



IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

COUNCIL OF THE ISLES OF SCILLY

Town Hall, The Parade, St Mary's TR21 0LW
Telephone: 01720 424455 – Email: planning@scilly.gov.uk

Town and Country Planning Act 1990
Town and Country Planning (Development Management Procedure) Order 2010

REFUSAL OF VARIATION OF CONDITION

Application No: P/23/102/ROV **Date Application Registered:** 11th December 2023

Applicant: Miss Julie Havlin
Rowenruth,
Telegraph,
St Mary's,
Isles of Scilly,
TR21 0NS

Site address: Trelawney Church Street Hugh Town St Mary's Isles of Scilly
Proposal: Application to vary condition C4 of planning permission P/09/043 (Change of Use of Guest House (Use Class C1) to 3 self-catering holiday flats plus owners' accommodation. (Use Class C3)) to be able to let the units as permanent full-time accommodation and short-term holiday lets.

In pursuance of their powers under the above act, the Council hereby **REFUSE** the above variation of condition for the following reason:

R1 **The proposed variation of condition C4 of planning permission P/09/043 would result in the conversion of flat 3 into a unit of full-time accommodation which would fail to meet the minimum Nationally Described Space Standards or provide a good standard of accommodation and amenity space. The proposal is therefore contrary to the requirements of Policy LC3(2) Isles of Scilly Local Plan and paragraph 135 (f) of the National Planning Policy Framework 2023.**

This Decision relates to the following documents and drawings:

Ref No:	Plan Type:	Date Received:
TQRQM21090122428458	Location Plan (1:1250)	06/12/2023
-	Supporting Statement	06/12/2023
-	Floor Plans (1:100)	06/12/2023
-		

The following Policies of the Local Plan (2015-2030) are considered relevant to this decision:

- Policy LC2 Qualifying for Affordable Housing
- Policy LC3 Balanced Housing Stock
- Policy LC5 Removal of Occupancy Conditions

Informative:

1. 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 2023.

Signed: 

Chief Planning Officer

Duly Authorised Officer of the Council to make and issue Planning Decisions on behalf of the Council of the Isles of Scilly.

DATE OF ISSUE: 2nd February 2024



COUNCIL OF THE ISLES OF SCILLY

Planning Department

Town Hall, The Parade, St Mary's, Isles of Scilly, TR21 0LW

☎ 0300 1234 105

✉ planning@scilly.gov.uk

Dear Applicant,

As your application has been refused, this letter is to inform you of the process in which you can appeal against the decision made by the Local Planning Authority.

Appealing Against the Decision

If you are aggrieved by the decision to refuse your application as detailed on your decision notice, you can appeal against this decision to the Secretary of State. All appeal decisions are considered by the Planning Inspectorate – a government department aimed at providing an unbiased judgement on a planning application. From the date of the refused decision notice attached you must lodge an appeal within the following time periods:

- Householder Application - 12 weeks
- Planning Application – 6 months
- Listed Building Consent – 6 months
- Advertisement Consent - 8 weeks
- Minor Commercial Application - 12 weeks
- Lawful Development Certificate – None (unless for LBC – 6 months)
- Other Types - 6 months

Note that these periods can change so you should check with the Planning Inspectorate for the most up to date list. You can apply to the Secretary of State to extend this period, although this will only be allowed in exceptional circumstances.

You find more information on appeal types including how to submit an appeal to the Planning Inspectorate by visiting <https://www.gov.uk/topic/planning-development/planning-permission-appeals> or you can obtain hard copy appeal forms by calling 0303 444 5000. Current appeal handling times can be found at: [Appeals: How long they take page](#).

Purchase Notices

Planning control is intended to regulate the development of land in the public interest. For this reason, planning decisions may conflict with the private interests of land owners. There is no entitlement to compensation for adverse planning decisions (except in limited circumstances). This is because owners usually have some continuing benefit from current uses. However, occasionally there may be no reasonably beneficial use for the land. In order to remedy this situation; an owner has the right, in certain circumstances, to serve a "purchase notice" requiring a local authority to purchase their interest in the land. Purchase notices will be considered by the Planning Inspectorate, although you are advised to contact the Planning Department if you wish to consider this option.

Listed Buildings

Please note that any unauthorised works to a listed building are considered to be a criminal offence. If you need further clarification of what type of works may require consent, please contact the department.

Re-submissions for Planning Permission

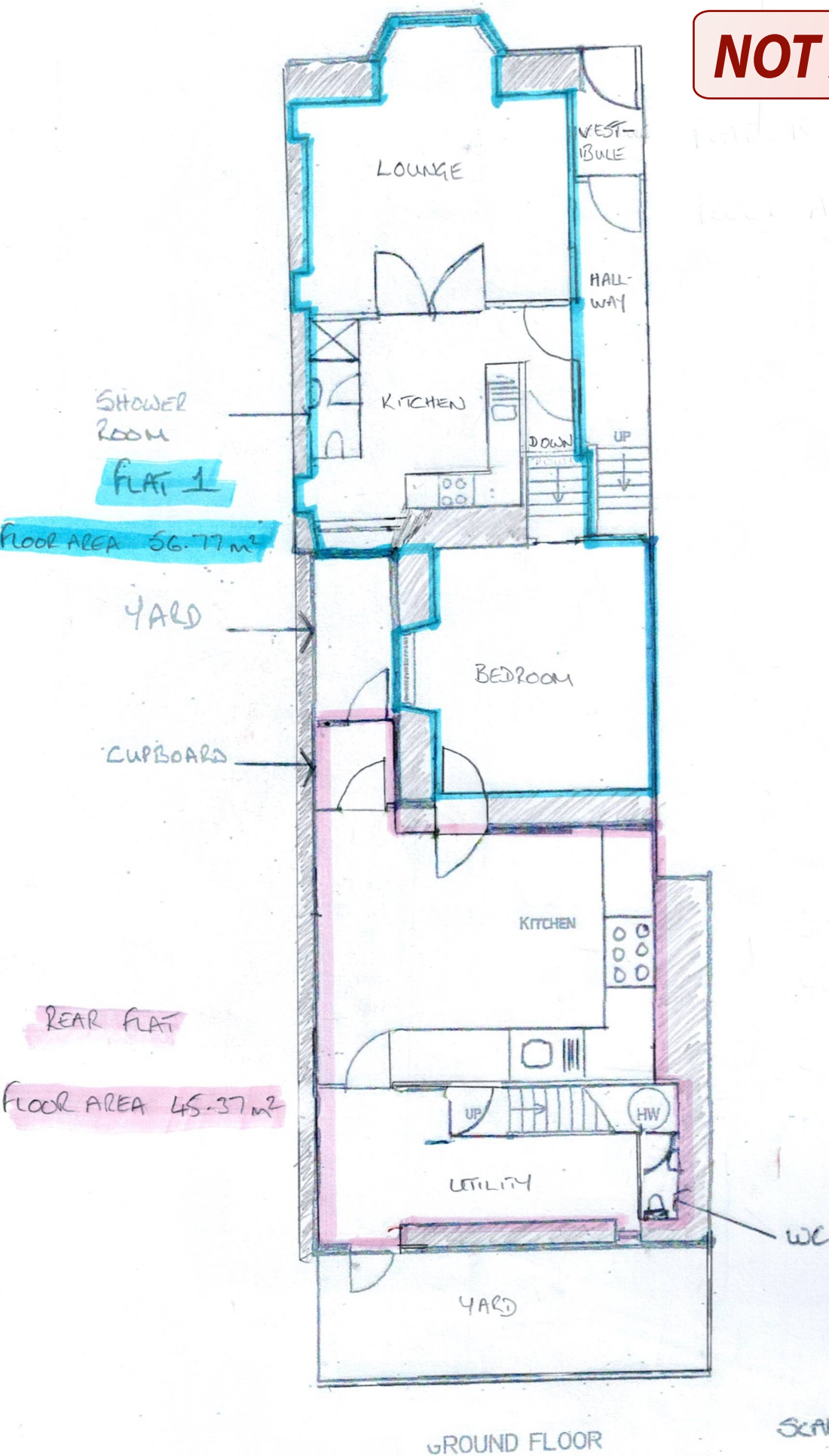
Under planning regulations, you are allowed to re-submit your application after a refusal without a fee, provided certain criteria are met. The re-submission must be within 12 months of the date of the original decision, the proposal must be on the same site and be similar to the previous application. Similarly, the application must be made by the same applicant. If you consider resubmitting your application, contact the Planning Department so we can explain where your application can be improved to be in accordance with local planning policy. In order for the Council reach a different decision, however you will need to address all of the previous reasons for refusal.

Should you require any further advice regarding any part of your application, please contact the Planning Department and we will be happy to help you.

RECEIVED

By Liv Rickman at 10:37 am, Dec 06, 2023

NOT APPROVED



REAR AREA 56.77m²

SHOWER ROOM
FLAT 1
FLOOR AREA 56.77m²

YARD
CUPBOARD

REAR FLAT
FLOOR AREA 45.37m²

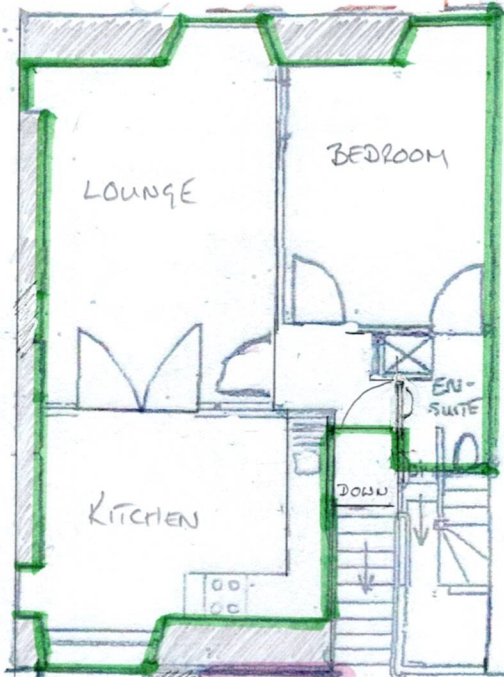
WC

GROUND FLOOR

SCALE 1:100

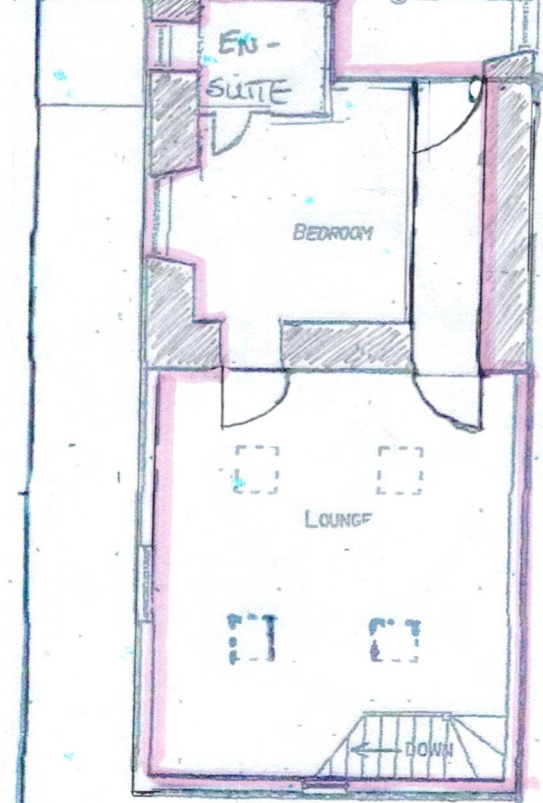
FLAT 2

FLOOR AREA 42.56m²



REAR FLAT

FLOOR AREA 42.61m²



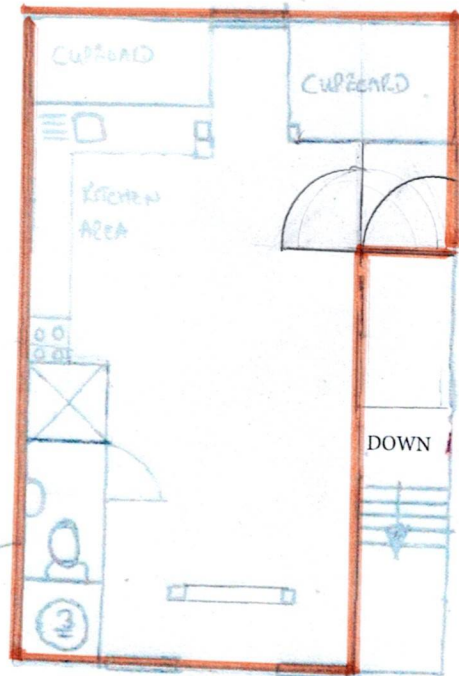
Glass Fibre Roof

FIRST FLOOR

SCALE 1:100

FLAT 3

FLOOR AREA 42.28 m²

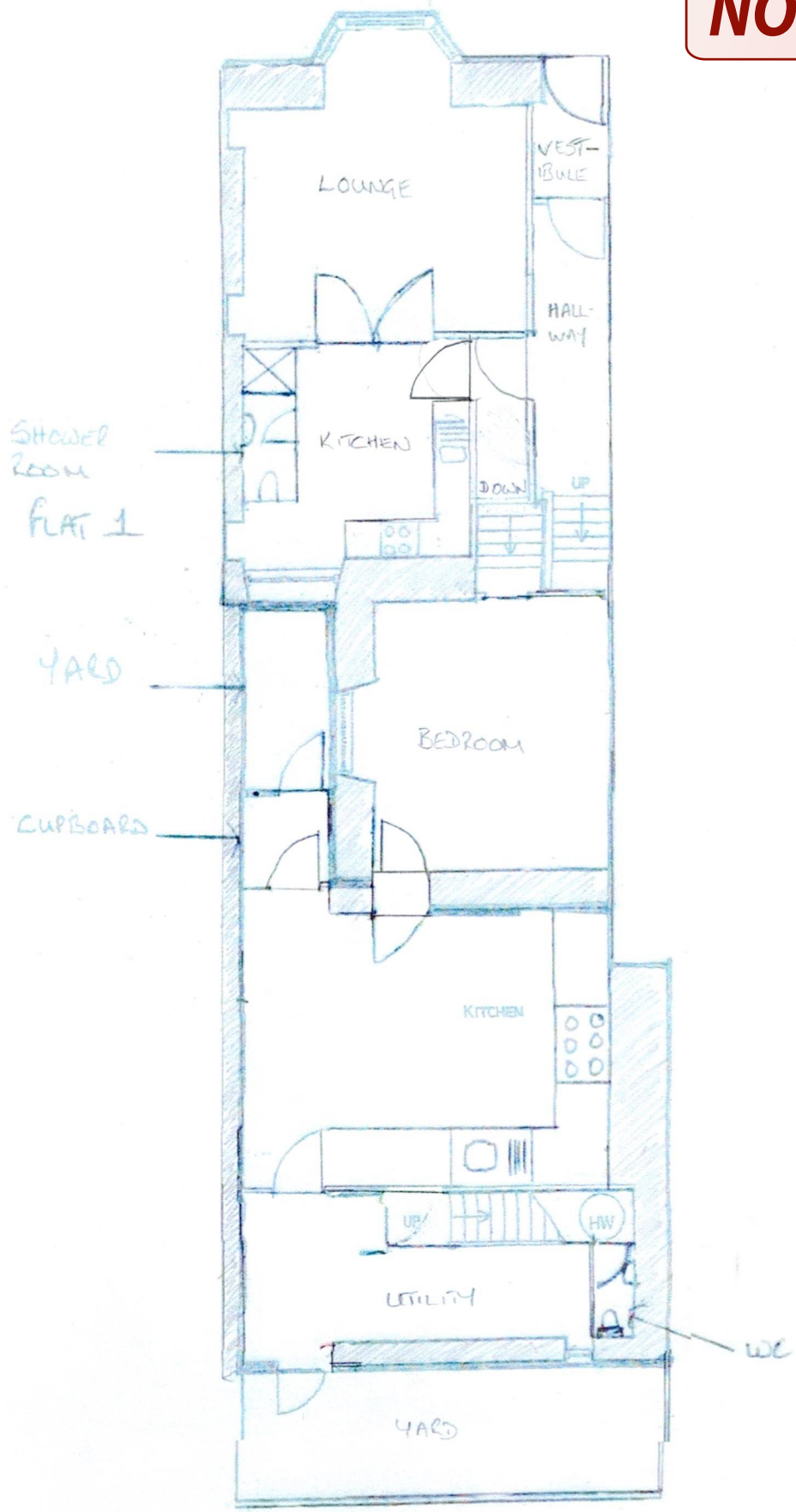


EN SUITE
SHOWER

SECOND FLOOR

SCALE 1:100

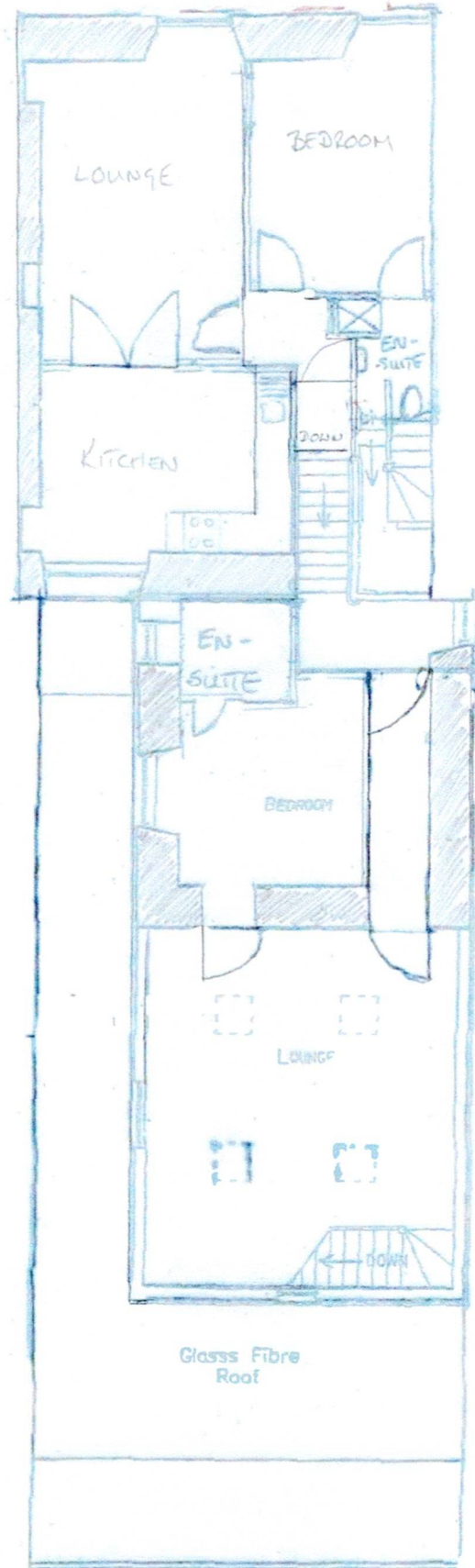
NOT APPROVED



GROUND FLOOR

SCALE 1:100

FLAT 2



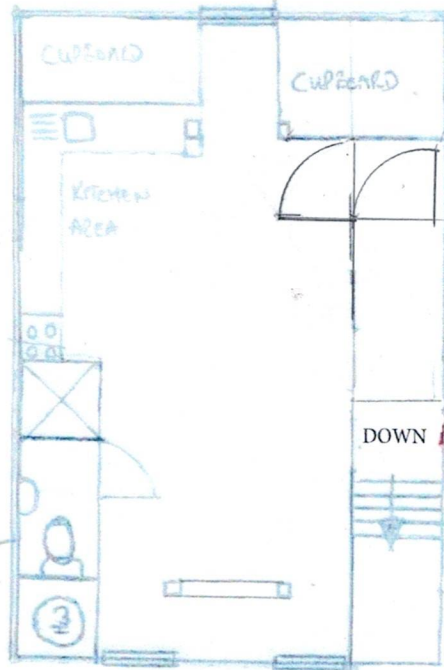
REAR FLAT

FIRST FLOOR

SCALE 1:100

FLAT 3

EN SUITE
SHOWER

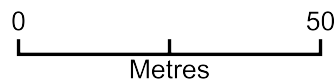


SECOND FLOOR

SCALE 1:100

NOT APPROVED

Trelawney



Plan Produced for: Clive Humphrey
Date Produced: 31 Mar 2021
Plan Reference Number: TQRQM21090122428458
Scale: 1:1250 @ A4

NOT APPROVED

RECEIVED

By Liv Rickman at 10:34 am, Dec 06, 2023

Supporting Statement

5th December 2023

We are looking to vary condition 4 on our existing planning application for several reasons. As long-term residents of the Islands we are very aware of the lack of permanent full-time accommodation and feel that the other 3 flats at Trelawney could be helpful in easing that situation. Whilst trying to help in this matter we would also like to retain the option of holiday letting again in the future, should our circumstances change, and we wish to return to the present set up. We are more than happy to accept that any full time permanent let in any of the 3 other flats would have to meet the specific local need criteria (policy LC2) and would also be subject to an assured shorthold tenancy agreement with ourselves.

Although these flats, like a lot of accommodation on Scilly are compact, considerable thought was given to the lay out when they were converted, to include all the facilities necessary for full time occupation, and as such should be suitable with the minimum of alteration.

We understand that by offering these flats as full-time accommodation we are removing holiday letting accommodation but believe that the need for permanent accommodation for full time residents is a much more pressing issue. Without adequate housing the needs of visitors are less and less likely to be met.