

THE HIGHLAND COUNCIL

**NORTH PLANNING APPLICATIONS COMMITTEE –
14 October 2014**

Agenda Item	6.2
Report No	PLN/073/14

14/02347/FUL : Ms S, J and K Duff

Isle of Skye Trekking and Therapy Centre, 2 Suledale, Clachamish, Skye

Report by Area Planning Manager

SUMMARY

Description : Change of use of former cafe to house (retrospective Class 3 to Class 9) and siting of a Residential Caravan (retrospective)

Recommendation - GRANT

Ward : 11 - Eilean A' Cheò

Development category : Local Development

Pre-determination hearing : Not required

Reason referred to Committee : Number of Objections.

1. PROPOSED DEVELOPMENT

- 1.1 This application seeks retrospective planning permission for the change of use of a former café to a dwellinghouse and temporary retrospective planning permission for the siting of a residential caravan for 5 years.
- 1.2 Allegations regarding unauthorised development were raised with the applicant in October 2013 as part of an on-going enforcement investigation. Emails, discussions and meetings followed to address concerns. It was agreed that an application was to be submitted to try and resolve these planning matters.
- 1.3 Access to the site is gained from the public settlement road.
- 1.4 No supporting information provided.
- 1.5 **Variations:** Revised site plan, access plan and location plan

2. SITE DESCRIPTION

- 2.1 The site is accessed from the settlement road, which subsequently joins the A850. The site is currently used as a riding school which comprises of several buildings, including the former café, reception building, stables, caravan and some ancillary structures.

The nearest neighbouring dwellinghouse is some 9m to the south of the former café and sits in line with the application building in a position at the front of the overall site overlooking the settlement road but some 50m back from its western

edge. The neighbouring house – 2 Suledale – is accessed from the settlement road by a separate access in the south-eastern corner of its road frontage.

The caravan is positioned at the northern rear of the site, some 40m to the north-west of 2 Suladale and close to where the riding school access joins the site and its parking area.

3. PLANNING HISTORY

- 3.1 98/00256/FULSL. Establishment of riding and pony trekking centre, 20 horse stalls, alterations to cottage to form area and outdoor ménage. Granted 29.10.1998
02/00076/FULSL. Erection of building to be used as riding centre office and post office. Granted 28.05.2002
02/00135/FULSL. Installation of satellite antenna at proposed post office. Granted 17.05.2002
03/00415/FULSL. Use of building as a café. Granted 18.02.2004
07/00464/FULSL. Temporary sitting of static caravan. Withdrawn 23.10.2008

4. PUBLIC PARTICIPATION

- 4.1 Advertised : Unknown neighbour 14 days, expiry 11.07.2014.
Representation deadline : 20.07.2014
Timeous representations : 7 objections from 7 different households.
Late representations : None.
- 4.2 Material considerations raised are summarised as follows:
- Water supply and drainage issues on site.
 - Lack of floodwater drainage – sewage and stones damaging road surface.
 - Suspect that the septic tank is not functioning properly.
 - Safety issues with the main road and horses, ponys and riders.
 - Deterioration in the appearance of the stables at Suladale – in particular the caravan.
- 4.3 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet www.wam.highland.gov.uk/wam. Access to computers can be made available via Planning and Development Service offices.

5. CONSULTATIONS

- 5.1 **SEPA** : No objection.
- 5.2 **Environmental Health** : No objections – on-going investigation in respect of other stable buildings on site (Riding Establishment Licence conditions).
- 5.3 **Scottish Water** : No response.
- 5.4 **TECS Roads** : No response.

5.5 **Building Standards** : A building warrant requires to be obtained for the conversion to a house and the drainage connection for the caravan.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 Highland Wide Local Development Plan 2012

28	Sustainable Design
29	Design Quality and Place-Making
34	Settlement Development Areas
61	Landscape
65	Waste Water Treatment
66	Surface Water Drainage

6.2 West Highland and Island Local Plan 2010

1	Settlement Development Areas
2	Development Objectives and Development Requirements

7. OTHER MATERIAL CONSIDERATIONS

7.1 Draft Development Plan

Not applicable

7.2 Highland Council Supplementary Planning Policy Guidance

Sustainable Design Guide (January 2013)

7.3 Scottish Government Planning Policy and Guidance

Not applicable.

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 site falls within the Settlement Development Area for Suladale, so Policy 1 of the West Highlands & Islands Local Plan and Policy 34 of the Highland Wide Local Development Plan apply. These policies support development proposals within Settlement Development Areas if they meet the Design for Sustainability requirements of the Highland Wide Local Development Plan Policy 28. The West Highlands & Islands Local Plan Policy 1 also has a requirement to judge proposals in terms of how compatible they are with the existing pattern of development and landscape character, and how they conform with existing and approved adjacent land uses. Policy 28 of the Highland Wide Local Development Plan requires sensitive siting and high quality design in keeping with local character and historic and natural environments, and the use of appropriate materials. This Policy also requires proposed developments to be assessed on the extent to which they are compatible with service provision, as well as their impact on individual and community residential amenity. Policy 29 of the Highland Wide Local Development Plan repeats this emphasis on good design in terms of compatibility with the local settlement pattern. Policy 61 further emphasises the need for development to respect the landscape character of their surroundings.

Policies 65 and 66 require foul and surface water drainage to meet standards that minimise the risk of pollution and flooding.

8.4 **Material Considerations**

Planning History

The building currently known as the café was granted permission in February 2004 for the change of use to a class 3 Cafe. It is assumed that the café was originally built as a dwellinghouse.

An application for the temporary siting of a caravan on site was lodged in November 2007 and withdrawn in October 2008. Subsequently the caravan was brought onto site.

Design, Appearance and Landscape Impact

The former café is an established building on the site with the outward appearance of a traditional croft house. Consequently, given that the proposal involves no changes to the exterior of the building, it is considered that the change of use to a dwellinghouse would not have a detrimental visual impact on the landscape or immediate surroundings. A condition is recommended removing permitted development rights from the new dwelling to ensure that the Council can control its future visual development and amenity impact.

The temporary caravan on site is considered to have an adverse visual impact on the landscape due to its run down appearance and visual incompatibility with the surrounding agricultural buildings.

The caravan is currently being used as residential accommodation for the applicant to allow them to live on site and care for the stables.

Options were given to the applicant concerning the material finish of the caravan. Timber cladding over the caravan was suggested as this was considered to be an improvement to the visual quality and allow the caravan to fit with the surrounding

buildings and landscape. It is considered that by improving the visual quality of the caravan, it would allow for the caravan to be sited for a longer period of time.

The suggested changes in the material finishes of the caravan were rejected. Consequently, to protect the visual amenity of the landscape, it is considered that only a short period of time can be considered for the further retention of the caravan on site and a condition limiting this period to one year is recommended. It is considered that a year for the temporary siting of the caravan is sufficient to allow a transition period for the applicant to arrange alternative accommodation.

Neighbour amenity

The nearest neighbouring dwellinghouse is some 9m to the south of the former café. Although this distance is short in terms of the proximity of the neighbour's northern boundary to the café and some of the stables/riding school activity, the main activities take place a further 20m to the north-west of the neighbouring house and are screened by intervening buildings.

It is considered that a dwellinghouse use has less of an impact on neighbour amenity in comparison to a café use, due to the activity associated with a café such as noise, smells and footfall. Consequently, it is considered that the change of use to a dwellinghouse would result in a reduced impact on neighbour amenity. The neighbouring residents have not suggested that the residential use that has already taken place at the property (this change of use application is retrospective) has had a detrimental impact upon their amenity.

The immediate setting of the proposed dwellinghouse is dominated by the adjacent riding school/stables use and consequently will not enjoy the level of amenity normally expected for a new house. However, in this case, the dwellinghouse is identified for the use of the family, accommodation for staff and possible holiday-letting and it is considered that the reduced amenity available is acceptable in these circumstances. A condition is recommended to ensure that this situation is controlled with occupation of the new dwelling limited to those directly involved in the stables business or occupying the property as a temporary holiday let – where a reduced level of amenity is acceptable in planning terms.

As stated above, the nearest neighbouring dwellinghouse – 2 Suledale - is some 40m south-east of the caravan and it is considered that such separation distance would not result in a harmful loss of amenity as a result of the use of the caravan. Again, the neighbouring property has not raised this issue.

Drainage

Issues concerning drainage were raised by objectors, highlighting issues with surface water drainage and septic tank issues. The surface water drainage issue is not a material consideration in respect of the residential matters covered by this application.

It has been suggested by objectors that the foul drainage systems relied on by the café and the caravan are not functioning properly. The caravan is served by a septic tank beneath the stable yard and the café by a separate system to the eastern frontage of the site.

These objections have been raised with the applicants and the systems identified by the case officer during a site visit. There was no obvious signs of foul drainage failure – visible effluent or smell – and the applicants have stated that the two systems are functioning properly. Building Standards have confirmed that both systems will need to be made the subject of a Building Warrant (required for new residential uses) and it is considered that their proper technical functioning can be confirmed at that time or remedial measures required.

Access and Parking

Within the Council's road and transport guidelines for new developments, it is recommended that a minimum of 2 parking spaces within the curtilage of a dwellinghouse are provided.

There is existing parking located to the front of the stables reception building which is to the rear of the former café. It is considered that the available space for parking meets the requirements of that for a one bedroom dwellinghouse.

In terms of traffic generation, the dwellinghouse is considered to be a less intensive use than the former café. Consequently, the long-standing access arrangements installed at the site for the stables use (which pre-dates the café permission) are considered more than sufficient in terms of design and visibility to serve the dwellinghouse.

The caravan adds a further residential use to the site but this is not considered to materially alter the above conclusions in terms of the road safety implications of the use of the existing access. Both uses are retrospective and there have been no suggestions that they have caused any road safety/traffic congestion issues in the recent past.

8.5 Other Considerations – not material

The following non material issues were raised by objectors:

- Current 1m fence is located close to neighbours oil tank and looks to be raised to 2m.

The fence is classed as permitted development and therefore planning permission is not required. Any fire risk issue falls within the Building Standards remit.

- Static caravan 7 ½ years without planning permission.

The application for the temporary siting of the caravan is the result from an ongoing enforcement investigation. The length of time that the caravan has been on site is not considered to be a material consideration in determining this application.

- Café being used as living accommodation and holiday accommodation for 2 years.

This application seeks to regularise the change of use. Details concerning whether the dwellinghouse is used as a holiday let is not considered a material consideration. A dwellinghouse may be used as a holiday let as long as it falls within use class 9.

- Makeshift buildings put up without permission.

Some recent works to the stables buildings on the site are also subject to an enforcement investigation (see also EH consultation comment) and the applicants have stated that they are to be made the subject of a further application in the near future alongside an application covering further development at the site. The planning team leader has been kept fully informed of these future plans and considers that all remaining breaches of planning control will be addressed separately through this route in the near future.

8.6 **Matters to be secured by Section 75 Agreement**

None.

9. **CONCLUSION**

- 9.1 All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

10. **RECOMMENDATION**

Action required before decision issued N

Subject to the above, it is recommended the application be **Granted** subject to the following conditions;

1. Planning permission for the caravan is hereby granted for a temporary period only and shall cease to have effect on 14.10.2015 (the 'cessation date'). Prior to the cessation date, the application site shall be cleared of all development approved under the terms of this permission (including any subsequent ancillary works, infrastructure, fixtures, fittings and any temporary developments permitted under Class 14 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended)) and reinstated to its pre-development condition.

Reason : In order to give due recognition to the special circumstances displayed by the applicants and to enable the Planning Authority to exercise appropriate control at the expiry of these special circumstances.

2. Notwithstanding the provisions of Article 3 and Classes 1, 2 and 3 of Schedule 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended, revoked or re-enacted; with or without modification), no development of a type identified in the aforementioned classes shall take place within the curtilage of the dwellinghouse hereby approved without planning permission being granted on application to the Planning Authority.

Reason : In order to enable the Planning Authority to retain effective control over future development within the application site so that it is carefully managed and does not result in over-development or an adverse impact on the amenity of the area

3. The occupancy of the dwellinghouse hereby approved shall be limited to the owners, applicants and employees of the adjacent stables/riding school business or for holiday letting purposes. As a holiday let, the dwelling shall not be used as a principal private residence or be occupied by any family, group or individual for more than three months (cumulative) in any one calendar year.

Reason : In order to give due recognition to the special circumstances displayed by the applicants and to enable the Planning Authority to exercise appropriate control over the residential use.

REASON FOR DECISION

The proposals accord with the provisions of the Development Plan and there are no material considerations which would warrant refusal of the application.

TIME LIMITS

LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION

In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), the development to which this planning permission relates must commence within THREE YEARS of the date of this decision notice. If development has not commenced within this period, then this planning permission shall lapse.

FOOTNOTE TO APPLICANT

Accordance with Approved Plans & Conditions

You are advised that development must progress in accordance with the plans approved under, and any conditions attached to, this permission. You must not deviate from this permission without consent from the Planning Authority (irrespective of any changes that may separately be requested at the Building Warrant stage or by any other Statutory Authority). 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 adhere to this permission and meet the requirements of all conditions may invalidate your permission or result in formal enforcement action

Flood Risk

It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (or emanating from) the application site. As per Scottish Planning Policy (p.198), planning permission does not remove the liability position of developers or owners in relation to flood risk.

Scottish Water

You are advised that a supply and connection to Scottish Water infrastructure is dependent on sufficient spare capacity at the time of the application for connection to Scottish Water. The granting of planning permission does not guarantee a connection. Any enquiries with regards to sewerage connection and/or water supply should be directed to Scottish Water on 0845 601 8855.

Septic Tanks & Soakaways

Where a private foul drainage solution is proposed, you will require separate consent from the Scottish Environment Protection Agency (SEPA). Planning permission does not guarantee that approval will be given by SEPA and as such you are advised to contact them direct to discuss the matter (01349 862021).

Local Roads Authority Consent

In addition to planning permission, you may require one or more separate consents (such as dropped kerb consent, a road openings permit, occupation of the road permit etc.) from TECS Roads prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local TECS Roads office for further guidance at the earliest opportunity.

Failure to comply with access, parking and drainage infrastructure requirements may endanger road users, affect the safety and free-flow of traffic and is likely to result in enforcement action being taken against you under both the Town and Country Planning (Scotland) Act 1997 and the Roads (Scotland) Act 1984.

Further information on the Council's roads standards can be found at:
<http://www.highland.gov.uk/yourenvironment/roadsandtransport>

Application forms and guidance notes for access-related consents can be downloaded from:
<http://www.highland.gov.uk/yourenvironment/roadsandtransport/roads/Applicationformsforroadoccupation.htm>

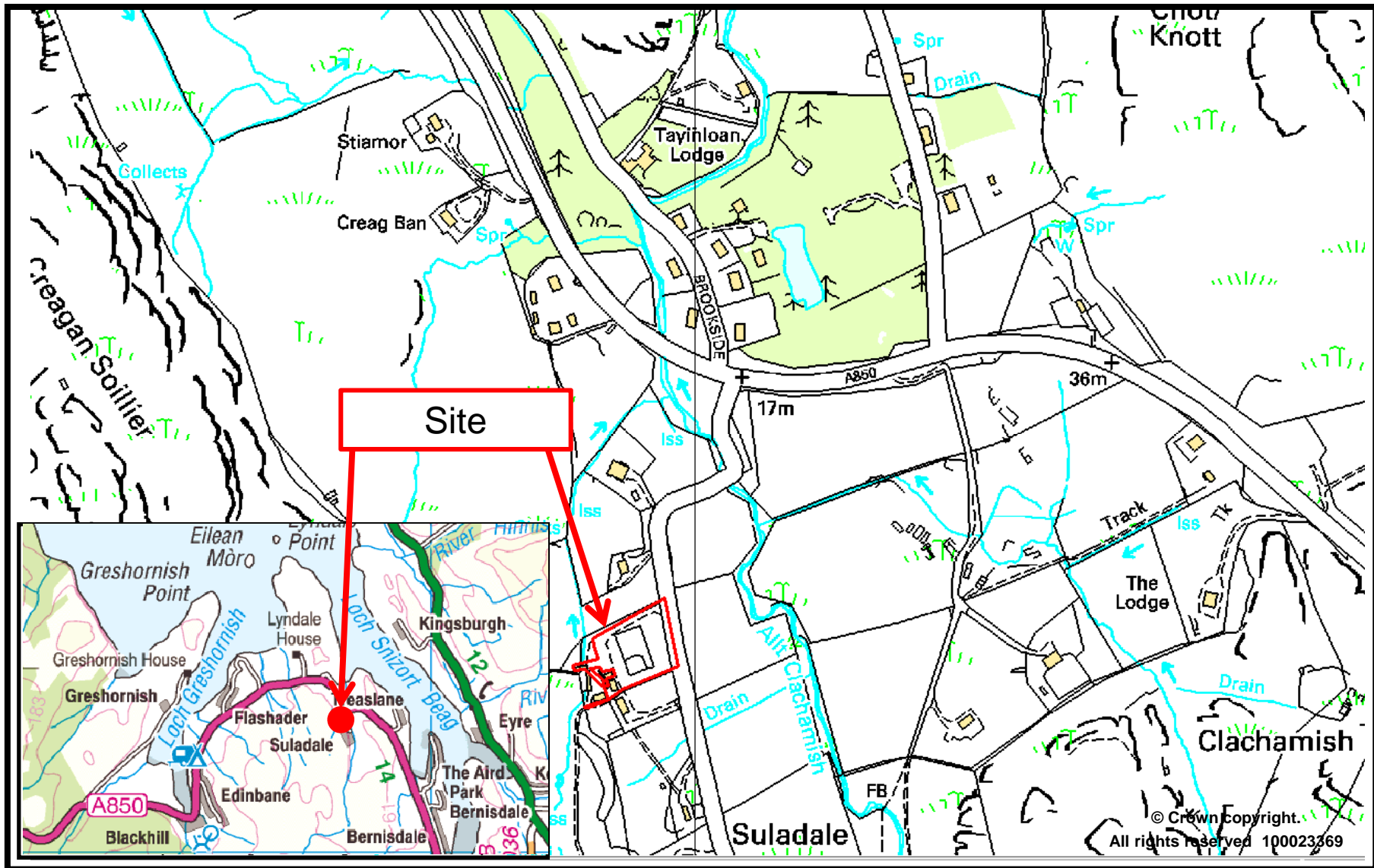
Mud & Debris on Road

Please note that it is an offence under Section 95 of the Roads (Scotland) Act 1984 to allow mud or any other material to be deposited, and thereafter remain, on a public road from any vehicle or development site. You must, therefore, put in place a strategy for dealing with any material deposited on the public road network and maintain this until development is complete.

Signature:	Dafydd Jones
Designation:	Area Planning Manager North
Author:	Whitney Lindsay
Background Papers:	Documents referred to in report and in case file.
Relevant Plans:	Plan 1 – 349-1 Rev – Location Plan
	Plan 2 – 349-2 Rev – Site Layout Plan
	Plan 3 – 349-3 – Proposed Floor Plan
	Plan 4 – 349-4 - Elevations
	Plan 5 – 349-5 – Floor Plan
	Plan 6 – 349-6 Rev – Access Layout

Appendix – Letters of Representation

Name	Address	Date Received	For/Against
Signature unclear	The Old House, 1 Suledale, Portree, Skye, IV51 9PA	04.07.2014	Against
David John Owen	The Bungalow, 2 Suladale, Clachmish, IV51 9PA	27.06.2014	Against
Katherine E Wright	2 Hamilton Place, Kyle of Lochalsh, Ross-Shire, IV40 8BN	04.07.2014	Against
Eilidh Wright	4/3 Maxwell Street, Morningside, Edinburgh, EH10 5HU	04.07.2014	Against
Hazel Abendschein	The Lodge Hotel, Edinbane, Isle of Skye	03.07.2014	Against
Malcolm Herbert	Bruach na h'Aibhne Amer Struan	02.07.2014	Against
Paul Owen	52 North Parade Sleaford	01.07.2014	Against



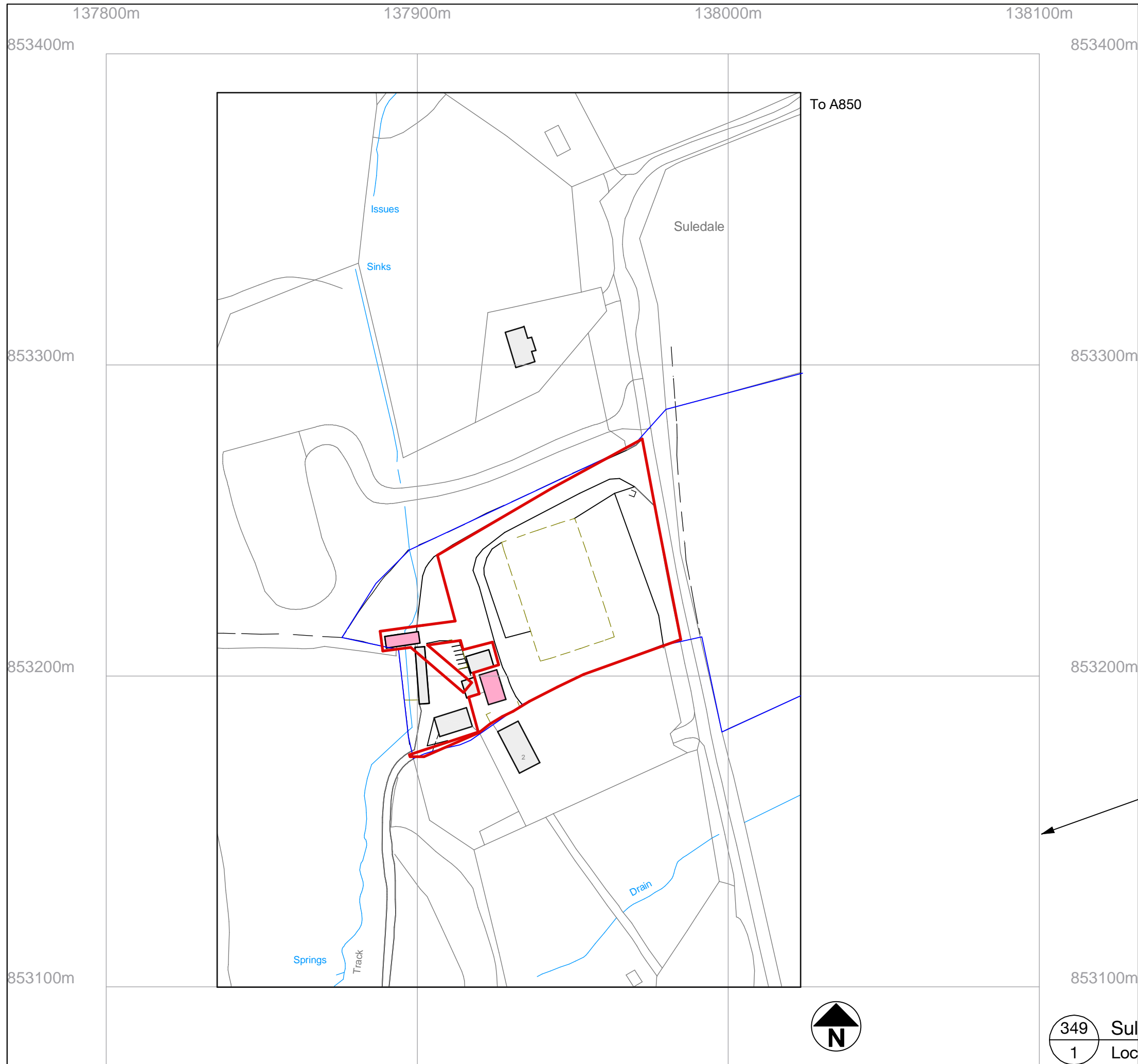
Planning and
Development Service

Plan: Location Plan
Case No: 14/02347/FUL

Description: Change of use of former cafe to revert to house (retrospective Class 3 to Class 9) and siting of a Residential Caravan, (retrospective)

Scale:

Date:



Application for
Change of use Cafe to revert to House.
Temporary application [5 year] Residential Caravan.

Isle of Skye Trekking and Therapy Centre,
2 Suladale,
Clachamish,
by Portree,
Isle of Skye,
IV51 9PA

OS 137930 853200
100 m grid

Retrospective
Planning
Application
Suladale Bothy
Drawn IB 27/5/14

Ian Brown
Design/Build

RAON NAN EILIN
EDINBANE
BY PORTREE
ISLE OF SKYE
IV51 9PW

ib@skyeberries.com
01470 582462

349 Suladale Stables, Croft 2.
1 Location, Scale 1:1250, see grid

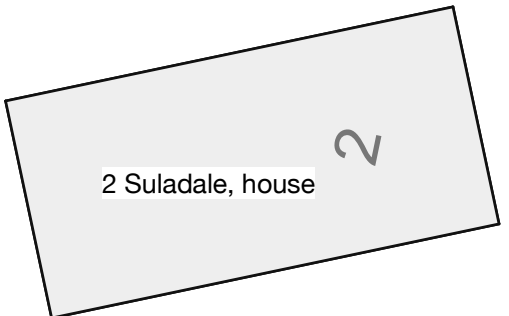
Red line rev 11/8/14

Alterations to fences and drain not yet carried out.

Septic tank, unaltered, [it catered for cafe before, lesser use from house]

Replacement fence 2m high, timber boarding from W side of extn gate to end of extn timber fence approx 7m in front of cottage set within property boundary unless neighbour offers access.

Alterations - Change of use from Cafe back to house retrospective.



2 Suladale, house

PARKING, unaltered, [it catered for cafe before, lesser use from house]

Cottage, Croft 2 Suladale

Skye Trekking Centre Riding Stables and Croft Suladale

Reception of stables

Parking within red dotted line

Stables yard

Replacement boundary fence, 2m timber

Crushed stone land drain in geotextile to connect to extn drainage ditches [dashed line]

Replacement fence 2m high x 3.6m approx, timber boarding over extn gate set within property boundary unless neighbour offers access.

Static Caravan Temporary [5 year] Permission applied for

Scale 1:200

Retrospective Planning Application Suladale Bothy Drawn IB 27/5/14

Ian Brown Design/Build

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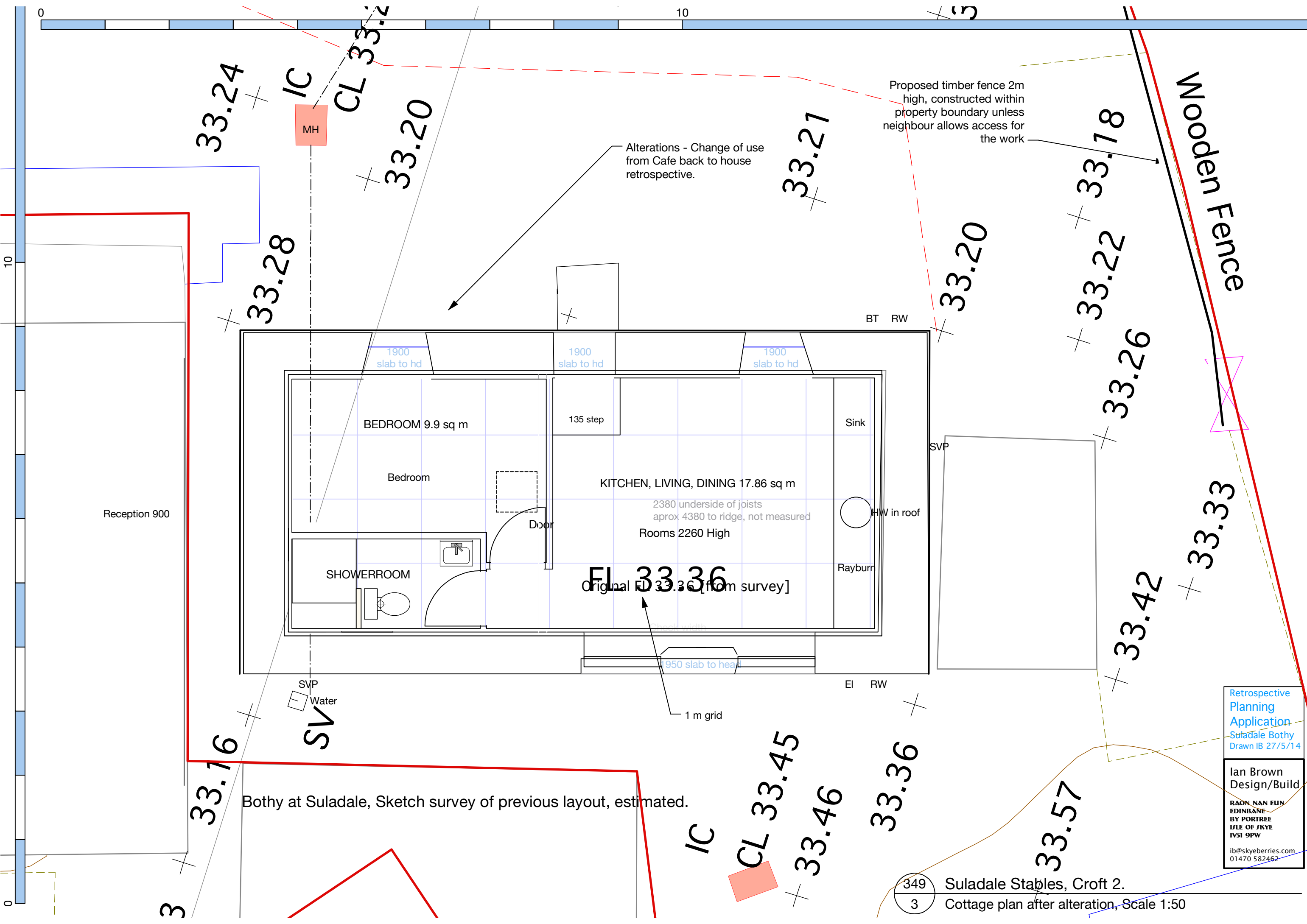
ib@skyeberries.com 01470 582462



Scale in 10m blocks

349 Suladale Stables, Croft 2. Site Scale 1:250

Red line rev 8/8/14



Proposed timber fence 2m high, constructed within property boundary unless neighbour allows access for the work

Alterations - Change of use from Cafe back to house retrospective.

Wooden Fence

Bothy at Suladale, Sketch survey of previous layout, estimated.

Retrospective Planning Application
Suladale Bothy
Drawn IB 27/5/14

Ian Brown Design/Build

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BY PORTREE
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349 Suladale Stables, Croft 2.
3 Cottage plan after alteration, Scale 1:50



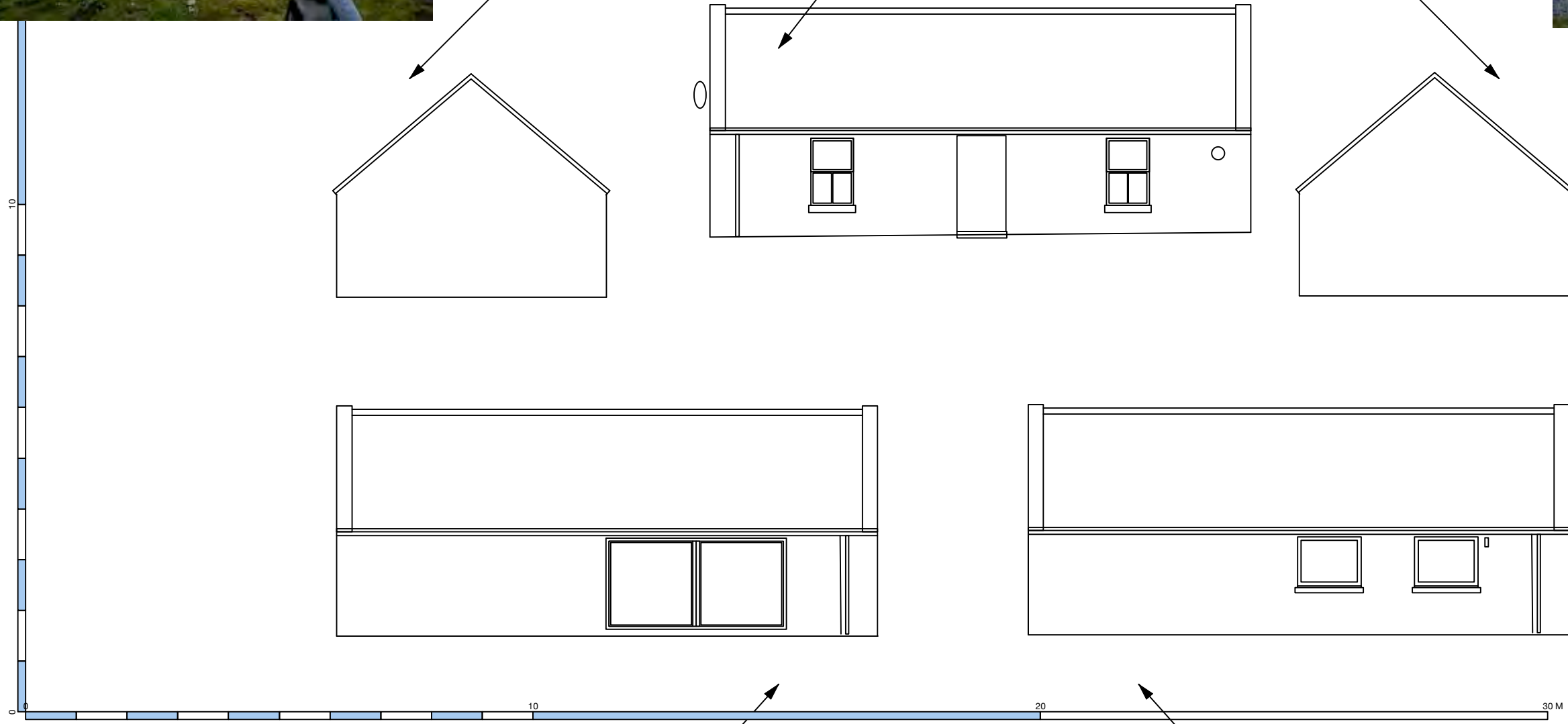
Original and current elevation to NORTH

Original and current elevation to EAST

Original and current elevation to SOUTH

Original elevation to WEST

Current elevation to WEST

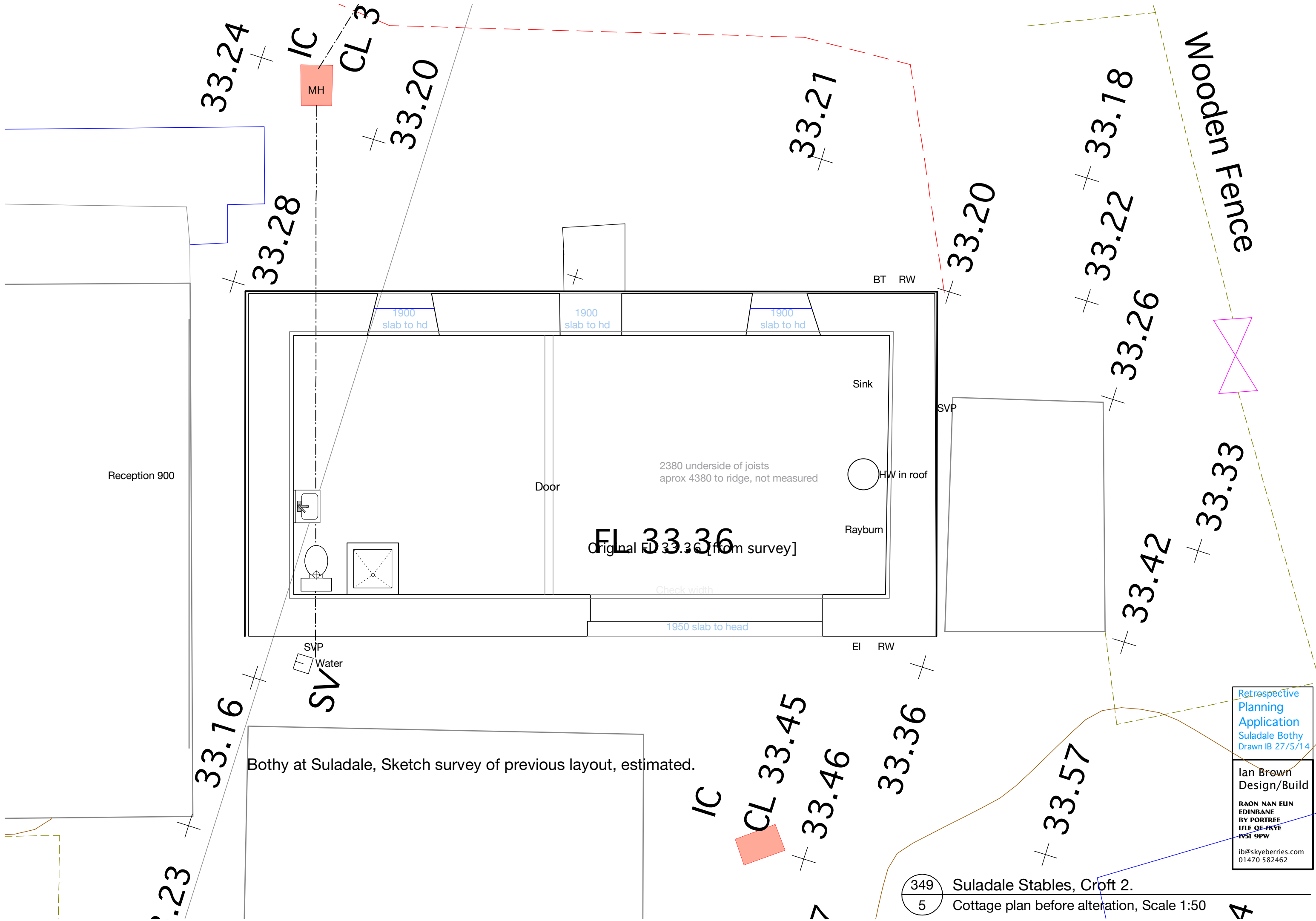


Retrospective
 Planning
 Application
 Suladale Bothy
 Drawn IB 27/5/14

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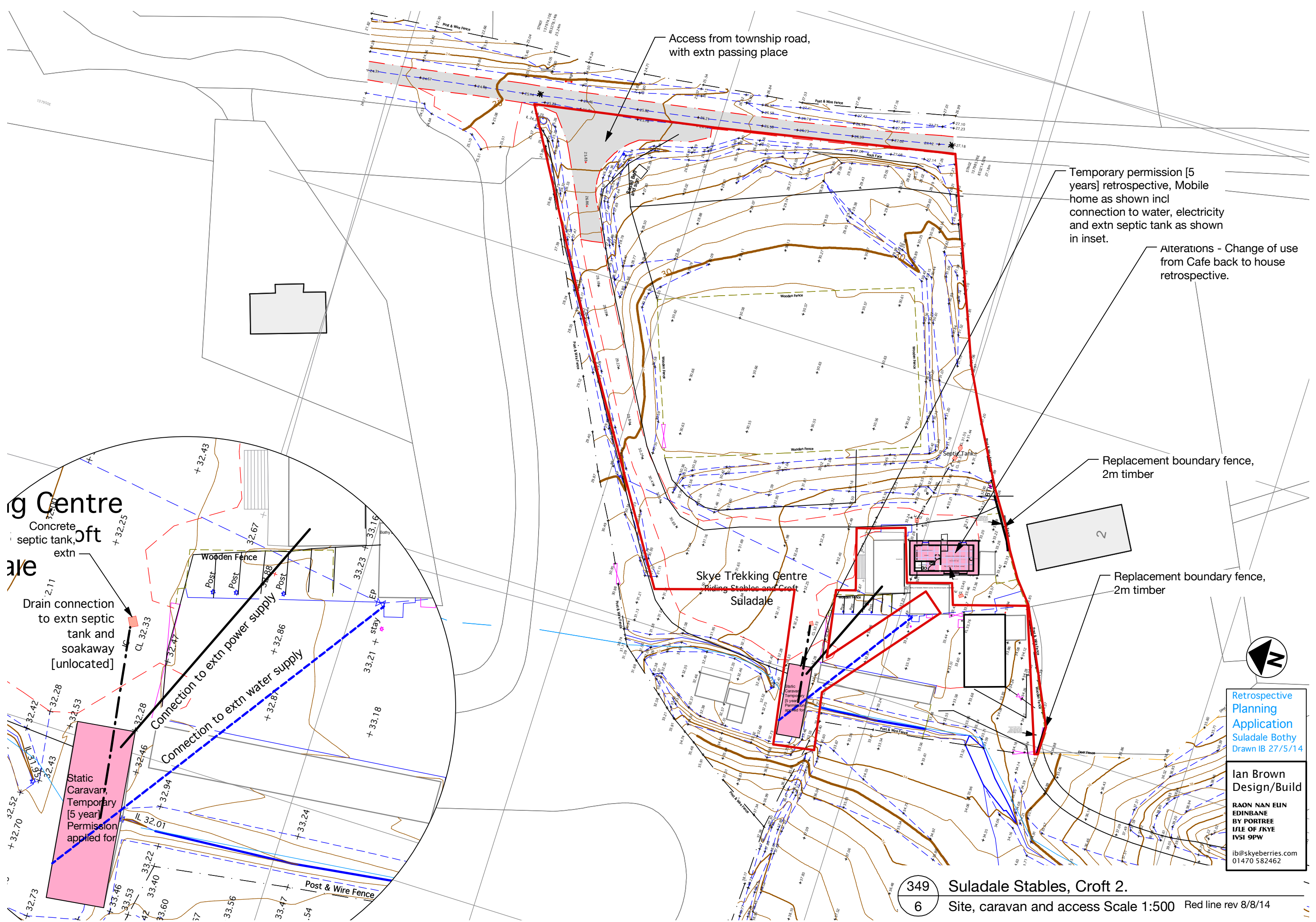


Retrospective
Planning
Application
Suldale Bothy
Drawn IB 27/5/14

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Design/Build

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349 Suldale Stables, Croft 2.
5 Cottage plan before alteration, Scale 1:50



g Centre
Concrete
septic tank,
1.0ft
extn

Drain connection
to extn septic
tank and
soakaway
[unlocated]

Static
Caravan,
Temporary
[5 year]
Permission
applied for

Access from township road,
with extn passing place

Temporary permission [5
years] retrospective, Mobile
home as shown incl
connection to water, electricity
and extn septic tank as shown
in inset.

Alterations - Change of use
from Cafe back to house
retrospective.

Replacement boundary fence,
2m timber

Replacement boundary fence,
2m timber

Skye Trekking Centre
Riding Stables and Croft
Suldale

Retrospective
Planning
Application
Suldale Bothy
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349
6

Suldale Stables, Croft 2.

Site, caravan and access Scale 1:500 Red line rev 8/8/14