

Agenda Item	6.9
Report No	PLN/055/25

HIGHLAND COUNCIL

Committee: North Planning Applications Committee

Date: 6th August 2025

Report Title: 24/03163/PIP: Mrs Catherine Prentice
Land 65M NE Of
4 Dunan
Broadford
Isle Of Skye

Report by: Area Planning Manager - North

Purpose/Executive Summary

Description: Erection of house

Ward: 10 - Eilean A' Cheò

Development category: Local

Reason referred to Committee: Called in by the local 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.

Recommendation

The application is recommended for REFUSAL as set out in section 11 of the report.

1. PROPOSED DEVELOPMENT

- 1.1 Planning in principle is sought for a house on land to the rear of property called Half of 4 in Dunan. The site is on open agricultural ground with the topography sloping down from the trunk road A87 running to the South-West. Access is to be formed to the side of the existing, unoccupied house located close to the road.
- 1.2 The site is moderately sized, rectangular in shape, and situated behind a derelict cottage and stone outbuilding owned by the applicant which are located on the seaward side of the trunk road A87. There are some mature trees and greenery together with a stone wall along the Western boundary of the site.
- 1.3 Pre Application Consultation: none
- 1.4 Supporting Information: none
- 1.5 Variations: none

2. SITE DESCRIPTION

- 2.1 The site is located within a rural settlement of Dunan, on the Northern side of the public road A87(T). It is part of a wider croftland bordered by the shores of Loch-na-Cairidh further to the North-East.
- 2.2 The site has one immediate neighbour located to the North, with the house set back from the road, but not far (about 5m away) from the proposed access.

3. PLANNING HISTORY

- 3.1 None found

4. PUBLIC PARTICIPATION

- 4.1 Advertised: Unknown Neighbour
Date Advertised: 6th December 2024
Representation deadline: 20th December 2024

Timeous representations: None

Late representations: None
- 4.2 Material considerations raised are summarised as follows:
n/a
- 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.

5. CONSULTATIONS

- 5.1 **Scottish Water:** no objection, but highlighted that their Asset Impact Team must be contacted due to live infrastructure located in the proximity of the development.
- 5.2 **Transport Scotland:** initially asked for further information which then was submitted. No objections raised subject to conditions ensuring that the standard of access layout would comply with the current standards and that the safety of the traffic on the trunk road is not diminished. Details of the road drainage would also need to be submitted at Matters Specified in Conditions stage.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

- 6.1 **National Planning Framework 4 (NPF4) (2023)**
 - Policy 1 - Tackling the Climate and Nature Crises
 - Policy 2 - Climate Mitigation and Adaptation
 - Policy 3 - Biodiversity
 - Policy 4 - Natural Places
 - Policy 5 - Soils
 - Policy 14 - Design Quality and Place
 - Policy 17 - Rural Homes
 - Policy 22 – Flood Risk and Water Management
 - Policy 29 – Rural Development
 - 6.2 **Highland-wide Local Development Plan (HwLDP) (2012)**
 - 28 - Sustainable Design
 - 29 - Design Quality & Place-making
 - 31 - Developer Contributions
 - 36 - Development in the Wider Countryside
 - 47 - Safeguarding Inbye/Appportioned Croftland
 - 55 - Peat and Soils
 - 57 - Natural, Built & Cultural Heritage
 - 65 - Waste Water Treatment
 - 66 - Surface Water Drainage
 - 6.3 **West Highland and Islands Local Development Plan (WestPlan) (2019)**

Within The Cuillin Hills National Scenic Area (NSA)
 - 6.4 **Highland Council Supplementary Planning Policy Guidance**
 - Access to Single Houses and Small Housing Developments (May 2011)
 - Developer Contributions (March 2013)
 - Rural Housing (December 2021)
 - Sustainable Design Guide (Jan 2013)
- ## **7. OTHER MATERIAL CONSIDERATIONS**
- 7.1 None

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) proposal not corresponding with the local pattern of rural development

Development plan/other planning policy

- 8.4 All planning applications must now be determined in accordance with the provisions of NPF 4 and the existing Local Development Plan unless material considerations provide justification otherwise. If there is an inconsistency between and LDP and NPF4 policies and an LDP which was adopted before 13 February 2023, the NPF prevails under Section 24(3) of the 1997 Town and Country Planning (Scotland) Act 1997 (as amended).

In this case NPF4 Policy 17 takes precedence over HwLDP Policy 36. Under NPF 4 Policy 17 (c), development proposals for new homes in remote rural areas will be supported where the proposal:

- i. supports and sustains existing fragile communities;
- ii. supports identified local housing outcomes; and
- iii. is suitable in terms of location, access, and environmental impact.

All 3 of these criteria need to be met. In principle, the proposal does not comply with criteria (iii) of the above policy as it would be a two-tiered development with a house located behind an existing one.

- 8.5 The lies within 'wider countryside' and so Policy 36 of the Highland-wide Local Development Plan (HwLDP) applies. Policy 36 and the adopted Housing in the Countryside, Siting and Design guidance supports proposals if they are not judged to be significantly detrimental in terms of the following matters: siting and design, pattern of development, landscape character and servicing, particularly roads.
- 8.6 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 requires 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 repeats the emphasis on good design in terms of compatibility with the local landscape setting and in terms of place making.

- 8.7 Policy 14 of NPF4 supports developments which improve the quality of an area whether in urban or rural location and regardless of scale.
- 8.8 NPF4 Policies 1-3 apply to all development proposals nationwide. When considering all development proposals, significant weight will be given to the global climate and nature crises. Development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible. Development proposals will contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them. Proposals should also integrate nature-based solutions, where possible.
- 8.9 Policies 28, 29 and 36 of the HwLDP highlight that new proposals must be sensitively designed and sited to respect the place in which they are located, but the proposals must also be sympathetic to existing patterns of development in the area. Sensitivity and respect towards local distinctiveness of an area must be demonstrated. Policy 17 (c) of NPF4 reiterates the need for development to be appropriate in terms of its location, accessibility, and environmental impact. This corresponds with Policy 29 of NPF4 which also aims to promote economic growth, innovation, and diversification in rural areas, while protecting and enhancing their unique character, small towns' roles, natural assets, and cultural heritage.

The suitability of the proposed site to accommodate another house and its impact on local development pattern are considered further in paragraph 8.10.

For the reasons set out in Section 11, it is judged that the proposal fails to accord with the above development plan policies, specifically Policies 17 and 29 of NPF4, which seeks to protect and enhance rural places, as well as Policies 28, 29 and 36 of the HwLDP, due to its failure to respect the character of the area and integrate appropriately with its surroundings.

Siting of Development

- 8.10 The development consists of erection of house to the rear of the existing, derelict cottage close to the Northern side of the A87 trunk road. The site is located on the Southern edge of the settlement of Dunan, North of Broadford on Isle of Skye. It is an open agricultural land sloping gently down towards the loch to the North-East.

The proposed erection of a house on this site is considered contrary to relevant policies and guidance, particularly Policy 36 of the HwLDP, as it does not align with the established pattern of development in this rural area. The wider locality is characterised by scattered dwellings set within gardens of varying sizes. Most properties are dispersed single tier dwellings scattered along the roadside. There are however some instances where properties are positioned behind others, they typically share access from the main road, contributing to a different development character that avoids a two-tiered appearance. In contrast, the proposal would introduce a back-land development, with a new house positioned behind an existing one, disrupting the established layout, lacking its own frontage and instead relying on secondary access. Its prominence is exacerbated when travelling northwards given the slight fall in ground level to the sea resulting in open views of the site. Given the site's highly visible and sensitive location along a main road, any

development here requires careful consideration of its context. The introduction of a secondary dwelling positioned to the rear of an existing dilapidated property would conflict with the established character of the area, resulting in a form of development that appears out of place and visually intrusive, lacking meaningful integration with its surroundings.

The applicant was offered the option to amend the proposal to either demolish the existing derelict house and replace it with a new dwelling, or to renovate the existing structure. The Planning Authority is satisfied that the wider site can accommodate a dwellinghouse but that it can only accommodate one, either that proposed which is the subject of this application or the renovation and development of the existing one. However, the applicant advised that they do not wish to demolish the existing cottage.

- 8.11 The application proposes the formation of a new access onto the A87 trunk road. The new junction would be situated close to the applicant's existing croft house, with the associated driveway running in close proximity (approximately 5 metres) from the neighbouring property. The site is of sufficient size that off road parking and turning can comfortably be provided within the plot. However, while the proposed access is considered technically acceptable in terms of visibility and road safety standards, it is not the preferred solution. In this context, the use of the existing access, which already serves the croft house, would have been a more appropriate option, better aligning with the established access pattern in the area.

The proposed arrangement raises concerns regarding its potential impact on residential amenity. The close proximity of the driveway to the adjacent property could give rise to issues such as increased noise and loss of privacy, especially if suitable mitigation measures (screening or boundary treatments) are not implemented. Therefore, although the access meets technical requirements, it is regarded as potentially problematic in terms of planning considerations and its potential impact on residential amenity.

Furthermore, the proposed access would be located on a particularly busy section of the trunk road, which has a 60mph speed limit and double white lines prohibiting overtaking due to its hazardous nature. A new access is proposed to the west of the existing house which is parallel with an adjacent access to an adjoining house. To meet the required visibility splays, partial demolition of the existing cottage has already been undertaken. It is also necessary to remove part of the roof of the stone byre situated further east. While Transport Scotland did not raise objections to the access proposal, concerns remain regarding the site's steep gradient and the positioning of the junction, which are considered potentially problematic.

Other material considerations

- 8.12 *Siting, design and amenity*

As this is an application for planning permission in principle the submitted information does not provide anything more than an indicative location and orientation for the house.

It is considered that a single or 1½ storey house could be accommodated on the site without detriment to the character of the wider landscape, only on the assumption that the existing house is removed, and the new dwelling is

appropriately sited and designed to reflect the surrounding rural context. A traditional design with rendered, natural stone or timber cladded walls and a roof covering of natural slate or a good substitute would be preferable however, a contemporary design could also be considered acceptable.

The separation distance between the proposed house plot and the nearest properties is such that no adverse impacts are foreseen in terms of neighbour amenity, related to loss of privacy or overshadowing. The nearest house is located about 45m away to the West from the indicated location of the house and the existing croft house owned by the applicant sits at similar distance away.

However, should the existing croft house be renovated and brought back into regular residential use, there is potential for two houses to be situated in relatively close proximity. In such a scenario, there are concerns regarding the potential for overlooking and loss of privacy, as well as the adequacy of amenity space, curtilage, and parking provision for both dwellings.

As this is an application for planning permission in principle, landscaping arrangements are not shown on the plans. The site is of a sufficient size that a comprehensive scheme, which secures biodiversity enhancement, can be brought forward. This matter would be assessed in detail on the submission of an application for Matters Specified in Conditions.

It is considered that erection of a single house does not restrict cultivation of the remaining area for crofting purposes. In addition, the Scotland's National scale land capability for agriculture map distinguishes the site to be predominantly Class 6.3. Therefore, it is considered that the application site is not prime agricultural land and as such, the proposed development is considered compatible with Policy 5 of the NPF4.

8.13 Drainage arrangements and water provisions

A private drainage system will be required to serve the proposed development. It is considered that the site is of sufficient size to accommodate such infrastructure. The submitted plans indicate the use of a septic tank and a ground soakaway system. However, the technical specifications of this arrangement will need to comply with Building (Scotland) Regulations. Should planning permission be granted, it would be expected that any subsequent detailed submission includes more comprehensive information regarding the proposed drainage arrangements. Additionally, the provision of Sustainable Drainage Systems (SuDS) to manage surface water runoff will also be required.

Subject to the submission of appropriate details demonstrating that both foul and surface water drainage can be effectively managed within the site, the proposal could be considered to comply with Policy 22 of National Planning Framework 4 (NPF4), as well as Policies 65 and 66 of the Highland-wide Local Development Plan (HwLDP).

Connection to the public water supply is proposed, and it will be the responsibility of the applicant to secure this connection through application to Scottish Water.

8.14 There are no other material considerations.

Non-material considerations

- 8.15 None

Developer Contributions

- 8.16 In accordance with Policy 31, the Council's Developer Contributions Supplementary Guidance is used to determine which proposals have to make proportionate financial developer contributions towards meeting service and infrastructure needs in areas of Highland where clear deficiencies are identified.

There are no school capacity constraints or other infrastructure needs for which a developer contribution would be required.

9. CONCLUSION

- 9.1 The key considerations with respect to the determination of this application is an objective assessment as to whether the proposal is meeting the requirements of the development plans policies and supplementary guidance regarding erection of a house within the site. On this occasion, it is considered that the proposal would create a two-tiered development and therefore is not supported. While the proposal may align with Policies 1–3 and 22 of NPF4, it fails to comply with Policies 17(c) and 29 of NPF4, as well as Policies 28, 29 and 36 of the Highland-wide Local Development Plan (HwLDP), due to being at odds with the established local development pattern.

- 9.2 In conclusion, while the site has the capacity to accommodate a single dwelling, the proposed development represents an inappropriate form of back-land development that fails to reflect the established settlement pattern of the area. The introduction of a second-tier dwelling behind the existing cottage would disrupt the prevailing rural character and is therefore considered contrary to relevant planning policy and guidance. Although the applicant was offered alternative options that would have aligned more closely with the established development pattern—namely the renovation or demolition of the existing cottage—these were declined. As such, the proposal cannot be supported.

Furthermore, while the proposed access arrangement may satisfy certain technical standards, it presents significant concerns in terms of residential amenity and road safety. The proximity to neighbouring properties, the need for partial demolition to achieve visibility, and the challenging location on a busy and hazardous stretch of road all contribute to a development that, in planning terms, raises several concerns.

- 9.3 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 the requirements of Policy 17 of NPF4 and Policies, 28, 29 and 36 of the HwLDP as it fails to represent sensitive siting in keeping with local character. In particular, the location behind the existing house would create tandem development that is not keeping with the established pattern of development in the vicinity and is not considered acceptable. |
|----|---|

Signature: Dafydd Jones

Designation: Area Planning Manager North

Author: Karolina Slotwinska

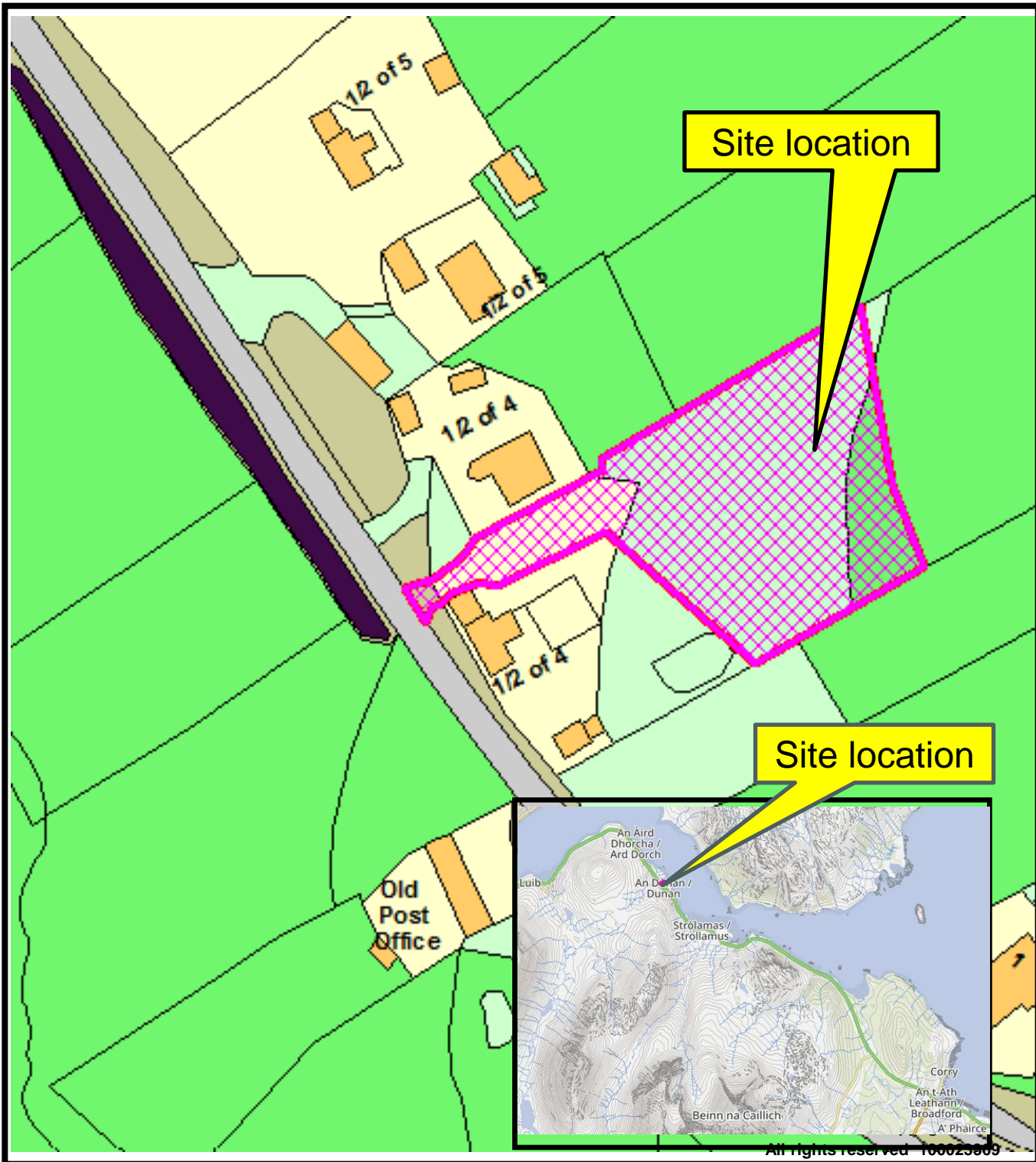
Background Papers: Documents referred to in report and in case file.

Relevant Plans:

- Plan 1 - 000004 Location Plan
- Plan 2 - 000005 Site Plan
- Plan 3 - 000002 Access Plan
- Plan 4 - AMD 1109 01 Road Long Sections Plan

Appendix – Letters of Representation

None received



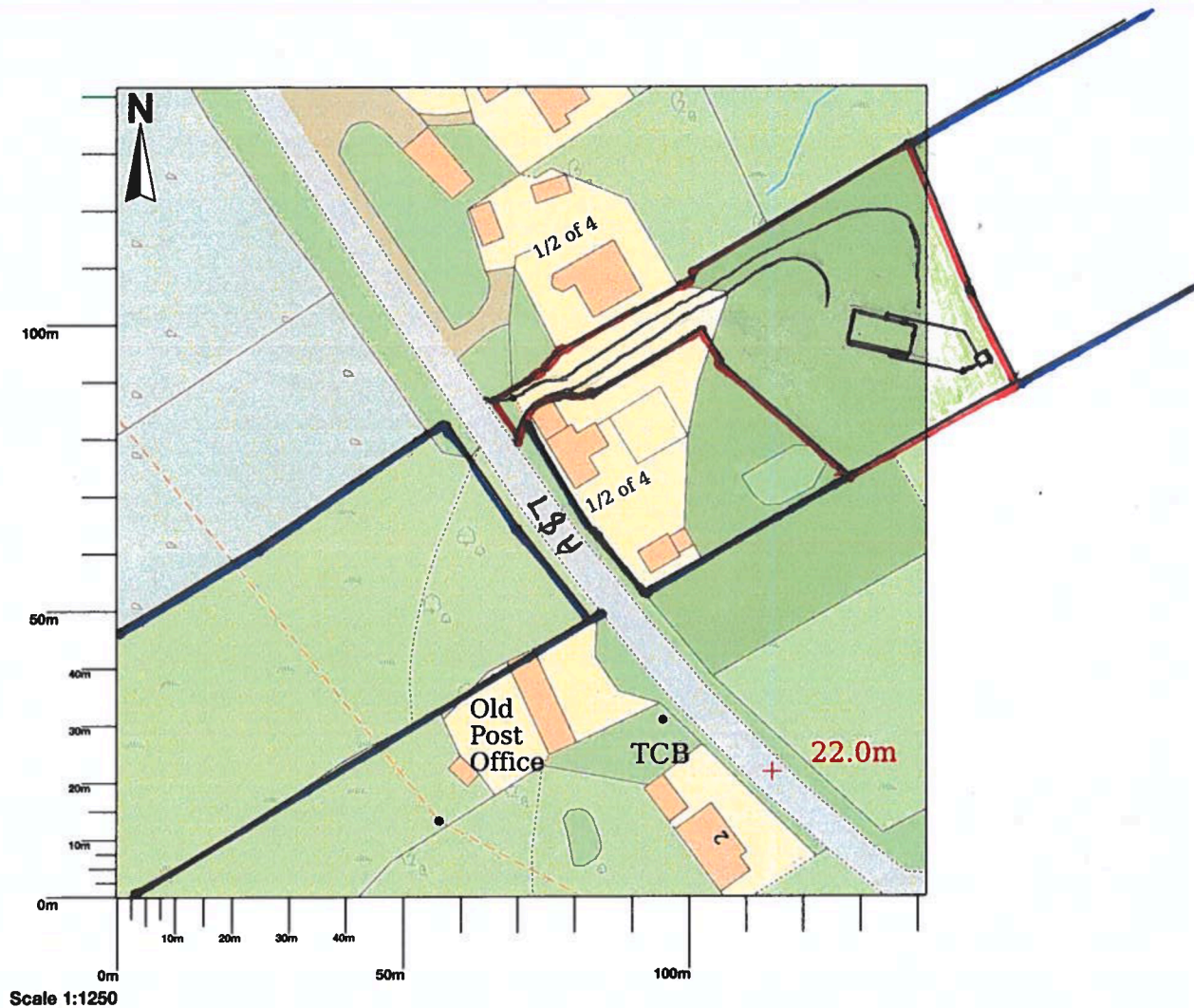
Development & Infrastructure
Service

24/03163/PIP
Erection of house
Land 65M NE of 4 Dunan, Broadford
August 2025



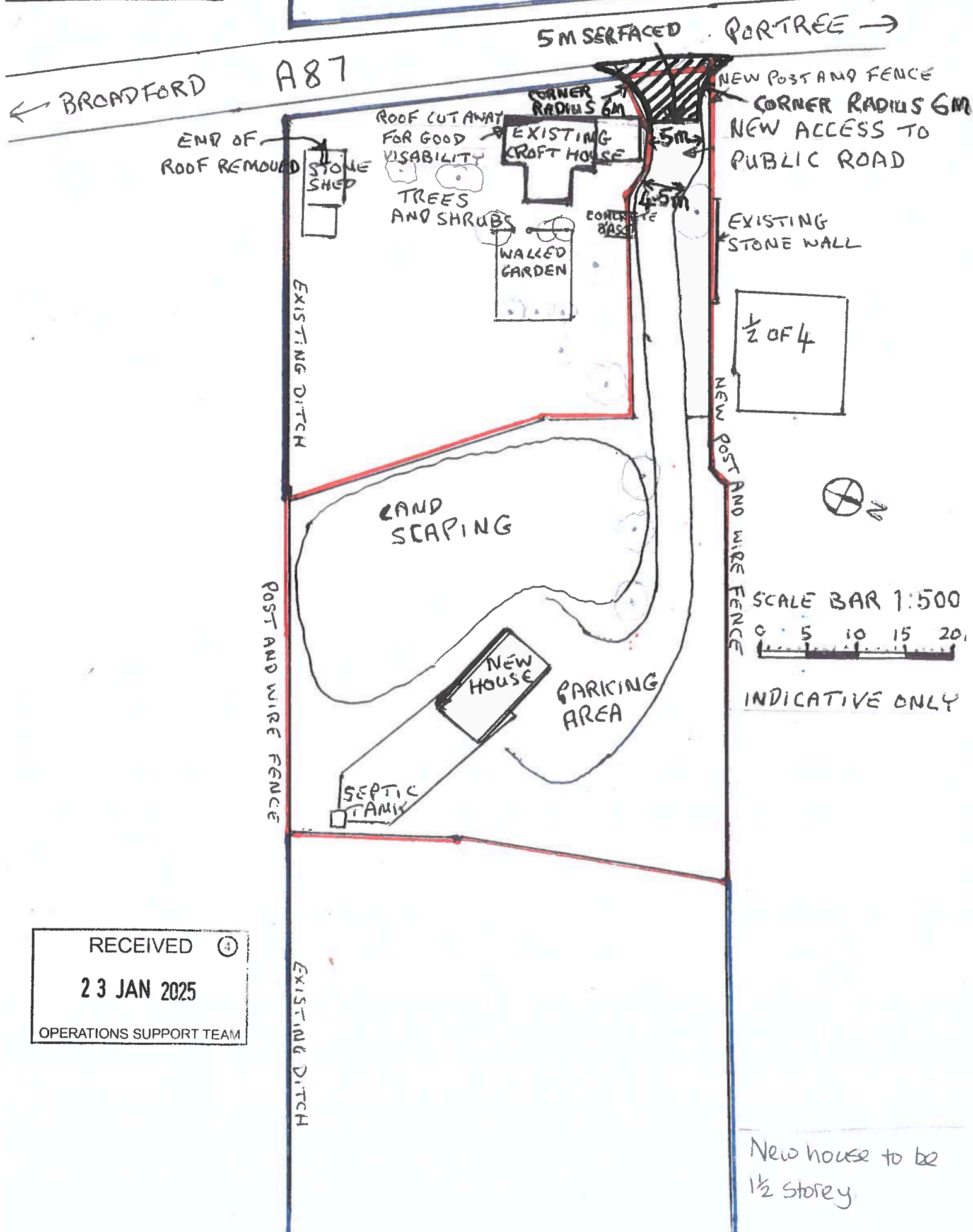
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1/2 of 4 Dunan, Broadford, Isle Of Skye, IV49 9AJ



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RECEIVED

23 JAN 2025

OPERATIONS SUPPORT TEAM

New house to be
1½ storey.

ROAD
BROADFORD

PORTREE →

NEW ACCESS

OLD ACCESS. GOOD VISABILITY

ROOF CUT AWAY FOR

6000

ELECTRIC
SUPPLY
FROM POLE.

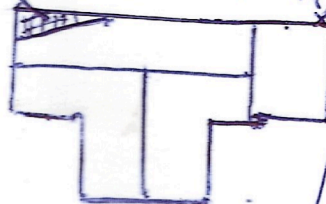
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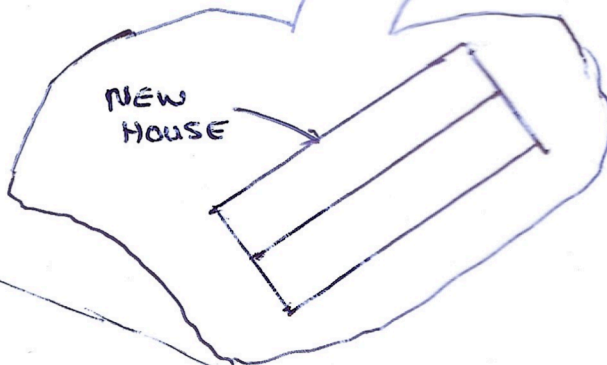
STONE
BYRE

TIN SHED



NEW
DRIVE

NEW
HOUSE



0 5 10 15 20 M.

