

Council of the Isles of Scilly Delegated Planning Report Other application

Application Number: P/21/069/FUL

Received on: 11 August 2021

UPRN: 000192002812

Application Expiry date: 18 October 2021

Neighbour expiry date: 16 September 2021

Consultation expiry date: 16 September 2021

Site notice posted: 26 August 2021

Site notice expiry: 16 September 2021

Applicant: Mr D Moulson
Site Address: Polytunnel On Land at Holy Vale
Holy Vale
St Mary's
Isles of Scilly

Proposal: Replacement of polytunnel used for storage of machinery, tools and workshop with a secure agricultural building for the same purposes.

Application Type: Planning Permission

Recommendation: PER

Summary Conditions:

1. Standard time limit
2. Adherence to plans
3. Submission of Biodiversity Enhancement Measures
4. Hours of Operation for Construction Works
5. Agricultural Use Only
6. Removal of PD rights for alterations and extensions (including external illumination)

Reason for Delegated Decision

No Councillor has requested that the application come to the Full Council. The decision defaults to the level of Delegated:

- Not a Councillor ✓
- Not a Senior Officer (or Officer with influence over planning Decisions) ✓
- No relation to a Councillor/Officer ✓
- Not Major ✓
- Not Council's own application ✓
- Not a departure from the Development Plan ✓
- Not Called in ✓

Lead Member Planning Agreed

Name: Cllr D Marcus

Date: 20/10/2021

Site Description and Proposed Development

The proposal is for an agricultural building in a field associated with the the tenanted agricultural land at Holy Vale (tenancy map identified this as Holy Vale Farm). The settlement of Holy Vale is a small residential area located relatively centrally on the island of St Mary's. It comprises a former Farmhouse and a number of residential cottages and properties.

The proposal is to replace an existing poly tunnel that is located within a field, known as front orchard, which lies approximately 20m to the west of Middle Tinks and South Tinks, with the proposed barn located in the top north west corner of that field, which is around 55m to the west of these properties. The building will be situated close to the neighbouring property at Chy Mengleth, which is around 17 metres to the west. The field is relatively enclosed by trees and mature hedgerows.

The barn is required for the purpose of providing storage of equipment and machinery associated with the tenanted farmland as indicated. The land is subject to a Higher Level Stewardship Scheme (since 2014) and the equipment is to provide covered storage for agricultural vehicles, tools and equipment. The applicant has provided a detailed list of the equipment and where this is currently stored. The building measures 10m x 10m with an overall height of 4m (eaves) and 4.93 (ridge) and is a standard agricultural barn design and construction:

Equipment	Currently stored	Owned by	Frequency of Use	Rationale for needing to be moved to this site
Tractor & Front	stored in Polytunnel	John Banfield	Work dependant -	n/a

Loader			daily	
Topper	stored in Polytunnel	John Banfield	Work/Season dependant	n/a
Rotavator	stored in undercover off site at: Garrison Campsite Shed	Dan Moulson/John Banfield	Work/Season dependant	Better to have machinery on site for use when required, rather than having to drive through town. Garrison Campsite is also for sale and we would like to get all machinery relocated prior to sale and loss of storage space.
Trailors x 2	x1 stored outside in the field bottom left-hand side of the yellow track at Holy Vale x 1 stored offsite outside at: Garrison Campsite Shed	John Banfield Dan Moulson	Work dependent - daily/weekly	Would like to store inside to protect from the elements and increase longevity. Better to have machinery on site for use when required, rather than having to drive through town. Garrison Campsite is also for sale and we would like to get all machinery relocated prior to sale and loss of storage space.
LinkBox x2	stored in field next to Polytunnel	John Banfield Dan Moulson	Work dependent - daily/weekly	Would like to store inside to protect from the elements and increase longevity. Better to have machinery on site for use when required, rather than having to drive through town. Garrison Campsite is also for sale and we would like to get all machinery relocated prior to sale and loss of storage space.
Digger	stored in field next to Polytunnel	John Banfield	Work dependent - daily/weekly	n/a
Flail x 2	1 x Stored in Polytunnel at Holy Vale 1 x stored in undercover off site at: Garrison Campsite Shed	John Banfield Dan Moulson	Work/Season dependant	Better to have machinery on site for use when required, rather than having to drive through town. Garrison Campsite is also for sale and we would like to get all machinery relocated prior to sale and loss of storage space.
Chipper	stored in undercover off site at: Garrison Campsite	Dan Moulson	Work/Season dependant	Better to have machinery on site for use when required, rather than having to drive through town. Garrison Campsite is also for sale and we would like to get all

	Shed			machinery relocated prior to sale and loss of storage space.
Log Saw	stored in undercover off site at: Garrison Campsite Shed	Dan Moulson	Work/Season dependant	Better to have machinery on site for use when required, rather than having to drive through town. Garrison Campsite is also for sale and we would like to get all machinery relocated prior to sale and loss of storage space.
Splitter	stored in undercover off site at: Garrison Campsite Shed	Dan Moulson	Work/season dependant	Better to have machinery on site for use when required, rather than having to drive through town. Garrison Campsite is also for sale and we would like to get all machinery relocated prior to sale and loss of storage space.
Chainsaws	stored in undercover off site at: Garrison Campsite Shed & Holy Vale	John Banfield Dan Moulson	Work/Season dependant	Better to have machinery on site for use when required, rather than having to drive through town. Garrison Campsite is also for sale and we would like to get all machinery relocated prior to sale and loss of storage space.
Various smaller pieces of equipment and tools	stored undercover both in the Polytunnel at Holy Vale and offsite at: Garrison Campsite Shed	John Banfield Dan Moulson	Daily/Weekly /Work/Season dependant	Better to have machinery on site for use when required, rather than having to drive through town. Garrison Campsite is also for sale and we would like to get all machinery relocated prior to sale and loss of storage space.

Certificate: B

Other Owners Notified: Yes (x2)

Consultations and Publicity

The application has had a site notice on display for 21 days (26/08/2021 – 16/09/2021). The application appeared on the weekly list on 31st August 2021. Due to the nature of the proposal one external consultation has been carried out with Cornwall Archaeological Unit.

Consultee	Date Responded	Summary
Cornwall Archaeological Unit	06/09/2021	We have consulted the Cornwall & Isles of Scilly Historic Environment Record and the submitted documents, and in this instance, we consider it unlikely that significant archaeological remains will

		be disturbed by groundworks. No archaeological mitigation is required, and therefore no archaeological condition is sought.
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Representations:

Neighbouring properties written to directly:

- 3 Holy Vale
- Chy Mengleth

[0] letters of objection have been received

[0] letters of support have been received

[0] letters of representation have been received.

Relevant Planning History:

No planning history relevant under the 2005 Local Plan or the adopted 2015-2030 Local Plan.

Constraints:

Historic Landscape Character: Farmland: anciently enclosed land (prehistoric to early post-medieval). Conservation Area and AONB

Planning Assessment

Design	YES OR NO
Would the proposal maintain the character and qualities of the area in which it is proposed?	y
Would the proposal appear in-keeping with the appearance of the existing dwelling, street and area?	y
Would the materials, details and features match the existing dwelling and be consistent with the general use of materials in the area?	n/a
Would the proposal leave adequate garden area and green space to prevent the proposal appearing as an overdevelopment of the site and to ensure an adequate level of amenity?	n/a
Is the parking and turning provision on site acceptable?	n/a
Would the proposal generally appear to be secondary or subservient to the main building?	n/a

Amenity	YES OR NO
Is the proposal acceptable with regard to any significant overlooking/loss of privacy issues?	y
Has the proposal been designed to respect the amenities of neighbouring properties avoiding unreasonable loss of light or an overbearing impact?	y

Is the proposal acceptable with regard to any significant change or intensification of use?	y
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Heritage	YES OR NO
Would the proposal sustain or enhance the character and appearance of the Conservation Area?	y
If within the setting of, or a listed building, a) Will the development preserve the character and special architectural or historic interest of the building? b) Will the development preserve the setting of the building?	n/a
Within an Archaeological Constraint Area	n
Other Impacts	y
Does the proposal comply with Highways standing advice such that it does not adversely affect highway safety?	
Impact on protected trees a) Will this be acceptable b) Can impact be properly mitigated?	n/a
Has the proposal been designed to prevent the loss of any significant wildlife habitats or proposes appropriate mitigation where this has been demonstrated to be unavoidable?	Y
Does the proposal conserve and enhance the landscape and scenic beauty of the AONB	Y
Are the Water connection/foul or surface water drainage details acceptable?	n/a
If sited within a Critical Flood Risk Area (low lying land below the 5m datum) is the application accompanied by an acceptable Flood Risk Assessment?	n/a
Are there external lights	N

Protected Species	YES OR NO
Does the proposal include any re-roofing works or other alteration to the roof	N
Does the proposal include any demolition	N
Does the proposal include tree or hedge removal	N
Is an assessment of impact on protected species required	N
Has an assessment been provided that adequately assesses the site and includes mitigation, enhancement and timing requirements	N
Are biodiversity enhancement measures required	Y
Is a condition required to provide biodiversity enhancement measures	Y

Waste Management	YES OR NO
Does the proposal generate construction waste	N
Does the proposal materially increase the use of the site to require additional long-term waste management facilities	N
Does the proposal include a Site Waste Management Plan	N
Is a condition required to secure a Site Waste Management Plan	

Sustainable Design	YES OR NO
Does the proposal materially increase the use of the site to require additional sustainable design measures	n
Does the proposal include a any site specific sustainable design measures	y
Is a condition required to secure a Sustainable Design Measures	n

Analysis: It is noted that the proposed agricultural building is significantly larger than the existing polytunnel at this site. With a height of almost 5 metres, the building will be very dominant within the built-up area of Holy Vale. It will be south of the row of cottages at the rear of Holy Vale Farmhouse with a road and a separating distance of around 24 metres. It will be to the east of Chy Mengleth, with a separating distance of around 17.5 metres, and an intervening garage and footpath. The site is located within an enclosed field. It will be of a standard design and materials that are agricultural in nature.

Although its position, which will be very apparent within the built-up area, it is proposed to be purpose-built agricultural storage in nature. No significant loss of outlook has been identified and due to the topography of the Holy Vale Area, it will not be significantly visible within landscape. Due to the significant scale it is considered necessary to restrict use to agricultural storage in connection with the tenanted farmland only and to ensure it is not enlarged at a later date. It is also considered necessary to require the submission of biodiversity enhancement measures, prior to the first use of the building. Subject to these conditions it is considered that the proposed agricultural storage building, for agricultural purposes is acceptable.

EIA: Due to the scale, nature and location this development will not have significant effects on the environment and therefore is not considered to be EIA development.

Proactive working: In accordance with guidance within the National Planning Policy Framework the Council has worked in a positive and creative way and has concluded that the application is acceptable for planning approval subject to the recommended conditions to enable the grant of planning permission.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004 and with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Planning Policy: Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making, as of March 2021, the development plan for the Isles of Scilly comprises the Isles of Scilly Local Plan 2015-2030.

The relevant development plan policies that have been taken into consideration are set out below:

Isles of Scilly Local Plan, 2015-2030

Policy	Tick if Used ✓
Policy SS1 Principles of Sustainable Development	
Policy SS2 Sustainable quality design and place-making	✓
Policy SS3 Re-use of Buildings	
Policy SS4 Protection of retailing, recreation and community facilities	
Policy SS5 Physical Infrastructure	
Policy SS6 Water and Wastewater Management	
Policy SS7 Flood Avoidance and Coastal Erosion	
Policy SS8 Renewable Energy Developments	
Policy SS9 Travel and Transport	
Policy SS10 Managing Movement	
Policy OE1 Protecting and Enhancing the landscape and seascape	✓
Policy OE2 Biodiversity and Geodiversity	
Policy OE3 Managing Pollution	
<i>Policy OE4 Protecting Scilly's Dark Night Skies</i>	✓
Policy OE5 Managing Waste	
Policy OE6 Minerals	
Policy OE7 Development affecting heritage	
Policy LC1 Isles of Scilly Housing Strategy to 2030	
Policy LC2 Qualifying for Affordable Housing	
Policy LC3 Balanced Housing Stock	
Policy LC4 Staff Accommodation	
Policy LC5 Removal of Occupancy Conditions	
Policy LC6 Housing Allocations	
Policy LC7 Windfall Housing:	
Policy LC8 Replacement Dwellings and Residential Extensions	
Policy LC9 Homes in Multiple Occupation	
Policy WC1 General Employment Policy	✓
Policy WC2 Home based businesses	
Policy WC3 New Employment Development	
Policy WC4 Alternative Uses for Business/Industrial land and buildings	
Policy WC5 Safeguarding Serviced Accommodation	

Info Requirements	Submitted (LVC)	Not Submitted	Condition Required
Site Waste Management Plan	✓		
Sustainable Design Measures	✓		
Biodiversity Enhancement Measures:		✓	y

Other material considerations include the policies of the National Planning Policy Framework (NPPF) and guidance in Planning Practice Guidance (PPG).

Considerations under Human Rights Act 1998 and Equalities Act 2010

The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report.

Recommended 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:

- **Plan 1 Location Plan**
- **Plan 2 Block Plan**
- **Plan 3 Proposed Plan and Elevations**
- **Plan 4 Design and Access Statement (Site Waste Management, Sustainable Design Measures)**
- **Plan 5 Holy Vale Farm Tenancy Map**
- **These are stamped as APPROVED.**

Reason: For the clarity and avoidance of doubt and in the interests of the character and appearance of the Conservation Area, Area of Outstanding Natural Beauty and Heritage Coast in accordance with Policy OE1 and OE7(5) of the Isles of Scilly Local Plan (2015-2030).

C3 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.

C4 The building hereby permitted shall be used for agricultural purposes only as defined in Section 336(1) of the Town and Country Planning Act 1990, in connection with the tenanted farmland at Holy Vale Farm only. For the avoidance of doubt, the building hereby permitted shall not be used for any other commercial or domestic purposes.

Reason: To protect the character and amenities of this rural area in accordance with Policy OE1 and OE7(5) of the Isles of Scilly Local Plan (2015-2030).

C5 Notwithstanding the provisions of Class B, Part 6 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015, (As Amended) (or any order revoking or re-enacting that Order) no further alterations (including the installation of external illumination); extensions or the installation of hard surfaces, shall be installed in, on or around the building unless otherwise agreed in writing by the Local Planning Authority following the submission and approval of a further application for such work.

Reason: To protect the amenities of the locality, including neighbouring residential properties and to protect the amenities of this rural area and preserve the dark night skies of the Isles of Scilly and the Garrison Dark Sky Discovery Site (Milky Way Class) in accordance with Policy OE4 of the Isles of Scilly Local Plan (2015-2030).

- C6 Before the first use of the barn, hereby approved, details shall be submitted to and approved in writing by the Local Planning Authority, to demonstrate a scheme for the provision of features suitable for bats, which should be appropriate for bats found on St Mary's and in a location(s) suitable for bat roosting. Once approved the works shall be implemented before the next bat active season, following the completion of the development, in accordance with the agreed scheme and thereafter the features shall be permanently maintained.**

Reason: To provide measurable net gains in features suitable to enhance biodiversity at this site in accordance with Policy SS2(g) of the Isles of Scilly Local Plan (2015-2030).

INFORMATIVE NOTES

- STATEMENT OF POSITIVE ENGAGEMENT:** 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 paragraph 38 the National Planning Policy Framework 2019.
- BUILDING CONTROL:** Please ensure that all building works accord with the Building Regulations, where required, and that all appropriate approvals are in place for each stage of the build project: buildingcontrol@cornwall.gov.uk
- NON-MATERIAL AMENDMENTS:** 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 £234 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.
- DISCHARGE OF CONDITIONS:** In accordance with the Town and Country Planning (fees for Application and Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2017 a fee is payable to discharge any condition(s) on this planning permission. The fee is £116 for each request to discharge condition(s) and is payable for each individual request made to the Local Planning Authority.

Print Name:	Lisa Walton	12/11/2021
Job Title:	Chief Planning Officer	
Signed:		
Authorised Officer with Delegated Authority to determine Planning Applications		