

Council of the Isles of Scilly

Delegated Planning Report

Full Planning & Listed Building Consent

Application Number: P/25/037/FUL & P/25/038/LBC

UPRN: 000192000497

Received on: 21 March 2025

Valid on: 14 April 2025

Application Expiry date: 9 June 2025

Neighbour expiry date: 24 April 2025

Consultation expiry date: 16 May 2025

Site notice posted: 24 April 2025

Site notice expiry: 16 May 2025

Case Officer: Stella New

Applicant: Neil Godden
Site Address: Rock House
Higher Town
St Martin's,
Isles Of Scilly
TR25 0QL

Proposal: To remove asbestos cement tiles on shared roof of Rock House and Rock Cottage, reroof with dry laid and nailed Riverstone Slate, renew fascia and soffit boards and replace aged rainwater goods (Listed Building).

Application Type: Full Planning / Listed Building Consent

Recommendation: P/25/037/FUL APPROVE

P/25/038/LBC APPROVE

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 D Marcus

Date: 28/04/2025

Site Description and Proposed Development

The application site comprises Rock House, a Grade II listed two-storey building which has been subdivided into two dwellings (Rock House and Rock Cottage.)

It is located on St Martin's outside any established settlement boundary, within the Conservation Area and Isles of Scilly National Landscape (AONB.) The building group is in a prominent location near Newman Point.

The Historic England listing describes the whole building as:

House, now 2 dwellings. 1822 inscription to front door lintel; remodelled and extended in later C19. Roughly coursed granite rubble; gabled slate roof; brick ridge and end stacks. 3-unit single-depth plan extended to double-depth plan in later C19. 2 storeys; 4-window range. Granite lintels over late C19 plank door to left of centre and late C20 half-glazed door to right of centre and horned 2/2-pane sashes. Blocked doorway to right gable end and similar sashes to rear. Interior remodelled in mid C20. Included as a dated example of a Scillonian house and for group value with the Methodist Chapel (q.v.).

The proposal seeks to replace existing asbestos cement roof tiles with dry laid Riverstone natural slate tiles, which will not affect the structural integrity of the underlying roof timbers. The dark grey clay wet laid ridge tiles and lead flashings will be replaced like for like. Existing UPVC rainwater goods will be replaced with black upvc rainwater goods and any damaged fascias will be replaced with white painted boards and fixings. The chimney stacks will also be re-pointed where required.

Certificate: B

Other Land Owners: Melanie Shuldham, Rock Cottage and Duchy of Cornwall

Consultations and Publicity

The application has had a site notice on display for 21 days (24 April-16 May.)
The application appeared on the weekly list on 22 April 2025. Due to the nature and location of the application no consultations were required.

Representations from Residents:

None received

Relevant Planning History:

None

Constraints:

- Conservation Area
- Area of Outstanding Natural Beauty
- Heritage Coast
- Grade II Listed Building

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?	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

Amenity	YES OR NO
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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?	N/A

Heritage	YES OR NO
Would the proposal preserve 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?	Y
Within an Archaeological Constraint Area	N
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	Y
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	N

Protected Species	YES OR NO
Does the proposal include any re-roofing works or other alteration to the roof	Y
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	Y
Has an assessment been provided that adequately assesses the site and includes mitigation, enhancement and timing requirements	Y
Are biodiversity enhancement measures required	N
Is a condition required to provide biodiversity enhancement measures	N

Waste Management	YES OR NO
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	N
Is a condition required to secure a Site Waste Management Plan	N

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

Planning Assessment - P/25/037/FUL

Principle of Development: Isle of Scilly Local Plan Policy LC8 provides support for the alteration of lawful dwellings. The proposal seeks a change of materials to the roof covering and replacement/repair of rainwater goods and other existing features of the building, which would accord with LC8. However, the dwelling is a listed building within a conservation area. The overall acceptability of the proposals therefore depends on the impact on the listed building and whether the proposal is acceptable in heritage terms. This is considered in detail below.

Design, Visual and Landscape, Seascape, Historic Environment Impacts: Section 66 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 relates to the grant of planning permission and states 'in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority...shall have special

regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'. Section 72 relates to the exercising of any planning function and states "with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area".

When assessing proposed changes to heritage assets the NPPF part 16 requires that 'great weight' should be given to the objective of conserving designated heritage assets and they should be conserved in a manner appropriate to their significance. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

Policy OE7 requires that great weight is given to the conservation of the islands' irreplaceable heritage assets including the Conservation Area and listed buildings.

The application is supported by a Heritage Statement which identifies that although the asbestos tiles were present at the time of listing in 1992, it is likely that the roof was originally of natural slate. The nearby Grade II listed methodist chapel built in 1840 has a dry laid natural slate roof with dark grey wet laid clay ridge tiles, as do other Scillonian buildings of a similar age. The replacement with natural slate tiles will therefore provide an enhancement to the appearance of the building and conservation area. Similarly, the replacement of the UPVC rainwater goods, which are a mixture of black, white and grey with a consolidated black rainwater goods will represent an overall enhancement.

The proposal will therefore preserve the building and its setting in accordance with policy OE7 and the NPPF and is acceptable in heritage terms.

Ecology: Policy OE2 seeks to conserve and enhance biodiversity and priority habitat and ensure proportionate and appropriate biodiversity net-gain is secured. The proposed development seeks to insert a new window and would not result in a loss of biodiversity.

The application is not supported by any biodiversity net gain information. However, as the proposals involve works to an existing building it is acknowledged that no habitat will be impacted. The proposal therefore meets the 'de minimis' exemption.

The submitted Preliminary Roost Assessment identifies a number of potential roosting opportunities for bats associated with structures that will directly impacted by the proposals, and that two emergence surveys are required. The surveys were carried out during the course of the application and although bats were observed foraging around the site, none were observed emerging or entering the building. The submitted presence/absence survey confirmed no bats were recorded and no further surveys were recommended.

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.

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 Site Waste Management Plan (SWMP.) This sets out how waste will be managed including the disposal of asbestos cement roof tiles, upvc rwgs and general waste arising from the project. Overall it is considered that the proposal accords with policy SS2.

Residential Amenity: Policies SS2 and LC8 require proposals to safeguard residential amenities. The proposal therefore presents no concerns in terms of overlooking or overshadowing. The proposal is therefore considered to accord with SS2 and LC8.

Conclusion: Given the above it is considered that the proposal is in accordance with the Development Plan and there are no overriding material considerations to otherwise indicate that permission should not be granted. It is therefore recommended that planning permission be granted subject to the conditions set out at **Appendix A**.

Planning Assessment - P/25/038/LBC

In considering whether to grant Listed Building Consent, in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Local Planning Authority is required to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest, which it possesses.

When assessing proposed changes to heritage assets the NPPF part 16 requires that 'great weight' should be given to the objective of conserving designated heritage assets and they should be conserved in a manner appropriate to their significance. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the

heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

Policy OE7 requires that great weight is given to the conservation of the islands' irreplaceable heritage assets including the Conservation Area and listed buildings.

The application is supported by a Heritage Statement which identifies that although the asbestos tiles were present at the time of listing in 1992, it is likely that the roof was originally of natural slate. The nearby Grade II listed methodist chapel built in 1840 has a dry laid natural slate roof with dark grey wet laid clay ridge tiles, as do other Scillonian buildings of a similar age. The replacement with natural slate tiles will therefore provide an enhancement to the appearance of the building and conservation area. Similarly, the replacement of the UPVC rainwater goods, which are a mixture of black, white and grey, with black upvc rainwater goods will represent an overall enhancement.

The proposal will therefore preserve the building and its setting in accordance with policy OE7 and the NPPF and is acceptable in heritage terms.

Conclusion

Given the above it is considered that the proposal meets the requirements of section 16 of the Town and Country Planning (Listed Buildings and Conservation Area) Act (1990), the relevant development plan policies and the NPPF. It is therefore recommended that listed building consent be granted subject to the conditions set out at **Appendix B**.

Other Matters

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 16, 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

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	
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	Tick if Used ✓
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.

Print Name: Lisa Walton

27/06/2025

Job Title: Chief Planning Officer

Signed: 

Authorised Officer with Delegated Authority to determine Planning Applications

APPENDIX A Planning 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**
- **Design, Access and Heritage Statement**
- **Preliminary Ecological Appraisal (PEA) by IOS Ecology, Ref: 25-2-1 dated 20 February 2025**
- **Bat Presence/Absence Survey (PAS) by IOS Ecology, Ref: 25-6-5 dated 24 June 2025**

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, OE2 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.**

Reason: To safeguard the historic fabric and the architectural character and appearance of the listed building.

- C4 With respect to nesting birds, the development, hereby approved, should be carried out in accordance with the recommendations as set out in the Preliminary Ecological Appraisal (PEA) by IOS Ecology, Ref: 25-2-1 dated 20 February 2025, particularly in respect to the timing of the works. Any works affecting the roof should be undertaken outside the breeding season which runs from March-September (inclusive) unless a documented pre-commencement inspection has first taken place to establish no nests are present. In the unlikely event that a bird nest is present, once works commence, it must be left undisturbed until any chicks have fledged, at which point works can proceed.**

Reason: In the interests of protecting birds and their habitats in accordance with Policy OE2 of the Isles of Scilly Local Plan (2015-2030).

- C5 The bird nesting enhancement opportunities set out on Page 7 of the Preliminary Ecological Appraisal (PEA) by IOS Ecology, Ref: 25-2-1 dated 20 February 2025, should be carried out either as part of the re-roofing works, or installed within the first 6 months following the completion of the development to ensure appropriate habitats for nesting birds are provided.**

Reason: In the interests of enhancing biodiversity at this site, in accordance with Policy SS2(2) g) of the Isles of Scilly Local Plan (2015-2030).

- C6 With respect to bats, the development, hereby approved, should be carried out in accordance with the recommendations as set out in the Bat Presence/Absence Survey (PAS) by IOS Ecology, Ref: 25-6-5 dated 24 June 2025, particularly in respect to the outline recommendations for the precautionary method of working (Appendix 1).**

Reasons: In the interests of protecting bats and their habitats in accordance with Policy OE2 of the Isles of Scilly Local Plan 2015-2030).

- C7 The bat habitat enhancement opportunities, set out on page 9 of the Bat Presence/Absence Survey (PAS) by IOS Ecology, Ref: 25-6-5 dated 24 June 2025, should be carried out either as part of the re-roofing works, or within 6 months following the completion of the development, to ensure appropriate habitat opportunities for bats can be provided.**

Reason: In the interests of enhancing biodiversity at this site, in accordance with Policy SS2(2) g) of the Isles of Scilly Local Plan (2015-2030).

Informatives

- BATS:** Bats and their roosts receive strict legal protection under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (as amended). All work must stop immediately if bats, or evidence of bat presence (e.g. droppings, bat carcasses or insect remains), are encountered at any point during this development. Should this occur, further advice should be sought from Natural England and/or a professional ecologist.

2. **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 Plan² 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 Council of the Isles of Scilly.

3. **BUILDING CONTROL:** 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.

4. **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:

- may give a further commencement notice substituting a new date for the date previously given, and
- 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.

APPENDIX B Listed Building Conditions

C1 The works hereby consented shall be begun before the expiration of three years from the date of this consent.

Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

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**
- **Design, Access and Heritage Statement**
- **Preliminary Ecological Appraisal (PEA) by IOS Ecology, Ref: 25-2-1 dated 20 February 2025**
- **Bat Presence/Absence Survey (PAS) by IOS Ecology, Ref: 25-6-5 dated 24 June 2025**

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, OE2 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.

Reason: To safeguard the historic fabric and the architectural character and appearance of the listed building.

C4 Upon completion of any element of the works for which Listed Building Consent is hereby granted, any damage caused to the fabric of the building shall be made good to the satisfaction of the Local Planning Authority.

Reason: To safeguard the historic fabric and the architectural character and appearance of the listed building.