



COUNCIL OF THE ISLES OF SCILLY

Planning Department

Old Wesleyan Chapel, Garrison Lane St Mary's, Isles of Scilly, TR21 0JD

☎01720 424455

✉planning@scilly.gov.uk

Mr and Mrs Nicholls
Prospect Lodge
Well Lane
Hugh Town
St Mary's
Isles Of Scilly
TR21 0HZ

Email only: [REDACTED]

28 April 2025

Dear Mr and Mrs Nicholls,

Re: P/25/027/S106MO: Prospect Lodge, Well Lane, Hugh Town, St Mary's
Isles Of Scilly TR21 0HZ

Proposal: Application for the modification of the section 106 planning obligation in relation to the planning permission P3450 dated 29th January 2015 to amend the qualifying period for specific local need criteria down to 3 years.

This letter is to notify you that **your application registered** on 13 March 2025 to modify the Section 106 planning obligation **has been refused**. The considerations that led to this decision can be read in the Officers report, which is available online:

<https://www.scilly.gov.uk/planning-application/planning-application-p25027s106mo>. The current Section 106 Planning Obligation of P3450, as issued in 2015, remains in place *unmodified* in relation to this property including the occupancy restrictions. The reasons for refusal are set out below:

- R1 The proposed variation of the S106 would result in a unit of residential accommodation being available to persons who do not meet the Specific Local Need minimum five-year continuous residency criterion, contrary to policy LC2 of the Isles of Scilly Local Plan 2015-2030. The S.106 agreement as currently worded therefore continues to serve a useful purpose in restricting the occupation of the dwelling known as Prospect Lodge to qualifying persons, and is in broad conformity with policies LC1, LC2 and LC7 of the Isles of Scilly Local Plan (2015-2030.)**
- R2 Insufficient evidence has been provided to justify a reduced residency requirement that would, in any event, fail to accord with the requirements of current development plan policies. The proposal is therefore contrary to policy LC2 of the Isles of Scilly Local Plan (2015-2030.)**

The S106 Planning Obligation, attached to this property, is more than 5 years old and as such you have a right to appeal this decision under Section 106B of the Town and County Planning Act 1990 (as amended). Details of appealing are attached.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Lisa Walton', written in a cursive style.

Lisa Walton MRTPI
Chief Planning Officer



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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

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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 by email: planning@scilly.gov.uk for assistance.