

# Council of the Isles of Scilly Delegated Planning Report Listed Building Consent Application

**Application Number:** P/25/054/LBC

**UPRN:** 000192002051

**Received on:** 11 June 2025

**Valid on:** 2 July 2025

**Application Expiry date:** 27 August 2025

**Site notice posted:** 8 July 2025

**Site notice expiry:** 29 July 2025

**Applicant:** William Bax Duchy of Cornwall

**Site Address:** Ashvale Gallery  
Lower Town  
St Martin's  
Isles Of Scilly  
TR25 0QW

**Proposal:** Removal of two cast iron rooflights and replacement with stainless steel rooflights.

**Application Type:** Listed Building Consent

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**Recommendation:**

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## Summary Conditions

1. Standard time limit.
2. In accordance with approved plans
3. Materials as set out in the application

## 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: 18/07/2025

## Site Description and Proposed Development

Ashvale is a Grade II listed granite dwelling (Farmhouse) and adjoining workshop (Gallery) located in Lower Town on the island of St Martin's. The property was added to Historic England's [List Entry \(1141203\)](#) in 1992 and is described as:

*Farmhouse. Mid C19, incorporating older former dwelling. Uncoursed and roughly coursed granite rubble with C20 slate and pantile roof; brick end stacks to main mid C19 range and truncated end stack to older range. 3-unit plan to main range and 2-unit plan to older range at right angles to west two storeys. Main 3-window range has granite lintols over panelled door and horned 2/2-pane sashes. Lower former dwelling has granite lintols over C20 plank door and small window; concrete lintol over C20 window to right and C20 window under eaves. Interior: former dwelling has pegged A frame trusses.*

The proposal is to remove two rusting cast iron rooflights, which cannot currently be opened, and replace them with two triple glazed, marine grade stainless steel rooflights. It is proposed that the rooflights will be finished in black and have a three light configuration to match the existing design, and that they will be set flush in the roof plain with the surrounding pantile roof finished.

**Certificate:** A

## Consultations and Publicity

The application has had a site notice on display for 21 days (08/07/2025 – 29/07/2025). The application appeared on the [weekly list on 7<sup>th</sup> July 2025](#). Due to the nature of the proposal no external consultations are required.

## Representations from Residents:

[0] letters of objection have been received.

[0] letters of support have been received.

[0] letters of representation have been received.

#### Relevant Planning History:

Ashvale Gallery | P/12/005/LBC: Installation of a solid oak, double glazed, casement window in the west gable end, to be situated behind the existing external barn doors. Granted: 16/02/2012.

Ashvale Farmhouse | [P/22/019/HH & P/22/020/LBC](#): Replacement of existing wet laid scantle slate with dry laid Trevillet. Granted: 23/09/2022 | [P/19/032/LBC](#): Application for listed building consent for repairs to glasshouse frame and masonry walls. Granted: 07/08/2019

#### Constraints:

- Grade II Listed Building
- Archaeological Constraint Area: Lower Town
- Conservation Area
- Area of Outstanding Natural Beauty
- Heritage Coast

Planning Assessment	Yes or No
Is there a need or justification for the works?	Y
Has it been demonstrated that the works cannot be addressed through repairs or lesser works?	Y
Have the proposed works been adequately justified with regard to the impact on the significance of the heritage asset and its character and appearance?	Y
Where materials or other details are indicated in the application are these acceptable or can they be adequately secured by condition?	Y
Has it been demonstrated that the proposed works will cause no substantial harm to the significance of the listed building?	Y
Having regard to your answers above, is the application considered to be acceptable?	Y

#### Analysis

The key [Isles of Scilly Local Plan \(2015-2030\)](#) policies for this application are Policy SS1 (Principles of Sustainable Development), Policy SS2 (Sustainable Quality Design & Place-Making) and Policy OE7 (Development affecting Heritage). These policies support sensitive alterations to heritage assets that preserve or enhance their character and, where appropriate, encourage the use of traditional materials and detailing.

Further to these policies, paragraphs 212 to 214 of the [National Planning Policy Framework](#) (2024) sets out that great weight should be given to the conservation of heritage assets, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 215 then states that where a development proposal would lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The Design & Heritage Statement provided sets out the existing issue, namely that the current cast iron rooflights are rusting out due to saltwater corrosion and can no longer be opened in order to provide natural ventilation to the workshop. The Statement goes on to add that pieces of the window frame are detaching and falling to the ground. The justification for the work is therefore deemed to be clear and convincing.

To address the issue outlined, it is proposed that the existing rooflights will be replaced with corrosion resistant (marine grade stainless steel) rooflights which are capable of dealing with the environmental conditions of the islands. The replacement units will be finished in black, set flush in the roof plain, and have three light configurations to match the existing design. These details are considered to be sensitive and acceptable, but there are three other aspects of the proposal that require further consideration.

Taking each in turn, the first is that the proposed rooflights are to be triple-glazed. The second is the installation of a hardwood lining to mask the frame section against the adjoining A frame trusses. The third is the likely difference there will be in the section sizes of the existing and proposed rooflight frames. These details have each been considered in more detail and, given the only slight change each is likely to make to the property's internal and external appearance, these aspects are deemed to be acceptable in the context of Ashvale.

In summary, the proposal is considered to be “less than substantial harm” under the National Planning Policy Framework, not to compromise the overall historic character of the building, and to align with national and local policy. It is therefore recommended that listed building consent is granted.

**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 granting listed building consent. This application has been considered in accordance with Sections 16, 17, and 18 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).

### Recommended Conditions:

**C1 The development hereby authorised shall be begun not later than three years from the date of this consent.**

Reason: In accordance with the requirements of 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, received: 11/06/2025**
- **Plan 2 Block Plan (Revised), received: 02/07/2025**
- **Plan 3 Proposed Elevations (Drawing Number: 10/0142/06/02), received: 11/06/2025**
- **Plan 4 Proposed Rooflight & Specification (Drawing Number: MGL3920A), received: 28/07/2025**
- **Design & Heritage Statement, received: 11/06/2025**

**These are stamped as APPROVED**

Reason: For the clarity and avoidance of doubt and in the interests of the character and appearance of the Listed Building and Conservation Area, Area of Outstanding Natural Beauty and Heritage Coast in accordance with Policies 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 listed building building and the character of the conservation area.

**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. **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.
3. **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<sup>2</sup> 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.

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:  
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.
5. **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](mailto:buildingcontrol@cornwall.gov.uk).

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**Print Name:** Lisa Walton

27/08/2025

**Job Title:** Chief Planning Officer

**Signed:**



Authorised Officer with Delegated Authority to determine Planning Applications

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