

Agenda Item	5.1
Report No	PLN 002/18

## THE HIGHLAND COUNCIL

**Committee:** North Planning Applications Committee

**Date:** 23 January 2018

**Report Title:** 17/02567/FUL: Mrs Marion Gilroy  
Land 80M NE of Applecross Village Hall, Camusterrach, Applecross

**Report By:** Area Planning Manager – North

### Purpose/Executive Summary

**Description:** Erection of House

**Ward:** 05 - Wester Ross, Strathpeffer and Lochalsh

**Development category:** Local Development

**Reason referred to Committee:** Referred to Committee by Local Members

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.

### Recommendation

Members are asked to agree the recommendation to refuse as set out in section 13 of this report.

### **3. PROPOSED DEVELOPMENT**

- 3.1 This application seeks full planning permission for the erection of a one and half storey, four bedroom dwelling house.
- 3.2 Pre-application advice was provided in July 2016 (ref. 16/02661/PREAPP) to the effect that any future planning application would not be supported on the basis of conflict with Policy and Supplementary Guidance, as well as the potential for future conflict with events in the nearby Village Hall.
- 3.3 The site has no existing infrastructure.
- 3.4 A Statement has been submitted in support of the application, together with drawings which identify existing buildings within the vicinity of the site, the extent of the applicant's croft, and justifications for the development based on selected extracts from the development plan. The public road lies some 100m to the west of the proposed house, but access is proposed from an existing track which joins this road some 250m to the north west.
- 3.5 **Variations:** None

### **4. SITE DESCRIPTION**

- 4.1 This is a greenfield site which comprises an area of open common grazings some 60m to the north east of the Applecross Village Hall and some 230m beyond the southern end of Loch a' Mhuillin.

### **5. PLANNING HISTORY**

- 5.1 16/02661/PREAPP - Erection of house and garage - advised unable to support proposal - 22.07.2016.

### **6. PUBLIC PARTICIPATION**

- 6.1 Advertised : Unknown Neighbour 14 Days  
Representation deadline : 30.06.2017  
Timeous representations : 1 (letter from Applecross Community Council)  
Late representations : 0
- 6.2 Material considerations raised are summarised as follows:
- Site uses poorer quality croft land, rather than applicant's better quality land
  - Lack of affordable housing in the area
  - Development Plan is under review
  - Restricted land available for development in the area
  - Site lies between an existing house to the north and the Hall to the south
- 6.3 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.

## **7. CONSULTATIONS**

- 7.1 **Access Officer** : No objection, subject to condition preventing obstruction of Core path :
- 7.2 **Scottish Water** : No objection
- 7.3 **Crofting Commission** : No objection

## **8. DEVELOPMENT PLAN POLICY**

The following policies are relevant to the assessment of the application

### **8.1 Highland Wide Local Development Plan 2012**

- 28 Sustainable Design
- 29 Design Quality and Place Making
- 36 Development in the Wider Countryside
- 47 Safeguarding Inbye/Apportioned Croftland
- 61 Landscape
- 65 Waste Water Treatment
- 66 Surface Water Drainage

### **8.2 Wester Ross Local Pan 2006 (As continued in Force 2012)**

No relevant policies

## **9. OTHER MATERIAL CONSIDERATIONS**

### **9.1 Draft West Highlands & Islands Local Development Plan 2017**

No relevant policies

### **9.2 Highland Council Supplementary Planning Policy Guidance**

Housing in the Countryside Siting and Design - March 2013

### **9.3 Scottish Government Planning Policy and Guidance**

Paras 74 to 83

## **10. PLANNING APPRAISAL**

- 10.1 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.
- 10.2 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.

## 10.3 Development Plan Policy Assessment

### Relevant Policy

10.3.1 In this case the Development Plan is comprised solely of the Highland-wide Local Development Plan, the relevant policies of which are considered below.

The site lies outwith any defined Settlement Development Area, and therefore falls to be considered under Policy 36 which states that development proposals in the wider countryside will be assessed on the extent to which they:

- are acceptable in terms of siting and design;
- are sympathetic to existing patterns of development;
- are compatible with landscape character and capacity;
- avoid, where possible, the loss of locally important croft land; and
- would address drainage constraints and can be adequately serviced, particularly in terms of road access, without involving undue public expenditure or infrastructure that would be out of keeping with the rural character of the area.

Development proposals may be supported if they are judged to be not significantly detrimental under the terms of this policy.

In considering proposals, regard will also be had to the extent to which they would help, if at all, to support communities in Fragile Areas (as defined by Highlands & Islands Enterprise) in maintaining their population and services by helping to repopulate communities and strengthen services. Applecross falls within this definition of a Fragile Area.

All proposals should still accord with other general policies of the Plan. This policy states that development proposals for housing in the wider countryside will be determined against the relevant sections of the Housing in the Countryside Siting and Design Supplementary Guidance.

Policy 28 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 states that proposals should have regard to the historic pattern of development and landscape in the locality and should, where relevant, be an integral part of the settlement.

Policy 47 of the Highland wide Local Development Plan states that the Council expects development proposals to minimise the loss of in bye/apportioned croft land. For housing proposals these should be for single houses (with consideration given to the history of development on the croft). All proposals should where possible avoid siting on the better agricultural part of the croft and impeding use of the remainder of the croft.

Policy 61 states that new developments should be designed to reflect the landscape characteristics and special qualities of the area in which they are proposed.

Policies 65 and 66 state that the Council's preference where a connection to the public sewer is not available is for private foul drainage to discharge to land rather than to water, and that surface water drainage should follow sustainable principles.

#### Supplementary Guidance

- 10.3.2 The Council's Guidance on the Siting and Design of Housing in the Countryside sets out a sequential approach to the identification of development opportunities within the wider countryside. Preference is first given to the infilling or rounding-off of existing housing groups (defined as three or more houses which are physically detached from one another). Second preference would be for the conversion, rehabilitation or replacement of redundant buildings or the development of brownfield land. Finally, development in the garden ground of existing houses would be considered, subject to an acceptable plot ratio. The Guidance states that the potential for new housing related to crofting in the wider countryside must meet the criteria set out in HwLDP Policy 47, and should also maintain the local pattern of croft development.

#### Siting and Landscape Impact

- 10.3.3 The key issue in this case is whether the siting of the proposed house would be compatible with the local settlement pattern. The agent has submitted information which seeks to address this issue. A "settlement pattern" plan has been lodged which identifies eight buildings outwith the defined SDA, and which claims that the siting of the proposed building matches the dispersed development pattern represented by these buildings. This claim is not accepted on the basis that only two of the buildings identified are dwelling houses, and that no existing housing group would be infilled or rounded-off by the proposal. Situations can exist where there is a scattering of houses in the countryside, rather than a group, to which a new house might relate and would therefore not appear as an isolated feature within the landscape. However it is not considered that such a scattering of houses exists in the vicinity of this proposal.
- 10.3.4 The existing settlement pattern is defined by the grouping of some 15 houses in the Milltown Settlement Development Area at the northern end of Loch a' Mhuilinn. The Loch provides a natural boundary to the southern end of this village. Although there is a single dwelling approximately halfway along the eastern shore of the Loch, this is of a very small scale, which appears in the landscape more like a small agricultural building. The proposed house would be situated some 290m beyond this isolated small dwelling, and would appear within the landscape as another, but much larger, isolated house, rather than respecting the existing settlement pattern. This area is not characterised by a scattering of individual houses within the landscape and therefore the proposed isolated house would appear out of keeping with the existing pattern of development.
- 10.3.5 This dwelling house proposal seeks to utilise an open countryside setting which is not related to any existing housing development, redundant building/brownfield site or garden ground. As such, it would appear as an unusual and isolated feature within the landscape and is therefore considered contrary to policies 28, 29, 36 and 61 of the Highland wide Local Development Plan, and to conflict with the Council's Supplementary Guidance on Housing in the Countryside.

- 10.3.6 An additional concern in relation to the siting of the proposal is its proximity to the Village Hall. The amenity of the proposed house could be adversely affected by noise and activity associated with events in the Village Hall, and there is the potential for future conflict in this regard which could restrict the range of activities and operations acceptable at the Village Hall in the future.
- 10.3.7 Offers were made at the both the pre-application stage and after the application was submitted to discuss alternative sites with the applicant for the location of the house. No response was received which is regrettable given that it is considered that there are alternative sites for which support could be offered.

#### Other Issues

- 10.3.8 The design of the building is considered acceptable, as are the access and car parking arrangements.

### **11. CONCLUSION**

- 11.1 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.

### **12. IMPLICATIONS**

- 12.1 Resource – Not applicable
- 12.2 Legal –Not applicable
- 12.3 Community (Equality, Poverty and Rural) –Not applicable
- 12.4 Climate Change/Carbon Clever –Not applicable
- 12.5 Risk – Not applicable
- 12.6 Gaelic – Not applicable

### **13. RECOMMENDATION**

**Action required before decision issued** N

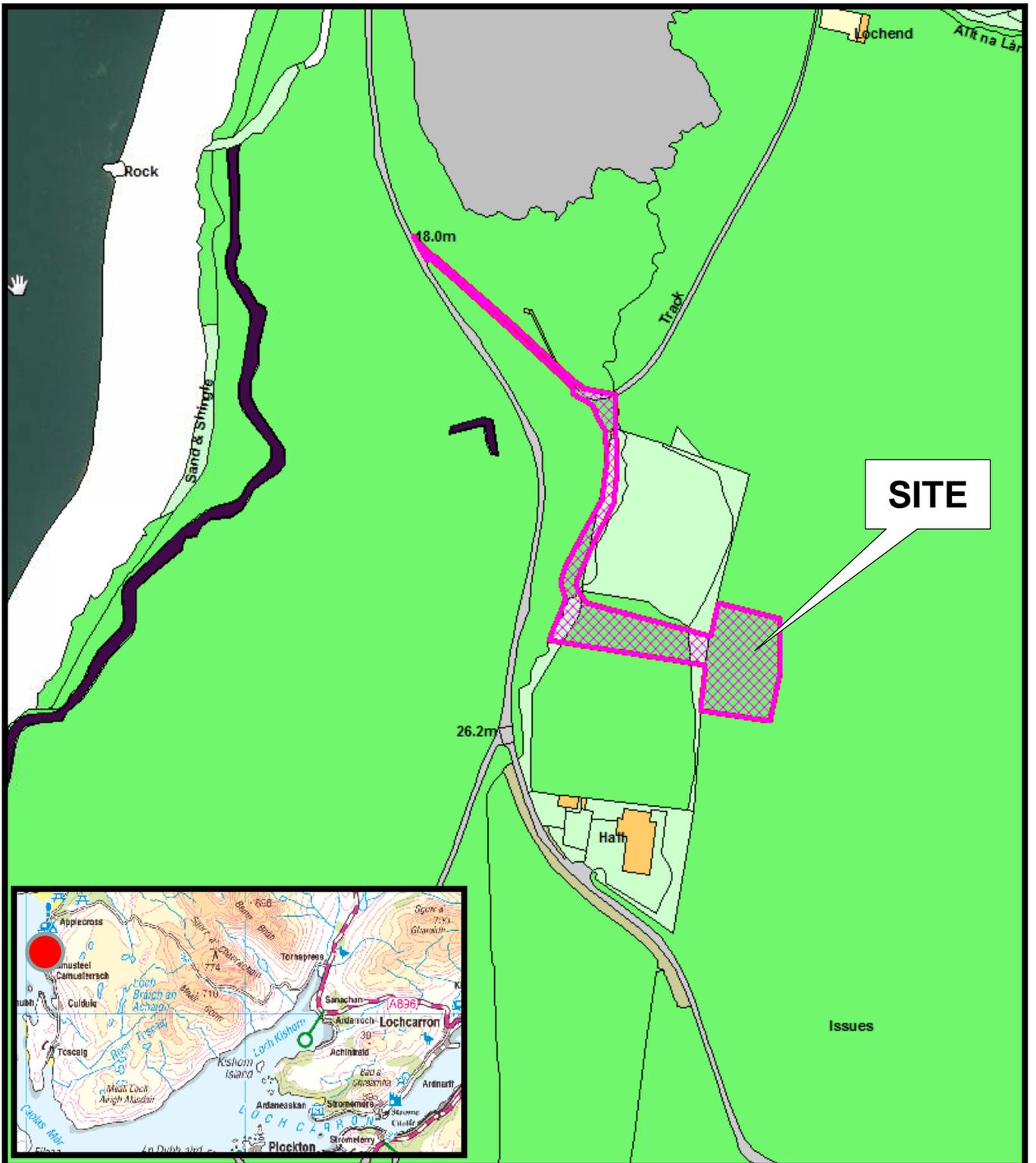
**Subject to the above**, it is recommended the application be **Refused** subject to the following reasons for refusal:

1. The proposed development conflicts with Policy 28 of the Highland wide Local Development Plan in that it does not demonstrate sensitive siting with regard to the countryside setting by virtue of its isolated position which is unrelated to any existing group of houses or any dispersed pattern of houses in the countryside.
2. The proposed development conflicts with Policy 29 of the Highland wide Local Development Plan in that it is not an integral part of the nearby settlement and

lacks sufficient regard to the pattern of development and landscape in the locality.

3. The proposed development conflicts with Policy 36 of the Highland wide Local Development Plan in that it is not acceptable in terms of its siting (having regard to the Council's Supplementary Guidance on Housing in the Countryside), is not sympathetic to existing patterns of development, and – by virtue of its isolated position in an open countryside setting – is not compatible with landscape character.
4. The proposed development conflicts with Policy 61 of the Highland wide Local Development Plan in that it does not reflect the landscape characteristics and special qualities of the local area by virtue of its isolated position in an open countryside setting.
5. The siting of the proposal in proximity to the local Village Hall is such that there is the potential for conflict with activities and events in the Hall which could restrict the range of activities acceptable at the Hall in the future.

Designation: Area Planning Manager - North  
Author: Graham Sharp  
Background Papers: Documents referred to in report and in case file.  
Relevant Plans: Plan 1 – Committee Location Plan  
Plan 2 – Location Plan  
Plan 3 – Site Layout Plan  
Plan 4 – Elevations  
Plan 5 – Floor Plans  
Plan 6 – Settlement Pattern Plan  
Plan 7 – Croft House Compatibility Plan



**SITE**

Issues



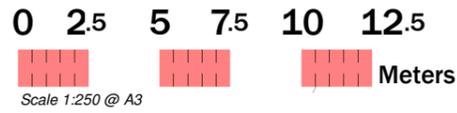
**The Highland Council**  
**Comhairle na Gàidhealtachd**

**Planning & Development Service**

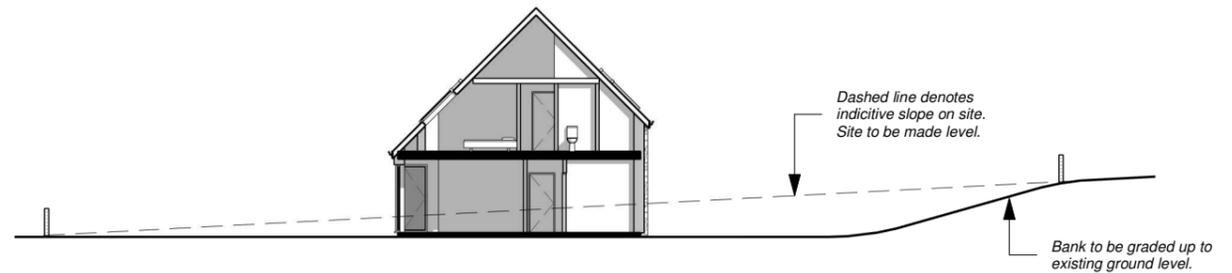
**17/02567/FUL**

**Erection of house at  
 Land North East of Applecross Village Hall,  
 Camusterrach, Applecross**





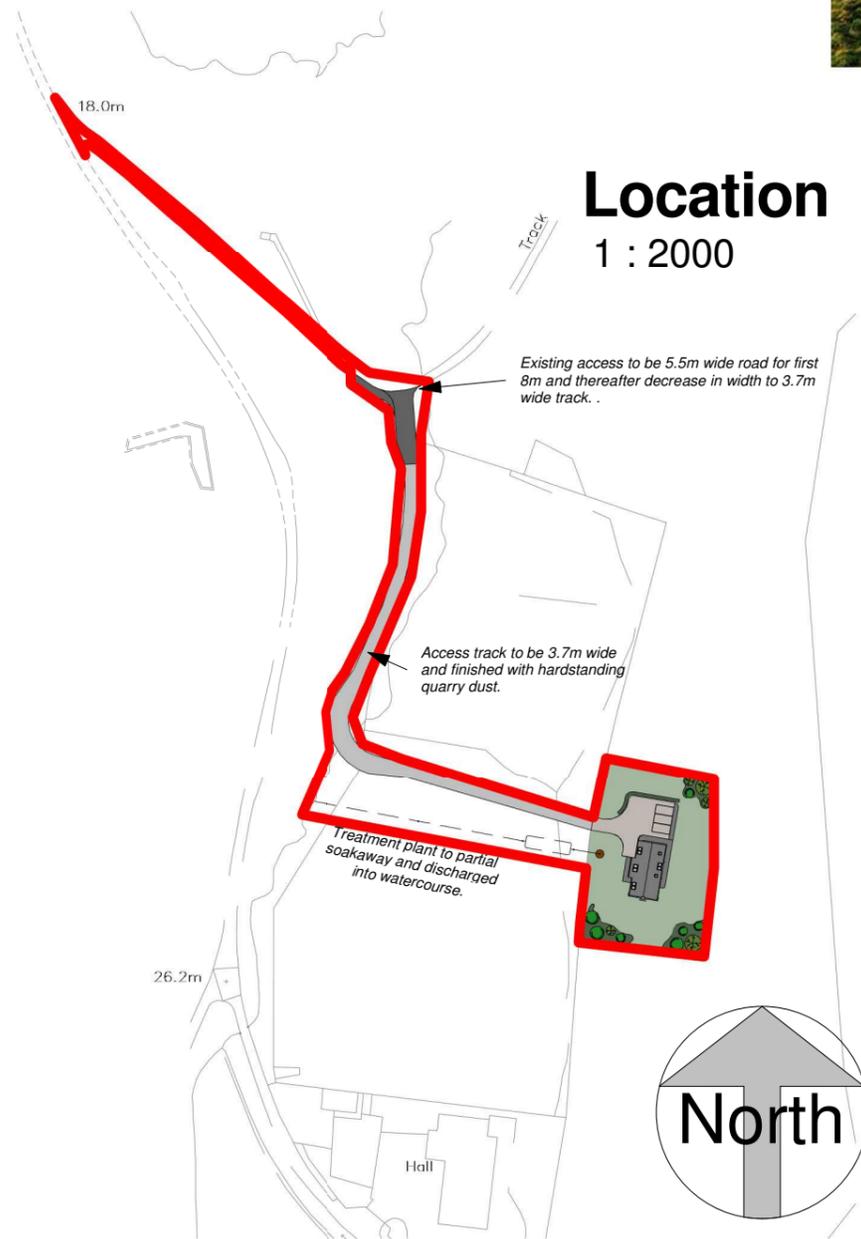
**Site**  
1 : 250



**Site Section**  
1 : 250



Above image indicative post & wire fence to boundary



**Location**  
1 : 2000

**Site Grid Reference - NG 708 431**

Planning Application



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

No.	Description	Date
A	RED Line updated	02/06/2017

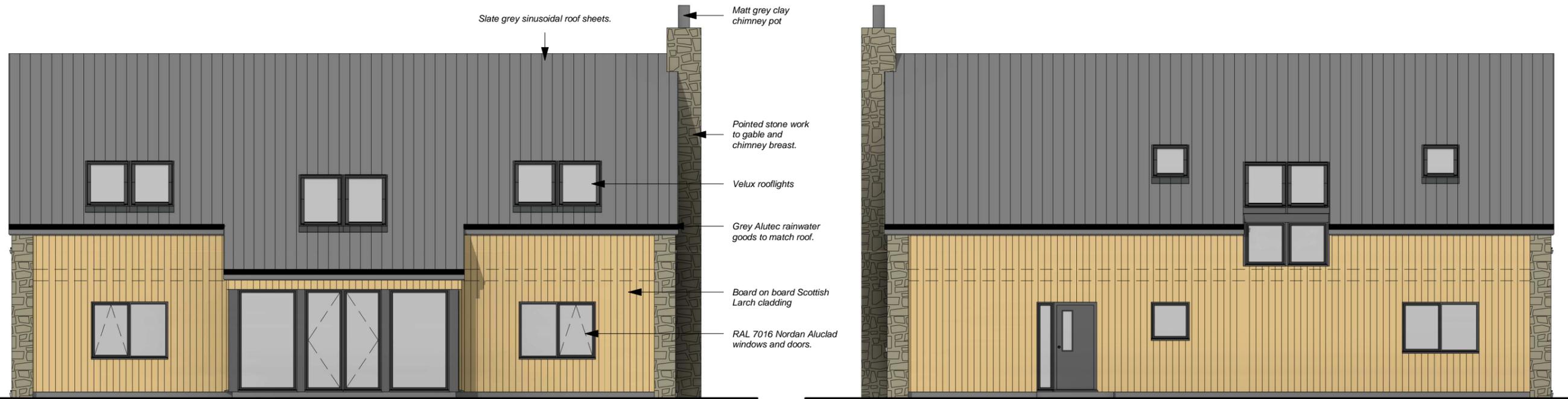
M. Gilroy & R. Macrae  
New Crothouse, Milltown.

**Site & Location Plan**

Date	25/05/2017
Drawn by	MB
Scale	As indicated
<b>2017 016 - 000</b>	

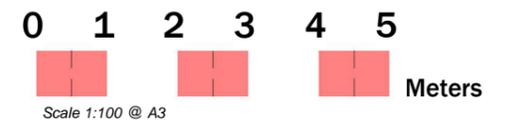
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3. Discrepancies to be referred to architect for decision.  
4. Must be read in conjunction with written specification and engineers/sub contractors construction information.





**West**  
1 : 100

**East**  
1 : 100

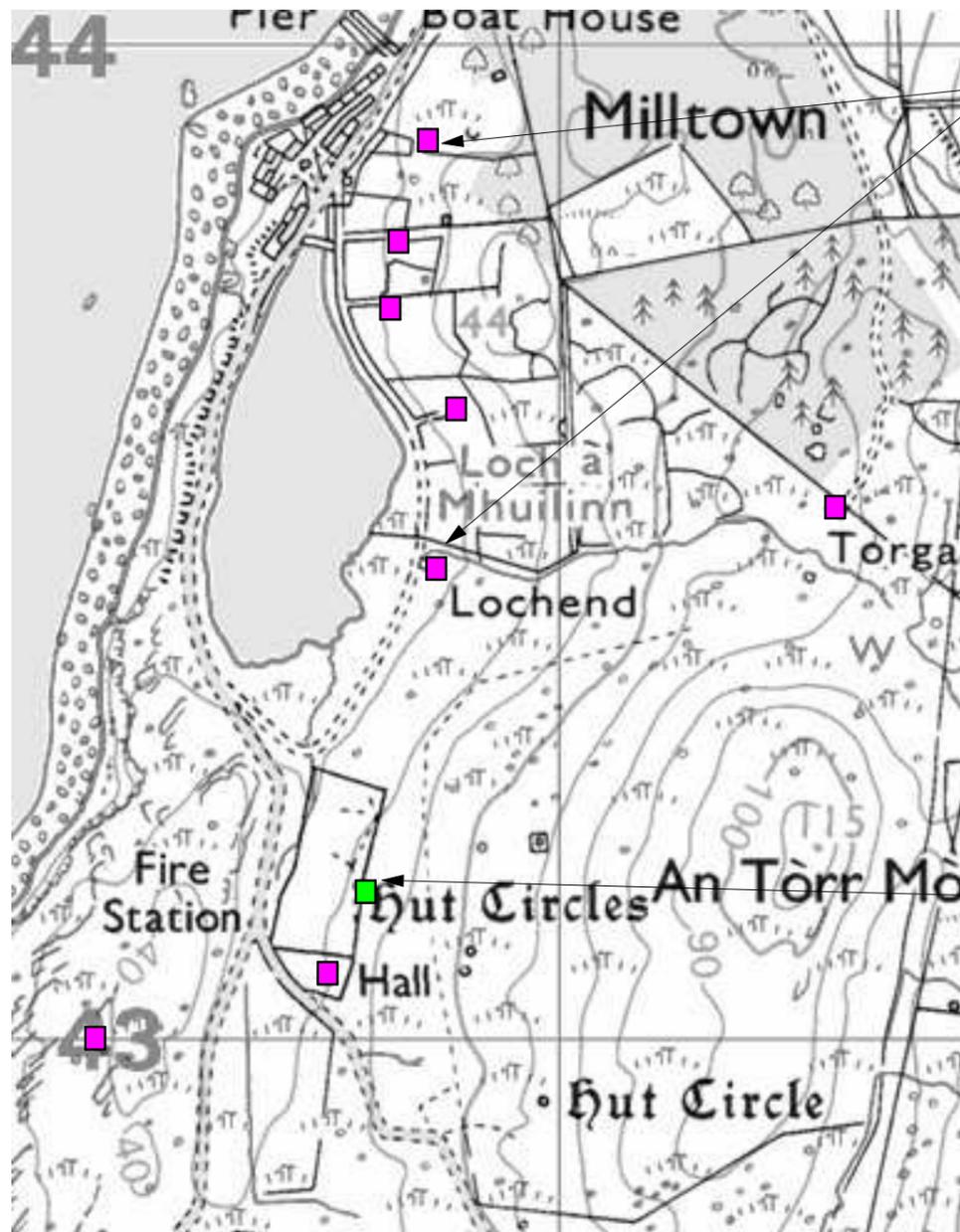


**South**  
1 : 100



**North**  
1 : 100

Planning Application		
 <b>reynolds architecture ltd.</b> 1 tulloch street, dingwall. IV15 9JY tel. 01349 867766 fax. 01349 867769 www.reynolds-architecture.com		
No.	Description	Date
<b>M. Gilroy &amp; R. Macrae</b> <b>New Crothouse, Milltown.</b>		
<b>(Proposed) Elevations</b>		
Date	25/05/2017	
Drawn by	MB	
Scale	1 : 100	
<b>2017 016 - 002</b>		
<small>           1. Protected by copyright, no reproduction without express permission from architect.            2. Contractor is responsible for checking all dimensions prior to construction.            3. Discrepancies to be referred to architect for decision.            4. Must be read in conjunction with written specification and engineers/sub contractors construction information.         </small>		



Dispersed building pattern outwith settlements.

Main settlement of Applecross

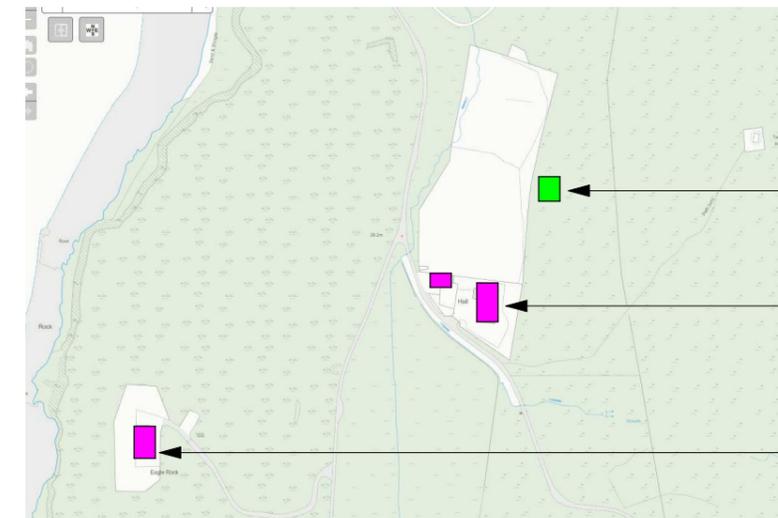
Magenta squares denote buildings outwith the main settlements. These buildings are of a dispersed nature consistent with Highland west coast crofting settlement patterns.

Green square denotes the proposed location of the new croft house. Location consistent with existing settlement pattern.

Main settlement of Camustiel

Proposed house location

**Area specific to site**

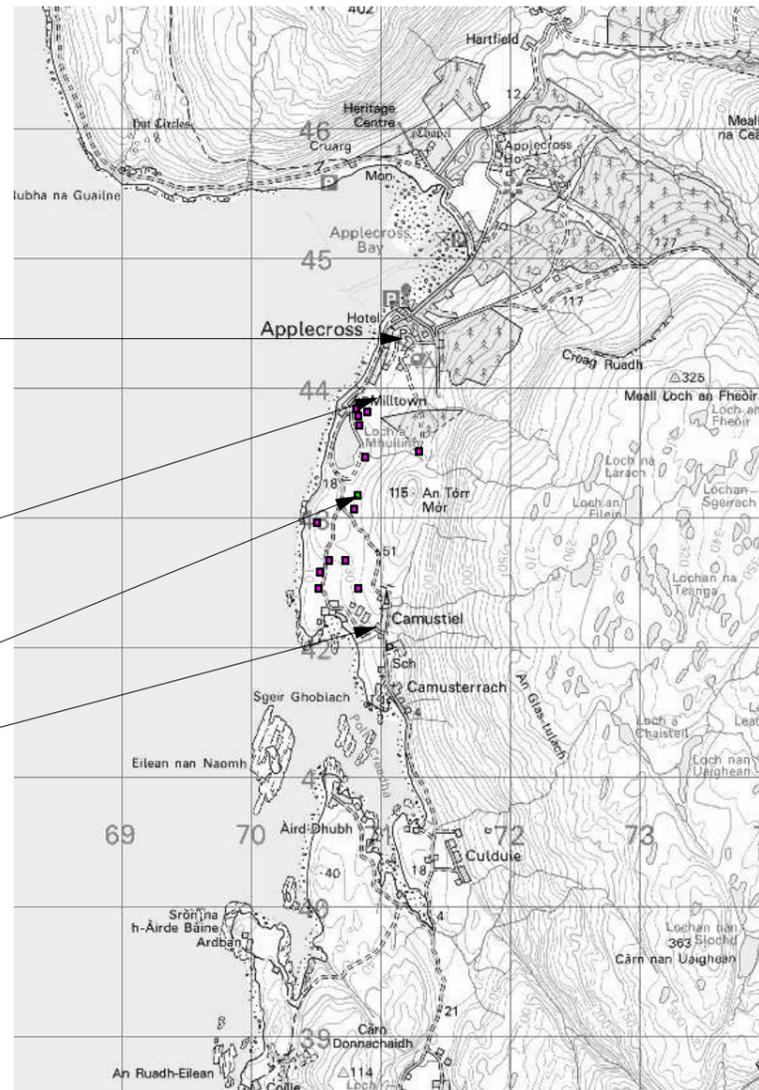


Proposed house location

Local Hall

Recently completed house

**Immediate site area**



**Wider Applecross area**

Dispersed settlement pattern



**Green square denotes location of proposed building**

**Magenta square denotes location of dispersed buildings**

**Principal of Development, Siting and Design**

Highland Wide Local Development Plan: Policy 36

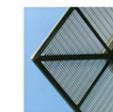
**'Sympathetic to existing patterns of development'**

Outwith the local clusters of Applecross, Camustiel, Culduie the building pattern is dispersed as is to be expected in crofting communities.

The magenta coloured squares show the separate fragmented pattern of buildings in the landscape.

The green coloured square is the location of the proposed house within the landscape. It's siting matches the dispersed development pattern outwith building clusters.

**Planning Application**



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www.reynolds-architecture.com

No.	Description	Date

M. Gilroy & R. Macrae  
New Croft house, Milltown.

**Settlement pattern**

Date	25/05/2017
Drawn by	WJR
Scale	As indicated

2017 016 - 003

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Highland Wide Local Development Plan: Policy 28

Planning policy considered in relation to the human aspect of highland living.

**'The Council will support developments which promote and enhance the social, economic and environmental welfare of the people of Highland'**

- The applicants are local to the Applecross area and wish to remain living full time in the area.

- The applicants are raising a family in the area contributing to community life and utilising locally provided services

- The applicants actively contribute to the local community and its viability through their employment and voluntary commitments.

The need for a house:

- currently in an unsecured tenancy
- an expanding family and the need to provide a suitable environment for upbringing
- existing housing stock and land for sale sells at costs outwith the financial reach of locally employed and paid people due to the influx of wealthy second homers and holiday homes

The Highland Ethos

- the continuation of crofting and living 'on' the croft as a way of life
- the selection of the site to ensure limited agricultural land is not used
- a modest scale and design in keeping with the modern vernacular
- self sufficiency: the foresight to work locally, croft locally and build a home in a carefully selected site allowing less fortunate locals the opportunity of housing provided by a registered social landlord should it become available.

Highland Wide Local Development Plan

The Plan states aims for the Highlands which can be considered on and area wide and micro 'human' scale:

**Sustainable Highland Communities:**

- consenting to this proposal ensures a couple who work locally and contribute to the community stay in the Applecross Area, their children attend the local school, they croft and contribute to the local economy and heritage.

**Have more affordable housing**

- currently not the case in Applecross area  
- can be 'overcome' by application to 'Croft House Grant' for this proposal with three benefits to the local community:

1. Does not add to the burden on social housing provision.
2. Free up the short term letting property the applicants currently occupy.
3. Links a new family home to the croft to ensure ongoing crofting lifestyle and community benefit.

Policy 29 Quality Design and Place Making

**'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 site is located outwith valuable croft and grazing land. The plot location relates to the dispersed nature of the crofting settlement pattern.

The plot is set within the slope and does not skyline on scenic views.

The access to the site is set into natural re-entrants and depressions in the topography.

The site is outwith any designated 'physical constraint' areas.

Highland Wide Local Development Plan: Policy 47

**Safeguarding croft land.**

The proposals sites the house outwith valuable croft land on an area of common grazing.

- no cultivated croft land is lost
- the use of the croft is protected.

The applicants have given careful consideration to maintaining and protecting their croft as a functional entity, whilst locating in the most suitable proximity, according with dispersed settlement pattern and landscape characteristics.

The wider community is supportive of the application.

- there is a demonstrable benefit to constructing a house for a crofting family in this location.

There is no alternative viable land on the applicants croft.

The benefits to the community are:

- stabilising the population
- community contribution through employment and crofting by the family
- support to local facilities and community amenities, ensuring their continued viability.

Policy 61 Landscape

**'reflect the landscape characteristics and special qualities'**

It has been demonstrated that the site is consistent with the settlement pattern for the area and has been selected to reflect antecedent croft house development.

**'appropriate scale, form, pattern and construction materials,'**

The house is of traditional proportion, modest in size and uses rustic external materials referencing the local vernacular style.

Policy 65 Waste water treatment  
Policy 66 Surface Water Drainage

A treatment plant with discharge to partial land soakaway and subsequent discharge to the water course adjacent to the site is proposed for foul drainage. SEPA consent will be sought for the same.

Surface water drainage will be to land via soakaway.



Croft poly tunnel for year round produce.



Outline of croft from Loch a Mhuilinn.



Raised beds fertilised with locally sourced seaweed, the modern equivalent of crofting lazy beds.



Rare breed pigs on the croft.

**Fragile Communities**

The HIE designates the Applecross area as a 'fragile community' and has a stated aim of encouraging the creation of resilient rural communities. and to support crofting communities to implement growth and diversification.

This proposal entirely accords with the ethos of maintaining and developing strong community, encouraging a modern 'traditional' way of life in a remote area and stabilising population growth and community.

The proposal to build a family home adjacent to a croft on a carefully selected site fulfills the aims and ethos of both planning policy on local and national scale.

The proposal is supported by the local community as referenced in correspondence from the Applecross Community Council.

**Supplementary Guidance: Housing in the Countryside Siting and Design**

6.4.3 Croft Land Management

*'identification of an appropriate location is likely to vary from that relating to general housing groups'*

The settlement pattern has been identified as dispersed, typical of west highland crofting communities. The proposal fits the pattern.

*'Proposals should however maintain the local traditional pattern of croft development'*

The settlement pattern has been identified as dispersed, typical of west highland crofting communities. The proposal fits the pattern.

*'accord with the guidance on siting and design'*

Carefully selected site, modest traditionally proportioned house design accords with the guidance.

*'where possible, avoid siting on the better part of a croft in terms of its agricultural value; and impeding the use of the remaining croft land by virtue of its location.'*

The proposal is sited on low quality common grazing land, thus maintaining well cultivated croft land.

Planning Application		
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No.	Description	Date
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Scale	2017 016 - 005	
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