

# Council of the Isles of Scilly Delegated Planning Report Other application

**Application Number:** P/24/015/FUL

**UPRN:** 000192000185

**Received on:** 20 February 2024

**Valid on:** 20 February 2024

**Application Expiry date:** 16 April 2024

**Neighbour expiry date:** NONE CONSULTED

**Consultation expiry date:**

**Site notice posted:** 6 March 2024

**Site notice expiry:** 27 March 2024

**Applicant:** Mr and Mrs Matthews

**Site Address:** Campsite

Norrad

Bryher

Isles Of Scilly

TR23 0PR

**Proposal:** Siting of 2 no. shepherd huts for holiday accommodation and  
1 no. shepherd hut for seasonal staff accommodation.

**Application Type:** Planning Permission

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**Recommendation: Permit**

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## Summary Conditions/Reasons for refusal

1. Standard time limit (3 years)
2. In accordance with approved to plans
3. Materials as per application
4. Usage (Tourism)
5. Usage (Staff Accommodation)
6. External Lighting
7. Hours of Construction Works

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## 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: 11/04/2024

## Site Description and Proposed Development

The application site comprises Bryher Campsite to the north of the Island of Bryher.

The campsite consists of 5 camping fields, a detached shower / utility block, a timber storage shed and a rainwater harvesting tank. The camping fields are defined by low rise stone walls and some recently introduced hedging. Removable bell tents are currently pitched on the site during the tourism season.

The site sits within a narrow dip in the landscape with the coast approximately 200m to the east and 400m to the west. The land to the north of the site is part of the Shipman Head & Shipman Down SSSI and a Scheduled Monument for a prehistoric cairn cemetery and field system. The application site does not fall within these designations.

Permission is sought for the siting of 3 huts, of which 1 is proposed as staff accommodation and 2 are proposed as holiday accommodation to replace the existing bell tents.

Each hut would be approximately, 6m x 2.2m and have a roof height of approximately 3.2m inclusive of the wheel base . The unit proposed as staff accommodation would also include a chimney adding an additional 0.5m to the total height.

All proposed units would be set on wheels and be timber-clad with double doors on the front elevations.

- The huts for tourist accommodation would include a kitchenette, a small area of amenity space, 1 double and 2 single beds including a fold down bunk bed (4 bed spaces). These units would not be connected to water utilities and would rely on the communal toilet and shower block.
- The huts for staff accommodation would include a kitchenette, a small area of amenity space, an internal shower and toilet, a log burner and 1 double bed (2 bed spaces). This unit would be connected to the existing water utilities via the shower block.

**Certificate:** B

**Other Land Owners:** Duchy of Cornwall

### Consultations and Publicity

The application has had a site notice on display for 21 days (06/03/2024 – 27/03/2024). The application appeared on the weekly list on 04/03/2024.

Consultee	Date Responded	Summary
Cornwall Fire and Rescue Service	01/03/2024	<p>Access for fire appliances within the site will be considered satisfactory providing it complies with Part B5 of Approved Document B, Vehicle Access.</p> <p>Adequate water supplies for firefighting purposes will be achieved by complying with the requirements of Part B5 of Approved Document B.</p> <p>Should planning permission be granted, the fire authority would remind the applicant;</p> <p>The Regulatory Reform (Fire Safety) Order 2005 applies, and the responsible person will be required to carry out a fire risk assessment to identify the risks and take reasonable measures to ensure people are safe from fire.</p>
South West Water	19/03/2024	<p>In relation to the connection to the drinking water network South West Water is able to support connection for the proposed extension. The applicant should liaise directly with South West Water regarding the detail of this</p>

		<p>connection.</p> <p>For the foul and surface water as they are not connecting to the public network South West Water has no comments to add to this planning application.</p> <p>Having reviewed the applicant's current information as to proposed surface water disposal for its development, please note that method proposed to discharge via soakaway is acceptable and does meet with the Run-off Destination Hierarchy.</p>
Environmental Health		No comment received.

#### Representations from Residents:

Neighbouring properties written to directly:

#### **None**

[0] letters of objection have been received

[0] letters of support have been received

[0] letters of representation have been received.

#### Relevant Planning History:

P/19/090: Erection of wooden storage shed adjacent to existing shower block. 01.10.20

P4380: Conditional approval of planning permission for the extension to toilet block. [in SE corner of campsite field] 10.03.98

P1120: The change of use of O.S. Field No. 74 Near Watch Hill, Bryher to a camping site with toilet block and ancillary drainage. 25.07.72

#### Constraints:

- Conservation Area
- Area of Outstanding Natural Beauty
- Heritage Coast

#### 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?	Y
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?	Y
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

<b>Amenity</b>	<b>YES OR NO</b>
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

<b>Heritage</b>	<b>YES OR NO</b>
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
Within an Archaeological Constraint Area	N
<b>Other Impacts</b>	N/A
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
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?	Y
If sited within a Critical Flood Risk Area (low lying land below the 5m datum) is the application accompanied by an acceptable Flood Risk	N/A

Assessment?	
Are there external lights	Y

<b>Protected Species</b>	<b>YES OR NO</b>
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/A
Are biodiversity enhancement measures required	N
Is a condition required to provide biodiversity enhancement measures	N

<b>Waste Management</b>	<b>YES OR NO</b>
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	Y
Is a condition required to secure a Site Waste Management Plan	N

<b>Sustainable Design</b>	<b>YES OR NO</b>
Does the proposal materially increase the use of the site to require additional sustainable design measures	N
Does the proposal include any site specific sustainable design measures	Y
Is a condition required to secure a Sustainable Design Measures	N

**Principal of Development:** The proposal seeks to introduce 2 units of tourist accommodation and 1 unit of seasonal staff accommodation.

Policy WC5 outlines that proposals which contribute to a sustainable, diverse and modern tourism economy will be supported where they are sited in sustainable and accessible locations. Proposals should also be appropriate to the site and its surroundings in terms of activity, scale and design.

Policy LC4 supports the development of additional staff accommodation to meet seasonal demands of established or viable businesses where a functional need can be demonstrated and there is no loss of amenity to neighbouring dwellings.

The proposed unit of staff accommodation would provide formal on-site accommodation for a full-time member of seasonal staff. The submitted Planning Statement outlines that the operation of the campsite requires 3 part-time seasonal members of staff, with the existing staff accommodation provided as pitched camping from April to September. The planning statement also outlines that this arrangement makes it difficult to attract applicants to the role and is an inappropriate form of accommodation in the instance of severe weather conditions. This is considered a sufficient functional justification for formalised staff accommodation.

The proposal also seeks the siting of 2 units of tourism accommodation. The units would be sited within the boundary of the existing campsite and would function alongside the existing camping business. The proposal would allow the business to diversify its accommodation offering and extend the tourism season into spring / autumn.

The principle of development for both the staff accommodation and the holiday units is therefore acceptable under LC4 and WC5.

**Design and Landscape Impacts:** Isle of Scilly Policies SS2 and WC5 outline that proposals should demonstrate high quality design that respects the character of the site and existing townscape, landscape and seascape. Proposals should demonstrate an appropriate scale, density, layout, height, mass and use of materials. In addition, Policy OE1 outlines that the proposal should conserve and enhance the islands' landscape, seascape and scenic beauty.

The proposal seeks to introduce three huts measuring approximately 6m x 2.2m, with a roof height of approximately 3.2m. The huts would therefore be of a scale to compete with the existing shed and shower block on the site and are considered to be dominant additions to the setting of the campsite.

However, the huts would be sited across three of the site's fields, which during the summer months would be populated by tents.

In regard to the proposed materials, the huts are proposed as timber clad, with timber windows and doors, timber steps, cast iron wheels and a curved metal roof. The use of a neutral palette and timber cladding would aid the huts in weathering into the landscape and would reduce their overall prominence. The huts are therefore considered to be of an appropriate design to the rural setting.

On balance, whilst the scale of the huts would result in a degree of visual harm, the scheme as a whole is not considered unacceptable and the design is sufficient to accord with SS2 and WC5

**Residential Amenity:** Policy WC5 requires proposed tourism development to ensure they do not result in an unacceptable impact on residential amenities. The application site is not within the immediate vicinity of any residential dwellings. In addition, the proposed accommodation would function within the existing business and would not result in a material intensification of the site.

The proposal therefore would not give rise to any unacceptable adverse overbearing, overshadowing or overlooking impacts to residential amenity and accords with WC5.

**Impact to the SSSI:** Policy OE2 outlines that proposals will be permitted where they conserve and enhance biodiversity and geodiversity. The application site borders the Shipman Head & Shipman Down SSSI to the north. The units are proposed as movable structures within the boundary of the campsite and would not be sited within the SSSI. In addition, no hard standing is proposed for the tourism units adjacent to the SSSI. The impact of the proposal is therefore considered to be acceptable under OE2.

**Archaeology and Historic Environment:** Policy OE7 requires that great weight is given to the conservation of the islands' irreplaceable heritage assets including the Conservation Areas, listed buildings, Scheduled Monuments and Archaeological Sites.

The application site is south of a Scheduled Monument for a prehistoric cairn cemetery and field system. One of the proposed huts would be sited adjacent to the boundary of this designation, however, the hut would be a moveable structure and would not be connected to any utilities. In addition, no hardstanding, excavation or engineering works are proposed. The impact of the proposed development on the Scheduled Monument is therefore considered acceptable. The proposal is therefore considered to accord with OE7.

**Sustainable Design, Water and Wastewater Management:** Policy SS2 requires that proposals for the construction of new buildings submit a statement of Sustainable Design Measures (SDM) and a Site Waste Management Plan (SWMP).

Sustainable design details have been submitted within the submitted planning statement. This outlines that the proposed huts would be of timber construction and thermally efficient. In addition, the holiday units would not include heating or lighting.

A SWMP has also been submitted within the planning statement. This outlines that the existing onsite waste management practices will remain in place and the proposal would not material increase waste production on site. In addition, limited construction waste would be produced as the huts would be constructed on the mainland.

These details are considered sufficient to accord with SS2.

**Dark Skies:** Policy OE4 seeks to protect Scilly's Dark skies by limiting external light pollution to lighting which is essential for safety, security or community reasons. The proposed huts each feature two external downlighters. These would be solar-powered and point directly down as per the submitted elevations and are considered to accord with policy OE4.

**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 permission to be granted. This application



has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004. This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004 and with Section 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 Visitor Economy and Tourism Developments	✓

Info Requirements	Submitted (LVC)	Not Submitted	Condition Required
Site Waste Management Plan	✓		No

Sustainable Design Measures	✓		No
Biodiversity Enhancement Measures:		✓	No

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.

In discharging their functions, must have “due regard” to the need to:

- a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard in particular to the need to:

- a) removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of other persons who do not share it
- c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove OR minimise disadvantage and in considering the merits of this planning application the planning authority has had due regard to the matters set out in section 149 of the Equality Act 2010.

### **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 and Site Block Plan as Existing, drawing number 01, received 20/02/2024**
- **Plan 2: Site Plan as Existing, drawing number 02, received 20/02/2024**
- **Plan 3: Location and Site Block Plan as Proposed, drawing number 11 A, received 20/02/2024**

- **Plan 4: Site Plan as Proposed, drawing number 12 B, received 20/02/2024**
- **Plan 5: 2 Holiday Huts- Floor Plans and Elevations, drawing number 13 B dated, received 20/02/2024**
- **Plan 7: Worker Hut - Floor Plans and Elevations, drawing number 14 B, received 20/02/2024**
- **Document 7 Planning Statement, received 20/02/2024**

**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 of the Isles of Scilly Local Plan (2015-2030).

- C3 The materials used in the construction of the development hereby approved shall be as detailed within the permitted application particulars and shall be retained permanently as such, unless prior written consent is obtained from the Local Planning Authority to any variation.**

Reason: To safeguard the appearance of the building and the character of the area.

- C4 The 1No unit of seasonal staff accommodation as shown on drawing number 14 B (Worker Hut - Floor Plans and Elevations) and indicated on drawing number 12 B (Site Plan as Proposed) hereby permitted shall not be used otherwise than for the provision of seasonal staff accommodation (1st March to 31st October) in connection with Bryher Campsite business and for no other purpose, including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 2015, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification. For the avoidance of doubt the unit shall not be occupied as permanent accommodation. The owner or operator shall maintain a register of occupants for each calendar year. This shall be made available on request for inspection by any duly authorised officer of the Local Planning Authority.**

Reason: To ensure that the development is occupied as seasonal accommodation only, in accordance with Policy LC4 and Policy WC5 of the Isles of Scilly Local Plan 2015-2030.

- C5 The 2No units of tourism accommodation as shown on drawing number 13 B (Holiday Huts- Floor Plans and Elevations) and indicated on drawing number 12 B (Site Plan as Proposed) hereby permitted shall not be used otherwise than for the provision of short-let holiday accommodation. The two self-contained glamping pods shall not be occupied as permanent dwellings and shall not be occupied by any persons for a period exceeding 28 days in any calendar year. The owner or operator shall maintain a register of occupants for each calendar year, in accordance with Data Protection requirements. This shall be made available on request for inspection by any duly authorised officer of the Local Planning Authority.**

Reason: To ensure that the development is occupied as holiday accommodation in accordance with Policy WC5 of the Isles of Scilly Local Plan (2015-2030).

**C6 The external lighting hereby approved shall be down-lit/cowled and sensor or timer-controlled only and shall be retained as approved, unless prior written consent is obtained from the Local Planning Authority to any variation.**

Reason: To protect the amenities of the locality, including the amenities of 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 Bryher Community Play Park Dark Sky Discovery Site (Milky Way Class) in accordance with Policy OE4 of the Isles of Scilly Local Plan (2015-2030).

**C7 No construction plant and/or machinery shall be operated on the premises, as part of the implementation of this permission, before 0800 hours on Mondays through to Saturdays nor after 1800 hours. There shall be no works involving construction plant and/or machinery on a Sunday or Public or Bank Holiday.**

Reason: In the interests of protecting the residential amenities of the islands.

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**Print Name:** Lisa Walton

16/04/2024

**Job Title:** Chief Planning Officer

**Signed:**



Authorised Officer with Delegated Authority to determine Planning Applications

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