



Planning Statement

Land adj White Cottage
Porthloo,
St Mary's,
Isles of Scilly

Prepared on Behalf of: Mrs Leanne Hicks

Project: 16168

Date: 05 January 2022

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Executive Summary

Evans Jones Ltd have been instructed by Mrs Leanne Hicks to submit an outline planning application for the erection of a dwelling at land adjacent to White Cottage, Porthloo, St Mary's, Isles of Scilly. All matters are reserved.

As the site is located within the defined settlement boundary of Porthloo, it is within a location where the principle of residential development is acceptable, provided that the dwelling contributes to a sustainable, balanced and inclusive island community. Additionally, it must be demonstrated that there is a genuine local need.

The applicant was born on the Isles of Scilly and lived there for 23 years before emigrating to Australia to train as, and eventually become a qualified nurse; and it is her eventual intention to move back to the Isles and continue her profession there. The applicant remains closely connected to the Isles with many of her family members still living and working there.

Until the applicant is able to return and occupy the proposed dwelling as her sole and primary residence, it is proposed to let the dwelling as a long-term rental to local people who live permanently on the islands due to their employment circumstances and work commitments.

This application is focused solely on establishing that the development is acceptable in principle; and this statement finds that the proposal is acceptable in principle complying with the relevant Development Plan policies as well as other material policy considerations, including national policy and the pursuit of sustainable development.

1. INTRODUCTION

1.1 This Planning Statement is submitted in support of the outline planning application seeking permission for the erection of a residential dwelling at land adjacent to White Cottage, Porthloo, St Mary's, Isles of Scilly. All matters are reserved.

1.2 This Statement sets out the main planning considerations and justifications for the scheme. In support of the application, this Statement demonstrates that the proposed scheme is acceptable in principle. As this is an outline application with all matters reserved, the principle of development will be the sole matter that is focused upon within this application. All other matters will be discussed with the submission of a reserved matters application upon the grant of outline planning permission.

1.3 The application submitted comprises the following plans and documents:

- Site Location Plan
- Application Form
- Planning Statement by Evans Jones

1.4 This statement should be read in conjunction with the plans and documents that make up the application as a whole.

2. SITE AND SURROUNDINGS

2.1 The application site is located at Land Adjacent White Cottage, Porthloo, St Mary's, Isles of Scilly, TR10 ONF. The local planning authority for this site is the Council of the Isles of Scilly, hereafter referred to as the LPA.

2.2 The site comprises a residential plot, with an area of circa. 0.16 hectares. There are currently two buildings located on the site, White Cottage at the northern end of the site and a separate cottage, to the south, which was constructed following a successful appeal in 2016. The details of this are set out later in this statement. The site in its context can be seen in Figure 1.

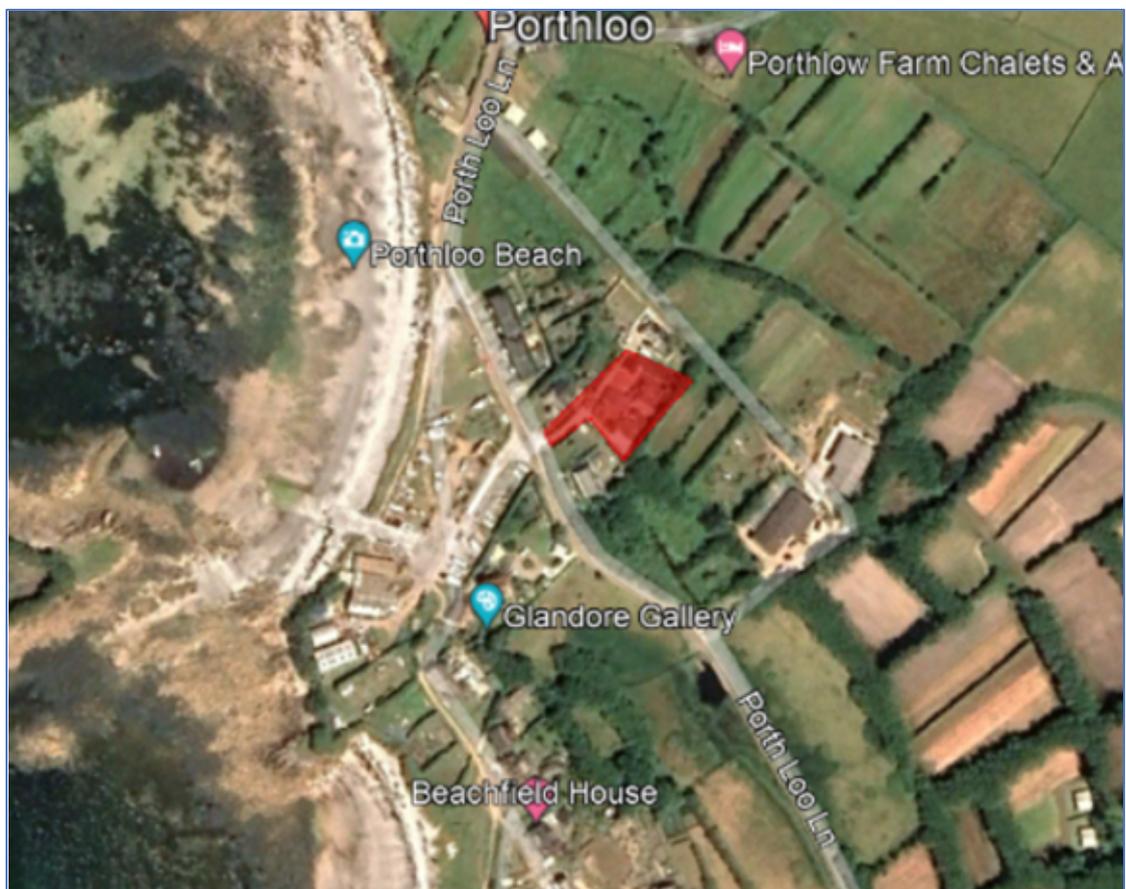


Figure 1 - Site Location (taken from Google Maps)

2.3 Access to the site is currently obtained via an unnamed road leading onto Porth Loo Lane, which connects the site to Hugh Town, the largest settlement on the Isles of Scilly, to the south.

2.4 The character of the area is residential in nature, with the site being within one of the

main settlements on the Isles of Scilly. The area to the west of the site is a coastal landscape, comprising Porthloo Beach, where there are facilities for tourists. The area to the east of the site is open countryside, with some residential properties and areas of agricultural land.

2.5 The site is within the defined area of the settlement of Porthloo. An extract from the LPA's Planning Policy Map, confirming that the site is within the settlement boundary of Porthloo, is shown in Figure 2 below. The site is also located within Flood Zone 1, indicating a low risk of flooding; and the entirety of the Isles of Scilly are covered by Area of Outstanding Natural Beauty (AONB) and Conservation Area designations.

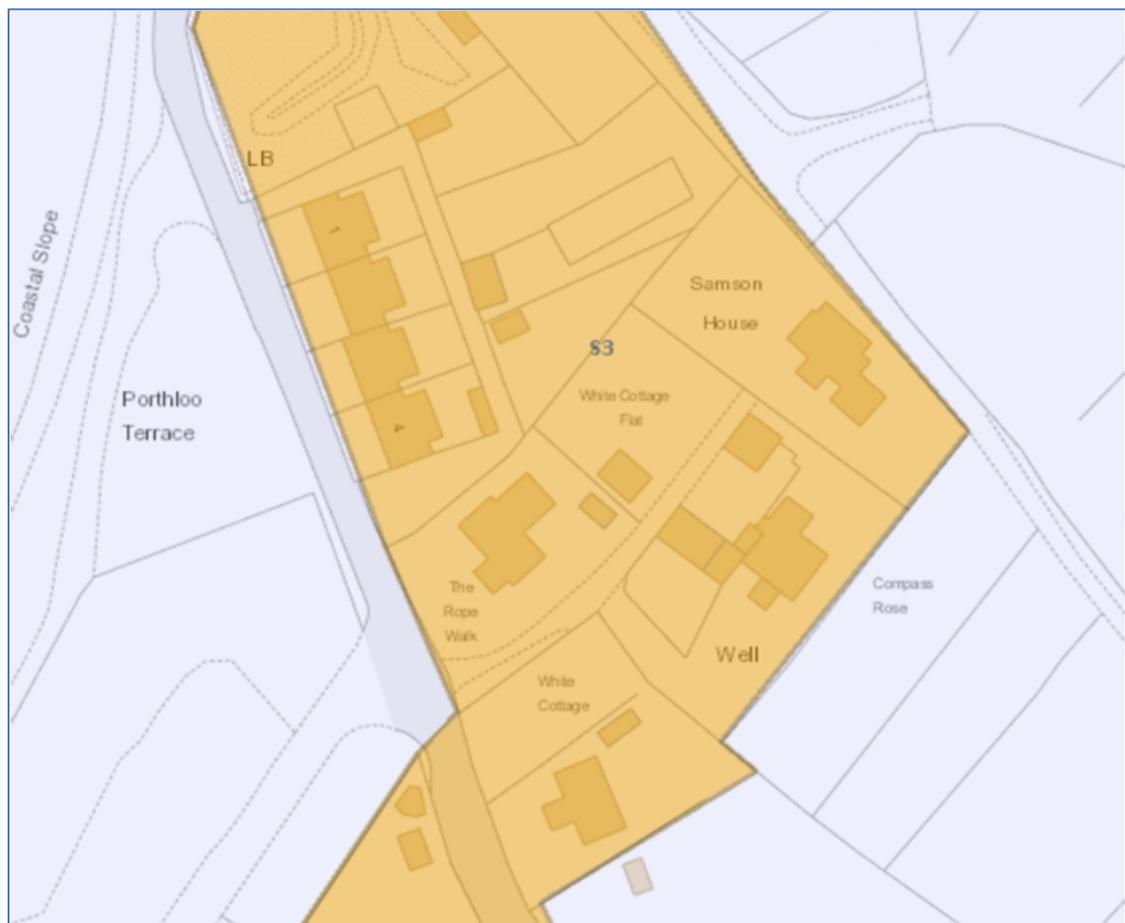


Figure 2 - Extract from LPA's Planning Policy Map (settlement boundary shown in orange)

3. DEVELOPMENT PROPOSAL

- 3.1 The application seeks planning permission for the erection of a new residential dwelling at land adjacent to White Cottage. This is an outline application with all matters reserved, and thus, at this stage, seeks solely to demonstrate the principle of development.
- 3.2 The appearance, landscaping, layout, scale and access of the development will be focused on in a Reserved Matters application.
- 3.3 The applicant is a former resident of the Isles of Scilly, currently living in Australia for work as a nurse. She remains closely connected to the Isles, with family members currently living there and intends to return in the future, upon which the dwelling will become her primary accommodation. In the interim, it is her intention that the dwelling would be let out to residents on the island who have a clear need for housing, such as council and health workers.

4. PLANNING HISTORY

4.1 A review of the LPA's online planning register shows the following applications at White Cottage which are of relevance to this application:

- P/16/084
- P/16/035
- P/14/062
- P/14/039

4.2 Application P/16/084 was for the replacement of a two bedroom chalet with a two bedroom cottage at the site. A previous application was made for this replacement under reference P/16/035. This was refused planning permission on the basis that, without the use of a legal agreement to control occupancy, the creation of a new, replacement open market dwelling that was significantly larger than the existing was not a socially sustainable form of development and thus was contrary to planning policy.

4.3 Application P/16/084 was refused for the same reason but was subsequently appealed under reference APP/Z0835/16/3166073. The Inspector allowed the appeal and granted planning permission for the development, stating that the proposal would not represent the creation of a new dwelling. This was on the basis that there would be no net change to the housing stock on the islands. Additionally, the Inspector noted that the proposed replacement dwelling, whilst larger, had a degree of relationship with the existing dwelling on site.

4.4 Applications P/14/062 and P/14/039 were for Certificates of Lawfulness for the use of the chalet at White Cottage as an independent dwelling. Both applications were refused as the LPA determined that there was insufficient evidence to demonstrate that the chalet had been used as an independent dwelling for a period in excess of 4 years.

4.5 Following the refusal of both of the applications, the LPA issued an enforcement notice in respect of the construction and use of the chalet as a dwelling. This enforcement notice was subsequently appealed under reference APP/Z0835/C/15/3006441. The Inspector for this appeal confirmed that the buildings that comprised the chalet were

constructed in excess of 4 years from the date of the notice and thus their construction was immune from enforcement action. The use of two sections of the building as a residential dwelling was also deemed to be immune from enforcement action as they were occupied for this use for a period in excess of 4 years from the issuing of the notice. One section of the chalet was determined not to be in lawful use, with the Inspector determining that the use of this section for residential use should be granted planning permission.

4.6 Outside of White Cottage, application P/19/063, at land to the rear of the Ropewalk, in close proximity to the site, is of relevance to this application. This application demonstrates that residential development within this area has previously been deemed acceptable by the LPA. In this instance, the submitted application documents confirmed that the new dwelling would be utilised to house local residents in need. To secure this a Section 106 agreement was sought to allow the dwelling to be used for 'Specific Local Need' and 'Essential Workers.' This helps to demonstrate how residential development can be deemed acceptable on the Isles of Scilly.

5. PLANNING POLICY CONTEXT

5.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that planning decisions should be made in accordance with the Development Plan, unless material considerations indicate otherwise.

The Development Plan

5.2 The Development Plan policy context for the site and the surrounding area is provided by the Isles of Scilly Local Plan (2015-2030), adopted 25th March 2021 (Local Plan).

5.3 The policies that are of relevance to this application are:

- LC1 – Isles of Scilly Housing Strategy to 2030
- LC2 – Qualifying for Affordable Homes
- LC3 – Balanced Housing Stock
- LC7 – Windfall Housing

National Planning Policy Framework

5.4 The National Planning Policy Framework (The Framework) was revised on 20th July 2021. The Framework sets out the Government's economic, environmental and social planning policies for England and details how these are expected to be applied. It is, in itself, a material consideration in planning decisions.

5.5 The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development, which can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs. So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development. This means *“approving development proposals that accord with an up-to-date Development Plan without delay” or “where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out of date, granting permission unless: i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or ii) any adverse impacts of doing so would significantly and*

demonstrably outweigh the benefits, when assessed against the policies in this Framework as a whole.”

5.6 The Framework defines the three overarching objectives of sustainable development as:

An Economic Objective – *to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*

A Social Objective - *to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and*

An Environmental Objective – *to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.*

5.7 These objectives should be delivered through the preparation and implementation of plans and the application of policies in the Framework; they are not criteria against which every decision can or should be judged. Planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

5.8 Paragraph 218 of the Framework advises that the policies within the Framework are material considerations which should be taken into account in dealing with applications from the day of its publication.

5.9 Paragraph 219 of the Framework advises that existing policies should not be considered out-of-date simply because they were adopted or made prior to publication. Due weight should be given to them, according to their degree of consistency with the Framework and that the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given.

5.10 Section 5 focuses on delivering a sufficient supply of homes. Paragraph 60 states “To

support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.”

- 5.11 Section 11 focuses on making effective use of land. Paragraph 119 states *“Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or ‘brownfield’ land.”*

Appropriate Weight

- 5.12 Regarding the weight that is given, Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that, determination of applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise. In this instance, full weight is given to the Local Plan as it forms the Development Plan.
- 5.13 As it forms the basis of Government policy for planning applications, substantial weight should be given to the policies of the Framework.

6. PLANNING CONSIDERATIONS

6.1 This is an application for outline planning permission with all matters reserved. The intention of this application is solely to demonstrate that the application is acceptable in principle. The appearance, access, landscape, layout and scale of the development will be addressed within the submission of a reserved matters application, following the grant of planning permission.

Principle of Development

6.2 The main policy considerations relating to the principle of development are set out by policies LC1, LC2, LC3 and LC7 of the Local Plan.

6.3 As the site is located within the defined settlement boundary of Porthloo, in accordance with policy LC7, the erection of a dwelling is defined as windfall development. Additionally, policy LC1 states that the provision of affordable homes within windfall sites will contribute towards the creation of a sustainable, balanced and inclusive island community. As such, the location of the proposed development is acceptable in principle.

6.4 Policy LC1 notes that on windfall sites, open market housing will only be allowed on developments of 5 or more dwellings as a means to deliver affordable housing. As such, given that the proposal pertains to a single dwelling, it is the intention that the proposed development will be for an affordable unit.

6.5 The main element of consideration for residential development within the Isles of Scilly is demonstrating that there is a genuine local need for housing, in accordance with policies LC1, LC2 and LC3, along with the development being for an affordable dwelling.

6.6 The proposed dwelling will be utilised by the applicant, who was brought up on the Isles of Scilly before moving to Australia in 2012. Prior to her return, it is her intention that the dwelling is let out to people who need it in the local area and cannot live elsewhere, such as hospital staff and council workers, thus fulfilling the housing needs of other workers in this interim period.

6.7 Policy LC2 notes that a local housing need can be established in instances where the

dwelling is for someone who had previously lived on the Isles of Scilly for a continuous period in excess of 5 years. Prior to moving to Australia, the applicant lived on the Isles for a continuous period of 23 years. She moved away in order to study at James Cook University in Townsville, Queensland, Australia and is now a registered nurse working at Townsville Hospital and Health Services. Having obtained her relevant training and experience, she intends to return to the Isles, with the proposed dwelling being her permanent residency.

- 6.8 Upon her return, the applicant will go into employment as a nurse, with this being a means of employment that requires permanent residency on the Isles. As the COVID-19 pandemic has demonstrated throughout the country, there is a clear need for healthcare workers to ensure that all residents obtain a relevant level of care. By working as a nurse on the Isles of Scilly, the applicant will provide a key worker function, thus demonstrating the need for a new dwelling to accommodate her.
- 6.9 Additionally, given that the dwelling would be utilised by a former resident who has been away to obtain work experience following job-specific training, the proposed dwelling would meet the specific local housing need as set out within Part 4(1) of Policy LC2.
- 6.10 Policy LC2 also notes that local housing need can be established where the property would be occupied as a sole private residency, where the need cannot be met by the local housing market, and the occupier needs to live permanently on the island due to their employment circumstances. In the meantime before the applicant emigrates back to her home, it is her intention for the dwelling to be let out to permanent local workers. As such, these will be workers who need to have residential accommodation upon the Isles of Scilly for ease of access to their jobs.
- 6.11 The principle of renting has been tested within the area around the site to demonstrate the acceptability of residential development in recent planning history. For example, application P/19/063 was granted planning permission, with it being confirmed that the dwelling would be utilised for workers on the Isles of Scilly. The approval of this application confirms that residential development that will be utilised for workers is acceptable within Porthloo, further demonstrating that the dwelling is acceptable in principle and thus that this outline application should be granted permission.

6.12 These factors demonstrate that the proposed dwelling is designed to fulfil a local need for residential accommodation both for workers on the Isles of Scilly and for someone intending to return to the Isles of Scilly in the future. As there is an identified local need, the development is acceptable; and in accordance with development plan policies LC1, LC2, LC3 and LC7.

6.13 As this application is solely focused on the principle of residential development at the site, and the site is in a windfall location where residential development can be permitted, the main question is whether the dwelling will be affordable and whether it fulfils local need for residential dwellings. As has been demonstrated in this section, the dwelling is intended to be affordable, fulfilling this requirement within policy LC1. Furthermore, the dwelling will fulfil local need by being for a full-time healthcare worker returning to the Isles of Scilly, with the dwelling being let out to other full time workers who have to live on the Isles in the interim period prior to her return. As such, the development is acceptable in principle and thus should be granted outline planning permission.

Other Matters

6.14 Whilst the entirety of the island is covered by Conservation Area and AONB designations, given that this application is focused solely upon the principle of development no details of the design of the dwelling are provided at this stage. However, the Conservation Area and AONB will be fully considered during the reserved matters stage, to ensure that the proposed dwelling is sympathetically designed with respect to these designations and to avoid any harmful impacts.

6.15 The approval of application P/19/063 demonstrates that new build development can be designed in accordance with such policies. The design details for dwellings set out under policy LC3 will also be provided at reserved matters stage when the design of the dwelling will be set out clearly.

The Objectives of Sustainable Development

6.16 Paragraph 8 of the Framework sets out the three overarching objectives of sustainable development. These are independent and need to be pursued in mutually supportive ways, so that opportunities can be taken to secure new gains across each of the

different objectives. As previously mentioned, these objectives are economic, social and environmental. However, they are not criteria against which every decision can or should be judged.

- 6.17 This statement focuses on economic and social sustainability. Whilst environmental sustainability is of importance in this location, this will be a matter for discussion through a reserved matters application.

An Economic Objective

- 6.18 From an economic perspective, once the dwelling is completed, it is intended that it be used for workers on the Isles of Scilly, thus demonstrating that it will support workers and help build up the economy in the area. Furthermore, the construction of the dwelling will result in economic gains for the companies responsible for the provision of construction works and building materials.

A Social Objective

- 6.19 Socially, the development will be sustainable through ensuring that there is a sufficient supply of dwellings on the Isles of Scilly to support people who live and work in the area, helping to meet the needs of present and future residents. The new dwelling will also help to increase the social cohesion within the area through allowing more residents on the Isles of Scilly to be in close proximity to each other.

7. SUMMARY AND CONCLUSIONS

- 7.1 The application seeks outline planning permission for the erection of a single residential dwelling at land adjacent to White Cottage, Porthloo.
- 7.2 The dwelling is intended to be used both by a former long-term resident of the Isles of Scilly upon her return and, in the interim, will be let out to workers on the Isles and thus would fulfil a local need for residential development. Such development has previously been deemed acceptable in areas around the site, as demonstrated by the approval of application P/19/063.
- 7.3 This Statement has reviewed the relevant Development Plan Policy Framework as it applies in this case, together with the other material considerations. On the evidence presented it has been demonstrated that the proposal accords with all relevant Development Plan policies and national guidance, and there are no other material considerations present to override them.
- 7.4 It is therefore urged that the Local Planning Authority grant planning permission for this sustainable development.



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