

Council of the Isles of Scilly

Delegated Planning Report

Householder application

Application Number: P/25/030/FUL

UPRN: UPRN: 000192001614

Received on: 17 March 2025

Valid on: 8 April 2025

Application Expiry date: 3 June 2025

Consultation expiry date: 2 May 2025

Site notice posted: 9 April 2025

Site notice expiry: 2 May 2025

Case Officer: PSMYTH

Applicant: David Mawer

Site Address: Porthloo Farmhouse,
Porthloo,
St Mary's,
Isles Of Scilly,
TR21 0NF

Proposal: To erect a polycarbonate rigid poly tunnel and reinstate the
end of the farm building

Application Type: FULL

Recommendation: PERMIT

Summary Conditions

1. Standard time limit (3 years)
 2. In accordance with the approved plans
 3. Materials as per application
 4. 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: 28/04/2025

Site Description and Proposed Development

The application site forms part of the Porthloo Farmhouse site and is located to the east of Porthloo Lane, to the west of the island of St Mary's. The site comprises a number of adjoined farm buildings which have fallen into disrepair. The site is accessed via Porthloo Lane.

Permission is sought for the following works:

- The reinstatement/repair of the end of an existing small, pitched-roof building known as the 'Boiler Pit' by:
 - Replacing the roof with new corrugated bitumastic sheets on a 5.5mm construction plywood with a clear PVC corrugated sheet to admit daylight.
 - Reconstructing the south-eastern gable end using timber frame, ply boards and corrugated bitumastic sheets.
- The erection of a rigid 6mm polycarbonate tunnel on heavy duty galvanised steel frame (L 10m x W 3m x H 2.3) within the footprint of the old 'Bottom Glasshouse'.

Certificate: B

Other Land Owners: Duchy of Cornwall Estate

Consultations and Publicity

The application has had a site notice on display for 21 days (09/04/2025 – 02/05/2025). The application appeared on the weekly list on 14th April 2025. Due to the nature of the proposal external consultations are required as set out below.

Consultee	Date Responded	Summary
Natural England	22/05/2025	Refer to standing advice.

Representations from Residents:

Neighbouring properties written to directly: None

[0] letters of objection have been received.

[0] letters of support have been received.

Relevant Planning History:

No relevant planning history.

Constraints:

- Conservation Area
- Isles of Scilly National Landscape
- Heritage Coast

Planning Assessment

Design	YES OR NO
Would the proposal maintain the character and qualities of the area in which it is proposed?	YES
Would the proposal appear in-keeping with the appearance of the existing dwelling, street and area?	YES
Would the materials, details and features match the existing dwelling and be consistent with the general use of materials in the area?	YES
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?	N/A
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
Is the scale proposed in accordance with NDSS	N/A

Amenity	YES OR NO
Is the proposal acceptable with regard to any significant overlooking/loss of privacy issues?	YES
Has the proposal been designed to respect the amenities of neighbouring properties avoiding unreasonable loss of light or an overbearing impact?	YES
Is the proposal acceptable with regard to any significant change or	YES

intensification of use?	
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Heritage	YES OR NO
Would the proposal sustain or enhance the character and appearance of the Conservation Area?	YES
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/A
Within an Archaeological Constraint Area	N/A

Other Impacts	
Does the proposal comply with Highways standing advice such that it does not adversely affect highway safety?	N/A
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	YES
Are the Water connection/foul or surface water drainage details acceptable?	N/A
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	NO

Protected Species	YES OR NO
Does the proposal include any re-roofing works or other alteration to the roof	YES – see report
Does the proposal include any demolition	NO
Does the proposal include tree or hedge removal	NO
Is an assessment of impact on protected species required	NO
Has an assessment been provided that adequately assesses the site and includes mitigation, enhancement and timing requirements	N/A
Are biodiversity enhancement measures required	NO
Is a condition required to provide biodiversity enhancement measures	NO

Waste Management	YES OR NO
Does the proposal generate construction waste	YES
Does the proposal materially increase the use of the site to require additional long-term waste management facilities	NO
Does the proposal include a Site Waste Management Plan	NO
Is a condition required to secure a Site Waste Management Plan	YES

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

Analysis:

Visual/Landscape and Heritage Impacts: Policy SS2 requires new development to be of a high-quality design and contribute to the islands' distinctiveness. Policy OE1 seeks to protect the AONB and Heritage Coast, and any development must conserve and enhance the landscape, seascape and scenic beauty of the area and be consistent with its special character and importance of its conservation.

Policy OE7 sets out that great weight will be given to the conservation of the islands' irreplaceable heritage assets. Development will be permitted where it preserves or enhances the character or appearance of the Isles of Scilly Conservation Area and its setting.

Policy OE7(5) advises that development will be permitted where it preserves or enhances the character and appearance of the area and its setting. The design and location of a development proposal should take account of the development characteristics and context of the area and the form, scale, size and massing of nearby buildings together with materials of construction.

The proposed polytunnel would be sited on existing hard standing, part-enclosed by low walls which used to enclose the old 'Bottom Glasshouse'. Whilst the polytunnel would be visible from the public realm, the existing built form assists in screening part of the polytunnel which would ensure it would not appear overly

prominent. Further, it would not be an uncommon occurrence in an agricultural setting.

The repairs to the 'Boiler Pit' would improve its appearance having fallen into disrepair. Whilst the proposed materials may not otherwise be encouraged, they are in keeping with the existing materials and character of the building and would therefore conserve the appearance of the building and wider area. On this basis, there would be no harm to the Conservation Area or the National Landscape, the proposed development is therefore considered acceptable and in accordance with Policies OE1, OE7 and SS2.

Residential Amenity: Policies SS2 and LC8 require proposals to safeguard residential amenities. The application site is well separated from the closest residential properties, as such no concern is raised with regard to the impact on residential amenity in terms of overlooking, loss of privacy, loss of light or overbearance. The development would not intensify the use of the site. On this basis, the proposal is considered to accord with Policies SS2 and LC8.

Waste management

Policy OE5 requires that all development proposals demonstrate best practice in addressing waste management solutions, must align with the waste hierarchy and be supported by a waste management plan (SWMP).

No SWMP has been submitted. It is noted that the proposed works would generate construction waste, albeit not large quantities. Notwithstanding this, it is important that waste disposal is handled correctly and responsibly on the islands. As such, a condition is recommended requiring the submission of a SWMP prior to the commencement of work. On this basis, the proposed development would accord with Policy OE5.

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

The proposal would involve repairs to the 'Boiler Pit' roof and its side elevation. No ecological survey has been provided with the application. It is recognised that the works to replace the roof and side elevation may not have required express planning permission but have been submitted alongside the proposed polytunnel. As such, the work may have been undertaken without an application being

submitted. On this basis, it is considered that it would not be reasonable to insist on the provision of ecological information to assess the potential impact on protected species. Notwithstanding this, the applicant is reminded that it is an offence to disturb protected species and works should be stopped should protected species be found during construction and the advice of an ecologist should be sought.

Given that the proposed development would not result in the loss or disturbance of habitat, the proposal would be exempt from the requirement to provide statutory BNG. Furthermore, given the minor nature of the works proposed, it is not considered proportionate to secure further biodiversity net gain under OE2 in this instance. The proposal is therefore considered to accord with OE2.

Conclusion

The proposed works are considered to be acceptable in terms of design, scale and materials and they would not give rise to harm to residential amenity or negative impacts on heritage assets or the National Landscape. The proposal is therefore considered acceptable.

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	

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**
- **Plan 2 Site Plan**
- **Plan 3 Proposed North West Elevation**
- **Plan 4 Proposed South East Elevation**
- **Plan 5 Proposed South Elevation**
- **Plan 6 Proposed Roof Plan**
- **Site Waste Management Plan**

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 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.

Further Information

1. **STATEMENT OF POSITIVE ENGAGEMENT:** In dealing with this application, the Council of the Isles of Scilly has actively sought to work with the applicants in a positive and creative way, in accordance with paragraph 39 of the National Planning Policy Framework 2024.
2. **POST-DECISION AMENDMENTS:** 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 or the submission of a full planning application for a revised scheme. Please discuss any proposed amendments with the Planning Officer. There is a fee to apply for a non-material amendment and the most up to date fee will be charged which can be checked here:
https://ecab.planningportal.co.uk/uploads/english_application_fees.pdf
3. **BATS:** The Applicant is reminded of the provisions of the Wildlife and Countryside Act 1981 and the E.C. Conservation (Natural Habitats) Regulations Act 1994, the Habitat and Species Regulations 2012 and our Natural and Environment and Rural Communities biodiversity duty. This planning permission does not absolve the applicant from complying with the relevant law protecting species, including obtaining and complying with the terms and conditions of any licences required, as described in part IV B of Circular 06/2005. Care should be taken during the work and if bats are discovered, they should not be handled, work must stop immediately, and a bat warden contacted. Extra care should be taken during the work, especially when alterations are carried out to buildings if fascia boards are removed as roosting bats could be found in these areas. If bats are found to be present during work, they must not be handled. Work must stop immediately, and advice sought from licensed bat wardens. Call The Bat Conservation Trust's National Bat Helpline on 0845 1300 228 or Natural England (01872 245045) for advice.
4. **BUILDING REGULATIONS:** This decision is not a determination under the Building Regulations. Please ensure that all building works accord with the Building Regulations 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.

5. **BIODIVERSITY NET GAIN:** 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 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.
6. **COMMENCEMENT NOTICE:** Under Section 93G of the Town and Country Planning Act 1990 (as amended), this decision notice informs you that a 'commencement notice' must be served on the Local Planning Authority - subsections (2) and (3) are set out below:
- (2) Before the development is begun, the person proposing to carry it out must give a notice (a "commencement notice") to the local planning authority specifying the date on which the person expects the development to be begun.
 - (3) Once a person has given a commencement notice, the person:
 - o may give a further commencement notice substituting a new date for the date previously given, and
 - o must do so if the development is not commenced on the date previously given
- The notice should be provided to the Local Planning Authority a minimum of seven (7) days before the development commences.
- Failure to provide the commencement notice could lead to the Local Planning Authority serving notice on them to require information to be provided, and if that is not provided within 21 days, they will be guilty of an offence, as below:
- (5) Where it appears to the local planning authority that a person has failed to comply with the requirements of subsection (2) or (3)(b), they may serve a notice on any relevant person requiring the relevant person to give the authority such of the information prescribed under subsection (4)(a) as the notice may specify.
 - (7) A person on whom a notice under subsection (5) is served is guilty of an offence if they fail to give the information required by the notice within the period of 21 days beginning with the day on which it was served.
 - (9) A person guilty of an offence under subsection (7) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- PLEASE NOTE: The requirement under Section 93G of the Town and Country Planning Act 1990 (as amended) is separate from any requirements under the Community Infrastructure Levy Regulations 2010 (as amended) or any requirements for serving notices secured through the signed Section 106 Legal Agreement.

Print Name: Lisa Walton

02/06/2025

Job Title: Chief Planning Officer

Signed:



Authorised Officer with Delegated Authority to determine Planning Applications
