



COUNCIL OF THE ISLES OF SCILLY

Planning & Development Department
Town Hall, The Parade, St Mary's, Isles of Scilly, TR21 0LW

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OFFICER REPORT – DELEGATED

Application number: P/16/069/CLE	Expiry date: 9 September 2016
Received on: 15 July 2016	Neighbour expiry date: NONE CONSULTED
UPRN: 000192001474	Consultation expiry date:
Legal agreement:	Site notice posted: 15 July 2016
Departure:	Site notice expiry: 5 August 2016
Complies with Development Plan? Y/N If not, ensure you cover in the report how material considerations outweigh the plan?	
Is this decision contrary to local council recommendation?	

Applicant:	Miss Hannah Barclay
Site Address:	Tregea 4 Bay View Terrace Telegraph Road Porth Mellon St Mary's Isles Of Scilly TR21 0NE
Proposal:	Application for a certificate of lawful use for existing use of dwelling house (Use Class C3) as two separate dwellings.
Application Type:	Certificate of Lawfulness - Existing

Description of site and development:

This is an application for a certificate of lawful use for the splitting of number 4 Bay View Terrace (originally a single terraced dwelling) in to 2 separate flats. The property is located on the east side of Hugh Town at Porthmellon towards the north coast at Porthmellon beach. Number 4 is a white rendered mid-terraced property with two original floors of accommodation and a converted loft space. To the front a vehicular access which separates the front garden from the dwelling. To the rear of the property is a relatively modest private rear yard with a rear vehicular access beyond.

Bay View Terraced is a relatively old row of properties, appearing on Ordnance Survey Maps of St Mary's in 1908 (whereas it is not shown as built at the time of the 1890 OS map) and as such it would appear that the row was constructed at some point during the turn of the century on the site of an old quarry and immediately to the south of Harry's Walls.

Public representations:

None

Consultee representations:

NONE

Constraints and designations:

Conservation Area, AONB and Heritage Coast

Relevant policies, SPGs and Government guidance:

N/A

Appraisal/key issues and conclusion:

The principal issue for consideration is whether the evidence submitted is sufficient to demonstrate, on the balance of probabilities, that the property has been used as two separate dwellings for a continuous period of 4 years up to the time of the certificate application.

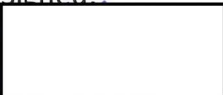

The applicant has submitted a hand-written will of the last owner of the property dated 1997 which references the two flats. In addition to this reference of 19 years ago a former resident has stated (sworn statement) that they lived in the property (upstairs flat) for 3 years from 2008. A further statement (sworn) also confirms that they visited this couple during the 3 years they lived in the flat from 2008 - 2011. A third statement confirms that they lived in the upstairs flat from 2012 - 2014. A fourth statement from a resident at 5 Bay View Terrace since 1999 states that in knowledge no construction works to this property have taken place.

In addition to the will and the sworn statements there are records provided by the Council Tax Department of CIOS to show the property being assessed for value for two flats (and Council Tax purposes) on 8th November 1999.

It is considered that on the balance of probability the property has been split in to 2 flats for a period well in excess of the required 4 years. A site visit by the planning officer in 2015 confirmed that the property, although vacant, was split in to 2 flats. On the basis of this assessment it is considered appropriate to issue a certificate of lawful use for the two flats to show this split, whilst it would have required planning permission, is now immune from any enforcement action.

Recommendation:

Grant a Certificate of Lawful Use

Signed: 	Dated: 26/8/16	Signed: 	Dated: 26/8/16
Planning Officer		Senior Manager	