

Agenda Item	7.1
Report No	PLN/061/25

HIGHLAND COUNCIL

Committee: North Planning Applications Committee
Date: 24 September 2025
Report Title: 25/00949/FUL : Miss Sarah Renwick
4 Corntown Dairy, Conon Bridge
Report By: Area Planning Manager North

Purpose/Executive Summary

Description: Erection of House

Ward: 09, Black Isle

Development category: Local

Reason referred to Committee: Representations received from 7 households

All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

Recommendation

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

1. PROPOSED DEVELOPMENT

- 1.1 The proposal is to erect a single house on an area of land between 3 Corntown Dairy and the public road.
- 1.2 Access is taken from the existing private road that shares a junction with the unclassified public road identified as Leanaig Crossroads, Corntown. The private access is shared by the four other dwellings at Corntown Dairy.
- 1.3 Drainage is proposed via a treatment plant connected to a partial soakaway, and thereafter discharging into a piped connection running to the rear of 1, 2, and 3 Corntown Dairy, and watercourse beyond.
- 1.4 Pre Application Consultation: No formal preapplication consultation undertaken. However, this current application was requested since the previous application 24/00894/MSD included a drainage arrangement that included works to an area of land that was outwith the site boundary of the previous permission in principle, 22/00132/PIP. Therefore, the application boundaries of the Permission in Principle and the Matters Specified in Condition (MSD) did not correspond, so a full application is required, not an MSD.
- 1.5 Supporting Information: copy of title plan
- 1.6 Variations: Drainage arrangement amended to avoid existing soakaway for 3 Corntown Dairy and avoid trees within the curtilage of 5 Corntown. Updated drainage arrangement now runs through the field to the rear of 1-3 Corntown Dairy and continues to discharge into an existing watercourse. This requires a pump since the field to the rear is elevated above the application site.

2. SITE DESCRIPTION

- 2.1 Corntown Dairy is a small housing group comprised of four dwellings on de-crofted land to the east of Conon Bridge. Access is taken from an Unclassified Road off the B9163, which connects to the A835. There is a small private road that accommodates 1-3 Corntown Dairy and 5 Corntown. It is proposed that a further access will be created linking the site to the private road then onto the public road.
- 2.2 There is a small bungalow at number 5 Corntown, across the private access road from the proposed development to the northwest and slightly downhill. Numbers 1-3 are all substantially larger 1 ½ storey homes to the northeast of the site on higher ground. Numbers 2 and 3 form a semi-detached unit with 1 fully detached, all on the site of the former farm steading that was de-crofted two decades ago. Together, these homes form a small housing group with a slight gap where the proposed development is sited. This would connect them as both infill and rounding off the housing group at its natural barrier, that being the existing unclassified road to the southwest of the housing group.
- 2.3 The site is bound to the northeast by number 3, to the northwest by the private road, and to the southeast by timber fencing that separates it from an agricultural field. The southwest boundary is marked by fencing, trees, and hedges, with the unclassified public road on the other side of the greenery. The area surrounding the existing houses is agricultural fields.

3. PLANNING HISTORY

3.1	14/11/24	24/00894/MSC – Application for matters specified in conditions 1-5 of 22/00132/PIP – Erection of house	Permitted. Quashed following judicial review
3.2	09/03/22	22/00132/PIP - Erection of house	Permitted.
3.3	29/08/05	05/00587/FULRC Redevelopment of farm steading to form 3 linked houses	Permitted.

4. PUBLIC PARTICIPATION

4.1 Advertised: Unknown neighbour

Date Advertised: 04/04/25

Representation deadline: 18/04/25

Timeous representations: 6 households

Late representations: 1

4.2 Material considerations raised are summarised as follows:

a) Loss of amenity land resulting in children playing in the road/ Contrary Policy 75 open space

Officer response: Condition 4 of the permission 05/00587/FULRC stated the following:

“The development shall be landscaped in accordance with a scheme which shall be submitted to and approved by the Planning Authority before development commences. The scheme shall indicate the siting, numbers, species and heights (at the time of planting) of all trees, shrubs and hedges to be planted, and shall ensure:-

- a) Completion of the scheme during the planting season next following the completion of the building(s), or such other date as may be agreed in writing with the Planning Authority.
- b) The maintenance of the landscaped areas for a period of five years or until established, which ever may be longer. Any trees or shrubs removed, or which in the opinion of the Planning Authority, are dying, being severely damaged or becoming seriously diseased within three years of planting, shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.”

The required landscaping was previously carried out in 2007 and subsequently maintained in accordance with the terms of this condition. The above condition does not state that the application site is to be maintained for amenity purposes, nor that it constitutes public open space. The fact that it has been enjoyed as amenity space is not equal to its designation as such, and the amenity garden space of the homes at 1-3 Corntown Dairy were considered by the Case Officer of the PIP and found to be sufficient.

There is nothing to preclude the felling of these trees and shrubs once they have become established after 5 years. Accordingly, the tree works which took place following the granting of permission in principle in 2022 (prior to the purchase of the site by the current applicant) were not in breach of this condition.

The three houses at 1–3 Corntown Dairy were built on the approximate footprint of the former farm steadings, reusing a derelict site. Consequently, the land that is the subject of this application was not developed; it was landscaped to improve the environmental quality of the scheme. A few trees were planted mainly along the eastern and western boundaries, with the remainder left as open grass. The site was not woodland before the recent felling, so compensatory planting is not required under the Scottish Government's Control of Woodland Removal policy.

- b) Out of character with the area/linear development/ overwhelms the setting
Officer response : There is an existing row of 3 houses, and the erection of a 4th house fills in the gap between these and the public road, thus rounding off the development.
- c) Overly dominant – height and design
Officer response : The house design remains identical to that previously approved under 24/00894/MSC. This reflects the scale, design and materials of the existing houses at 1-3 Corntown Dairy. While it is noted that the proposed development is larger than the existing bungalow at number 5, this was considered in the determination of the original permission, 22/00132/PIP, and a condition was attached to the consent requiring the size of the house to be built at a maximum of 1 ½ storeys. The proposed house is 1 ½ storeys in height, as the eaves of the first floor is halfway between the floor level and ceiling height. The proposal accords with the conditions applied to the PIP permission in 2022.
- d) Overlooking
Officer response : This has been raised in relation to the impact of the development on 5 Corntown and also has the potential to impact on 3 Corntown Dairy. The glazed gable windows on the principal elevation looking down toward the house to the north at number 5 has previously been halved with the eastern half fully rendered (24/00894/MSC). This is continued in the current proposal and ensures the principal outlook and orientation is directed away from this property.

It is usual to seek a minimum of 18m between opposite windows in order to adequately protect privacy for residents. Accordingly given the 33 m separation, including its separation by the existing access to the adjoining houses at Corntown, it is considered this will not materially diminish from the privacy and amenity of the neighbouring property.

The adjacent house at 3 Corntown Dairy is orientated with its principle elevation facing this plot. There is, however, a sizeable area of garden ground between this house and the boundary with the application site (approx. 11.5m from the windows, 10m from the front porch projection) and a further 13m approx. between the boundary and the gable wall of the proposed house, making a total of approx. 23m from the proposed house wall to the front porch. It is usual to seek a minimum of 18m between opposing windows in order to adequately protect privacy, with at least 9m of garden grounds for each property. There is only one window in the

gable facing 3 Corntown Dairy, and this is a secondary bedroom window. The proposal therefore makes adequate provision for safeguarding the privacy currently enjoyed by neighbouring houses.

- e) Overshadowing of neighbouring property, garden grounds, and nearby trees
Officer response: This has been raised in respect of the potential of the development to impact on daylight and sunlight at both 3 Corntown Dairy and 5 Corntown. The site is elevated above 5 Corntown and also lies to the south east of this property. Accordingly, it has the potential to result in overshadowing, particularly in winter when the sun is low in the sky. However, the gable of 5 Corntown faces the site, and does not contain fenestration. Furthermore, the distance from No 5 is such that no material loss of sunlight to this house will occur. The adjacent house at 3 Corntown Dairy to the north east has fenestration looking onto the application site. There is, however, a sizeable area of garden ground between this house and the boundary with the application site (approx. 11.5m from the windows, 10m from the front porch projection) and a further 13m approx. between the boundary and the gable wall of the proposed house, making a total of approx. 23m from the proposed house wall to the front porch. This is sufficient to protect the daylight/sunlight enjoyed in this adjacent house. There is approximately 20m between the front of the proposed house and the trunk of the nearest tree to the north (at 5 Corntown). This is sufficient separation to protect the trees.
- f) Increase in traffic
Officer response : One house added to a grouping of four is below the Council's threshold for consultation with the Council's Transport Planning Team. While road safety concerns and issues with visibility splays is considered a material consideration in the determination of an application, the presence of one additional dwelling off this road has not been assessed as an additional risk. This was considered at the time of the 22/00132/PIP. Transport Scotland have been consulted in relation to this current application and do not advise against the granting of planning permission.
- g) Increased flood risk from inadequate drainage
Officer response: SEPA maps show that this site is outwith any identifiable flood risk area, and the principle of the soakaway connecting to an existing watercourse via a new drainage pipe (utilising a pump within the house curtilage) is acceptable.
- h) Impact on mature trees from excavations
Officer response : The drainage arrangement has been amended and no longer runs in proximity to the neighbour's trees. Therefore, they will not be impacted by the proposal. The existing boundary vegetation within the visibility splay has previously been trimmed back in order to provide adequate visibility where the access joins the public road. Tree felling does not form part of the proposal.
- i) Approximately 15 trees within the site will need to be removed to accommodate the development.
Officer response: It is understood that tree removal has previously taken place within the site, prior to its purchase by the current applicant. No further tree removal is proposed to accommodate this proposal. The existing trees are located towards

the site boundaries, enabling them to be retained. Compensatory planting requirements apply to development within woodlands which require tree felling to take place. This was not formerly a wooded site and thus compensatory planting requirements do not apply.

- j) Loss of heritage
Officer response: The site and neighbouring buildings are not Listed and do not form part of a Conservation Area, or other heritage designation.
- k) Bin store and drainage is on croft land
Officer response: The bin store is existing; the drainage arrangement does not preclude the use of the field for grazing livestock. The Crofting Commission have been consulted on the application but have not responded.
- l) Environmental impact of proposed drainage system.
Officer response: This is regulated by other bodies (Building Standards and SEPA).
- m) No servitude rights for drainage system.
Officer response: This remains a private legal matter. The landowner has been notified and there is no reason to think that this might not be forthcoming.
- n) Damage to soakaway system/septic tank and outlet of neighbouring property.
Officer response: The application has been amended and the drainage arrangement no longer runs through the field containing the soakaways and the septic tank and outlet for the existing properties. No other works are proposed within the field containing the existing soakaways.
- o) Encroaches onto neighbouring property/ shared access/ no bin storage facility/notice not served on those with servitude rights across the access.
Officer response: A copy of the title deeds has been produced, which shows that the site lies within the applicant's ownership, with the exception of the field through which the drainage passes. Notice has been served on the owner of this field. It is understood that the other properties at Corntown Dairy which use the access have a right of access across it, but it is not in shared ownership. There is no requirement to serve Notice on those with servitude rights across the access track. They have, however, been neighbour notified so are aware of the proposal. The existing bin store lies within the area shown to be within the applicant's ownership, along with sufficient land adjacent to the access to accommodate bin storage.
- p) De-crofting notice stipulates the land shall be used for 3 houses
Officer response: The original de-crofting notice included this proposed house site, which is no longer classified as croftland. This does not preclude consideration of the suitability of the site for another house, the principle of which was established with the granting of 22/00132/PIP.
- q) Previous permissions were based on misleading information and should not have been granted
Officer response: The previous applications were assessed against relevant planning policies and other material planning issues and found to be in overall

compliance. An error was made in relation to 24/00894/MSC, whereby the site boundary was amended to include the drainage arrangement in the nearby field, and thus failed to reflect the red line boundary of 22/00132/PIP. The applicant has sought to address this issue by submitting this new planning application to the Council, as Planning Authority.

- r) Septic tank/soakaway system does not meet the correct distance from neighbouring property
Officer response: The requirement for at least 5m between a drainage system and the boundary relates to Building Standards, whereby a minimum distance of 5m is required between a septic/treatment tank or soakaway and a boundary. It does not apply to a non-perforated drainage pipe, such as that proposed as part of this application. Septic/treatment tanks require to be located a 5m minimum from a building or boundary as a failure leak from a tank can damage building foundations, the 5m from a boundary is so any future development of the neighbouring plot is not inhibited. Infiltration fields and soakaways must be at least 5m from a building and boundary since these permeate to the subsoils. The distances are to protect building foundations and limit the risk of possible pollution. The proposed treatment plan/partial soakaway system within the house curtilage is the requisite minimum 5m distance from the boundary with the neighbouring house.
- s) Odour /potential contamination from foul drainage system
Officer response: The drainage system will need to comply with Building Standards and SEPA requirements. The onus is on the applicant (and it is also in her best interest) to ensure that it is properly maintained.
- t) Contrary Rural Housing guidance
Officer response: The principle was found to comply with the criteria for rounding off a housing group, under 22/00132/PIP. These criteria continue to apply. The design and siting are commented on above.
- u) The address 4 Corntown Dairy is a non-existent address
Officer response: The location of the land is defined by the location plan that has been submitted by the applicant. The address of 4 Corntown Dairy was used by the Corporate Address Gazetteer Team to describe the site since the site lies between 3 Corntown Dairy and 5 Corntown.
- v) The amended drainage arrangement is a substantial change which requires a new application to be submitted, utilises 3rd party land, and the neighbour re-notification was not carried out correctly in this respect.
Officer response: The drainage route has been altered from a pipe through the field immediately to the east of 5 Corntown discharging to a watercourse; to a pumped system utilising a pipe through the field to the rear of 1-3 Corntown Dairy discharging to a watercourse. The drainage route was changed due to issues in securing adequate separation distances from existing trees and from the existing foul drainage arrangements. The red edge denoting the application site boundary was amended accordingly.

Notice has been served on the owner of the land required for the drainage pipeline, and there has been no indication from the landowner that servitude rights will not be granted.

Whilst the drainage route has been altered, the proposal is for the erection of a house with the drainage being an ancillary element to facilitate the proposed house. The focus of the application is the proposed house, and this has not been amended. It is up to the local authority to determine what constitutes a substantial change to the red line boundary, and this is a matter of planning judgement. New neighbour notifications were carried out following the amended drainage route, to ensure that neighbouring property were aware that amended plans had been received. Unfortunately, the attached plan still showed the previous drainage route. One neighbour also commented that despite the letters being produced on 1st July, they were not received until 11 and 12 July, with the deadline of 17 July, leaving inadequate time within which to submit further comments. Further neighbour comments were received following the neighbour re-notification including comments on the revised drainage route. However, in view of this error new neighbour notification letters showing the amended drainage route were hand delivered to rectify this mistake and to ensure that neighbouring property had adequate time in which to respond and were not prejudiced by the error and delay experienced.

w) Will add to problems of flooding in the area

Officer response: Foul drainage will be via a treatment plant and partial soakaway, which will be pumped into a drainage pipe and discharge into an existing watercourse. Surface water will connect into the drainage run downstream of the foul waste treatment plant and partial soakaway, and thus also discharge into an existing watercourse.

x) Does not accord with Black Isle Local Place Plan

Officer response: The Black Isle Local Place Plan's overarching aim is to 'become a net zero carbon, sustainable and resilient community with opportunity, health and wellbeing for all'. It promotes community infrastructure; climate focused action; affordable homes for all; and getting around without a car. The site lies alongside National Cycle Route 1 (Dingwall – Inverness) cycle route and is within a 20-minute walk or cycle ride of facilities in Conon Bridge. This does, however, involve crossing the A835, a busy trunk road. The proposal does not impact upon community infrastructure. The proposed house includes measures to enhance biodiversity (wildflower planting) and also works towards net zero through including solar panels and an air source heat pump. This complies overall with the aspirations of the Black Isle Local Place Plan.

y) Contrary NPF4 Policy 16 (g)

Officer response: Policy 16 (g) applies to householder applications (proposals within the curtilage of existing houses). This is a new build house, so is not classed as a 'householder' application. The proposal complies with Policy 16(c)(i) since it is for a self-provided home.

The proposal also complies with 16 (f) since the applicant wishes to build the house as soon as permissions are in place demonstrating an agreed timescale for build out; it is within active travel range of Conon Bridge thereby being consistent with

local living policies (4.2u above), and is consistent with Policy 17 (rural homes, 8.7 below).

- z) Revised drainage route crosses croft land, views of the Crofting Commission should have been sought

Officer response: The Crofting Commission have been consulted on the application in view of the amended drainage route. Experience with other applications is such that underground services such as drainage pipes are not usually considered to adversely impact on crofting activities. No response has, however, been received.

- aa) Altered red line of application site boundary on the Council's Planning Portal

Officer response: The mapping tool for the historic application for the 3 houses which have previously been built at Corntown Dairy (05/00587/FULRC) did not accurately reflect the red line of the site boundary as shown on the approved plans. The mapping tool does not display the submitted plans but is intended to be indicative purposes only. Once the error came to light, it was explained to the objector that the mapping tool did not constitute the approved plans, it was checked that he had access to the approved plans so could view the actual plans, and the error corrected.

- bb) Environmental Impact Assessment (EIA) required

Officer response: All applications falling within Schedule 1 of the EIA Regulations and those within Schedule 2 of the EIA Regulations which will have a significant effect on the environment require an EIA. This proposal does not fall within either Schedule 1 or Schedule 2 and accordingly an EIA is not required.

- cc) Red line boundary does not extend up to water/electricity/telecoms connections

Officer response: The applicant has submitted a photo and a plan to show that there is a point of connection to the water main within the application site boundary. There is no requirement for utility connections (e.g. electricity, telecoms) to be included within planning applications.

- dd) Title sheet describes the land as 'remaining subjects' showing that it was intended to be retained for amenity and environmental enhancement, not residential development.

Officer response: The title sheet does not preclude further applications for planning permission being made and the necessary consents obtained for it to be used for a different purpose.

- ee) Proposal involves crossing the gas pipeline and a water main, which are on land under active crofting tenure. There are no consents in place for this. Pre-commencement condition required to demonstrate that all necessary consents are in place.

Officer response: The Crofting Commission, SGN, and Scottish Water have all been consulted. SGN have withdrawn their initial holding objection following the developer agreeing to liaise with them. Scottish Water advise that the applicant must identify any potential conflicts with their assets and that any conflict with assets will be subject to restrictions on proximity of construction.

The Crofting Commission have not responded. The onus is on the applicant to ensure that all necessary consents are in place.

- ff) Loss of property value, disruption from construction works, and damage to the access / road from construction works, and increased maintenance costs for the access

Officer response: These are not material planning considerations

- 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 **Ferintosh Community Council** do not object

- 5.1 **Historic Environment Team (Archaeology)** require an archaeological evaluation to be undertaken as per an agreed WSI in advance of any development work to ensure any archaeology is dealt with in good time so as to not cause delay to the construction.

- 5.2 **Corporate Address Gazetteer** – No objection. Each property should have its own unique property reference number (UPRN). The applicant should notify them when the house is erected so that the necessary changes to the Council's Corporate Address Gazetteer can be made.

- 5.3 **Scottish Water** – no objections. There is currently capacity in the water treatment works, and in the wastewater treatment works. Capacity cannot be reserved.

- 5.4 **Transport Scotland** – do not advise against the granting of planning permission.

- 5.5 **Crofting Commission** – no response received

- 5.6 **SGN** – The developer has agreed to liaise with SGN throughout the planning process in regards to works within the vicinity of the High Pressure pipeline. Initial objection withdrawn.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

- 6.1 **National Planning Framework 4 (2023) (NPF4)**

Policy 1 - Tackling the Climate and Nature Crises

Policy 2 - Climate Mitigation and Adaptation

Policy 3 - Biodiversity

Policy 5 - Soils

Policy 6 - Forestry, Woodland and Trees

Policy 12 - Zero Waste

Policy 14 - Design Quality and Place

Policy 15 - Local Living and 20 Minute Neighbourhoods

Policy 16 - Quality Homes

Policy 17 - Rural Homes

Policy 29 – Rural Development

6.2 **Highland Wide Local Development Plan 2012 (HwLDP)**

- 28 - Sustainable Design
- 29 - Design Quality and Place-making
- 31 - Developer Contributions
- 35 - Housing in the Countryside (Hinterland Areas)
- 51 - Trees and Development
- 55 - Peat and Soils
- 56 - Travel
- 58 - Protected Species
- 65 - Waste Water Treatment
- 66 - Surface Water Drainage

6.3 **Inner Moray Firth Local Development Plan 2 (2024) (IMFLDP2)**

Policies:

- 1 – Low Carbon Development
- 2 – Nature Protection, Preservation and Enhancement
- 8 – Placemaking
- 9 – Delivering Development and Infrastructure
- 14 – Transport

Spatial Strategy – Rural Housing – Hinterland Area

These are the areas of land around settlements that have been identified as experiencing the greatest pressure for housing development. There is a general presumption against new housing development within these hinterland areas.

No specific policies apply.

6.4 **Highland Council Supplementary Planning Policy Guidance**

- Access to Single Houses and Small Housing Developments (May 2011)
- Biodiversity Enhancement Planning Guidance (May 2024)
- Developer Contributions (November 2018)
- Highland's Statutorily Protected Species (March 2013)
- Rural Housing (December 2021)
- Managing Waste in New Developments (March 2013)
- Standards for Archaeological Work (March 2012)
- Sustainable Design Guide (Jan 2013)
- Trees, Woodlands and Development (Jan 2013)

7. **OTHER MATERIAL POLICY CONSIDERATIONS**

7.1 **Scottish Government Planning Policy and Guidance**

Creating Places

PAN 61 - Sustainable Urban Drainage Systems

PAN 67 - Housing Quality

PAN 2/2011 - Planning and Noise

7.2 **Black Isle Local Place Plan**

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) design and external appearance
- c) access and parking
- d) landscaping/biodiversity
- e) drainage
- f) archaeology
- g) Impact on infrastructure and services and proposed mitigation (developer contributions)
- h) any other material considerations

Development plan/other planning policy

8.4 The principle of developing this site for a single house was previously granted under application 22/00132/PIP, having been found to comply with the criteria for the rounding off of a housing group. A subsequent application was made for Matters Specified in Condition (MSC) (24/00894/MSC) and also approved. However, during the processing of the MSC application the red line boundary of the site was altered to include a neighbouring field for drainage purposes. This adjustment created a discrepancy between the red edge shown on the original Permission in Principle and that shown on the MSC drawings, resulting in the planning permission being quashed. The MSC application could not be progressed, and consequently the Applicant was required to submit a fresh planning application to regularise the change to the red line boundary.

8.5 This current application is identical to that previously approved by the MSC, except for the drainage element which has been amended again and now runs through the field to the rear of 1, 2, and 3 Corntown Dairy, before discharging into an existing watercourse.

- 8.6 Inner Moray Firth Local Development Plan 2 and the Council's Rural Housing Supplementary Guidance make provision for the infilling and rounding off of a housing group. This requires that there are at least 3 buildings (2 of which must already be houses) that are physically detached from each other but have a perceptible relationship with each other and share a well-defined, cohesive character. The proposed new house must constitute in-fill or rounding-off of the group into a readily definable development site, have a positive relationship with the existing group by enhancing the cohesiveness and perceptible relationship of the buildings in the group; and reflect the character, spacing, scale and amenity of the buildings in the group. The site is well defined, lying between the existing houses at 1-3 Corntown Dairy and the public road, and with 5 Corntown opposite, and accordingly can be viewed as rounding-off of the group. As per the assessment in 4.2 above and 8.10 – 8.14 below, the proposed house integrates into the group in an acceptable manner, reflecting the character, spacing, scale and amenity of 1-3 Corntown Dairy and enhancing the cohesiveness of the group. The proposal therefore continues to meet these criteria.
- 8.7 NPF4 Policy 17b (rural homes) considers how new homes in rural areas will contribute towards local living and take into account identified local housing needs, economic considerations and the transport needs of the development as appropriate for the rural location. Similarly, Policy 29b (NPF4) requires proposals in rural areas to consider how the development will contribute towards local living and take into account the transport needs of the development, and also be suitably scaled, sited and designed to be in keeping with the character of the area. The Black Isle Local Place Plan identifies the site as within a 20-minute walk or cycle ride of existing facilities at Conon Bridge, and its location adjacent to existing houses will also help facilitate local living.
- 8.8 HwLDP Policy 28 and 29 require high quality design in keeping with the character of the local area and maintaining residential amenity. Similarly, NPF4 Policy 14 requires proposals to be designed to improve the quality of the area and to be consistent with the 6 qualities of successful places (healthy, pleasant, connected, distinctive, sustainable, and adaptable). As per the assessment in 4.2 above the proposal reflects the scale, design and materials of the existing houses at 1, 2 and 3 Corntown Dairy and integrates into the character of the area in an acceptable manner. Furthermore, the residential amenity enjoyed by the existing houses is not materially impacted and an adequate standard of amenity is also achieved for the proposed house.
- 8.9 Policies have not been amended since the determination of 24/00894/MSC, and the development remains in accordance with Policy requirements.

Design and external appearance

- 8.10 The house has been designed to integrate visually with the adjacent houses at 1, 2, and 3 Corntown Dairy. It is 1 ½ storey in height, with peaked roofed dormers off the wallhead. The footprint is primarily rectangular, with a projecting annex on the front, and a small rectangular lean-to on the rear. It will be finished in white render, with some stonework on the gable end at the northwest elevation fronting the private access track.
- 8.11 The fenestration in the front gable projection has been off set, with a section of the gable containing a solid wall. This is to help preserve the privacy currently enjoyed by 5 Corntown, since it will divert the direct line of view across the front garden grounds

instead of directly towards the house. There is sufficient distance between the proposed house and neighbouring property to protect against overlooking and loss of privacy, both with regard to 3 and 5 Corntown.

- 8.12 It is generally accepted that reasonable levels of daylight to existing building will be maintained where new development is kept below a 25 degree line from the mid point of an existing window. If the whole of the development is beneath a line drawn at 25 degrees from the horizontal, then it is unlikely that there will be a significant impact on daylight and sunlight. The relationship between the proposed house and existing houses are assessed as meeting this requirement and are sufficient to adequately guard against loss of sunlight and overshadowing.
- 8.13 The house will be finished in white render, with a feature stone panel on the front gable projection. The main roof and front gable are both finished in slate, with the lean-to at the rear finished in tin. These remain as per the previous MSC approval and continue to be appropriate for this location.
- 8.14 An air source heat pump is included in the elevations and on the floor plans, and solar panels are also included on the south west roof slope. These meet the requirements of NPF4 Policies 1 and 2, to give significant regard to the climate and nature crises, and to minimise lifecycle greenhouse gas emissions as far as possible.

Access and parking

- 8.15 Access will be taken off the existing private access track which currently serves 1, 2, and 3 Corntown Dairy and 5 Corntown. The applicant has supplied a copy of her title deeds which demonstrates that the access is within her ownership, but with a right of access across it for the neighbouring properties. The access has previously been assessed as suitable to accommodate an additional house (22/00132/PIP), and this remains the case.
- 8.16 Three within curtilage parking spaces are shown, along with space for turning. Permeable hardstanding is shown for the driveway, parking and turning areas. This meets Council guideline standards and is acceptable.

Landscaping/biodiversity

- 8.17 The site is currently grassed, with hedging along the boundary with the public road to the west. The proposed landscaping scheme includes the retention of the hedges, trees, and existing fencing around the site boundary, and the planting of wildflowers. The vegetation within the visibility splay where the access joins the public road will, however, require to be kept trimmed back. NPF4 Policy 3 requires that proposals maintain and enhance biodiversity. This proposal is assessed as meeting this requirement.
- 8.18 The proposed drainage arrangement has been amended to avoid any damage to the existing mature trees to the northeast of the site.
- 8.19 It is understood that prior to the applicant purchasing the plot, some existing trees within the application site boundary were felled. It is understood that they were planted in 2007 as part of the landscaping condition attached to the application for the erection

of the 3 houses at 1, 2, and 3 Corntown Dairy (05/00587/FULRC) which required them to be retained for at 5 years or until established. Whilst their felling is regrettable, it was not in breach of this condition and permission from the Council was not required for these works. Similarly, the roadside vegetation has previously been trimmed back to facilitate adequate visibility in both directions where the access joins the public road. Sufficient vegetation has however been retained alongside the public road to provide an element of screening of the site. The vegetation will need to be maintained in this manner to ensure that visibility is maintained.

- 8.20 NPF4 Policy 6, forestry, woodland and trees, opposes the loss of ancient woodlands, native woodlands, hedgerows and individual trees of high biodiversity value, and the fragmenting of woodland habitats. Although there were previously trees within the site which were planted as part of the landscaping condition 4 on the 2005 permission, these were mainly in the vicinity of the site boundary with the site remaining primarily as open grassland. It did not constitute woodland removal but the felling of a few individual trees which were not of high biodiversity value, nor did it result in the fragmentation of woodland habitats. The felling of trees therefore was not in breach of Policy 6.

Drainage

- 8.21 As per the conditions of the planning in principle, and following comments and consultation with Scottish Water, the applicant has provided for private waste water treatment. Since there is no public sewer into which the applicant can reasonably connect, a private drainage system is proposed. Foul water will be dealt with via a treatment plant and partial soakaway, after which it will be pumped into a new drainage pipe running to the rear of 1, 2, and 3 Corntown Dairy, and continuing through the field to discharge into a watercourse. The surface water will connect into the proposed foul drainage network between the partial soakaway and the pump. HwLDP Policy 65 requires connection to the public sewer where available and expresses a preference for discharge to land rather than to water. Any private system must not likely result in or add to significant environmental or health problems. There are no known environmental or health problems due to foul drainage systems in the vicinity of the site.
- 8.22 The septic tank and soakaway will be installed a minimum of 5m from buildings and boundaries. The drainage pipe will be within 5m of the boundary, but under the Building Regulations this can be accepted. They require septic/treatment tanks to be located a 5m minimum from a building or boundary as a failure leak can damage building foundations, and also so that any future development of the neighbouring plot ins not inhibited. This will be further scrutinised under the Building Warrant Procedure. Any discharge to a watercourse will require a CAR licence from SEPA in order to ensure that the discharge is to an appropriate standard and will not result in any environmental or health problems.

Archaeology

- 8.23 The site lies within an area of archaeological potential. Groundworks have the potential to impact on surviving unknown buried archaeological remains. A condition is proposed to require a Written Scheme of Investigation to be submitted to and approved in writing

by the Planning Authority, and a programme of archaeological works carried out in accordance with the WSI.

Impact on infrastructure and services and proposed mitigation (developer contributions)

- 8.24 Developer contributions were previously paid as part of 22/00132/PIP. No further contributions are required.

Other material considerations

- 8.25 These have been commented on under section 4 above. There are no other material considerations.

Non-material considerations

- 8.26 These have been raised under Section 4 above.

Matters to be secured by Legal Agreement / Upfront Payment

- 8.27 None

9. CONCLUSION

- 9.1 The proposal remains identical to that previously approved under 24/00894/MSD except for the drainage arrangement. There has been no subsequent change in policy requirements.
- 9.2 The principle of erecting a house on this site continues to comply with the requirements for a housing group. The design and layout adequately integrate into the character and appearance of the existing houses at 1 – 3 Corntown Dairy, whilst preserving the amenity of existing houses in an acceptable manner. The proposed drainage arrangement is acceptable.
- 9.3 All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other 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

Action required before decision issued	N
Notification to Scottish Ministers	N
Conclusion of Section 75 Obligation	N
Revocation of previous permission	N

Subject to the above actions, it is recommended to **APPROVE** the application subject to the following conditions and reasons:

1. The development to which this planning permission relates must commence within THREE YEARS of the date of this decision notice. If development has not commenced within this period, then this planning permission shall lapse.

Reason: In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended).

2. No works in connection with the development hereby approved shall commence unless an archaeological Written Scheme of Investigation (WSI) has been submitted to and approved in writing by the planning authority and a programme of archaeological works has been carried out in accordance with the approved WSI. The WSI shall include details of how the recording and recovery of archaeological resources found within the application site shall be undertaken, and how any updates, if required, to the written scheme of investigation will be provided throughout the implementation of the programme of archaeological works. Should the archaeological works reveal the need for post excavation analysis the development hereby approved shall not be occupied or brought into use unless a Post-Excavation Research Design (PERD) for the analysis, publication and dissemination of results and archive deposition has been submitted to and approved in writing by the planning authority. The PERD shall be carried out in complete accordance with the approved details.

Reason: In order to protect the archaeological and historic interest of the site

3. Prior to the first occupation of the development hereby approved, the car parking and access arrangements detailed on approved plan ref. 2023 073-000 rev F shall be completed in full and made available for use. Thereafter, all car parking spaces shall be maintained for this use in perpetuity.

Reason: In order to ensure that the level of off-street parking is adequate.

REASON FOR DECISION

All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained

within the Development Plan and is acceptable in terms of all other applicable material considerations.

INFORMATIVES

Initiation and Completion Notices

The Town and Country Planning (Scotland) Act 1997 (as amended) requires all developers to submit notices to the Planning Authority prior to, and upon completion of, development. These are in addition to any other similar requirements (such as Building Warrant completion notices) and failure to comply represents a breach of planning control and may result in formal enforcement action.

1. The developer must submit a Notice of Initiation of Development in accordance with Section 27A of the Act to the Planning Authority prior to work commencing on site.
2. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Act to the Planning Authority.

Copies of the notices referred to are attached to this decision notice for your convenience.

Flood Risk

It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (or emanating from) the application site. As per Scottish Planning Policy (paragraph 259), planning permission does not remove the liability position of developers or owners in relation to flood risk.

Scottish Water

You are advised that a supply and connection to Scottish Water infrastructure is dependent on sufficient spare capacity at the time of the application for connection to Scottish Water. The granting of planning permission does not guarantee a connection. Any enquiries with regards to sewerage connection and/or water supply should be directed to Scottish Water on 0845 601 8855.

There is live Scottish Water infrastructure in the proximity of the development area. Any potential conflicts with Scottish Water assets must be identified and Scottish Water's Asset Impact Team contacted via their Customer Portal for an appraisal of the proposals. Any conflict with assets will be subject to restrictions on proximity of construction.

Septic Tanks and Soakaways

Where a private foul drainage solution is proposed, you will require separate consent from the Scottish Environment Protection Agency (SEPA). Planning permission does not guarantee that approval will be given by SEPA and as such you are advised to contact them direct to discuss the matter (01349 862021).

Local Roads Authority Consent

In addition to planning permission, you may require one or more separate consents (such as road construction consent, dropped kerb consent, a road openings permit, occupation of the road permit etc.) from the Area Roads Team prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local Area Roads office for further guidance at the earliest opportunity.

Failure to comply with access, parking and drainage infrastructure requirements may endanger road users, affect the safety and free-flow of traffic and is likely to result in enforcement action being taken against you under both the Town and Country Planning (Scotland) Act 1997 and the Roads (Scotland) Act 1984.

Further information on the Council's roads standards can be found at: <http://www.highland.gov.uk/yourenvironment/roadsandtransport>

Application forms and guidance notes for access-related consents can be downloaded from:

http://www.highland.gov.uk/info/20005/roads_and_pavements/101/permits_for_working_on_public_roads/2

Mud and Debris on Road

Please note that it is an offence under Section 95 of the Roads (Scotland) Act 1984 to allow mud or any other material to be deposited, and thereafter remain, on a public road from any vehicle or development site. You must, therefore, put in place a strategy for dealing with any material deposited on the public road network and maintain this until development is complete.

Construction Hours and Noise-Generating Activities

You are advised that construction work associated with the approved development (incl. the loading/unloading of delivery vehicles, plant or other machinery), for which noise is audible at the boundary of the application site, should not normally take place outwith the hours of 08:00 and 19:00 Monday to Friday, 08:00 and 13:00 on Saturdays or at any time on a Sunday or Bank Holiday in Scotland, as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended).

Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to result in court action.

If you wish formal consent to work at specific times or on specific days, you may apply to the Council's Environmental Health Officer under Section 61 of the 1974 Act. Any such application should be submitted after you have obtained your Building Warrant, if required, and will be considered on its merits. Any decision taken will reflect the nature of the development, the site's location and the proximity of noise sensitive premises. Please contact env.health@highland.gov.uk for more information.

Protected Species – Halting of Work

You are advised that work on site must stop immediately, and NatureScot must be contacted, if evidence of any protected species or nesting/breeding sites, not

previously detected during the course of the application and provided for in this permission, are found on site. For the avoidance of doubt, it is an offence to deliberately or recklessly kill, injure or disturb protected species or to damage or destroy the breeding site of a protected species. These sites are protected even if the animal is not there at the time of discovery. Further information regarding protected species and developer responsibilities is available from NatureScot: <https://www.nature.scot/professional-advice/protected-areas-and-species/protected-species>

Signature:

Designation: Area Manager North

Author: Susan Hadfield

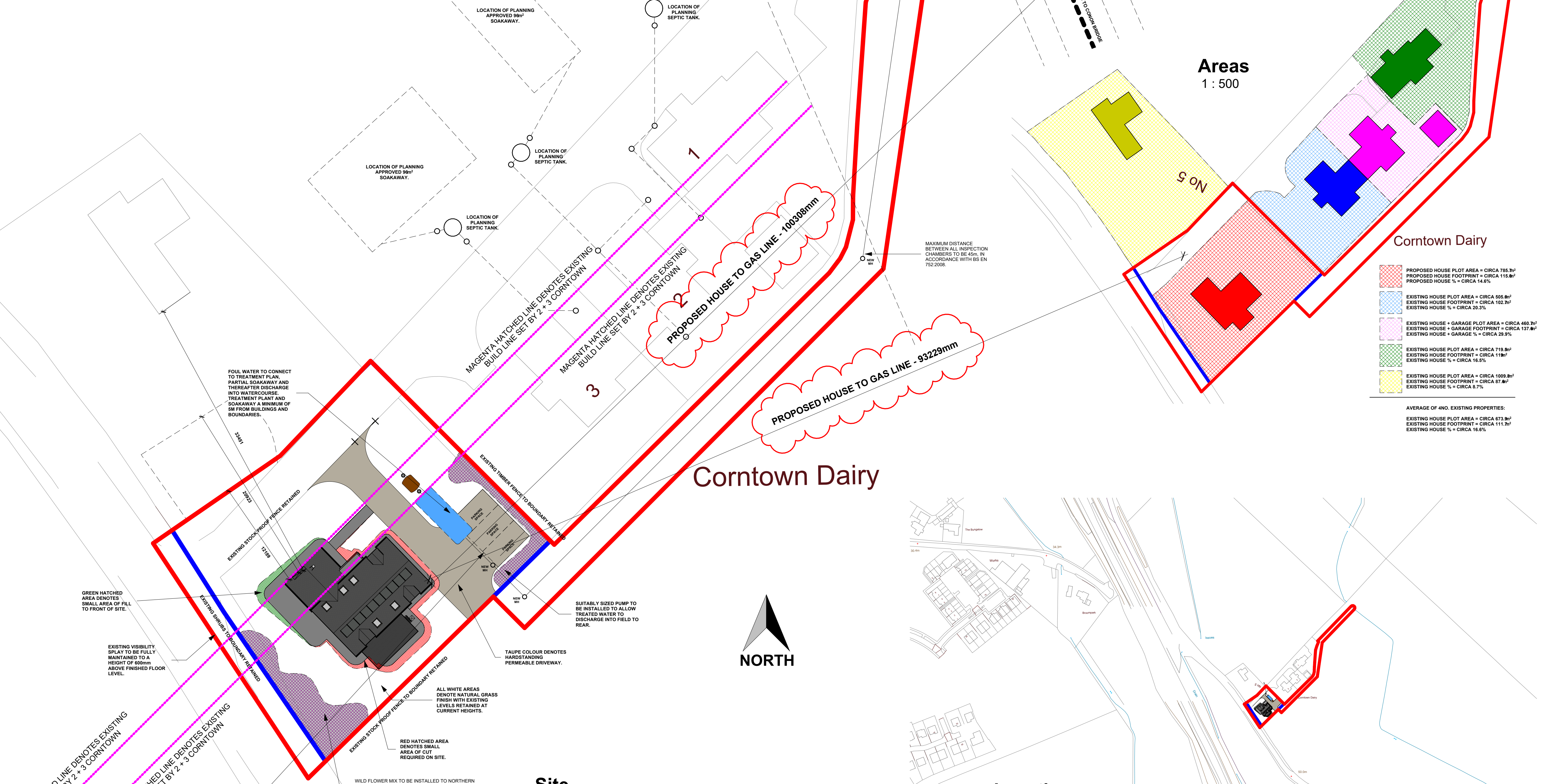
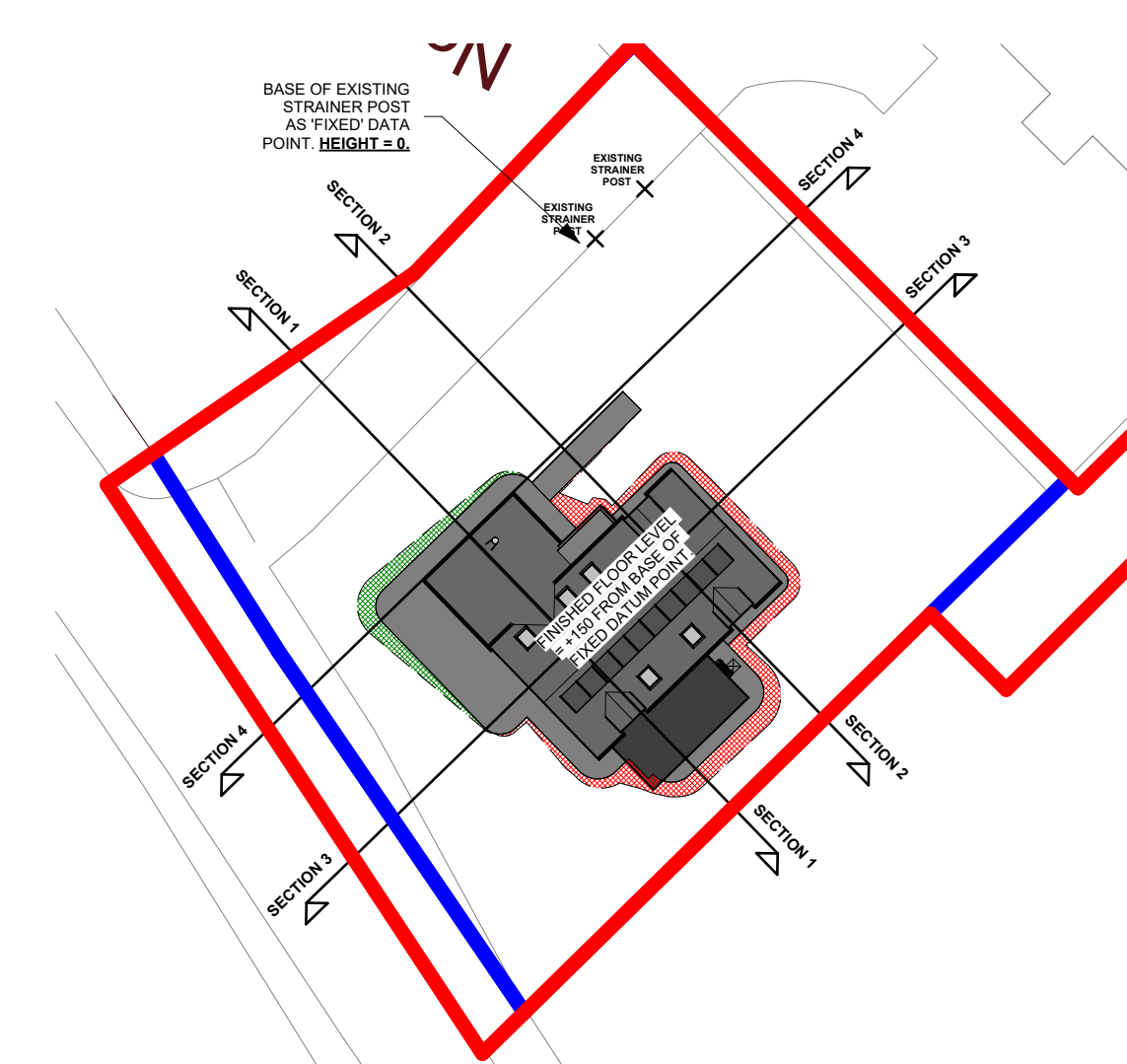
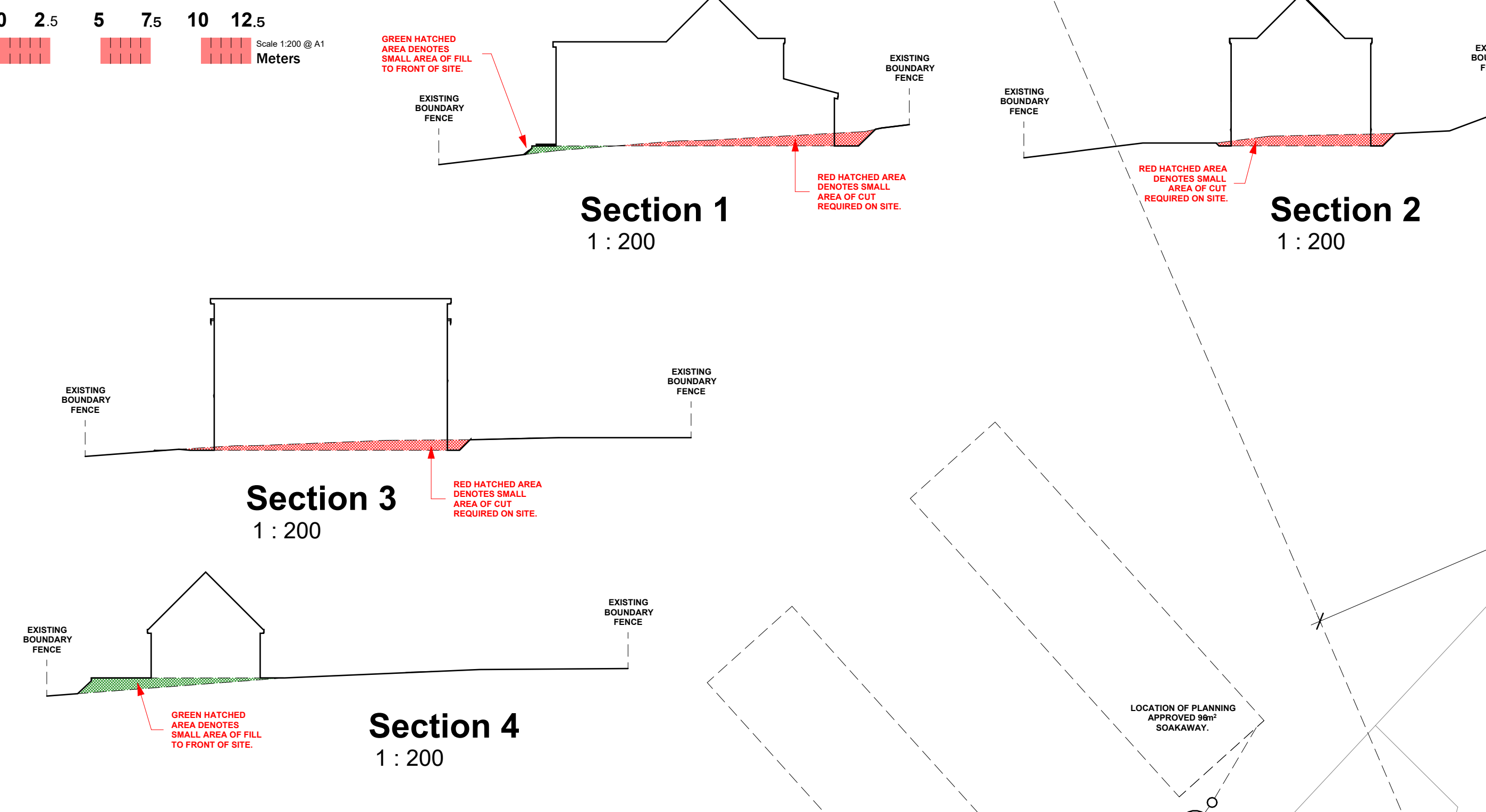
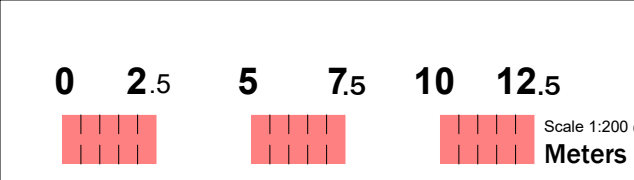
Background Papers: Documents referred to in report and in case file.

Relevant Plans:

Plan 1 - 2023 073 - 000 REV I - Location / site layout plan

Plan 2 - 2023 073 - 010 REV C - Floor plan

Plan 3 - 2023 073 - 011 REV C - Elevations



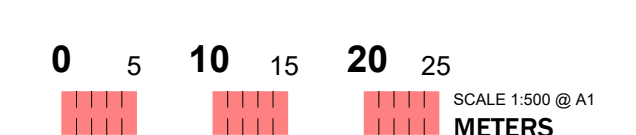
THICK DASHED LINE DENOTES ROUTE OF HIGH PRESSURE GAS LINE.
 GAS LINE HAS SITE DEPTH MEASUREMENT OF 1.7m TO CROWN.
 GAS LINE TO HAVE 800mm CLEARANCE FROM ANY PART OF THE DRAINAGE INFRASTRUCTURE.
 FOR A DISTANCE OF 3m EITHER SIDE OF GASLINE, DRAINAGE TO BE HAND DUG.
 FOR A DISTANCE OF 6m EITHER SIDE OF GASLINE, SON TO BE PRESENT ON SITE.
 SON TO BE NOTIFIED PRIOR TO WORKS COMMENCING TO ALLOW EXACT ROUTE OF GAS LINE TO BE PEGGED ON SITE!

PROPOSED HOUSE TO GAS LINE - 1000308mm
 PROPOSED HOUSE TO GAS LINE - 93229mm

PROPOSED HOUSE PLOT AREA = CIRCA 785.3m ²	PROPOSED HOUSE FOOTPRINT = CIRCA 115.8m ²	EXISTING HOUSE % = CIRCA 14.6%
EXISTING HOUSE PLOT AREA = CIRCA 565.8m ²	EXISTING HOUSE FOOTPRINT = CIRCA 102.2m ²	EXISTING HOUSE % = CIRCA 20.3%
EXISTING HOUSE + GARAGE PLOT AREA = CIRCA 460.7m ²	EXISTING HOUSE + GARAGE FOOTPRINT = CIRCA 137.8m ²	EXISTING HOUSE + GARAGE % = CIRCA 29.9%
EXISTING HOUSE PLOT AREA = CIRCA 719.8m ²	EXISTING HOUSE FOOTPRINT = CIRCA 87.8m ²	EXISTING HOUSE % = CIRCA 16.5%
EXISTING HOUSE PLOT AREA = CIRCA 1009.8m ²	EXISTING HOUSE FOOTPRINT = CIRCA 109.8m ²	EXISTING HOUSE % = CIRCA 8.7%

AVERAGE OF 4NO. EXISTING PROPERTIES:
 EXISTING HOUSE PLOT AREA = CIRCA 673.3m²
 EXISTING HOUSE FOOTPRINT = CIRCA 111.7m²
 EXISTING HOUSE % = CIRCA 16.6%

PLANNING POLICY CONTEXT
NATIONAL PLANNING FRAMEWORK
 The proposed development is in accordance with the National Planning Framework (NPF) and the Planning and Development Act 2000 (as amended).
POLICY 1 - TACKLING THE CLIMATE AND NATURE CRISIS seeks to encourage, promote and facilitate the development of low-carbon, energy-efficient and green buildings.
POLICY 2 - CLIMATE MITIGATION AND ADAPTATION seeks to encourage, promote and facilitate the development of low-carbon, energy-efficient and green buildings.
POLICY 3 - BIODIVERSITY seeks to protect biodiversity and deliver positive effects from development and infrastructure.
POLICY 4 - SOILS seeks to protect soils, restore degraded soils, and maintain soil health and productivity.
POLICY 5 - SOLAR ENERGY seeks to promote the use of solar energy in buildings and infrastructure.



FOR PLANNING

No.	Description	Date
C	House moved 700mm to rear	13.09.24
D	Tree information added	02.10.24
E	Note added re drainage	10.10.24
F	Redline Boundary Updated	12.03.25
G	Drainage of adjacent properties added to plan.	21.05.25
H	Drainage route altered	13.06.25
I	Note added re drainage at gas line.	18.07.25

Sarah Renwick
 Erection of Dwelling House, Corntown, By Conon Bridge

Site & Location

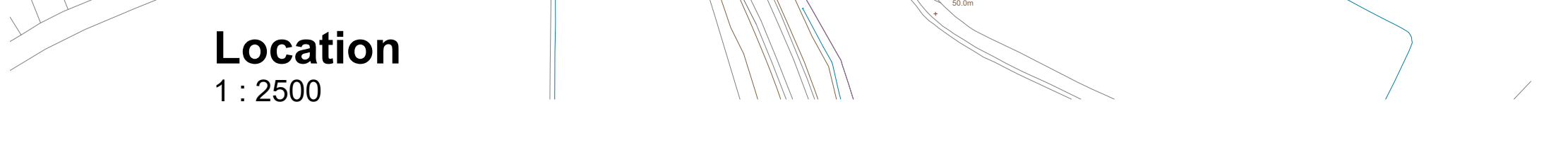
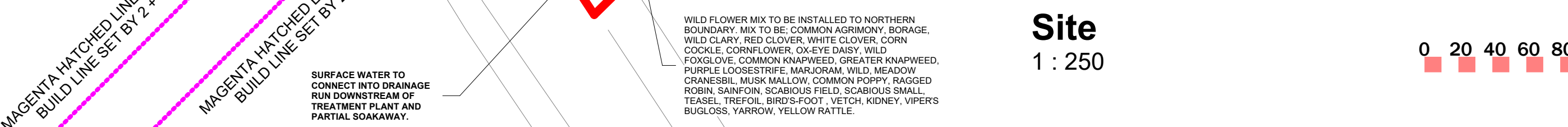
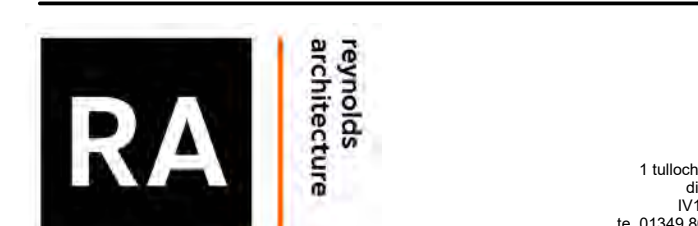
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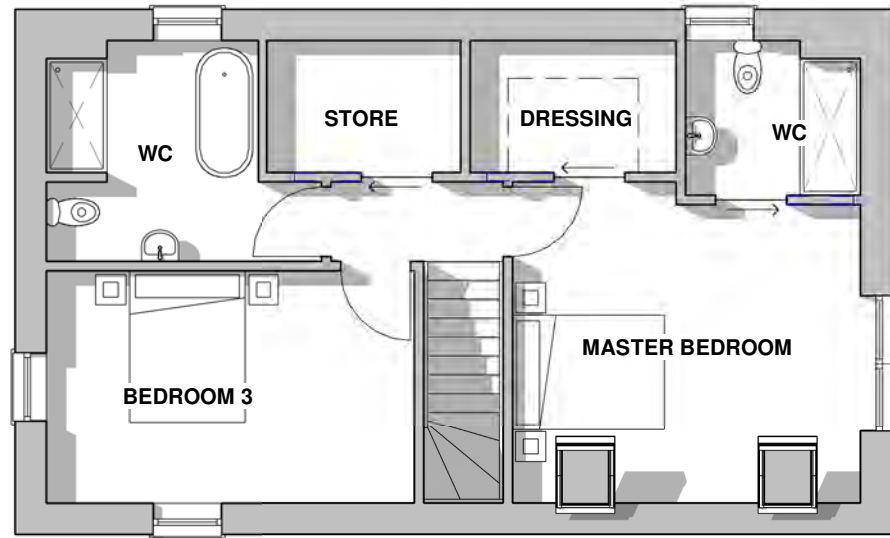
Drawn by MB

2023 073 - 000

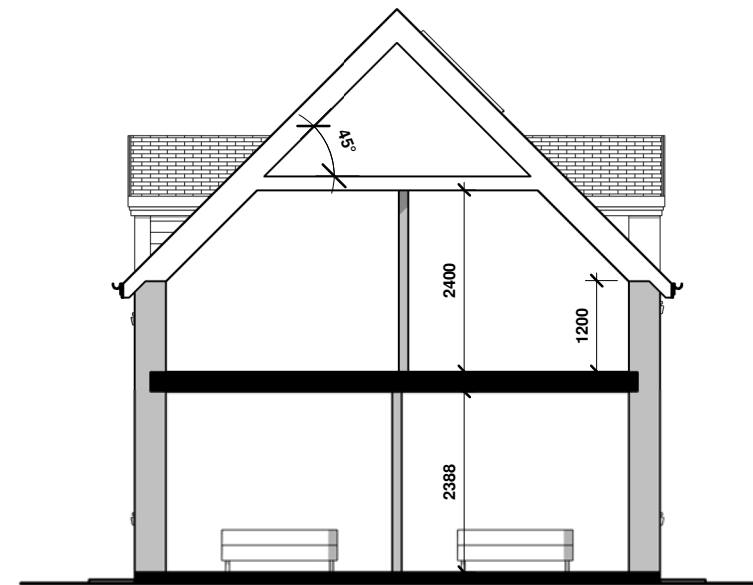
Scale As indicated

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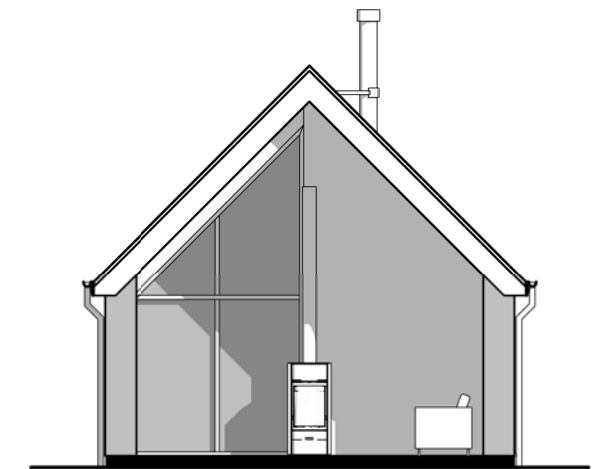




First floor
1 : 100



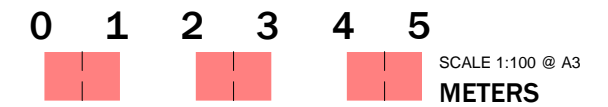
Section 1
1 : 100



Section 2
1 : 100



Ground floor
1 : 100



FOR PLANNING

Rev	Description	Date
A	Design Amended	11.09.24
B	Design Amended	13.09.24
C	Planning Submission	12.03.25

Sarah Renwick

Erection of Dwelling House, Corntown, By
Conon Bridge

(proposed) GA's

Date	31/08/2023
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Scale	1 : 100

2023 073 - 010

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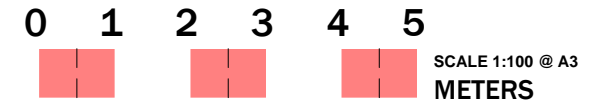
S West
1 : 100



N West
1 : 100



S East
1 : 100



FOR PLANNING

Rev	Description	Date
A	Design Amended	11.09.24
B	Design Amended	13.09.24
C	Planning Submission	12.03.25

Sarah Renwick

Erection of Dwelling House, Corntown, By
Conon Bridge

(proposed) Elevations

Date	31/08/2023
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Scale	1 : 100

2023 073 - 011

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N East
1 : 100

