

THE HIGHLAND COUNCIL

**NORTH PLANNING APPLICATIONS COMMITTEE –
24 March 2015**

Agenda Item	6.4
Report No	PLN/013/15

**14/04307/FUL : Mr D Connor
14 Fountain Square, Haster, Wick, KW1 5SX**

Report by Area Planning Manager

SUMMARY

Description : Erection of 3 sheds (retrospective)

Recommendation - GRANT (TEMPORARY CONSENT)

Ward : 04 Landward Caithness

Development category : Local Development

Pre-determination hearing : not required

Reason referred to Committee : Community Council objection.

1. PROPOSED DEVELOPMENT

- 1.1 This retrospective application is for the development of three sheds to the side (north) of the property.
- 1.2 No pre-application discussion was undertaken.
- 1.3 The Applicant submitted proof of his disability, a land-ownership certificate and photographs of the sheds.
- 1.4 **Variations:** None.

2. SITE DESCRIPTION

- 2.1 No.14 Fountain Square is a single-storey semi-detached house in an estate of similar within Haster village, which sits 2.5km west of Wick. The site currently has three plastic sheds to the front (west) of the house, three sheds to the side (north) of the house [which are the subject of this retrospective application] and at least one more shed to the rear (east) of the property.

3. PLANNING HISTORY

- 3.1 13/02842/FUL was consented on 20.08.2013 for the erection of three plastic sheds (in the front garden). Condition 1 of this permission removed all permitted development rights for future development within the curtilage of No.14 Fountain Square; the aim of this was to enable the Planning Authority to retain effective control over future development of the site.

4. PUBLIC PARTICIPATION

- 4.1 Advertised : n/a
Representation deadline : 06.02.2015
Timeous representations : 0
Late representations : 0
- 4.2 Material considerations raised are summarised as follows:
▪ n/a
- 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 **Environmental Health** : have no comments to make.
- 5.2 **Tannach and District Community Council** : Objection.
The Community Council has looked at this site and wish to object to this proposal. This is obviously a retrospective application and as the applicant has previously had a retrospective application for sheds he was in a position to be aware of the requirement to apply.
We feel these 3 sheds, which will make a total of 7 on this property, are excessive on the area of ground surrounding the house. Scottish Government guidelines say the proposed development and existing developments (including extensions, sheds, garages) cannot exceed half of the rear (or front if appropriate) curtilage of the original dwellinghouse.
If this should be approved we are very concerned about giving the impression there is no need to apply in advance of doing any work. There would be a problem should all the neighbours decide to do the same.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 Highland Wide Local Development Plan 2012

Policy 28 Sustainable Design

Policy 29 Design Quality & Place-making

Policy 36 Development in the Wider Countryside

Policy 66 Surface Water Drainage

6.2 **Caithness Local Plan 2002 (as continued in force):**

NB. This local plan is relevant only insofar as it continues in force post-adoption of the Highland-wide Local Development Plan. More information at: <http://www.legislation.gov.uk/ssi/2012/90/made>

7. **OTHER MATERIAL CONSIDERATIONS**

7.1 **Draft Development Plan**

Not applicable

7.2 **Highland Council Supplementary Planning Policy Guidance**

Sustainable Design Guide (Jan 2013)

7.3 **Scottish Government Planning Policy and Guidance**

Scottish Planning Policy (The Scottish Government, June 2014)

National Planning Framework 3 (The Scottish Government, June 2014)

7.4 **Other**

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**

Policy 28 Sustainable Design requires that development should demonstrate sensitive siting and high quality design in-keeping with local character and making use of appropriate materials; the current development within the curtilage of No.14 would be considered as neither sensitive nor in-keeping with the character of Fountain Square. This Policy also requires that development accommodate the needs of all sectors of the community, including people with disabilities or other special needs; this clause gives some (temporary) justification to the extent and nature of the development.

Policy 29 Design Quality and Place-Making requires that new development should be designed to make a positive contribution to the architectural and visual quality of the place in which it is located. The cumulative impact of at least seven sheds within the curtilage of this property is unlikely to make a positive contribution to the character and visual quality of this site and its residential context.

Policy 36 Development in the Wider Countryside (which Haster technically is) requires that new development is acceptable in terms of design and siting, is sympathetic to existing patterns of development in the area, and will avoid incremental expansion of one particular development type. As with the above policies, the proposal is failing to comply with the stated requirements.

8.4 **Material Considerations**

The previous application (13/02842/FUL) removed permitted development rights on this site which required planning permission to be sought for any further development. Regardless of this, the Applicant has put up three further sheds on this site without making an application; one of these sheds takes up almost half of the curtilage frontage.

The siting and design of the sheds on this plot have resulted in an over-developed site which has the appearance of most of the garden being taken-up by a disparate collection of sheds. Apart from the three plastic sheds in front of the house being of identical appearance, the six sheds that are visible (to the front and side of the house) appear mis-matched and relate poorly to the house itself. This is in direct contrast to the other gardens within Fountain Square which are generally well-kept and landscaped/planted. The perception of a garden almost fully covered by sheds has a negative impact on the character and appearance of this residential area.

Schedule 1 Classes 3A/3B of the Town and Country Planning (General Permitted Development) (Scotland) Order 2011 require that no more than 50% of the front curtilage [excluding any hard surfacing] be covered by development. The cumulative area of the six existing sheds exceeds this.

Another material consideration with this case is that the Applicant is elderly and registered as disabled, for which reasons the determination of this application (with the aim of being *reasonable*) is allowing the Applicant a time period within which the sheds within the curtilage should be rationalised in number and positioned predominantly at the rear of the property. Therefore the recommendation is to grant a temporary consent (3 years) to give the Applicant an appropriate period of time within which to improve the layout, character and appearance of the site.

8.5 **Other Considerations – not material**

Not applicable

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

Not applicable

9. CONCLUSION

- 9.1 All relevant matters have been taken into account when appraising this application. It is considered that the proposal does not accord with the principles and policies contained within the Development Plan and is unacceptable in terms of applicable material considerations. However, given the Applicant's particular circumstances, and the fact that the site is kept in a clean and tidy condition, a temporary consent of 3 years is recommended; at the end of this period the number of sheds on the site should be rationalised to no more than three sheds at the front/side, with the rest positioned to the rear.

10. RECOMMENDATION

Action required before decision issued N

Subject to the above, it is recommended the application be **Granted (Temporary Permission)** subject to the following conditions and reasons / notes to applicant :

1. Planning permission is hereby granted for a temporary period only and shall cease to have effect THREE YEARS from the date of this decision notice (the 'cessation date'). Prior to the cessation date, the application site shall be rationalised regarding the sheds within the site curtilage to show no more than three sheds to the front/side of the dwelling-house (including any ancillary works, infrastructure, fixtures, fittings and any temporary developments permitted under Class 3A/3B of the Town and Country Planning (General Permitted Development) (Scotland) Order 2011 (as amended)). At least six months prior to this cessation date, the applicant shall submit a site layout plan for the written approval of the planning authority, showing the revised layout for the sheds within the house curtilage along with a reinstatement plan for the garden area.

Reason : In order to give due recognition to the special circumstances displayed by the applicant(s) 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 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 is permitted within the curtilage of No.14 Fountain Square, Haster; 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.

REASON FOR DECISION

The proposals fail to accord with the provisions of the Development Plan, but due to the special circumstances of the Applicant there are no material considerations which cannot be amended within the specified period which would warrant refusal of the application.

TIME LIMITS

n/a, see Condition 1

FOOTNOTE TO APPLICANT

Initiation and Completion Notices

The Town and Country Planning (Scotland) Act 1997 (as amended) requires all developers to submit notices to the Planning Authority prior to, and upon completion of, development. These are in addition to any other similar requirements (such as Building Warrant completion notices) and failure to comply represents a breach of planning control and may result in formal enforcement action.

1. The developer must submit a Notice of Initiation of Development in accordance with Section 27A of the Act to the Planning Authority prior to work commencing on site.
2. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Act to the Planning Authority.

Copies of the notices referred to are attached to this decision notice for your convenience.

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.

Local Roads Authority Consent

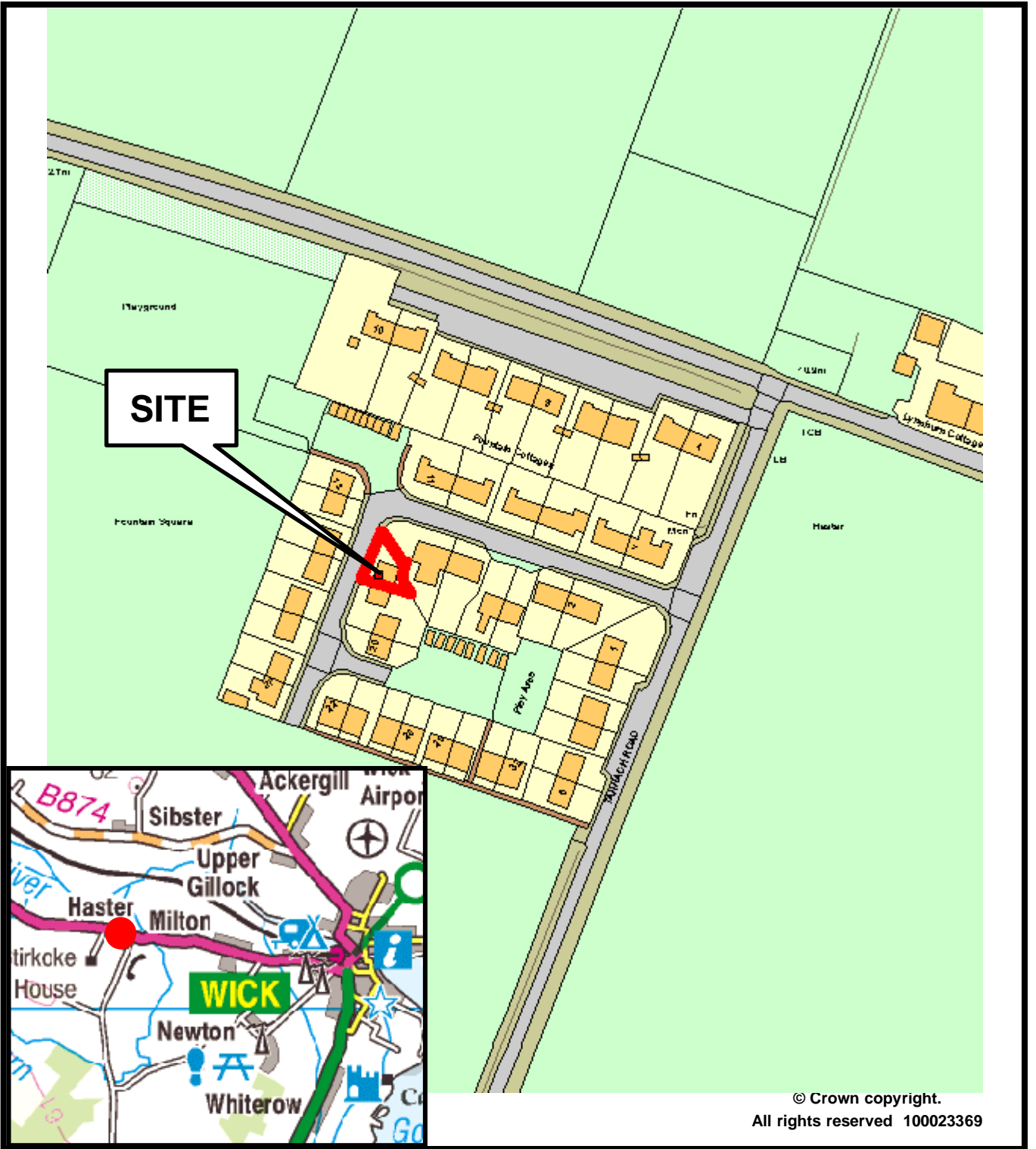
In addition to planning permission, you may require one or more separate consents (such as dropped kerb consent, a road openings permit, occupation of the road permit etc.) from TECS Roads prior to work commencing. These consents may require additional work and/or introduce additional specifications 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>

Signature: Dafydd Jones
Designation: Area Planning Manager North
Author: Norman Brockie
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 – Location Plan
Plan 2 – 01 Site Layout Plan
Plan 3 – photographs



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 **The Highland Council**
Comhairle na Gàidhealtachd
Planning & Development Service

Plan 1
14/04307/FUL
Erection of 3 sheds (retrospective)
14 Fountain Square, Haster, Wick KW1 5SX
24 March 2015





14/04307/FUL
SCALE 1:100 @ A3

14 FOUNTAIN SQUARE, HASTER.
APPROXIMATE SITE LAYOUT OF SHEDS. DRG.01





