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## Planning Statement

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

Prepared on Behalf of: Mrs Leanne Hicks

Project: 16168

Date: 31 March 2022

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## Executive Summary

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

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 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 planning application seeking permission for the erection of a dwelling at land adjacent to White Cottage, Porthloo, St Mary's, Isles of Scilly.

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 and expands upon matters relating to design and visual amenity, impact upon neighbouring amenity, impact upon the historic environment, impact upon the area of outstanding natural beauty; and highways and parking.

1.3 The application submitted comprises the following plans and documents:

- Site Location Plan: 16168 01
- Existing Block Plan: AE-01(900446)001
- Existing Site Plan: AE-03(900446)001
- Proposed Block Plan: AE-05(900446)001
- Proposed Site Plan: AE-04(900446)001
- Proposed Elevations: AE-06(900446)001
- Proposed Floor Plans: AE-02(900446)001
- 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 0NF. 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 plot of residential land measuring 0.03 hectares to the north of the dwelling White Cottage. This dwelling was constructed following the demolition of a chalet on site, with this redevelopment being approved at appeal in 2017. To the north of the site is the dwelling The Rope Walks. To the east is the dwelling Compass Rose, which was formerly known as White Cottage, with the name being changed following the construction of the dwelling approved in 2017. 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.

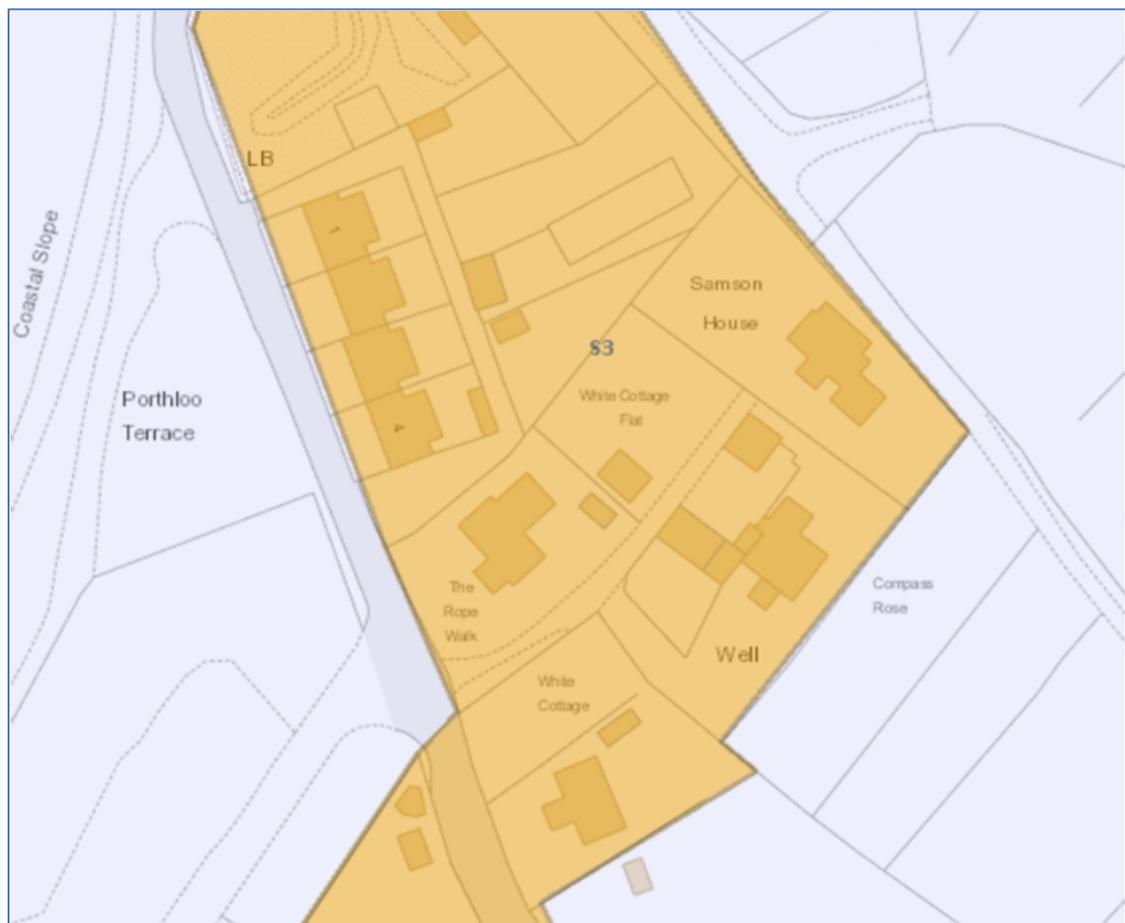


Figure 2 - Extract from LPA's Planning Policy Map (settlement boundary shown in orange)

### 3. DEVELOPMENT PROPOSAL

- 3.1 The application seeks planning permission for the erection of a new dwelling at land adjacent to White Cottage.
- 3.2 The dwelling would comprise a simple, traditional form set within the centre of its plot and would benefit from front and rear gardens. The elevations would be finished in granite and render with slate tiles to the roof, and timber doors and windows.
- 3.3 The dwelling would benefit from a shared access with White Cottage, and its own private parking area.
- 3.4 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/22/003/OUT
- P/16/084
- P/16/035
- P/14/062
- P/14/039

4.2 Application P/22/003/OUT was withdrawn in February 2022 because Officers considered that further detail was required. Officers confirmed: *"I can confirm that as a local need home, subject to a Section 106 legal agreement, to restrict occupancy to qualifying persons and as a form of windfall development within an identified settlement area of Porthloo, is acceptable in principle. I am not, however, able to support an application in outline and would require full details, as part of a full application for planning permission, to be submitted in order to fully assess the proposal."*

4.3 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.

4.4 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 on 3<sup>rd</sup> August 2017, 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.

- 4.5 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.
- 4.6 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.
- 4.7 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 25<sup>th</sup> March 2021 (Local Plan).

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

- SS1 – Principles of Sustainable Development
- SS2 – Sustainable Quality Design and Place-Making
- SS9 – Travel and Transport
- SS10 – Managing Movement
- OE1 – Protecting and Enhancing the Landscape and Seascape
- OE7 – Development affecting Heritage
- 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 20<sup>th</sup> 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 Having regard for the proposed development; the sites planning history; the relevant planning policy context; and all other material issues; the main planning considerations for the determination of this application relate to the principle of development, design and visual amenity, impact upon neighbouring amenity, impact upon the historic environment, impact upon the area of outstanding natural beauty; and highways and parking.

### 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.

- 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.
- 6.14 In addition to the above, application P/22/003/OUT was withdrawn in February 2022 because Officers considered that further detail was required. Officers confirmed that the principle of development is acceptable and stated (verbatim): *“I can confirm that as a local need home, subject to a Section 106 legal agreement, to restrict occupancy to qualifying persons and as a form of windfall development within an identified settlement area of Porthloo, is acceptable in principle. I am not, however, able to support an application in outline and would require full details, as part of a full application for planning permission, to be submitted in order to fully assess the proposal.”*
- 6.15 As such, the development is acceptable in principle fully in accordance with the development plan.

### Design and Visual Amenity

- 6.16 Policy SS2 says that “New development must be of a high-quality design and contribute to the islands’ distinctiveness and social, economic and environmental elements of sustainability.”
- 6.17 The proposal seeks the erection of a two-bedroom detached dwelling which would be

located within land to the rear of White Cottage. The site is in a built-up residential area within the settlement boundary and the character of the area is sub-urban with dwellings of various size and appearances; many of which have been altered.

- 6.18 The elevations would be reflective of similar neighbouring dwellings in the vicinity including White Cottage; and would comprise two storeys finished with a pitched roof with a pike dormer to the front and single storey protrusion to the rear.
- 6.19 The external facing materials would comprise granite and render with slate roof tiles and timber frames to the fenestration which would be in keeping with the surrounding dwellings.
- 6.20 The dwelling is proposed to be located centrally within its plot, thus maintaining the development line of the existing properties and allowing for rear parking and amenity space.
- 6.21 The dwelling would cohesively blend into its setting resulting in a positive feature within the street scene and is thus representative of good design in accordance with Policy SS2.

### **Impact upon Neighbouring Amenity**

- 6.22 Policy SS2 says that “New development must be of a high-quality design and contribute to the islands’ distinctiveness and social, economic and environmental elements of sustainability by safeguarding the amenity of individuals and properties by creating a high quality environment that addresses issues of privacy, overlooking, overshadowing, overbearing impacts and unreasonable noise and disturbance.”
- 6.23 By virtue of the detached nature of the proposed dwelling and distance to neighbouring properties, it would not result in a loss of light, overshadowing or overbearing impacts. Likewise, there are no upper floor windows proposed to the side elevations and thus no potential for overlooking to White Cottage and Rope Walk; and the rear elevation features a single window at 1.5 storey level which would serve a staircase landing which is not a primary living space and thus only offers opportune views north towards Compass Rose. Thus, in view of the nature of this space, couples with the distance to Compass Rose, there would be no unacceptable impacts in terms of overlooking or loss

of privacy.

- 6.24 As demonstrated above, the development would have an acceptable impact upon neighbouring amenity in accordance with Policy SS2.

### Impact upon the Historic Environment

- 6.25 The entirety of the Isles of Scilly are designated as a Conservation Area and as such it is pertinent to consider the proposals in the context of Policy OE7.
- 6.26 Policy OE7 says that *“Development within the Isles of Scilly Conservation Area will be permitted where: a) it preserves or enhances the character or appearance of the area and its setting; b) the design and location of the proposal has taken account of: I. the development characteristics and context of the area, in terms of important buildings, spaces, landscapes, walls, trees and views within, into or out of the area; and II. the form, scale, size and massing of nearby buildings, together with materials of construction.”*
- 6.27 The dwelling would be located in a residential area which comprises modern and new buildings as proposed would be quintessentially representative of the Isles’ vernacular by virtue of its form and external facing materials.
- 6.28 Whilst there is a high density of designated heritage assets on the island there are no listed buildings or scheduled monuments within a radius of 250m. There are a number of Archaeological Constraint Areas (ACA) and Historic Environment Records (HER) in the vicinity of the site but none within the site boundary of the proposed dwelling.
- 6.29 In addition to the above, 90m to the south of the site is Porthloo ACA, 160m to the north east is a HER of a Modern Pillbox and 180m to the north east is Newford Island, where there is a Scheduled Monument of Civil War Breastwork and battery; however, none of these heritage assets would be affected by the proposed development.
- 6.30 Approximately 140m to the south of the proposed site is a further HER record of a ploughed-out field system likely to be associated with a nearby surviving bulb strip system and approximately 300 metres further to the south east is a Grade II listed building of a glasshouse and packing shed at Rocky Hill Farm. It is considered that due to the position and the enclosed nature of the site, the proposed dwelling will not have a

detrimental impact upon any designated or undesignated heritage assets.

6.31 In addition to the above, previously withdrawn application reference P/22/003/OUT consulted the Archaeology Officer who raised no concerns.

6.32 In view of the above, it is considered that the dwelling as proposed would preserve the setting of the conservation area result in no harm to any heritage assets and is thus acceptable in terms of policy OE7.

### **Impact upon the Area of Outstanding Natural Beauty**

6.33 The entirety of the Isles of Scilly are designated as a AONB and as such it is pertinent to consider the proposals in the context of Policy OE1.

6.34 Policy OE1 says that *“Development will only be permitted where it aligns with the statutory purpose of Areas of Outstanding Natural Beauty (AONB), and therefore conserves and enhances the islands’ landscape, seascape and scenic beauty. Development must take into account and respect: a) the distinctive character, quality, scenic beauty and sensitivity of the landscape and seascape; b) the undeveloped and special character of the Heritage Coast; c) other qualities, such as important features and views, dark skies and tranquillity, and having regard to the AONB Management Plan; and d) the Isles of Scilly Landscape Character Study and any successor or associated documents.”*

6.35 The site is set within a built-up residential area and is therefore read against the context of this setting. The hedges which border the site would be retained and as such the site would retain part of its visual attractiveness in this regard. The proposal would therefore preserve the scenic beauty of the AONB in accordance with Policy OE1.

### **Highways and Parking**

6.36 Policy SS10 says that *“Development that has the potential to generate vehicular movements and car parking will be permitted provided that: a) provision is made to support and promote the use of sustainable transport such as walking, cycling and electric vehicles, where appropriate; b) it does not have an adverse impact on the function, safety and character of the local highway network; and c) an appropriate level of off-street cycle and car parking and electric vehicle charging is provided, taking into*

*account the scale and type of development and the accessibility of the location to facilities and services.”*

- 6.37 The dwelling is proposed to be served by the existing access which would be shared with White Cottage. The development incorporates one private car parking space and cycle parking could be sufficiently provided within the amenity space. The proposal would not result in any adverse impacts to the highway network and provides satisfactory parking in accordance with Policy SS10 and is thus acceptable in terms of impact to highways and parking.

### **The Objectives of Sustainable Development**

- 6.38 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.

### **An Economic Objective**

- 6.39 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**

- 6.40 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 planning permission for the erection of a single 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. The principle of development has previously been accepted through withdrawn outline application reference P/22/003/OUT.
- 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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