



COUNCIL OF THE ISLES OF SCILLY

Planning Department

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STATEMENT OF COMMON GROUND

FOR

APPEAL AGAINST REFUSAL OF PLANNING PERMISSION

AT

LAND AT LAWRENCES BROW, ST MARTIN'S ISLES OF SCILLY TR25 0QL

REFUSED ON 24TH SEPTEMBER 2021

APPEAL REFERENCE: APP/Z0835/W/21/3287898

22nd March 2022

Issue	Description
1. Appeal Reference:	APP/Z0835/W/21/3287898
2. Appeal Site Address:	Land at Lawrence's Brow, Churchtown, St Martins
3. Description of Proposal:	Retrospective application for the change of use of barn to seasonal agricultural workers accommodation including the erection of a WC/solar shower block and connected decking for use by occupants.
4. List of plans that informed the Council's decision:	See below
5. List of any new plans not previously seen or consulted on by the local planning authority:	None
6. Relevant planning history:	See below
7. List of the most important development plan policies for determining the application:	See below
8. Other relevant planning policy/guidance/material considerations and weight to be afforded.	None
9. Areas where the parties are working together and there is a prospect of resolving a related reason for refusal.	n/a
10. A table setting out areas of agreement and disagreement in relation to each remaining reason for refusal on a topic by topic basis.	See below
11. List of possible conditions and the reasons for them (including any policy	Appendix A

	support) attached as an Appendix to the statement. The list is to include any conditions that are not agreed, with reasons for the disagreement.	
12.	A statement of compliance with statutory and policy requirements for the conditions and Section 106.	
13.	Draft heads of terms of any Section 106 obligations, attached as an Appendix to the statement.	n/a
14.	Core Documents list	Appendix B

4. List of plans that informed the Council's decision:

No	Plan Ref No:	Plan Type/Name	Date Received
1	RNA-10/0801	Location Plan (1:1250)	14/06/2021
2	TQRQM21215113536940	Block Plan (1:500)	14/06/2021
3		Design and Access Statement	13/07/2021
4		Applicants Statement	14/06/2021
5		Original (pre-conversion) Building (Photograph)	13/08/2021
6		Existing (as converted) Building (Photograph)	29/07/2021
7		Existing (as converted) Building Elevations and Floor Plan	29/07/2021
8		Shed Details: Elevations and Floor plan	11/08/2021
9		Flood Risk Assessment	29/07/2021
10		Flood Evacuation Plan	02/08/2021
11		Sustainable Design/Site Waste Management	29/07/2021
12		Clarification Email	05/08/2021

6. Relevant planning history:

Planning Application Number	Proposal	Decision (DATE)
P/17/091/FUL	Change of use of land for the siting of a seasonal yurt for use as visitor accommodation and the change of use and refurbishment of an existing building for ancillary use in connection with the yurt.	REFUSED (18/01/2018)

7. List of the most important development plan policies for determining the application:

Policy	Title	Plan Status
SS3	Re-use of Existing Buildings	Adopted
LC4	Staff Accommodation	Adopted
O6E1	Protecting and Enhancing the landscape and seascape	Adopted
OE77	Development Affecting Heritage (5) Conservation Areas	Adopted

[Isles of Scilly Local Plan 2015-2030](#)

10. Issues of Agreement or Disagreement

Reason for Refusal	Issue	Appellants Agreement/ Disagreement	Councils Agreement/ Disagreement
R1 The retention of the converted agricultural building as a small unit of seasonal agricultural workers accommodation and ancillary shed and decking has resulted in an isolated form of development that has not been adequately demonstrated as necessary for the viability of the applicant's business. The proposal therefore fails to comply with Policy LC4 and	The building is existing and has not been rebuilt or extended.		Agree
	The building has been re-roofed and has new door and window.		Agree

	SS3 of the Isles of Scilly Local Plan (2015-2030).	The Building is remote from existing buildings within the Churchtown area of St Martins.		Agree
		The building is on land tenanted by the appellant for agricultural purposes.		Agree
		The Building has been continuously used as agricultural workers accommodation		Disagree, based on previous photographic evidence of 2017 application.
R2	The retention of the converted agricultural building as a small unit of seasonal agricultural workers accommodation and ancillary shed and decking, although small in scale, is located within open countryside and is considered harmful to the character of the area, detracting from the scenic beauty of the Area of Outstanding Natural Beauty and does not preserve or enhance the character or appearance of the Conservation Area thereby failing Policies OE1 and OE7(5) Isles of Scilly Local Plan (2015-2030). Furthermore, the development would not meet the requirements of protecting important landscapes as set out in the National Planning Policy Framework where great weight is required to be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty required by paragraph 176 of the Framework (2019).	Additional structures including a shed and an area of decking have been introduced to the site		Agree
		The application is retrospective		Agree
		The applicant uses the land for growing vegetable for local consumption		Agree
		The applicant requires the accommodation for the purposes of assistance with maintaining the land		Disagree, based on the lack of any business plan as to business needs for staff.
		The application requires the accommodation for the purposes of setting up a new business.		Disagree, based on limited information of a new business venture.
		The development is 'off grid' and has no mains water or electricity supply		Agree

Lisa Walton *MRTPI*
Chief Planning Officer
Council of the Isles of Scilly