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**From:** Toby Tobin-Dougan [REDACTED]  
**Sent:** 07 July 2022 17:43  
**To:** West-1  
**Subject:** Re: Planning Inspectorate APP/Z0835/W/21/3287898: Land at Lawrences Brow, TR25 0QL  
**Attachments:** Reply to council cost response.docx

Dear planning Inspectorate,

Please find attached, a reply to the Isles of Scilly Council's response to my application for costs, for the above application appeal.

I believe the Council's refusal of this application to be completely unreasonable, not specific, inept, full of mistakes, and supported by incorrect statements.

I wish to appeal for an award for costs because of the behaviour of the Council in this matter.

Toby (K) Tobin-Dougan

On 07/07/2022 10:38 [west1@planninginspectorate.gov.uk](mailto:west1@planninginspectorate.gov.uk) wrote:

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APP/Zo835/W/21/3287898

## REPLY TO THE COUNCIL OF THE ISLES OF SCILLY RESPONSE TO APPLICATION FOR COSTS

The refusal for planning permission for the above application was both imprecise, inappropriate and unreasonable, and I will demonstrate and emphasise that my application for costs are completely justified, grounded and fair.

The Local Planning Authority has acted poorly, unreasonably and has been inaccurate and inconsistent in its description of the application and its translation and implementation of planning policy when assessing this application. It has been determined to refuse this application, regardless of worth, previous applications, local housing need, local economy, and a fundamental lack of knowledge of the site, its surroundings and its place in the Landscape.

Compounded by this has been a catalogue of mistakes and omissions regarding the original application, and supporting documents, necessitating it to be re-submitted, a failure to acknowledge bat surveys previously undertaken, and a failure to actually know where the site application was, despite deeming it harmful, out of character and damaging to local natural beauty, without specifying why.

LPA's response (a)

The LPA state that there is "no established pattern of development to which this site would relate" but stating that there are "odd buildings" along the South Coast and general area.

This is contradiction in itself. There is no written policy requiring development to only be allowed in specific areas whatsoever. This site is sandwiched between a working farm/yurt holiday business, including many wooden ancillary buildings and the largest domestic premises on the Island, also with many permanent building structures/garages/pool/ boat houses etc.

This tiny application is relatable to its neighbours and is indeed dwarfed by both.

(B,C,D,E) I disagree that this application is remote, as mentioned above sandwiched between busy neighbouring properties. It is however discreet, not remote or isolated.

There is also a Junior school 100m North of the site and its boundary is adjacent to the weekly route of the waste/recycling operative, servicing these neighbouring businesses/properties either side of the application.

It is a busy area with both vehicles, pedestrians, school children/parents, Yurt Holiday transfers, Agricultural vehicles, and school vehicles driving past the site on a daily and hourly basis. It is not remote or isolated. There is clearly little specific knowledge or understanding of the site, which makes the councils statement Unreasonable. This is part of the reason for applying for costs

(H) The council states that they are aware of the "seasonal yurt", and state "it is not a permanent structure" The LPA fail to acknowledge, even after a site visit, with the Inspector, that there are two very large polytunnels, and five solid wood ancillary buildings connected to the Yurt business. Are these wooden structures "Permitted development" or conveniently ignored, whilst my single hut is deemed "Harmful"

The fact is, that I did have to go to find the Planning officer, to take her to site, as she was lost, unable to find her way to site. This is fact. She had no specific knowledge where the application was

sited, despite stating it caused harm to the AONB, and the character of the area, which she couldn't find.

It is stated in the councils response *"The Planning Officer has visited St Martins many times, and is aware of the position of buildings and where these sit in the Landscape."*

It was also clearly visible, from the Planning officers response, when confronted, that she had never seen the Large detached house, garages, buildings, solar banks, pool, pool pump house patio's , deckings, sheds and landscaped gardens just 75m from my boundary, to the East.

Clearly this council/LPA statement is not factually accurate or specifically correct. There is scant knowledge of the Island, site, or the buildings in the landscape, and where they sit in relation to each other. This poor lack of understanding is not acceptable nor professional in this instance.

This is unacceptable and unreasonable.

(K) The LPA describe the site as "Partially screened", they omit to mention that the decking objected to Cannot be seen whatsoever. The shed is partially screened, my neighbours Yurt business has five sheds, which have have no screening at all.

They claim the area *"Is an area where built development is not normally accommodated"*.

Again this ignores the yurt, two tunnels, sheds to the West, and large domestic premises/buildings/pool etc to the East . The Planning officer clearly had a differing view of the buildings/developments during our joint site visit, visions that a normal person would actually see. These structures exist, despite the fantastical, non specific and theoretical description she likes to try to characterise and attach to this area. This is a landscape busy with agricultural activity, educational pursuits and domestic setting, all adjacent, all related and connected, and all occupying this area.

This is not *"Unjustified development in this location"* however, I believe the Planning officers statement description of the site and area to be totally unjustified, and Unreasonable

(M) The LPA describe the site as *"Highly visible from open pathways"*. This is a contradiction as she has already stated it is "Partially screened". It cannot be both. Unreasonable.

She also states in this response that the building is *"In need of vital repair"* However in response to the inspectors question during the recent site visit, the planning officer stated she had no issue with the integrity of the structure of the building.

(o) This is sustainable development, it has been adequately qualified to be sustainable, of benefit, and a good re-use of an existing structure, helping business expansion and diversification.

(P,Q,R,S,T,U) Again "Undeveloped coastline" is mentioned, again this is in direct contradiction to my existing, neighbouring coastal occupying businesses, school, and large domestic premises.

The application has been adequately justified as modest and completely fitting in with the character of the area, and justified as a need for business continuance, expansion and diversification. It is needed.

There is a statement that the need was not clearly set out to justify the application.

There was a business plan submitted which demonstrated not only the history of the business, existing for almost 30 years, its need for continuance, because of local need and demand, and its intention to expand and diversify. I note that policy requirement, to submit business plan to support

other applications of many shepherd huts recently granted, were not supported by submitted, written business plans of any sort, or of any detail whatsoever. To merely state, as was stated verbally by the planning officer, that their applications were "Reasonable" because they already had a holiday let business, are not acceptable, by comparison.

*"New businesses need to be supported by sufficient evidence to demonstrate it is viable for a five year period"*

I already have an existing business, for many more years than the recently approved shepherd huts, for which No Business plans were asked for to justify the need, or case for additional accommodation. They were approved, on an opinion, not on a proper application of policy requirement, applied evenly and fairly to each and every application.

They (new shepherd hut businesses) were not asked for; *"Rates/council tax.....lists of expenses, turnover, costs, profit/loss, employment"* All of which the council list here, required by me to submit, in their response as justification for refusal for my application.

This seems to be a retrospective requirement, in fear of the possibility of being found liable for an award of costs, resulting from this appeal.

This approach opens up the possibilities of corruption entering the planning process, if different rules, standards and requirements are applied to applications, on a purely opinion basis.

Specific requirement for each application should mean that. It should be applied evenly and robustly

Differing rules and the applications of policy are been applied in differing ways here. This is not acceptable. It is Unreasonable behaviour.

(V) I believe that I have demonstrated, through historical description of the business activities and present day activities, as shown on the site visit, that I have a viable thriving business, which needs help to continue, expand, diversify and develop. There is a community need. To limit, confine, and deliberately inhibit a business expansion and diversification by the mis interpretation of planning policy is harmful to not only the business, but also to the community it supports and the tourist trade which has come to enjoy and depend on, to provide quality Organic produce, which would not normally be available.

As Mentioned in my lengthy Statement of Common Ground. Fernfuel started business activity, the harvesting, preparation and production of renewable fossil-free fuel briquettes, in July 2021.

The activity and raw material for the briquettes was grown on the land of this holding, it was processed and prepared on this agricultural holding, Land at Lawrences Brow.

The Paper on Fernfuel was sent to every member of the Council, the CEO, and to some officers of the council. It was NOT accompanied by a letter stating confidentiality whatsoever. I ask the LPA to produce such a note ! I was not asked to provide a business plan for Fernfuel whatsoever.

I ask the LPA to produce such a written request for business plan?

(4) Short duration of the polytunnel was not due to any covid consideration, this is an after thought.

I advised the planning officer that she would need to remove her coat and very full rucksack, before entering the tunnel, as it was ferociously hot, She declined, and entered side by side with me (not 2m) and remained in the tunnel for merely seconds, as it was too hot. She could/did not possibly see

the range and scale of my produce, which businesses I was growing what for, or indeed any detail at all of the specialist produce I was growing for general sale, or for specific order.

She left me remaining on the site. She did not *“walk around the site unaccompanied”*. I pointed the way to the quay for her, and she left the boundary of the site alone, I remained.

In general, I have found the LPA’s approach to be chaotic at times, losing documents, not forwarding documents, and not to be in control of the whole process. Many e mails I had repeatedly sent, again and again, even sending them to myself to prove that the internet was working, only to be told, we haven’t had that.

I have found, as demonstrated, their knowledge of the site in general to be woeful, they have no knowledge of what buildings are where, were completely unaware of the scale of the developments on my coastal neighbouring huge house and outbuildings. Even after viewing my neighbours Yurt business, they will still not acknowledge the existence of the two huge tunnels, wooden sheds, glasshouses, abandoned roadside stalls, and abandoned tractors. They still described the area as *“Open Countryside”* This is Unreasonable, this is part of my application for costs.

I have also demonstrated the history, viability of both my Organic vegetable business and my renewable fuel business, both growing produce on the same land.

I have demonstrated a need for Seasonal accommodation, to support both businesses. To enable the businesses to survive, continue, develop, expand and diversify. For this to happen agricultural help is required, without this help, these businesses will fail. Seasonal accommodation is desperately needed.

The LPA have been both inept, unreasonable and by their actions will deliberately harm this environment and community, it is for these many reasons that I am applying for costs.

I have already written approximately 19,000 words, prior to this reply to the councils response.

The total will be 21,000 words submitted in this appeal application.

This has taken up a huge amount of my time and energy, and caused me some great harm and stress. It has caused me great cost.

I ask for these matters to be taken into consideration by the Inspector, when surveying this modest and noble planning application appeal.

Toby (K) Tobin-Dougan