

THE HIGHLAND COUNCIL

CAITHNESS, SUTHERLAND & EASTER ROSS PLANNING APPLICATIONS COMMITTEE - 9 MARCH 2010

Agenda Item	
Report No	

**09/00223/FULSU : Mr O Fleming
Land 170m South Of North Glastullich Farm, Scotsburn Road, Tain**

Report by Area Planning and Building Standards Manager

SUMMARY

Description : Erection of house and garage. Installation of septic tank and soakaway. Installation of ground sourced heat system. Formation of new access from existing access track.

Recommendation - REFUSE

Ward : 8 -Tain and Easter Ross

Development category : Local Development

Pre-determination hearing : None

Reason referred to Committee : Application is contrary to policy and was subject of a Delegated Refusal Report to Ward Members who requested that the application be reported to Committee. Tain Community Council has objected to the proposal.

1. PROPOSED DEVELOPMENT

- 1.1 The application is for a single house and garage (in detail) with associated road access and private drainage system.
- 1.2 No written pre-application advice provided.
- 1.3 There is an existing access from the public road which serves the neighbouring North Glastullich Farm. Access to the proposed house site would share this access track.
- 1.4 The applicant has submitted several letters, an Operational Needs Assessment (ONA) and business plan in support of the application.
The ONA indicates that the applicant works overseas but intends to develop a small scale rural business on the site. It also notes that there is currently no house on the land. The proposed agricultural unit would have the following elements:
 - 40 ewes, 75 lambs, 20 gimmers and 2 tups
 - Small area of silage and turnips
 - Hens

- Breeding and training gun dogs
- Bed and Breakfast accommodation

2. SITE DESCRIPTION

2.1 The site is located approximately 1km to the west side of Tain on the north side of Scotsburn Road. It is around 200m to the south of North Glastullich Farm. The application site is fenced off in the west corner of a triangular shaped field and is relatively flat. The principal aspect of the site is to the south-east.

3. PLANNING HISTORY

3.1 None

4. PUBLIC PARTICIPATION

4.1 Advertised : Potential Departure (s25).

Representation deadline : 26.06.2009

Timeous representations : 0

Late representations : 0

5. CONSULTATIONS

5.1 **Tain Community Council** : Object. Soakaway system would be inadequate and it was felt that the mussel beds should be protected.

5.2 **TEC Services**: No objections. Existing access to public road.

5.3 **Scottish Water** : No objections.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 Highland Structure Plan 2001

G1 Conformity with Strategy

G2 Design for Sustainability

H3 Housing in the Countryside

6.2 Ross and Cromarty East Local Plan

Landward policies – General Housing Policy H, part 3.

7. OTHER MATERIAL CONSIDERATIONS

7.1 Draft Development Plan

None

7.2 **Highland Council Supplementary Planning Policy Guidance**

Interim Supplementary Guidance : Housing in the Countryside

7.3 **Scottish Government Planning Policy and Guidance**

Scottish Planning Policy

8. PLANNING APPRAISAL

8.1 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.

8.2 This means that the application requires to be assessed against all policies of the Development Plan relevant to the application, all national and local policy guidance and all other material considerations relevant to the application.

8.3 Development Plan Policy Assessment

The application has been advertised as a potential departure from policy. The site lies within the hinterland area around Tain as set out by Structure Plan policy H3 Housing in the Countryside. The new guidance for policy H3 is very specific and detailed, setting out various exceptions to the policy where new housing would be acceptable. These exceptions include the following:

- conversion, re-use or redevelopment of existing traditional agricultural buildings;
- requirement for agricultural or croft management purposes;
- provision of a house associated with an existing or new rural business;
- subdivision of existing garden ground.

8.4 The application is being made on the second and third exceptions – agricultural management; and *proposed* new rural business. Policy H3 is very specific and clear as it requires that an independent statement is provided justifying the need for a house in relation to the proper functioning of the farm holding. The policy also states that any approval should be accompanied by a s75 agreement to tie any house to the land holding.

8.5 Where application is being made on the basis of the provision of a house associated with an existing or new rural business, evidence of how the proposed development is to be financially viable and sustainable; why a rural location is appropriate; the potential to use existing accommodation in the area; and whether there is demand for what is proposed, is also required.

8.6 The applicant's ONA indicates 2016 hours are required for the enterprise. This is a *projected* total and is for an *aspirational rather than currently existing agricultural business*. The applicant appears to be primarily relying on the agricultural need for a house on the site as the main reason for allowing an exception to policy H3. In my assessment, the proposal is weak in this respect, with just under half a labour unit on the agricultural holding being used to justify a house on an as yet untried projected agricultural business.

- 8.7 The ONA suggests that the proposed elements detailed at section 1.4 above would equate to around 1.1 labour units (2016 hours per year). Of this, 730 hours are for gun dogs (36%); and 424 hours B&B (21%), with the rest for the sheep, hens and silage/turnips. The ONA identifies that there are 3 fields, with a total area of 12.58 ha for the proposed enterprise.
- 8.8 Accordingly, 1154 hours (57%) are set aside for gun dogs and the B&B, with the minority stake (43%) being for the main agricultural use of the land.
- 8.9 The Council's agricultural advisor has considered the proposed development and has indicated that while the proposed agricultural unit is certainly capable of carrying the level of stock proposed, breeding tups is a highly specialised enterprise and with no previous experience can be a difficult market to break into. The proposed poultry will generate additional income.
- 8.10 However, both of these proposed elements will require considerable permanent and round the clock labour input and will have significant capital costs to establish the stock. The financial projections for the proposed unit are uncertain, with the anticipated subsidy levels being hopeful with no guarantee of these being attained. The financial business is very marginal. The projections only have suggested level of income details, with no indication of the initial start-up costs.
- 8.11 I would advise Members that the agricultural case for a house (as an exception to the policy H3) on the site is very marginal. In my view the proposal with its supporting documents does not fully demonstrate that a house can be supported on the site on the basis of an agricultural justification.
- 8.12 **Building Design and Siting**
- The proposal is in detail for the erection of a 1.5 storey house and detached garage with private septic tank and soakaway system. The house is of a traditional form and materials, with a natural slate roof and off white harl with corner stone detailing. The garage is stained timber with a profile sheet roof. The design of house and garage is considered to be acceptable and meets the requirements of the Council's design guidance for Housing in the Countryside. The house is set on its own and is not considered to have any impact on either individual or community residential amenity. No technical difficulties have been highlighted by technical consultees.
- 8.13 **Tain Community Council** have objected to the proposal on the basis that the "soakaway system would be inadequate and it was felt that the mussel beds should be protected." This response suggests a lack of understanding in the Community Council of where the site is – it is around 2.5km from the Firth. In my assessment, development of the site would not have an impact on the mussel beds.

9. CONCLUSION

- 9.1 **In my evaluation of the proposal, I would advise Members that the main issue is that the proposal does not accord with development plan policy, in particular the exceptions to Structure Plan policy H3 Housing in the Countryside. Accordingly, refusal of the application is recommended.**

10. RECOMMENDATION

Action required before decision issued	n
Notification to Scottish Ministers	n
Notification to Historic Scotland	n
Conclusion of Section 75 Agreement	n
Revocation of previous permission	n

Subject to the above, it is recommended the application be **Refused** for the following reasons:

1. The proposal does not accord with any of the following exceptions to Highland Structure Plan policy H3 Housing in the Countryside which would allow for the provision of a house within the restricted hinterland area surrounding Tain -
 - requirement for agricultural or croft management purposes;
 - provision of a house associated with an existing or new rural business.
2. Approval of the proposal would set an undesirable precedent making it difficult to refuse applications of a similar nature in the future.

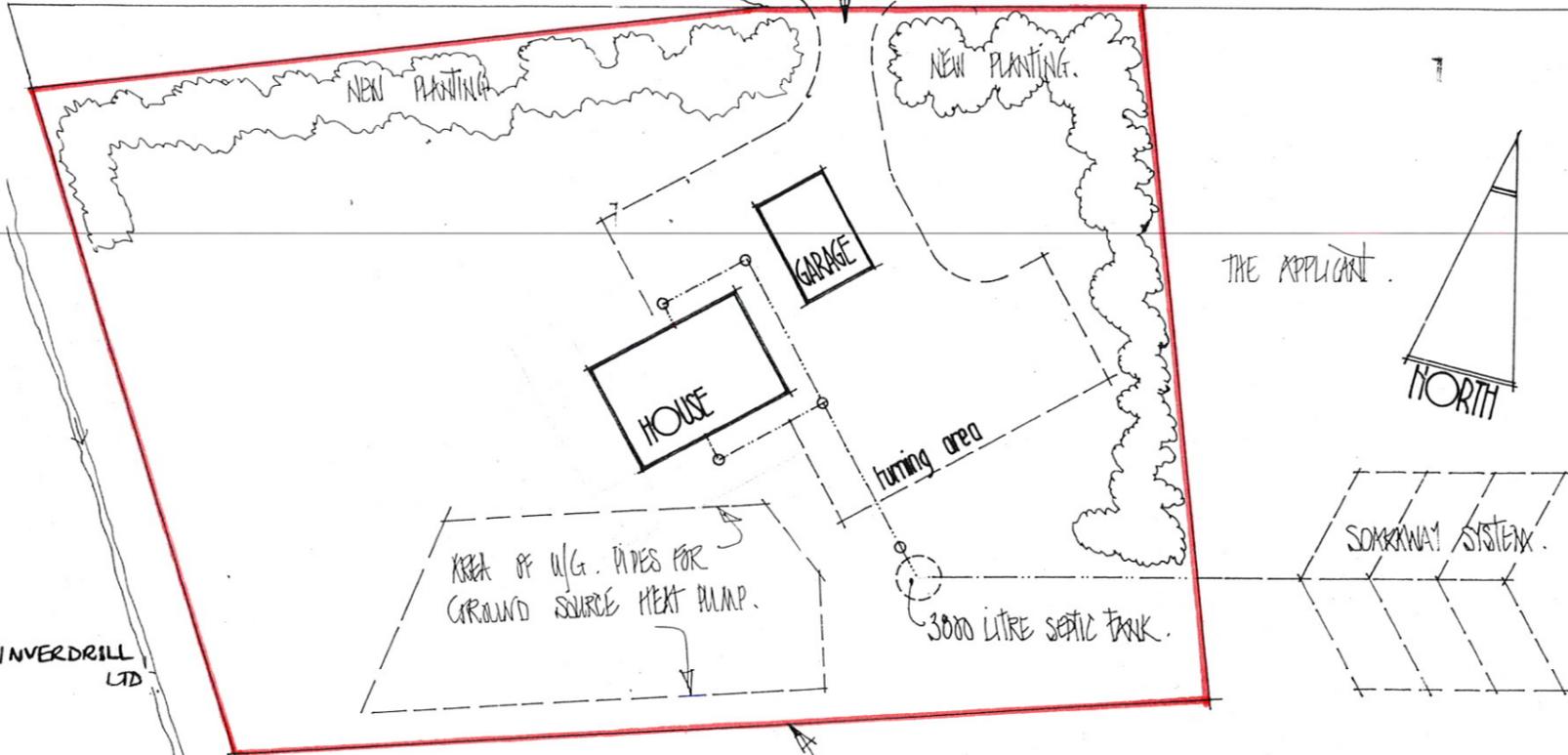
Signature:	Allan J Todd
Designation:	Area Planning & Building Standards Manager Caithness Sutherland and Easter Ross
Author:	Bob Robertson
Background Papers:	Documents referred to in report and in case file.
Relevant Plans:	Plans – Location, site and elevation plans (Plans 1-7); agricultural justification, profit and loss account

INVERDRILL LTD
NORTH GLASTULLICH FARM
TAIN
N19 1PU

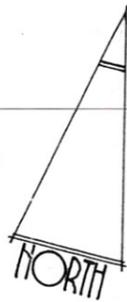
MR & MRS. HOOPER
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NEW 4.20M ACCESS

EXISTING ACCESS TRACK



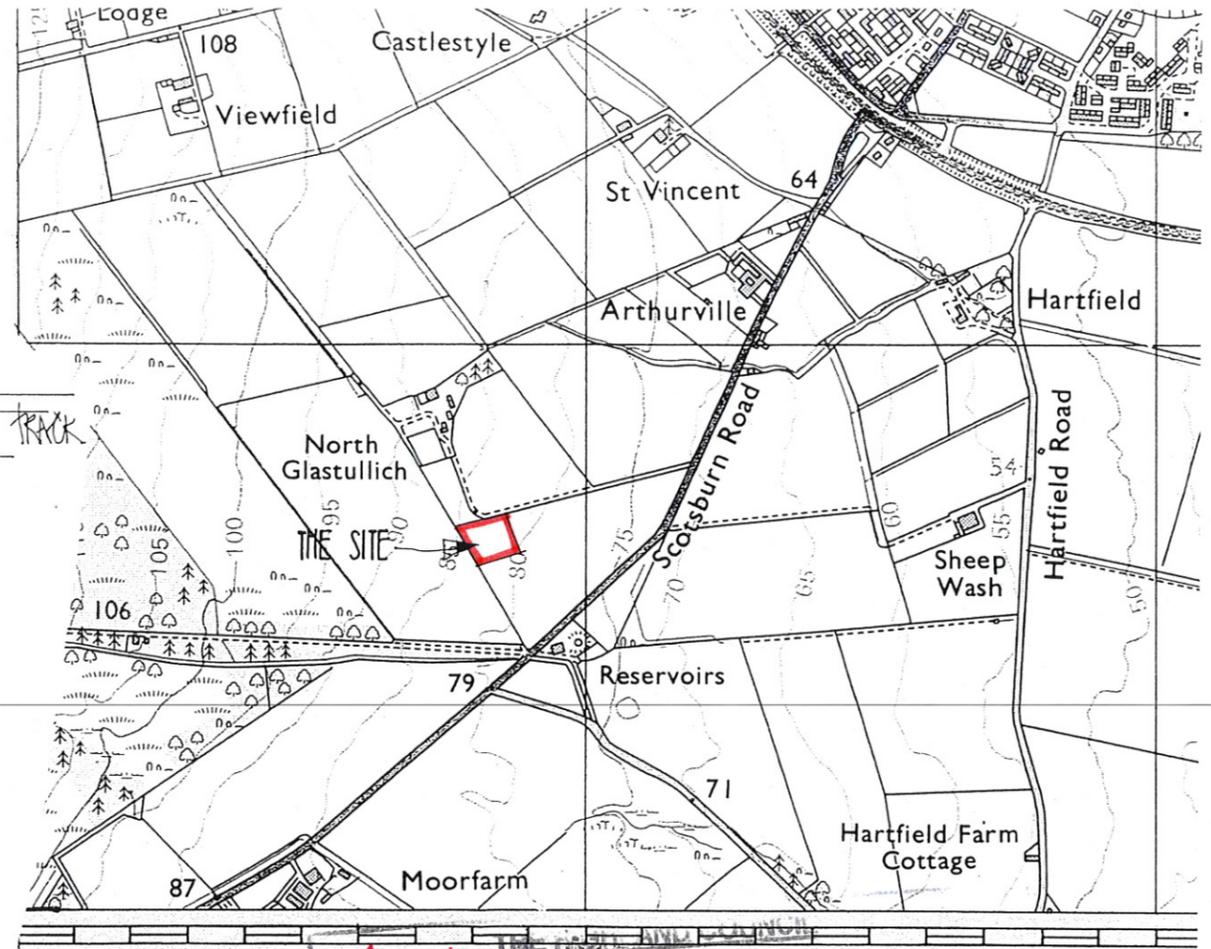
THE APPLICANT



NEW POST & WIRE FENCE

EXISTING FENCE LINE

SITE PLAN 1:500



LOCATION PLAN INT. OF 7 OF APPLICATION REFERENCE
 Amended 09/00223 / FUSU
 RECEIVED 5/6/2009

PROPOSED HOUSE & GARAGE AT PLOT 1
NORTH GLASTULLICH FARM, TAIN FOR
MR O FLEMING

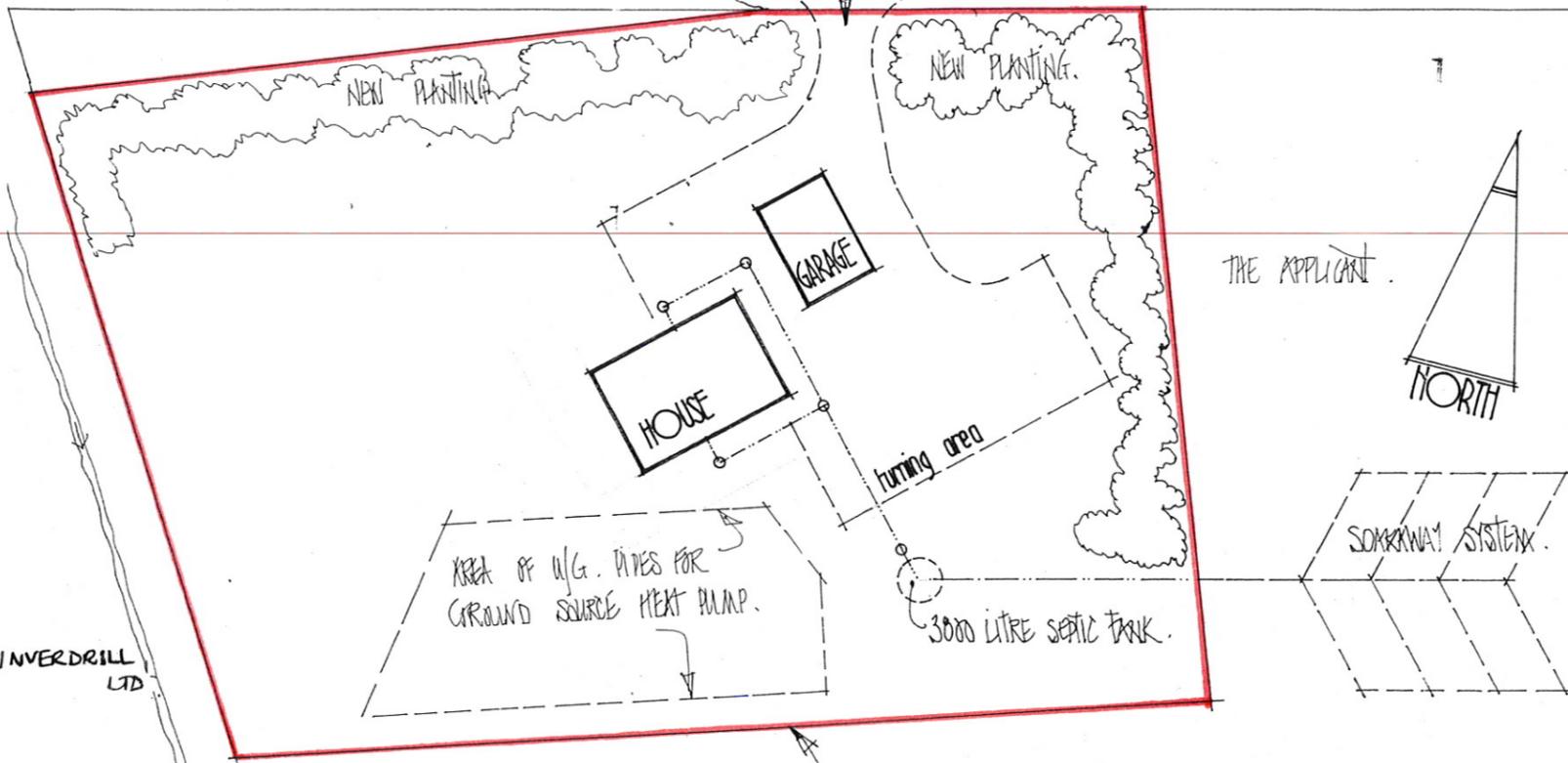
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NEW F-ROAD ADDRESS

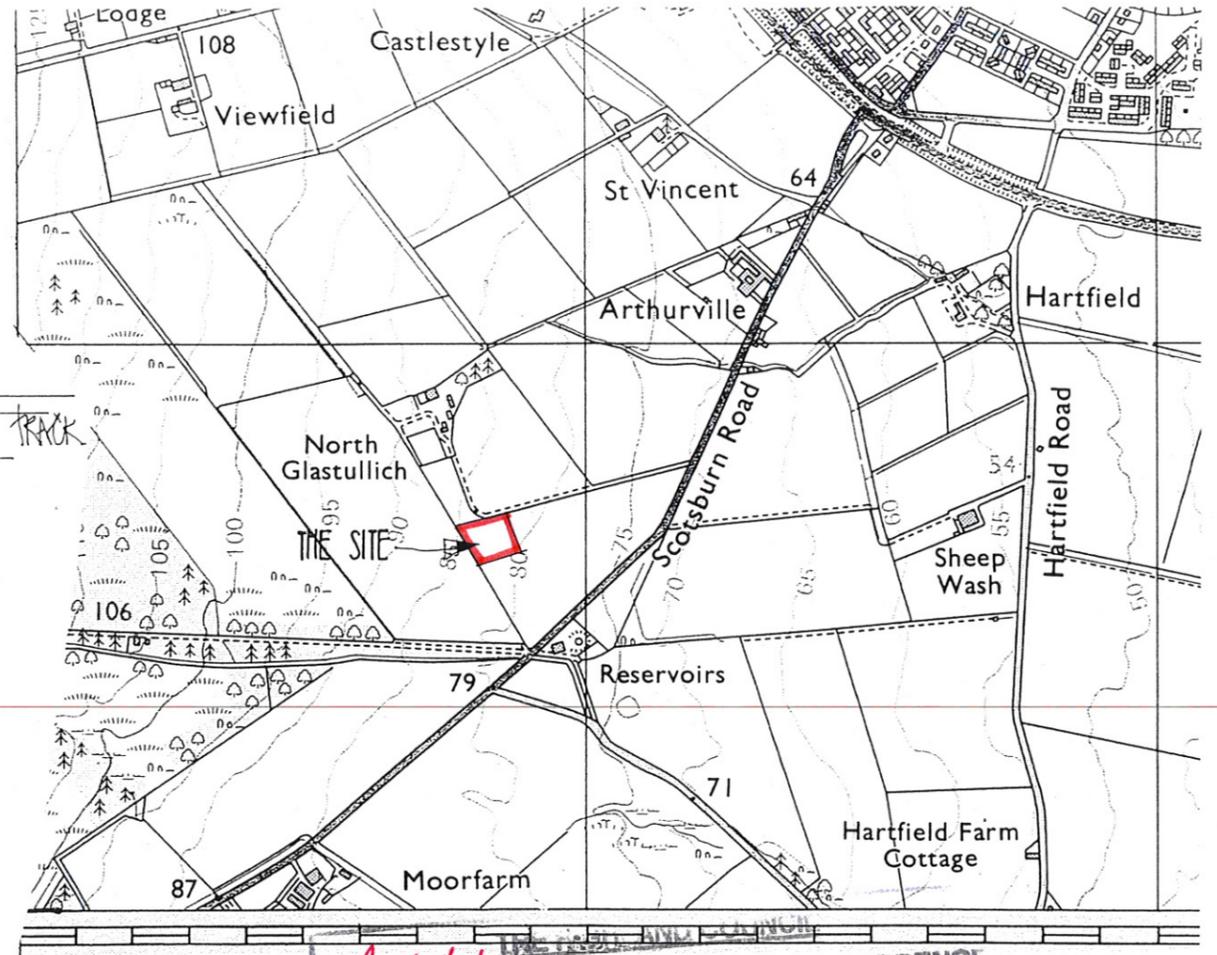
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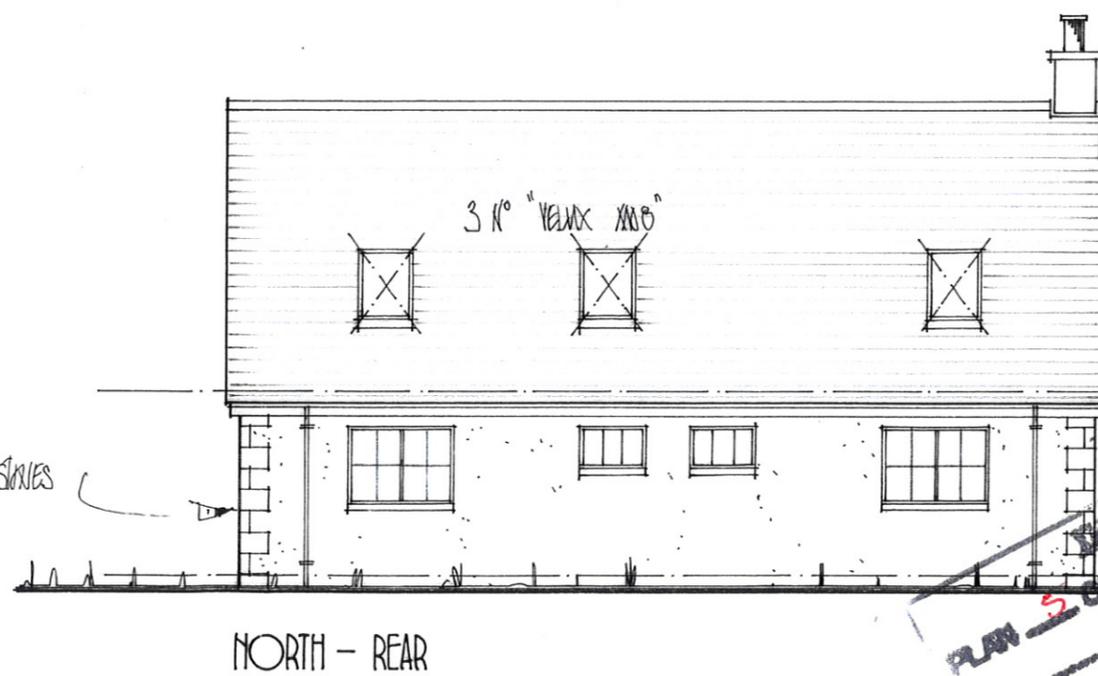
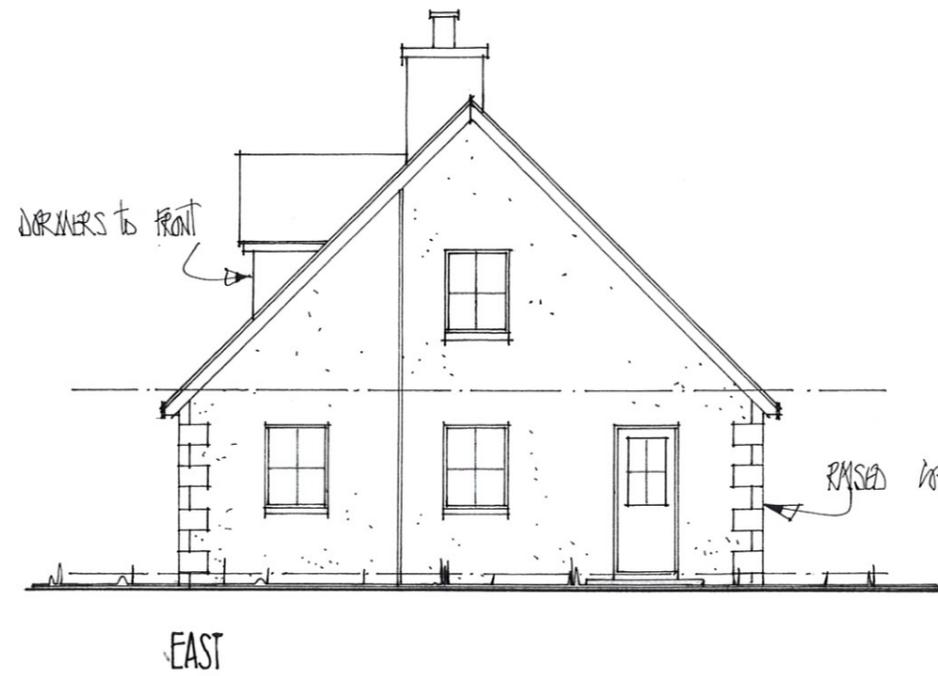
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 PLAN 5 OF 7 OF APPLICATION REFERENCE
 RECEIVED 09/10/223/Forsv
 27/05/19

ELEVATIONS 1:100

07 / 019 / 006