

Agenda Item	<b>6.2</b>
Report No	<b>PLN/009/20</b>

## HIGHLAND COUNCIL

**Committee:** North Planning Applications Committee

**Date:** 3 March 2020

19/04420/PIP: Mr Hamish Cromarty

**Report Title:** Land 75m NE of Brackla Wood, Culbokie

**Report By:** Acting Head of Development Management – Highland

### 1. **Purpose/Executive Summary**

1.1 **Description:** Erection of House

**Ward:** 9 – Black Isle

1.2 **Development category:** Local Development

**Reason referred to Committee:** Referral by Ward 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.

### 2. **Recommendations**

2.1 Members are asked to agree the recommendation to Refuse planning permission as set out in section 11 of the report.

### **3. PROPOSED DEVELOPMENT**

- 3.1 The application seeks planning permission in principle for a house and the creation of a new vehicular access.
- 3.2 Pre-application Consultation: Formal advice has been given twice under application reference 15/00780/PREAPP and 17/02963/PREAPP. This advice concluded that the proposal did not accord with Development Plan policy. In particular, it failed to meet the housing groups exception and any other exception listed in policy 35 (Housing in the Countryside – Hinterland Areas) of the Highland-wide Local Development Plan.
- 3.3 Supporting Information: Supporting Statement, Private Access Checklist

### **4. SITE DESCRIPTION**

- 4.1 The site extends 0.25ha and consists of a section of open and uncultivated field. Culbokie lies approx. 2km to the west and the area known as Braefindon is situated to the north. Bogbuie Wood lies to the south. The site is served by a single track adopted road, which joins the Culbokie - Munlochy public road at a junction a short distance to the north of the site. There is a loose scattering of properties located off the road serving this site, the closest being Rowen Glen to the north, Ben View to the west and Brackla Wood to the south-west. A small watercourse runs parallel with the west boundary.

### **5. PLANNING HISTORY**

None

### **6. PUBLIC PARTICIPATION**

- 6.1 Advertised: Unknown Neighbour  
Date Advertised: 18.10.2019  
Representation deadline: 01.11.2019  
Timeous representations:  
Late representations: 1
- 6.2 Material considerations raised are summarised as follows:
- a) Dispute that the proposed house complies with policy and dispute claims made in supporting document.
  - b) No animals have grazed this land for at least 15 years.
  - c) Brackla Woods is separated from other existing houses by both woodland and road.
  - d) Existing plots of differing sizes with no clear settlement pattern.
  - e) The existing houses do not form an established group – differing styles and ages, with different set backs and orientations.
  - f) The recreational part of the garden belonging to Brackla Wood would be overlooked.

- g) Development will have negative impact upon the amenity of neighbours by increasing traffic and noise.
- h) Development will detract from the visual quality of the area.

The small no-through road serving the site is already subject to significant traffic.

- 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).

## **7. CONSULTATIONS**

- 7.1 Scottish Water – Standard advice for applicant.

## **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
- 35 - Housing in the Countryside (Hinterland Areas)
- 65 - Waste Water Treatment
- 66 - Surface Water Drainage

### **8.2 Inner Moray Firth Local Development Plan**

Outwith any settlement development area (within designated hinterland)

### **8.3 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 (Jan 2013)

## **9. OTHER MATERIAL POLICY CONSIDERATIONS**

### **9.1 Scotland's Economic Strategy (March 2015)**

#### **National Planning Framework (June 2014)**

**Scottish Planning Policy (June 2014)** - Promoting Rural Development paras 74-83.

#### **Planning Advice Note 72: Housing in the Countryside**

## **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.

### **Determining Issues**

- 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.

## Planning Considerations

- 10.3 The site is located within the designated hinterland as defined in the Inner Moray Firth Local Development Plan and the Highland-wide Local Development Plan. The principal determining planning policy relative to this case is therefore policy 35 (Housing in the Countryside – Hinterland Areas) of the Highland-wide Local Development Plan.
- 10.4 The hinterland is an area of countryside close to a main settlement and subject to significant pressure for housing development. Within these areas there is a presumption against new housing development subject to certain exceptions. These exceptions are listed in the policy and further detailed within the Housing in the countryside Supplementary Guidance.
- 10.5 The supporting Statement submitted with the application makes a case that the development meets the housing group policy exception. None of the other policy 35 exceptions apply to this case. The application is therefore assessed below as to whether it meets policy criteria for the acceptable expansion of a housing group.
- 10.6 A housing group is defined in section 6.10 of the Housing in the Countryside Supplementary Guidance. In order for a group of houses to be classed as a housing group for the purposes of policy 35 compliance, there must be at least three houses that have a perceptible relationship with one another and share a well-defined, cohesive character. Many areas of Highland are characterised by larger more dispersed groups of housing. These are not considered as a single group, rather an assessment must be made of smaller cohesive groups of three within these more dispersed housing areas.
- 10.7 The site is located on the south/east side of a single track public road. The closest neighbour on the same side of the road is a property called Brackla Wood, which is located to the south-west of the site. This property is set within sizeable curtilage and is screened from view by mature trees within its grounds. The closest neighbours on the opposite side of the road consist of three detached properties separated from each other by an average of approx. 90 metres. Each of these three properties are contained within their own mature garden ground and have their own access points with the public road. Only one (Rowen Glen) is clearly visible from the application site with the others screened from view by trees. The supporting statement submitted with the application makes a case that the four aforementioned neighbours can be considered a housing group, and that the proposed site rounds-off this existing group.
- 10.8 The proposed site is not considered to share a cohesive and perceptible relationship with at least 3 of its closest neighbours. The neighbour to the south-west (Brackla Wood) is separated from the house site by approx. 60 metres. This neighbour is set back from the road and is contained by mature trees. The setting and screening of this property within mature trees prevents it from being a perceptible component of a housing group at this location. The three closest properties on the opposite side of the road (Rowen Glen, Ben View and Brae View) are separated from one another by open field and woodland. These three properties do not share a cohesive relationship with each other due to the fact they are dispersed in a linear fashion along the road, each with its own access point and each with its own individual character. The surrounding woodland serves to

effectively screen the houses from each other. There are no unifying qualities shared between the four aforementioned properties or physical features to provide containment and create a sense of there being a distinct or cohesive housing group. Furthermore, there is no intervisibility between the houses to give a sense of a grouping due to the separation distances between the individual properties and the interlaying woodland and open countryside. The site is within an undeveloped field and a parcel of land which is completely independent to all four of the neighbours. There is not considered to be a grouping of at least 3 houses in this area which share a well-defined and cohesive character. The site therefore does not form part of a housing group as defined in the Housing in the Countryside Guidance.

- 10.9 New build houses related to existing well-defined housing groups are preferable to isolated developments, as isolated housing can erode the character of rural areas and result in the loss of agricultural land. The proposal undermines the principles of policy 35 to direct housing development to sustainable locations where impacts upon the countryside are minimised. This proposal will bring built development into an undeveloped field, which is not part of an existing cohesive grouping of properties. The fact that other houses may exist within the wider area does not justify the granting of planning permission under policy 35 (Housing in the Countryside – Hinterland areas) of the Highland-wide Local Development Plan. The key policy test for this development is whether the proposed site can be considered part of a well-defined and cohesive group, and for the reasons discussed above the policy exception is not met.
- 10.10 Policy 28 (Sustainable Design) states that proposed developments will be assessed on the extent to which they: demonstrate sensitive siting and high quality design in keeping with local character and historic and natural environment and in making use of appropriate materials. As the application is in principle only, matters of design and materials are not relevant. However, the proposal is not considered to demonstrate sensitive or sustainable siting due to its location within an open and undeveloped parcel of land within a pressurised area of countryside. The development is therefore considered contrary to policy 28.

### **Developer Contributions**

- 10.11 The proposal has been assessed against the adopted Developer Contributions Supplementary Guidance August 2018. Neither Culbokie Primary nor Fortrose Academy have capacity constraints at present and therefore a contribution towards education provision is not required. No other developer contributions apply to this application for a single house.

## **11. CONCLUSION**

- 11.1 The proposal does not form part of a housing group as defined in the Housing in the Countryside Supplementary Guidance and therefore fails to meet the criteria for the acceptable growth of an existing housing group. The proposal does not meet any other exception to housing within the hinterland area. Instead the proposal constitutes an isolated housing development which breaks into an undeveloped field. The impact of this will be to the detriment of the character of the rural area. The proposal therefore fails to accord with policies 35 (Housing in the Countryside – Hinterland Areas) and 28 (Sustainable Design) of the Highland-wide Local Development Plan.

## 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 N issued**

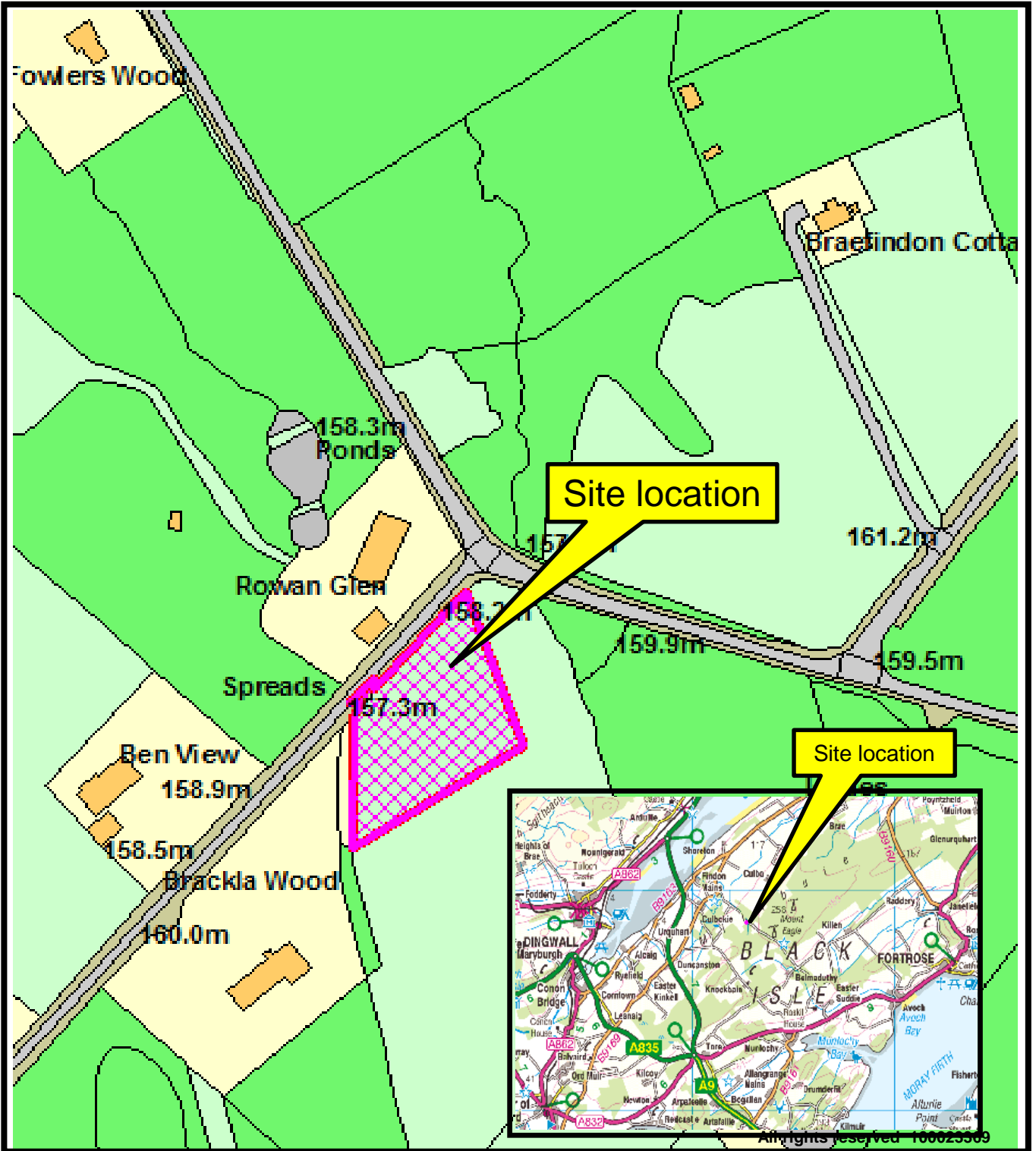
It is recommended that planning permission be **REFUSED** for the following reasons:

1. The proposal is considered to be contrary to policy 35 – Housing in the Countryside (Hinterland Areas) – of the Highland-wide Local Development Plan as it fails to meet the Council's criteria for acceptable expansion of a housing group, or any other exception, listed within the policy and further detailed within the Housing in the Countryside and Siting and Design Adopted Supplementary Guidance. In particular, the site does not share a well-defined and cohesive relationship with at least three other detached residential properties. Instead the proposal is an isolated development which breaks into an undeveloped field and therefore fails to demonstrate the rounding off or consolidation of an existing housing group.
2. The proposal is considered to be contrary to policy 28 (Sustainable Design) of the Highland-wide Local Development Plan as it fails to demonstrate sensitive siting due to its location with an open and undeveloped field within an area of pressurised countryside.

### **REASON FOR DECISION**

The proposal does not form part of a housing group as defined in the Housing in the Countryside Supplementary Guidance and therefore fails to meet the criteria for the acceptable growth of an existing housing group. The proposal does not meet any other listed exception to housing within the hinterland. Instead the proposal constitutes an isolated housing development which breaks into an undeveloped field. The impact of this will be to the detriment of the character of the rural area. The proposal therefore fails to accord with policies 35 (Housing in the Countryside – Hinterland Areas) and 28 (Sustainable Design) of the Highland-wide Local Development Plan.

Designation: Acting Head of Development Management – Highland  
Author: Rebecca Hindson  
Background Papers: Documents referred to in report and in case file.  
Relevant Plans: Plan 1 - HC Location Plan  
Plan 2 - 19-42-MRH-00 – Location/Site Plan



Development & Infrastructure Service

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Culbokie  
**March 2020**

