

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY



**COUNCIL OF THE ISLES OF SCILLY**

Town Hall, The Parade, St Mary's TR21 0LW  
Telephone: 01720 424350 – Email: [planning@scilly.gov.uk](mailto:planning@scilly.gov.uk)

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

**PERMISSION FOR DEVELOPMENT**

**Application No:** P/16/091/FUL **Date Application Registered:** 14th October 2016

**Applicant:** Mr Vivian Jackson  
Sandy Lane Cottage  
Middle Town  
St Martins  
Isles Of Scilly  
TR25 0QN

**Site Address:** Land at Sandy Lane Middle Town St Martin's Isles of Scilly

**Proposal:** Erection of 2 person shepherds hut for use as holiday accommodation.

In pursuance of their powers under the above act, the Council hereby **PERMIT** the above development to be carried out in accordance with the following 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:**

- Site Plan 1:1250 scale Date Stamped 07 Oct 2016
- Block Plan 1:500 scale Date Stamped 07 Oct 2016
- Elevations and Plans 1:50 Scale Date Stamped 13 Oct 2016
- Design and Access Statement Date Stamped 26 Aug 2016

**These are stamped as APPROVED**

Reason: For the clarity and avoidance of doubt and in the interests of the character and appearance of the Listed Building and Conservation Areas, Area of Outstanding Natural Beauty and Heritage Coast in accordance with Policy 1 of the Isles of Scilly Local Plan 2005.

**C3 All water and electricity services to supply the accommodation hereby permitted shall be undergrounded.**

Reason: To protect and safeguard the character and appearance of the building and 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.

**C4 The Shepherd's hut hereby permitted shall not be replaced by any other structure, cabin or pod differing from the approved details, unless or until details of the size, design, materials and**

**colour of such replacement has first been approved through a subsequent planning application by the Local Authority. Once approved the replacement shall accord with approved details.**

Reason: The specific details of the shepherds hut have been approved in this case as it is considered to respect the landscape and is acceptable in this location. An alternative type of accommodation may not have such an acceptable impact and therefore scrutiny is required in terms of compliance with planning policies and the character and appearance of this rural area.

**C5 The flues of the shepherd's hut hereby permitted shall be finished, externally, in matt black unless an alternative colour is agreed in writing by the Local Planning Authority. The flue shall be retained in the matt black finish thereafter unless an alternative colour has been agreed.**

Reason: To safeguard the character and visual appearance of the site and the surrounding area, which is designated an Area of Outstanding Natural Beauty and Conservation Area, and to accord with Policies 1 and 2 of the Local Plan.

#### **REMOVAL OF PERMITTED DEVELOPMENT RIGHTS – Alterations or extensions**

**C6 Notwithstanding the provisions of Article 3(1) of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order revoking and re-enacting that Order) no:**

- **extensions (Part 1 Class A),**
- **dormer windows (Part 1 Class B),**
- **alterations to the roof (Part 1 Class C),**
- **porches (Part 1 Class D),**
- **curtilage buildings (Part 1 Class E),**
- **hard surfaces (Part 1 Class F),**
- **chimneys or flues (Part 1 Class G),**
- **satellite dishes or antennas (Part 1 Class H),**
- **means of enclosure (Part 2 Class A)**

**Shall be erected/constructed without first obtaining planning permission.**

Reason: To maintain the character of the building in accordance with Policy 1 of the Isles of Scilly Local Plan 2005.

#### **RESTRICTIONS ON USE TO SHORT-TERM HOLIDAY LET**

**C7 Notwithstanding the provisions of Part C, Class C3 "Dwelling House" to the Schedule of the Town and Country Planning (Use Classes) Order 1987, (or any Order revoking or re-enacting that Order), the premises shall be used for the purpose of holiday accommodation only and for no other purpose, including any other purpose within Class C3 of the Order. The property shall not be occupied by any persons for a total period exceeding 28 days in any calendar year. The owner shall maintain a register of occupiers for each calendar year including names, addresses and length of stay, and a copy of the register shall be supplied to the Local Planning Authority on request.**

Reason - The occupation of the building as a permanent residential property would require further assessment and may not be suitable for permanent residential occupation in accordance with Policy 3 of the Isles of Scilly Local Plan 2005.

#### **LIMITATION/RESTRICTION ON USE**

**C8 The holiday let accommodation hereby permitted shall be operated by and as part of Sandy Lane Farm only for the purposes of farm diversification and shall not be used as a permanent unit of accommodation.**

Reason: The operation of the use in a different way could lead to unacceptable impacts on the locality, and would need further assessment in accordance with Policy 3 of the Isles of Scilly Local Plan 2005.

#### **CONSTRUCTION HOURS OF OPERATION**

- C9 All works involving machinery required in connection with the implementation of this permission shall be restricted to between 0800 and 1800 hours Monday to Saturdays. There shall be no works involving machinery on a Sunday or Public or Bank Holiday.**

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

#### **PRE-COMMENCEMENT CONDITION – Site Waste Management Plan**

- C10 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 demolition material and 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 only.**

Reason: This is a pre-commencement condition that requires details that were not submitted as part of the application, but are required to fully understand the impact upon landscape and management of waste, to be submitted to and agreed by the Local Planning Authority. This is to ensure those characteristics which contribute 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 or the tipping of waste. In accordance with the requirements of Policy 1 of the Isles of Scilly Local Plan 2005.

#### **PRE-COMMENCEMENT CONDITION – Submission of Levels**

- C11 Before development starts, details of the existing ground levels, proposed finished floor levels of the shepherds hut and the proposed finished ground levels of the site including cross sectional drawings, all relative to a datum point which is to remain undisturbed during the development, shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details and the levels shall be retained as such thereafter.**

Reason: This is a pre-commencement condition that requires the submission of details required to assess the finished level of the development that were not submitted as part of the application submission. These are required in the interests of the appearance of the area and to ensure the levels do not result in an overly prominent form of development, in accordance with Policy 1 of the Isles of Scilly Local Plan 2005.

#### **PRE-COMMENCEMENT CONDITION – Submission of Sustainable Design Measures**

- C12 Prior to the commencement of the development hereby permitted a detailed scheme indicating the sustainable design measures to be incorporated into the proposal shall be agreed in writing with the Local Planning Authority and should include water conservation and harvesting measures and renewable energy generation. The sustainable design scheme shall be implemented in strict accordance with the details as agreed prior to the occupation of the development hereby permitted and retained as such thereafter.**

Reason: This is a pre-commencement condition that requires the submission of details to reduce water and energy consumptions in accordance with Policy 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.

#### **PRE-COMMENCEMENT CONDITION – Submission of Landscaping Details**

- C 13 Before development starts; the following shall be submitted to and approved in writing by the Local Planning Authority:**

- a) a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land,
- b) the details of any trees and hedgerows to be retained, together with measures for their protection during development,
- c) a schedule of proposed plant species, size and density and planting locations and

**d) an implementation programme.**

Reason: This is a pre-commencement condition that requires the submission of details to ensure the site is reasonably landscaped, in the interests of the appearance of the area and in accordance with Policy 1 of the Isles of Scilly Local Plan 2005.

**IMPLEMENTATION OF LANDSCAPEING SCHEME**

**C14 All planting, seeding or turfing in the approved scheme of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.**

Reason: In the interest of the appearance of the area and in accordance with Policy 1 of the Isles of Scilly Local Plan 2005

**PRE-OCCUPATION CONDITION – Submission of details of connection to a Suitable Foul Drainage System**

**C15 Prior to the first occupation of the building hereby permitted, it shall be connected to a suitable capacity sewerage treatment system. If a new system is required to be installed the details of this shall be submitted to and agreed in writing with the Local Planning Authority, before the system is installed. Any new sewerage treatment system shall be implemented in strict accordance with the details as agreed.**

Reason: To prevent any effluent pollution into the surrounding area and in accordance with Policy 6 of the Local Plan.

**Further Information**

1. In dealing with this application, the Council of the Isles of Scilly has actively sought to work with the applicants in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the NPPF.
2. In accordance with the Town and Country Planning (fees for Application and Deemed Applications) (Amendment) (England) Regulations 2008 a fee is payable to discharge any condition(s) on this planning permission. The fee is £97 for each request to discharge condition(s). The fee is payable for each individual request made to the Local Planning Authority.
3. 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 (for which a fee of £195 would be required) or the submission of a full planning application for a revised scheme. If the proposal relates to a Listed Building you will not be able to apply for a non-material amendment and a new application for a revised scheme will be required. Please discuss any proposed amendments with the Planning Officer.

Signed



**Senior Manager: Infrastructure and Planning**

**DATE OF ISSUE: 24<sup>th</sup> November 2016**



# COUNCIL OF THE ISLES OF SCILLY

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

☎01720 424350

✉planning@scilly.gov.uk

Dear Mr Vivian Jackson

## Please sign and complete this certificate.

This is to certify that decision notice: P/16/091/FUL and the accompanying conditions have been read and understood by the applicant: Mr Vivian Jackson.

**I/we intent to commence the development as approved:** Erection of 2 person shepherds hut for use as holiday accommodation at: Land At Sandy Lane Middle Town St Martin's Isles Of Scilly

**on:**..... and I am/we are aware of any conditions that need to be discharged before works commence. I/we will notify the Planning Department in advance of commencement in order that any pre-commencement conditions can be discharged.

Print Name:.....

Signed:.....

Date:.....

Please sign and return to the **above address** as soon as possible.

For the avoidance of doubt you are reminded to address the following condition(s) before you commence the implementation of this permission. Although we will aim to deal with any application to discharge conditions as expeditiously as possible, you are reminded to allow up **to 8 weeks** for the discharge of conditions process.

### PRE-COMMENCEMENT CONDITIONS

- C10** 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 demolition material and 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 only.
- C11** Before development starts, details of the existing ground levels, proposed finished floor levels of the shepherds hut and the proposed finished ground levels of the site including cross sectional drawings, all relative to a datum point which is to remain undisturbed during the development, shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details and the levels shall be retained as such thereafter.
- C12** Prior to the commencement of the development hereby permitted a detailed scheme indicating

the sustainable design measures to be incorporated into the proposal shall be agreed in writing with the Local Planning Authority and should include water conservation and harvesting measures and renewable energy generation. The sustainable design scheme shall be implemented in strict accordance with the details as agreed prior to the occupation of the development hereby permitted.

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  - d) an implementation programme.

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