

**THE HIGHLAND COUNCIL**

**SOUTH PLANNING APPLICATIONS COMMITTEE**  
**11 April 2017**

|             |            |
|-------------|------------|
| Agenda Item | 6.7        |
| Report No   | PLS/028/17 |

**17/00194/FUL: Mr Sandy Matheson**  
**Land 80M West of Grieves Cottage, Flemington, Gollanfield, Inverness**

**Report by Area Planning Manager – South/Major Developments**

**SUMMARY**

**Description:** 2 house replacement steading development (Previous Application 15/04213/FUL)

**Recommendation:** REFUSE

**Ward:** 18 - Culloden and Ardersier

**Development category:** Local

**Reason referred to Committee:** Member referral

**1. PROPOSED DEVELOPMENT**

- 1.1 The proposal is for the demolition of a dilapidated agricultural steading and its replacement with two semi-detached houses at Flemington to the south of the A96. The houses are one and three quarter storeys, finished in sandstone with an element of larch cladding and a slate roof.
- 1.2 Access is from the existing public road to the south. The proposed vehicular access and layby is from the adjacent public road and will comprise a service bay and sightlines of 4.5m by 120m in either direction. Parking provision for three cars is provided for each property. Both properties will be served by a septic tank and a separate soakaway for surface water located in the open garden area to the front of steading.
- 1.3 A Design Statement and Engineer's Inspection Report have been submitted in support of the application. No additional justification has been included since the previous refusal.
- 1.4 Brief, informal pre-application advice was given with regards to the general locality during a telephone discussion with the area planning office. This indicated that redevelopment of agricultural buildings may be acceptable under the Council's policy for housing in the countryside.

## 2. SITE DESCRIPTION

- 2.1 The site contains four separate agricultural buildings which enclose a dilapidated steading. Surrounding development is comprised of detached properties south of the public road with flat, open agricultural land to the north.

## 3. PLANNING HISTORY

- 3.1 21.01.2016 - Planning permission for two house replacement steading development refused (15/04213/FUL).
- 3.2 17.05.2000 - Reserved Matters application for erection of house approved on part of the field to the south of this site (00/00313/REMIN).

## 4. PUBLIC PARTICIPATION

- 4.1 Advertised : Unknown Neighbour: 17.02.2017

Representation deadline : 17.02.2017

Timeous representations : 3 representations from 3 households

Late representations : 0

- 4.2 Material considerations raised are summarised as follows:

- Contrary to objectives and principles of LDP and Supplementary Guidance.
- Unsuitable location for a property and does not reflect the scattered settlement.
- Cannot be considered as adding to an existing cluster of development.
- Cannot be considered a Brownfield site.
- Increased traffic and inappropriate access.
- Inappropriate drainage arrangements.
- Loss of residential amenity and privacy.
- Lack of amenity space.
- Protected species.

- 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](http://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:** No objections. If complaints were received from any future occupant of the proposed houses related to the ongoing agricultural activities (noise, odour etc.) it is unlikely that Environmental Health would consider it to be actionable as a Statutory Nuisance on the grounds that any such activity is reasonable given the nature of the locality. However, if the usage of the agricultural

buildings was to change significantly any complaints about a new activity might be considered a Statutory Nuisance.

5.2 **Contaminated Land:** No objections subject to a condition and completed contaminated land questionnaire.

5.3 **SEPA:** No objections. Refer to standard advice.

5.4 **SNH:** No objections. Refer to standard advice.

## 6. DEVELOPMENT PLAN

The following policies are relevant to the assessment of the application

### 6.1 Highland-wide Local Development Plan (April 2012)

|    |   |
|----|---|
| 28 | Sustainable Design                            |
| 29 | Design Quality and Place-Making               |
| 35 | Housing in the Countryside (Hinterland Areas) |
| 42 | Previously Used Land                          |
| 58 | Protected Species                             |
| 65 | Waste Water Treatment                         |
| 66 | Surface Water Drainage                        |

### 6.2 Inner Moray Firth Local Development Plan (June 2015)

No specific policies - site lies within hinterland

## 7. OTHER MATERIAL CONSIDERATIONS

### 7.1 Highland Council Supplementary Planning Policy Guidance

Access to Single Houses and Small Housing Developments (May 2011)  
Highland's Statutorily Protected Species (March 2013)  
Housing in the Countryside and Siting and Design (March 2013)  
Managing Waste in New Developments (March 2013)

### 7.2 Scottish Government Planning Policy and Guidance

Scottish Planning Policy (June 2014)

## 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.

### Determining Issues

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.

### Planning Considerations

8.3 The key considerations in this case are:

- a) compliance with the development plan and other planning policy;
- b) design and layout;
- c) impact on species, and
- d) any other material considerations.

### Development plan/other planning policy

8.4 This site lies within an area identified within the Inner Moray Firth Local Development Plan as hinterland. Accordingly Policy 35 of the Highland wide Local Development Plan applies and is the primary policy in this case although Policies 42, 58 and, in particular, 28 and 29 also require to be given due consideration.

8.5 There is a presumption against new housing in the countryside unless one of the exceptions set out in Policy 35 are met. The potential exception in this case relates to the conversion, rehabilitation or replacement of redundant buildings and development of brownfield land. Policy 35 states that:

*Development of Brownfield sites will be supported where a return to a natural state is not readily achievable and where a wider environmental benefit can be achieved through development.*

8.6 Policy 35 is further expanded within the Supplementary Guidance on housing in the countryside which indicates support where a clear case can be made that the costs of upgrading are not justified on economic or environmental grounds.

8.7 Proving that there is clear justification for the removal of the existing structure the principle of the development proposed could be supported by the Development Plan and subject to further detailed consideration of matters such as design, access and servicing, and the effect on amenity and species the proposal may be considered acceptable.

8.8 In this case however, no clear justification for the demolition of the existing buildings has been provided. Whilst an Engineers report has been submitted, this is simply a visual survey that identifies the main structural issues with the building and advises that a significant section should be removed. It contains no information on costs of carrying out the stabilising and upgrading of the steading compared to new build costs. Neither does it make a case on environmental grounds. The proposal therefore fails to meet the requirements of the supplementary guidance and Policy 35.

### Design and layout; including effects on residential amenity

8.9 While the design of the houses is considered acceptable, they will be located within a complex of agricultural buildings, which are currently understood to be used for

agricultural purposes. It is accepted that the application site is considered capable of accommodating the footprint of the proposed houses but there is little separation from these existing buildings, which is in the order of approximately 10m from the south west elevation and approximately 3m from the north east elevation. Such close proximity to existing adjacent structures is likely to have a detrimental impact on amenity of residents in the proposed development and, potentially, on the future continued use of the agricultural buildings.

- 8.10 A daylighting calculation has been carried out referencing BRE's Site Layout Planning for Daylight and Sunlight. Given the close proximity of the adjacent agricultural building to the north east boundary it is considered there would be an adverse impact on the provision of daylight to the rear garden and the open plan kitchen/living room of the property. In addition, the separation distance between nearest windows and the boundary as currently proposed is approximately 2m. It is unlikely that sufficient privacy will be afforded to occupants of the proposed properties.

#### Impact on species

- 8.11 The steading has potential as bat roost. Bats are a European Protected Species and, as such, development is only permitted where the proposal meets the "European tests". In this instance, no bat survey has been submitted. It is therefore not possible for the Council to judge whether or not there will be an impact, either positive or negative, on bats.

#### Other Material Considerations

- 8.12 None.

#### Non-Material Considerations

- 8.13 None.

#### Matters to be secured by Section 75 Agreement

- 8.14 Not applicable

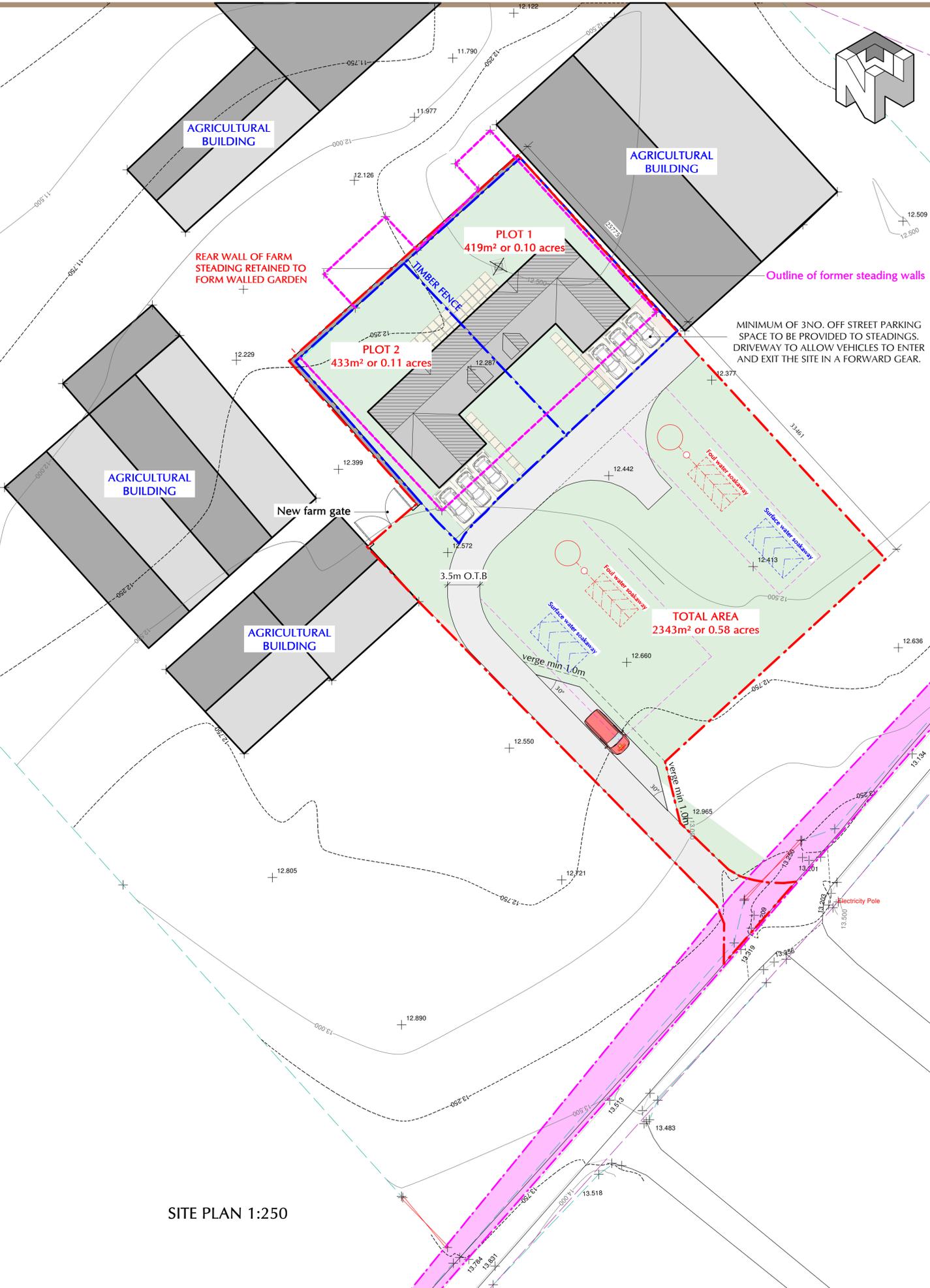
### **9. CONCLUSION**

- 9.1 The Development Plan is generally supportive of the re-use of brownfield land or land or buildings where former uses have ceased to be required for their original purpose. However, this is subject to a number of caveats. In relation to housing in the hinterland support is provided on the basis that environmental benefit will result and where it involves the removal of an existing building that this is appropriately justified.

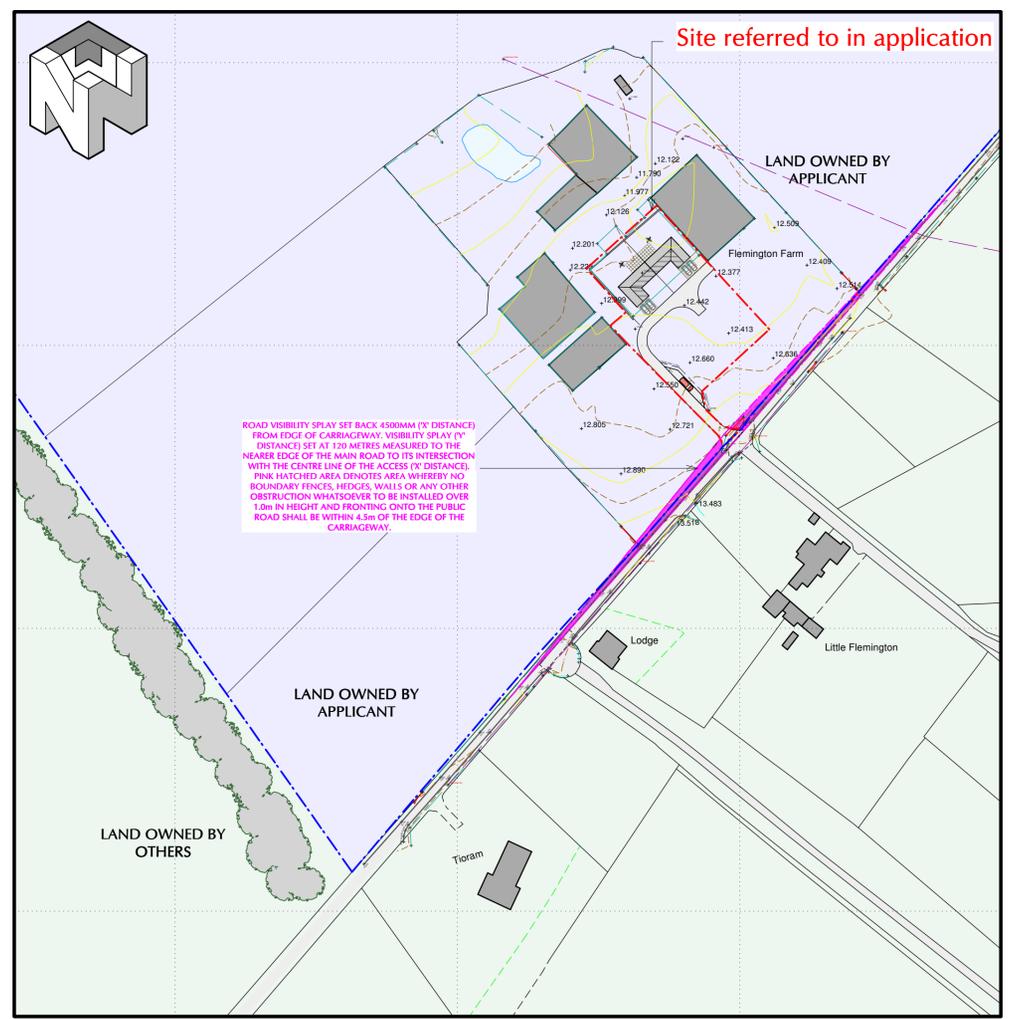
- 9.2 Dilapidated traditional steadings are not an uncommon site in the Highlands and do not have a significantly degrading impact on the environment, particularly, as in this case, they are part of an overall agricultural complex of buildings. No clear justification has been provided to remove these buildings. In the circumstances, it



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SITE PLAN 1:250



LOCATION PLAN 1:1250

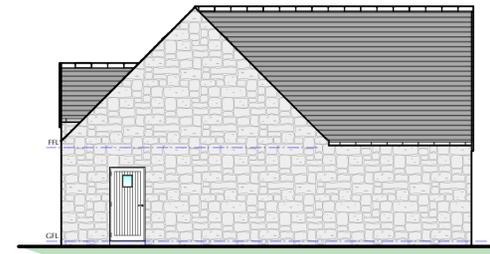
  
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 St Brendans 69 South Gullidy Street Elgin IV30 1QN  
 01343 540020 01343 540038  
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 4 Bridge Street Nairn Highland IV12 4EJ  
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**Client:** MR SANDY MATHESON  
**Project:** TWO HOUSE REPLACEMENT STEADING DEVELOPMENT AT FLEMINGTON FARM, GOLLANFIELD, INVERNESS, IV2 7QP  
**Drawing:** PLANNING PROPOSALS  
 PLANS & ELEVATIONS  
**Date:** \_\_\_\_\_ **Revisions:** \_\_\_\_\_ **Rev. No:** \_\_\_\_\_  
**Drawn By:** A James **Date:** 15.07.15 **Checked By:** Mr Craig Mackay **Date:** 15.07.15  
**Drawing No:** 140140.MATHESON.07PP  
All plans are based upon the Ordnance Survey Map with the sanction of the Controller H.M. Stationery Office. Licence Number: 10003049



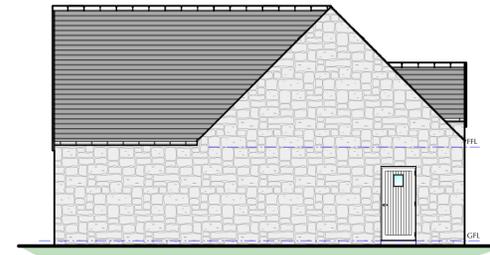
FRONT ELEVATION 1:100



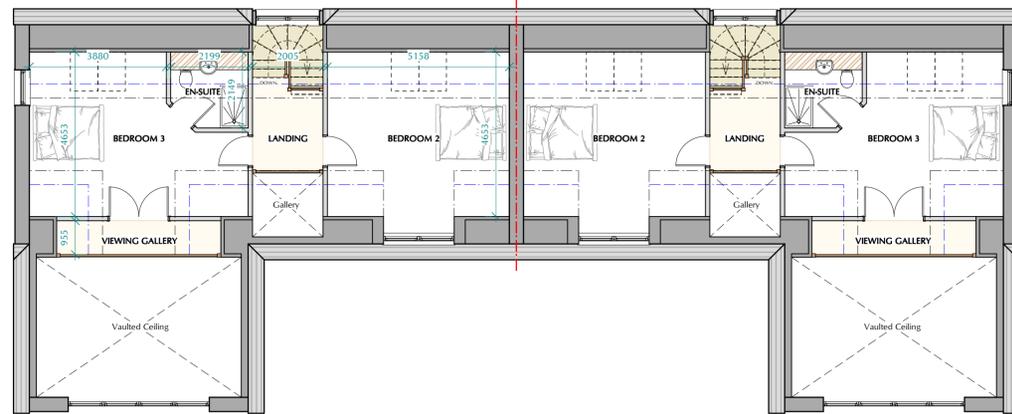
SIDE ELEVATION 1:100



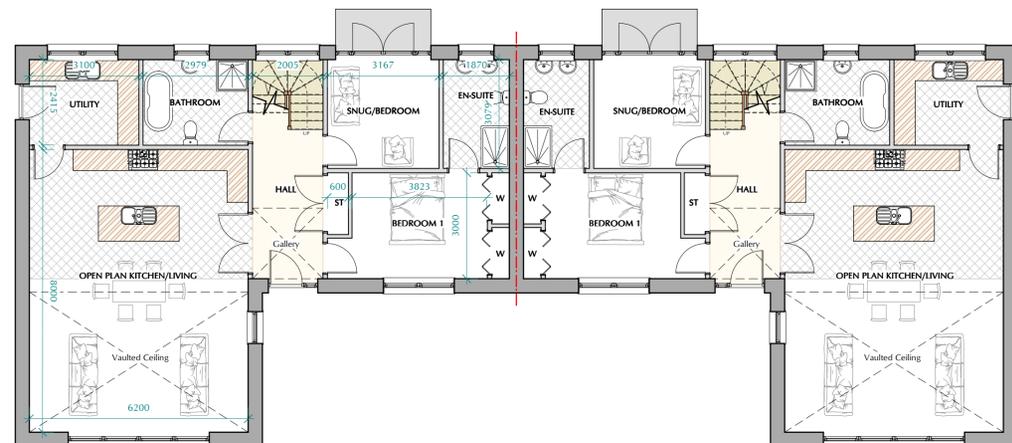
REAR ELEVATION 1:100



SIDE ELEVATION 1:100



FIRST FLOOR PLAN 1:100  
(Each Unit Floor Area - 63m<sup>2</sup>)



GROUND FLOOR PLAN 1:100  
(Each Unit Floor Area - 111m<sup>2</sup>)

planning consultancy feasibility design approvals project management  
**cmdesign**  
 architectural consultants  
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*from conception to completion*

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