

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

**Application Number:** P/24/071/HH

**UPRN:** 000192001272

**Received on:** 04 September 2024

**Valid on:** 17 September 2024

**Application Expiry date:** 12 November 2024

**Neighbour expiry date:** N/A

**Consultation expiry date:** N/A

**Site notice posted:** 19 September 2024

**Site notice expiry:** 10 October 2024

**Case Officer:** SWHITE

**Applicant:** Mrs Deborah Bellamy-Gearon

**Site Address:** Carn Ithen,  
Trench Lane,  
Old Town,  
St Mary's,  
Isles Of Scilly,  
TR21 0PA

**Proposal:** Replacement of existing shed with log cabin

**Application Type:** Householder

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**Recommendation:** PERMIT

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## Summary Conditions

1. Standard time limit (3 years)
2. In accordance with the approved plans
3. Materials as per application
4. External lighting
5. Surface Water run-off
6. Hours of Construction

## 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 Dan Marcus

Date: 25.09.2024

## Site Description and Proposed Development

The householder application is a single dwelling known as Carn lthen. Located on Trench Lane, the property comprises a single, large, detached dwelling within Old Town on the island of St Mary's. The dwelling has a front and rear garden with an existing detached outbuilding / garage to the north and a timber shed to the rear. As with all properties on Trench Lane this property is subject to a Section 52 Notice requiring it to only be used as permanent home and not as commercial holiday accommodation.

The proposal seeks to replace the existing shed with a log cabin style outbuilding.

The cabin would be of timber construction with a mono-pitch felt lined roof and UPVC windows doors. The cabin would be sited adjacent to the southern boundary of the rear garden and would have an approximate footprint of 3.4m x 2.4m with a ridge height of approximately 2.4m.

Certificate: A

Other Land Owners: None

### Consultations and Publicity

The application has had a site notice on display for 21 days (19.09.2024 – 10.10.2024). The application appeared on the weekly list on 23<sup>rd</sup> September 2024. The following external consultations have been received:

Consultee	Date Responded	Comments
South West Water	25/09/2024	<p><b>Asset Protection</b> Please find enclosed a plan showing the approximate location of a public 100mm sewer in the vicinity. Please note that no development will be permitted within 3 metres of the sewer, and ground cover should not be substantially altered. Should the development encroach on the 3 metre easement, the sewer will need to be diverted at the expense of the applicant.</p> <p>Please click here to view the table of distances of buildings/structures from a public sewer.</p> <p>Further information regarding the options to divert a public sewer can be found on our website via the link below:  <a href="https://www.southwestwater.co.uk/building-and-development/services/sewer-services-connections/diversion-of-publicsewers">https://www.southwestwater.co.uk/building-and-development/services/sewer-services-connections/diversion-of-publicsewers</a></p> <p><b>Surface Water Services</b></p> <p>The applicant should demonstrate to your LPA that its prospective surface run-off will discharge as high up the hierarchy of drainage options as is reasonably practicable (with evidence that the Run-off Destination Hierarchy has been addressed, and reasoning as to why any preferred disposal route is not reasonably practicable):</p> <ol style="list-style-type: none"> <li>1. Water re-use (smart water butts, rainwater harvesting, grey flushing toilets)</li> <li>2. Discharge into the ground (infiltration); or where not reasonably practicable,</li> <li>3. Discharge to a surface waterbody; or where not reasonably practicable,</li> <li>4. Discharge to a surface water sewer, highway drain, or another drainage system; or where not reasonably practicable,</li> <li>5. Discharge to a combined sewer. (Subject to Sewerage Undertaker carrying out capacity evaluation)</li> </ol> <p>No surface water strategy details were provided with this planning application. Please note that a discharge into the ground (infiltration) is South West Water's favoured method and meets with the Run-off Destination Hierarchy. Should this method be unavailable, SWW will require clear evidence to demonstrate why the preferred methods listed within the Run-off Destination Hierarchy have been discounted by the applicant.</p> <p>If the applicant wishes to connect this to South West Water network, then they should engage with us separately to see if we can accommodate this. No highway drainage will be permitted to be discharged to SWW foul or combined public sewer network either directly or indirectly.</p>

### Representations from Residents:

Neighbouring properties written to directly: None

[0] letters have been received.

### Relevant Planning History:

App. No.	Description	Date
P.2085	The erection of eight bungalows and garages with estate road and sewer, comprising five 4 bedroomed and three 3 bedroomed bungalows	13.04.1982
P/11/054	Conditional approval of planning permission to modification of existing dormer window to a small balcony	25.07.2011
P/21/109/HH	Conditional approval of planning permission for the replacement of blue wooden window frames on the ground floor, side door, front door and porch with white UPVC frames.	17.02.2022
P/22/001/HH	Conditional approval of planning permission for the cladding of both gable ends of the property with colonial blue shiplap embossed cladding.	04.03.2022

### Constraints:

- Conservation Area
- Area of Outstanding Natural Beauty
- Heritage Coast
- Flood Prone Lane (partially)
- Flood Zone 3 (partially)

### 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?	Y
Would the proposal generally appear to be secondary or subservient to the main building?	Y
Is the scale proposed in accordance with NDSS	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>	
Does the proposal comply with Highways standing advice such that it does not adversely affect highway safety?	Y
Impact on protected trees Will this be acceptable 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?	N/A
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 Assessment?	N/A
Are there external lights	N

<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	Y
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	Y
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	N
Is a condition required to secure a Sustainable Design Measures	N

### **Principal of Development**

Isles of Scilly (IoS) Local Plan Policy LC8 provides support for residential extensions, alterations and ancillary accommodation including proposals for annexes and outbuildings.

The proposal is for a timber log cabin which would provide approximately 7 sqm of floorspace incidental to the dwelling. The cabin would provide storage for the dwelling and would not be used as self-contained holiday letting accommodation.

The proposal is therefore considered to accord with LC8 and is acceptable in principle subject to wider acceptability of the proposal in accordance with other relevant local plan policies.

**Design and Siting:** Policies SS2 and LC8 requires proposals to demonstrate an appropriate scale, density, layout, height, mass and use of materials. LC8 requires proposals to demonstrate that they would be of an appropriate scale and subservient in relation to the existing building and do not result in the overdevelopment of the site.

Policies OE1 and SS2 require proposals to respect the character of the site and conserve and enhance the landscape, seascape and scenic beauty. OE7 requires that great weight is given to the conservation of the islands' irreplaceable heritage assets.

The proposed log cabin would accord with the residential appearance and character of the dwelling and would be of a modest scale and mass which is considered appropriate and sympathetic to the dwelling. The cabin would be sited to the rear of the dwelling would not be prominent within the public realm or detract from its setting. The design and siting of the proposal is therefore considered acceptable under LC8, SS2, OE1 and OE7.

**Residential Amenity:** Policies SS2 and LC8 require proposals to safeguard residential amenities. The proposed cabin would be in the rear garden of the dwelling and would have no significant impacts on the amenities of adjacent properties. As such, the proposal accords with these policies.

**Surface Water Drainage and Impact on sewer the sewer network:** South West Water (SWW) have commented on the proposal, noting that no development should be within 3m of the sewer which runs along the northern elevation of the dwelling. The proposed cabin would be sited approximately 3.25m from the sewer at the closest point. This siting is therefore considered acceptable.

SWW have also noted that no details have been submitted regarding surface water run-off. The applicant has confirmed that runoff from the cabin would be collected within water butts. The use of water butts as proposed is considered acceptable. As details have not been provided, it is considered appropriate to secure provision of the water butts via a suitably worded planning condition.

**Ecology Impacts:** Policy OE2 seeks to conserve and enhance biodiversity and priority habitat and ensure proportionate and appropriate biodiversity net-gain is secured.

The proposed cabin would be situated on the same footprint as the existing shed and is not considered to result in the loss of biodiversity.

As the application is a householder application, it is exempted from the statutory 10% net gain in biodiversity. Furthermore, given the minor nature of the works

proposed, it is not considered proportionate to secure a further biodiversity net-gain under OE2 in this instance. The proposal is therefore considered to accord with OE2.

**Dark Skies:** Policy OE4 seeks to protect Scilly's Dark Skies. Proposals that include external lighting will only be permitted where this is essential for safety, security or community reasons, and where details are provided of attempts to minimise light pollution. To protect Dark Skies, harmful upward light spill should be avoided, and proximity or automated timers used to reduce unnecessary lighting during hours of darkness.

The proposal seeks to introduce a new structure with a modest amount of glazing. The cabin is expected to have a low intensity of use and no external lighting is proposed. The proposal is therefore considered to accord with Policy OE4.

**Site Waste Management:** Policy SS2 requires that proposals for the construction of new buildings submit a Site Waste Management Plan (SWMP). The applicant has provided a SWMP which demonstrates that the waste produced as a result of the development would be reused off-site where possible with the exception of concrete and packing which would be disposed of at landfill and via household waste. These details are considered sufficient to accord with SS2.

**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 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**

<b>Policy</b>	<b>Tick if Used ✓</b>
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	
Policy OE4 Protecting Scilly's Dark Night Skies	✓
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	

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 Plan, Dated 03.09.2024**
- **Plan 2, Proposed Site Plan, Dated 03.09.2024**
- **Plan 3, Proposed Plans, Received 16.09.2024**
- **Plan 4, Design and Access Statement, Received 04.09.2024**
- **Plan 5, Site Waste Management Plan, received 16.09.2024**

**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 No external lighting shall be installed on the development, hereby approved, or anywhere within the site unless otherwise agreed in writing by the Local Planning Authority. This exclusion shall not prohibit the installation internal lighting or of sensor-controlled security lighting of 1,000 lumens or less, which shall be designed and shielded to minimise upwards light spillage.**

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 Garrison Dark Sky Discovery Site (Milky Way Class) in accordance with Policy OE4 of the Isles of Scilly Local Plan (2015-2030).

- C5 Before the first use of the development hereby permitted, the cabin shall be fitted with a water butt of sufficient capacity to collect surface water run-off from the roof of the cabin and shall be retained permanently as such thereafter.**

Reason: To ensure surface water run-off is suitably managed in accordance with the Run-off Destination Hierarchy.

- C6 The outbuilding, hereby permitted, shall not be occupied or used at any time other than for purposes ancillary to the residential use of the dwelling known as Carn Ithen and no other purpose.**

Reason: The creation of an additional independent residential unit on the site would be contrary to Policies LC1(1) 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.

## **Informatives**

1. *Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements are considered to apply. These can be found in the legislation.*

*The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that, unless an exception or a transitional arrangement applies, the planning permission granted for the development of land in England is deemed to have been granted subject to the condition ("the biodiversity gain condition") that development may not begin unless:*

(a) a Biodiversity Gain Plan<sup>2</sup> has been submitted to the planning authority, and  
(b) the planning authority has approved the plan.

*The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan in respect of this permission would be the Planning Department at the Council of the Isles of Scilly.*

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**Print Name:** Lisa Walton 01/11/2024

**Job Title:** Chief Planning Officer

**Signed:**



Authorised Officer with Delegated Authority to determine Planning Applications

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