



# COUNCIL OF THE ISLES OF SCILLY

Planning & Development Department  
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## OFFICER REPORT – DELEGATED

Application number: P/17/074/FUL	Expiry date: 31/10/17
Received on: 05.09.2017	Neighbour expiry date: N/A
UPRN: 000192000600	Consultation expiry date: N/A
Legal agreement:	Site notice posted: 05/09/17
Departure:	Site notice expiry: 26/09/17
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:	Mrs A Jenkins
Site Address:	Barn 8, Carn Friars Farm, Carn Friars, St Mary's
Proposal:	Variation of condition 6 of planning permission P/13/079 to allow use of barn as holiday accommodation
Application Type:	Variation of Condition

<http://www.scilly.gov.uk/planning-application/planning-application-p17074>

### Description of site and development:

This application proposes the variation of condition 6 (The occupation of the accommodation hereby permitted shall be limited to the owner(s) solely or mainly employed at Carn Friars Farm and shall be occupied as an integral part of the existing premises edged in green on the approved plans and shall not be sold or sublet or otherwise disposed of as a separate unit of accommodation from the farm) of approved permission P/13/079 to allow the use of the barn as holiday accommodation at Barn 8, Carn Friars Farm, Carn Friars, St Mary's.

### Site Description and description of proposal

Carn Friars Farm is a working farm located in the eastern area of St Mary's, with the buildings south of the A3110.

Amongst the building group, there is a small stone barn that was subject of a planning permission to convert to staff accommodation. The proposals were a sympathetic conversion with existing granite work re-pointed with lime replacing the roof with traditional reclaimed red pan tiles, replacing all windows with like for like soft wood timber and replacing all the rotted window lintels with reclaimed oak.

That permission was subject to a planning condition requiring occupancy to be for staff accommodation linked to the farm. Circumstances have changed and the proposal is for the unit, which is nearing conversion, to be used as a holiday let to support farm income.

The site lies within a Conservation Area, as is all the islands.

### **Background and Relevant History**

Conditional planning approval to erect two self-catering holiday bungalows and demolish farm shed and barn in May 2005. This planning permission was never implemented.

Under planning application, P/13/079/FUL was granted on 30 January 2014 for the conversion of Barn 8 to staff accommodation. The plans were amended in January 2015 to change the new extension to be timber clad and incorporate the kitchen.

#### **Public representations:**

A site notice has been on display outside the site for a period of 21 days.

No letters of representation have been received.

#### **Consultee representations:**

A site notice has been on display outside the site for a period of 21 days. As the proposal is the change of an occupancy condition, no consultees have been sought for their comments.

#### **Constraints and designations:**

Conservation Area, AONB and Heritage Coast.

#### **Relevant policies, SPGs and Government guidance:**

### **Primary Legislation**

#### **The Planning (Listed Buildings and Conservation Area) Act 1990**

The site is within a Conservation Area where there is a requirement to ensure that any development preserves or enhances the character or appearance of the area, as embodied in Section 72 of The Planning (Listed Buildings and Conservation Area) Act 1990.

#### **The Countryside and Rights of Way Act 2000**

The Isles of Scilly is also a designated Area of Outstanding Natural Beauty (AONB). The legal framework for such areas is provided by The Countryside and Rights of Way Act 2000. The Act places a statutory duty on the Local Authority to have regard to the purpose of conserving and enhancing the natural beauty of the AONB when exercising or performing any functions affecting land within it.

### **National Planning Policy Framework**

At the heart of the NPPF is the presumption in favour of sustainable development, with its three components of economic, social and environmental.

Paragraph 28 of the NPPF explains that;

Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

- support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings
- promote the development and diversification of agricultural and other land-based rural businesses
- support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres
- promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship

## Planning Policy

### Isles of Scilly Local Plan 2005

Policy 1 (Environmental Protection) aims to ensure that the quality of the islands environment, including its natural and historic character, is maintained and enhanced.

Policy 2 (Sustainable Development) requires proposals to positively relate to the character of the landscape, seascape and built form of the islands, through relationship to, inter alia, siting, design and use of materials.

Policy 3 (Housing) sets out the circumstances where housing may be permitted and the occupancy restrictions that accompany any approval.

Policy 4 (Economic Development) sets out a range of criteria to encourage appropriate economic development for the islands. Criterion (e) explains, **“Where self-contained tourist accommodation is provided as part of an existing farm holding, up to a maximum of two such units of accommodation per holding and is necessarily related to the latter’s continued viability and overall land management”**.

#### Appraisal/key issues and conclusion:

The existing building has planning permission to be converted and extended and works should be complete by the end of 2017. The conversion is a sympathetic renovation and the details have previously been agreed. The application seeks to vary condition 6 on occupation so that it can be used as a holiday let.

The application site is part of an established working farm and the applicants have explained that they will now be recruiting labour locally and require income to support the farm. There are currently no other holiday lets on the farm.

The site lies amongst the farm group and is a re-use of a redundant building with planning permission to be used residually.

It is considered that the use of the accommodation as a holiday let will support farm income and comply with the requirements of criterion (e) of Policy 4. There are considered to be no other material planning considerations that indicate otherwise.

As the worker's accommodation is policy compliant and the proposed holiday let is also acceptable it is considered that a permission that allows both uses will be in the interests of sustainable development in this case. Permission is recommended to be granted accordingly.

## Conclusion

Drawing on all of the above considerations, it is considered that the proposal is acceptable and it is recommended for approval.

### Recommendation:

Recommendation: The application be Conditionally Approved subject to the following Conditions:

- 1. 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).

- 2. The development hereby permitted shall be carried out in complete accordance with the details of the application including the letter dated 1 September 2017.**

Reason: To ensure that the works and use take place in accordance with the submitted details and specifications.

- 3. The sustainable design measures agreed pursuant to condition 4 of Application P/13/079/FUL shall continue to be implemented in accordance with the specification.**

Reason: To accord with the requirements of 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.

- 4. The details of the foul drainage and treatment agreed pursuant to condition 5 of the Application P/13/079/FUL shall be provided and implemented in accordance with the specification.**

Reason: To ensure drainage and the disposal of waste is dealt with adequately, in the interests of pollution and to ensure that the nature conservation interests are adequately protected

- 5. The accommodation the subject of this planning application shall not be occupied other than as staff accommodation in accordance with the requirements of Condition 6 or as a holiday let in accordance with requirements of Condition 7.**

Reason: To ensure that the accommodation is occupied in accordance of policies 3 and 4 of the Local Plan in the interests of sustainable development.

- 6. Further to Condition 5 when the accommodation is used as staff accommodation it shall be limited to the owner(s) or a person(s) solely or mainly employed at Carn Friars Farm and shall be**

**occupied as an integral part of the existing premises and shall not be sold or sublet or otherwise disposed of as a separate unit of accommodation from the farm.**



Reason: To ensure that the accommodation is occupied in a way that complies with the requirements of Policy 3 of the Local Plan.

- 7. Further to Condition 5, when the accommodation is occupied as a holiday let it shall not be used otherwise than for the provision of short let holiday accommodation. The property shall not be occupied as a permanent dwelling and shall not be occupied by any person for a period exceeding 28 days in any calendar year. The owner or operator shall maintain a register of occupants for each calendar year. This shall be made available on request for inspection by any duly authorised officer of the Local Planning Authority. The holiday let hereby permitted shall be operated in conjunction with farm house, known as Carn Friars Farmhouse, and the wider farm unit and shall not be separated from that unit without the prior approval in writing of the Local Planning Authority.**

Reason: To accord with the requirements of Policy 4 of the Local Plan and to ensure that the permission supports farm income.

**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 Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012 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: 	Dated: 19.10.17	Signed: 	Dated: 19.10.17
Planning Officer		Senior Manager	