

**THE HIGHLAND COUNCIL**

**CAITHNESS, SUTHERLAND AND EASTER ROSS PLANNING  
APPLICATIONS COMMITTEE – 3 November 2009**

Agenda Item	
Report No	

**09/00307/FULCA: Mr Alan Henderson  
Land 69m west of The Ha', Dunnet**

**Report by Area Planning and Building Standards Manager**

**SUMMARY**

**Description** : Erection of house, detached garage, installation of oil tank

**Recommendation** : **GRANT subject to conditions**

**Ward** : Ward 4 - Landward Caithness

**Development category** : Local

**Pre-determination hearing** : None

**Reason not delegated** : Letters of objection have been received from more than five members of the public

**1. PROPOSAL**

- 1.1 This application seeks full permission for a house, detached garage, the installation of an oil tank, the creation of two surface water soak pits and the formation of a new access.

The proposed house is a single storey L-shaped property with a chimney and two solar panels on the western elevation. It will be rendered in a beige dry dash and will have dark grey or black Marley Modern roof tiles.

The proposed garage is intended to house the applicant's classic car collection. It is a large metal framed building that measures 11.9 m by 8.3 m and is 4m high. It will have large steel roller door on the southern gable, a conventional door on the western elevation and skylights in the roof. The walls of the garage will be rendered to match the house and it will have a profiled metal sheet roof.

**2. SITE DESCRIPTION**

- 2.1 The site is to the west of an existing strip of houses. The nearest neighbour is The Ha which will be 69 metres from the new house. Instead of taking access from the road that serves the existing properties a new access will be formed directly onto the B855 some way to the south of the existing road.

The site is relatively flat but begins to slope gently to the west towards the house at West Dunnet. There is some existing tree cover to the rear of The Ha.

### **3. PLANNING HISTORY**

3.1 None Known

### **4. PUBLIC PARTICIPATION**

4.1 Advertised : Neighbour Notification expired 09/10/09

Representation deadline : 11/10/09

Timeous representations : For - 5                  Against - 6                  Neutral - 0

Late representations : For - 3                  Against - 0                  Neutral - 0

4.2 Six members of the public have objected to the proposals with three of these parties making more than one representation. The points raised are summarised as follows:

- Availability and accuracy of plans
- Flood risk
- Road safety
- Suitability of other access points
- The siting, design and use of the proposed garage
- Impact on neighbours
- Development plan policy
- Dumping of rubbish nearby

Five members of the public have made representations in favour of the application. The points raised are summarised as follows:

- Siting
- Design
- The future of the village
- The identity of the applicants
- Historic land ownership

Three late representations have been received. These express support for the proposals.

### 4.3 **Applicant's response**

The applicant has submitted a statement in support of the application and in response to the objections.

The response to objections is summarised as follows:

- The site is not within an area of flood risk
- The development will improve surface water drainage from the site
- The Roads Authority does not object to the new access
- The access will be formed to prevent flooding of the road or the washing away of the track
- The garage will not be used for commercial purposes
- Confusion over separation distances and neighbour notification have been rectified

The points in favour of the application are summarised as follows:

- The applicant has an historic and emotional attachment to the area
- The applicants are an active part of the local community and their continued presence would help support local services
- Only one of the closest neighbours has objected
- The Community Council has not objected.

In response to the above it should be noted that the Community Council was not specifically consulted on this application although it has the right to object notwithstanding.

4.4 All letters of representation can be viewed at the Area Planning Office.

## 5. **CONSULTATIONS**

5.1 **Scottish Water** : No objections

5.2 **Area Roads and Community Works Manger** : No objections subject to conditions

## 6. **POLICY**

6.1 The following policies are relevant to the assessment of the proposal

**Highland Structure Plan 2001**

G2 Design for Sustainability

H3 Housing in the Countryside

### **Caithness Local Plan 2002**

PP2 (6q) Primary Policy 2 – Dispersed Townships

### **Housing in the Countryside: Interim Supplementary Guidance 2009**

6.2 The proposal also requires to be assessed against the following relevant Scottish Planning Policies (SPP), National Planning Policy Guidelines (NPPG), and Planning Advice Notes (PAN):

- Scottish Planning Policy

## **7. PLANNING APPRAISAL**

7.1 Determining issues - Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

7.2 Proposal requires to be assessed against the appropriate policies of the Development Plan, supplementary guidance and National Planning Policy and Guidelines as referred to in the Policy section. Proposals require detailed assessment of the following fundamental issues, where relevant:

- whether the principle of development is appropriate in terms of policy
- whether the layout of development is appropriate
- the impact on the amenity of the area and residents
- other material issues raised by the objectors

### **7.3 Key issues**

The proposals are broadly in line with Development Plan policy. The house falls short of meeting the 100 metre spacing requirement set out in Policy PP2(6q) of the Caithness Local Plan. However, the updated Housing in the Countryside Guidance states that these spacing requirements should be taken as a guide only and are not a reason for refusing an otherwise satisfactory application. It can be argued that the house is a logical extension to the existing strip of development and in my assessment there is adequate separation between the proposed development and existing houses.

In accordance with Structure Plan Policy G2 the house is designed to be in keeping with the local character and should sit comfortably among the mix of styles that is already present. The garage is not a conventional domestic garage in terms of its size or design. However, it is fairly typical of the type of agricultural style buildings that are found alongside houses in rural or edge of village settings.

## 7.4 Representations

The points raised in representations are summarised above.

Concerns have been raised about the accuracy and availability of plans. It is the case that drawings of the proposed garage were not included in the original submission. The application was re-advertised and the neighbours re-notified when these drawings were provided. The plans of the garage have subsequently been updated to show skylights on the elevations and to remove references to windows. The site plan has also been updated to show the position of the proposed oil tank. The exact distance between the proposed house and The Ha was also questioned. This has been clarified and was accurately stated as 69 metres in the re-advertisement published in the John O' Groat Journal on 25 September. The drawings are otherwise believed to be accurate.

A number of the representations raise concerns about the potential for flooding. However, SEPA do not identify the site as an area of potential flood risk. Furthermore, the application proposes two pits to deal with surface water within the site and the new access will include measures to divert surface water from the road.

Objectors also express concerns over the safety of the proposed new access and suggest that access should be taken from the road that serves the existing strip of houses. It should be noted that the Roads Authority does not object to the submitted proposals provided that appropriate conditions are imposed. The question of where the access is taken is largely a matter of personal choice for the applicant. The applicant's agent has stated that they decided on a new access to avoid any requirement to upgrade the existing access road to adoptable standard.

The size, design and use of the proposed garage have also been cited as grounds for objection. While it is recognised that this is not a conventional domestic garage it has already been stated that it is considered to be appropriate in a semi-rural context. The building has no windows so is unlikely to result in any loss of privacy for The Ha.

The applicant has stated that the building will be used to house his classic car collection along with household items such as garden equipment. This will allow him to free up space at his premises in Thurso where the cars are currently stored. The proposed garage will not be used for any commercial activity and the use of the building for hobby purposes is unlikely to bring in any more noise, nuisance or risk of pollution than would be expected from a conventional domestic garage. A condition can be attached to ensure that the building is only used for purposes ancillary to the house.

The impact of the development on The Ha, the closest neighbour is also a concern of objectors. However, the house will be approximately 69 metres and the garage approximately 66 metres to the rear of this property and will be at least partly screened by existing tree cover. The proposed house is single storey only and the garage has high level skylights therefore there is limited potential for overlooking. In my assessment the impact of the development on neighbours is acceptable and the development will not have a significantly detrimental impact on

individual or community amenity.

The question of compliance with Development Plan policy has also been raised by objectors. Development Plan policy is discussed above and in my assessment the proposals accord with policy.

Members will note that comments made by objectors regarding the dumping of rubbish in the vicinity are not material considerations.

Five letters of support have been received. These relate to siting and design and suggest the development would help to secure the future of services in the village. Members will note that comments relating to the identity of the applicants and historic land ownership are not material considerations.

## 8. CONCLUSION

- 8.1 The application is considered to accord with Development Plan policy. The proposed house and garage are appropriately sited and designed and there is unlikely to be any undue loss of amenity as a result of the application. Overall, the proposals are considered to be acceptable and the application is therefore recommended for approval subject to the conditions set out below.

### RECOMMENDATION

<b>Action required before decision issued</b>	N
Notification to Scottish Ministers	N
Notification to Historic Scotland	N
Conclusion of Section 75 Agreement	N
Revocation of previous permission	N

It is recommended the application be **Granted subject to the following conditions** and reasons / notes to applicant :

1. The development to which this planning permission relates must commence within **THREE YEARS** of the date of this decision notice.

**Reason:** In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.

2. No development shall start on site until the completed Notice of Initiation of Development (NID) form attached to this decision notice has been submitted to and acknowledged by the Planning Authority.

**Reason:** In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.

3. Upon completion of the development the completed Notice of Completion form attached to this decision notice shall be submitted to the Planning Authority.

**Reason:** In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.

4. Except as otherwise provided by the terms of this permission, the developer shall construct and operate the development in accordance with the plans and supporting information submitted with the application and docquetted as relative hereto with no deviation therefrom unless otherwise approved in writing by the Planning Authority.

**Reason:** In order to clarify the terms of the permission hereby granted and to ensure that the development is implemented as approved.

5. All access arrangements shall be provided to the satisfaction of the Planning Authority, in consultation with the Roads Authority, prior to occupation of the house. For the avoidance of doubt the access arrangement shall be as follows:

- Visibility splays of 2.5m x 150 m to the north and 2.5 x 125 m the south shall be provided and maintained.
- A roadside service bay shall be provided.
- The access shall be shaped to divert surface water from the road to the ditch.
- The access over the roadside ditch shall be piped with a pipe of a size adequate to carry the ditch water and of sufficient strength to carry normal road traffic. It shall be constructed with concrete head walls at both ends.
- Gates shall not open outwards onto the carriageway.
- The driveway shall be a minimum of 3.3m wide with 200mm verges on either side.
- The driveway shall be hard surfaced for a minimum distance of 6m from the edge of the road carriageway.
- A passing place shall be provided midway down the access track.
- Parking for at least 2 cars shall be provided.

**Reason:** In the interests of road safety and for the avoidance of doubt.

6. Prior to the commencement of development the exact colour of the roof of the house hereby approved shall be agreed in writing with the Planning Authority.

**Reason:** In the interests of amenity

7. Prior to the commencement of development the exact colour of the roof of the garage hereby approved shall be agreed in writing with the Planning Authority.

**Reason:** In the interests of amenity

8. The garage hereby approved shall be used only for domestic purposes incidental to and ancillary to the use of the house as such.

**Reason:** In the interest of residential amenity

9. All drainage arrangements shall be provided to the satisfaction of the Planning Authority, in consultation with the Scottish Environment Protection Agency, the Drainage Authority and Building Standards Authority.

**Reason:** In the interests of amenity and for the avoidance of doubt.

10. Notwithstanding the provisions of Class 16 of the Schedule to the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 as amended, or any Order revoking and re-enacting that Order, with or without modification, any caravan placed on this site shall remain on this site only whilst the house hereby approved is under construction. Notwithstanding progress in the construction of the house the caravan shall be removed from the site within one year of the date of this permission.

**Reason:** In the interests of amenity and in order to retain effective control.

### **Note to Applicant**

**Please note:** Your attention is drawn to the conditions attached to this permission. Any pre-conditions (those requiring certain works, submissions etc. prior to commencement of development) must be fulfilled prior to work starting on site. Failure to meet these conditions may invalidate your permission or result in formal enforcement action

Signature: Allan J Todd

Designation: Area Planning & Building Standards Manager (Caithness, Sutherland and Easter Ross)

Author: Lisa MacKenzie

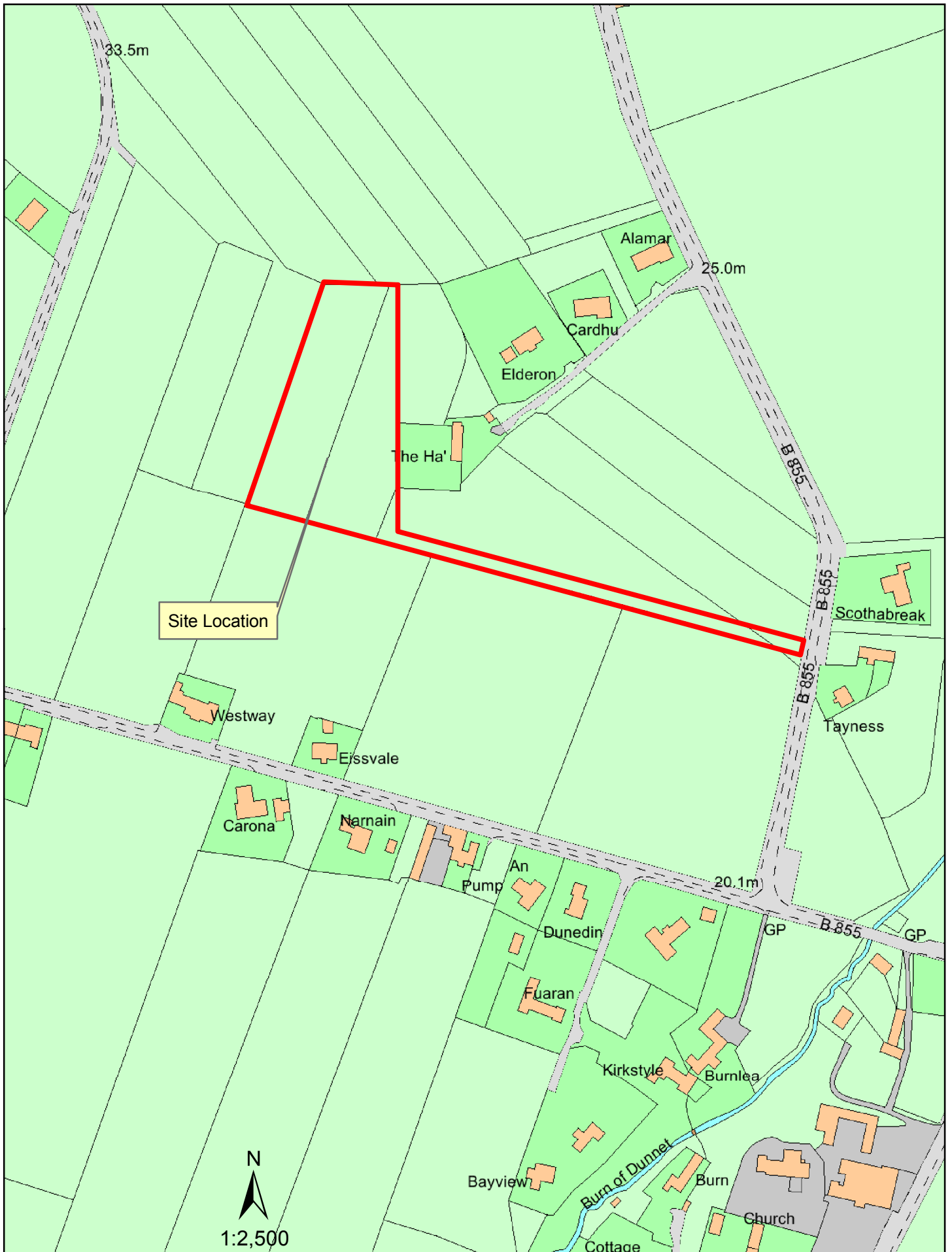
Report Date: 26/10/09

Background Papers: Highland Structure Plan (2001)  
Caithness Local Plan (2002)  
Housing in the Countryside: Interim Supplementary Guidance (2009)  
As referred to in the report above and case file reference number  
09/00307/FULCA

Relevant Plans: Plan 1 – Location Plan  
Plan 2 – Site Plan  
Plan 3 – Elevations  
Plan 4 – Floor Plan  
Plan 5 – Cross Sections  
Plan 6 - Garage frame  
Plan 7 – Garage elevations

Appendix – Letters of Representation

Name	Address	Date Received	For/Against
Susan Parmentor	The Ha, Dunnet ,KW14 8YD	27/08/09	Against
		04/09/09	Against
		08/10/09	Against
M. Ann West	West Of The River, Halkirk, KW12 6XF	04/09/09	Against
		06/10/09	Against
Angela Mehlert	2 Bellefield Ave , Dundee, DD1 4NQ	18/09/09	Against
		08/10/09	Against
Anne Smith	9 Iveson Road, Hexham NE46 2LX	08/10/09	Against
Jessie Welsh	16 Matheson Road, Stornoway, HS1 2LA	05/10/09	Against
Robert Steven Wylie	Dunedin, Dunnet, Thurso, KW14 8YD	10/10/09	Against
Isobel MacGregor	Doonbye, Westside, Dunnet	31/08/09	For
Marjory Georgina MacKay	20 Dwarwick Place, Dunnet, Thurso, KW14 8XE	01/09/09	For
Martin Nicolson and Theresa Macgregor	Langrig Dunnet Thurso KW14 8YD	03/09/09	For
Gail and Martin Baker	The Bakery Dunnet KW14 8YD	04/09/09	For
R B B Henderson	30 Traill Street, Castletown, By Thurso	10/09/09	For
		26/10/09 (Late)	For
William Menzies	Westway, Dunnet, Thurso, KW14 8YD	21/10./09 (Late)	For
John Henderson	Alamar, Dunnet, Thurso, KW14 8YD	23/10/09 (Late)	For



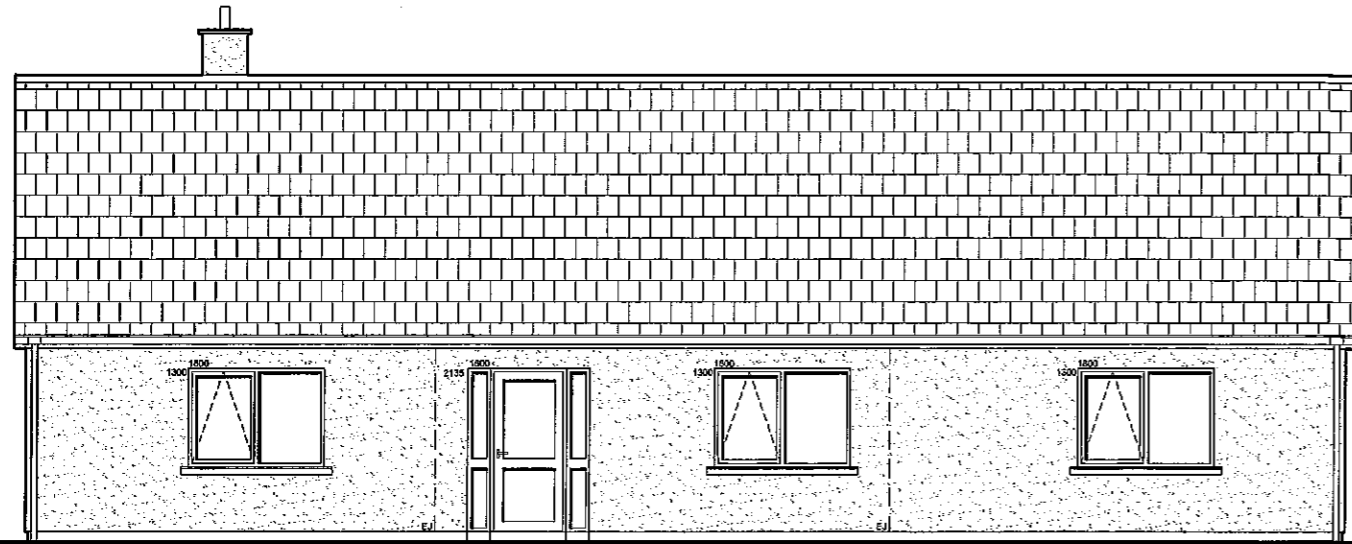
09/00307/FULCA

Erection of a dwelling house, detached garage, vehicular access, connection to public sewer and positioning of a 1200 litre oil tank.  
At Land 69m West of The Ha', Dunnet

Mr A Henderson  
Per Mr A Calder  
Dalmore House  
Thurso



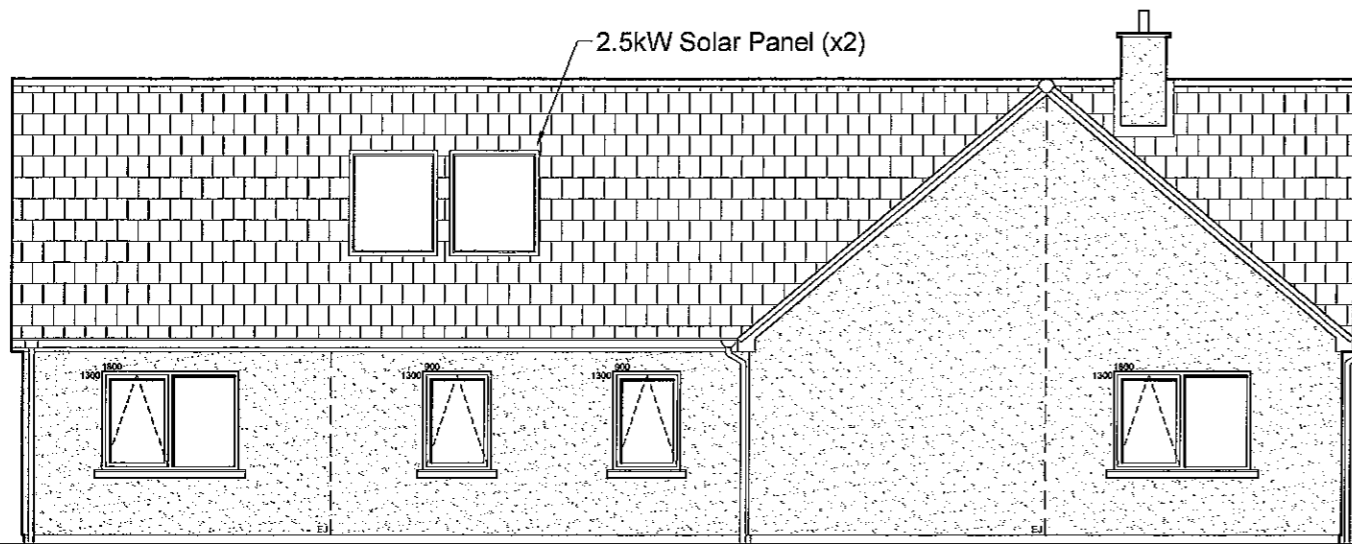
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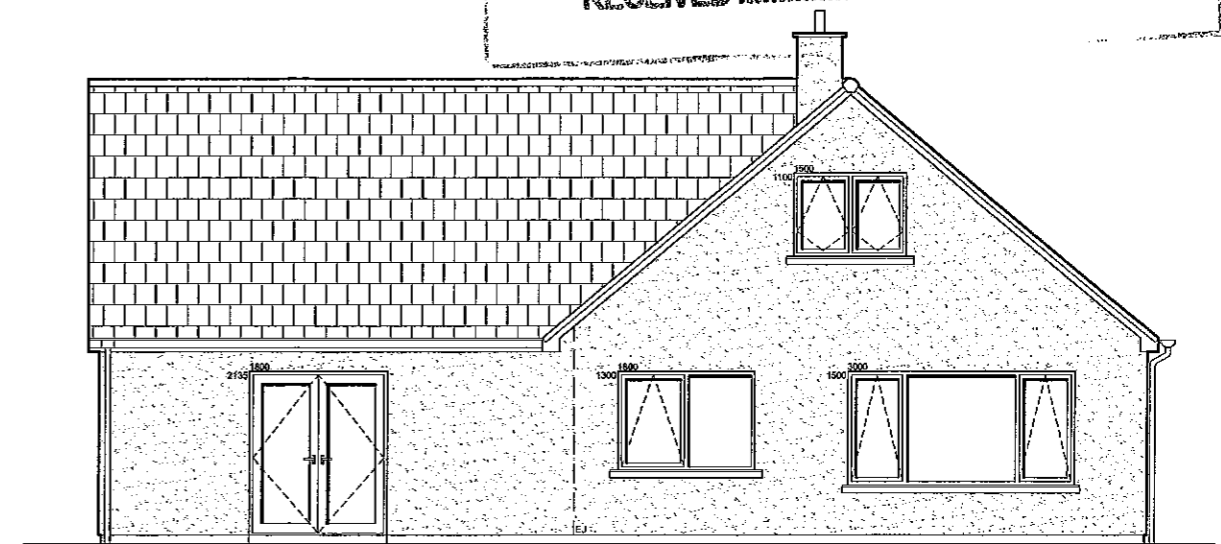
Front Elevation



Side Elevation



Rear Elevation



Side Elevation

PLAN 3 OF 7  
 09/00307/FULLA  
 RECEIVED 13/08/09

**External Finishes:**

- Roof covering: - 40° Marley Modern concrete interlocking tiles, 'Brown' colour, with matching dry ridge and verge.
- Render to walls: - 'Biege' dry dash finish with contrasting basecourse.
- Fascia and Soffit: - Cherrywood PVCu.
- Rainwater Goods: - Brown Marley Rectilinear or similar.
- Windows: - Cherrywood PVCu & factory double glazing.
- Entrance Doors: - Front and rear doors to be Cherrywood PVCu and factory double glazed.
- Precast concrete cills and stops to be standard units.
- S.W.V.P. to be taken to Marley ridge terminal.

SCALE 1:100

19/07/2009

DD/2009/007/04

Elevations

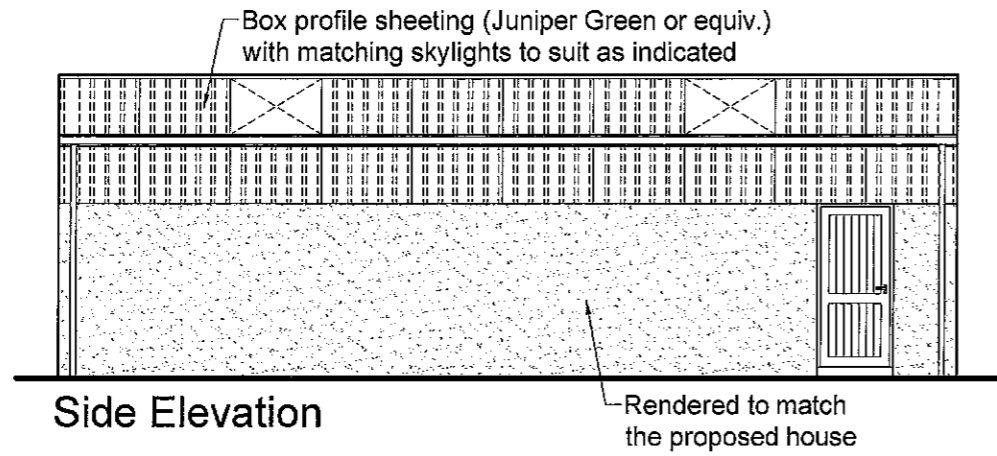
Mr A Henderson

Plot at The Ha, Westside, Dunnet, Caithness

D

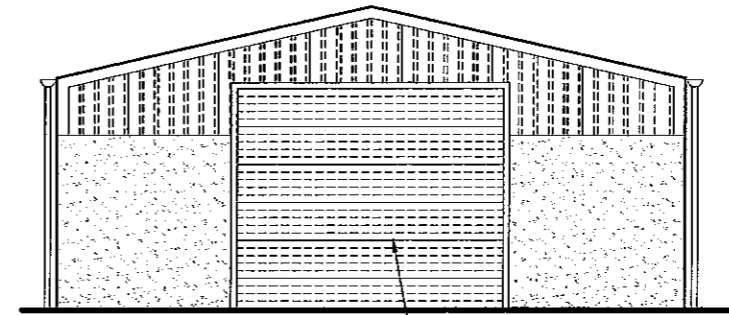
**DALMORE DESIGN**  
 Dalmore Design Limited,  
 Dalmore House, Dunnet, Caithness,  
 Scotland, KW14 8YD  
 T: 01847 851343 M: 07816 020913  
 E: info@dalmoredesign.co.uk  
 W: www.dalmoredesign.co.uk

Do not scale direct from drawing



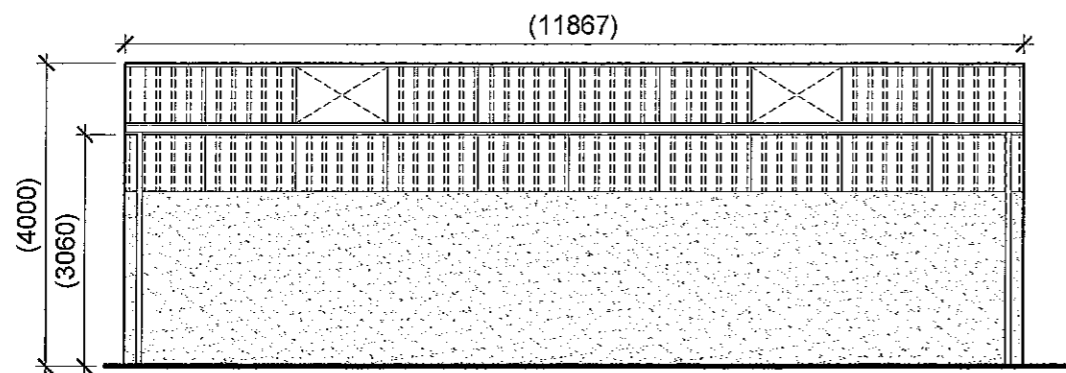
Side Elevation

Rendered to match the proposed house

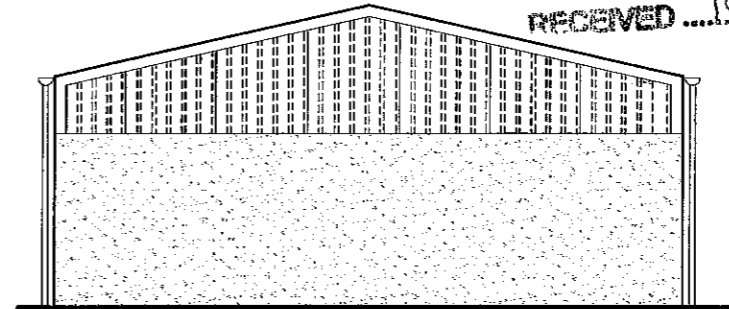


Front Elevation

Steel roller door



Side Elevation



Rear Elevation

THE HIGH ROAD, DUNNET, CAITHNESS  
 PLAN 7 OF 7 OF SIMULATION REFERENCE  
 09/00307/FULCA  
 RECEIVED 16/10/09

SCALE 1:100	15/10/2009	DD/2009/007/07
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Garage/Shed Elevations

Mr A Henderson

Plot at The Ha, Westside, Dunnet, Caithness

B

**DALMORE DESIGN**  
 Dalmore Design Limited,  
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 Scotland, KW14 8YD  
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