

The Planning Inspectorate

QUESTIONNAIRE (s78) and (s20) PLANNING AND LISTED BUILDING CONSENT (Online Version)

You must ensure that a copy of the completed questionnaire, together with any attachments, are sent to the appellant/agent by the date given in the start letter. **You must include details of the statutory development plan, even if you intend to rely more heavily on some other emerging plan.**

If notification or consultation under an Act, Order or Departmental Circular would have been necessary before granting permission and has not yet taken place, please inform the appropriate bodies of the appeal now and ask for any comments to be sent direct to us by the date your statement is due.

Appeal Reference

APP/Z0835/W/21/3287898

Appeal By

MR TOBY TOBIN-DOUGAN (FERNFUEL LTD)

Site Address

Land at Lawrences Brow
St. Martin's
Isles Of Scilly
Cornwall
TR25 0QL

PART 1

1.a. Do you consider the written representation procedure to be suitable? Yes No

*Note: If the written procedure is agreed, the Inspector will visit the site **unaccompanied** by either party unless the relevant part of the site cannot be seen from a road or other public land, or it is essential for the Inspector to enter the site to check measurements or other relevant facts.*

2.a. If the written procedure is agreed, can the relevant part of the appeal site be seen from a road, public footpath, bridleway or other public land? Yes No

2.b. Is it essential for the Inspector to enter the site to assess the impact of the proposal? Yes No

Please explain

To get a better understanding of the agricultural unit and it's context in the landscape.

2.c. Are there any known health and safety issues that would affect the conduct of the site inspection? Yes No

3.a. Are there any other appeals or matters relating to the same site still being considered by us or the Secretary of State? Yes No

3.b. Are there any other appeals or matters adjacent or close to the site still being considered by us or the Secretary of State? Yes No

PART 2

4. Does the appeal relate to an application for approval of reserved matters? Yes No

5. Was a site ownership certificate submitted with the application? Yes No

6. Did you give publicity to the application in accordance with either Article 15 of the DMPO 2015, Section 67/73 of the Planning (Listed Buildings and

Conservation Areas) Act 1990 or Regulation 5 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990?

7. Does the appeal relate to a county matter? Yes No

8. Please indicate the development type for the application to which the appeal relates.

Major Developments

Minor Developments

Other Developments

8.b. Minor Developments

Dwellings

Offices/R and D/light industry

General industry/storage/warehousing

Retail and services

Traveller caravan pitches

All other minor developments

Is the appeal site within:

9.a. A Green Belt? Yes No

9.b. An Area of Outstanding Natural Beauty? Yes No

10. Is there a known surface or underground mineral interest at or within 400 metres of the appeal site which is likely to be a material consideration in determining the appeal? Yes No

PART 3

11. Would the development require the stopping up or diverting of a public right of way? Yes No

12.a. Is the site in a Conservation Area? Yes No

Please attach a plan of the Conservation Area

see 'Questionnaire Documents' section

12.b. Is the site adjacent to a Conservation Area? Yes No

12.c. Does the appeal proposal include the demolition of a non-listed building within a conservation area? Yes No

13.a. Does the proposed development involve the demolition, alteration or extension of a Grade I / II* / II listed building? Yes No

13.b. Would the proposed development affect the setting of a listed building? Yes No

14. Has a grant been made under s3A or s4 of the Historic Buildings and Ancient Monuments Act 1953? Yes No

15.a. Would the proposals affect an Ancient Monument (whether scheduled or not)? Yes No

16. Is any part of the site subject to a Tree Preservation Order? Yes No

17. Have you made a Local Development Order under s61A to 61C of the Town and Country Planning Act 1990 (as inserted by s40 of the Planning & Compulsory Purchase Act 2004) relating to the application site? Yes No

18. Does the appeal involve persons claiming Gypsy/Traveller status, whether or not this is accepted by the planning authority?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
19.a. Is the appeal site in or adjacent to or likely to affect an SSSI or an internationally designated site (ie. cSAC, SAC, pSPA, SPA Ramsar)?	Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/>
19.a.i. If YES, was it necessary to consult Natural England?	Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/>
Please attach the comments of Natural England <input checked="" type="checkbox"/> see 'Questionnaire Documents' section			
19.b. Are any protected species likely to be affected by the proposals?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>

PART 4

Environmental Impact Assessment - Schedule 1

20.a.i. Is the proposed development Schedule 1 development as described in Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
--	-----	-----------------------------	-------------------------------------

Environmental Impact Assessment - Schedule 2

20.b.i. Is the proposed development Schedule 2 development as described in Column 1, Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
--	-----	-----------------------------	-------------------------------------

20.c.i. Have you issued a screening opinion (SO)	Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/>
Please attach a copy of the SO that was placed on the planning register, and any other related correspondence <input checked="" type="checkbox"/> see 'Questionnaire Documents' section			

20.c.ii. Did the SO state that the proposed development is EIA development as defined by the EIA Regulations?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
---	-----	-----------------------------	-------------------------------------

Environmental Impact Assessment - Environmental Statement (ES)

20.d. Has the appellant supplied an environmental statement?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
--	-----	-----------------------------	-------------------------------------

Environmental Impact Assessment - Publicity

20.e. If applicable, please attach a copy of the site notice and local advertisement published as required for EIA development.	Applies	<input type="checkbox"/> N/A	<input checked="" type="checkbox"/>
---	---------	------------------------------	-------------------------------------

21. Have all notifications or consultations under any Act, Order or Departmental Circular, necessary before granting permission, taken place?	Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/>
Please attach copies of any comments that you have received in response. <input checked="" type="checkbox"/> see 'Questionnaire Documents' section			

PART 5

22. Do you wish to attach your statement of case?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
---	-----	-----------------------------	-------------------------------------

For appeals dealt with by written representations only

23. If this appeal is not following the written representations expedited procedure, do you intend to send a statement of case about this appeal? Yes No

Copies of the following documents must, if appropriate, be attached to this questionnaire

24.a. a copy of the letter with which you notified people about the appeal;

[see 'Questionnaire Documents' section](#)

24.b. a list of the people you notified and the deadline you gave for their comments to be sent to us;

[see 'Questionnaire Documents' section](#)

Deadline

30/03/2022

24.c. all representations received from interested parties about the original application;

[see 'Questionnaire Documents' section](#)

24.d. the planning officer's report to committee or delegated report on the application and any other relevant documents/minutes;

[see 'Questionnaire Documents' section](#)

24.e. any representations received as a result of a service of a site ownership notification;

24.f. extracts from any relevant statutory development plan policies (even if you intend to rely more heavily on the emerging plan);

You must include the front page, the title and date of the approval/adoption, please give the status of the plan. Copies of the policies should include the relevant supporting text. You must provide this even if the appeal is against non-determination.

[see 'Questionnaire Documents' section](#)

[see 'Questionnaire Documents' section](#)

List of policies

Isles of Scilly Local Plan 2015-2030 Policies LC4, SS3, SS1, SS2, SS6, SS7, OE1, OE2, OE4 & OE7

24.g. extracts of any relevant policies which have been 'saved' by way of a Direction;

24.h. extracts from any supplementary planning guidance, that you consider necessary, together with its status, whether it was the subject of public consultation and consequent modification, whether it was formally adopted and if so, when;

24.i. extracts from any supplementary planning document that you consider necessary, together with the date of its adoption;

In the case of emerging documents, please state what stage they have reached.

24.j. a comprehensive list of conditions which you consider should be imposed if planning permission is granted;

Only tick that this applies if you intend to submit a list of conditions with the questionnaire. If you do not submit the list with the questionnaire, then this should be submitted by the date your statement is due. This list must be submitted separately from your appeal statement.

24.k. if any Development Plan Document (DPD) or Neighbourhood Plan relevant to this appeal has been examined and found sound/met the basic conditions and passed a referendum, the date the DPD or Neighbourhood Plan is likely to be adopted and, if you consider this date will be before the Inspector's decision on this appeal is issued, an explanation of the Council's policy position in respect of this appeal upon its adoption. You should also include an explanation of the status of existing policies and plans, as they relate to this appeal, upon adoption and which (if any) will be superseded;

24.l. if any DPD or Neighbourhood Plan relevant to this appeal has been submitted for examination, or in the case of a Neighbourhood Plan has been examined and is awaiting a referendum, an explanation of any substantive changes in the progress of the emerging plan, and their relevance to

this appeal if it is considered that the plan will not be adopted before the Inspector's decision on this appeal is issued;

24.m. your Authority's CIL charging schedule is being/has been examined;

24.n. your Authority's CIL charging schedule has been/is likely to be adopted;

24.o. any other relevant information or correspondence you consider we should know about.

For the Mayor of London cases only

25.a. Was it necessary to notify the Mayor of London about the application? Yes No

25.b. Did the Mayor of London issue a direction to refuse planning permission? Yes No

LPA Details

I certify that a copy of this appeal questionnaire and any enclosures will be sent to the appellant or agent today.

LPA's reference

Completed by

On behalf of

Please provide the details of the officer we can contact for this appeal, if different from the Planning Inspectorate's usual contact for this type of appeal.

Name

Phone no (including dialling code)

Email

Please advise the case officer of any changes in circumstances occurring after the return of the questionnaire.

QUESTIONNAIRE DOCUMENTS

Appeal Reference

APP/Z0835/W/21/3287898

Appeal By

MR TOBY TOBIN-DOUGAN (FERNFUEL LTD)

Site Address

Land at Lawrences Brow
St. Martin's
Isles Of Scilly
Cornwall
TR25 0QL

The documents listed below were uploaded with this form:

Relates to Section: PART 3

Document Description: 12.a. A plan of the Conservation Area.

File name: Q12a Conservation Area.pdf

Relates to Section: PART 3

Document Description: 19.a.i. The comments of Natural England.

File name: Q19ai Natural England Consultation Response.pdf

Relates to Section: PART 4

Document Description: 20.c.i. A copy of the screening opinion (SO) that was placed on the planning register, along with any other related correspondence.

File name: Q20ci EIA Screening Opinion.pdf

Relates to Section: PART 4

Document Description: 21. Copies of any comments that you have received in response.

File name: Q21 Consultation Responses.pdf

Relates to Section: PART 5

Document Description: 24.a. A copy of the letter with which you notified people about the appeal.

File name: Q24a Notification Letter.pdf

Relates to Section: PART 5

Document Description: 24.b. A document containing a list of the people you notified of the appeal.

File name: Q24a Notification Letter.pdf

Relates to Section: PART 5

Document Description: 24.c. Copies of all representations received from interested parties about the original application.

File name: Q24c Representations.pdf

Relates to Section: PART 5

Document Description: 24.d. The planning officer's report to committee or delegated report on the application and any other relevant documents/minutes.

File name: Q24d Committee Report and Minutes.pdf

Relates to Section: PART 5

Document Description: 24.f. Copies of extracts from any relevant statutory development plan policies.

File name: Q24f IOSLP Front Cover.pdf

Relates to Section: PART 5

Document Description: 24.f. Copies of extracts from any relevant statutory development plan policies.

File name: Q24f IOSLP LC4.pdf
File name: Q24f IOSLP SS3.pdf
File name: Q24f IOSLP SS7.pdf
File name: Q24f IOSLP SS6.pdf
File name: Q24f IOSLP SS2.pdf
File name: Q24f IOSLP SS1.pdf
File name: Q24f IOSLP OE4.pdf
File name: Q24f IOSLP OE2.pdf
File name: Q24f IOSLP OE1.pdf
File name: Q24f IOSLP OE7.pdf

Completed by

Not Set

Date

02/03/2022 15:08:51

LPA

The Isles of Scilly Council