

THE HIGHLAND COUNCIL

ROSS & CROMARTY EAST LOCAL PLAN INQUIRY

**STATEMENT OF OBSERVATIONS by the
DIRECTOR OF PLANNING and DEVELOPMENT**

ISSUE 10: Expansion of Cromarty Mains

1. Introduction

- 1.1 The Highland Council (THC) has undertaken to hold a Public Local Inquiry to consider objections lodged by GH Johnston on behalf of Duncan MacPherson [CD30/183] on the Deposit Draft Local Plan in respect of Chapter 6: Landward, paragraph 12, Cromarty Mains, seeking expansion of this small rural settlement and its development potential. The objector wishes to appear at the Inquiry.

- 1.2 THC will call Alan Ogilvie, Principal Planner as planning witness.

- 1.3 THC wishes to submit the productions listed below. References to productions are shown in the text as follows, [CD1]. Quotes from productions are shown as follows, “*extract*”.

[CD1] The Highland Structure Plan: Approved Plan: The Highland Council: March 2001

[CD2] Black Isle Local Plan: Adopted Plan: Highland Regional Council: September 1985

[CD5] Black Isle Local Plan: Alteration No.2: Housing: Highland Regional Council: September 1996

[CD6] Development Plan Policy Guidelines: The Highland Council: October 2003

[CD7] Black Isle Local Plan: Alteration No.2: Housing: Public Inquiry Report into Objections: Scottish Office Inquiry Reporters: March 1994

[CD8] Ross & Cromarty East Local Plan: Consultative Draft: The Highland Council: May 2002

[CD9] Ross & Cromarty East Local Plan: Deposit Draft: The Highland Council: October 2003

[CD10] Ross & Cromarty East Local Plan: Statement of Publicity, Consultation and representations: The Highland Council: October 2003

[CD17] SPP15: Rural Development: Scottish Executive: February 2005

[CD23] PAN72: Housing in the Countryside: Scottish Executive: February 2005

[CD25] Ross & Cromarty Area Planning Committee Item: Representations on the Consultative Draft Local Plan: The Highland Council: 15 September 2003

[CD27] Ross & Cromarty Area Planning Committee Item: Objections and Representations on the Deposit Draft Local Plan: The Highland Council: 25 January 2005

[CD30] Letters of objection and representation to the Deposit Draft Local Plan

[THC10/1] Agenda report to Ross & Cromarty Area Planning Committee on planning application ref. 00/00568/FULRC: The Highland Council: 19 December 2000

[THC10/2] letter from the Cromarty Arts Trust to THC: 12 April 2005

[THC10/3] Extract from An Inventory of Gardens and Designed Landscapes: Supplementary Volume 2: Highlands and Islands: SNH & Historic Scotland: 2003

2. Background

National Planning Guidance/Advice

- 2.1 Scottish Planning Policy 15: Planning for Rural Development [CD17], was published in February 2005 following an earlier consultation draft and supersedes NPPG15. The following paragraphs are relevant: -

18 states that SPP 3 remains the first point of reference on the general policy for housing; and that *“This SPP advances policy in respect of small scale rural housing developments including clusters and groups in close proximity to settlements,..... The overall message is that there is considerable scope for allowing more housing developments of this nature and that this should be expressed in development plans, either as part of general settlement policy or as a separate sub-set on rural housing policy.”*

21 states that the amount and location of housing that can be developed in rural areas is determined by a number of factors, including proximity to services e.g. schools, shops (ideally within walking or cycling distance); ease of access; and drainage or sewerage capacity; and that fit in the landscape will be an important consideration.

22 This states that planning authorities should set out criteria where houses on land not identified in development plans, outwith main settlements, will be acceptable, and that clusters and groups of dwellings could be feasible in helping to meet previously unsatisfied demand. Overall SPP15 urges planning authorities to adopt a much more positive approach to housing development in the countryside, even within areas of relatively high demand, provided there is no net detriment to the environment. This is consistent with the approach taken by successive planning authorities covering Highland.

- 2.2 Planning Advice Note 72: Housing in the Countryside [CD23] provides the latest advice on the siting and design of housing in rural areas. The Policy Framework section states:

“Together, the guidance and advice indicates that the amount and location of housing that can be developed in rural areas is determined by a number of factors. These include:

- *Context - Fit in the landscape.*
- *Identity - Design details which reflect the local character, as well as an increased awareness of energy efficiency linked to design standards.*

- *Connection - Proximity to services, e.g. schools, shops (ideally within walking or cycling distance), ease of access (from an existing road and foot path and to a rail station or bus route); drainage and sewerage capacity (from combined septic tanks or links to public systems).*

Overall, new developments in the countryside, if properly planned, sited and designed, contribute to the quality of a landscape.”

Highland Structure Plan

2.2 The Highland Structure Plan [CD1] was approved in March 2001. The following extracts are relevant: -

- Policy G2: Design for sustainability indicates that “*Proposed developments will be assessed on the extent to which they:*
 - *are compatible with service provision (water and sewerage, drainage, roads, schools, electricity); impact on individual and community residential amenity;.....*
 - *impact on the following resources, including pollution and discharges, particularly within designated areas: habitats, freshwater systems,landscape, cultural heritage, scenery.....;*
 - *demonstrate sensitive siting and high quality design in keeping with local character and historic and natural environment and in making use of appropriate materials;.....*”
- Policy H3: Housing in the countryside states that “*housing development will generally be within existing and planned new settlements.*”

Development Plan Policy Guidelines

2.3 In October 2003, following previous consultation on a draft published in May 2002, THC published Supplementary Development Plan Policy Guidelines (DPPG) on Housing in the Countryside and Affordable Housing [CD6]. DPPG1 contains a more detailed interpretation of Structure Plan Policy H3 on Housing in the Countryside. This was drafted after discussions with Scottish Executive Planning officials and defines “existing settlements” as:

- (a) those identified through the Structure Plan and local plan settlement hierarchies (based on the provision of services);
- (b) groups of houses which have one or more of the following facilities: mains drainage or a scheme in SW’s 3-year plan; a public septic tank; street lighting; a 30 mph speed limit; a school, a doctor’s surgery, a shop, a post office, a petrol filling station, a public hall, or a pub;
- (c) established groups which comprise cluster, linear, or other recognisable forms of building without such a facility, but which are contained within a clear visual envelope; or
- (d) dispersed grouping with a crofting settlement pattern.

Cromarty Mains is defined in relation to the criteria at (c), as a larger group of farm dwellings and buildings with potential for expansion.

2.4 DPPG1 makes clear that such settlements are only to be defined where there are

opportunities to make use of spare capacity to accommodate new housing, and where this would be consistent with, or enhance, the cohesiveness and visual appearance of the group. Generally, this will be within the existing boundary of the group, although there may be opportunities for some limited extension where the development will help to enhance the appearance of the group as a whole.

Adopted Local Plan

- 2.5 The Black Isle Local Plan [CD3] was adopted in September 1985. The policy at **para. 2.5** presumed in favour of housing in the countryside subject to developments avoiding:
- unprogrammed drainage expenditure in areas of suspect soil conditions;
 - prejudicing standards of rural privacy and amenity in terms of separation distances between dwellings; and
 - causing detriment to the general amenity of the area in terms of landscape impact, poor house designs, loss of trees or damage to features of nature conservation value.
- 2.6 The Black Isle Local Plan Alteration No. 2: Housing [CD5] was adopted in September 1996. In the Policy Summary section of the document, under the heading Housing Groups, the former (1990) Structure Plan General Policy 1.4.2 is indicated. This policy, repeated at paragraph 7.5 on page 49 and now superseded by the 2001 Structure Plan [CD1] and DPPG1 [CD6], *“maintained a strong a presumption against the development of further ad hoc clusters of houses in the countryside.”* It went on to state that *“in exceptional cases there may be limited opportunities to consolidate of round off certain existing housing groups”*, subject to meeting specific criteria.
- 2.7 The latter part of the policy applied to a list of 78 groups of three or more houses (when surveyed in 1992) in the open countryside of the Black Isle. This list included the group at Cromarty Mains (7.5.1, p.49). The detailed potential for this traditional farm group was indicated as a *“courtyard or terrace type, most likely south and west of existing buildings.”* Reference was made to the need to avoid prejudicing the setting of the Listed farmhouse, restoration of tree belts, possible conversion of traditional farm buildings or continuing agricultural operations.

Previous Local Plan Inquiry

- 2.8 Late in 1993, a Public Local Inquiry was held to consider objections to the Deposit Draft of the Black Isle Local Plan Housing Alteration No. 2. The Report [CD7], at sections 9.2.1 to 9.2.13, referred to the case for allocating additional land to the south and west of the existing farm buildings for additional housing. Most of the Findings of Fact and Conclusions remain relevant to the current objections.

Consultative Draft Local Plan

- 2.9 The Consultative Draft [CD8] of the Ross and Cromarty East Local Plan was published in May 2002. The following policies in Chapter 6: Landward are relevant

to representations made at the time: -

- Paragraph 3 referred to the potential for development within the defined boundaries of 31 small rural settlements listed in a table thereafter.
- Paragraph 12 covers Cromarty Mains with a capacity for 8 additional houses granted consent with suspensive conditions in December 2000 [THC10/1]. Reference is made to *“Imperfectly draining soils. Permission granted for group of 8 houses south of cottages, subject to mains drainage connection and minor road improvements from village.”*

- 2.10 The representations made and the changes agreed by THC in response are detailed in **CD25**. Relevant comments made are summarised as follows: -

Scottish Water [CD25/258] gave a reminder of their Site Servicing Policy, which at the time grant aided development that could connect to a public sewer.

SEPA [CD25/157] sought clarification that the allocation and capacity was the subject of the consent granted for 8 houses and indicated that they would have no objections if it is connected to a public sewer.

Cromarty Arts Trust [CD25/120] sought inclusion in the policy the conditions of the planning consent with regard to the requirements to follow a design brief and to maintain the tree belt to the north and east, together with the text from the 1996 Plan highlighting the need to avoid prejudicing the possible conversion of the traditional farm buildings.

GH Johnston on behalf of Duncan MacPherson [CD25/391] expressed concern about restricting development to 8 houses within a tightly defined boundary given the significant investment required in servicing to comply with conditions of planning permission. As this investment will create sufficient capacity to serve additional housing an increase in the capacity and extension of the boundary to the east was sought to accommodate a further 10 houses.

- 2.11 THC’s response and reasoning in respect of each of these comments is set out in **CD10** and **CD25**. Changes were agreed to add the following to the Comments/Constraints: -

- At the end of the second sentence, ADD *“at developer's expense”*.
- ADD as new third sentence, *“Contribution may be available under Scottish Water's Site Servicing policy.”*
- ADD *“Development should be of a courtyard or terrace style. Design and siting should avoid prejudicing the setting of the listed farmhouse, associated terrace of cottages and the possible conversion of the traditional farm buildings. Maintain the tree belt to the North East and avoid prejudicing continued agricultural operations.”*

Deposit Draft Local Plan

- 2.12 The Deposit Draft [CD9] of the Local Plan was published in November 2003. This drew an objection from **GH Johnston on behalf of Duncan MacPherson [CD30/183]** on the Deposit Draft Local Plan in respect of Chapter 6: Landward,

paragraph 12, Cromarty Mains, seeking expansion of this small rural settlement and its development potential. In addition, **SEPA's** objections to GSP2 and the policy contained in Chapter 6: Landward at paragraph 3, relative to drainage requirements **[CD30/170]** also have implications for Cromarty Mains. However, these matters are largely addressed in Issue 4. THC's response and reasoning in respect of each of these comments is set out in **CD27**.

Deposit Draft with Modifications (Proposed Changes)

- 2.13 Proposed changes to the Deposit Draft **[CD11]** were approved in January 2005. No changes were recommended in response to the main objection. However, in part response to the SEPA objections there is a need to **MODIFY** the Comments/ Constraints of Cromarty Mains to account for changes to Landward para./policy 3 as follows: -

- In the second sentence, **DELETE** "mains drainage".
- In the second sentence, after the word "connection" **INSERT** "*to the Cromarty treatment works*".
- **DELETE** the third sentence.

Consequently SEPA withdrew their objection relative to Cromarty Mains, in view of the requirement through planning conditions to connect additional development to the Cromarty wastewater treatment works.

3. The Council's Observations

The Objection

- 3.1 The objection on the Deposit Draft Local Plan from GH Johnston on behalf of Duncan MacPherson **[CD30/183]** is as follows: -

On behalf of Mr Duncan MacPherson owner of the ground at Cromarty Mains Farm, we formally object to the Draft Local Plan, and would wish the Council to consider the statement that was made to you in the Consultative Draft representations.

"Cromarty Mains is listed as a small rural settlement where suitably designed housing proposals will be supported. The capacity of the settlement at Cromarty Mains under paragraph 12 is set at 8 houses, and the boundary of the rural settlement on the inset map on page 4 is tightly defined around the area already developed and the area already with planning permission for the 8 houses. In effect this means that the draft plan allows for no further development of the Cromarty Mains rural settlement beyond its current area. Significant investment is required in terms of connection to the Cromarty Sewage Treatment Works, and improvement to the public road by way of additional passing places, in order to meet the conditions of planning permission for the current development. This investment is being met entirely at the developer's cost with no contribution from the Council. This investment in essential infrastructure will have significant capacity to serve additional housing. It would be a waste of investment if this capacity were to be

sterilised because of a very restrictively defined settlement boundary, particularly in view of the need for new houses identified in the draft location. Therefore we wish to make representation that the boundary shown on the inset map on page 4 is extended to the east of the farm road, to allow for development of a further 10 houses."

There is considerable demand for individual house plots in the countryside, and as stated by The Highland Council in the Deposit Draft and also to comply with the Scottish Planning Policy 3 Planning for Housing then any such plots should be in existing built up areas. Cromarty Mains Farm has benefited from expansion, and now requires considerable infrastructure before the 8 houses previously approved by The Highland Council can be implemented.

To justify the cost for this infrastructure and also to have a balanced development at Cromarty Mains we would propose that the Council include the area of ground shown in the attached plan, and amend paragraph 12 to allow a capacity of a further 8 houses subject to surfacing and road improvements and an open space provision. The area of land in question has been taken out of the Cromarty Mains Farm and has been retained by Mr MacPherson who can make this ground available to meet the demand for housing in this area. Mr MacPherson also owns land on which the 8 house courtyard approval was granted, and therefore is in a position to make the necessary improvements to the road and also the surfacing infrastructure. This site also benefits from the large mature trees to the north west boundary, and these trees should be retained and can be retained without damage should houses be built to the south east. We would also submit that the Cromarty Mains is accepted by the Council as a built up area as it now appears in the Local Plan and has a previously granted consent for housing in the area.

The Planning Authority's Response

3.3 THC as Planning Authority wishes to respond to the objections set out in paras. 3.4 to 4.2 below. These are largely contained in the Annex to the Committee report of 25 January 2005 and expanded as necessary.

3.4 The previous response at the Consultative Draft stage was as follows: -

"Development of this nature:

- would not be in keeping with the traditional settlement pattern;*
- would constitute ribbon development along the road to the South Sutor, within a proposed Area of Great Landscape Value;*
- and at this scale could not be accommodated at the new treatment works.*

The preference is to confine the development to the area with approval. The scale of development approved is appropriate if all 8 are detached houses arranged around an access courtyard. The potential to increase to 10 or 12 would require semi-detached, terrace style or 'farm-town'/steading style houses, which would be more in keeping with the existing traditional group. Proposals for 10 or more units in this location would require the provision of affordable housing in relation to the Council's policy. However, the location of such dwellings within Cromarty Town

- would be a more sustainable form of development, reducing the need to travel for basic local services. Efforts are being made to make provision in this regard in the area to the rear of High Street and the Townlands Barn. NO CHANGE to the settlement boundary or the capacity for development."*
- 3.5 Apart from completion of the Cromarty wastewater treatment works and the measure of spare capacity created for development, there is nothing in this objection to suggest changing the previous decision of the Council. An overall demand for housing does not justify a sprawl of houses in the countryside away from the main group of existing or approved houses at Cromarty Mains. This would represent a further departure from the traditional group of houses. The high cost of servicing the area with consent does not merit further development beyond the existing settlement envelope to reduce the unit costs for each house. This would be incongruous to the traditional settlement pattern and contrary to national planning guidance and advice set out in SPP15 [CD17] and PAN72 [CD23].
- 3.6 The responses and changes made to address representations on the Consultative Draft Plan were "*noted and welcomed*" by the Cromarty Arts Trust. Subsequently, in relation to the responses to the Deposit Draft objections and representation, the Arts Trust submitted a letter of support [THC10/2]. This highlights the previous consideration of additional development at the 1993 Local Plan Inquiry [CD7], together with the potential impact upon Cromarty House and its environs which are now included in the Inventory of Gardens and Designed Landscape [THC10/3]. The land now sought for inclusion in the Plan lies adjacent to the south east boundary of the designated area.
- 3.7 The previous Local Plan Inquiry Reporter [CD7], in addressing the expansion of the settlement into the area to the south and west of the traditional farm buildings, expressed concern at para 9.2.9 about the "*ribbon of development in a conspicuous hillside position*" to the west, along what is known locally as the American road. Specific concerns are indicated about the potential threat from development of the line of four houses to the remains of what would have been a significant tree belt. A similar belt of trees exists on the north west side of the land now sought for inclusion east of the farm buildings. The tall nature of these trees would not screen the ribbon of 10 additional houses and equally they might come under threat from development for proximity/safety reasons, a matter also highlighted by The Cromarty Arts Trust [THC10/2]. Housing in this location would also detract from the undeveloped nature and rural ambience of this stretch of public road, which is well used by persons travelling on foot and by car to and from the South Sutor.
- 3.8 The Reporter recommended in favour of development to the south and west of existing buildings in a courtyard or terrace style, subject to a number of caveats or requirements. This was "*contingent on revocation of planning permissions for conspicuous ribbon development of four houses to the west of the steading*", except that the Planning Authority did not agree to that part of the recommendation and the four houses have since been built.
- 3.9 In 2000, an application was submitted to THC for the erection of 8 houses to the

south of and slightly up the slope from the existing farm cottages. This drew considerable local objections, as can be seen in the Committee report [THC10/1]. Many of the issues raised by objectors are relevant to the additional development now sought. Approval was granted with a number of conditions, notably the requirement to drain the development to the Cromarty wastewater treatment works and improvement of the single track road from the town.

4. Conclusion

- 4.1 The alleged high cost of undertaking infrastructure works required to serve the 8 houses with consent does not justify further development stretching the original farm group into the open countryside, with the potential impact upon the local landscape and the setting of the nearby Cromarty House policies.
- 4.2 **Accordingly, The Council would ask that the Reporter support the provisions of the Proposed Modifications to the Deposit Draft version of the Plan.**