

Agenda Item	6.8
Report No	PLS-36-22

HIGHLAND COUNCIL

Committee: South Planning Applications Committee
Date: 28 April 2022
Report Title: 21/02998/FUL: Ms Chloe Mackenzie
Land 135M NW of 8 Teavarran Kiltarlity
Report By: Area Planning Manager – South

Purpose/Executive Summary

Description: Erection of house
Ward: 12 – Aird and Loch Ness
Development category: Local
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.

Recommendation

Members are asked to agree the recommendation to **REFUSE** the application as set out in section 11 of the report

1. PROPOSED DEVELOPMENT

- 1.1 The application is for planning permission for the erection of a house and associated infrastructure. The proposal involves the erection of 1¾ storey house with a detached garage on the site of a former croft house, which is now a ruin. An access track will be formed to connect to the existing vehicular access onto the public road serving 8 Teavarran.
- 1.2 Pre-Application Consultation:
- 1.3 Supporting Information: Supporting letter
- 1.4 Variations: None.

2. SITE DESCRIPTION

- 2.1 The site comprises part of an open field that lies between the C1072 Abriachan-Kiltarlity road and U1576 South Clunes Road, known as Easter Street. It is situated approximately 135m northwest of the house at 8 Teavarran. The site falls in a general east-west direction from Easter Street towards the Abriachan Road.
- 2.2 There is an existing agricultural building to the southeast of 8 Teavarran. The nearest houses are to the west on the opposite side of the C1072 road: Strianach (approximately 232m) and Moniack Mhor writing centre (approximately 240m). The pattern of development at this location is generally larger properties with outbuildings, with good separation between them, set back from the main road. This is the general pattern of development outwith Abriachan village itself albeit that the closest properties to the development on the east side of the C1072, about 500m south of the application site, form a small tight knit cluster of housing (3 no.) with outbuildings almost on the road side.

3. PLANNING HISTORY

- 3.1 None.

4. PUBLIC PARTICIPATION

- 4.1 Advertised: Unknown Neighbour
Date Advertised: 02.07.2021
Representation deadline: 22.07.2021

Timeous representations: 0

Late representations: 0

5. CONSULTATIONS

- 5.1 **Historic Environment Team - Archaeology** consider that there is potential for buried features of archaeological importance on the site and that therefore it is important that the nature and extent of any features is identified and recorded before

destruction. Suggest a planning condition requiring a watching brief is attached to the permission.

- 5.2 **Scottish Water** – No objection albeit that it is not able to confirm capacity at Glenconvinth Water Treatment Facility. It confirms that a private drainage system would be required.

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 & Place-making
35 - Housing in the Countryside (Hinterland Areas)
57 – Natural, Built and Cultural Heritage
65 - Waste Water Treatment
66 - Surface Water Drainage

6.2 Inner Moray Firth Local Development Plan (June 2015)

N/A

6.3 Highland Council Supplementary Planning Policy Guidance

Rural Housing (December 2021)
Sustainable Design Guide (January 2013)
Access to Single Houses and Small Housing Developments (May 2011)

7. OTHER MATERIAL POLICY CONSIDERATIONS

7.1 Inner Moray Firth 2 Proposed Local Development Plan

No specific policies apply

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) siting layout and design;
 - c) cultural heritage;
 - d) access, parking and turning provision;
 - e) servicing arrangements;
 - f) any other material considerations.

Development Plan/Other Planning Policy

- 8.4 The application site lies within the Hinterland area of Inverness where Policy 35 of the Highland wide Local Development Plan (HwLDP), in respect of housing in the countryside, applies.
- 8.5 Policy 35 presumes against development within areas of open countryside within the Hinterland unless one of a number of exceptions can be met, and where the house complies with all other relevant policies of the development plan. Exceptions to this policy will only be made where at least one of the following applies:
- A house is essential for land management or family 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 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);
 - The potential for new housing related to crofting is restricted; wider public benefit must be clearly demonstrated and meet the criteria set out in New/Extended Crofting Township Policy 48. Single house proposals on crofts must comply with the criteria in the Housing in the Countryside and Siting and Design Supplementary Guidance (superseded by the Rural Housing Supplementary Guidance) and/or Policy 47: Safeguarding Inbye/AppORTioned Croftland.

- 8.6 In addition, Policies 28 and 29 are relevant to this case; in particular the criteria within Policy 28. This requires proposals to be assessed on the extent to which they impact on individual and community residential amenity, are compatible with public service provision and are accessible by public transport, cycling and walking as well as car. Policy 28 also supports development proposals which promote and enhance social, economic and environmental wellbeing. Proposals will also be judged in terms of how compatible they are with the existing pattern of development and landscape character, how they conform to existing and approved adjacent land uses and the effect on any natural, built and cultural heritage feature. Policy 29 requires new development to be designed so as to make a positive contribution to the architectural and visual quality of the area.
- 8.7 Where exceptions are justified, proposals should accord with these policies as well as the relevant supplementary guidance; the Rural Housing Supplementary Guidance. Where this is the case, and where there will be no significant impact on the environment, existing infrastructure and individual and/or community residential amenity the proposals would accord with the Development Plan.
- 8.8 While some justification has been made on the need for a house on the need to maintain and grow their own goat herd as well as to support their parents in continuing to work the croft and deer farm no full agricultural justification has been provided that would meet the policy exception relating to land management and/or retiring farmer. The house will not be a replacement house, reuse a traditional building and/or involve brownfield land albeit that the proposed site does have evidence of a former croft building of some sort. As it is not development in garden ground the remaining potential exception would be whether it met the criteria for acceptable expansion of a housing group.

Siting, Layout and Design

- 8.9 The Rural Housing Supplementary Guidance supports proposals for new houses within existing housing groups where they meet with the general policy requirements which are that:
- Proposals should enhance the setting of any settlement;
 - The local character, scenic quality, and wider landscape characteristics of the area are respected;
 - Be compatible with the existing pattern of development, adjacent land uses (including working farms, forestry, or other rural industries) and does not undermine the coordinated approach to the strategic future expansion of any settlement;
 - Sensitively addresses site constraints including topography; natural, built and cultural heritage features; flood risk;
 - Do not impact detrimentally on existing trees and/or woodland which are important to the character, setting, amenity and/or containment of the housing group or surrounding landscape;
 - Be compatible with existing servicing and utilities capacities, including demands on private water supplies and the environmental impacts of private drainage systems. Isolated development in very remote/inaccessible areas will be resisted to avoid placing unacceptable pressure on limited

infrastructure and services, including school bus provision and refuse collection;

- Protects public views over open water;
- Demonstrates sustainable and/or ultra-low energy & impact design principles, in compliance with Section 6 - 'Siting and Design'; and
- Provides a safe and secure access to the public road network in accordance with the Council's Access to Single Houses and Small Housing Developments Supplementary Guidance (7); any required road and junction improvements must be achievable by the applicant.

- 8.10 Before beginning to consider whether the proposal would meet this criterion however, thought must first turn to whether this proposal is situated within a housing group. A housing group is defined within the Rural Housing Supplementary Guidance as comprising of at least 3 buildings (2 of which must already be houses) that are physically detached from each other but that have a perceptible relationship with each other and share a well-defined, cohesive character. 'Building' may include an agricultural building that was built prior to 2012, as appears to be the case here, where it is of similar scale to a traditional rural house.
- 8.11 Even if taking a generous approach to the scale of the agricultural building, the proposal would not meet the definition of a housing group as there are only two existing buildings that have a perceptible relationship with one another. While there are other houses in the vicinity, by virtue of them being set back some distance from, and on the opposite side of, the Abriachan Road it is not considered that these could be considered to have such a perceptible relationship or indeed form a cohesive character.
- 8.12 Taking a wider perspective on landscape character and pattern of development it is the case that development is generally of a dispersed nature along the Abriachan Road but there are examples, including the nearest development to the south, on the east side of the road, where there is a close cluster of houses adjacent to the roadside. If it had been possible to conclude that this proposal would form part of a housing group, it would not be entirely uncharacteristic of the wider pattern of development. Having said that, the criteria for the acceptable expansion of a housing group, set out within the Rural Housing Supplementary Guidance, would not support inappropriate intrusion into a previously undeveloped field and or where proposals would overwhelm the landscape setting.
- 8.13 In terms of detailed design, the proposed house is not uncharacteristic for a rural location being of a reasonable traditional design that will utilise natural slate for the roof and wet dash harl for the walls. At 2 storeys in height, and located between two main roads, it will however become a prominent feature at a local level within its landscape. It might have benefited from a different design approach that utilised the topography leading to a split level and/or split building form. This would be more in keeping with the single storey property at 8 Teavarran. Although it is a design that is of modest scale in comparison with other more recent housing development within the vicinity, the proposal could be considered to dominate this neighbouring property.

- 8.14 Notwithstanding that the proposal does not meet with a policy exception, the development would fail the 'acceptable expansion' of a housing group criterion contained within the Rural Housing Supplementary Guidance given its intrusion into an undeveloped field and its relationship with the adjacent property. The proposal does not conform with the Rural Housing Supplementary Guidance and therefore fails to comply with Policy 35.

Cultural heritage

- 8.15 The proposed house will be located on ground that appears to have been the site of a historic croft house. There is therefore potential for archaeological remains. The Historic Environment Team has no objection to the proposal but requests that in the event that planning permission is granted that a condition be added to ensure that there is a watching brief and appropriate recording.

Access, Parking and Turning Provision

- 8.16 The proposal is to share the existing access for 8 Teavarran. The private access checklist and the submitted drawings reveal a visibility splay of 2.4m by 215m can be achieved in either direction. Given that this is a 60mph road this is the required visibility. However, there is scope to improve the access further to include a service bay. This could be controlled by a condition requiring provision of the SDB 2 standard design service bay. Adequate parking and turning areas have been provided.

Servicing arrangements

- 8.17 The applicant intends to deal with waste water by means of private arrangement given that there is no available connection to the public waste water system. This will be managed by a septic tank and mound system. Surface water drainage will be dealt with by means of disposal to a natural ditch.
- 8.18 Water will be obtained from the public supply.
- 8.19 Bin collection will be roadside which justifies the requirement for the formation of an SBD2 service bay.

Other material considerations

- 8.20 There are no other material considerations.

Non-material considerations

- 8.21 There are no other non-material considerations.

Developer Contributions

- 8.22 Policy 31 requires all developments to make fair and reasonable contributions towards improved public services as required. The following is what would be required in the event that planning permission were to be granted. Should the proposal be afforded support, developer contributions will be due. The site lies within the school catchment for Charleston Academy and Tomnacross Primary School.

Contributions of £623 would be due towards a single classroom extension to Tomnacross Primary School and £844 towards new school at Charleston Academy.

Matters to be secured by Section 75 Agreement

8.23 None.

9. CONCLUSION

9.1 New housing in the Hinterland area around Inverness is only supported where it meets one of the exceptions set out within Policy 35 - Housing in the Countryside (Hinterland areas) of the Highland-wide Local Development Plan and the criteria outlined within the Rural Housing Supplementary Guidance.

9.2 The application is not for a replacement house, does not propose to reuse a traditional building and is not development within garden ground. While there is evidence of a former croft building, the site is not considered to be brownfield land. Additionally, although this application is advanced by a family member of the croft on which it is located the justification of need relating to a new rural business, land management purpose and/or retiring farmer has not been evidenced. Finally, as the proposal will result in the third building within a group it does not fall within the definition of housing group that might be suitable for expansion either. There are no other exceptions. The proposal is therefore contrary to Policy 35 of the Highland-wide Local Development Plan and the Rural Housing Supplementary Guidance.

9.3 Even if it could be concluded that this development would form part of a housing group the criteria for the acceptable expansion of a housing group, set out within the Rural Housing Supplementary Guidance, would not support inappropriate intrusion into a previously undeveloped field or where proposals would overwhelm the landscape setting. Given its location, between two main roads, and its two storey height it would become a prominent feature in the landscape and dominate the neighbouring single storey neighbouring house. The proposal as a result would not comply with Policy 28, Policy 29 and Policy 35, of the Highland Wide Local Development Plan and the Rural Housing Supplementary Guidance.

9.4 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

10.2 Legal: Not applicable

10.3 Community (Equality, Poverty and Rural): Not applicable

10.4 Climate Change/Carbon Clever: Not applicable

10.5 Risk: Not applicable

10.6 Gaelic: Not applicable

11. RECOMMENDATION

The application is recommended for refusal for the reasons set out below.

Reasons for Refusal

1. The proposal is contrary to Policy 35 of the Highland-wide Local Development Plan and the Rural Housing Supplementary Guidance in that the applicant has not demonstrated that the proposal meets one or more of the policy exceptions contained in these documents.
2. The proposal is contrary to Policy 28, Policy 29 and Policy 35 of the Highland-wide Local Development Plan and the Rural Housing Supplementary Guidance in that the development by reason of its location, between two main roads, and its two storey height would become a prominent feature in the landscape and dominate the neighbouring single storey neighbouring house.

Signature: David Mudie

Designation: Area Planning Manager – South

Author: Keith Gibson

Background Papers: Documents referred to in report and in case file.

Relevant Plans:

2021CMHT-01	Location Plan
2021CMHT-01	Location-Site Layout Plan
2021CMHT-02	Proposed Ground Floor Plan
2021CMHT-03	First Floor Plan
2021CMHT-04	Elevation Plan
2021CMHT-05	Proposed Garage Plan
2021CMHT-06	Section Plan
2021CMHT-07	General Plan – Access Sightlines

Appendix

Type	COMPLETE FOR LEGAL AGREEMENTS AND UPFRONT PAYMENTS				REQUIRED FOR LEGAL AGREEMENTS ONLY				
	Contribution	Rate (per house)	Rate (per flat)	Total Amount* ¹	Index Linked ¹	Base Date* ²	Payment Trigger* ³	Accounting Dates* ⁴	Clawback Period* ⁵
Schools²									
Primary – Build Costs	Tomnacross Primary School	£623	£0	£623	BCIS	Q2 2018	Upfront		N/A
Primary – Land Costs		£0	£0	£0					
Secondary – Build Costs	Charleston Academy	£844	£0	£844	BCIS	Q2 2018	Upfront		N/A
Secondary – Land Costs		£0	£0	£0					
Total		£1467		£1467					

*¹ Adjust total to take account of flat exemptions

*² Base Date – Set out in Supplementary Guidance on Developer Contributions

*³ TOC/CC – The earlier of the issue of either a temporary occupation certificate or a completion certificate – or specify alternative time if appropriate

*⁴ Accounting dates - 1 April & 1 October each year of development (if the contribution is to be paid on a basis other than related to units completed in the preceding 6 months (e.g. lump sum on a specific date) then indicate this instead of the Apr/Oct payment dates)

*⁵ Clawback – 15 years for Major development; 20 years for Local development

¹ If the contribution is to be used towards infrastructure projects involving building e.g. new school, new cycle route etc BCIS ALL IN TENDER will be the index, if it doesn't involve building then another appropriate index may need to be chosen with the agreement of Team Leader

² Indicate whether or not 1 bed houses/flats are exempt