Agenda Item	7.3
Report No	PLS/63/25

HIGHLAND COUNCIL

Committee: South Planning Applications Committee

Date: 08 October 2025

Report Title: 25/00426/FUL: Lovat Estates Ltd

Fanellan Farmhouse

Kiltarlity Beauly IV4 7JP

Report By: Area Planning Manager – South

Purpose/Executive Summary

Description: Change of use from dwelling house (Class 9) into office

accommodation (Class 4)

Ward: 12 – Aird and Loch Ness

Development category: Local

Reason referred to Committee: 5 or more objections

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 seeks planning permission for the change of use from a dwellinghouse (Class 9) into office accommodation (Class 4). The building will be repurposed to provide flexible workspace under Class 4 (Business). No external alterations are proposed at this stage, and the conversion will be internal, ensuring the character and appearance of the farmhouse is retained.
- 1.2 The development will make use of existing access arrangements and parking provision, with minor internal reconfiguration to suit office functionality.
- 1.3 Pre Application Consultation: None
- 1.4 Supporting Information: Supporting Statement
- 1.5 Variations: None

2. SITE DESCRIPTION

- 2.1 Fanellan Farmhouse is located in a rural area to the west of Kiltarlity, accessed via a minor road off the A833 public road. The site comprises a traditional 1½ storey stone villa set within its own grounds, surrounded by agricultural land and woodland. The farmhouse is of domestic scale and vernacular design, typical of rural Highland farm dwellings. The immediate surroundings are predominantly rural, with scattered residential properties and farm buildings. The site is not within a designated Conservation Area and is not subject to any specific landscape or heritage constraints.
- 2.2 Vehicular access is via an existing private access, with space for parking and turning. Basic services including electricity and water are available on site.

3. PLANNING HISTORY

3.1 None

4. PUBLIC PARTICIPATION

4.1 Advertised: Unknown neighbour

Date Advertised: 14 March 2025 Representation deadline: 28 March 2025

Timeous representations: 10

Late representations: 0

- 4.2 Material considerations raised are summarised as follows:
 - a) Shortage of residential dwellings and loss of residential/rental use;
 - b) Prematurity of the proposal;
 - c) Displacement of residents;
 - d) Prioritisation of private interests/impact on rural community;

- e) Community impact;
- f) Conflict with the Highland Housing Challenge;
- g) Traffic and infrastructure;
- h) Cumulative effects;
- i) "Salami-slicing" submission of separate small applications;
- j) Loss of agricultural land and trees; and
- k) Availability of alternative office space.
- 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 **Transport Planning:** No objection, subject to conditions. Note that the existing access is substandard but acceptable if upgraded as proposed, including forming a service bay that also acts as a passing place. Visibility splays of 2.4m x 90m looking east and 2.4m x 120m looking west are appropriate for vehicle speeds on this road. Parking provision, turning space, and trip generation are all considered acceptable, with the office use expected to generate fewer daily trips than the existing residential use. Active travel options are limited due to the rural location, but cycle storage is proposed. Surface water drainage has been redesigned to prevent runoff onto the public road, which is acceptable, and a Road Opening Permit will be required before any works commence.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application:

6.1 National Planning Policy Framework 2023 (NPF4)

- Policy 1 Tackling the Climate and Nature Crises
- Policy 2 Climate Mitigation and Adaptation
- Policy 3 Biodiversity
- Policy 9 Brownfield, Vacant and Derelict Land and Empty Buildings
- Policy 16 Quality 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)

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

- 1 Low and Zero Carbon Development
- 2 Nature Protection, Restoration and Enhancement

6.4 Highland Council Supplementary Planning Policy Guidance

Access to Single Houses and Small Housing Developments (May 2011)

Developer Contributions (March 2018)

Sustainable Design Guide (Jan 2013)

7. OTHER MATERIAL POLICY CONSIDERATIONS

7.1 Scottish Government Planning Policy and Guidance

Designing Streets Creating Places

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) change of use and housing need;
 - c) access and infrastructure; and
 - d) any other material considerations.

Development plan/other planning policy

- 8.4 The IMFLDP2 places strong emphasis on supporting housing delivery; climate resilience; and rural economic development. While the loss of residential units is a material consideration, IMFLDP2 also supports the reuse of existing buildings for employment-generating uses where appropriate, particularly in areas where infrastructure projects may bring wider economic benefits.
- 8.5 At the national level, NPF4 Policy 16 (Quality Homes) seeks to protect existing housing stock and requires justification for any loss of homes. Policy 29 (Rural Development) supports sustainable rural business activity, including the reuse of buildings for Class 4 office use, provided the development is compatible with its surroundings and contributes to rural vitality. The proposal must therefore be considered in the context of both housing need and the potential to support rural employment linked to infrastructure delivery.
- 8.6 Under the HwLDP, Policy 28 (Sustainable Design) and Policy 29 (Design Quality and Place-making) are applicable. These policies support the reuse of existing buildings where the development is compatible with surrounding land uses, does not adversely affect residential amenity, and contributes positively to the character of the area. The proposal involves internal alterations only, with no external changes, and is considered to be of a scale and nature that is appropriate to its rural setting.

8.7 In summary, while the loss of residential accommodation is acknowledged, the proposal aligns with national and local policy objectives that support rural economic development and the reuse of existing buildings. The application is considered to comply with policy, subject to further assessment of material considerations including amenity and access.

Change of Use and Housing Need

- 8.8 The Highland Housing Challenge highlights the importance of increasing housing supply, particularly in rural areas. However, this must be balanced against other material considerations, including supporting rural employment and economic development. The farmhouse is not identified as part of the affordable housing stock, nor is it part of a strategic housing allocation. The proposal does not therefore conflict with the Development Plan. Furthermore, the applicant has advised that, within the estate, between conversions of steading and renovations within five miles of this property, they have brought fifteen dwellings into use in the last nine years.
- 8.9 The applicant has chosen a rural location for office accommodation, likely due to proximity to operational needs. A couple of the objections referred to vacant office space existing elsewhere and while that may be true, planning policy supports rural business development where appropriate. Class 4 use is considered compatible with the rural setting, subject to scale and impact. The existence of vacant buildings elsewhere is not a material reason to refuse a valid rural application, provided the proposal is compatible with its setting and policy framework.
- 8.10 Representations have raised concerns about "salami slicing" and the lack of cumulative impact assessment. While these concerns are noted, this development is self-contained and does not rely on other development for its delivery. Should future applications come forward, cumulative impacts will be assessed at that stage, in accordance with planning regulations and environmental assessment requirements.
- 8.11 The proposed Class 4 office use is defined as being appropriate within residential areas. The scale of the development is modest, involving internal alterations only, with no external changes proposed. The site is located in a rural setting with limited neighbouring properties, and the nature of the proposed use is not expected to result in significant adverse impacts on residential amenity.

Access and Infrastructure

- 8.12 The concerns regarding traffic on Fanellan Road are noted and this is being managed through associated Construction Traffic Management Plans relative to those separate infrastructure projects. The proposed office use is expected to generate modest levels of traffic, consistent with Class 4 business use, which is defined as being appropriate within residential areas. The scale of the development is limited to a farmhouse, and no significant intensification of use is proposed.
- 8.13 From a planning perspective, the retention of the existing appearance of the farmhouse is welcomed and aligns with local and national policy objectives for the sustainable reuse of buildings. Transport Planning has confirmed that the provision of five parking spaces for the change of use is acceptable and sufficient to meet the

operational needs of the development. There is no change to the parking arrangements from being a residential property, therefore it is considered there is no significant intensification of the access as a result of this change of use. The applicant has confirmed they are willing to upgrade the access to the farmhouse to an SDB2 standard junction in accordance with the Council's guidelines, which is welcome.

- 8.14 In terms of visibility splays, Lovat Estates is the applicant and own the estate land around the farmhouse, so they are in control of them. The site layout plan shows visibility splays of 2.4m x 90m looking east and 2.4m x 120m looking west. Transport Planning have confirmed this is acceptable visibility for the assessed speed of the road. The Transport Planning Team confirmed they have consulted CrashMap and found no injury collisions occurred in the vicinity of the proposed development in the last five years and have advised that this level of visibility splay is acceptable.
- 8.15 The private access must have a final layer of bituminous surfacing extending for at least 6m up the private access from the edge of the public road to prevent gravel or loose material from the private access being dragged onto the public road. In order to achieve some improvement to safety for the public road, it is appropriate to secure this by condition.
- 8.16 A new passing place is to be formed on the C1106 public road and is designed in accordance with Council guidelines, with a minimum length of 12m and 12m tapers at either end. This infrastructure is welcomed and will contribute positively to the operation and safety of the local road network.
- 8.17 Bin storage is proposed adjacent to both accesses but located outwith the visibility splays. The service bay can accommodate refuse vehicles without obstructing the carriageway. This arrangement is considered acceptable.
- 8.18 A covered and secure cycle store is shown in the submitted drawings, with capacity for four bicycles. This provision is welcomed and considered acceptable.

Other material considerations

- 8.19 Clarity of application the submitted plans and red line boundaries clearly relate to Fanellan Farmhouse only, and the application is being assessed accordingly. References to other properties or future developments in the supporting statement are noted but do not form part of the application. A separate application (25/00573/FUL) will consider the conversion of the two properties referred to at Fanellan Cottages. The level of detail provided is sufficient for the scale and nature of this proposal.
- 8.20 Predetermination of future applications the Planning Authority is committed to maintaining transparency and public confidence in the decision-making process. The submission of this application does not imply approval of any future development, nor does it prejudice the outcome of any future planning application. Each application is considered independently, in accordance with the Development Plan and taking account of relevant material planning considerations.

- 8.21 Pollution and noise impact the proposed change of use to Class 4 office accommodation is not expected to generate significant pollution or noise. Class 4 use is generally appropriate for a residential area, and any future intensification or operational impacts would be subject to further control through planning conditions or enforcement. In this case, there are no other residential properties in the immediate vicinity, so any impact is considered to be low.
- 8.22 Environmental concerns in relation to loss of over 800 acres of agricultural and ancient woodland this application relates solely to the change of use of a farmhouse from residential to office use. It does not propose any new development on agricultural land or woodland. Concerns about the potential future loss of land associated with other projects (e.g. the substation or transmission infrastructure) are noted but not material to the assessment of this specific application.
- 8.23 Biodiversity enhancement the applicant has submitted a biodiversity enhancement plan that shows a strip of oak and beech tree planting along the west side of the road and hedging and tree planting along the east side of the road and around the fields to the rear of the properties. This is a welcome and adequate response to addressing the requirements of NPF4 Policy 3 (Biodiversity).

Non-material considerations

- 8.24 The issue of association with an unapproved infrastructure project is not a material planning consideration. While the supporting statement refers to a substation project, this application is for a standalone change of use and is not dependent on the approval or delivery of any other development. The planning system allows for speculative applications, and there is no requirement for this proposal to be tied to a larger infrastructure application.
- 8.25 The issue of whether the private estate farmhouse is currently occupied is not a material planning consideration. The Planning Authority does not have jurisdiction over tenancy arrangements or private landlord decisions. While the social impact of displacement is acknowledged, planning decisions must be based on land use considerations, not tenancy matters. However, in response to this point, the applicant has advised that the farmhouse is currently unoccupied. Previous tenants have moved to other properties within the applicant's housing stock.
- 8.26 The issue of timing of the application is not a material planning consideration. The applicant has chosen to submit the applications at this stage, and the Planning Authority is required to assess them in accordance with the Development Plan and taking account of any other relevant material planning considerations. The timing of submission is at the applicant's discretion, and there is no procedural requirement for it to follow the approval of a related development.

Matters to be secured by Legal Agreement / Upfront Payment

8.27 None

9. CONCLUSION

- 9.1 The proposal seeks planning permission for the change of use of a single dwellinghouse at Fanellan Farmhouse, Kiltarlity, from Class 9 (residential) to Class 4 (office accommodation). The application has attracted a number of public objections, primarily concerning the loss of housing; potential displacement of tenants; traffic impacts; and perceived linkage to a future infrastructure project that has not yet been approved. These concerns have been carefully considered.
- 9.2 From a policy perspective, the proposal must be assessed against the development plan. While the loss of residential units is a material consideration, the building is not identified as affordable housing stock or part of a strategic allocation this is an estate property. The reuse of existing buildings for low-impact business use is supported by planning policy, provided it is compatible with the surrounding area.
- 9.3 Transport Planning has confirmed they have no objection to the application and welcome the various improvements in terms of active travel, upgrades of the accesses, drainage and the addition of a passing place on the C1106 public road.
- 9.4 Significant planting of hedging and beech and oak trees is proposed, exceeding the requirements for this level of development in terms of biodiversity enhancement, which is welcome.
- 9.5 Overall, the proposal represents a modest form of rural economic development that makes use of an existing building without physical expansion. Subject to appropriate planning conditions, the application is considered to comply with the relevant provisions of the development plan.
- 9.6 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

Notification to Scottish Ministers

Ν

Ν

Revocation of previous permission

Ν

Recommended to **GRANT** 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. The development shall not be occupied until a final layer of bituminous surfacing, extending for at least 6m up the private access from the edge of the public road, has been provided.

Reason: In the interests of road safety and to prevent gravel or loose material from the private access being dragged onto the public road.

- 3. The farmhouse shall not be occupied as offices until the site access has been constructed in accordance with The Highland Council's Access to Single Houses and Small Housing Developments guidelines, with:
 - i. the junctions formed to comply with drawing ref. SDB2; and
 - ii. visibility splays of 2.4m x 90m (looking east) and 2.4m x 120m (looking west) (the X dimension and Y dimension respectively) in each direction formed from the centre line of the junction.

Within the stated visibility splays, at no time shall anything obscure visibility between a driver's eye height of 1.05m positioned at the X dimension and an object height of 0.60m anywhere along the Y dimension.

Reason: To ensure that an adequate level of access is timeously provided for the development; in the interests of road safety and amenity.

4. The farmhouse shall not be occupied as offices until the passing place shown on the Site Layout Plan (drawing 2024 078 – 100 Rev B) docquetted hereto has been constructed to the satisfaction of the Planning Authority in consultation with the Roads Authority.

Reason: In the interests of road safety.

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.

TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION

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

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.

- 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.

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 wor king on public roads/2

Mud and Debris on Road

Please note that it 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

Corporate Address Gazetteer

The Councils Corporate Address Gazetteer Team would like to inform you that each property has a unique property reference number (UPRN), so when 2 properties are converted into 1, the original UPRNs are made historic and a new UPRN will need to be created for the new property. Therefore, we would request that the applicant/agent notifies us at CAGRequests@highland.gov.uk when the alterations are complete so we can make the necessary changes to the Council's Corporate Address Gazetteer.

Signature: Bob Robertson

Designation: (Acting) Planning Manager - South

Author: Elaine Watt

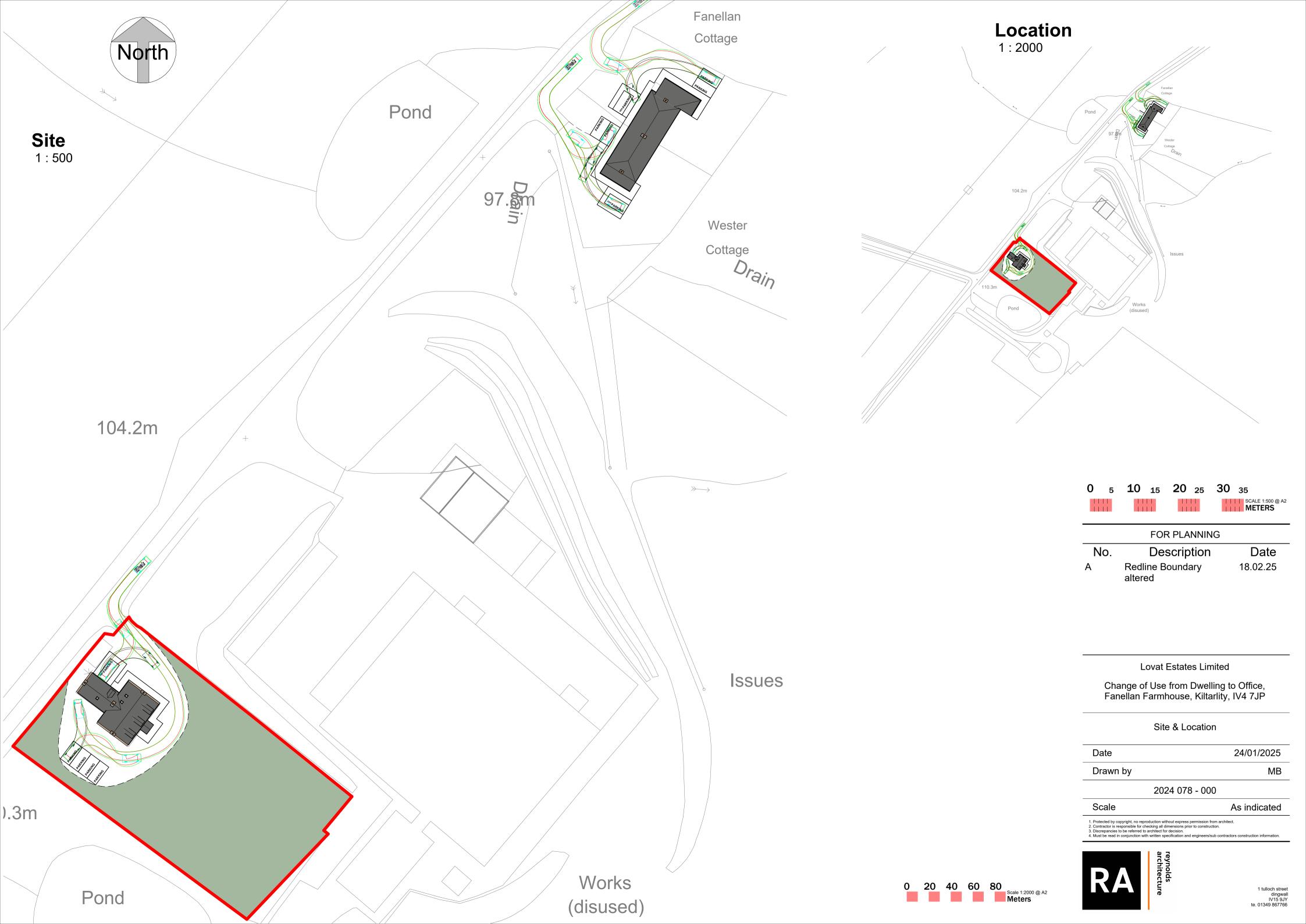
Background Papers: Documents referred to in report and in case file.

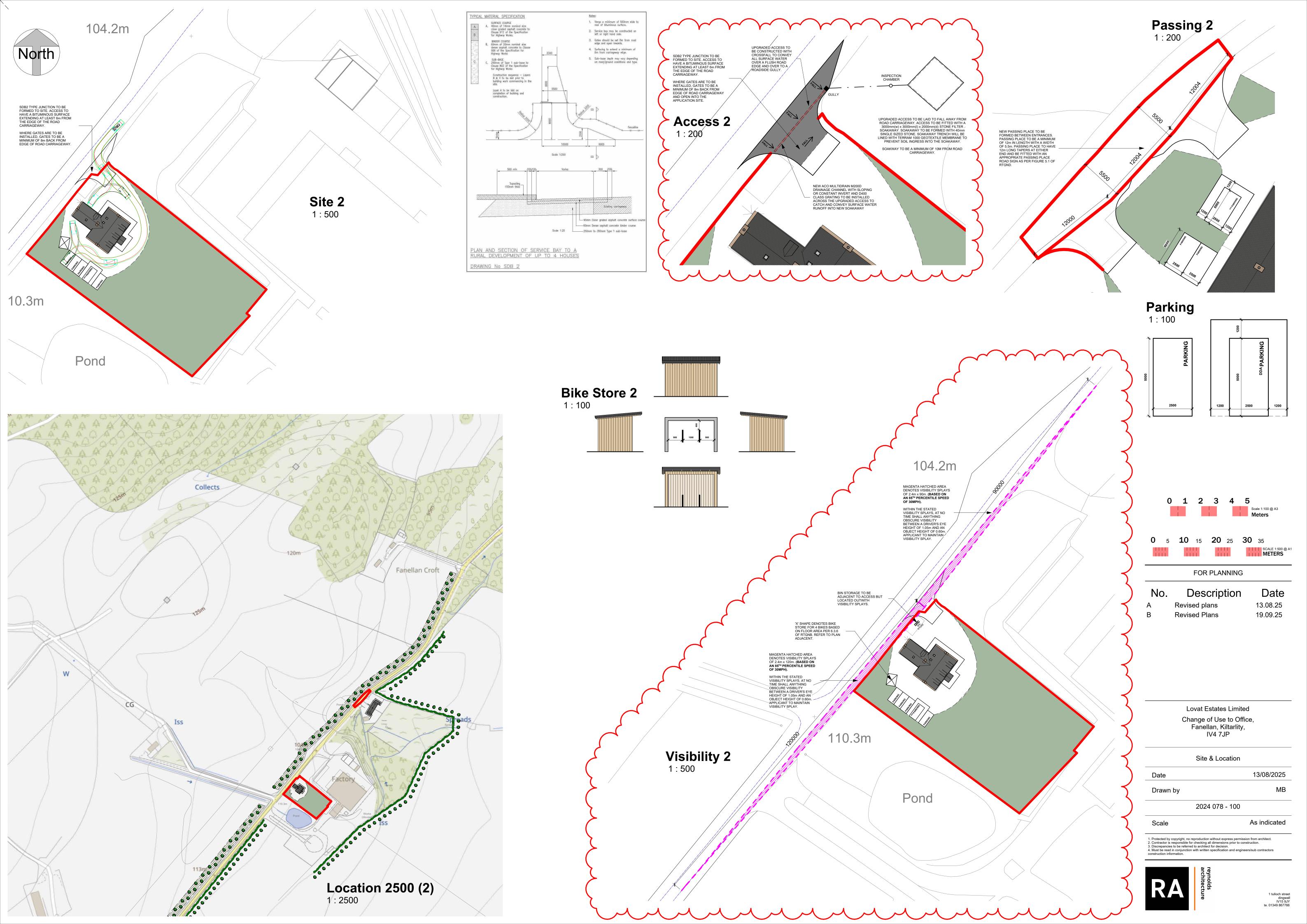
Relevant Plans: Plan 1 - 2024 078 - 000 REV A – Location Plan

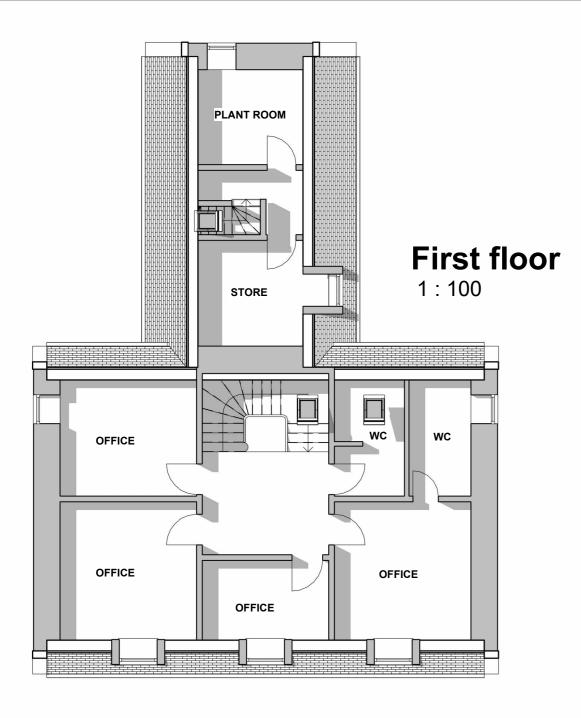
Plan 2 - 2024 078 - 100 REV B - Site Layout Plan

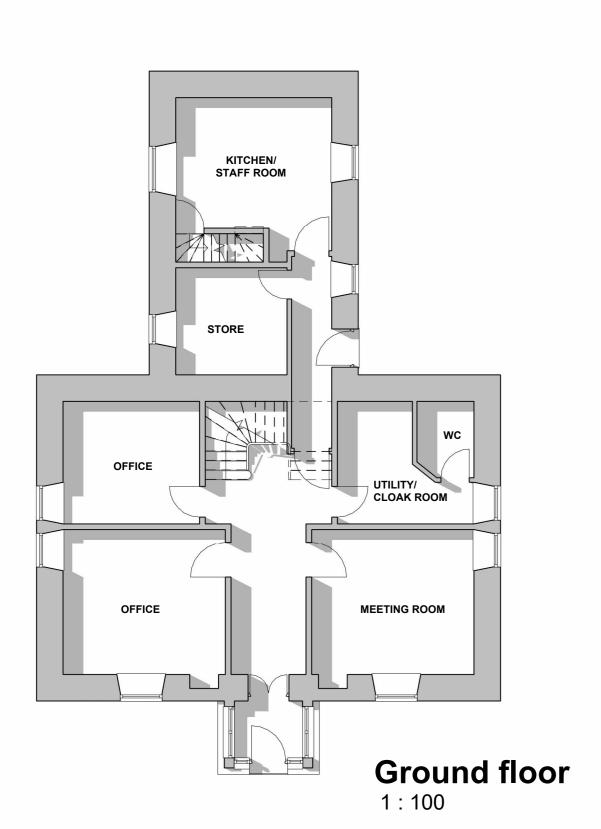
Plan 3 - 2024 078 - 002 - Proposed Floor/Elevation Plan

Plan 4 - 2024 078 - 101 – Biodiversity Enhancement Plan



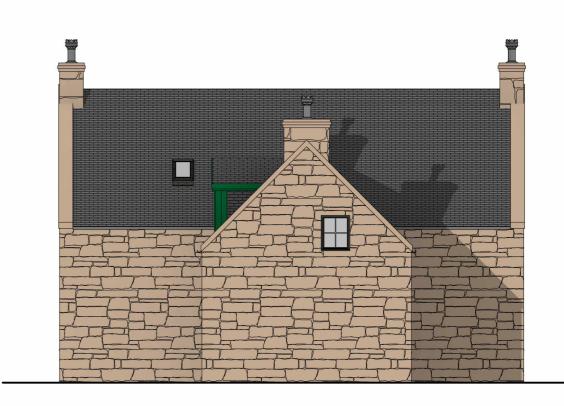








Front 1: 100



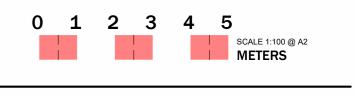
Rear 1 : 100



Side 1:100



Side 2 1:100



FOR PLANNING

No. Description Date

Lovat Estates Limited

Change of Use from Dwelling to Office, Fanellan Farmhouse, Kiltarlity, IV4 7JP

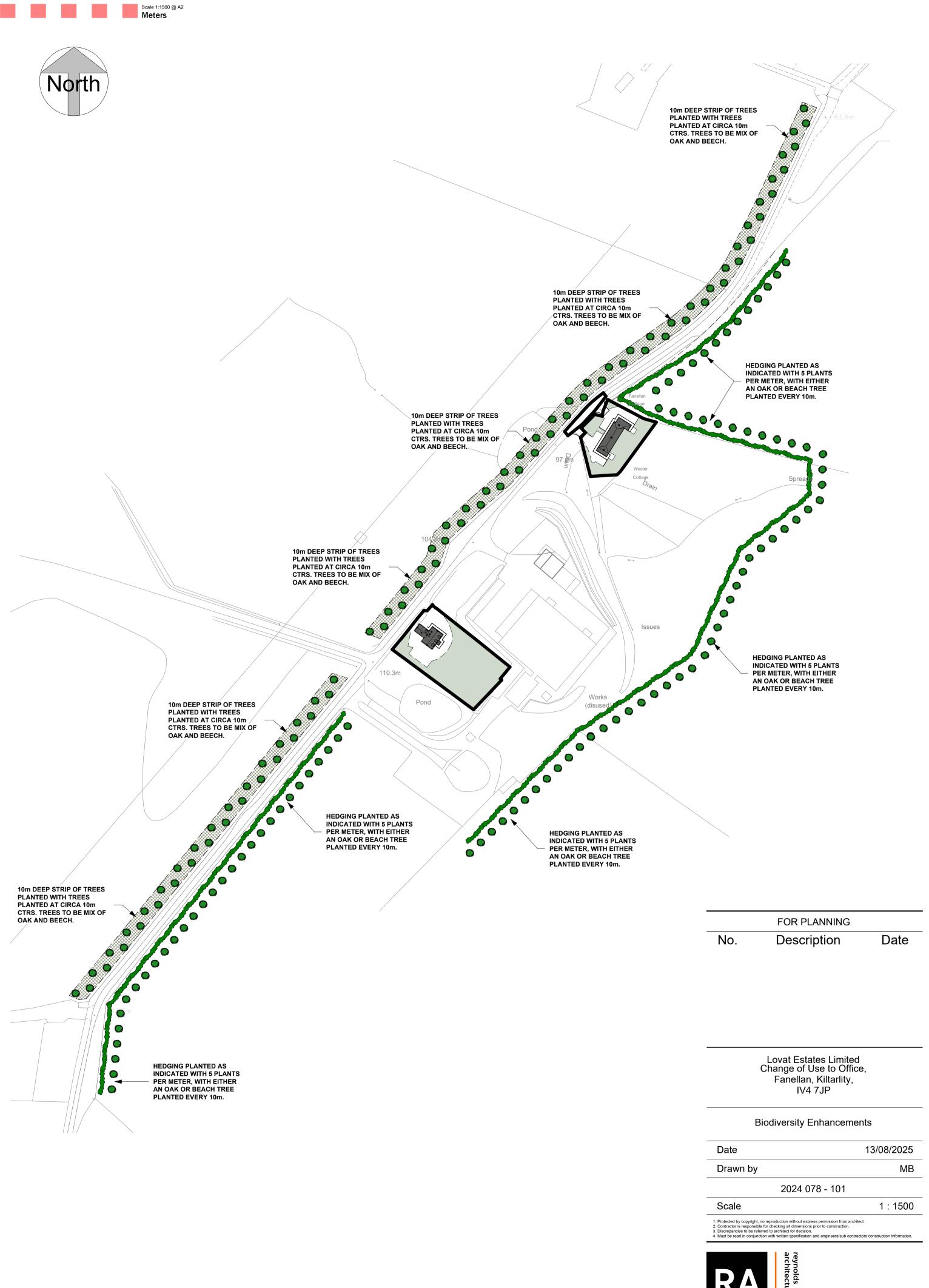
(proposed) Farmhouse GA's

Date		23/01/2025
Drawn by		MB
	2024 078 - 002	
Scale		1 : 100

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 Contractor is responsible for checking all dimensions prior to construction.
 Discrepancies to be referred to architect for decision.



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