

THE HIGHLAND COUNCIL

SOUTH PLANNING APPLICATIONS COMMITTEE
11 April 2017

Agenda Item	5.1
Report No	PLS/014/17

16/05097/FUL: Daviot Farms
Land NE of Birch View, Daviot, Inverness

Report by Area Planning Manager – South/Major Developments

SUMMARY

Description: Erection of 2no. steel frame buildings to form offices and agricultural store (retrospective)

Recommendation: GRANT

Ward: 13 – Aird and Loch Ness

Development category: Local Development

Pre-determination hearing: Not required

Reason referred to Committee: Unresolved Community Council objection

1. PROPOSED DEVELOPMENT

- 1.1 The proposal is for the erection of 2 steel framed agricultural style buildings within a cluster of similar buildings on an elevated platform to the east of the A9 at the agricultural holding at Lairgandour, Daviot. The buildings measure 16.5 m x 3.5m and 20m x 13.7m and have been substantially completed prior to planning permission having been applied for.
- 1.2 The proposed use of the smaller shed is for agricultural storage. The larger shed is partially for agricultural storage and partially for use as a farm office.
- 1.3 No pre-application advice was requested.
- 1.4 The site is accessed via a private road leading off the B9154 (Daviot East road).
- 1.5 **Variations:** No variations have been made to the application since submission.

2. SITE DESCRIPTION

- 2.1 The site sits on an elevated platform to the east of the A9, partially screened by bunding and planting. The buildings form part of a complex of large,

agricultural/industrial style buildings, situated within close proximity to each other within the confines of the platform. The farmhouse sits to the South. The entire site is set against a backdrop of rolling hills to the east.

3. PLANNING HISTORY

- 3.1 14.01.2009 - Prior approval not required for erection of a new agricultural shed, re-location of existing shed & formation of hard standing (09/00027/AGRIN)
- 3.2 11.05.2009 – Prior approval not required for agricultural shed (09/00279/AGRIN)
- 3.3 14.10.2009 - Change of use to repair workshop granted planning permission (09/00456/FULIN)
- 3.4 28.10.2010 - Use an area of existing hard standing for temporary recycling operations granted planning permission (10/02008/FUL)
- 3.5 23.07.2010 – Prior approval not required for erection of agricultural shed (10/02677/AGR)
- 3.6 28.10.2011 - Erection of agricultural buildings - livestock housing facility, Dutch Barn, workshop and silage pit granted planning permission (10/04900/FUL)
- 3.7 03.04.2014 – Erection of farm office granted planning permission (13/00796/FUL)
- 3.8 21.03.2014 - Application under Section 42 to alter condition 4 from temporary recycling operation to permanent recycling operations refused permission (13/02618/FUL)
- 3.9 23.01.2015 - Amended design of farm office (13/00796/FUL) granted planning permission (14/04678/FUL)

4. PUBLIC PARTICIPATION

- 4.1 Advertised: Not applicable

Representation deadline: 29.12.2016

Timeous representations: None

Late representations: None

5. CONSULTATIONS

- 5.1 **Strathnairn Community Council:** Object to the application on the following grounds:
 - That the buildings are out of keeping with the area concerned.
 - That this represents an industrial complex in a rural setting.
 - That the buildings and office will be used for purposes outwith the stated agricultural purposes given the current operations on the site and the size of

the farming activities on the associated land.

- The apparent attempt to circumvent the planning procedures by having started and possibly completed the works prior to any application. Given the history of the site it is clear that the applicant would have been aware of the need for prior consent.

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

6.2 Inner Moray Firth Local Development Plan 2015

3 Other Settlements

7. OTHER MATERIAL CONSIDERATIONS

7.1 Highland Council Supplementary Planning Policy Guidance

Not applicable

7.2 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

8.3.1 Daviot is covered by the 'Other Settlements' policy in the Inner Moray Firth Local Development Plan which assesses proposals on the extent to which they are in keeping with other developments within the settlement in terms of spacing, scale and density, and their impact on amenity or heritage features.

8.3.2 All development proposals are assessed under policy 28 of the Highland wide Local Development Plan on the extent to which they impact on community and individual residential amenity and demonstrate sensitive siting and high quality design in keeping with local character and historic and natural environment and in

making use of appropriate materials.

- 8.3.3 The key considerations to be taken into account in determining whether the proposal can be supported by the development plan are therefore the siting and design of the buildings and impact on community and residential amenity.

8.4 **Material Considerations**

Siting and Design/visual impact

- 8.4.1 The buildings form part of a cluster of agricultural buildings of a similar design, scale and colour. While elevated from the road and undoubtedly visible from the surrounding area, the buildings are viewed against a backdrop of higher ground and are partially screened by bunding and vegetation.
- 8.4.2 The Community Council has stated that the buildings are out of keeping with the area concerned. The units are green, agricultural style units which are very typical within rural areas such as this. While they increase the development footprint within the site, they are very close to the existing buildings and their visual impact is significantly reduced due to being viewed as part of a larger grouping of similar buildings.
- 8.4.3 The proposal is partially for use as a farm office. It is noted that permission was previously granted in 2013 (with amendments to the design granted in 2015) for a separate, large, farm office building to the west of the platform. The applicant has stated that there are no plans to construct this office building at present; however the consent remains live until January 2018 and works on this additional building could commence at any time before then. Given that this current proposal is partially for farm office space, it would seem reasonable to assume that the separate office building is not likely to be required for the foreseeable future. It is therefore recommended (and has been agreed in principle by the applicant) that the permissions for the farm office building (14/04678/FUL and 13/00796/FUL) should be formally revoked by the Council prior to the grant of planning permission for this development should Members be so minded.

Amenity

- 8.4.4 The proposal is for an agricultural use in a rural area. The Community Council has expressed concerns that the proposal represents an industrial complex in a rural setting and will be used for purposes outwith the stated agricultural purposes. While acknowledging that there have been previous concerns relating to the use of other buildings on this site, the application is for agricultural storage and office use and must be determined as such. Planning conditions can be applied to restrict any future use as such.

8.5 **Other Considerations – not material**

- 8.5.1 The Community Council is concerned that the applicant has circumvented proper planning procedure by constructing the buildings without the appropriate planning permission having been granted. While this is extremely disappointing, it is not a

material planning consideration and cannot be taken into consideration during the determination of this application.

8.6 Matters to be secured by Section 75 Agreement

None.

9. CONCLUSION

9.1 This proposal seeks retrospective planning permission for the erection of two agricultural buildings within a larger farm and associated vehicle repair complex; for use as farm office and agricultural storage. It is considered that the location of the buildings within the group of existing, similar units considerably reduces their visual impact and that they are appropriate in terms of design and materials within their rural location. Planning conditions will restrict their use to agricultural/office use only. It is, however, considered reasonable that the previous permissions for a separate farm office to serve the business be revoked prior to this permission being issued.

9.2 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	Y
Notification to Scottish Ministers	N
Notification to historic Scotland	N
Conclusion of a Section 75 Agreement	N
Revocation of previous permission	Y

Subject to the above, it is recommended that planning permission be **Granted** subject to the following conditions and reasons:

1. The smaller unit (to east of site) hereby approved shall be used solely for agricultural storage associated with Daviot Farm and its on-site agricultural operations. For the avoidance of doubt the shed shall be used for no other purpose or use including industrial or manufacturing operations.

Reason: In order to enable the Planning Authority to retain effective control over future development within the application site in the interests of the amenity of the area.

2. The larger unit (to west of site) hereby approved shall be used solely for office and agricultural storage associated with Daviot Farm and its on-site agricultural

operations. For the avoidance of doubt the shed shall be used for no other purpose or use including industrial or manufacturing operations, or third party office space.

Reason: In order to enable the Planning Authority to retain effective control over future development within the application site in the interests of the amenity of the area.

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

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

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)

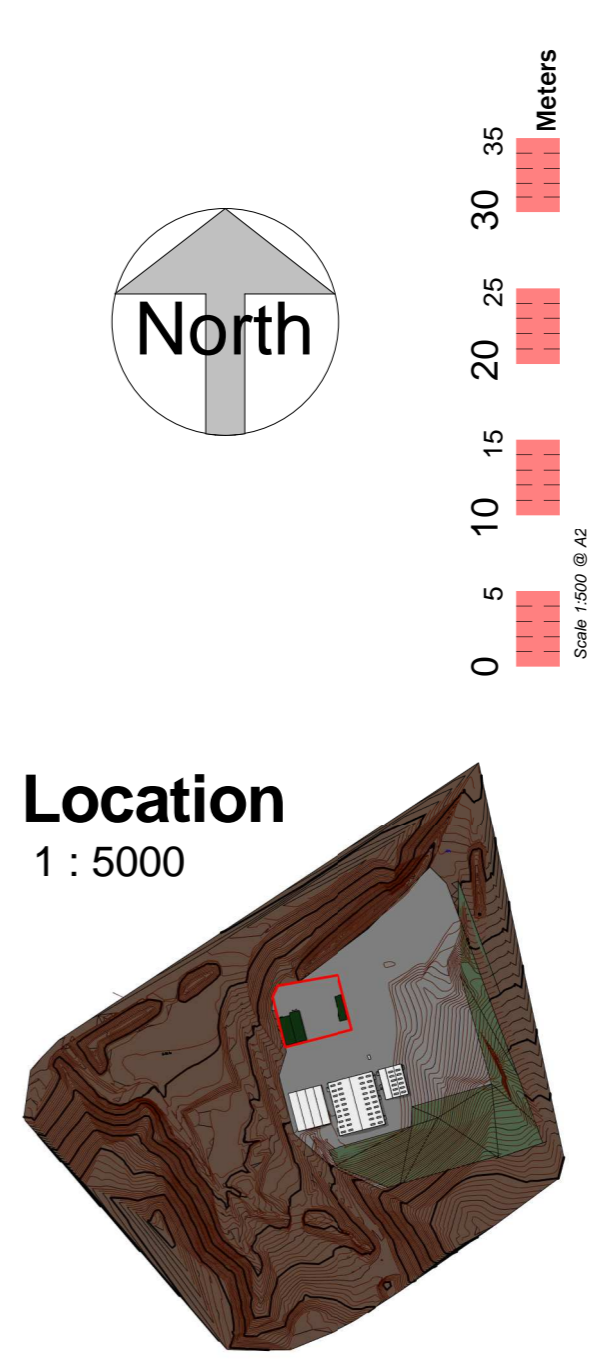
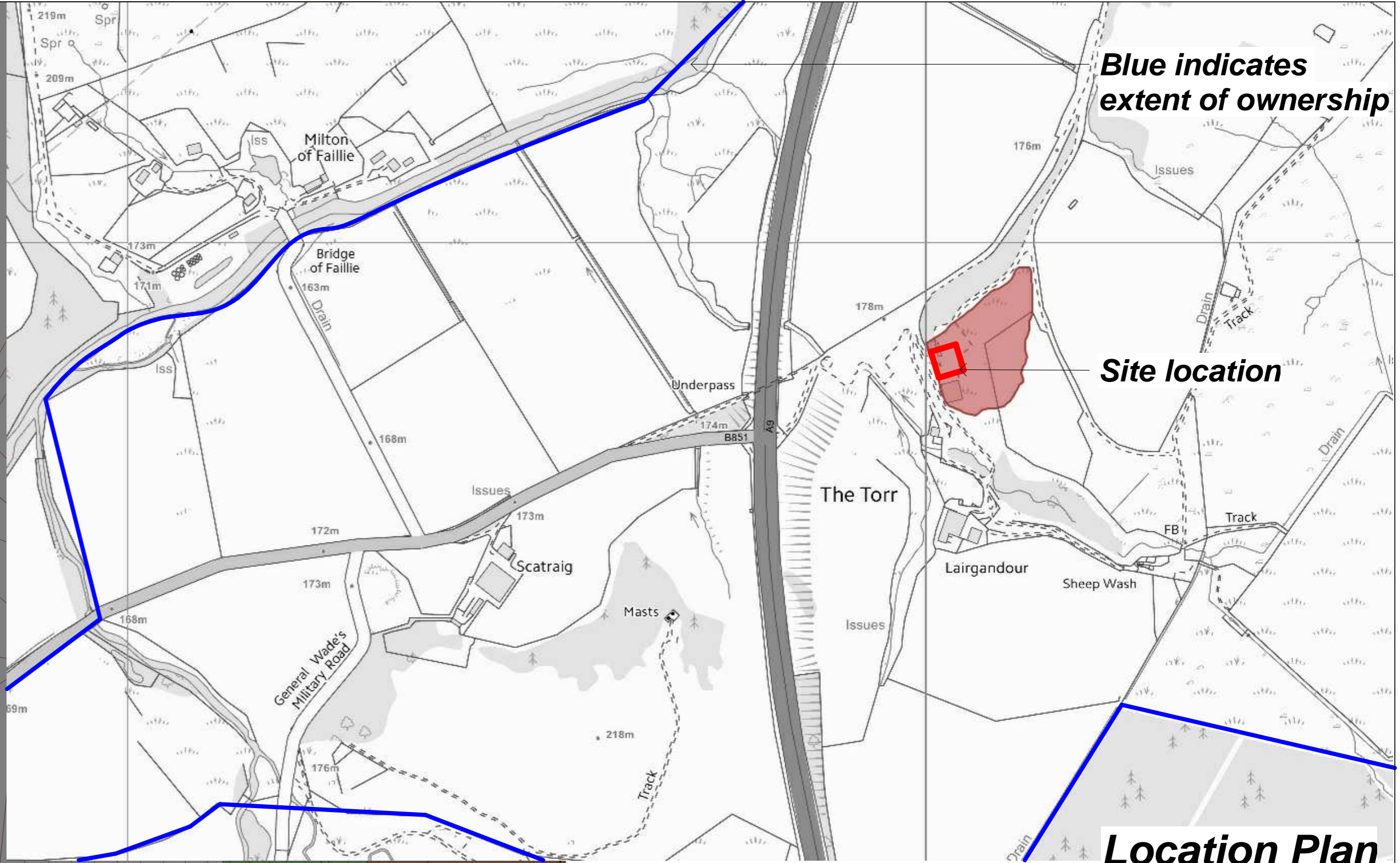
must be fulfilled prior to work starting on site. Failure to adhere to this permission and meet the requirements of all conditions may invalidate your permission or result in formal enforcement action


Scottish Water

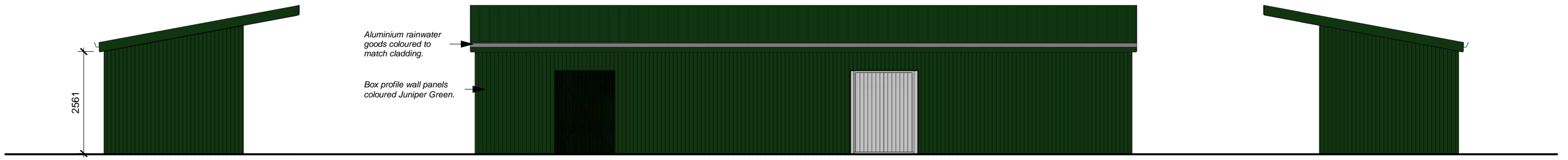
You are advised that a supply and connection to Scottish Water infrastructure is dependent on sufficient spare capacity at the time of the application for connection to Scottish Water. The granting of planning permission does not guarantee a connection. Any enquiries with regards to sewerage connection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

Signature: Nicola Drummond
Designation: Area Planning Manager – South/Major Developments
Author: Christine Macleod
Background Papers: Documents referred to in report and in case file.

Relevant Plans: Plan 1 – Location plan/site layout (2010 003-000 REV A)
Plan 2 – Elevation/floor plan (2010 003-903)
Plan 3 – Elevation plan (2010 003-901)
Plan 4 – Floor Plan (2010 003-900)



Planning Application		
 reynolds architecture ltd. 1 tulloch street, dingwall, IV15 9JY tel. 01349 867766 fax. 01349 867766 www.reynolds-architecture.com		
No.	Description	Date
A	Boundary altered	29/11/2016
Daviot Farms		
Workshops, Daviot Farm		
Site & Location Plan		
Date	10/11/2016	
Drawn by	MB	
	2010 003 - 000	
Scale	As indicated	
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Side

1 : 100

Rear

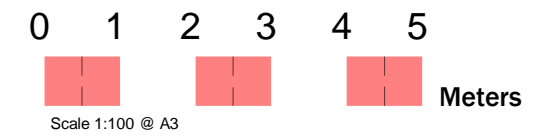
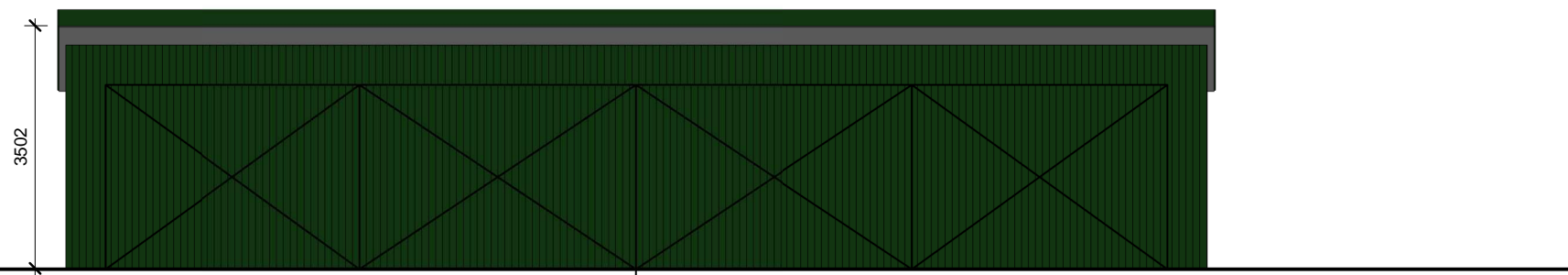
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Side 2

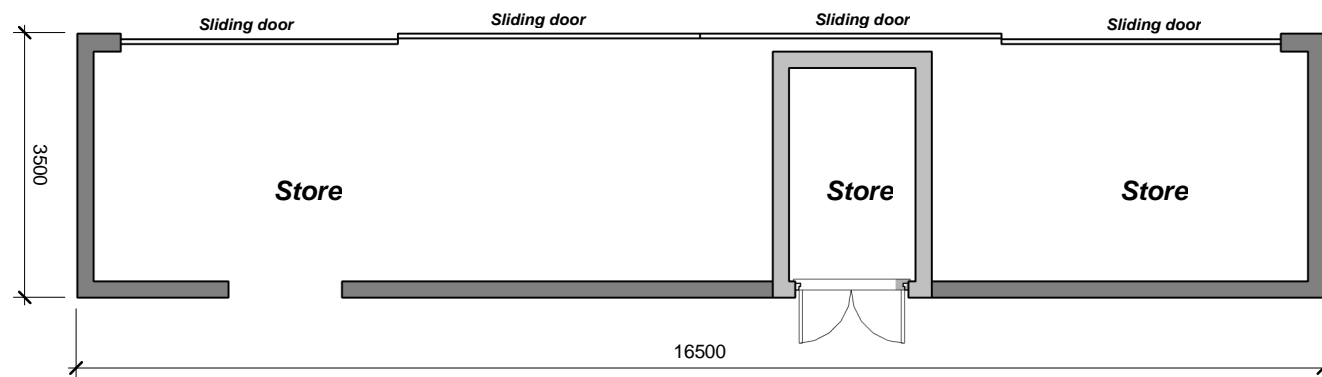
1 : 100

Front

1 : 100



Ground floor
1 : 100



Planning Application



reynolds architecture ltd.
1 tulloch street, dingwall. IV15 9JY
tel. 01349 867766 fax. 01349 867769
www.reynolds-architecture.com

No.	Description	Date

Daviot Farms
Erection & fit out of shed @
Lairgandour, Daviot

Agricultural Store

Date	23/09/2016
Drawn by	MB
Scale	1 : 100

2010 003 - 903

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Front
1 : 100

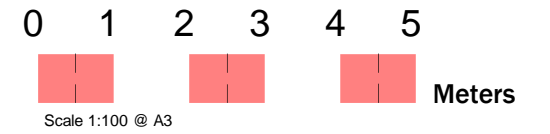



Rear
1 : 100

Side
1 : 100

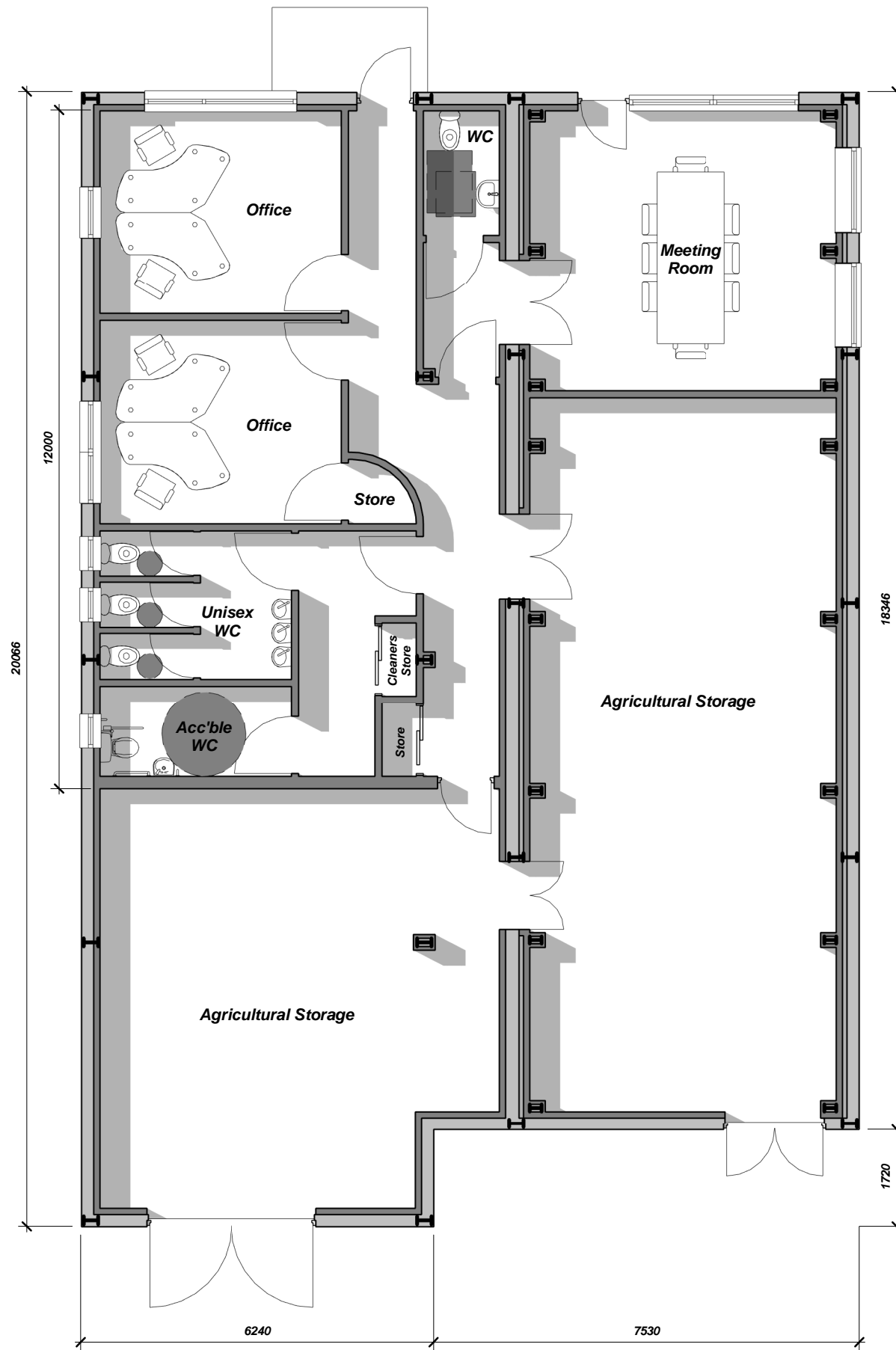


Side (2)
1 : 100

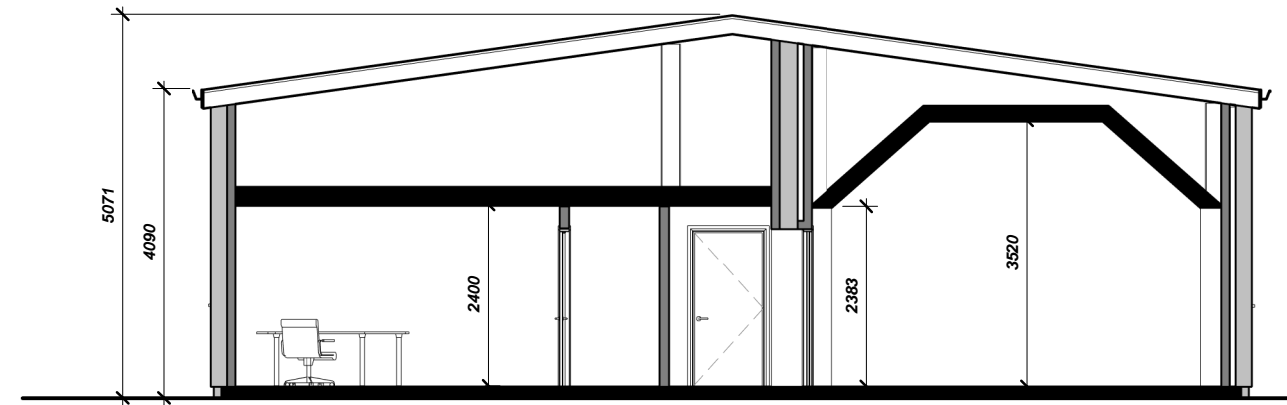


Planning Application		
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No.	Description	Date

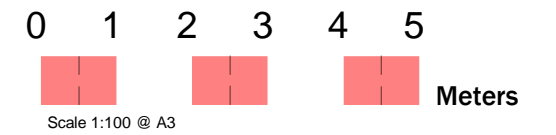
Daviot Farms Erection & fit out of shed @ Lairgandour, Daviot	
Elevations	
Date	23/09/2016
Drawn by	MB
Scale	1 : 100
2010 003 - 901	
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Ground floor
1 : 100



Section 1
1 : 100



Planning Application



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No.	Description	Date

Daviot Farms
Erection & fit out of shed @
Lairgandour, Daviot

Floor Plan	
Date	23/09/2016
Drawn by	MB
Scale	1 : 100
2010 003 - 900	

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