

Agenda Item	7.3
Report No	PLS/70/25

HIGHLAND COUNCIL

Committee: South Planning Applications Committee

Date: 3 December 2025

Report Title: 25/01736/FUL: Mr and Mrs M Crolla
Land 120M NW Of Taigh Breagh, Achnabobane, Spean Bridge

Report By: Area Planning Manager - South

Purpose/Executive Summary

Description: Erection of house and garage, formation of self-contained unit on upper floor of garage (Plot 1) (amended proposal)

Ward: 11 - Caol and Mallaig

Development category: Local Development

Reason referred to Committee: Community Council objection

All relevant matters have been taken into account when appraising this application. It is considered that the proposal is an acceptable departure from the Development Plan

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 Planning permission is sought for a house and a detached garage with self-contained living accommodation over, on 0.37ha to the north of the former farmhouse at Achnabobane. The house would be similar in design to others in Achnabobane: 2 storeys, with 4 bedrooms, 8.234m in height to the roof ridge, with 2 fully glazed gables facing to the front (south) with balconies off the 2 south facing bedrooms. Materials proposed are white wet dash render for the lower part of the walls, natural larch cladding for the upper part, and natural slate roofing. The proposed use of the self-contained living accommodation over the garage is not stated, however it would be capable for use as a short-term let or as ancillary accommodation.
- 1.2 The proposed garage would be to the NW of the house footprint, it would include a laundry area, and the accommodation above would be accessed via an external stair leading onto a balcony at the front, across the south-east facing gable elevation. Double glazed doors would open onto the balcony, there would be rooflights in both roof tracks, facing NE and SW, and a stove pipe flue. Materials are not stated for the garage, except for the balcony enclosure which would be laminated safety glass with a stainless-steel handrail, and a steel frame, as for the balconies on the house.
- 1.3 Access would be taken off the private track that leads to the northern group of houses behind the farmhouse at Achnabobane. The access would be immediately behind the proposed house footprint. There would be parking and turning for at least two cars in addition to the double garage.
- 1.4 A belt of native tree planting with at least 120 saplings is proposed between the northern boundary of the plot and the rear of the driveway and garage. Planting is also shown proposed along the SW property boundary and around the front two corners of the garden.
- 1.5 The water supply would come from the mains. A treatment plant with a soakaway is proposed for the foul drainage to the NW side of the house and garage, within the garden grounds. No sustainable surface water drainage is proposed.
- 1.6 Pre-Application Consultation: None
- 1.7 Supporting Information: details of the proposed heat pump, including Data Sheet; Agent's response to representations.
- 1.8 Variations: Amended drawings submitted 30 May 2025

2. SITE DESCRIPTION

- 2.1 Achnabobane is approximately 3km SW of Spean Bridge and 500m north of the A82. Achnabobane comprises a croft that has been sub-divided and split up into multiple house plots since the late 1990s. There are now approximately 20 dwelling units in total.
- 2.2 The proposal is one of two plots granted permission in principle in August 2016 to the rear of the former farmhouse and Langsisa, and to the north of the original cluster of development. To the rear is another, northern, cluster of houses comprising;

Aspen Lodge, Starrenburg, Stag Lodge, Corrie Glas, Royal View Lodge and Fasach. These are all large plots on an open SE facing slope, served off an adopted single-track access (U2793) which leads 500m from the A82 to where a private track turns off the adopted road in front of the former farmhouse and Camden House, and leads up the hill to serve the northern cluster of development. This private access was built to an adoptable standard to just past the current application site. The houses are all large, detached dwellings in a variety of styles and all within substantial plots, many with large, detached garages and annexes.

- 2.3 Achnabobane is within the “hinterland” around Fort William as defined in the Highland wide Local Development Plan, and within the Rural Area as defined in the Scottish Government’s 6-fold Urban Rural Classification 2020, as referred to in NPF4.
- 2.4 This, and the adjacent plot to the west are outwith the Parallel Roads of Lochaber Site of Special Scientific Interest, which surrounds this area. There are no landscape or nature conservation designations applying to this plot.
- 2.5 The underlying soil type is peaty gleyed podzols with peaty gleys with dystrophic semi-confined peat. However the site was stripped of topsoil and an access formed following the grant of the PIP and MSC, and the level has subsequently been taken down again to create a level platform across the central and rear parts of the site. A parcel of land to the rear, which was part of the original permission, has similarly been stripped and levelled and it has been left at a slightly lower level – and is in separate ownership.

3. PLANNING HISTORY

3.1	05.08.2016	16/00938/PIP Erection of house (Plot 1) on land 120M NW Of Taigh Breagh, Achnabobane	Application Permitted
3.2	23.07.2019	19/02043/MSC Erection of house (Plot 1) on land 120M NW Of Taigh Breagh, Achnabobane	Application Permitted
3.3	23.02.2022	Non-Material Variation to above decision: Amendments to external finishes and window and external doors positions	Amendments granted permission
3.4	07.10.2024	24/01791/S42 Section 42 application to develop land without compliance with condition 1 of 19/02043/MSC (which covered a larger area): Instead, saplings 40cm - 60cm in size to be planted within the plot (as purchased), with groups of feathered 1.2m - 1.8m bare root trees along the boundaries of the plot	Application Permitted
3.5	03.02.2021	21/00019/ENF: Alleged Breach of Planning Permission – incorrect house position marked out	Case closed – site stripped only

4. PUBLIC PARTICIPATION

4.1 Advertised: unknown neighbour

Date Advertised: 26.06.25

Representation deadline: 16.07.2025

Timeous representations: 3

Late representations: 0

4.2 Material considerations raised are summarised as follows:

- a) Development does not comply with the previous permission: 2-storeys rather than 1½ storey
- b) Orientation of roof ridge changed from NE-SW to E-W – which faces more towards the neighbouring property, Rainbows End, impacting their privacy
- c) More prominent from the A82 due to increase in height and amended siting within the plot
- d) Siting is approximately 15m further forward in the plot than previously approved, and further to the east – will overlook the Farmhouse
- e) Access changed – moved further north up the track
- f) The balcony serving the ancillary accommodation overlooks the neighbouring property, Rainbows End, and their holiday let (Sweet Pea Pod) which is positioned forward of their house
- g) The tree planting has not been undertaken in accordance with the previous permissions (PIP and S42) – including on the southern boundary with the Farmhouse
- h) The level has been taken down leaving a narrow steep step separating it from the neighbour's plot
- i) The ground is now unsuitable for tree planting – all the topsoil has been removed
- j) The S42 application changed the style and shape of the house – not just the tree planting requirement
- k) The neighbour's servitude rights will be lost if this application is granted
- l) The additional unit (annexe) will exacerbate the existing pressure on the water supply
- m) Policy in NPF4 is no longer supportive of any further development at Achnabobane; specifically, policy 17 Rural Housing
- n) Drainage from this plot runs down into the garden grounds at the rear of the Farmhouse
- o) MSC - a "Miscellaneous" permission is not lawful [Officer's comment - MSC stands for "Matters Specified in Condition" – used to be called Reserved Matters – the second part of a two-step process for applying for planning permission]

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 Spean Bridge Roy Bridge and Achnacarry Community Council:

5.1.1 Objects:

- The current application does not conform to the principles laid out in National Planning Framework 4 policy 17.
- The proposed development is significantly different from the guidance given in the PIP
- Violation of the conditions laid out in 24/01791/S42 requiring 120 saplings to be planted by April 2025.
- Utility and public health concerns

5.1.2 Summary of detailed points made:

The site was cleared by May 2025. It is the most densely developed part of the hamlet, raising privacy and public health concerns.

16/00938/PIP was granted permission on 5 Aug 2016 and was very similar to subsequent drawings but not the current application.

24/01791/S42 sought a variation in the tree planting following the subdivision of the plot. It required trees to be planted by April 2025, but none has occurred.

Policy 17 of NPF4 was adopted subsequently and only allows rural housing in exceptional circumstances, none of which are met by this proposal.

Comparison of the 2019 permission (19/02043/MS) and current application show significant changes: two buildings are now proposed rather than one, the letting unit is additional accommodation, the house footprint has moved significantly to the south and is now proposed on a break in the slope from the plateau which forms most of the site, it would now be clearly visible from the A82 and would dominate the neighbouring houses – particularly the Farmhouse B&B and Rainbows End, and impose on their privacy. The orientation is also not in accordance with the PIP.

The previous permission (PIP and MS) was for a 1.5 storey house in keeping with all of the other houses, whilst the house now proposed is 2-storeys, and it would be out of character.

The water supply to existing properties in Achnabobane is an issue, despite improvements having been made to the supply. Further development would exacerbate this problem.

The soakaway from the proposed foul drainage will not drain effectively and given the slope it will drain towards existing houses to the SE and SW, raising concerns regarding health and pollution.

5.2 **Forestry Team:** Reference is made to the condition attached to 24/01791/S42. A condition is recommended in relation to this proposal seeking a Tree Planting Plan for a minimum of 120 saplings comprising bird cherry, silver birch and rowan.

5.3 **Corporate Address Gazetteer:** Standard comments regarding process for recording address details for new dwellings.

5.4 **Scottish Water:** No objections; sufficient capacity for water supply. There is live infrastructure in the proximity of the development – a 63mm MDPE water main within the site – which must be identified, and which will require safeguarding from development.

5.5 **Transport Scotland:** No objections.

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 13 - Sustainable Transport

Policy 14 - Design Quality and Place

Policy 15 - Local Living and 20 Minute Neighbourhoods

Policy 16 - Quality Homes

Policy 17 - Rural Homes

6.2 Highland Wide Local Development Plan 2012 (HwLDP)

28 - Sustainable Design

29 - Design Quality and Place-making

35 - Housing in the Countryside (Hinterland Areas)

51 - Trees and Development

55 - Peat and Soils

56 - Travel

6.3 West Highland and Islands Local Development Plan (2019) (WestPlan)

In directing housing to the most appropriate locations, the Council offers greater protection to areas of countryside closest to Highland's largest settlements where the demand for commuter-based housing is highest. Such areas are known as the Hinterland of that settlement. The principle of this approach is set out in the HwLDP which states that the boundaries of these areas will be reviewed through the Area Local Development Plans.

Fort William's Hinterland is the only one within the West Highland and Islands Plan area. The Hinterland boundary is outlined on the Spatial Strategy Map and mapped in detail on the Council's website. The Council reviewed the suitability of this boundary in achieving the aim of protecting the visual, landscape and servicing

capacity of the countryside around Fort William. It was considered that the existing boundary represents the most appropriate Hinterland area, and that the boundary should be retained without amendment.

6.4 Highland Council Supplementary Planning Policy Guidance

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

Developer Contributions (March 2018)

Rural Housing (Dec 2021)

Sustainable Design Guide (Jan 2013)

Trees, Woodlands and Development (Jan 2013)

7. OTHER MATERIAL POLICY CONSIDERATIONS

7.1 Scottish Government Planning Policy and Guidance

Not applicable.

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) Impact on amenity
- c) Impact on trees and peat/soils
- d) Impact on infrastructure
- e) any other material considerations

Development plan/other planning policy

- 8.4 Planning policy has changed since the previous PIP and MSC were granted permission. Nevertheless, permission in full has been granted for a house on this site, and development was commenced under the previous permission by virtue of the formation of the hard standing and access. This is a material planning consideration in addition to current planning policy. National Planning Framework 4 (NPF4) was adopted on 13 February 2023. The policies within it form part of the Development Plan and are material to the consideration of this application, alongside the West Highland and Islands Local Development Plan 2019, and Highland wide Local Development Plan 2012, and should, where there is conflict between policies,

be afforded greater weight in decision-making given that it is the most recent statement of planning policy.

- 8.5 The site lies within an area identified as accessible rural as defined by the Scottish Government's 6-fold Urban Rural Classification and within the hinterland of Fort William.
- 8.6 NPF4 Policy 17 provides support for rural housing that reverses depopulation and, as such, housing development in the countryside will be considered more favourably in 'remote rural' areas. Within pressured 'rural areas' such as here, which are accessible to urban centres, Policy 17 is intended to be more restrictive for sustainability reasons although still provides support where it meets certain defined objectives. Unlike Policy 35 of the Highland-wide Local Development Plan, Policy 17 of NPF4 does not include the acceptable expansion of a housing group as a specified acceptable development type (Policy 17 para (a)).
- 8.7 Policy 35 (Housing in the Countryside (Hinterland Areas)) remains part of the adopted development plan and whilst NPF4 Policy 17 takes precedence, some weight is afforded to this policy, which is generally restrictive of new residential development within the hinterland.
- 8.8 NPF4 Policy 17 (a) provides for housing where it is suitably scaled, sited and designed to be in keeping with the character of the area, and accords with at least one of the following criteria:
- i. it is on a site allocated for housing within the LDP;
 - ii. reuses brownfield land where a return to a natural state has not or will not happen without intervention;
 - iii. reuses a redundant or unused building;
 - iv. is an appropriate use of a historic environment asset or is appropriate enabling development to secure the future of historic environment assets;
 - v. is demonstrated to be necessary to support the sustainable management of a viable rural business or croft, and there is an essential need for a worker (including those taking majority control of a farm business) to live permanently at or near their place of work;
 - vi. is for a single home for the retirement succession of a viable farm holding;
 - vii. is for the subdivision of an existing residential dwelling; the scale of which is in keeping with the character and infrastructure provision in the area; or
 - viii. reinstates a former dwelling house or is a one-for-one replacement of an existing permanent house.
- 8.9 The proposal does not fall within any of the criteria listed in policy 17 para (a). This site is regarded as greenfield land despite the clearance of vegetation and site strip to create hard standing. It has not been previously developed.
- 8.10 Policy 17(b) states that development proposals for new homes in rural areas will consider how the development will contribute towards local living and take into account identified local housing needs (including affordable housing), economic

considerations and the transport needs of the development as appropriate for the rural location.

- 8.11 No justification has been provided that the proposed housing is designed to support a local housing need or how it would make a positive contribution to the economy. The proposal would not contribute towards local living taking into account identified local housing needs by virtue of being speculative development in a relatively unsustainable location. The Council's Local Housing Strategy 2023-2028 does not recognise any specific need for single or small scale private rural housing developments, but rather it acknowledges the need to ensure a supply of homes across the Council area. This proposal is in addition to the area's identified housing requirements as set out in the West Highland and Islands Local Development Plan 2019 (West Plan). The development of a single house would not contribute significantly in an economic sense, and the transport needs of the development would be likely to perpetuate car-based travel in this location.
- 8.12 In addition, the proposed site is considered too remote from existing settlements to be considered to make a positive contribution to local living. 'Local living' is addressed in policy 15 of NPF4 and defined in government guidance as a location which '...provides people with the opportunity to meet the majority of their daily needs within a reasonable distance of their home....', to meet this definition the presence of the following **could** be considered:
- Community facility/hall
 - Religious venue
 - Business premises (café, shop, garage etc), but not just a home office.
 - Public service infrastructure
 - Public transport connection (more than just being on a bus route, i.e. bus stop/shelter)
 - The number of existing houses/buildings is such to create a 'feeling of community' / 'sense of belonging'.

The onus to provide sufficient and suitable evidence is upon the applicant to demonstrate how they satisfy this sub-section. No such justification has been put forward and it is considered that Achinabobane would not meet this definition.

- 8.13 Rounding off established housing groups in the hinterland was supported under the Rural Housing Supplementary Guidance which supported Policy 35 of the Highland-wide Local Development Plan. However, this element is not one of the acceptable criteria under NPF4 Policy 17 (a). The Chief Planner has directed that where there is an incompatibility between pre-existing policies and NPF4, such as between a housing exceptions policy in a LDP and Policies 16(f) and 17 of NPF4, the latter will prevail.
- 8.14 The development is therefore considered contrary to Policies 15, 16 and 17 of NPF4, together with Policy 35 of the HwLDP, as continued in force.
- 8.15 However, the grant of the previous PIP and MSC and the fact that development was lawfully commenced is a material consideration. A Notice of Initiation of

Development was submitted by the agent (D Kelly) on behalf of the previous landowner (Alistair MacGregor) on 20th May 2021 and the site was cleared and re-profiled to create a level platform soon after. Photos to show the site clearance were submitted on 22 June 2021.

- 8.16 Towards the end of 2021 and start of 2022 there was correspondence with a prospective purchaser about the site's status and possible changes to the house design, and a variation to the house design was approved in February 2022. The issue with the tree belt was addressed through the submission of 24/01791/S42, which proposes 120+ saplings towards the rear of the property. This all means that the current applicant has a "fall-back" position in that the existing permission (PIP and MSC) remains live and valid and could be built out as previously approved.
- 8.17 The fact that the position of the house, its height, orientation and design are different from that approved under the PIP and MSC, and the addition of the detached garage and annexe, does not mean that the proposals are automatically unacceptable. Whilst policy under NPF4 is not now generally supportive of residential development in this area, the applicant's "fall back" position means that the Planning Authority could reasonably allow a development that is similar here. The current proposal should be considered in the same way, in terms of its impact on neighbours' amenity, wider visual amenity, and impacts on infrastructure, as discussed below. Therefore, while the proposal is not considered to strictly accord with Policies 15, 16 and 17 of NPF4, together with Policy 35 of the HwLDP, as continued in force, the material planning history is such that the proposal is considered to be an acceptable departure from the Development Plan policies.

Impact on Amenity

- 8.18 The nearest neighbouring dwelling, Rainbows End would be approximately 20m from the proposed garage/annexe. It is to the west, and the existing holiday pod (Sweet Pea Pod) would be approximately 12.7m to the SW. The large balcony at the front of the proposed annexe would overlook towards the rear elevation of the pod, which appears to contain a bathroom window, but otherwise faces south/SE, away from the proposed annexe. The development would also be on ground that is approximately 1.8m – 2m lower in relation to the neighbouring property. It would be possible to mitigate the overlooking by securing a privacy screen along the SW side and around the corner of the balcony. A condition is recommended to this effect.
- 8.19 There are also a pair of roof lights in the SW facing roof track of the annexe, serving the living room and a single rooflight serving a bedroom that would allow views across the front of Rainbows End. The NE facing gable of that property is blank. These rooflights could be set above eye level to mitigate these impacts – however at this distance (20m), a condition to secure this would be difficult to justify and is not recommended in this instance. The garage/annexe would be positioned between the proposed house and Rainbows End and so it would otherwise largely screen the house element from that property.
- 8.20 The proposed house would be further forward in the plot compared with the previous permission, however it would still be over 40m, elevation to elevation, to the rear of the Farmhouse. At this distance, even though it would be elevated in relation to the Farmhouse, it would be acceptable in terms of its impact on amenity. Landscape

planting towards the front of the plot, on the slope, would assist in mitigating this impact.

- 8.21 The proposed house would be approximately 37m north of Langsisa, which is between Rainbows End and the Farmhouse. It would similarly be an acceptable distance in amenity terms.
- 8.22 In longer views from the A82, it would be seen amongst other large houses at Achnabobane, and the fact that it is now proposed to be 2-storeys instead of 1½ is not considered to be significant.

Impact on trees and peat/soils

- 8.23 The site was a wet grassy pasture and did not feature any significant trees. There is an Ancient Woodland Inventory designation beyond this site, to the NW, and it was always intended that a significant tree belt would be provided to separate this site from the property to the north, Aonach Glas. Permission 24/01791/S42 secured significant tree planting at the rear of this plot, which measures 0.37ha, following its sub-division - it was originally 0.54 ha in size and included a strip of land measuring 0.17ha to the north. The original PIP and MSC permission secured tree planting over the whole of the section that is now excluded from the current application site. The tree planting accepted under 24/01791/S42 is included as part of this proposed site layout. Permission 24/01791/S42 did require the trees to be planted in the first planting season following the grant of that permission (7 October 2024), unless otherwise agreed in writing by the Planning Authority. It has not yet been undertaken and no agreement to an extended period for compliance with this condition was sought. The applicant has stated as part of this application that they wanted to secure agreement to the revised site layout before undertaking the tree planting. They state that they had hoped to agree the current changes as Non-material Amendments to the previous MSC permission, but they were advised that a full new planning application was required as the changes were “material”.
- 8.24 A condition is recommended to ensure that the tree planting as previously sought is undertaken as part of this development. Biodiversity enhancement measures are included as part of the landscaping requirement.
- 8.25 The site, and wider area, is underlain by carbon-rich soils where development is only supported by policy 5 of NPF4 for specified development types. The proposed development does not form one of the 5 listed acceptable development types, and therefore if considered afresh it would conflict with this policy. However, permission has previously been granted for development on this site prior to NPF4 and development was commenced with most of the site being stripped of topsoil, apart from the part at the front of the plot. Therefore, there would be no further significant reduction in peat or carbon rich soils as a result of this development.

Impact on infrastructure

- 8.26 The proposed development would be served off the private road. The position of the access is further north than previously approved. This would reduce the length of the driveway within the plot and move the access point beyond a slight hill onto flatter ground. The revised access position is satisfactory, and it would also provide a

passing place. As this is not an adopted road, no planning conditions are recommended.

- 8.27 The site would not be well served by sustainable modes of travel. The nearest bus stop is in Spean Bridge, 3km away, and requiring a walk/cycle along the busy A82 which has no footpath. There are no active travel routes serving Achnabobane, and the A82 is not a good road to cycle, due to the amount of traffic and how narrow it is. There have been several serious road traffic accidents close to the turn-off to Achnabobane from the A82. Permission has however already been granted here, and commenced, and the developer could build out the development as per the previous permission. The development would not therefore represent a net increase in the amount of traffic generated from Achnabobane.
- 8.28 A foul drainage treatment plant and soakaway could be accommodated within the site. Its precise siting and type would be controlled by Building Standards to ensure it is appropriate for the ground conditions.
- 8.29 Appropriate surface water drainage would be required, and this is regulated via SEPA's standing advice and general binding rules. Provided best practice is followed the drainage should not impact on the neighbouring property.
- 8.30 Scottish Water has previously expressed concerns regarding the quality of the water supply in terms of water pressure supplied to houses in Achnabobane. It would be for the developer to address this as part of their agreement with Scottish Water to connect to the mains. It may be that measures such as a holding tank are required to ensure sufficient water pressure is maintained to the existing houses as well as to the proposed additional development.
- 8.31 The developer will also need to ensure that a water pipe across the site is accommodated including appropriate standoff distances to development.

Other material considerations – Tree planting

- 8.32 If the 0.17ha of land to the north that was intended to be planted up with trees is the subject of future applications for development, officers will assess those applications on their merits. It would be unlikely that development would be accepted, given the planning history of the area in question, specifically with reference to Condition 1 of 19/02043/MS which required the whole of this area to be subject to tree planting.

Other material considerations - Developer Contributions

- 8.33 None required for individual dwelling houses in this location at present. However, it should be noted that the requirement for affordable housing contributions from small scale housing sites is triggered where the development would result in the fourth home to be developed on the original (primary) landholding (para 4.9 of the Developer Contributions SG). As house sites have come forward at Achnabobane in a piecemeal fashion no affordable housing or contributions towards affordable housing have been secured here at all.

Non-material considerations

- 8.34 The issue of the neighbour's servitude rights is not a material planning consideration.
- 8.35 This site is not within the land included in the recent planning Enforcement Notice (ref.25/00038/ENF) which is against unauthorised development in the forest plantation in the western part of Achnabobane.

Matters to be secured by Legal Agreement / Upfront Payment

- 8.36 None

9. CONCLUSION

- 9.1 The proposal for a house, detached garage and annexe on this site within the built-up part of Achnabobane, would not accord with Policies 15, 16 and 17 of NPF4, together with Policy 35 of the HwLDP.
- 9.2 However, planning permission has previously been granted for a house on this site (16/00938/PIP and 19/02043/MS) and development was lawfully commenced, "locking in" that permission, which pre-dates NPF4. The revised house siting and design, and the addition of the garage and annexe, are considered to be similar to the previous permission in terms of their impact on neighbours, on general amenity and on the local infrastructure. On balance therefore, and subject to conditions including dealing with overlooking from the annexe balcony to Sweet Pea Pod, it is recommended that the proposed development is supported.
- 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

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 annexe accommodation over the garage hereby approved shall be used only as either:
 - (a) Holiday letting accommodation, operated by the occupiers of the main dwellinghouse and shall not be occupied by any one family, individual or group for more than three months (cumulative) in any calendar year; OR
 - (b) Accommodation ancillary to the use of the main dwelling house;

For the avoidance of doubt the unit shall not be used as a separate dwelling unit independent of the main house.

Reason: In the interests of amenity because of its siting, lack of an independent curtilage, and shared access and parking, the property would be unsuitable for permanent residential accommodation independent of the main house, in accordance with policy 28 of the Highland wide Local Development Plan.

3. The annexe over the garage shall not be brought into use until a privacy screen has been constructed around the SW side and south corner of the balcony, details to be first submitted to and approved in writing by the Planning Authority. The privacy screen shall remain in place in perpetuity.

Reason: To avoid overlooking to Sweet Pea Pod, and the neighbouring garden grounds.

4. No development shall commence until details of a scheme of hard and soft landscaping works have been submitted to, and approved in writing by, the Planning Authority. Details of the scheme shall include:
 - i. All earthworks and existing and finished ground levels in relation to an identified fixed datum point;
 - ii. The location and design, including materials, of any existing or proposed walls, fences and gates;
 - iii. All soft landscaping and planting works, including plans and schedules showing the location, species and size of each individual tree and/or shrub and planting densities;
 - iv. Biodiversity enhancement; and

- v. A programme for preparation, completion and subsequent on-going maintenance and protection of all landscaping works.

Landscaping and biodiversity enhancement works shall be carried out in accordance with the approved scheme. All planting, seeding or turfing as may be comprised in the approved details shall be carried out in the first planting and seeding seasons following the commencement of development, unless otherwise stated in the approved scheme.

Any trees or plants which within a period of five years from the completion of the development die, for whatever reason are removed or damaged shall be replaced in the next planting season with others of the same size and species.

For the avoidance of doubt, a minimum of 120 no. saplings 40cm-60cm in size shall be planted in shelters and staked in the area shown in the northern part of the plot, together with groups of feathered 1.2m – 1.8m bare root trees in the positions shown along the SW and SE boundaries of the plot; species to comprise bird cherry, silver birch and rowan, unless otherwise approved in writing by the Planning Authority (as required by previous permissions 19/02043/MS and 24/01791/S42).

Reason: In order to ensure that a high standard of landscaping and biodiversity enhancement is achieved, appropriate to the location of the site, and in the interests of the amenity of neighbours, in accordance with policy 3 of NPF4, and policies 28 and 29 of the Highland wide Local Development Plan.

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. The granting of 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_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>

Private Road

Responsibility for the private road which serves the proposed house lies with those with a legal interest in it. Appropriate measures should be put in place with interested parties to secure the future maintenance arrangements for the private road.

Short Term Letting

The Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022 introduced a new mandatory licensing scheme for short term let properties on 1st October 2022. Any short term let properties must comply with the licensing scheme and satisfy the licence conditions adopted by the Council for such properties. The licensing scheme requires new short term lets to be licensed by the Council prior to being occupied.

Further information on short term lets can be found on the Highland Council website https://www.highland.gov.uk/info/20021/short_term_lets

Signature: Bob Robertson
Designation: Area Planning Manager - South
Author: Lucy Prins
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 - Location Plan PL101
Plan 2 - Site Layout Plan PL102
Plan 3 - Site Layout Plan PL02
Plan 4 - Ground Floor Plan PL03
Plan 5 - First Floor Plan PL04
Plan 6 - Elevations PL05
Plan 7 - Garage Plans PL06
Plan 8 - Garage Elevations PL07

NOTE: All proprietary goods and materials are to be fitted in accordance with manufacturer's instructions, Codes of Practice and British Standards. All dimensions to be verified by the Contractor on site. Work to figured dimensions only.		
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REVISION / DESCRIPTION / DATE		

FLOORS

Ground Floor - House

Floor finishes as specified on finishes schedule
60mm floor screed incorporating underfloor heating pipes on on 100mm Kingspan kooltherm K3 floor insulation board (thermal conductivity 0.022W/mK) on 150mm concrete slab to structural engineers details on a separating layer of building paper to BS 1521: 1972 (1994) (Specification for waterproof building papers), Grade B1F or polythene sheet (not less than 125 micron / 500 gauge on on 1200g Visqueen DPM on minimum 50mm sand blinding on 150mm min well compacted hardcore
Construction to give max 0.15w/m2K U' value
25mm vertical insulation board around perimeter of slab and screed
DPM to tie in with new external wall vertical and horizontal dp/c's.

WALLS

External cavity walls: - 19mm render (unless Anstone block / facing brick), 100mm concrete or Anstone block / facing brick external leaf, 50mm cavity, breather foil TF200 thermo; 10mm thick OSB; 140mm foil faced Urethane Insulation (thermal conductivity 0.021W/mK) boards fitted between wall studs; 44 x 140mm thick C16 grade studs at 600mm centres; vapour check layer fitted to internal face of studs and lined with 1 sheet of 12.5mm plasterboard with joints taped and filled. Stainless steel wall ties nailed to panels at stud positions. 600mm horizontally and 450mm centres vertically max. Cavity filled to ground level with lean mix concrete.

Timber clad walls to be treated cedar timber cladding on 38 x 50mm horizontal timber battens @ 600 vertical centres on 25 x 38 vertical battens @ structural members centres on 18mm exterior qual ply with tyvek breather membrane. Structural timbers to be 38 x 140mm thick CLS C16 grade with 140mm foil faced urethane insulation (thermal conductivity 0.021W/mK) boards fitted between wall studs, internal face to have vapour check layer fitted to internal face of studs and lined with 1 sheet of 12.5mm plasterboard with joints taped and filled.
External walls to give max 0.22w/m2 U value

Internal partitions to be installed as per floor plan drawings to ensure walls between an apartment and an internal space, were noise is likely to occur, should achieve a minimum sound performance level of 40 dB Rw as per section 5.2.1 in the current building regulations.

Non loadbearing acoustic walls: 70mm timber studs at 600mm centres, 50mm Isover Acoustic Partition Roll (APR1200), single layer of 15mm Gyproc SoundBloc to both sides.

All loadbearing partitions are to be as shown on Engineers Structural Appraisals and additional layer of 9mm Ply for sheathing purposes to be highlighted.

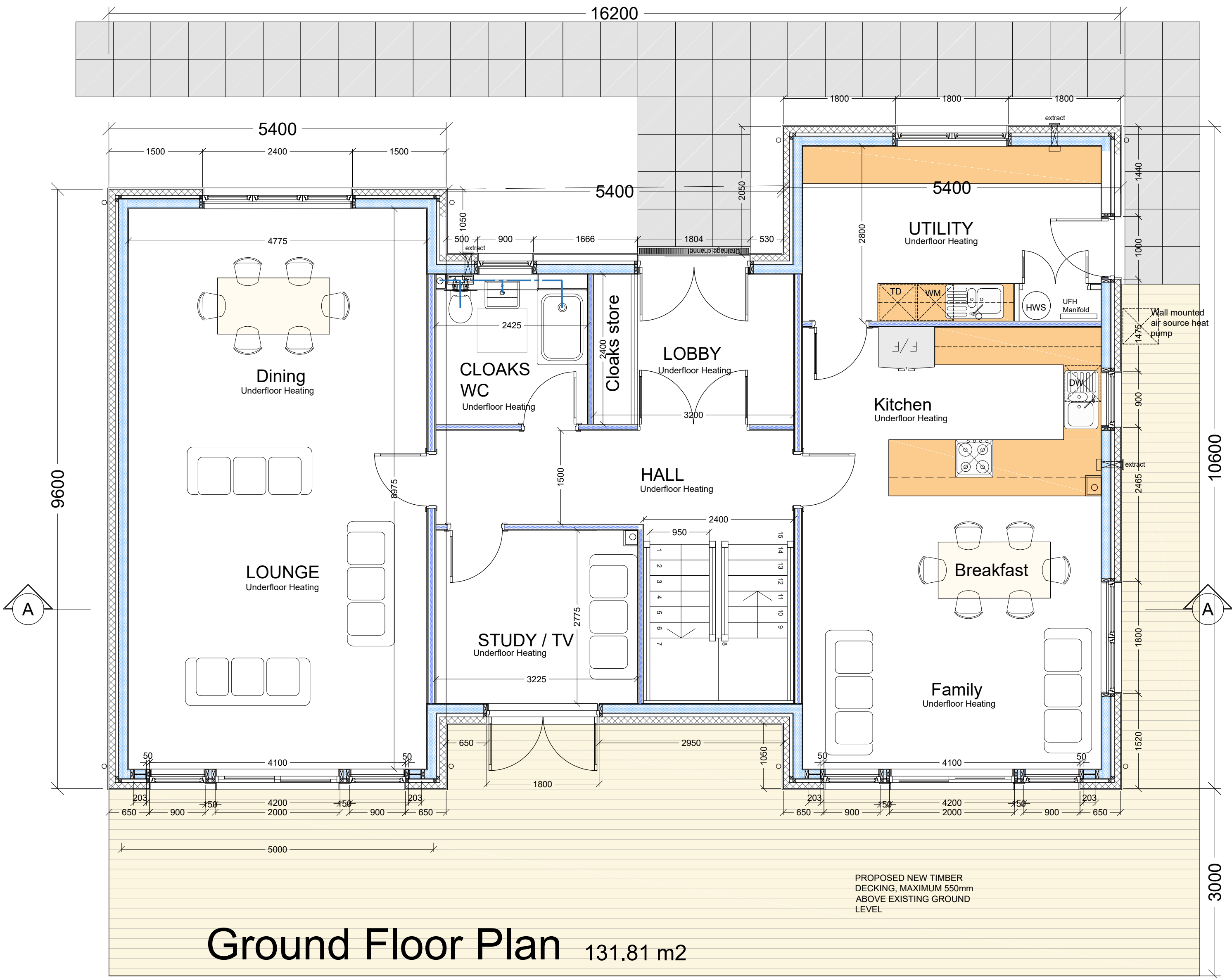
ROOF

Pitched Roof

Natural slate on treated traditional butt jointed timber sarking boards with vapour permeable breather membrane roofing felt with minimum 150mm laps on timber trussed rafters as detailed by the structural engineer.
Safe roof maintenance to be provided by way of mobile unit - no access to roof from within building.
Timber trusses (centers as per manufacturers design & struct engineer approval) to comply with BS5268 (Pitch as marked on relevant Engineers house type drawings).
Ceiling joists infilled with 1 layer of 150mm earthwool mineral fibre insulation (thermal conductivity 0.040W/mK) to be laid perpendicular to layer of 150mm earthwool mineral fibre insulation (thermal conductivity 0.040W/mK). 12.5mm plasterboard with vapour check to underside of roof trusses lapped and filled. Construction to give a maximum U value of 0.15w/m2K
Sloping ceilings to be partially Filled with 100mm Kingspan Kooltherm® K107 Pitched Roof Board (λ=0.021W/mK) laid between rafters. 52.5mm Kingspan Kooltherm® K118 Insulated Plasterboard (40mm insulation) fixed to underside of rafters. Construction to give a maximum U value of 0.18w/m2K
Any flashings etc to be constructed from Code 5 lead with roof valleys in GRP.
Soil stacks shall be terminated at roof level with proprietary terminals and waterproof collars.
All lead work to be constructed in accordance with the Lead Association Handbook (LDA handbook)

WINDOWS / DOORS

All operable windows to be either side hung or tilt and turn. Any GFL windows opening outward toward paths to be fitted with restrictors (no window to open over a path).
Minimum height to top of windows 2000mm, unless clearly identified on the drawing.
Minimum sill height of all windows of windows 800mm, unless clearly identified on the drawing.
All windows in apartments to have an aggregate glazed area of not less than 1/15th of the floor area of the apartment.
At least one window per room to be fitted with permavents at head to provide an opening area to provide the ventilation requirement of the room.
All windows to have an opening area of not less than 1/30th of the floor area.
All windows to be draught proofed with compressible sealants.
All windows to be low E double-glazed, glass with a u-value of 1.4.
All windows should be designed and constructed in accordance with the general recommendations of the product standard appropriate for the material used, such as: BS 7412: 2007, for uPVC units or BS 644: 2009, for timber window units.
Glazing should be designed to resist human impact as set out in BS 6262.
Part 4: 2005, where all, or part, of a pane is: within 800 mm of floor level, or part of a door leaf, or within 300 mm of a door leaf and within 1.5 m of floor level.



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ARCHITECT

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CLIENT

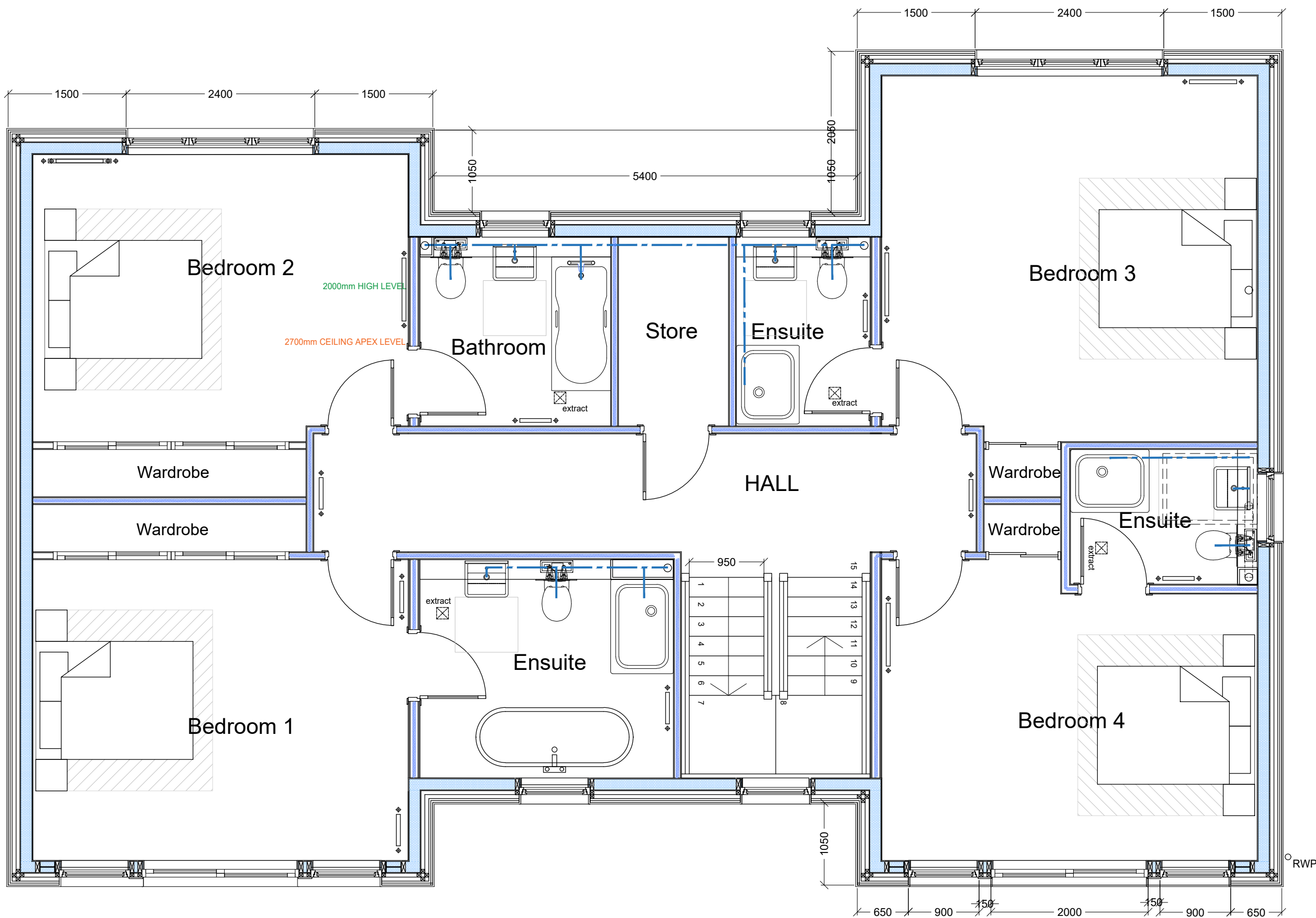
Mr & Mrs Marcello Crolla

PROJECT
NEW DWELLING HOUSE
AT LAND 120m NW OF TIAGH BREAUGH
ACHNABOBANE
SPEAN BRIDGE

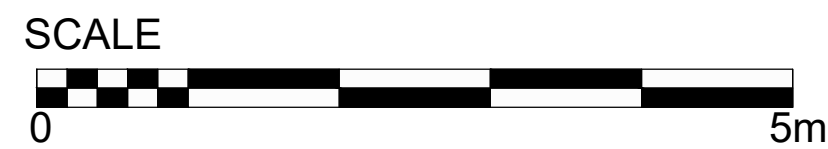
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DRAWN BY rb CHECKED dwb STAGE Planning

DRAWING
GROUND FLOOR PLAN

PROJECT NUMBER 24-056 DRAWING NUMBER PL03 REVISION



First Floor Plan 124.78 m2



FLOORS

Ground Floor - House

Floor finishes as specified on finishes schedule
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REVISION / DESCRIPTION / DATE

REVISION	DESCRIPTION	DATE

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email: david.bell.arch@gmail.com

CLIENT

Mr & Mrs Marcello Crolla

PROJECT
NEW DWELLING HOUSE
AT LAND 120m NW OF TIAGH BREAGH
ACHNABOBANE
SPEAN BRIDGE

SCALE@A1	1:50 @ A1, 1:100 @ A3	DATE	Nov 24
DRAWN BY	rb	CHECKED	dwb
DRAWING	STAGE		

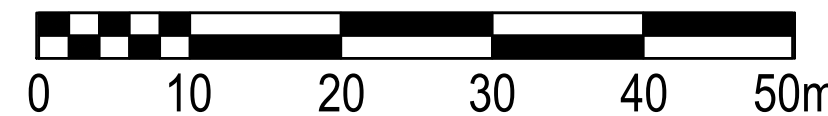
FIRST FLOOR PLAN

PROJECT NUMBER	DRAWING NUMBER	REVISION
24-056	PL04	

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CLIENT

Mr & Mrs Marcello Crolla

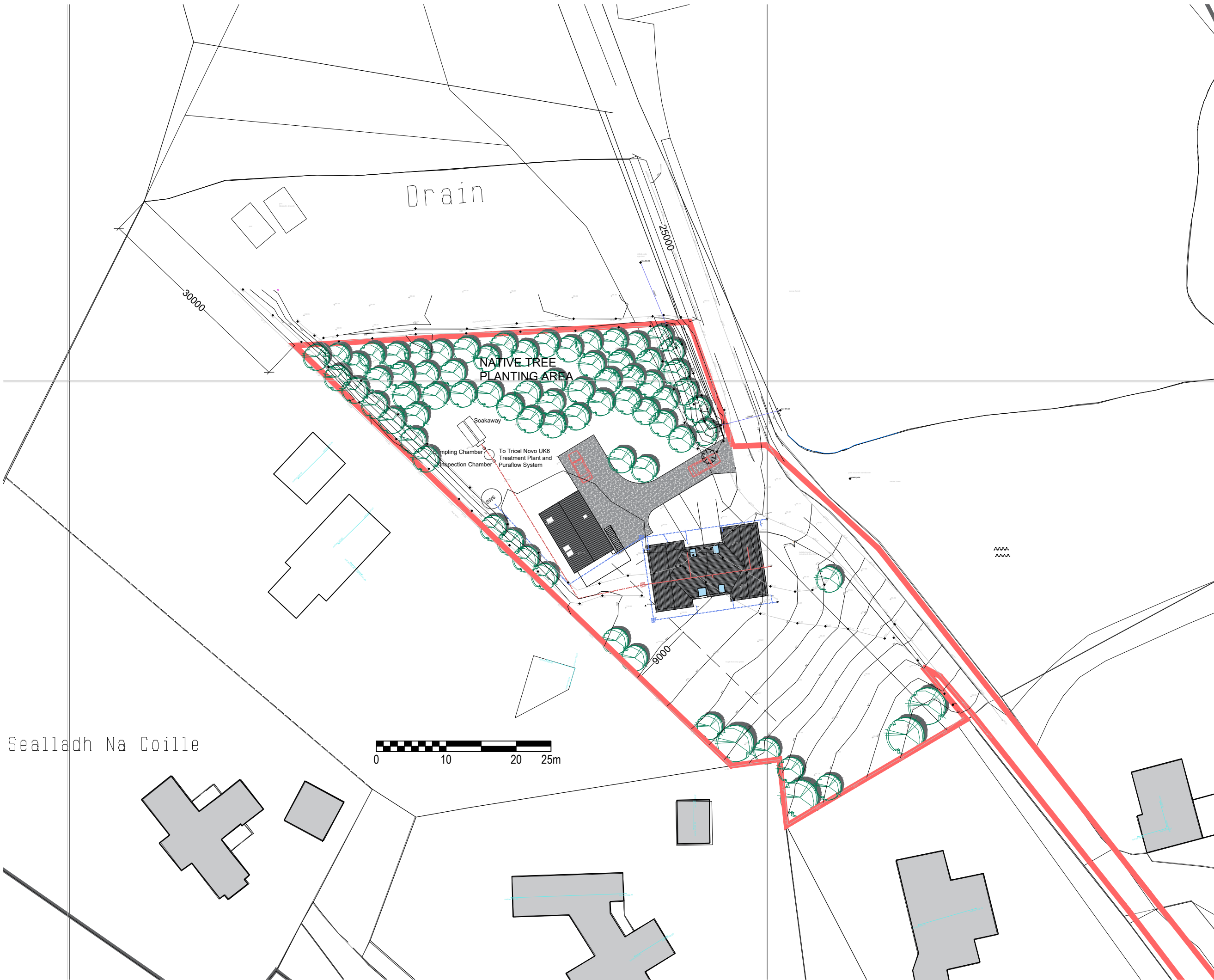
PROJECT
NEW DWELLING HOUSE
AT LAND 50m NW OF TIAGH BREAGH
ACHNABOBANE
SPEAN BRIDGE

SCALE@A1 1:500 @ A1, 1:1000 @ A3	DATE Nov 2024
DRAWN BY rb	CHECKED dwb
STAGE Planning	

DRAWING
Site Block Plan
Title Plan

PROJECT NUMBER 24-056	DRAWING NUMBER PL102	REVISION
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REVISION	DESCRIPTION	DATE
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CLIENT

Mr & Mrs Marcello Crolla

PROJECT
NEW DWELLING HOUSE
AT LAND 120m NW OF TIAGH BREGAH
ACHNABOBANE
SPEAN BRIDGE

SCALE@A1	DATE	
1:250 @ A1, 1:500 @ A3	Nov 2024	
DRAWN BY	CHECKED	STAGE
rb	dwb	Planning

DRAWING
Site Block Plan

PROJECT NUMBER	DRAWING NUMBER	REVISION
24-056	PL 02	

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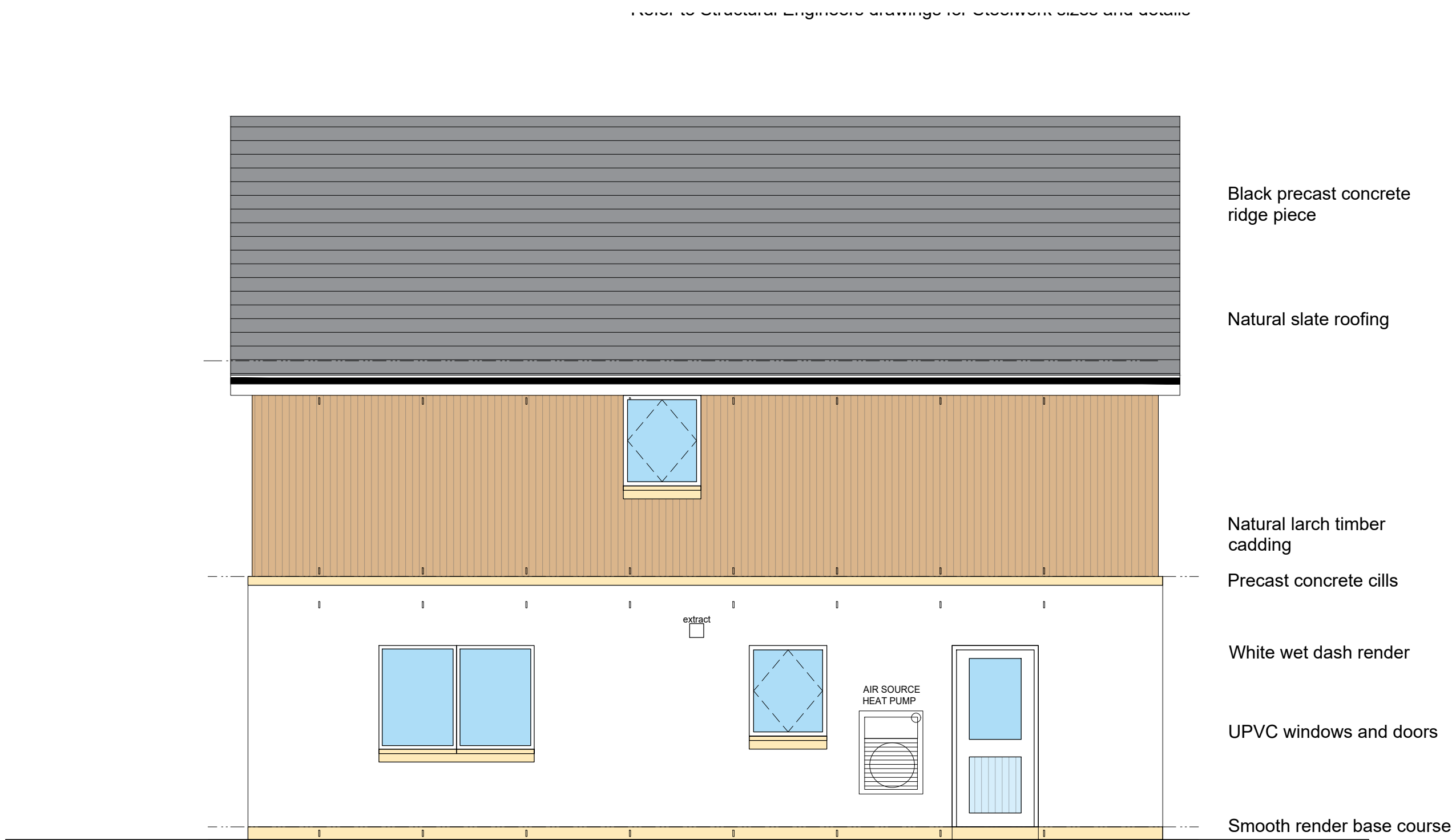
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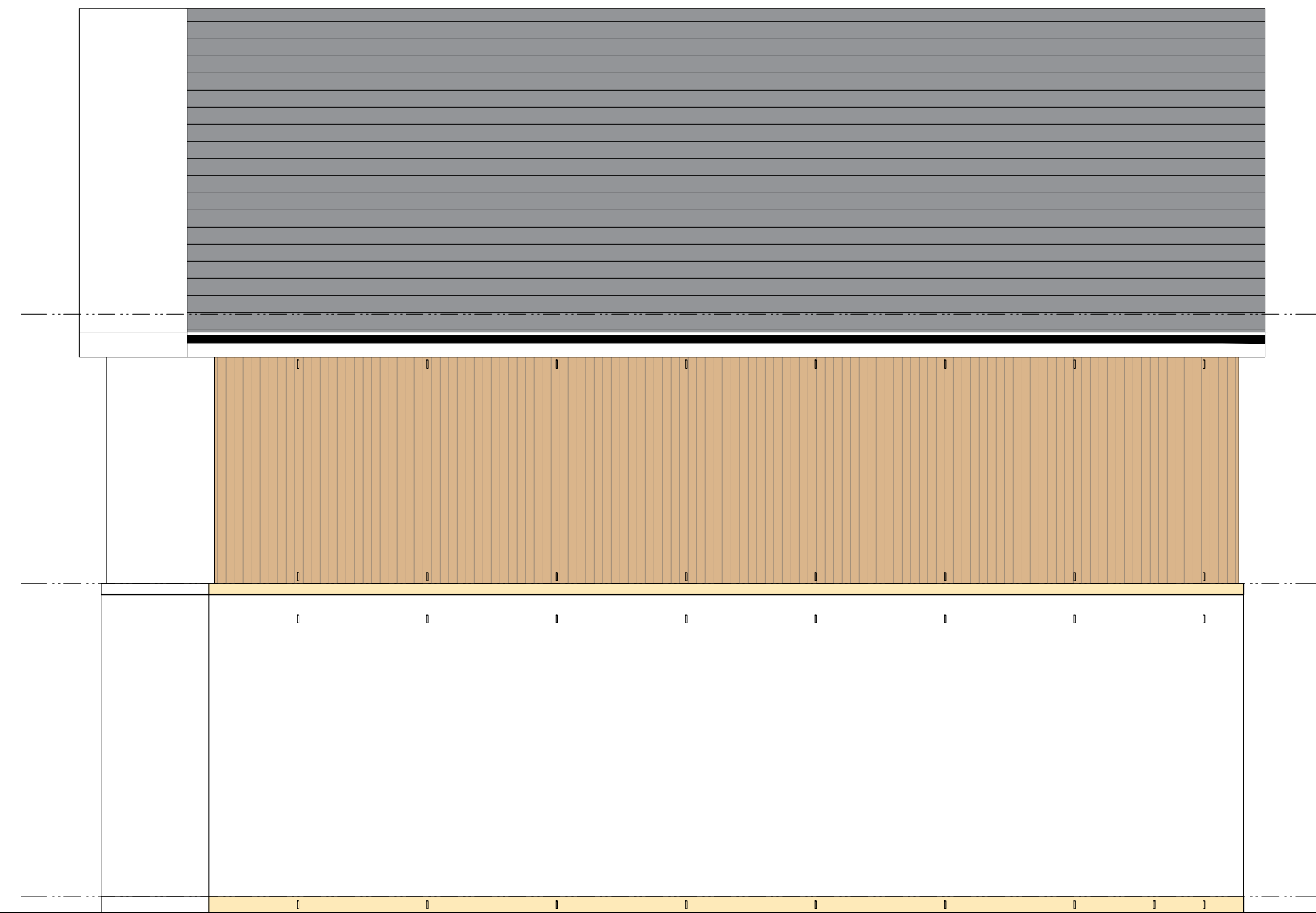
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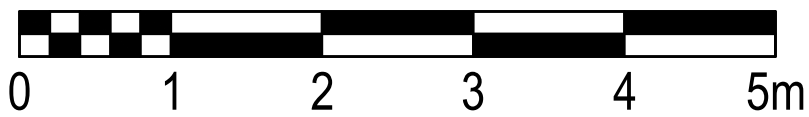
NE ELEVATION



NE ELEVATION



NW ELEVATION



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CLIENT

Mr & Mrs Marcello Crolla

PROJECT

NEW DWELLING HOUSE
AT LAND 120m NW OF TIAGH BREAUGH
ACHNABOBANE
SPEAN BRIDGE

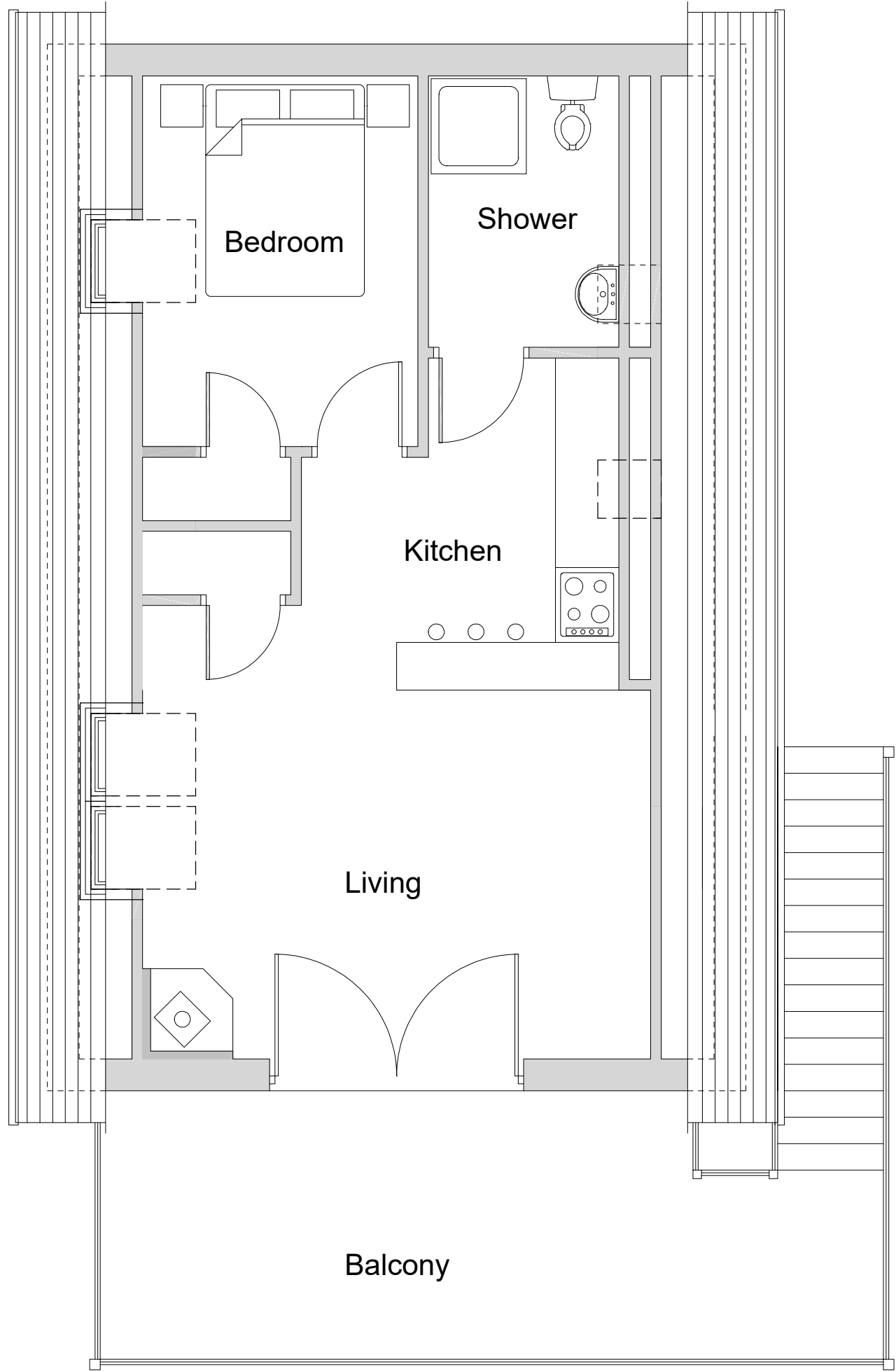
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DRAWN BY rb CHECKED dwb STAGE Planning

DRAWING

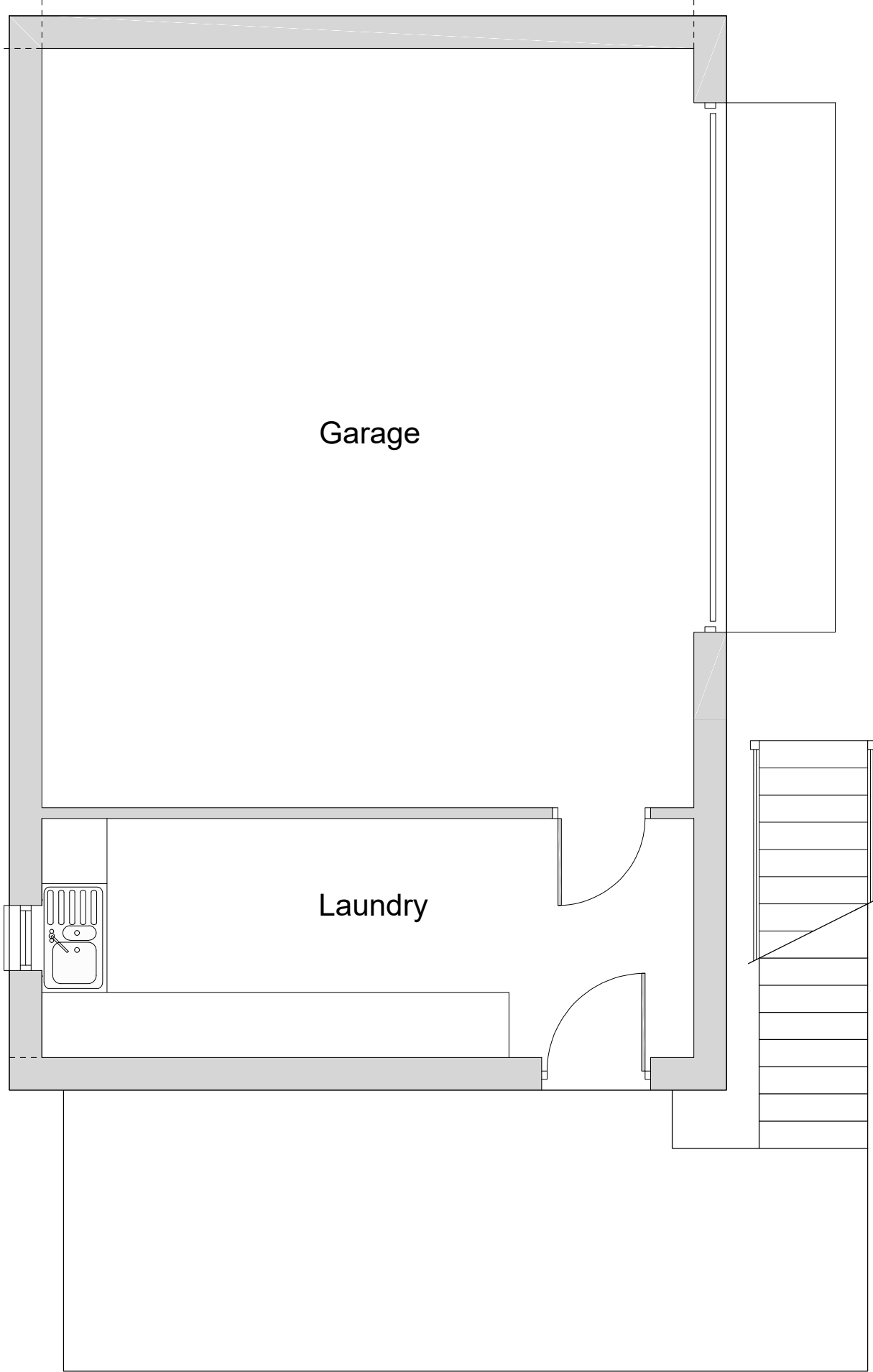
ELEVATIONS

PROJECT NUMBER 24-056 DRAWING NUMBER PL05 REVISION

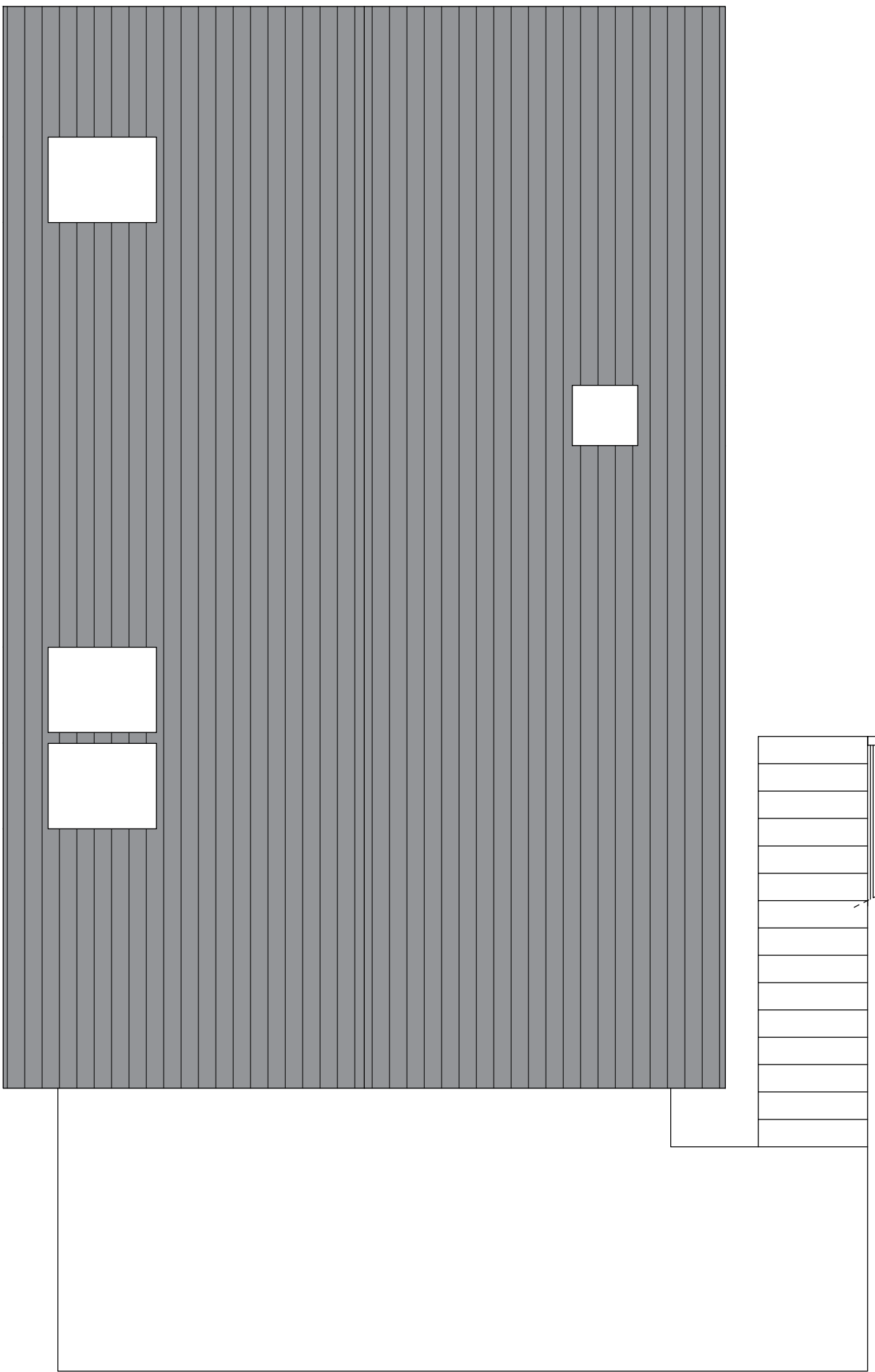


FIRST FLOOR PLAN

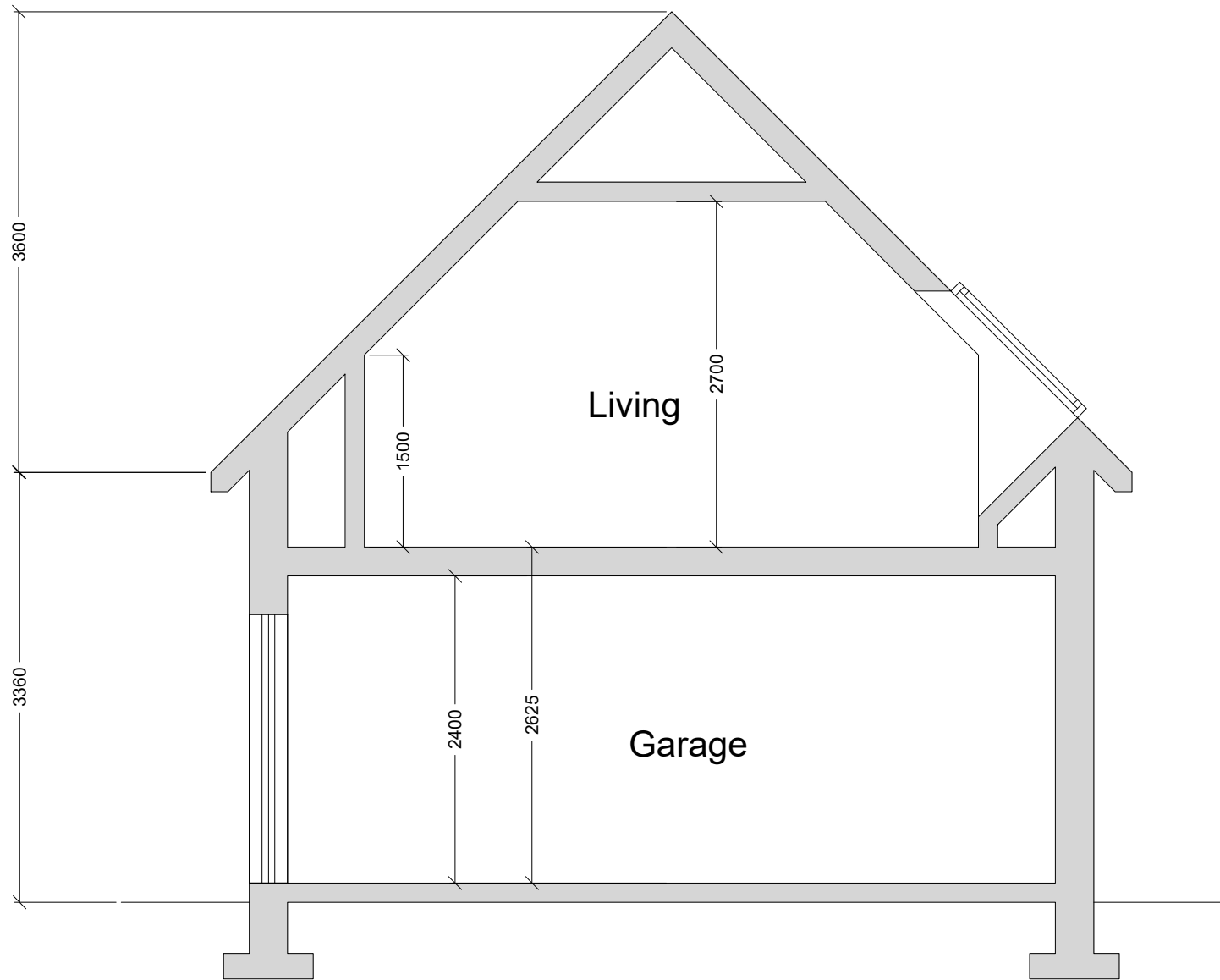
Ancillary accommodation to main house



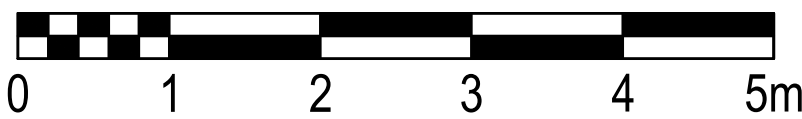
GROUND FLOOR PLAN



ROOF PLAN



SECTION



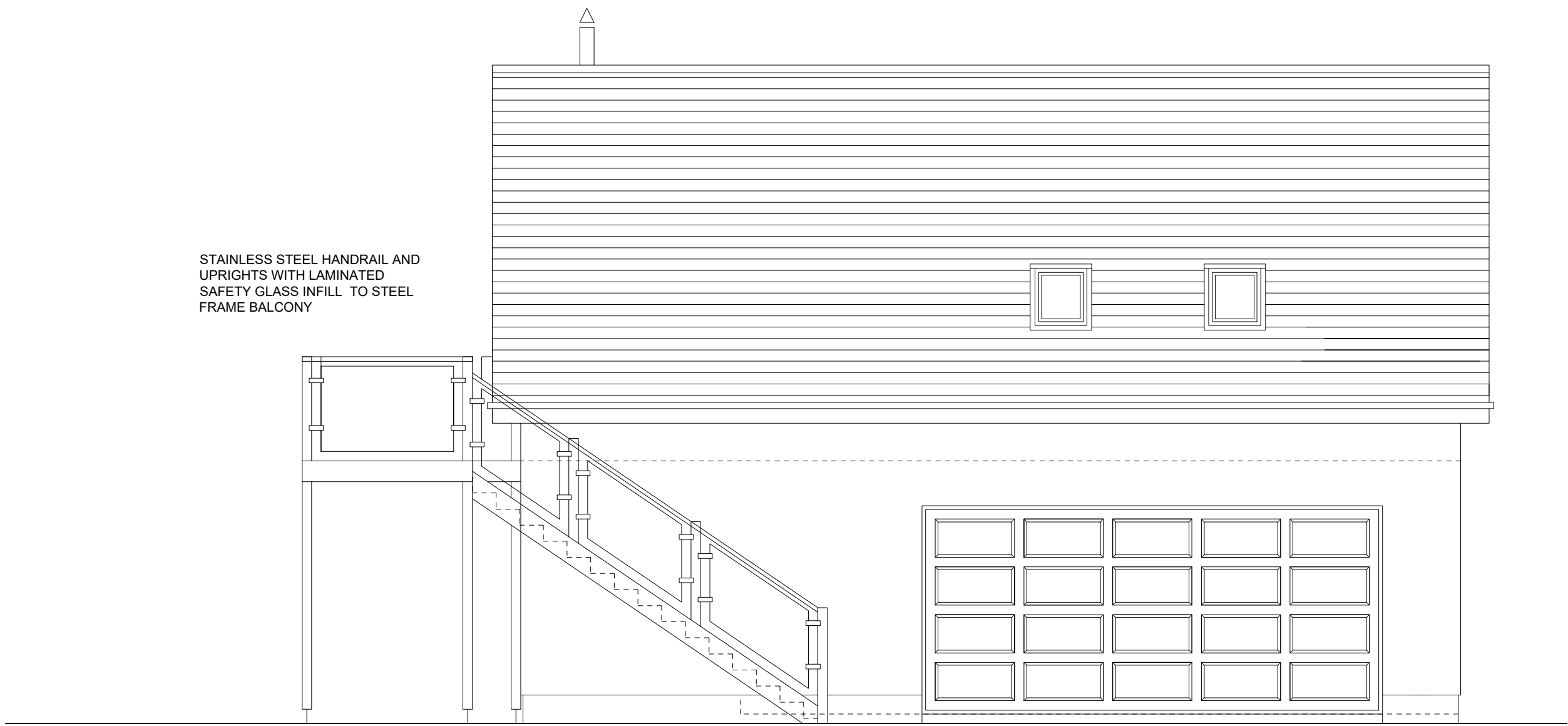
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DAVID BELL ARCHITECT		
1 John's Place Edinburgh EH6 7EL T: 0131 478 7100 M: 07767 880 488 email: david.bell.arch@gmail.com		
CLIENT Mr & Mrs Marcello Crolla		
PROJECT NEW DWELLING HOUSE AT LAND 120m NW OF TIAGH BREAGH ACHNABOBANE SPEAN BRIDGE		
SCALE@A1 1:50 @ A1, 1:100 @ A3	DATE Nov 24	
DRAWN BY rb	CHECKED dwb	STAGE Planning
DRAWING GARAGE PLANS		
PROJECT NUMBER 24-056	DRAWING NUMBER PL06	REVISION

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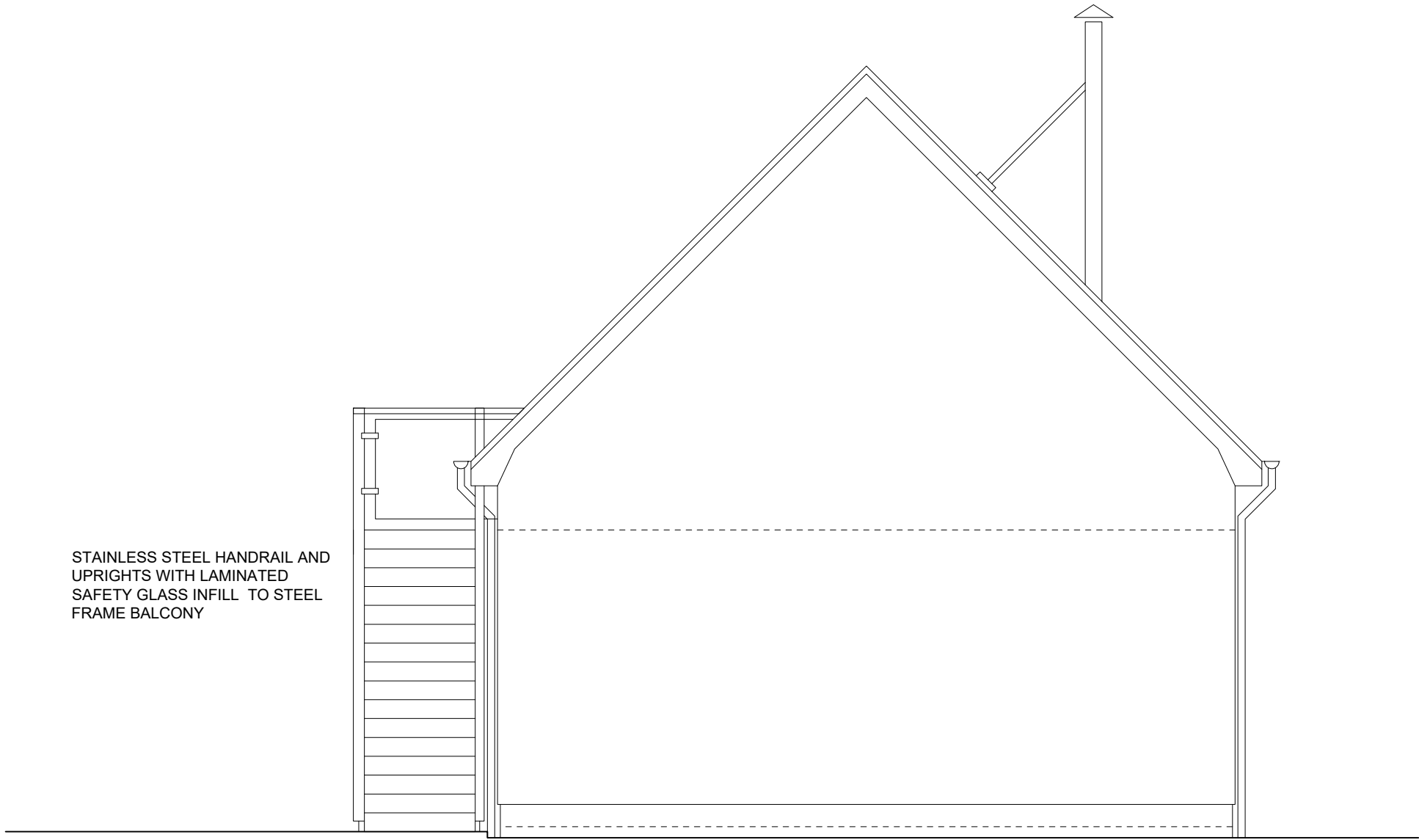
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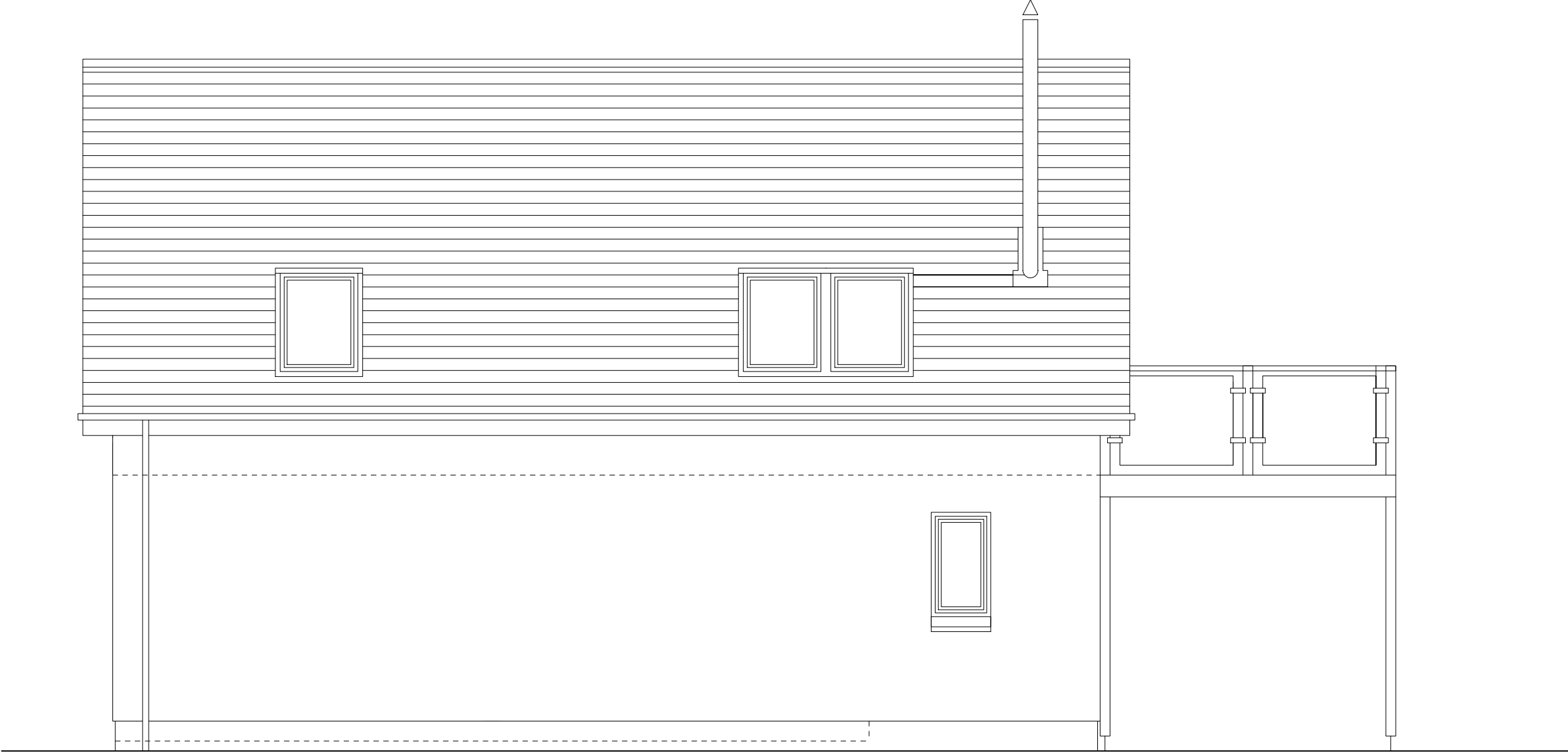
NE ELEVATION



SW ELEVATION



NW ELEVATION



SW ELEVATION



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ARCHITECT

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CLIENT

Mr & Mrs Marcello Crolla

PROJECT

NEW DWELLING HOUSE
AT LAND 120m NW OF TIAGH BREAMH
ACHNABOBANE
SPEAN BRIDGE

SCALE@A1

1:50 @ A1, 1:100 @ A3

DATE

Nov 24

DRAWN BY

rb

CHECKED

dwb

STAGE

Planning

DRAWING

GARAGE PLANS

PROJECT NUMBER

24-056

DRAWING NUMBER

PL07

REVISION

