



## COUNCIL OF THE ISLES OF SCILLY

Town Hall, St Mary's TR21 0LW

Telephone: 01720 424455 – Email: [planning@scilly.gov.uk](mailto:planning@scilly.gov.uk)

Town and Country Planning Act 1990

Town and Country Planning (Development Management Procedure) Order 2015

### PERMISSION FOR DEVELOPMENT

Application No: P/22/022/COU

Date Application Registered: 7th March 2022

Applicant: Aaron Haile  
Bryher Shop  
The Town  
Bryher  
Isles Of Scilly  
TR23 0PR

Site address: Bryher Shop The Town Bryher Isles Of Scilly TR23 0PR

Proposal: Change of use of land to extend curtilage of shop including the retrospective siting of a summerhouse and erection of new storage shed in car park.

In pursuance of their powers under the above Act, the Council hereby **PERMIT** the above development to be carried out in accordance with the following 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, Date Stamped 15/02/2022
- Plan 2 Block Plan AMENDED, Date Stamped 04/03/2022
- Plan 3 Proposed Shed and Summer House Floor Plans, Date Stamped 04/03/2022
- Plan 4 Proposed Shed Elevations, Date Stamped 04/03/2022
- Plan 5 Summer House Elevations, Date Stamped 15/02/2022
- Design and Access Statement (Waste Management)

**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 summer house, hereby permitted, shall not be used or occupied at any time other than for purposes ancillary and incidental to the residential use of the dwelling within the property known as Bryher Shop and shall not be used for any other purpose.**

Reason: The creation of any separate residential or commercial use within the summerhouse or land to the rear would require further assessment.

**C4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (As Amended), (or any order revoking or re-enacting that Order)**

**prior to installation, details of any external lighting shall be submitted to and approved, in writing, by the Local Planning Authority. The lighting shall thereafter be installed in accordance with the agreed details.**

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

- C5 All works involving machinery required in connection with the implementation of this permission shall be restricted to between 0800 and 1800 hours Monday to Saturdays. There shall be no works involving machinery on a Sunday or Public or Bank Holiday.** Reason: In the interests of protecting the residential amenities of the islands.

### **Further Information**

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 2021.
2. In accordance with the provisions of Section 96A of the Town and Country Planning Act which came into force on 1st October 2009, any amendments to the approved plans will require either a formal application for a non-material amendment (for which a fee of £234 would be required) or the submission of a full planning application for a revised scheme. If the proposal relates to a Listed Building you will not be able to apply for a non-material amendment and a new application for a revised scheme will be required. Please discuss any proposed amendments with the Planning Officer.
3. This decision is not a determination under the Building Regulations. Please ensure that all building works accord with the Building Regulations, where required, and that all appropriate approvals are in place for each stage of the build project. You can contact Building Control for further advice or to make a building control application: [buildingcontrol@cornwall.gov.uk](mailto:buildingcontrol@cornwall.gov.uk).

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:** 27<sup>th</sup> April 2022



# 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](mailto:planning@scilly.gov.uk)

Dear Aaron Haile

## Please sign and complete this certificate.

This is to certify that decision notice: P/22/022/COU and the accompanying conditions have been read and understood by the applicant: Aaron Haile.

- I/we intend to commence the development as approved:** Change of use of land to extend curtilage of shop including the retrospective siting of a summerhouse and erection of new storage shed in car park at: Bryher Shop The Town Bryher Isles Of Scilly TR23 0PR  
**on:** .....
- ~~I am/we are aware of any conditions that need to be discharged before works commence.~~
- ~~I/we will notify the Planning Department in advance of commencement in order that any pre-commencement conditions can be discharged.~~

You are advised to note that Officers of the Local Planning Authority may inspect the project both during construction, on a spot-check basis, and once completed, to ensure that the proposal has complied with the approved plans and conditions. In the event that the site is found to be inaccessible then you are asked to provide contact details of the applicant/agent/contractor (delete as appropriate):

**Name:** ..... **Contact Telephone Number:** .....  
**And/or Email:** .....

Print Name: .....

Signed: .....

Date: .....

Please sign and return to the **above address** as soon as possible.



# COUNCIL OF THE ISLES OF SCILLY

Planning Department

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

☎01720 424455

✉[planning@scilly.gov.uk](mailto:planning@scilly.gov.uk)

## **THIS LETTER CONTAINS IMPORTANT INFORMATION REGARDING YOUR PERMISSION – PLEASE READ IF YOU ARE AN AGENT DEALING WITH IS ON BEHALF OF THE APPLICANT IT IS IMPORTANT TO LET THE APPLICANT KNOW OF ANY PRE-COMMENCEMENT CONDITIONS**

Dear Applicant,

This letter is intended to help you advance your project through the development process. Now that you have been granted permission, there may be further tasks you need to complete. Some aspects may not apply to your development; however, your attention is drawn to the following paragraphs, which provide advice on a range of matters including how to carry out your development and how to appeal against the decision made by the Local Planning Authority (LPA).

### **Carrying out the Development in Accordance with the Approved Plans**

You must carry out your development in accordance with the stamped plans enclosed with this letter. Failure to do so may result in enforcement action being taken by the LPA and any unauthorised work carried out may have to be amended or removed from the site.

### **Discharging Conditions**

Some conditions on the attached decision notice will need to be formally discharged by the LPA. In particular, any condition that needs to be carried out prior to development taking place, such as a 'source and disposal of materials' condition, an 'archaeological' condition or 'landscaping' condition must be formally discharged prior to the implementation of the planning permission. In the case of an archaeological condition, please contact the Planning Department for advice on the steps required. Whilst you do not need to formally discharge every condition on the decision notice, it is important you inform the Planning Department when the condition advises you to do so before you commence the implementation of this permission. Although we will aim to deal with any application to discharge conditions as expeditiously as possible, you are reminded to allow up to **8 weeks** for the discharge of conditions process.

**Please inform the Planning Department when your development or works will be commencing. This will enable the Council to monitor the discharge and compliance with conditions and provide guidance as necessary. We will not be able to provide you with any written confirmation on the discharge of pre-commencement conditions if you do not formally apply to discharge the conditions before you start works.**

As with the rest of the planning application fees, central Government sets a fee within the same set of regulations for the formal discharge of conditions attached to planning permissions. Conditions are necessary to control approved works and development. Requests for confirmation that one or more planning conditions have been complied with are as follows (VAT is not payable on fees set by central government). More information can be found on the Council's website:

- Householder permissions - £34 per application
- Other permissions - £116 per application

### **Amendments**

If you require a change to the development, contact the LPA to see if you can make a 'non material amendment' (NMA). NMA can only be made to planning permissions and not a listed building consent. They were introduced by the Government to reflect the fact that some schemes may need to change during the construction phase. The process involves a short application form and a 14 day consultation period. There is a fee of £34 for householder type applications and £234 in all other cases. The NMA should be determined within 28 days. If the change to your proposal is not considered to be non-material or minor, then you would need to submit a new planning application to reflect those changes. Please contact the Planning Department for more information on what level of amendment would be considered non material if necessary.

### **Appealing Against the Decision**

If you are aggrieved by any of the planning conditions attached to your decision notice, you can appeal to have specific conditions lifted or modified by 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 decision notice attached you must lodge an appeal within the following time periods:

- Householder Application - 12 weeks
- Advertisement Consent - 8 weeks
- Minor Commercial Application - 12 weeks
- Other Types - 6 months

You can obtain the appeal forms by calling 0303 444 5000 or submit an appeal through the Planning Portal <http://www.planningportal.gov.uk/planning/appeals/online/makeanappeal>

You can apply to the Secretary of State to extend this period, although this will only be allowed in exceptional circumstances.

### **Building Regulations**

With all building work, the owner of the property is responsible for meeting the relevant Planning and Building Regulations. Building Regulations apply to most building work so it is important to find out if you need permission. This consent is to ensure the safety of people

in and around buildings in relation to structure, access, fire safety, infrastructure and appropriate insulation.

The Building Control function is carried out on behalf of the Council of the Isles of Scilly by Cornwall Council. All enquiries and Building Control applications should be made direct to Cornwall Council, via the following link [Cornwall Council](#). This link also contains comprehensive information to assist you with all of your Building Control needs.

Building Control can be contacted via telephone by calling 01872 224792, via email [buildingcontrol@cornwall.gov.uk](mailto:buildingcontrol@cornwall.gov.uk) or by post at:

Building Control  
Cornwall Council  
Pydar House  
Pydar Street  
Truro  
Cornwall  
TR1 1XU

### **Registering/Altering Addresses**

If you are building a new dwelling, sub dividing a dwelling into flats or need to change your address, please contact the Planning Department who will be able to make alterations to local and national databases and ensure postcodes are allocated.

### **Connections to Utilities**

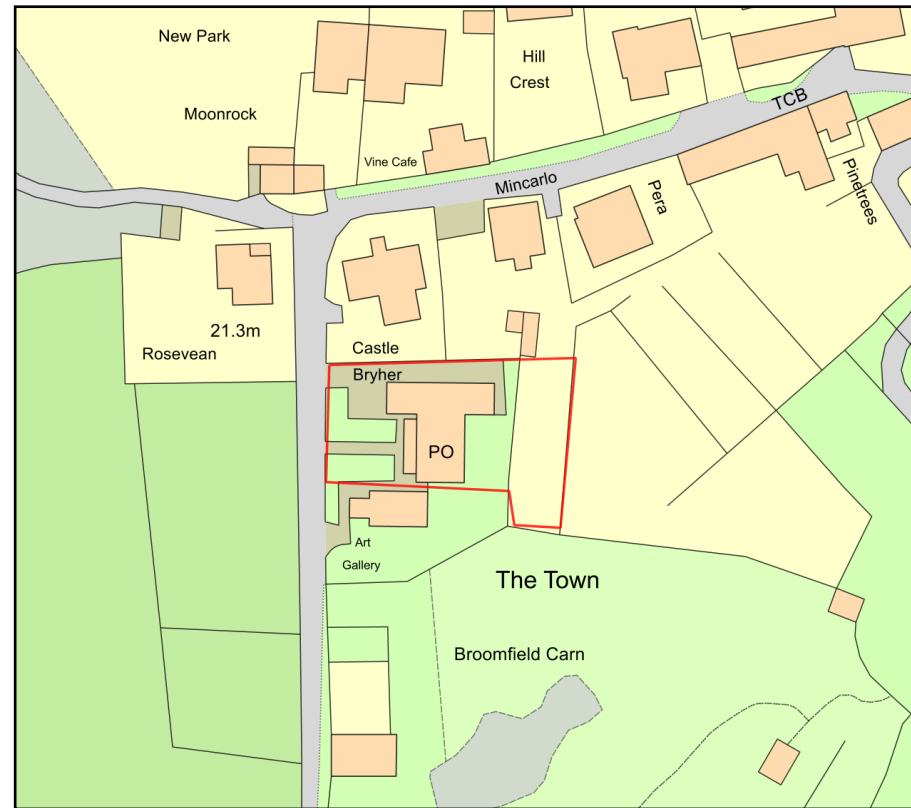
If you require a connection to utilities such as water and sewerage, you will need to contact South West Water on 08000831821. Electricity connections are made by Western Power Distribution who can be contacted on 08456012989.

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

## Location Plan

**RECEIVED**

By A King at 3:37 pm, Feb 15, 2022



**APPROVED**

By Lisa Walton at 6:28 pm, Apr 27, 2022

0 50  
Metres



Plan Produced for: Aaron Haile

Date Produced: 24 Jan 2022

Plan Reference Number: TQRQM22024124815075

Scale: 1:1250 @ A4

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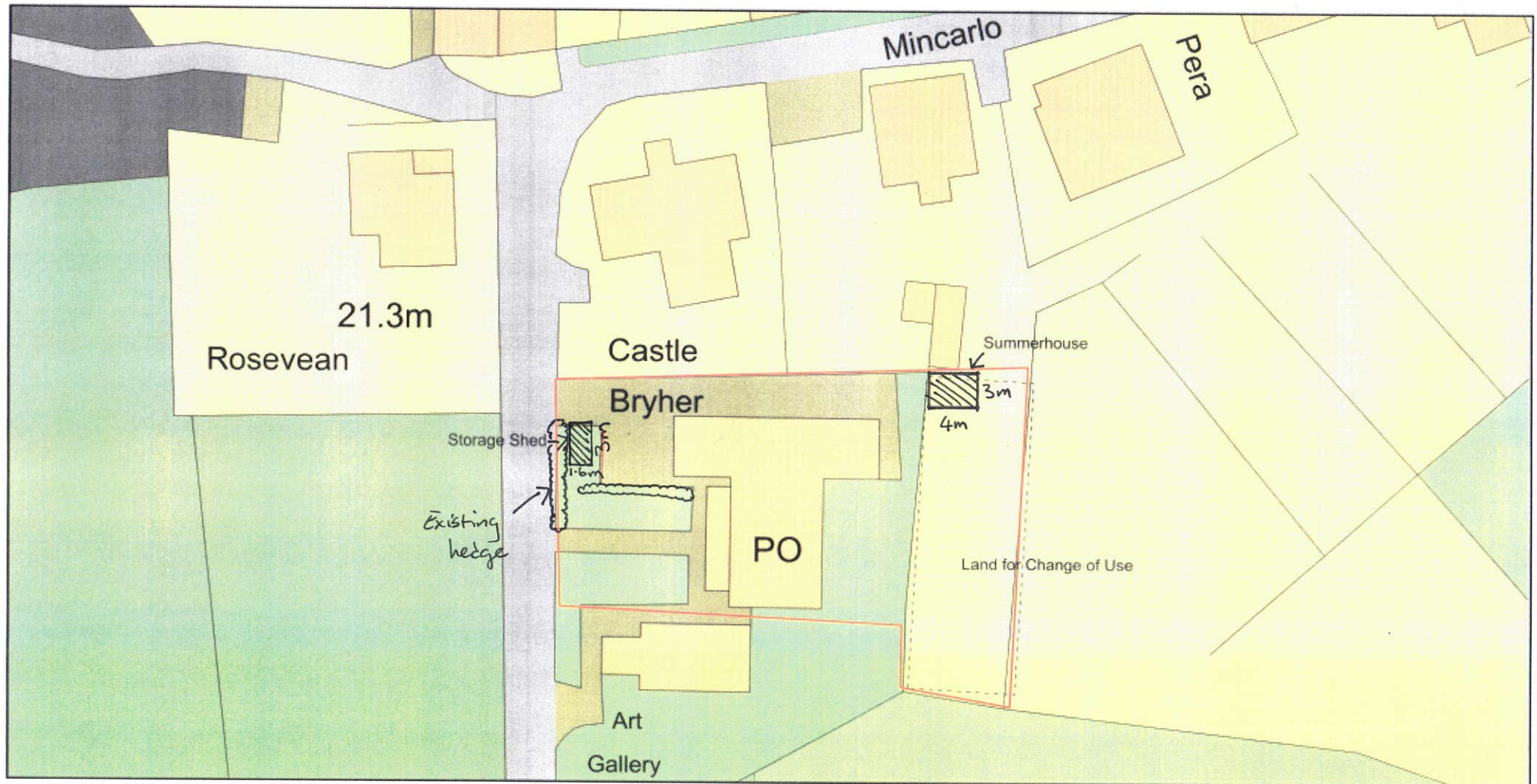




## Block Plan

**RECEIVED**

By Liv Rickman at 11:52 am, Mar 04, 2022



0 20  
Metres



Plan Produced for: Aaron Haile

Date Produced: 24 Jan 2022

Plan Reference Number: TQRQM22024125023512

Scale: 1:500 @ A4

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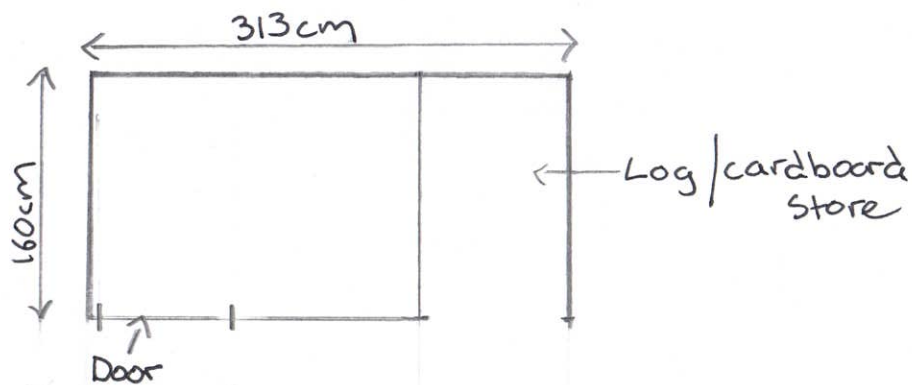
**APPROVED**

By Lisa Walton at 6:29 pm, Apr 27, 2022

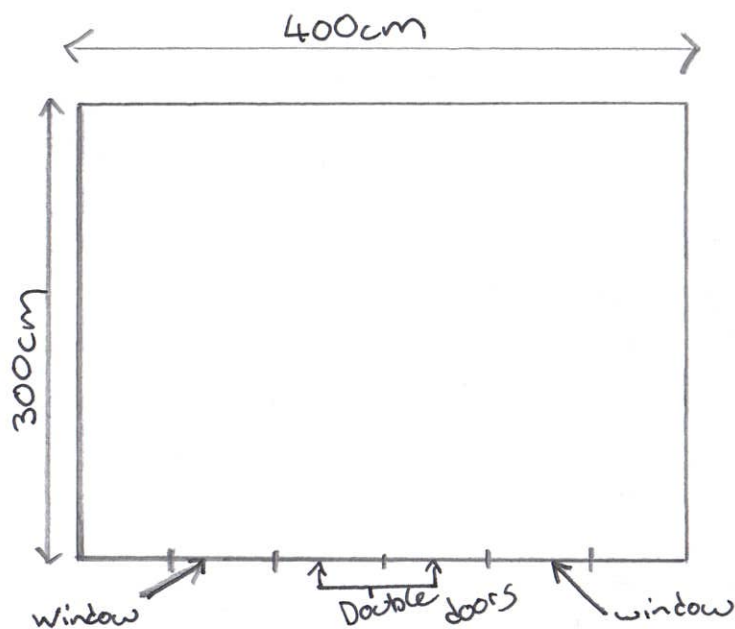




# Storage Shed + Summer House Floor Plans



Storage Shed Floor Plan



Summer House Floor Plan

**APPROVED**

By Lisa Walton at 6:29 pm, Apr 27, 2022

**RECEIVED**

By Liv Rickman at 12:01 pm, Mar 04, 2022

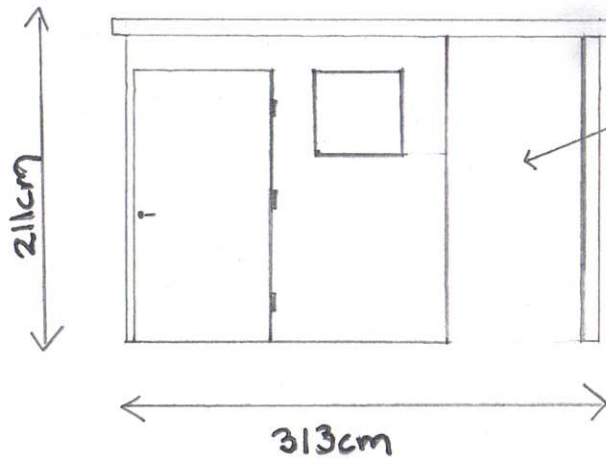
Scale 1:50 @ A4

3m

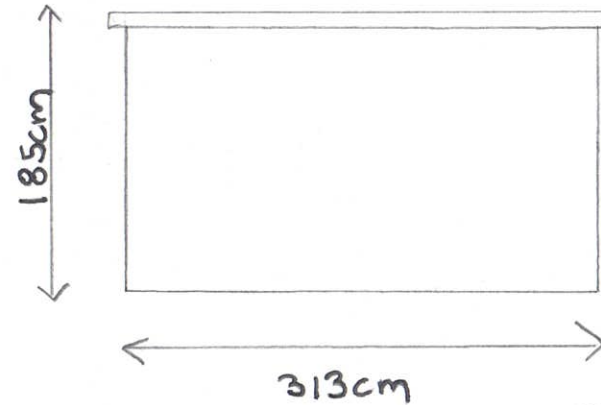
## Storage Shed Elevations - Bryher Shop

RECEIVED

By A King at 3:39 pm, Feb 15, 2022



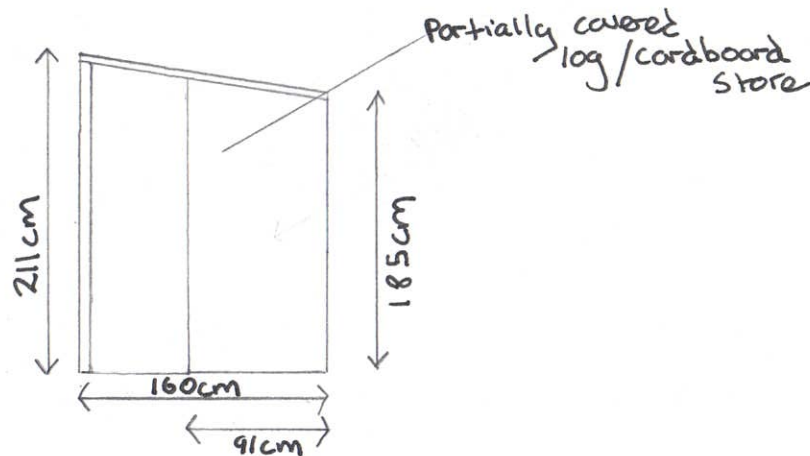
Front (east) Elevation

Partially covered  
log/cordboard  
store.

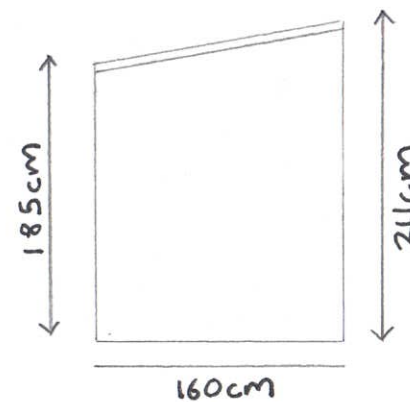
Rear (west) Elevation

APPROVED

By Lisa Walton at 6:30 pm, Apr 27, 2022



Right (north) Elevation



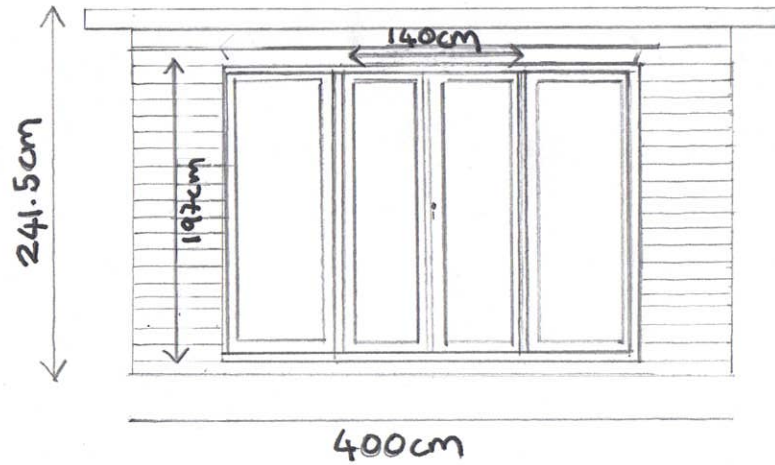
Left (south) Elevation

Scale 1:50 @ A4  
0 3m

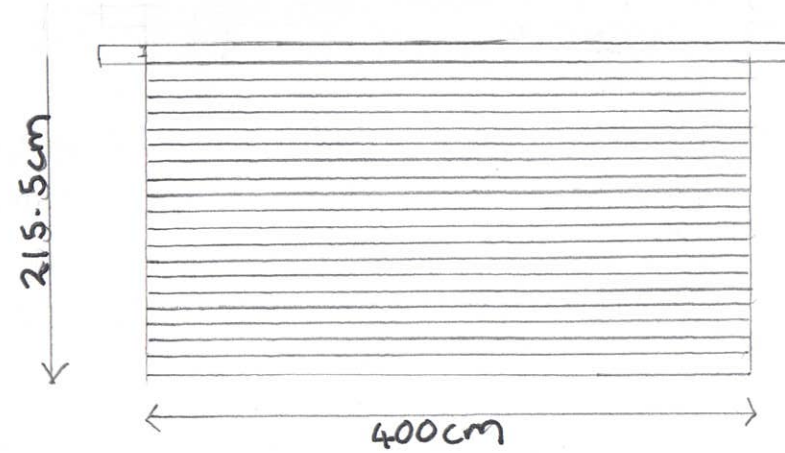
## Summer House Elevations - Bryher Shop

RECEIVED

By A King at 3:47 pm, Feb 15, 2022



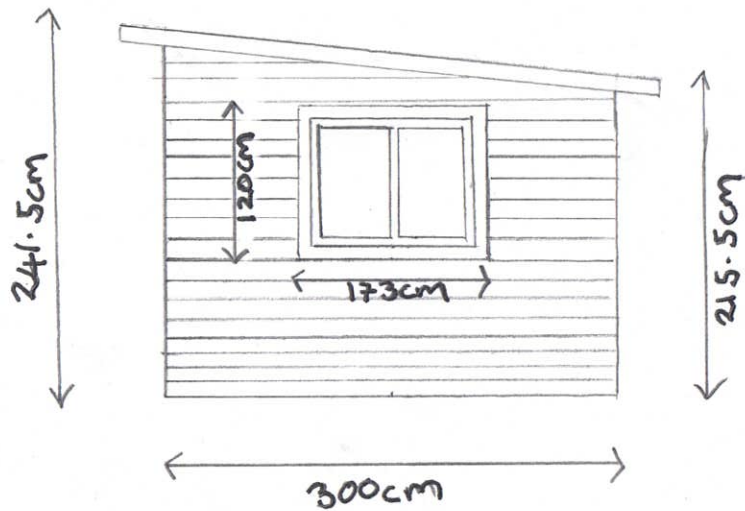
Front (South) Elevation



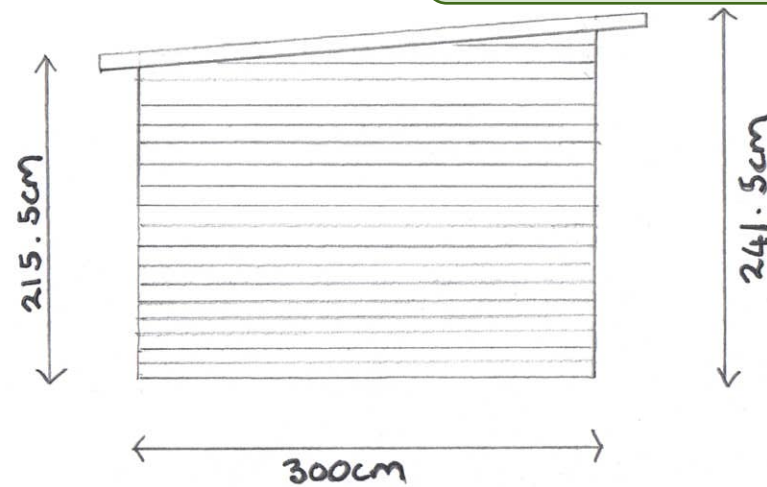
Rear (North) Elevation

APPROVED

By Lisa Walton at 6:28 pm, Apr 27, 2022



Right (East) Elevation



(Left) West Elevation

Scale 1:50 @ A4  
0 2m



## **Bryher Shop Change of Use, Erection of Summer House and Erection of Storage Shed – Design & Access Statement**

### Proposal

Change of use of land to extend domestic/commercial curtilage of Bryher Shop for the siting of a summerhouse (retrospective) and a new storage shed.

### Background

Bryher Shop has been trading as the sole grocery, Post Office and general goods store on Bryher now since 2011. The shop provides an essential service to the residents of Bryher year-round and is virtually the primary supplier of groceries to large numbers of visitors who come to visit and stay on the island during the Spring/Summer season.

The shop site consists of the shop building, stock warehouse, a small kitchen, Post Office/Royal Mail sorting office, a two roomed unit of staff accommodation, a grassed area of outside the front of the shop where patrons can sit and also a gravel section outside the warehouse which is used for vehicle parking, unloading and access to the accommodation.

The accommodation associated with the shop does not provide enough space for a family home and is not ideal to run a business from, with no spare room available in either the shop or the accommodation to be used as an office, storage or to support domestic arrangements.

In the winter of 2020, we had successfully secured two members of staff who were to work at the shop from June 2020 to September 2020 and were to be accommodated on the campsite for the duration of this period. Unfortunately, because of the COVID 19 pandemic, which started in late February 2020, the shop lost both members of staff as they were advised to remain in employment on the mainland where possible. We also decided that accommodating staff on the campsite was probably not a suitable arrangement to ensure the ongoing viability of the business through the pandemic during the summer.

We had planned to apply for planning permission to build a summerhouse which would act as an office in early 2020. After the loss of our staff, we were faced with a situation whereby two of us would have to run the shop and provide our delivery service. When we eventually came out of lockdown we turned to friends and family to help us keep the business running, without this support it would have been impossible for us to continue to run the shop. To facilitate this, we accelerated our plan to build the summer house and began construction of the summerhouse in May 2021 in order to provide somewhere for our friends and family to sleep, whilst sharing cooking and toilet facilities with us in the shop flat. The summer house

is not a residential unit, it is simply a room which has a limited power supply provided by a small ground mounted solar panel.

We were aware that this building was erected without planning permission but contacted the council in to highlight this and agreed to submit a retrospective planning application for the summerhouse.

Since the establishment of the shop in 2011 it is understood that waste cardboard has always been disposed of by burning. Since taking over the business in 2019 we have burnt out excess cardboard on a site provided by Hillside Farm. This site is no longer available and as we don't have a site on suitable for burning, we are now disposing of our cardboard waste at the rubbish dump on Bryher. The council is providing large white sacks which we can fill with cardboard, which is then transported off the island for recycling on St Mary's, at a cost to the shop. Previously we would be burning cardboard between 2-3 times a week in peak season. Cardboard is usually stored in the shop warehouse or in large bags o/s the shop. We are increasingly short of space and need to find another place to store cardboard as to free up much needed space for packing orders and storing stock. Previously, when we have run out of space to store cardboard in the warehouse we have previously stored it in large sacks outside the shop. This is not ideal as if it rains these sacks do not keep the cardboard dry, which is a specific requirement for shipping it off of Bryher. These sacks also take up parking spaces and are unsightly. We are also increasingly short of freezer space and have recently utilised freezers at Hillside farm which is not sustainable, the proposed new storage shed is proposed to also house a new chest freezer.

### Site Location

Bryher shop is in the centre of Bryher, it sits on New Road which runs from the north to the south of the island. It's is positioned amongst the most densely populated area on Bryher which is commonly referred to as 'The Town' and its closest building is Bryher Gallery to the south and Castle Bryher to the north.

The proposed land which makes up the application to extend the domestic/commercial curtilage of Bryher Shop sits to the east of the shop and has been used as a garden for people living in the shop accomodation for a number of years.

This proposal also includes the erection of two sheds. One summer house (3m x 4m) which is a retrospective application along the northern boundary of the land to the rear of the shop and the other, a small pent storage shed (1.6m x 3m) to provide additional storage for the shop warehouse in the current shop 'car park' to the west elevation.

### **COU, land curtilage to the shop**

The Change of Use element of this application applies to a strip of land which sits on the other side of a granite boundary wall which runs along the length of the shop's eastern boundary, see Figures 1 and 2 below. There is a gap in the granite wall allowing access from the land which is currently curtilage to the shop which was already in place prior to the initiation of our tenancy. This land has no specified use and is currently leased to us under a



separate tenancy agreement with the Duchy of Cornwall. Conversations are ongoing with the Duchy of Cornwall to add the land lease to the lease for the shop.



**Figure 1. Land to rear of Bryher Shop, facing north & position of Summer House**



**Figure 2. Land to rear of Bryher Shop, facing south**



The strip of land in question has no access other than from the side of the shop or from the rear of the garden at Mincarlo and as a result can be of no use to anyone other than the residents of either of the two properties. Prior to the summer house being built the strip of land was considerably overgrown.

### **Summer House**

The summerhouse has been erected at the northern end of the land to the rear of the shop and sits behind a single storey concrete store in the garden of Mincarlo, see Figure 1 above and construction pictures in Appendix 2.

The area that the summer house has been constructed on was previously cleared and gravelled over by the previous occupants of the shop, see Figure 3 below. By the time that we took on the shop tenancy in 2019 this area was significantly overgrown. We took on the Duchy tenancy for this piece of land in late 2019 and since then have cleared and maintained the area so that it can be used as additional private outside space for the shop accomodation.



**Figure 3. The Summer House site prior to construction.**

This planning application concerning the construction of the Summer House is a retrospective application. Please see Figure 4 below for the completed construction.



**Figure 4. Completed Summer House.**

The left elevation of the Summer House can be seen from the side of the shop accomodation, see Figure 5 below.



**Figure 5. View of Summer House from West Elevation of Bryher Shop**

The Summer House can also be seen from the pathway between Mincarlo and Pera, see Figure 6 below. We also understand that the front left corner of the shed can be seen from the elevated garden of Vine cottage and from the balcony of Hillcrest.





**Figure 6. Front left corner of Summer House between Pera and Mincarlo facing south.**

### **Storage Shed**

The new storage shed is proposed to be situated behind the hedge running along the road to the front of the shop, see Figure 7 below. It will take up one parking space which currently is used to park the trailer that the shop uses to transport stock from the quay to the shop. This trailer can be moved to the side of the shop and there will be no adverse effect because of the loss of this space as vehicles are normally unable to park there due to the positioning of the trailer and its often too tight for people to manoeuvre their vehicles into this space.



**Figure 7. Proposed site for new Storage Shed**

## Design

### **Summer House**

The Summer House is a simple timber (slow grown Nordic Spruce) construction of interlocking timber walls, pressure treated timber floor, double glazed windows, double doors, and a felt roof (see Figure 8 below). It is 4m x 3m and the eaves height is 215.5cm. The Summerhouse has been built on a recycled plastic base which is filled with gravel and sits on a rammed earth base. This means that the construction is completely reversible and has a minimal impact on the environment it is situated in. Power to the Summer House is currently provided by a small solar panel and it is proposed that an electrical supply will be installed following approval of this planning application.





**Figure 8. Summer House Design**

### **Storage Shed**

The proposed new storage shed is constructed of pressure treated Shiplap tongue and groove timber making it exceptionally durable, see Figure 9 below. The storage shed will be 3.13m x 1.60m, with an eaves height of 1.85m. A electric supply will be necessary for the storage shed as it is intended that the shed will house a new freezer which will be essential to provided much needed space for frozen produce. It is proposed to run this supply via a trench across the car park from the shop warehouse.



**Figure 9. Storage Shed Design**

### Access

The Summer House and Storage Shed are ancillary to the existing shop and accommodation with access via existing vehicular and pedestrian entrances to the shop and surrounding land. There will be some disruption to the car parking space available outside the shop whilst the trench for this supply is being dug and the electric supply is installed. This will have a minimal impact as most people visit the shop on foot and there are other areas along the town road that can be utilised during this time.

There will be no additional journeys as a result of these proposals. The construction of the new storage shed will reduce vehicular journeys around the island to collect stock from other off-site freezers used in previous years.

### Waste Management

The Summer House timber shed resulted in very little waste as the land had already been cleared of foliage and any sole removed during the levelling process was reused in the shops surrounding land. There was minimal waste material from the summer house construction as it was prefabricated. Any waste timber has been reused in the shop building as shelves or used to construct an outside log store.

The proposed new storage shed will require minimal excavation to provide a simple concrete base. The shed will be prefabricated which will reduce the amount of waste material. Any waste timber will be utilised elsewhere.

All other waste has been/will be separated and disposed of through the appropriate segregated commercial waste streams.