

Agenda item	6.1
Report no	PLN/051/17

THE HIGHLAND COUNCIL

Committee: North Planning Applications Committee

Date: 12 September 2017

Report Title: **16/04516/FUL Land 70m SW of Drumlochy, North Kessock**

Report By: Area Planning Manager (North)

1. Purpose/Executive Summary

1.1 Description of development : Erection of house

Ward: 09 – Black Isle

Development Category: Local Development

Reason referred to Committee: Member referral

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.

2. Recommendation

2.2 Members are asked to agree the recommendation to refuse as set out in section 11 of the report.

1. PROPOSED DEVELOPMENT

- 1.1 The detailed application proposes the erection of a detached bungalow and associated access and foul drainage system.
- 1.2 No pre-application consultation was carried out.
- 1.3 There is no infrastructure presently on site.
- 1.4 The following supporting documents were submitted with the application:
Private Access Checklist; Supporting Statement; Operational Needs Statement.
- 1.5 **Variations:** None

2. SITE DESCRIPTION

- 2.1 The site comprises a relatively flat grassed paddock containing a small shed/stable building, located to the south-west of the detached property of 'Drumlochy' and to the east of the Kessock Equine Veterinary Centre at Drumsmittal, approximately one and a half kilometres north of the village of North Kessock. Access is proposed onto the minor single track public road to the north of the site, which links Drumsmittal with Mains of Drynie to the east.

3. PLANNING HISTORY

- 3.1 None

4. PUBLIC PARTICIPATION

- 4.1 Advertised : Potential Departure and Unknown Neighbour
Representation deadline : 8 December 2016
Timeous representations : None
Late representations : None

5. CONSULTATIONS

- 5.1 Agricultural Consultant : Not supportive
- 5.2 Scottish Water : No response

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 35 Housing in the Countryside (Hinterland)

6.2 Inner Moray Firth Local Development Plan 2015

Outwith any Settlement Development Areas – within Hinterland

7. OTHER MATERIAL CONSIDERATIONS

7.1 Draft Development Plan

Not applicable

7.2 Highland Council Supplementary Planning Policy Guidance

Access to Single Houses and Small Housing Developments (May 2011)

Housing in the Countryside and Siting and Design (March 2013)

Sustainable Design Guide (January 2013)

7.3 Scottish Government Planning Policy and Guidance

Scottish Planning Policy (SPP)(The Scottish Government, 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.

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

8.31 The following is the principal determining Development Plan policy:

HwLDP Policy 35 (Housing in the Countryside (Hinterland Areas))

8.32 The proposal requires to be assessed against Policy 35 as the site is located within one of the areas of Highland which fall within the "hinterland of towns". These are areas of countryside under the greatest pressure for housing development. Hinterland areas are identified within the Highland-wide Local Development Plan and the Inner Moray Firth Local Development Plan. These areas are identified in order to safeguard against the impact that housing development within pressurised areas can have, such as landscape impacts, unsustainable growth in car based commuting and erosion of land for traditional and agricultural uses.

8.33 Policy 35 presumes against single houses in the open countryside of the hinterland area subject to certain exceptions listed within the policy and further detailed within the adopted Housing in the Countryside and Siting and Design Supplementary Guidance. The exceptions, as listed in the policy, of relevance to this proposal are where:

- A house is essential for land management purposes related to the management of the land;
- The dwelling is for a retiring farmer and their spouses; or for a person retiring from other rural businesses on land managed by them for at least the previous ten years, where their previous accommodation is required for the new main operator of the farm, or rural business;
- Affordable housing is required to meet a demonstrable local affordable housing need;

- Housing is essential in association with an existing or new rural business;
- The house proposed is a replacement of an existing dwelling which does not meet the requirements for modern living and where the costs of upgrading are not justified on economic or environmental grounds (subject to the existing dwellings being demolished);
- The proposal involves conversion or reuse of traditional buildings or the redevelopment of derelict land; 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;
- The proposal meets the Council's criteria for acceptable expansion of a housing group or development within garden ground (as detailed in the relevant Supplementary Guidance).

8.34 The proposal does not meet any of the named exceptions within the policy. Specifically, the site does not lie within garden ground or within a housing group. It lies on agricultural land adjacent to the applicant's existing house, 'Drumloch'. There is only one other house in relatively close proximity, at 'Ard Na Collie,' which is around 100m to the south-west and takes access off the main Drumsmittal public road to the west. Therefore the site does not lie within the context of a housing group of at least three houses sharing a perceptible relationship with one another.

8.35 The application as initially submitted did not contain any supporting statement, however further to an exchange of correspondence; a statement was submitted on 25 January 2017. This advised that the applicants have resided adjacent to the site at 'Drumloch' for over thirty years. During this time, they have worked for the Forestry Commission in Inverness and the Black Isle. In addition, they have provided tourist accommodation for 30 years and accommodation for Drynie Christmas Trees workers, contractors and buyers for 28 years. During the last 7 years, they have provided Bed and Breakfast accommodation for Kessock Equine Vets for locum vets and students from the UK and abroad. Unfortunately, due to health reasons they are no longer able to carry out all the duties in and around their existing property, due to the size and number of rooms, and require to down size to a smaller, more accessible property and to take semi-retirement.

8.36 It was further submitted that they will be required to remain in close proximity as their existing house will continue to provide Bed and Breakfast accommodation for locum vets and students to supplement their reduced income due to semi-retirement. They will also continue to be 'emergency on-call' to Kessock Vets for out of hours and evening/weekends and as such require to remain in the vicinity. They argue that the new house would allow them to downsize to a more manageable property, afford semi-retirement and continue to provide business activities to the local area; and the development would have a limited environmental impact and not create an inappropriate intrusion or overwhelm the existing landscape due to its position within existing buildings and backdrop landscape.

8.37 The existing house 'Drumloch' lies adjacent to the site. Although the policy makes provision for housing where it is established that there is a locational requirement; and whilst the medical requirements of the applicant are sympathised with; neither of those circumstances constitute a justification under the policy to build a new house in this location. Further to additional correspondence, the agent advised that in fact the

main reason for the need for the house was land management and that an Operational Needs Assessment would be submitted. This was received on 29 June 2017.

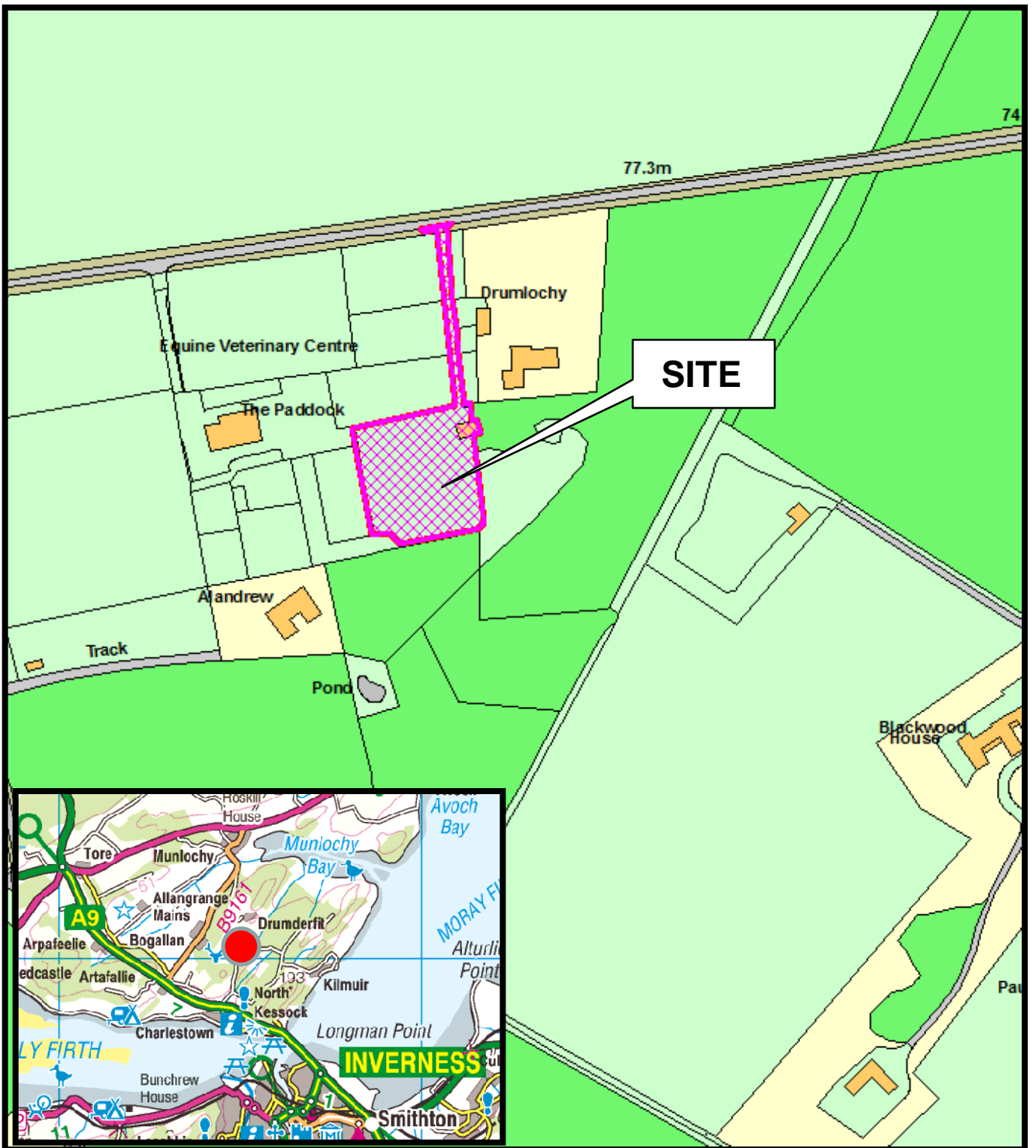
- 8.38 The Operational Needs Assessment advises that the land holding extends to 2.2ha in size and is all grass with some areas of open woodland which is grazed. Currently the applicants operate a bed and breakfast in their house at 'Drumlochy'. This works well in conjunction with their part time occupations at the nearby equine vets and also horse transport. The Assessment confirms that it is now their intention to stop doing bed and breakfast and downsize to a smaller, more manageable house. They then intend to intensify the agricultural and horticultural output of the small holding.
- 8.39 At present the applicants keep a small collection of breeding horses as well as 25 laying hens. Moving forward, the plan is to reduce the number of horses and introduce a small herd of angora goats to be bred for meat and fleece. In addition to this they also intend to increase poultry numbers to around 50 birds. Reseeding the grassland on rotation will allow livestock numbers to be increased and regular grazing will maintain grass density. There is also a proposal to erect a poly-tunnel for vegetable production. The poly-tunnel will be used primarily to produce vegetables for their own use with the surplus being sold.
- 8.40 The Assessment concludes that the estimated labour unit requirement is 0.497 but notes that being able to live on site is essential for ensuring the animal welfare and security of the livestock and equipment; and will also allow the applicants to continue working part time at the equine vet's practice, which is nearby, and which they are often on call for.
- 8.41 The Council's Agricultural Consultant has been consulted and his response confirms that the labour requirement of less than 0.5 falls well short of the full labour unit which is required to consider a case for a new house to support an agricultural business. In addition, the applicants already reside on the land at Drumlochy, thereby meeting any operational need requirement. The desire to down scale in terms of the size of their house cannot be justified on an agricultural needs basis. Furthermore, in examining the Agricultural Needs Assessment, much of the 0.5 labour unit calculated is comprised of a calculation for the labour intensive requirement for looking after four horses (which is not an agricultural, but rather a leisure, activity).

9. CONCLUSION

- 9.1 The application is a proposal for a single house in the countryside. Insufficient justification has been provided to demonstrate how the proposal complies with one of the named exceptions contained within Policy 35 (Housing in the Countryside - Hinterland) and the associated supplementary guidance.
- 9.2 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.

10. IMPLICATIONS

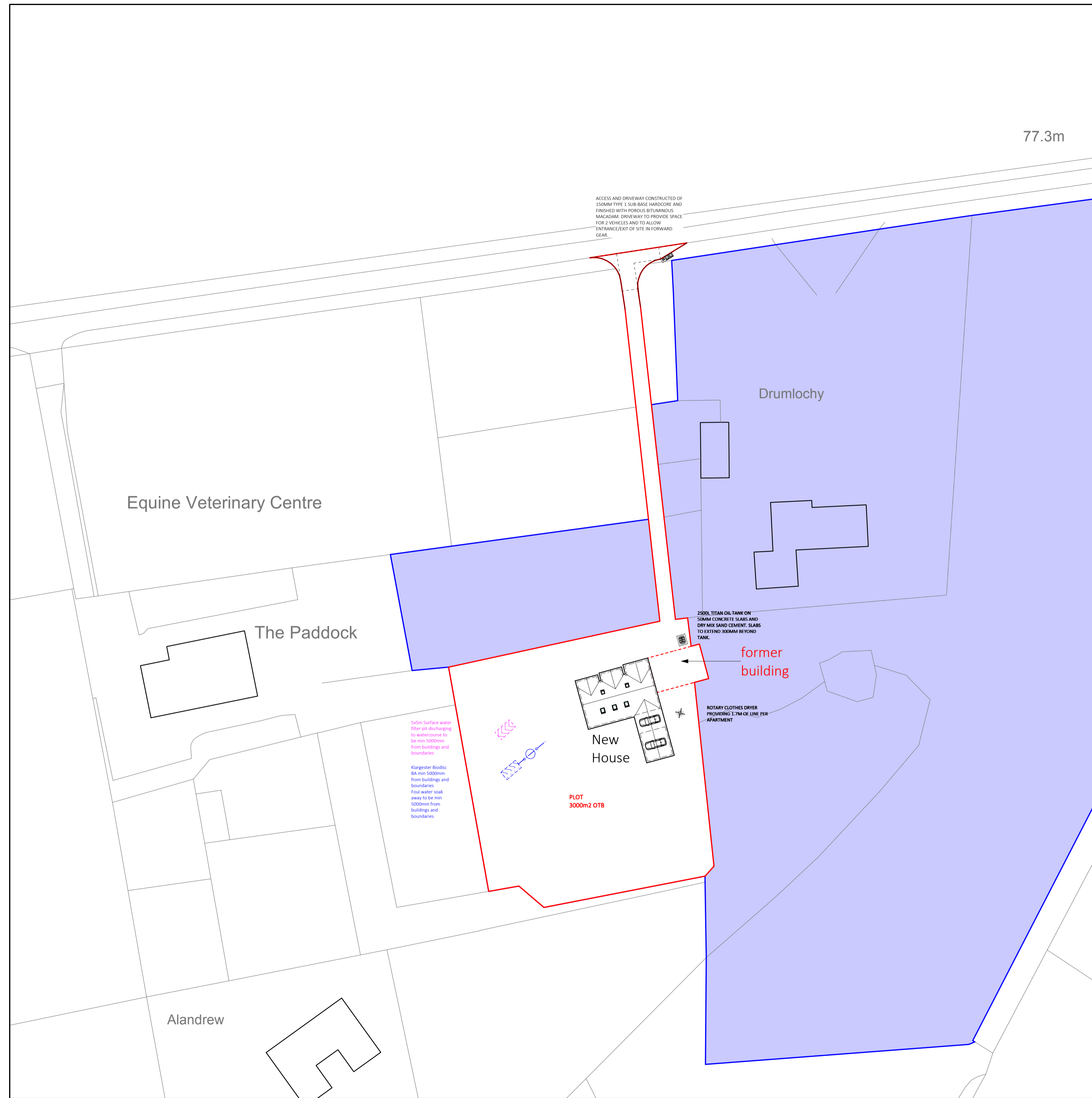
- 10.1 Resource – Not applicable



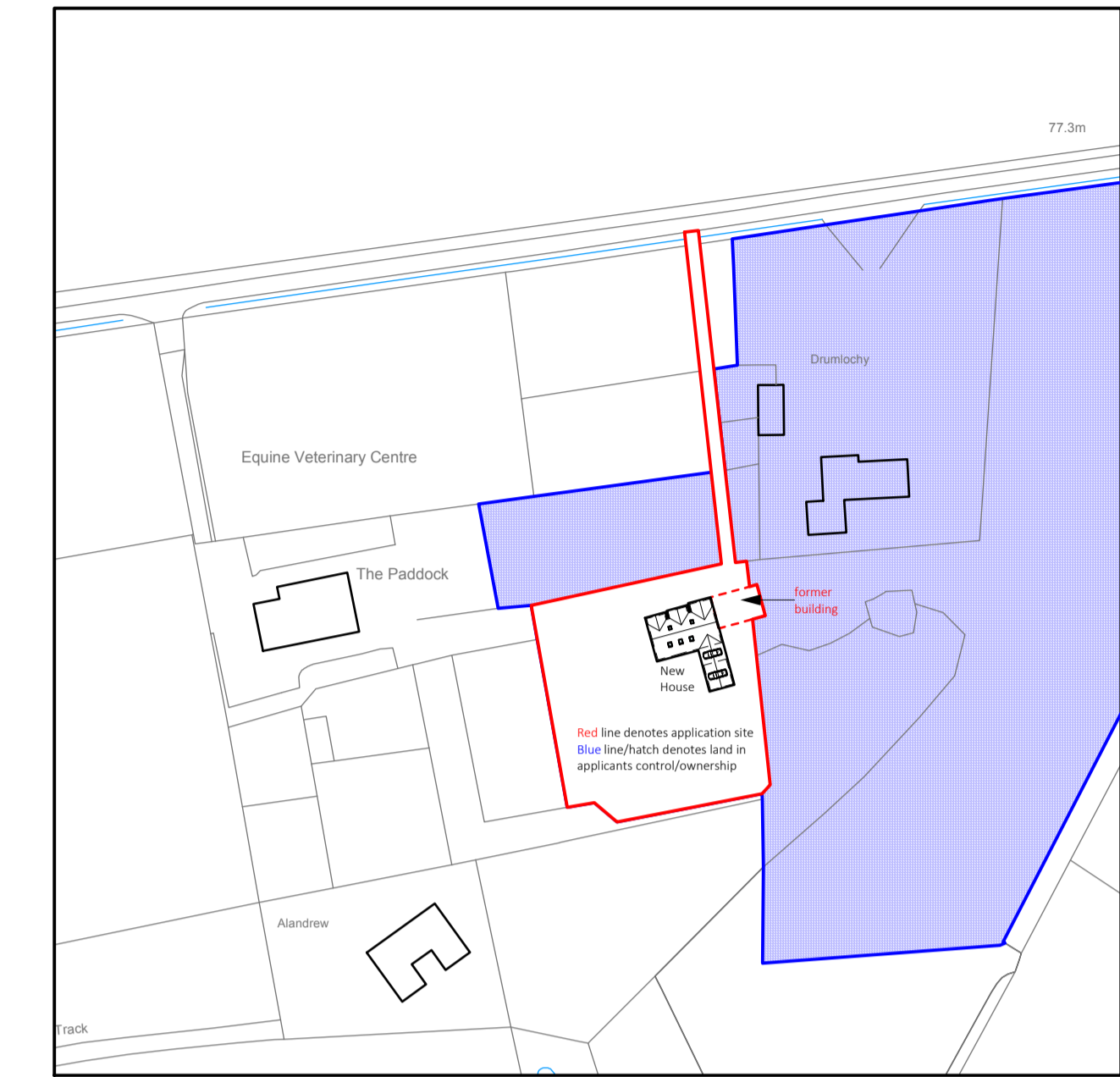
Planning & Development Service

16/04516/FUL
Erection of house
at Land SW of Drumlochy, North Kessock

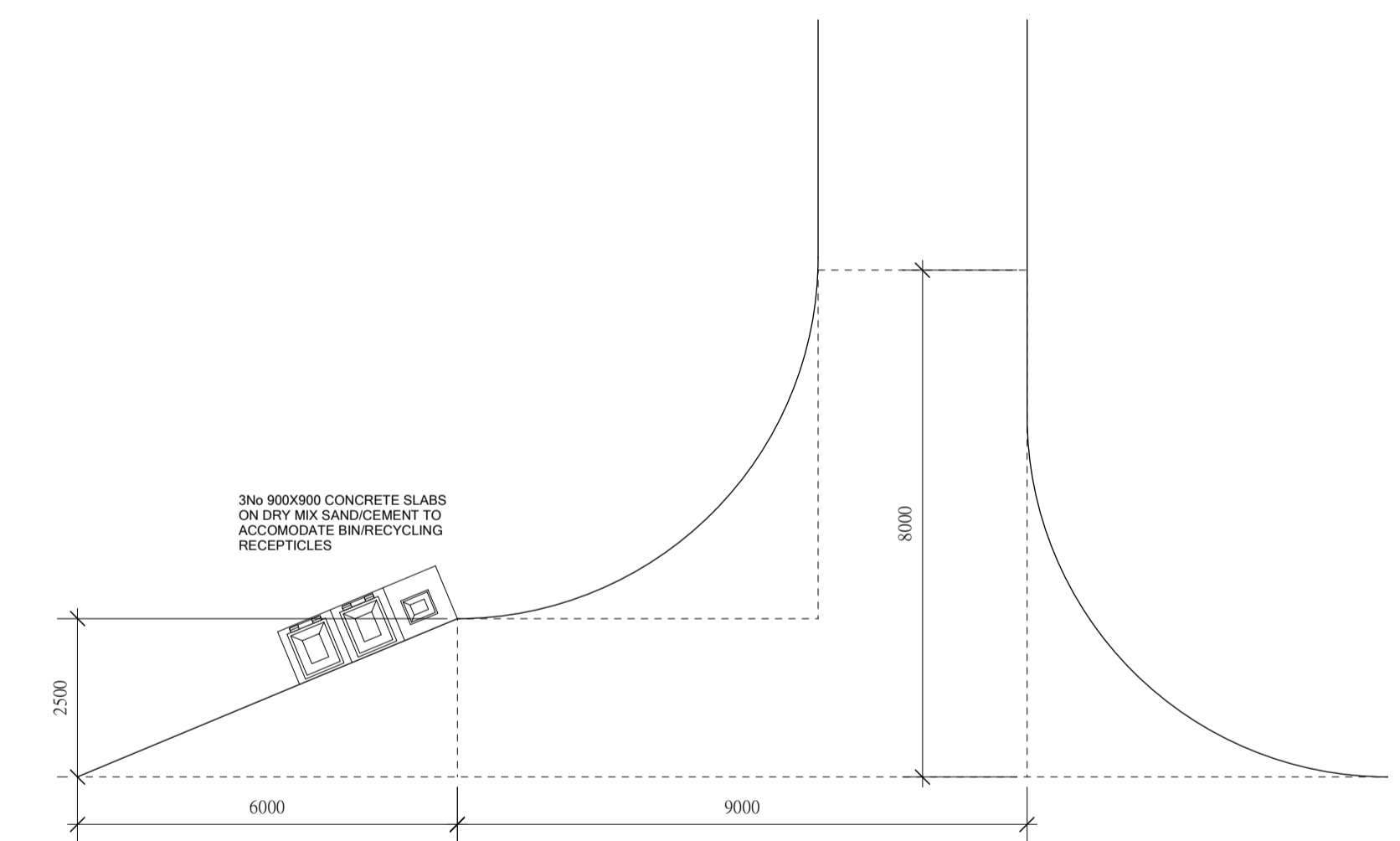




Site Plan
Scale 1:500



Location Plan
Scale 1:1500



Access Layby
Scale 1:100

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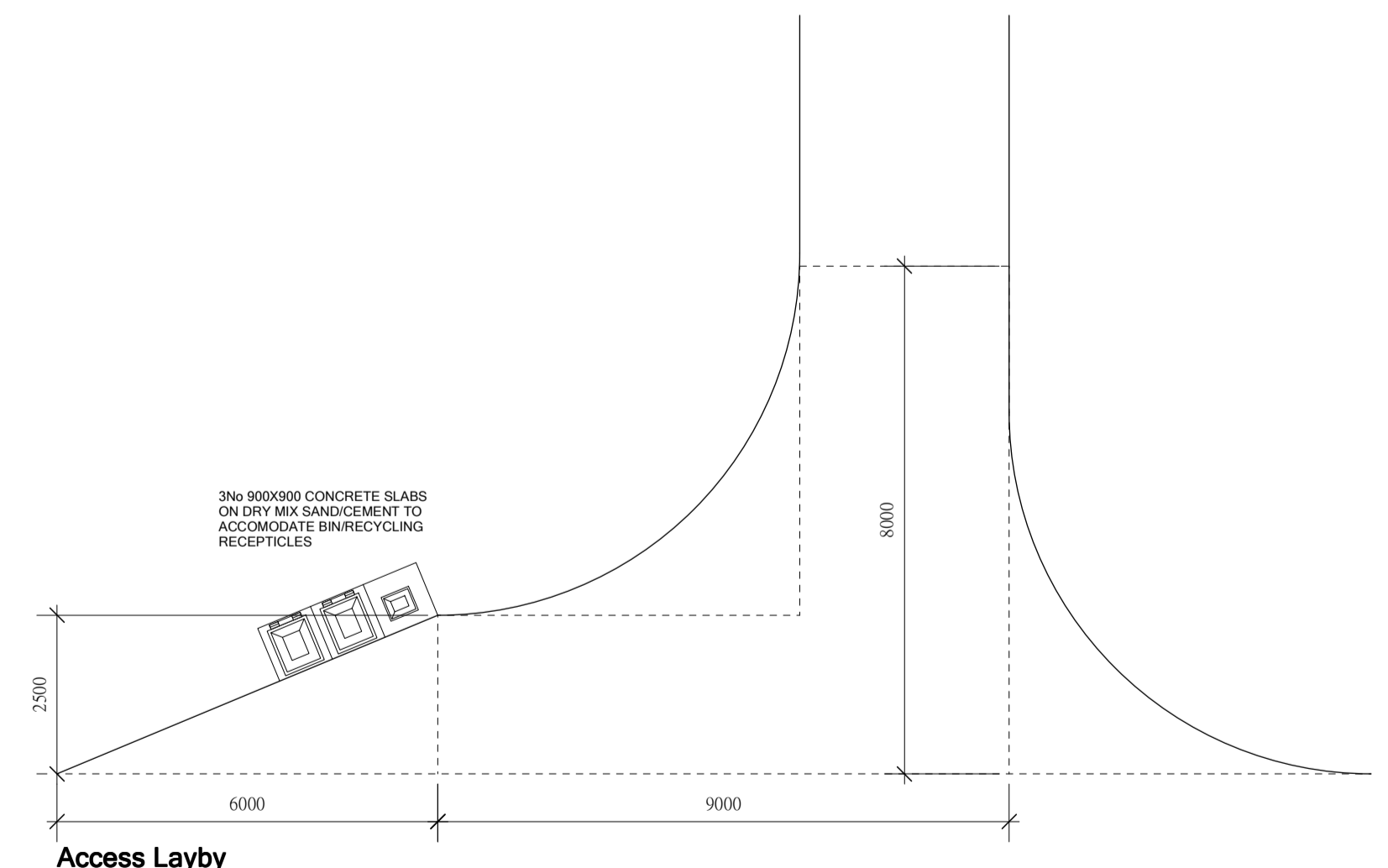
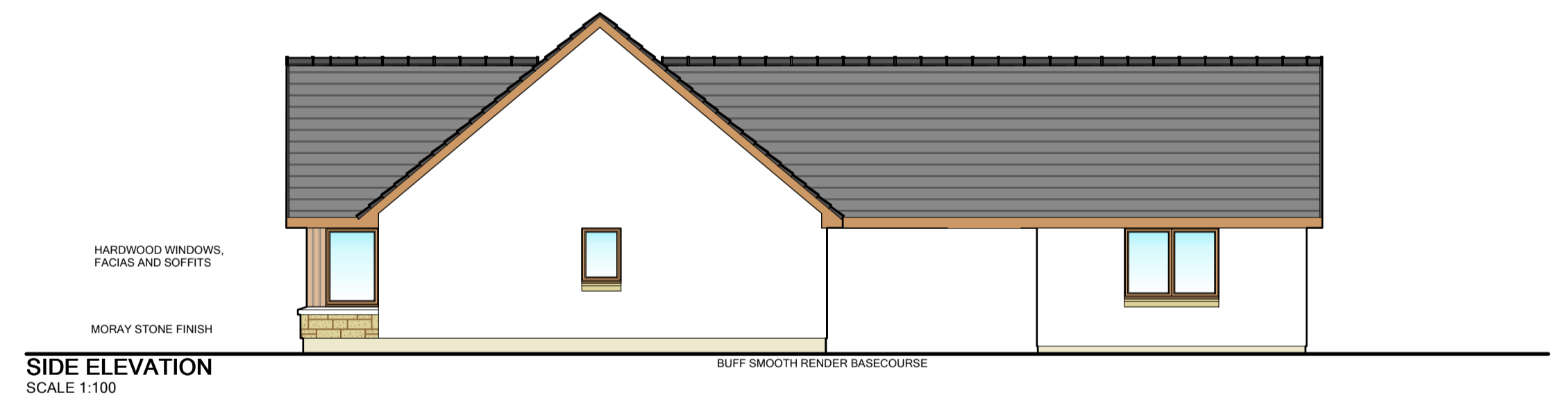
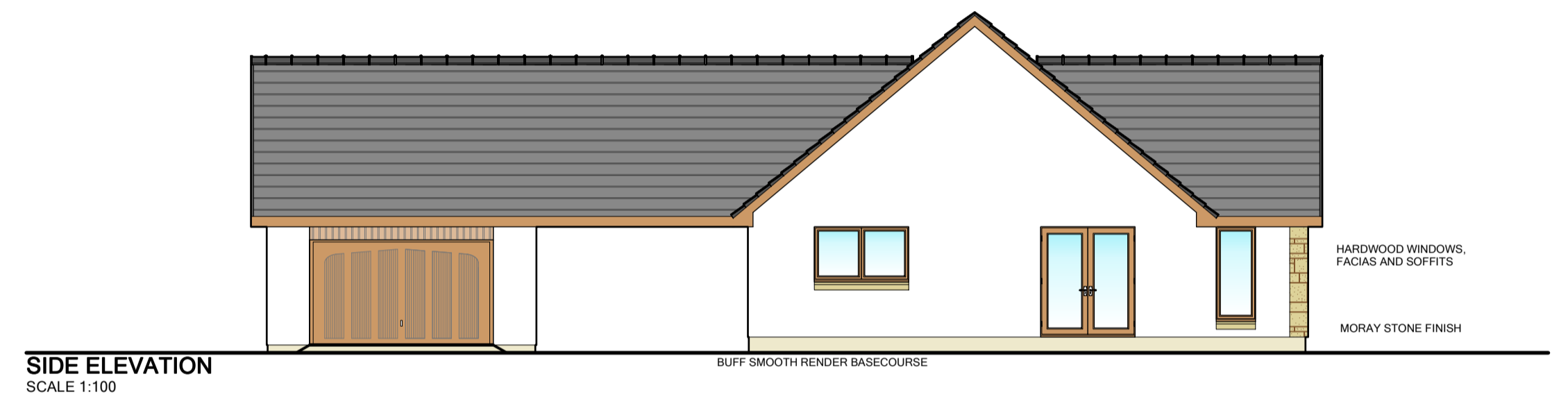
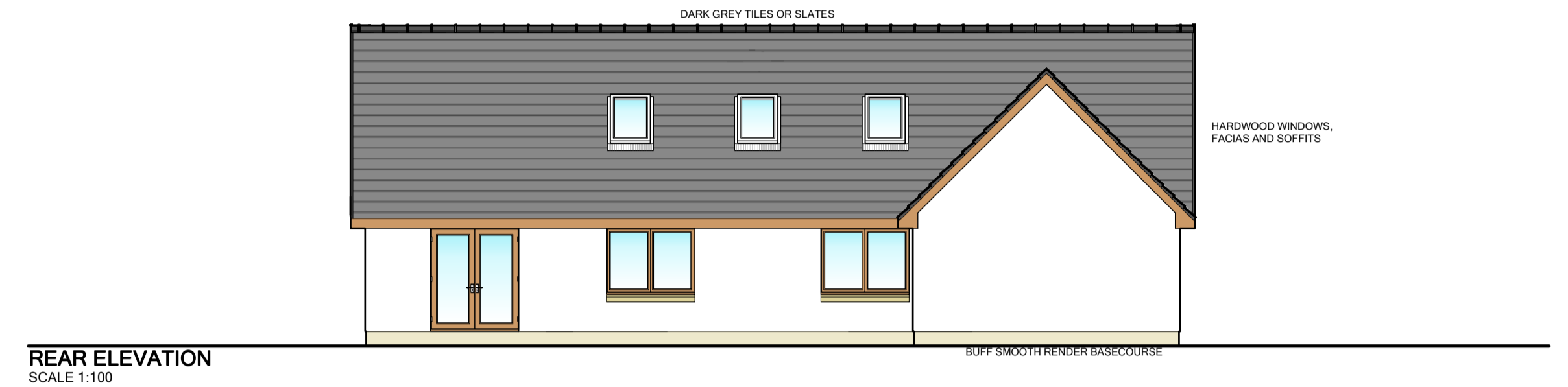
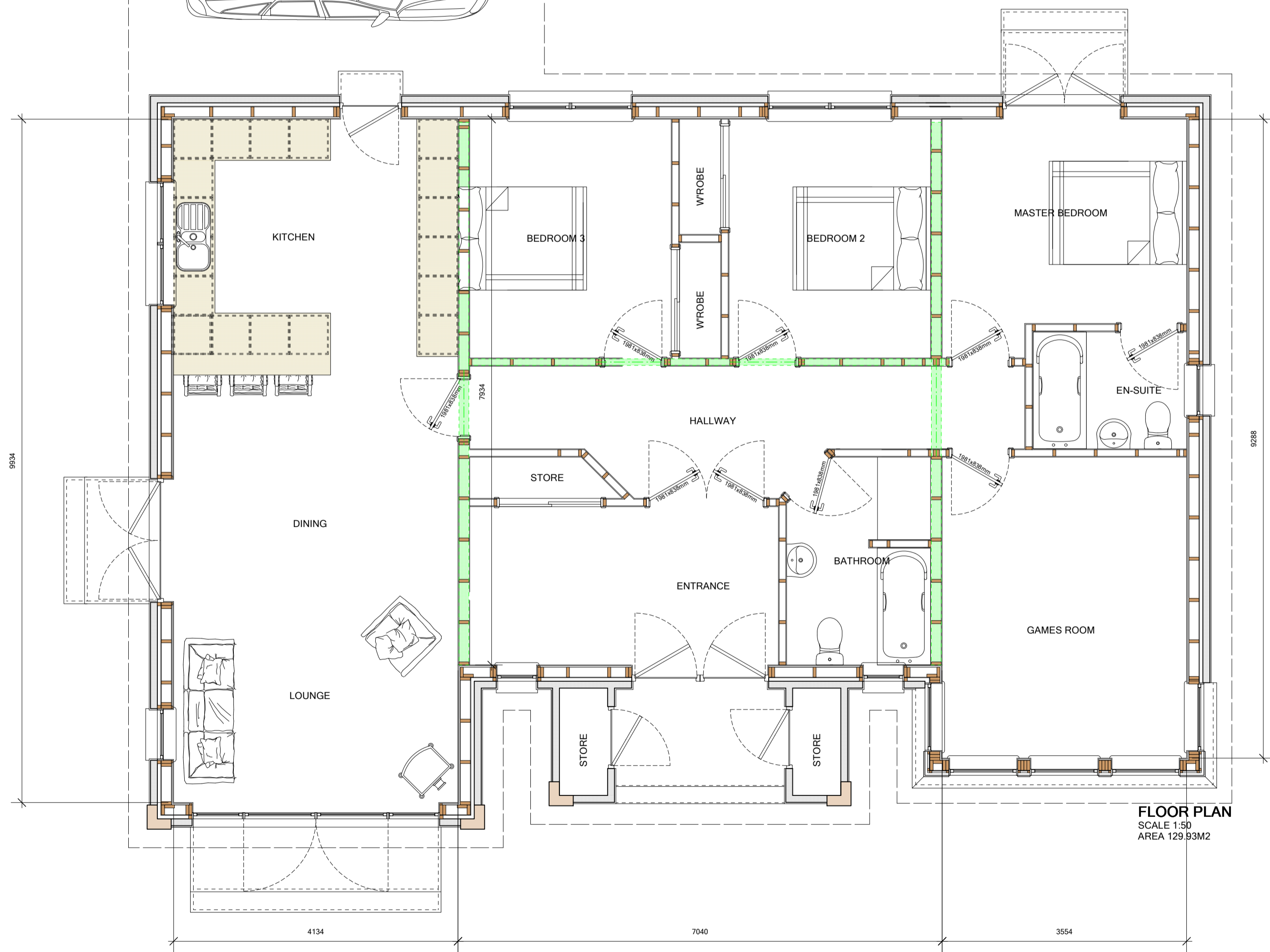
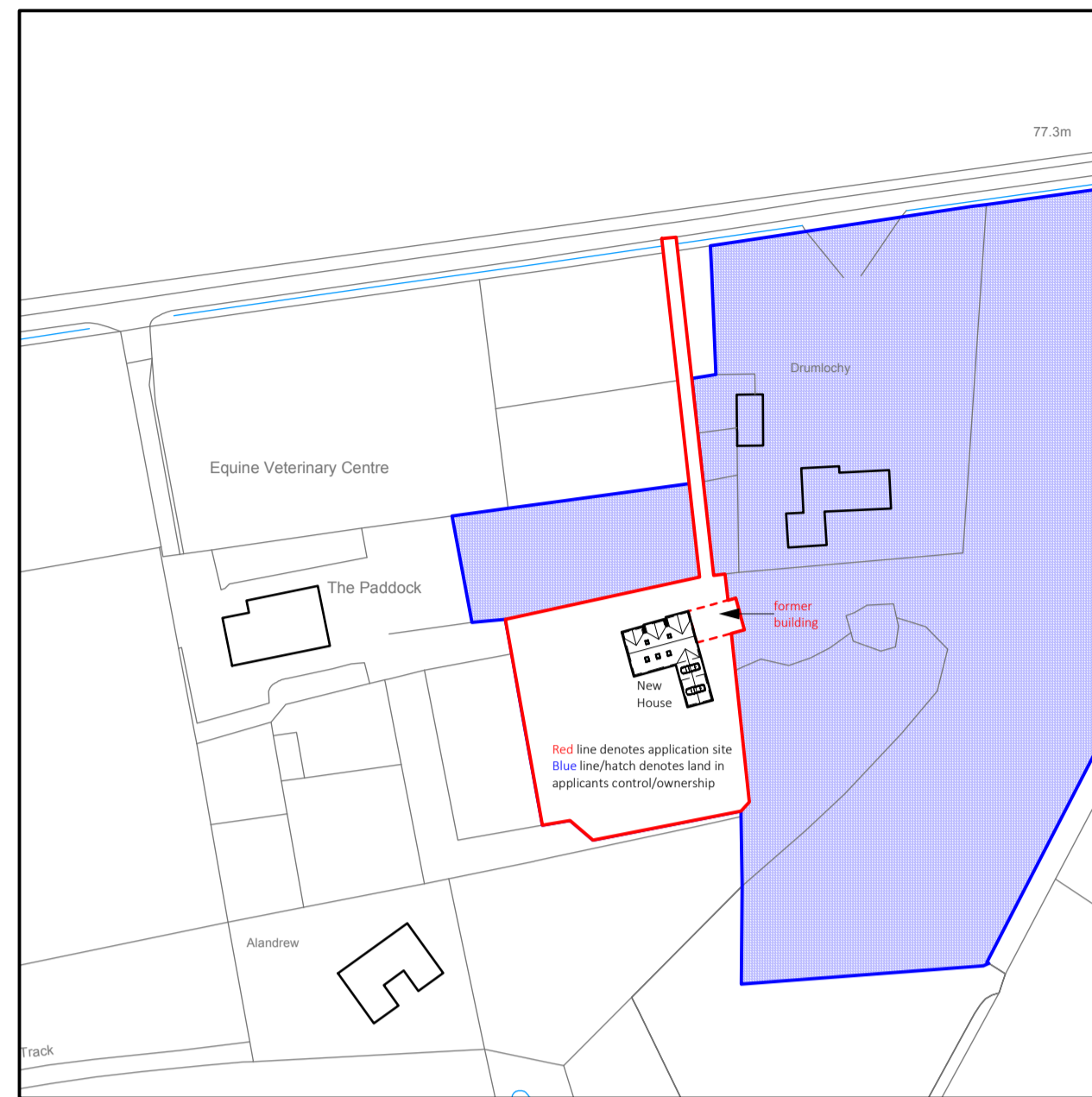
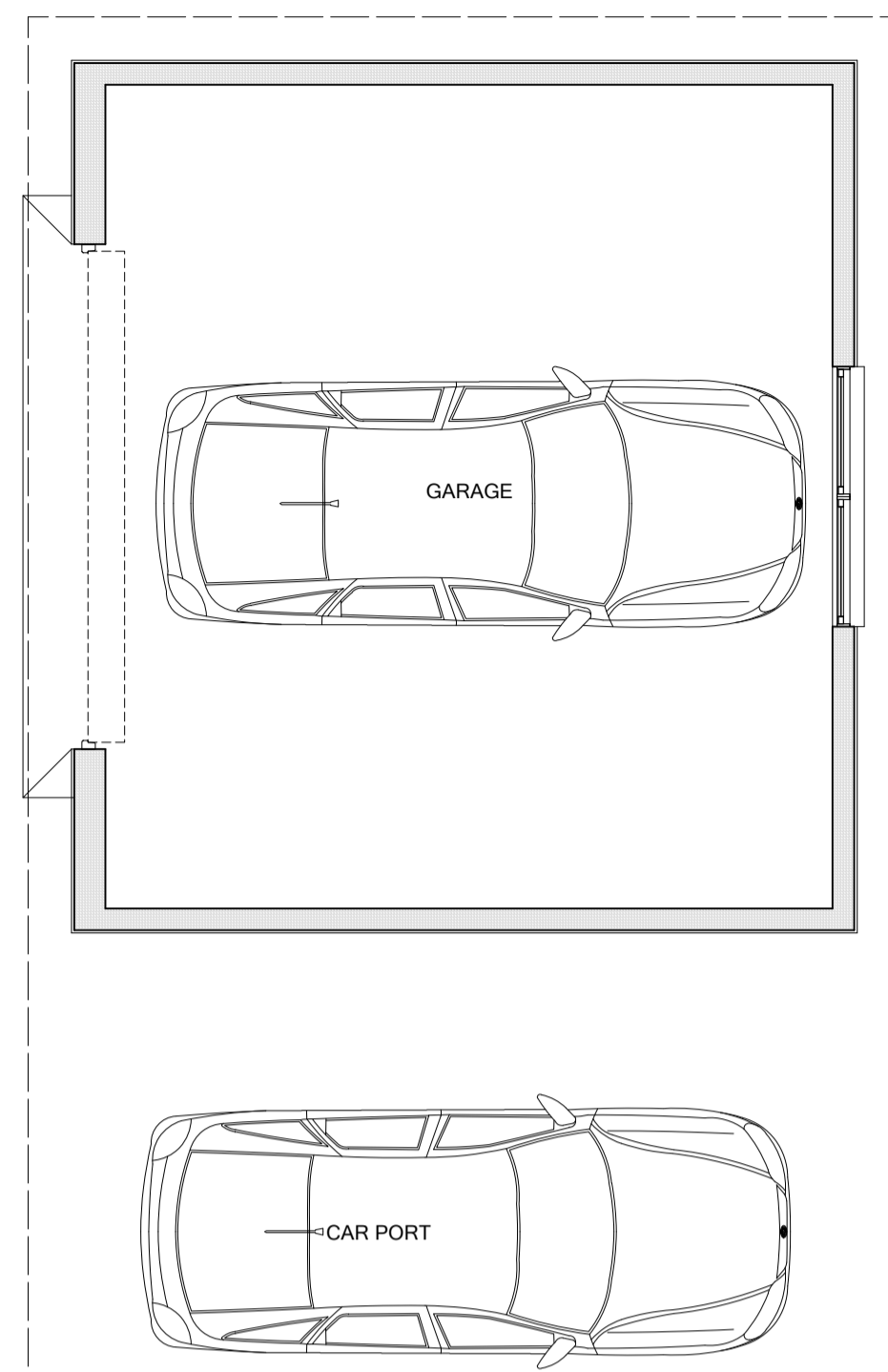
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DATE 05 Oct 2016
SCALE AS NOTED

CLIENT Mr. & Mrs Hewitt
PROJECT Proposed New Dwelling on Disused Building at Drumlochy, North Kessock, Inverness, Highland
TITLE Planning Proposals Location Details
DRAWING No SPA.16.066.02



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DATE 05 Oct 2016 SCALE AS NOTED

CLIENT Mr. & Mrs Hewitt
PROJECT Proposed New Dwelling on Disused Building at Drumlochy, North Kessock, Inverness, Highland
TITLE Planning Proposals General Arrangement
DRAWING NO SPA.16.066.01