

PLANNING AND DEVELOPMENT SERVICES

DELEGATED REPORT

Reference:	09/00260/FULCA	Case Officer	Morag Goodfellow	Tel.	01955 607754
Address:	Humster, Newtown Row, Wick				
Proposal:	Demolition of ruinous house, erection of new house, drainage & access				
Ward:	Ward 3 Wick				
Advertised:	No.	Closing Date for Reps:		27 th July 09	
Timeous Reps:	For : 0	Against: 1		Neutral: 0	
Target Date:	13 th Sept 09	Met Y	Reason not met:		
Quality Indicator:					

Planning History

YES

NO

06/00169/OUTCA: Demolition of existing ruinous house, erection of new dwelling house, drainage & access was refused by Committee on 14th August 2009 as TEC Services recommended refusal due to substandard roads & verges and increased risk of accidents and higher maintenance costs.

Appeal P/PPA/270/450 was dismissed by the reporter. He stated that the proposal should not be permitted for road safety and road capacity reasons.

DEVELOPMENT PLAN

Highland Structure Plan:

Policies: G1, G2, H3

ACCORD

CONFLICT

Caithness Local Plan:

Policies: PP3

Draft Local Plan:

Policies:

COPY

Additional Policy/Supplementary Guidance

National Planning Policy
Extensions Policy/Shopfront Policy
Development Plan Policy Guidelines - HIC
Design Guide/Development Brief
Others

ACCORD

CONFLICT

CONSULTATIONS

TECS – Roads
Policy
Scottish Water
Historic Scotland

CONSULTED

NO OBJECTIONS

OBJECTIONS

RESOLVED

SNH	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SEPA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Housing Manager	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HIAL	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Landscape	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Forestry Officer	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Archaeology	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Contaminated Land – TECS	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Others specify	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Community Council	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ASSESSMENT

Date of Site Visit:	28 th July 2009		
Site Description:	The site is located some 100 metres from the turning head at the top on Newton Row. A ruinous former house sits on the site, which stands to wall head height in part.		
Material Considerations:	The planning assessment takes account of the following and other matters identified in the main issues section:		
<input checked="" type="checkbox"/> Layout	<input checked="" type="checkbox"/> Consultee comments	<input type="checkbox"/>	Conservation area
<input checked="" type="checkbox"/> Design and materials	<input checked="" type="checkbox"/> Car parking, access and servicing	<input type="checkbox"/>	Listed building
<input type="checkbox"/> Trees and landscaping	<input type="checkbox"/> Noise	<input checked="" type="checkbox"/>	Infrastructure/drainage
<input checked="" type="checkbox"/> Residential amenity/impact on neighbours	<input type="checkbox"/> Privacy/Day-lighting	<input checked="" type="checkbox"/>	Planning history
<input checked="" type="checkbox"/> Representations	<input type="checkbox"/> Public Safety	<input type="checkbox"/>	Other:

Main issues:

This site is subject to Principal Policy PP3 of the Caithness Local Plan whereby the Council presume against the development of new housing. An exception to this policy, however, is if the proposal involves the replacement of an existing ruinous dwelling and in that respect this application is acceptable.

The Area Roads & Community Works Manager has advised that his comments from the previous application for this site (06/00169/OUTCA) still stand. In those, he advised that at several locations the existing road was surveyed as being 400mm to 600mm too narrow with the verges ranging from 850mm to 1.9m compares with the 2m standard width. He is of the opinion that because of the substandard roads and verges, further development will increase the risk of accidents and higher maintenance costs and therefore recommends that this application is refused.

Supporting information – None.

Third party comments – One letter of representation received in connection with the use of the adjacent turning head. Previously vehicles were left parked in the turning head adjacent to the field gate access to this site, which meant other vehicles, including HGV's had to reverse all the way back to the junction.

Section 75 Agreement – None.

Variations – None.

DELEGATED DECISION

Decision	REFUSE	
Action required before decision issued?	Y	
Notification to Scottish Ministers	N	Reason :
Notification to Historic Scotland	N	Reason :
Referral to Ward Members	Y	Reason : Refusal
Conclusion of Section 75 Agreement	N	Reason :
Revocation of previous permission	N	Reason :

SIGNATURE

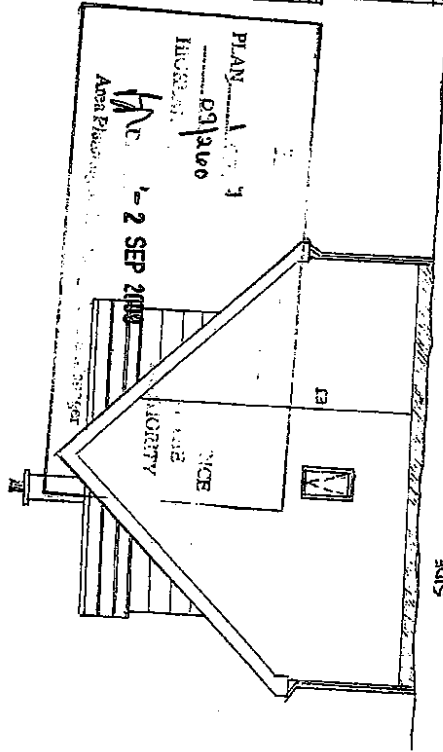
Date: 21/8/09

PI

Date: 2/9/09

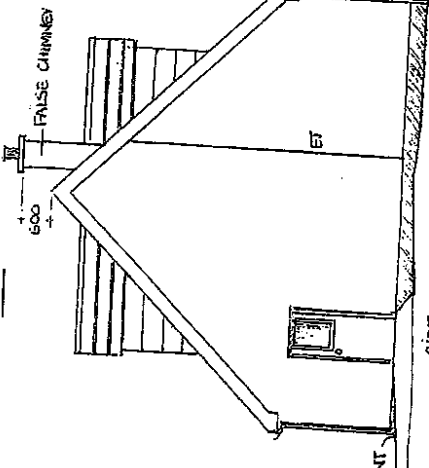
REASON FOR REFUSAL RELATIVE TO APPLICATION 09/00260/FULCA

1. The proposal does not accord with Highland Structure Plan Policy G2 Design for Sustainability as it is not compatible with road service provision.
2. The public road and associated verges leading to the application site is substandard and development of the site would lead to an increased risk of accidents.
3. Approval of the proposal would encourage further ribbon development and set and undesirable precedent for further development of a similar nature in the area.

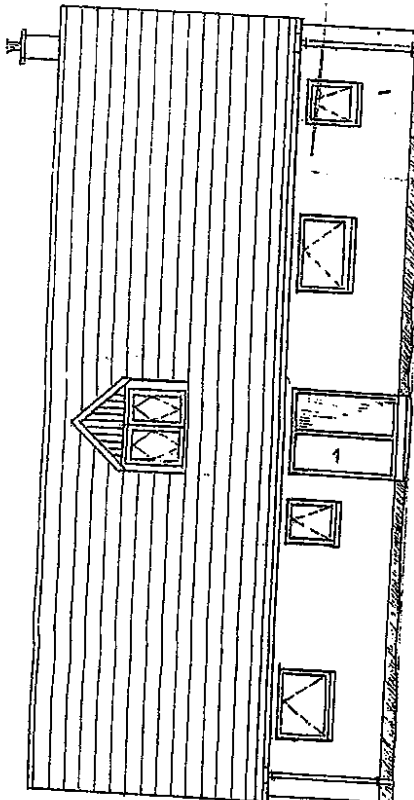


600
FALSE CHIMNEY

SIDE

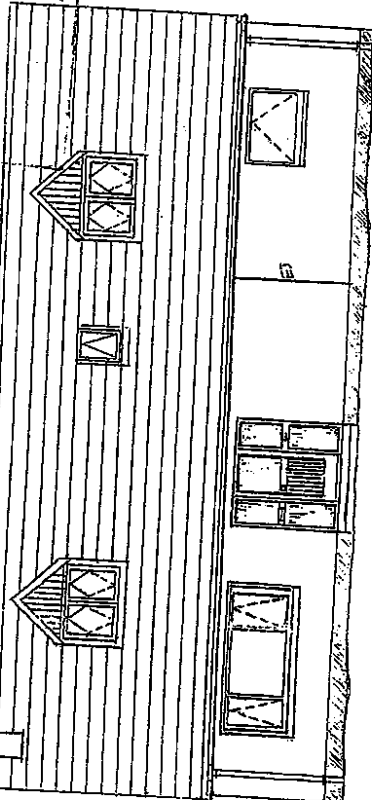


1:20
GRADIENT
RAMP



REAR

APPROVED
COUNCIL AS PLANNING AUTHORITY
DATE



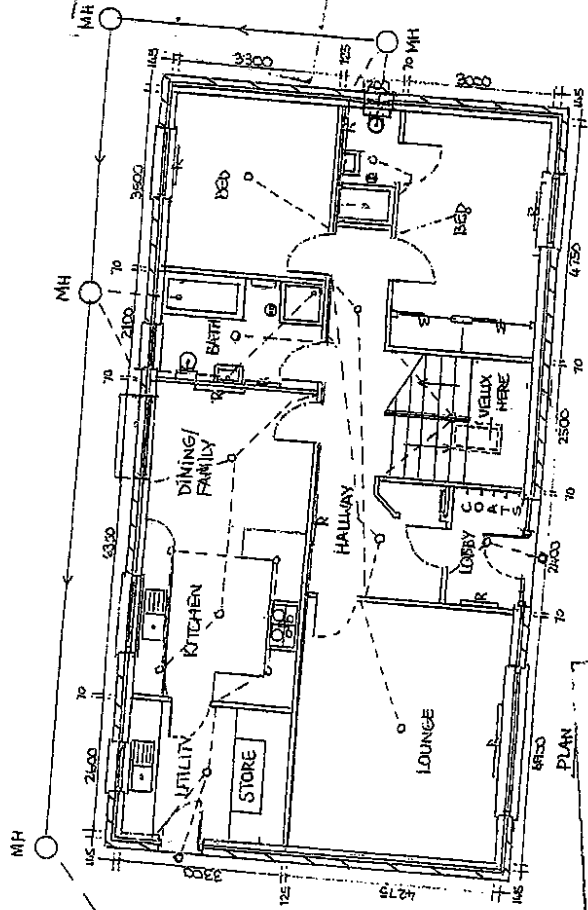
FRONT

MAIN WALL - SKYE MARBLE DRY DASH RENDER
 BASE COURSE - GREY GRANITE
 OF APPLICATION - SLATE GREY PENONN CONCRETE TILES
 WINDOWS & DOORS - WHITE UPVC
 GUTTERING - BLACK 1/2 ROUND
 RECEIVED 9/11/01

CLIENT: MR JAMES MANSON
 SITE: PROPOSED 1/2 STIDREY HOUSE
 UPPER HUMSTER
 CAITHNESS

SCALE: 1:100	DRAWN: JR	DATE: MAY 00	DIRGNO: CA-JM-01	REV:
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PLAN 2 OF 7
 HIGHLAND CC
 REFERENCE TO THE LOCAL AUTHORITY
 - 2 SEP 2009
 Alex Planning and Property Control Manager



To SEPTIC TANK AS DIRECTED BY AUTHORITY

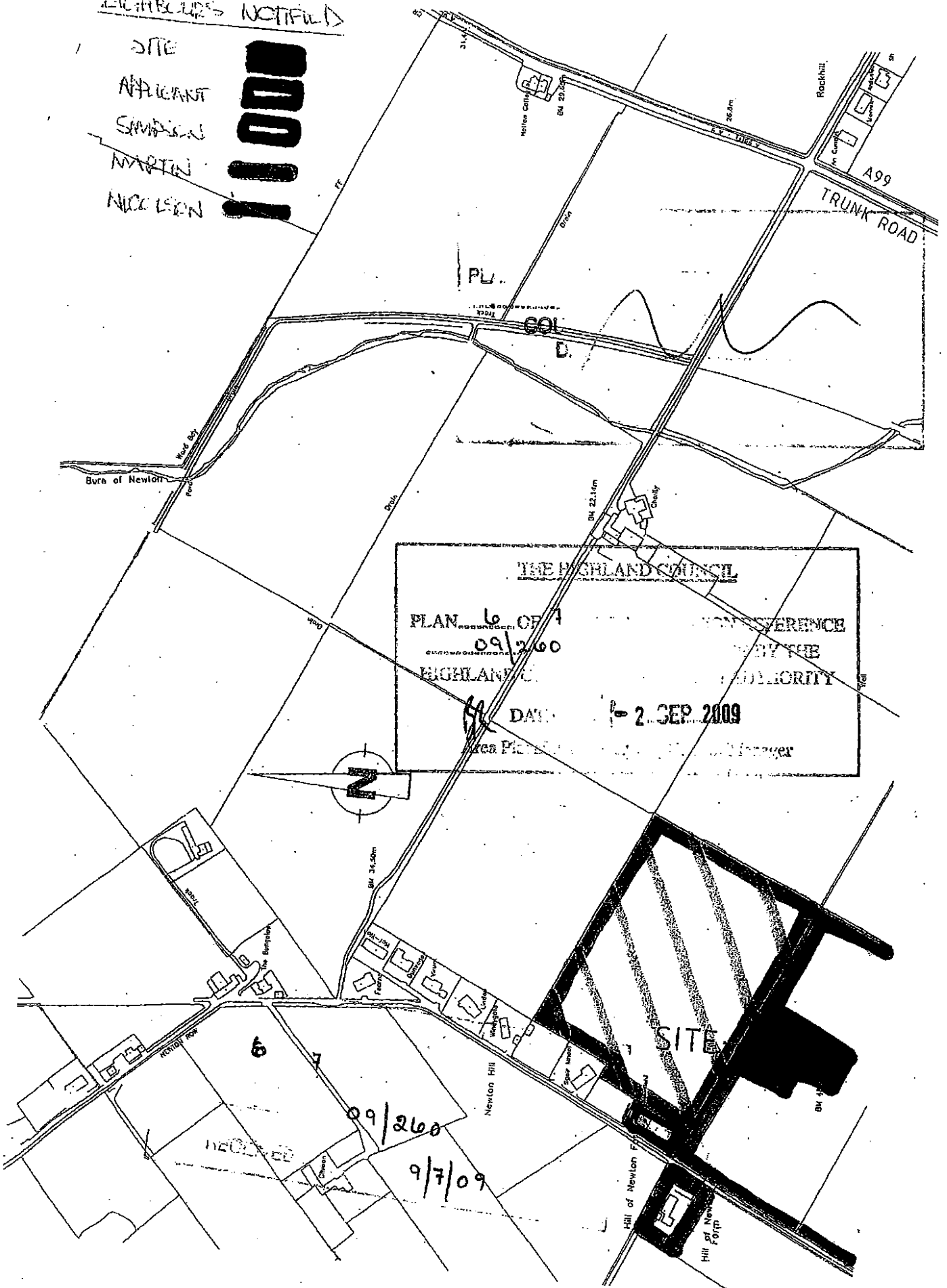
2 OF APPLICANT
 09/2/09
 RECEIVED 9/3/09

CLIENT: MR JAMES MANSON		SCALE: 1:100	DRAWN: SR	DATE: MAY/09	DRGN No: CA-JM-02	REV:
SITE: PROPOSED 1 1/2 STOREY HOUSE UPPER HUMSTER CAITHNESS						

NEIGHBOURS NOTIFIED

SITE
APPLICANT
SIMPSON
MARTIN
NICKLSON

0000
11000
11000



LOCATION PLAN

2

THE HIGHLAND COUNCIL

PLAN 6 OF 4 ... CONFERENCE

09/260

HIGHLAND ... BY THE

MAJORITY

DATE 2 SEP 2009

Area Planning ... Manager

09/260

9/7/09

NEIGHBOURS

SITE

Hill of Newton F
Hill of New
Form

Rackhill

A99

TRUNK ROAD

PL

GOI

D

Burn of Newton

THE HIGHLAND COUNCIL

PLAN 6 OF 4 ... CONFERENCE

09/260

HIGHLAND ... BY THE

DATE 2 SEP 2009

Area Planning ... Manager

2

6

7

Newton Hill

SITE

Hill of Newton F
Hill of New
Form

BUILDING SPECIFICATION:

ROOF - U value 0.16 or better.

Pitch 45 degrees (or as otherwise specified), with concrete interlocking tiles fixed according to manufacturer's instructions for severe exposure on 25 x 50 treated tiling battens on 14 x 38 treated counterbattens on reinforced roofing felt on 9 OSB on proprietary roof trusses at 600 centres to BS 5268, secured to timber wall panels with 50mm galvanised truss clips. Include 100 x 25 timber bracing to BS 5268. All subject to detailed requirements of roof truss supplier.

Insulate with 250 quilt laid between and over ceiling ties. NB quilt must overlap insulation of external walls in accordance with Accredited Construction Details (Scotland) from SBSA. Insulate cooms, where appropriate, with 120 Kingspan Thermapitch TP10 fitted in accordance with manufacturer's instructions. Finish internally with 12.5 tapet-edged plasterboard ceiling.

Provide 10mm continuous over-eaves ventilation and 5mm continuous ridge ventilation, plus FALS to gables as appropriate.

EXTERNAL WALLS - U-value 0.25 or better.

12.5 foil-backed plasterboard on 145 x 45 treated timber frame at 600 centres with 150 insulation quilt (thermal conductivity 0.03W/mK or better) between, 9 OSB sheathing, Tyvek breather membrane; 50 ventilated cavity, 100 concrete blockwork with drydash render external finish (replaced with reconstituted stone where shown).

Include cavity firestops at all corners (held back 500 from corners where reconstituted stone quoins are incorporated), at maximum 8m centres, and round all openings, using 50 x 38 treated timber with dpc against blockwork. Ventilate cavity at ground level, at first floor level (where relevant) and at eaves and verge with proprietary perpend ventilators at 1.2m centres. Infill cavity from foundation to ground level with lean mix concrete.

All wall ties to be stainless steel, @ 600 centres horizontally (coincident with studs) and 450 vertically (reducing to every course round openings).

Lintels to blockwork to be pre-stressed concrete, 100x100 for clear spans to 1.8m, 150 x 100 for clear spans between 1.8 and 3.6m, or to engineer's requirements for greater spans. Lintels to reconstituted stone to be Catnic as manufacturer's recommendations. All with minimum rest of 150mm both sides.

INTERNAL PARTITIONS 100 50

Loadbearing partitions to be 90 x 45 timber framing @ 600 centres, with double heads, two rows of 90 x 45 dwangs equally spaced, 9 plywood where specified by engineer, and 12.5 plasterboard both sides.

Non-loadbearing partitions to be 70 x 45 framing @ 600 centres with 12.5 plasterboard both sides, and with 80 quilt between frames round bathrooms and toilets.

FLOORS - ground floor U-value of 0.20 or better.

Suspended Ground floors - 22 t&g moisture resistant flooring grade chipboard on 145 x 45 (or as otherwise specified) treated floor joists @ 600 centres with 150 quilt between (supported by mesh stapled to sides of joists). Joists to bear on 100 x 25 treated wall plates on dpcs.

Solum - 50 over-site concrete on 1000 gauge continuous Visqueen damp proof membrane (aid by manufacturer's recommendations) on well blinded and consolidated hardcore, minimum 100 deep. Level internally inert base. Include 1050 x 30 x 2.5 galvanised mild steel anchor straps @ 1.2m centres. Ventilate sub-floor space with 215 x 140 FALS at maximum 2m centres. Minimum 150 between finished solum and underside of floor-joists.

Heated Solid Ground Floors - client finish on 65 sand/cement screed laid dry over and round heating pipes affixed according to manufacturer's recommendations to 75 rigid polyurethane insulation on 100 concrete floor slab on continuous 1000 gauge Visqueen dpm (aid as manufacturer's recommendations) on well blinded and consolidated hardcore, minimum 100 deep, on level chemically inert base. Include minimum 35mm edge insulation to concrete slab.

FOUNDATIONS

Main walls - 600 x 150 concrete foundations with minimum 450 ground cover. Minimum strength of 25 N/sq.mm. for single storey houses; 30 N/sq.mm. otherwise.

Sleeper walls - 450 x 150 concrete foundations with minimum 450 ground cover. All sleeper walls to be honeycomb construction, and to include crawl spaces.

EXTERNAL ACCESS

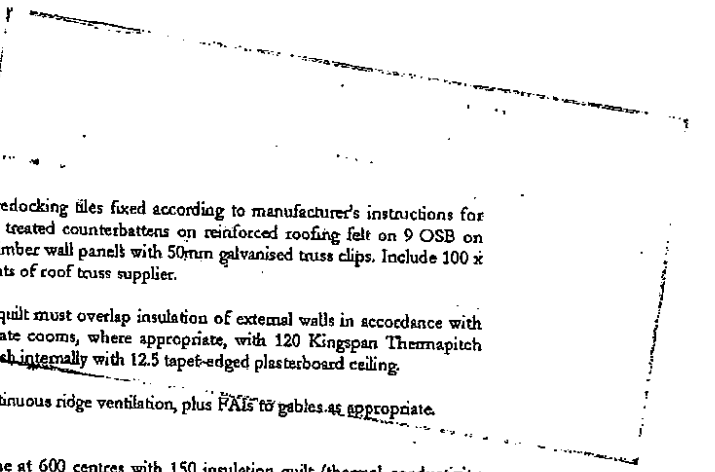
External steps to have maximum 170mm risers and minimum 250 goings, with handrails as necessary in accordance with standard 4.3.14. (INTERNALLY USE)

Ramp to be provided to minimum of one house entrance, in accordance with standards 4.3.11 to 4.3.13.

External access. Where the driveway or parking space forms part of the accessible route to the dwelling, width to be minimum 3.3m, with surface in accordance with standard 4.1.4.

HEATING

Unless otherwise specified, install oil fired central heating throughout. Boiler to be room-sealed and fan-fired (outlet minimum 600 from openings) with minimum 93% efficiency, with weather compensator, and with protective grill to balanced flue outlet. Fit individual thermostatic valves to approximately 85% of radiators.



THE HIGHWAY COUNCIL

CONFERENCE

PLAN

09/2/00

150/50

DATE

2 SEP 2009

Building Control Manager

RECEIVED 9/7/09

3

Secondary space heating may be provided to maximum 10% of total heating with optional wood-burning fire.
Oil tank (maximum 2,500 litres) to be sited minimum 1.8m from buildings and 0.75 from boundary, on level base of pre-cast concrete floor slabs minimum 50 thick and extending minimum 300 beyond tank on all sides, on prepared base. Fit emergency fire valve to tank.
Hot water discharge to be terminated in a visible and safe position, generally at low level with the discharge pipe turned to point downwards.

VENTILATION

Provide mechanical ventilation in kitchen with cooker hood to give intermittent extraction rate of 60 l/s, and in bathrooms, shower rooms and utility rooms with ceiling or wall mounted fans to give intermittent extraction rate of 15 l/s. NB extractor fan in room with clothes drying facilities to be fitted with humidistat.

DRAINAGE

~~Mains drainage. Connect to existing sewer to complete satisfaction of authorities.~~
Private foul drainage. Connect to sewage treatment plant or septic tank, sampling chamber and soakaway in accordance with results of percolation test and standard 3.8, and to satisfaction of authorities. All to be minimum 5m from buildings and from boundaries.
Private surface water drainage. 68 pvc downpipes to discharge into gully traps thence to be conducted to approved soakaways (1 cum/downpipe) minimum 5m from house and boundaries, and down-slope of house.

STRUCTURE

Roof truss design to be structurally certified by truss manufacturer, and appropriate certificate submitted to local authority.
Structural design of timber frame kit to be provided by approved structural engineer, including SER certification as necessary, and appropriate certificate submitted to local authority.

GENERAL

All drainage to be laid to the satisfaction of the local authority.
All electrical installation to comply with the current edition of the IEE regulations.
All windows fitted with controllable strip ventilators in their heads.
All upper windows fitted with hinges to permit cleaning from within room.
All glazing within 800mm of floor to be toughened or safety glass to BS 6262.
All opening sashes to upper floor windows that are within 900mm of floor to be fitted with protective barriers.
~~Garage ceiling to be clad with 2 layers 12.5 plasterboard broken bonded, and apply hatch doors to be half hour fire resisting.~~
Any cold water storage tank in roof void to be located centrally in space, on 2400x600 19mm sheathing plywood on 4no 145x45 bearers on 2no 145x45 runners spanning minimum 4no joists.
Provide clothes drying facilities inside and out in accordance with standard 3.11.6. Internal provision to be in utility room (unless otherwise specified), and room with drying facilities to include mechanical extractor fan with humidistat control.
Showers to be fitted with anti-scald valves.
Walls to shower areas to have impervious surface finish.
All hot water pipes to be installed to BS 5422.
Smoke alarms to be continuously tickle-charged by mains as BS 5446 Part 1 1990. All smoke alarms to be interlinked and to be on a separate protected circuit. Provide external light with sensor control to illuminate ramped entrance to house.

MEMORANDUM

To: Area Planning & Building Control Manager
c.c.:
From: Area Roads & Community Works Manager
Subject: Planning Application 06/00169/OUTCA
Date: 18th April 2006
Our Ref: RR/DG/B12.7
Please ask for: Mr R Risbridger


Tel: 01955 607764

Roads and Community Works recommend that the application is refused on the grounds of over development.

At several locations the existing road was surveyed as being 400mm to 600mm too narrow with the verges ranging from 850mm to 1.9m compared with 2m standard width.

With substandard road and verges further development will increase the risk of accidents and higher maintenance costs.

Roads and Community Works reserve the right to withdraw our comments should the drawings prove to be inaccurate.


C R Guest
Area Roads & Community Works Manager



RECEIVED
03 SEP 2009

Mr Manson
Upper Northfield Farm
Wick
Caithness

Please ask for: Mr Iain Moncrieff
Direct Dial No: 01955 607796
E-mail: caithnesstecsadmin@highland.gov.uk
Your ref:
Our Ref: IMM/SR/B12.7
Date: 2nd September 2009

Dear Sir,

PLANNING APPLICATION CA 09/260

As previously discussed I visited Newton Row again on the 28th August 2009 however little has changed since my previous request. I note that the previous application here was referred to the Scottish Executive and I have read the Reporter's findings.

I regret that I cannot support your planning application as the road is significantly below our current standards. I appreciate your comments that several planning applications will not be built however TECS has consistently recommended refusal on all planning applications since before 1997.

Yours faithfully

CAMPBELL STEWART
Area Roads & Community Works Manager
Caithness, Sutherland & Easter Ross

MEMORANDUM

To: APBSM Caithness, Sutherland & Easter Ross
 From: DIRECTOR OF PLANNING AND DEVELOPMENT
 Date: Monday, 03 August 2009
 Our ref: CA-09-260 Your ref: 09/00260/FULCA
 Please ask for: Andrew Puls (Archaeology): ext. 2505

Demolish ruinous house, erection of house, upgrade access and installation of services at Humster, Newton Row, Wick

This application will affect a ruinous building that was in use and occupied until at least the 1970's; it is first depicted on the 1st edition OS map c.1874. The building is of historic interest and it should not be demolished or otherwise impacted without a visual record first being made. Please therefore attach the following condition (**ARC 3**) to any consent issued:

Prior to the commencement of development, a photographic record shall be made of the remains of old buildings and / or other features affected by the proposed development, in accordance with the attached specification, and shall thereafter be submitted to the Planning Authority. No site clearance work shall take place until confirmation in writing has been received from the Planning Authority that the record made has been lodged and is satisfactory.

Reason: To protect the historic interest of the site.

You will find attached the specification for the required work, which simply requires the Archaeology Unit to be supplied with a ground plan of the building, along with a set of photographs. **Please supply this to the applicant.** Applicants should normally be able to undertake this work themselves. Often their architect will already be in possession of a suitable plan. Should they wish to employ an archaeological contractor, we can supply a list of these.

All photographs are lodged in the Council's Historic Environment Record, where they may be consulted for research. Please advise the applicant to send photographs direct to us. We will advise you of receipt and confirm that they form a satisfactory record. Where applicants send the photographs to the Planning Office we would be grateful if you could please forward them to us.



EXTENSIVE PHOTOGRAPHIC RECORD

This brief is for archaeological recording work required by your planning application and is based on the application documents supplied - the requirement is for a site plan and an extensive set of record photographs. The brief specifies what is considered to be the minimum acceptable standard of work. This brief has been produced for the applicant, who is responsible for all aspects of the work, including any tendering and contractual arrangements where a photographer is engaged. **Please note that to fulfil the planning condition these must be received and approved by the Highland Council Archaeology Unit (HCAU) before site works start.**

1. Background

Where old buildings or structures are to be redeveloped or demolished, we require a record to be made before any alterations or demolition takes place. This work can be undertaken by the applicant or their agent – rather than by an archaeological contractor (or equivalent).

2. Objective

To provide an extensive and comprehensive record of any features and objects of archaeological or historical importance which will be altered, damaged or destroyed by the development. A record of each building or built-structure to be affected must be made, regardless of condition. To ensure a rapid discharge of this condition a large number of photographs that cover all elements of the building/s to be affected should be submitted.

3. Content of Record

A photographic record is set of photographs of a specified building, structure or complex and its setting. It will be accompanied by a ground plan that includes a scale and north point. An architect's or draughtsman's drawing is usually sufficient. A photographic record should contain the following:

- Photographs of general views showing the building in its wider setting and landscape.
- Photographs of any associated buildings or structures, i.e. outbuildings, stores, boundary walls etc.
- Photographs of the buildings external appearance. Typically a series of views to give an impression of the overall size and shape of the building and a series of external elevations taken at right-angles to the building to show detail.
- Photographs of the overall appearance of the principal rooms, connecting areas and their associated rooms or work areas, i.e., understairs cupboards, pantries etc.
- Photographs of any external or internal detail, structural or decorative which is relevant to the buildings design, development or use and which does not show adequately on general photographs (i.e. fireplaces, exposed timbers, fixtures and fittings of note etc). It will be useful to include a clearly marked and suitably sized scale next to the subject – if a scaled ranging rod is not available an object of standard size would suffice, i.e. a ruler or tape measure.
- If applicable, photographs of any fittings, machinery or other plant, or evidence for its existence.
- Photographs of any dates or other inscriptions, any signage, maker's plates or graffiti that contribute to an understanding of the building or its fixtures. A transcription should be made wherever the characters are difficult to interpret.
- Photographs of any building contents which have a significant bearing on the buildings history.

4. Reporting

All photographs should be clearly labelled and numbered and the photograph locations marked on the accompanying ground plan. Where an architectural drawing is not available, a sketch plan can be used. All photographs and plan should be sent to HCAU on CD, DVD or via email (see addresses below in Section 6). Where photographs have been taken digitally, the original digital photographs should be sent, i.e. not printed copies. Prints (clearly labelled on the back in a soft pen or pencil, i.e. not a biro) with accompanying negatives or slides are also acceptable when digital technology is not available.

Accompanying the photographs and ground plan the following must also be included:

- a note of the time and date the photographic record was produced.
- the name(s) of the people that made the record (for copyright purposes).
- any descriptions or explanations that may be required to accompany the photographs.
- any information the recorder has about the building, i.e. building type; purpose (historically and present); construction materials; later additions, demolitions and alterations; possible dates; knowledge of previous residents etc.

5. Copyright

The Archaeology Unit will assume author's copyright unless advised otherwise. The completed report will be available for immediate public consultation at the Highland Historic Environment Record. The Archaeology Unit reserves the right to make it available for reference and research purposes, either on paper, or electronically. The Archaeology Unit will acknowledge copyright in all cases.

6. Contact

One copy of the photographic record should be sent to the Archaeology Unit, Planning and Development Service, Highland Council, Glenurquhart Road, Inverness IV3 5NX. Digital records can be emailed to archaeology@highland.gov.uk. These should be received before the start of construction works. Please telephone 01463 702250 to confirm receipt.

**Highland Council Archaeology Unit
Planning and Development Service**

31.07.09

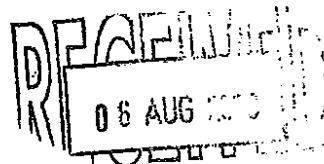
Area Planning and Building Control Office
Market Place
WICK KW1 4AB

Dear Sir

I refer to Application made by J K Manson to erect a dwelling house at Upper Humster, Newton Hill, Wick. While I have no objection to him building a dwelling house at place stated, I propose that the Council stipulate that James Manson makes an undertaking not to permit vehicles employed in the building of the house, to be left parked in the turning place outside my house, Larquoy, Newton Hill. Last time he had people planning to erect a house at Upper Humster, vehicles were continually allowed to park in the turning place. When a vehicle is left in the turning place, other vehicles, in particular the council's 'Bin Lorry' can not turn, and on occasions, such vehicles have to be shoved on my grass road to permit room for the manoeuvre. That applies to vehicles left unlocked. The turning place is frequently used by heavy vehicles, including articulated vehicles and all turning space is required. When a parked vehicle can not be opened, it mean that a heavy goods vehicle has to be reversed all the way to the cross roads beside Alan Ross's engineering workshop.

Yours faithfully

Charles Simpson



1.7 GENERAL STRATEGIC POLICIES

1.7.1 Emerging from the sustainability objectives and the strategic themes the following general policies have been developed. These demonstrate the expectations of The Council with regard to any planning for development within The Highland Council area. They cover a range of issues relating to sustainable development and are considered vital to the implementation of the Plan's strategic themes. In particular they reflect the need to integrate community, economic and environmental interests, the importance of development which benefits local communities and the need for partnership working to achieve the Plan's aims and objectives. Development will be assessed against each strategic policy.

Policy G1 Conformity with strategy

The Council will support developments, having regard to the Plan's sustainable objectives, which promote and enhance the social, economic and environmental wellbeing of the people of Highland.

Policy G2 Design for sustainability

Proposed developments will be assessed on the extent to which they:

- are compatible with service provision (water and sewerage, drainage, roads, schools, electricity);
- are accessible by public transport, cycling and walking as well as car;
- maximise energy efficiency in terms of location, layout and design, including the utilisation of renewable sources of energy;
- are affected by significant risk from natural hazards, including flooding, coastal erosion, land instability and radon gas, unless adequate protective measures are incorporated, or the development is of a temporary nature;
- are affected by safeguard zones where there is a significant risk of disturbance and hazard from industrial installations, including noise, dust, smells, electro-magnetism, radioactivity and subsidence;
- make use of brownfield sites, existing buildings and recycled materials;
- impact on individual and community residential amenity;
- impact on non-renewable resources such as mineral deposits of potential commercial value, prime quality or locally important agricultural land, or approved routes for road and rail links;

Policy G2 Design for sustainability continued

- impact on the following resources, including pollution and discharges, particularly within designated areas:

habitats
species
landscape
scenery

freshwater systems
marine systems
cultural heritage
air quality;

- demonstrate sensitive siting and high quality design in keeping with local character and historic and natural environment and in making use of appropriate materials;
 - promote varied, lively and well-used environments which will enhance community safety and security and reduce any fear of crime;
 - accommodate the needs of all sectors of the community, including people with disabilities or other special needs and disadvantaged groups; and
 - contribute to the economic and social development of the community.
- Developments which are judged to be significantly detrimental in terms of the above criteria shall not accord with the Structure Plan.

Policy G3 Impact assessments

Where environmental and/or socio-economic impacts of a proposed development are likely to be significant by virtue of nature, size or location, The Council will require the preparation by developers of appropriate impact assessments. Developments that will have significant adverse effects will only be approved if no reasonable alternatives exist, if there is demonstrable over-riding strategic benefit or if satisfactory overall mitigating measures are incorporated.

Policy G4 Community benefit and commitment

The Council will expect developments to benefit the local community and contribute to the wellbeing of the Highlands, whilst recognising wider national interests.

The Council will seek to enter into agreements with developers as appropriate on behalf of local communities for environmental and socio-economic purposes as indicated below:

- where a development will have a long term impact on the environment contributions will be sought towards a fund for local community initiatives;
- where as a result of a development new infrastructure proposals require to be implemented by The Council or other agencies, or existing programmes brought forward, developers will be expected to pay those costs as an integral part of that development; and
- in appropriate circumstances The Council will expect a financial bond to be secured for long term environmental restoration and/or socio-economic stability.

Interim Supplementary Guidance: Housing in the Countryside Taigheadas air an Dùthaich

PLANNING and DEVELOPMENT SERVICE



The Highland
Council
Comhairle na
Gàidhealtachd

An t-Sultain 2009
September 2009

Contents

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2. DESIGN AND SITING OF HOUSES IN THE COUNTRYSIDE
3. DEVELOPMENT IN THE HINTERLAND OF TOWNS
 - Housing Groups
 - Conversion, reuse or redevelopment of buildings or land
 - Development in the Open Countryside
 - Agriculture
 - New/existing Businesses
 - Croft land & Forest croft management
 - Garden Ground
 - Affordable housing
 - Planned New Settlements
4. POLICY APPLICATION IN THE WIDER COUNTRYSIDE

Appendix

- 1 Local and National Planning Policy
- 2 Hinterland/Wider Countryside map

1. Introduction

1.1 This interim guidance, as approved by Planning, Environment and Development Committee August 2009, offers advice and assistance with the location of new housing in the Highland countryside. It is particularly relevant to the areas of Highland which fall within the "hinterland of towns" which are the areas under greatest pressure for housing development. The background to these areas is given in appendix 1 of this guide.

1.2. The guidance updates the 2006 Development Plan Policy Guideline on Housing in the Countryside and alters some of the existing policy guidance set out within the Nairnshire Local Plan (adopted 2001), Caithness Local Plan (adopted 2002), Inverness Local Plan (adopted 2006), and the Ross & Cromarty East Local Plan (adopted 2007).

2. Design and Siting of Houses in the Countryside

2.1 The Council is committed to raising the quality of development in the Highland countryside. New proposals will therefore be expected to contribute towards this commitment through quality design, high standard of site layout and use of appropriate materials.

2.2 The Council is currently preparing new design guidance for housing in the countryside. In the meantime, the following documents should be used by developers to help with their planning submissions:

- Scottish Government Planning Advice Note 72 Housing in the Countryside (available from their web-site at: www.scotland.gov.uk/Publications/2005/02/20637/51636);
- The Highland Council's Designing for Sustainability Guidance (revised in 2006), and available at www.highland.gov.uk.

3. Development in the Hinterland of Towns

3.1 Local plans identify the majority of housing development opportunities within the hinterland in existing settlements, crofting townships and any planned new settlements.

3.2 Outwith these settlements, smaller housing groups can however offer more potential to meet the demands for housing. This guidance sets out a more flexible approach to ensure that appropriate opportunities for further small scale development or "rounding off" of housing groups is enabled and supported. It maintains a presumption against single houses in the open countryside, except where a number of tests are met relating to the need for the house in that location.

Housing Groups

3.3 Smaller housing groups can offer potential to meet the demands for housing in the countryside. This approach is considered suitable for small scale housing development proposals (generally single houses). More significant proposals which may have wider implications should be promoted through the formal Local Development Plan process.

3.4 The individual Local Plans for Caithness, Nairnshire, Inverness and Ross & Cromarty East identify some housing groups and the suggested additional levels of development that would be acceptable. These limits to growth at individual housing groups will now be used only as a guide to future planning decisions, rather than as a reason in itself for refusal of an otherwise acceptable planning application.

3.5 In Caithness, where economic and social regeneration remains a priority, the flexible approach applied under housing groups will apply to the dispersed townships, housing groups and settlements identified in policies 11, 12 and 13 of the Landward section of the Caithness Local Plan. In addition, the policy on spacing between houses will be taken as a guide only, rather than as a requirement.

3.6 There are also a number of housing groups which have not specifically been identified in the Local Plans and this guidance also provides advice on how development in these locations can be enabled. Where housing groups are not currently identified in Local Plans, the existence of a housing group will be determined by there being at least three houses in close proximity to one another. The Council will take into account their form and cohesiveness, the level of containment by natural boundaries such as water courses, trees or enclosing landform, or existing man-made boundaries such as existing roads, plantations or means of enclosure.

3.7 New housing should be located within, or round off an existing housing group.

3.8 Existing housing groups of less than ten houses will be allowed to expand by up to 100% from the baseline date of approval of this guidance (August 2009). Expansion of larger groups will be assessed on their individual merits. Given the potential landscape impact of expansion of larger groups this is expected to be less than 100%.

3.9 A group will be considered to be complete where further development could result in a detrimental impact on the housing group or wider countryside. In particular, the Council will carefully consider the potential adverse impact of additional development on those groups that have already been subject to recent development under the housing in the countryside policy.

3.10 There will be a presumption against ribbon development along public roads and development which would result in the coalescence of a group with a nearby settlement or another housing group or the unplanned extension of a defined settlement.

3.11 Suitability for growth - To be an acceptable form of development, proposals for new housing in housing groups should address the following criteria:

- the scale and siting of new development should reflect and respect the character and amenity of the existing group and the individual houses within the group;
- any new build should be located within a reasonable distance of the existing properties within the housing group. The distance between existing properties and proposed new build should be guided by the spacing between the existing properties within the group;
- proposals must not be visually intrusive in the landscape, or detrimental to landscape characteristics, scenic quality or attributes of the existing group;
- proposals should not have an adverse impact on heritage interests;
- proposals must not have an adverse impact on foul and surface water drainage arrangements and conditions;
- proposals must be able to be accommodated by the local road network and relevant junctions. The development of existing housing groups may require the upgrading of existing services, infrastructure and access. Where housing groups are served by a private road access there will be a requirement to bring roads to adoptable standard in line with the Council policy (as set out in Highland Structure Plan Policy H8). The Council has also produced new roads guidance for small scale developments, which must be followed.
- sites should not create an inappropriate intrusion into a previously undeveloped field;
- presence of mature trees will form part of the consideration; and

- sites close to working farm buildings or other rural industries should ensure that there is no conflict.

The conversion, reuse or redevelopment of buildings or land.

3.12 The development of rural brownfield sites is supported by national policy, and Planning Advice Note 73 defines these as sites which are occupied by redundant or unused buildings or land that has been significantly degraded by a former activity. It will be important through this policy to secure the retention of historically valuable and traditional buildings which are no longer required for their original use, as well as to offer the opportunity to remove buildings which are an eyesore and will achieve a net environmental benefit. Information should be supplied indicating how long the property or land has been disused and why no longer required.

3.13 For the purposes of this guidance a traditional building is usually built using traditional materials generally of stone, slate and timber often sourced locally.

3.14 There will be a presumption in favour of conversion and re-use or redevelopment of buildings and land where former uses have ceased to be required for its original purpose, the site is significantly degraded and where the development would bring about an environmental benefit. Subject to the following:

- the building is substantially complete, including having walls to wall head level;
- the existing building must be of at least a scale that is commensurate with a habitable building;
- proposals should not significantly alter the character of the building, its setting or the character of the surrounding landscape;
- existing openings are used where feasible and new openings placed on elevations away from public view;
- unbroken roof slopes should be retained;
- existing materials should be reused where rebuilding cannot be avoided and the use of traditional materials will be encouraged.
- in the case of replacement houses, the resultant floorspace should not result in an excessive increase on that of the original building, in order to maintain the level of impact on the landscape, thereby ensuring that replacement houses reflect the character and scale of existing houses in the countryside;
- in the case of replacement houses, the siting of the new house must be within the same curtilage of the original house, and only resited within the curtilage, where benefit to the landscape and setting can be achieved.

3.15 The replacement of an existing dwelling may also be supported where there is a clear case made that the costs of upgrading are not justified on economic or environmental grounds, subject to the existing dwellings being demolished. the application must be in detail and the replacement house must comply with the Siting and Design Guidance

3.16 Enabling new build development may be acceptable where wider infrastructure improvements are required.

3.17 Rural buildings can provide nesting and roosting places for wildlife. Prospective developers should be aware that all bats and birds are protected species and their presence is a material planning consideration. A protected species survey by a suitably qualified professional to assess for the presence of bats and other creatures may be required to be undertaken before making an application for planning permission involving the conversion or demolition of an existing building. This should identify the species in the building or on the land, outline the impact of the proposed development and the mitigation measures required.

Development in the Open Countryside

3.18 New build single houses within the open countryside within hinterland areas will be by exception and will only be permitted in accordance with national guidance and the approved Structure Plan policy, where they comply with the requirements listed below.

3.19 All development proposals will also be assessed in terms of their suitability against relevant policy and guidance on Design and Siting of Houses in the Countryside.

- **Agriculture**

3.20 Applicants must provide an independent statement prepared by a suitably qualified professional to support the need for a house in relation to the proper functioning of the farm holding. Justification will be judged against the information provided by the applicant in support of operational need. Section 75 legal agreements will be used to tie the houses to the land holding.

3.21 Applicants must provide:

- a) description of the current farm enterprise (where applicable) including: extent, operations, infrastructure and existing labour;
- b) description of the proposed changes to the farm enterprise including: extent, operations, infrastructure and labour requirement;
- c) information on how the proposed changes are to be funded, including evidence on how the proposed development is financially viable and sustainable;
- d) information about who is to live in the house and where they reside now;
- e) evidence of why it is necessary to the business that accommodation is actually needed on site;

or

- f) evidence of the need for housing for family succession purposes, ie retiring farmers and spouses.

3.22 The applicant will also be required to provide information on:

- the potential to use existing accommodation in the area;
- any other permissions for houses that have not been taken up or developed;
- number of previous houses/plots having been sold off the holding and
- any land on the holding that is identified within an existing settlement or housing group.

- **Croft land and forest croft management**

3.23 It is recognised that a degree of flexibility will be required, for example, in such circumstances it may not be possible to sustain full time employment and this will be taken into consideration in the tests(a to e above). Any application for a house associated with crofting should be on a Registered Croft or associated

common grazing and accompanied by appropriate confirmation from the Crofters Commission of the bonae fides of the crofting application. Proposals for forest crofts should be accompanied by a management plan that meets UK Forestry Standard.

3.24 Regard will also be had to the history of the previous housing development on the croft and the density of development. Any new housing must support and respect the traditional settlement pattern, avoid being sited on the better agricultural land of the croft unless there is no alternative and not compound sporadic suburban type development. Section 75 legal agreements will be used to tie the houses to the land holding.

- **Provision of housing associated with an existing or new rural business**

3.25 National planning policy is supportive of the establishment of new enterprises in rural locations, whether that is through existing businesses entering into new areas of activity, expansion or the creation of entirely new enterprises. These new enterprises may include farm diversification directly related to agriculture or, for example, tourism or leisure or may also relate to other new businesses which are suited to rural locations. The provision of housing to support these enterprises may be required and national policy recognises the role of the planning system in facilitating this.

3.26 The development of a house in connection with self-catering tourist accommodation will be supported where accommodation relates to a clearly defined business opportunity relating to the development of tourism. Section 75 legal agreements will be required to tie the house to the business enterprise.

3.27 Applicants must provide:

- a) description of the current business (where applicable) including: extent, operations, infrastructure and existing labour;
- b) description of the proposed business including: extent, operations, infrastructure and labour requirement;
- c) information on how the proposed changes are to be funded, including evidence on how the proposed development is financially viable and sustainable;
- d) information about who is to live in the house and where they reside now; and
- e) evidence of why it is necessary to the business that accommodation is actually needed on site.

3.28 The applicant will also be required to present information on:

- why a rural location is appropriate to the business;
- the potential to use existing accommodation in the area and
- whether there is demand for what is proposed.

Garden Ground

3.29 Potential may exist for the sub-division of existing garden ground for a single house provided that the garden has clearly defined boundaries and meets the terms of the Siting and Design Guidance. Development should be able to deliver an appropriate plot ratio for a countryside location and be cohesive and not incongruous to the existing house or houses. Further sub-division of the subsequent plots will not be acceptable. Section 75 legal agreements will be used to ensure effective planning control can be maintained.

3.30 Potential may also exist in established gardens once associated with a country/estate house, which provide an appropriate landscape setting, but where development would not fundamentally affect the qualities and integrity of the site.

Provision of housing by a social housing provider to meet a demonstrable local affordable housing need.

3.31 The development of affordable housing to meet a demonstrable local affordable housing need, as identified by the Council, will be acceptable subject to the involvement of a registered social housing provider. Social housing providers will be expected to demonstrate that a sequential approach has not identified opportunities for affordable housing development within nearby settlements, or conversion or restoration of traditional buildings within the immediate area.

Part of a comprehensively planned new settlement

3.32 The Highland Structure Plan recognises that in some circumstances, new settlements have a role to play in meeting housing demand. These would generally be in association with development plans.

3.33 Applications for new settlements will be assessed against the following criteria:

- location relative to housing need and demand;
- mix of housing tenures;
- proximity to existing and potential employment opportunities;
- opportunities for generation and support of local employment;
- location relative to public transport infrastructure;
- level of provision of new infrastructure and
- range of services and facilities.

4. Policy application in the wider countryside

4.1 In the areas of Highland outwith the hinterlands of towns, development of new housing of an appropriate location, scale, design and materials may be acceptable, particularly where it supports communities experiencing difficulty in maintaining population and services. In these areas, the settlements identified within the relevant Local Plans are the preferred locations for most development.

4.2 However, outwith the settlements, housing development will be assessed against the relevant Local Plan policies, and in particular, the extent to which it:

- supports the viability of the wider rural community;
 - demonstrates appropriate siting and high quality design and materials;
 - takes into account locally important croft land;
- and
- complies with the other criteria of Highland Structure Plan Policy G2 Design for Sustainability.

4.3 All applications will also be assessed against policy criteria and guidance indicated in Section 2 Design and Siting of Houses in the Countryside

4.4 In regard to the policy guidance within this document, paragraphs in relation to development of Housing Groups (pages 2 to 4) and the conversion, reuse or redevelopment of buildings or land (pages 4 to 5) represent best practice.

Appendix: Local and National Planning Policy

Highland Council Policy

The Council's overarching policy on housing development in the open countryside is contained in Structure Plan Policy H3 which was approved by the Scottish Ministers in March 2001.

The differing needs of areas experiencing high levels of housing demand in and around the larger settlements and the more rural areas which are experiencing difficulties in maintaining population and services requires a two-tiered policy response. In the areas which have been experiencing the greatest pressure for housing in the countryside, a more restrictive policy is in place. These areas are known as the "hinterland of towns" and were identified in the Highland Structure Plan and subsequent Local Plans. These hinterland boundaries will remain in place until the review of the Highland wide Local Development Plan (which is currently underway) is complete.

The hinterland of towns areas are based on commuting patterns to and from major employment centres and where the thrust of policy is to manage growth, self-sustaining communities and protect the countryside. Hinterland areas relate to Inverness and the Inner Moray Firth (Nairn, Dingwall, Alness, Invergordon, Tain), Fort William, Wick and Thurso.

In the hinterland of towns area, development pressures can result in the spread of sporadic new housing in the countryside. The cumulative effects of this can lead to the undermining of the service role of smaller settlements, the damaging of the character of the countryside and the rural environment, the generation of increased pressures for infrastructure provision and a potential conflict with other rural land uses. This requires a policy approach which channels demand to appropriate locations within existing settlements or housing groups and which permits only exceptional developments in the open countryside.

The main national policy and advice are highlighted below:

- **Scottish Planning Policy 3: Planning for Homes (Revised 2008)**

This SPP focuses on "the supply and delivery of new housing, which must be of a high-quality design and contribute to the creation of sustainable places." It recommends that: "The settlement pattern is the product of generations of investment in physical infrastructure, social and cultural facilities and public amenities. Planning authorities should promote the efficient use of land and buildings. In principle this means directing the majority of new development towards sites within existing settlements to make effective use of existing infrastructure and service capacity, and reduce energy consumption, while ensuring the creation of quality residential environments."

- **Scottish Planning Policy 15: Planning for Rural Development**

With regard to Housing, this SPP “advances policy in respect of small scale rural housing developments including clusters and groups in close proximity to settlements, replacement housing, plots on which to build individually designed houses, and holiday homes.”

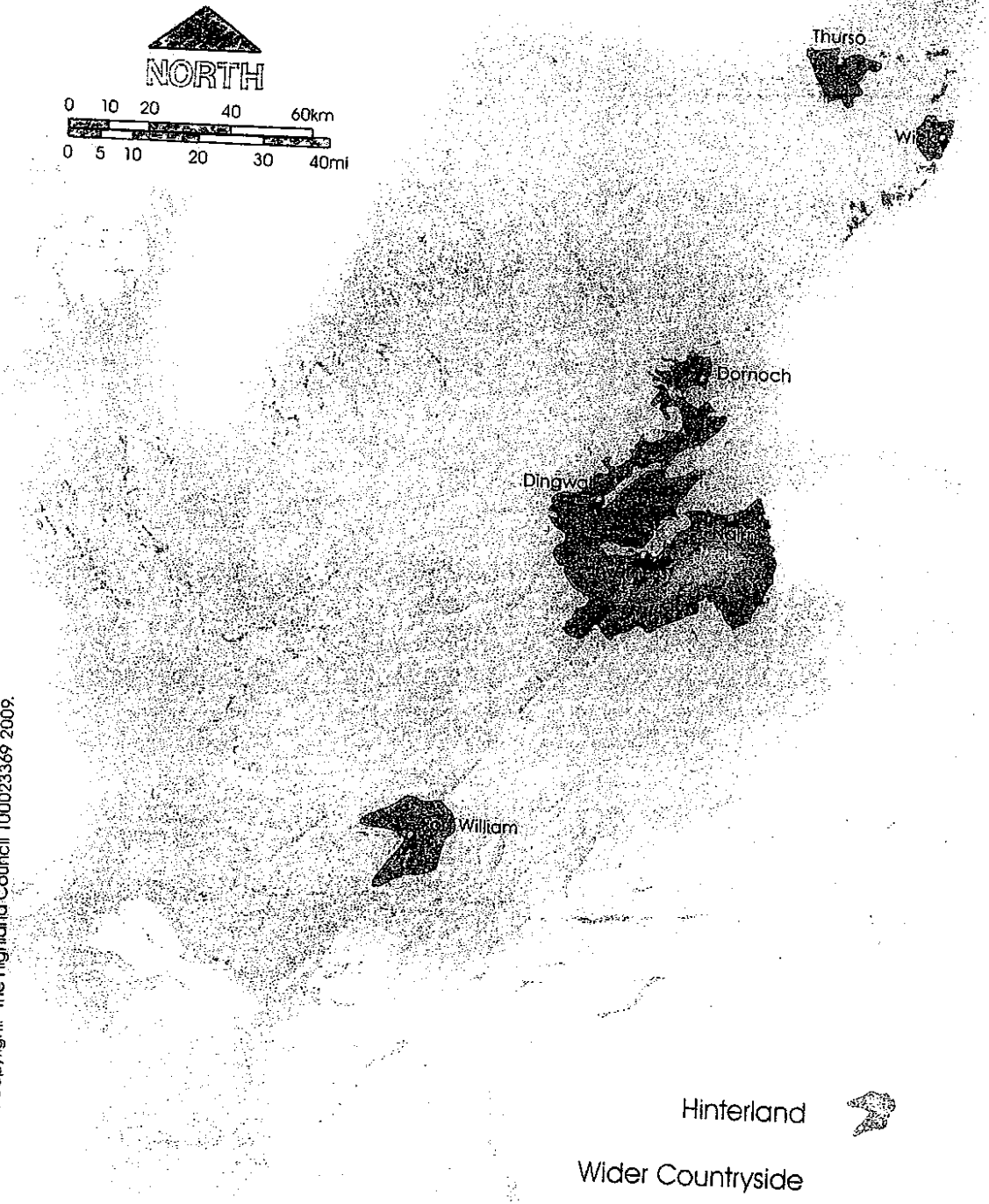
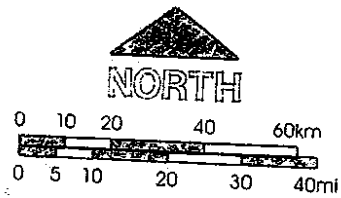
- **Planning Advice Note 72: Housing in the Countryside**

Published in 2005, this places a strong emphasis on design and quality:

“... sets out key design principles which need to be taken into account: by applicants when planning a new development and by planning authorities, when preparing development plans and supporting guidance, and determining applications. The purpose is to create more opportunities for good quality rural housing which respects Scottish landscapes and building traditions. The advice should not, however, be seen as a constraint on architects and designers wishing to pursue innovative and carefully considered contemporary designs.”

HOUSING IN THE COUNTRYSIDE

Hinterland / Wider Countryside



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