively seek opportunities to meet the development needs of their area.
- 7.9 For decision takers and in cases where the Development Plan is absent, silent or relevant policies are out of date granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies and the Framework taken as a whole.
- 7.10 This advice is critical insofar as my submission is that Policy 3 is out of date and thus has very limited weight in the determination of this appeal.
- 7.11 The proposed development scores highly in terms of sustainability and the three principles of sustainable development. The grant of consent does not have any adverse impacts which outweigh the benefits.

- 7.12 Paragraph 15 confirms that development which is sustainable can be approved without delay. This principle is reinforced in paragraph 17 of the Framework, bullet point 3 of which confirms that every effort should be made objectively to identify and meet the housing, business and other development needs of an area and respond positively to wider opportunities for growth.
- 7.13 Plans should take account of market signals, such as land prices and housing affordability and set out a clear strategy for allocating sufficient land which is suitable for development in their area. Bullet point 8 encourages the effective use of land by re-using land that has been previously developed (brownfield land), providing that it is not of high environmental value.
- 7.14 Section 6 of the Framework at paragraph 47 confirms that the Local Authority should use their evidence base to ensure that their Local Plan meets the full objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with policies set out in this framework.
- 7.15 The OAN identifies a need for 120 dwellings to the period 2030. The Local Authority currently cannot demonstrate a deliverable 5 year supply of sites sufficient to provide housing against their requirements with an additional buffer of either 5% or 20% according to past under supply.
- 7.16 With that in mind paragraph 49 requires that housing applications should be considered in the context of the presumption in favour of sustainable development.
- 7.17 Relevant policies for the supply of housing should not be considered up to date if the Local Planning Authority cannot demonstrate a 5 year supply of deliverable housing sites.
- 7.18 Paragraph 51 provides further guidance relating to existing buildings encouraging Local Authorities to bring back into residential use empty housing and buildings and confirming that Authorities should approve planning applications for change to residential use and any associated development from commercial buildings (currently in the B use class).
- 7.19 The existing outbuildings which are the subject of this appeal have historically been used for storage purposes (use class B8). The current owner purchased the Holy Vale Farmhouse site in 2011. The outbuildings have been used for

ancillary storage in the intervening 5 plus years, furthermore it is understood that the outbuildings have historically been used for storage purposes, although it is acknowledged that such a use has not been ratified by formal planning permission or Certificate of Lawful Use.

- 7.20 The Appellant has in the last 5 years attempted to rent the outbuildings (for storage or light business purposes) however no interest was expressed when the units were advertised.
- 7.21 Paragraph 55 of the Framework confirms that Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances such as: where the development would **re-use redundant or disused buildings and lead to an enhancement of the immediate setting**. Whilst this proposal will not create isolated homes in the countryside, it remains relevant, the proposal comprises the reuse of redundant buildings which will positively enhance the Conservation Area and ensure the appropriate long term management of the existing buildings.
- 7.22 Paragraph 137 of the Framework confirms that Local Authorities should look for opportunities for new development within Conservations Areas to enhance or better reveal their significance. Proposals that preserve these elements of the setting and make a positive contribution to, or better reveal significance of the asset, should be treated favourably.
- 7.23 Paragraph 111 confirms that planning policies and decisions should encourage effective use of land by re-using land which has been previously developed (brownfield land).
- 7.24 Paragraph 115 confirms that great weight should be given to conserving landscaping scenic beauty in national parks, the Broads and Areas of Outstanding Natural Beauty. It is notable that the Local Authority have not raised any concern in respect to either harm to the Conservation Area or AONB within the refusal notice, indeed, this proposal offers betterment when assessed against policies appropriate to each of the above.

8. PLANNING CONSIDERATIONS

- 8.1 With regard to Development Plan Policies and the refusal reason given by the Local Planning Authority the main planning issue for consideration is as follows:
- 8.2 Whether having regard to all material considerations Policy 3 of the Isles of Scilly Local Plan 2005 is compliant with the NPPF and whether the provision of 3 new dwellings is contrary to the policies as set out within the National Planning Policy Framework 2012.
- 8.3 For reasons set out above I submit that Planning Policy 3 of the Adopted Local Plan is not compliant with the aims and objectives of the NPPF and thus should be afforded very limited weight.
- 8.4 The Local Authority's evidence base in connection with the emerging Local Plan confirms that there is an objectively assessed need of at least 120 dwellings during the period to 2030, the Local Authority have not made provision to deliver this number of dwellings and thus the presumption in favour of sustainable development is fully triggered as per paragraphs 14 and 49 of the Framework.
- 8.5 The Local Plan at Policy 2 contains a presumption in favour of the re-use of previously developed land and existing buildings for economic, social and environmental benefit of the island and local communities taking into account any environmental designation set out in Policy 1.
- 8.6 Further explanation is provided at paragraph 26 of the Adopted Plan confirming that new developments should incorporate wherever appropriate the following principles of sustainability by maximising the efficient use of buildings and land particularly where it has been previously developed.

9. SUMMARY AND CONCLUSIONS

- 9.1 The appeal proposal seeks planning permission for the conversion of existing buildings to form 3 new dwellings.
- 9.2 This statement has reviewed the relevant Development Plan policy framework as it applies in this case, together with the other material considerations. On the evidence presented it has been demonstrated that the proposal accords with all relevant Development Plan policies but more specifically guidance contained within the NPPF.
- 9.3 The Local Authority's SHMA 2016 and OAN sets out the need to provide additional land for housing and establishes the objectively assessed housing need for the period to 2030. This development will contribute to the delivery of much needed new open market housing, in so doing re-using a brownfield site (buildings) and bringing back into use buildings which are currently underutilised.
- 9.4 For the reasons given above, the Inspector is respectfully requested to allow this appeal as made.

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