

To:

FAO: Planning Department
Old Wesleyan Chapel
Garrison Lane,
Hugh Town,
St Mary's
Isles of Scilly
TR21 0JD
planning@scilly.gov.uk

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By Tom.Anderton at 10:11 am, Apr 30, 2025

25 April 2025

P/25/016/COU: Bryher Boatyard, Norrad, Bryher, TR21 0PR. - Temporary change of use of land to site temporary containerised accommodation (2 x snoozepods) for a period of up to 3 years in relation to Bryher Boatyard.

Thank you for seeking consultee comments from the Isles of Scilly National Landscape team on the above proposed development.

The Isles of Scilly National Landscape (the NL), formerly the Isles of Scilly Area of Outstanding Natural Beauty, enjoys the very highest level of landscape protection, equal to that of National Parks. The statutory purpose of the designation is to conserve and enhance the natural beauty of the area and planning policy, such as Policy OE1 of the statutory Isles of Scilly Local Plan (the LP) and material considerations related to this, such as Section 15 of the National Planning Policy Framework 2024 (the NPPF) and the Isles of Scilly Area of Outstanding Natural Beauty Management Plan 2021-2025 (the MP; adopted by the NL Partnership and Local Authority), require that development within the NL delivers this purpose.

Section 85 of the Countryside and Rights of Way Act 2000 (the CROW Act) placed a duty on relevant authorities to have regard to the purposes of the designation. Clause 245 of the Levelling Up and Regeneration Act 2023 amended this such that Section 85 of the CROW Act now requires relevant authorities to seek to further the purposes of the designation.

The site is not in a location that is subject to a housing allocation identified through Policy LC6 of the LP. The proposal is also not supported by Policy LC7 of the LP as it does not meet the tests of Windfall Housing.

Policy LC4 of the LP supports new staff accommodation for businesses and organisations subject to a number of criteria, which amongst other matters requires that:

- an appraisal is submitted demonstrating that there is a functional and operational need for the proposed accommodation that cannot be met by existing suitable accommodation available in the area; and
- the size and type of the proposed accommodation is appropriate to the functional and operational needs of the business or organisation; and
- on an off-Island the proposed accommodation is located within an existing building or adjacent or well related to the existing business consistent with Policy LC7.

- Where staff accommodation is required for a new business, the development will only be supported where it is demonstrated that the business is viable in the long term, supported by a business plan for a minimum of five years.

The basis for the application appears to be on the assumption that a permanent dwelling will be supported at the site or nearby in the future and the proposals are for an interim period. However, no such assumption can be made without a formal planning application being considered and positively determined. Nonetheless, it is not clear why a possible future dwelling at the site justifies the accommodation that is currently proposed. There is also no detail on the essential business need for the staff in any case, other than stating they are a ‘*necessary workforce*.’

Ultimately there is no detailed evidence or appraisal submitted through this application to justify the proposal on the basis that it is essential, and it relies upon this specific geographically fixed location. There is no evidence of a functional and operation need for the accommodation at the site or that it can not be provided elsewhere, there is no explanation explaining why the size and type of the proposed accommodation is appropriate to the functional and operational needs of the business, nor is there evidence to demonstrate that the business is viable in the long term, in fact the supporting Design and Access Statement implies that the business is not currently viable.

As a result, the proposal is in conflict with the housing strategy contained within the LP, which requires that all new homes must contribute towards the creation of a sustainable, balanced and inclusive island community. The proposal conflicts with Policy LC1 and LC4 of the LP.

Notwithstanding our comments above regarding the principle of the development, it is clear that the pods, irrespective of the temporary period in which they would be in situ, would represent incongruous and obtrusive utilitarian structures in a prominent location.

The MP’s *Statement of Significance*, the Countryside Agency produced *The Isles of Scilly – a landscape assessment of the Area of Outstanding Natural Beauty* and the *Isles of Scilly Design Guide* (which is adopted as Supplementary Planning Guidance), all clearly define the distinctive character of Bryher.

In referring to the lower-lying parts of the island, in which the site is located, the above explain that the key landscape characteristics consists of scattered isolated and small clusters of houses amongst a cultivated landscape, sandy coasts and dunes set below Watch Hill which provides excellent vantage points in all directions. The vernacular of buildings predominately reflecting low profiled traditional building form.

The uncompromising and modern specification of the pods proposed would be entirely out of keeping with the character and appearance of the area as set out above, and will inevitably result in harm to the purposes of the NL in this sensitive location. The pods would be highly visible from various points upon Bryher and from the sea, and would therefore be harmful in both landscape and seascape terms. The identified harm would not be mitigated through the suggested temporary nature of the proposals or any form of screening or landscaping proposed (the latter of which would take some time to grow in any case). The harm that would arise would be both in visual terms and character terms. The proposals would be entirely inappropriate and out of character in this location.

For the above reasons, the proposals would fail to conserve and enhance the natural beauty of the area, and would conflict with the statutory duty contained within the CROW Act referred to on the preceding page, which is echoed through planning policy and material considerations, namely Policy OE1 of the LP, Paragraph 189 of the NPPF, and the MP.

Whilst our objections have focused directly on matters relating to the effects upon the NL designation, we also support the objections made by other parties, including that of the LLFA, the Environment Agency and local residents.

In particular, we wish to flag up that due to the site's location in Flood Risk Zone 3 there is a risk of flooding and the submitted Flood Risk Assessment (FRA) due to the limited information provided does not accord with the requirements of the Planning Practice Guidance. Without an acceptable FRA there is no certainty that the proposal would not be safe from flooding, which obviously could have a significant effect, such as risk to life, on the occupants of the accommodation.

As a final point, if the application is supported, we strongly urge that the accommodation is only allowed for a three year temporary period (noting that the renewal of a temporary planning condition after the expiry of this time period is unlikely to be appropriate), and that conditions are imposed requiring all works associated with the proposals are to be removed in their entirety and for the land to be restored back to its former condition. It is noted on this front that a connection to a septic tank is indicated on the submitted plans for which the application form states is existing. Any connections to the tank would also be required to be removed.

I trust the above will be of benefit in your consideration of the proposals, and please note our comments are focussed to the effects of the development upon the NL.

Yours sincerely,

James Evans

James Evans BA(Hons) AssocRTPI

On behalf of Jacob Blackett, Isles of Scilly National Landscape Partnership Manager.