

Agenda Item	7.6
Report No	PLN/032/26

HIGHLAND COUNCIL

Committee: North Planning Applications Committee
Date: 10 June 2026
Report Title: 25/02860/PIP: Miss Connie Ramsay
Land 100M West of Duel Hill House
Fendom
Tain
Report By: Area Planning Manager – North

Purpose/Executive Summary

Description: Erection of house and cattery
Ward: 07 – Tain and Easter Ross

Development category: Local

Reason referred to Committee: Applicant is a Councillor

All relevant matters have been taken into account when appraising this application. It is considered that the proposal does not accord with the principles and policies contained within the Development Plan and is unacceptable in terms of applicable material considerations.

Recommendation

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

1. PROPOSED DEVELOPMENT

- 1.1 This application seeks Planning in Principle for the erection of a single detached dwelling and an associated cattery business. The indicative layout shows the two buildings arranged in a loose “L”-shaped configuration, with provision made for parking and turning within the site. As the application is submitted in principle, the layout, scale, appearance, and materials of the proposed buildings are indicative only and would be subject to further approval at a subsequent stage.
- 1.2 Access to the site would be taken from the existing access serving the neighbouring property, Duel Hill House. The original proposal sought to utilise separate field access, which has been updated and enlarged potentially without consent. However, this was discounted due to highway safety concerns, specifically poor visibility caused by the proximity of the rail bridge immediately to the west. The proposal does not involve connection to the public drainage network, and it is intended that private drainage arrangements would be provided on site. Details of foul and surface water drainage, including any septic tank, soakaway, or Sustainable Drainage Systems (SuDS), have not been specified at this stage and would be addressed through planning conditions or at the detailed application stage.
- 1.3 Pre Application Consultation: None.
- 1.4 Supporting Information: Ground Investigation Report, Drainage Statement, Operational Needs Assessment, Private Access Checklist, Planning Statement, Business Plan
- 1.5 Variations: A drainage layout plan was added 18 December 2025, and an updated location and indicative site plan were submitted 12 March 2026 to reflect initial concerns from Transport Planning regarding a new access so close to the rail bridge.

2. SITE DESCRIPTION

- 2.1 The site is located within the settlement of Fendom, approximately 0.5 miles to the east of Tain, and is accessed via the C1004. It comprises predominantly undeveloped greenfield land, in the Hinterland. The nearest residential property, Duel Hill House, is situated to the east of the application site and is within the same ownership. The surrounding area is characterised by a dispersed settlement pattern, consisting of large, detached dwellings and farmsteads set back from the public road in a sporadic arrangement.
- 2.2 The application site comprises a roughly triangular parcel of land, bounded by the public road to the north and the railway line to the west, with Duel Hill House and adjoining greenfield land situated to the east and south. The site is predominantly level in nature. Access to serve both the proposed dwelling and cattery would be taken from the existing access currently serving Duel Hill House.

3. PLANNING HISTORY

- 3.1 26/00162/ENF: A building has been erected within the site with no permission having been sought. Ongoing

The matter is being investigated by the enforcement team.

3.2 ADJACENT SITE HISTORY

3.3	15.07.2022	22/01374/FUL : Erection of boarding kennels and stable building, and installation of menage	REFUSED
3.4	18.07.2022	22/01373/PIP : Erection of house	REFUSED
3.5	23.02.2023	22/04106/FUL : Erection of boarding kennels and manager's house	PERMISSION GRANTED

4. PUBLIC PARTICIPATION

4.1 Advertised: Unknown Neighbour, Ross-shire Journal

Date Advertised: 19.09.2025

Representation deadline: 03.10.2025

Timeous representations: 0

Late representations: 0

4.2 Material considerations raised are summarised as follows:

a) N/A

4.3 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet <https://www.highland.gov.uk/planning/view-comment-planning-applications>.

5. CONSULTATIONS

5.1 **Transport Planning Team** initially objected to the proposal due to insufficient supporting information and the proposed formation of a new access to the east of the railway bridge, which raised significant concerns in terms of visibility and road safety.

Following the submission of additional information, including a completed private access checklist, the objection has been withdrawn. This is subject to conditions requiring the upgrading of the existing access to meet Highland Council SDB2 standards, the provision of appropriate visibility splays, and the submission of revised surface water drainage details associated with the access.

5.2 **Development Plans** did not object provided that the proposal satisfies the criteria of NPF4 Policy 17 and HwLDP policies 35 and 36.

5.3 **Flood Risk Management Team** have no objection to the proposed development.

5.4 **Scottish Water** have no objection to the proposed development, as there is sufficient capacity in the Assynt Water Treatment Works. However, it is noted that there is no

public waste water infrastructure within the vicinity of the site and therefore private treatment options are required.

5.5 **Network Rail** has no objection to the proposal subject, but if permission should be forthcoming, they have requested the following be secured via condition:

1. A trespass proof fence of at least 1.8m must be provided by the applicant adjacent to Network Rail's boundary
2. No development shall take place until such a time as a surface and foul water drainage scheme is submitted and approved, and any SUDS infrastructure is to be sited at least 10m away from the railway boundary.
3. A landscaping scheme must be submitted and approved prior to any development on site to prevent unwanted leaf fall or organic debris from affecting the railway
4. A noise impact assessment must be provided and dealt with accordingly

In addition, details of all changes in ground levels, laying of foundations, and operation of machinery in proximity to the rail line must be submitted to Network Rail's Asset Protection Engineer for approval prior to the commencement of works on site.

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 12 - Zero Waste

Policy 13 - Sustainable Transport

Policy 14 - Design Quality and Place

Policy 15 - Local Living and 20 Minute Neighbourhoods

Policy 17 - Rural Homes

Policy 22 - Flood Risk and Water Management

Policy 26 - Business and Industry

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)

41 - Business and Industrial Land

55 - Peat and Soils

65 - Waste Water Treatment

66 - Surface Water Drainage

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

Policy 1 – Low and zero carbon development

Policy 8 – Placemaking
Policy 14 – Transport

6.4 **Highland Council Supplementary Planning Policy Guidance**

Access to Single Houses and Small Housing Developments (May 2011)
Developer Contributions (March 2018)
Flood Risk and Drainage Impact Assessment (Jan 2013)
Rural Housing Supplementary Guidance (September 2021)
Standards for Archaeological Work (March 2012)
Sustainable Design Guide (Jan 2013)

7. **OTHER MATERIAL POLICY CONSIDERATIONS**

7.1 None

8. **PLANNING APPRAISAL**

8.1 Sections 25(1) and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended), collectively require that this application be determined in accordance with the development plan unless material considerations indicate otherwise. Section 24(1) requires that all planning applications must now be determined in accordance with the provisions of NPF4 and the relevant Local Development Plan unless material considerations provide justification otherwise. Section 24(3) states that in the event of any incompatibility between a provision of the National Planning Framework 4 and a provision of a local development plan, whichever of them is the later in date is to prevail.

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:

1. Compliance with the development plan and other planning policy:
 - a) Development in Hinterland areas
 - b) Local living and 20-minute neighbourhoods
 - c) Sustainable Design and Development
2. any other material considerations.

Development plan/other planning policy

8.4 Development in Hinterland:

The application site lies within the Hinterland as defined by both the Highland-wide Local Development Plan (HwLDP) and the Inner Moray Firth Local Development Plan 2 (IMFLDP2). As such, HwLDP Policy 35: Housing in the Countryside (Hinterland) applies, which establishes a general presumption against new housing

development in these areas unless the proposal can be clearly justified under a minimum of one of the specified exceptions set out within the policy.

These exceptions include circumstances where:

- i. A dwelling is essential for land management or family purposes directly related to the management of the land;
- ii. The proposal is for a retiring farmer (and spouse) or an individual retiring from another rural business, where they have managed the land for at least ten years and their existing accommodation is required for a successor;
- iii. The development provides affordable housing to meet an identified and demonstrable local need;
- iv. A dwelling is essential to support an existing or proposed rural business;
- v. The proposal relates to the replacement of an existing dwelling that no longer meets modern living standards and where upgrading is not feasible (subject to demolition of the original);
- vi. The proposal involves the conversion or reuse of traditional buildings, or the redevelopment of derelict or brownfield land where environmental improvement can be achieved;
- vii. The development accords with the Council's criteria for acceptable expansion of a housing group or development within established garden ground; or
- viii. The proposal relates to crofting, where strict criteria are met and a wider public benefit is clearly demonstrated in accordance with the relevant policies and supplementary guidance.

8.5 The proposal is not located on agricultural or croft land and is not required for the operational needs of a croft. Accordingly, it fails to satisfy the fundamental requirements of criteria (i.), (ii.) and (viii.). As a single dwelling intended for private use, it does not meet the expectations of criterion (iii.) relating to the delivery of affordable housing, and there is no identified locational need outwith the Tain Settlement Development Area (SDA) to justify such provision. Furthermore, the proposal does not involve the replacement of an existing dwelling, nor does it constitute the redevelopment of a brownfield or derelict site. It therefore clearly conflicts with criteria (v.) and (vi.). Based on the information provided and nature of the development, the proposal clearly fails to comply with the majority of the applicable criteria and can only be considered, in a limited context, against criteria (iv.) and (vii.), against which it would require particularly robust justification, as considered below.

8.6 Criteria (vii.) proposes an exception to the general presumption against housing development in Hinterland areas if the proposed dwelling is within a defined housing group or existing garden ground. In line with the Highland-wide Local Development Plan (HwLDP) and the Rural Housing Supplementary Guidance (RHSG), a housing group must comprise a minimum of three dwellings that demonstrate a clear and recognisable relationship with one another, forming a cohesive and well-defined cluster in landscape and settlement terms. Any additional development must function to either round off the existing group or provide infill between established properties, thereby reinforcing the integrity and character of the grouping.

8.7 At Fendom, the proposed dwelling would be located within a field that already contains an existing house and associated kennel. The existing house is occupied, but the kennel is currently unused and has not been operational since its

construction. It is understood that a licence has recently been sought to operate the kennels however the building as constructed at present does not comply with the required regulations. Beyond this immediate context, however, the wider area remains predominantly undeveloped and lacks any coherent or established settlement pattern, being characterised instead by sporadic housing and agricultural development. As such, the proposal cannot be regarded as constituting small-scale infill or rounding off within an identifiable housing group, as defined by the relevant policies and guidance. The limited and fragmented nature of development in the locality fails to establish a sufficiently cohesive group to support such an interpretation.

- 8.8 Another possible exception within criteria (vii.) to the presumption against development in Hinterland areas is the sub-division of existing garden ground, subject to compliance with the detailed criteria set out within the RHSG. However, the acceptability of this position is dependent on whether the site can be reasonably and functionally regarded as established residential curtilage, as opposed to a more loosely defined area of land, and whether the proposal satisfies the wider policy requirements relating to fit with the existing pattern of development and the protection of rural character.
- 8.9 The Rural Housing Supplementary Guidance defines “garden ground” as land that is clearly established and maintained as a domestic garden associated with an existing dwelling. In this instance, the approved plans associated with the original planning permission for Duel Hill House (ref. 22/04106/FUL) clearly defined the residential curtilage by a red line boundary, with the application site lying outwith this area. As such, the land in question was neither identified or intended to form part of the domestic garden associated with the dwelling.
- 8.10 Additionally, the Rural Housing Supplementary Guidance also identifies the presence of domestic structures (such as sheds or summer houses) served by a path or clearly defined route, as an indicator that land is actively used as ancillary garden ground to a dwelling. In this case, site history indicates that a substantial structure, complete with electricity and drainage connections, was erected on the proposed site in early 2026, outwith the defined curtilage of Duel Hill House and without the benefit of planning permission. As such, it constitutes unauthorised development. Consequently, the presence of this recently constructed, incongruous and unauthorised building cannot reasonably be relied upon to demonstrate that the land functions as established garden ground. This matter is currently subject to separate investigation by the Council’s Enforcement Team.
- 8.11 In line with the relevant policy framework and RHSG, the proposed development cannot be regarded as being located within a housing group, or in established garden ground. The presence of an unauthorised structure on land outwith the defined curtilage of the Duel Hill property does not satisfy the criteria for garden ground, nor does it provide any policy support for residential development. Accordingly, having discounted the applicability of the housing group and garden ground exceptions, the only remaining policy pathway for residential development within the Hinterland would be to demonstrate that the proposed dwelling is essential to support a viable rural business (criteria iv.), in accordance with the relevant guidance and HwLDP Policy 35 provisions, as detailed in the following sections.

8.12 Rural Business Support:

Housing deemed essential in association with an existing or new rural business is one of the stated exemptions from the presumption against housing in Hinterland areas as detailed in HwLDP Policy 35. The RHSG outlines further criteria for supporting housing related to an existing or new rural business and states that applicants are required to demonstrate the following:

- i. The house is essential for the direct operational requirement of the existing or new rural business, which is itself appropriate to that rural location;
- ii. The house is for a worker predominantly employed in the enterprise and the presence of that worker on-site is essential to the efficient operation of the enterprise;
- iii. There is no suitable existing house or traditional building capable of residential conversion and no appropriate sites within nearby housing groups; and
- iv. The house site has been selected in accordance with the Site Selection Sequential Approach.

8.13 The guidance is clear that the onus is on the applicant to provide the required supporting information, including a viable Business Plan and Operational Needs Assessment (ONA), to be reviewed by the Planning Authority. In the case of a proposed new business, such as the cattery, the following supporting information must be included:

- a. Operations – a description of the proposed operations;
- b. Labour requirements – a calculation of the labour requirement for the expanded/new business. A significant proportion of the labour requirement must necessitate a full-time on-site presence;
- c. Size of landholding – a map identifying the extent of the land holding and tenure/s of the land; to be included in the labour calculation evidence must be provided that the landholding is owned by the applicant or, if let, a formal tenancy agreement is in place for minimum period of five year;
- d. Infrastructure – a description of any additional infrastructure required;
- e. A justification in support of the new house being in a rural location;
- f. Information regarding who will reside in the house, where they reside currently (on-site, rural off-site, urban off-site) and why their current accommodation is unsuitable;
- g. A detailed financial report outlining the costs associated with establishing/developing the business and the predicted profit and loss forecasts for operating the business for 5 years; and
- h. Confirmation as to how the business shall be funded (including evidence as to how it will be financially viable and sustainable for a period of at least 5 years). If secured lending for the business is proposed, evidence should be provided to demonstrate that this has been approved, will be sufficient to establish the business and can be repaid.

8.14 An Operational Needs Assessment (ONA) and Business Plan were submitted on 25 September 2025 and subsequently assessed by the Council's Agricultural Consultant. The consultant advised that the submission was overly generalised and lacked the specificity and evidential rigour required to properly assess the operational needs of the enterprise or any functional linkage to the proposed dwelling. In

particular, the submission failed to provide robust economic data or a clear operational framework. Further information was therefore requested from the agent.

8.15 A revised submission was received on 5 December 2025; however, this largely amalgamated the original documents and introduced only negligible additional detail. The resubmission fails to address the substantive concerns previously raised and remains materially deficient. Critically, it does not provide the level of technical, financial, or quantitative evidence necessary to demonstrate an essential need for a dwelling in this rural location. A planning statement was subsequently submitted. The concerns associated with the Business Plan and statement as it relates to the above policy are set out below:

8.16 a. Operations

The submission fails to set out a clear or credible operational model. There is no breakdown of day-to-day or week-to-week activities, no defined opening hours, and no evidence-based explanation of any requirement for night-time supervision. This omission is fundamental, as continuous on-site presence is a key justification for rural worker housing, yet no operational evidence has been provided to substantiate this claim.

8.17 b. Labour requirements

While it is stated that the business would initially be managed by the applicant's parents, this is unsupported by any quantified labour analysis. A compliant ONA requires a detailed appraisal of labour inputs, including full-time equivalent calculations and task-based time allocation. It is acknowledged that catteries are regulated under the Animal Boarding Establishments Act 1963, which requires operators to be available on a 24-hour basis to safeguard the welfare of boarded cats. Having regard to the supporting information provided, alongside the locational requirements of a cattery business (particularly in terms of noise considerations and the need for adequate exercise space) and the requirement for a continual on-site staff presence, the need for a 24-hour presence is accepted. However, the submission does not include the level of task-based time allocation typically required within an ONA, nor does it provide sufficient justification as to why the existing dwelling serving the approved kennel facility could not accommodate overnight supervision. Furthermore, the submission introduces internal inconsistency which further undermines the case for a single on-site dwelling. Reference is made to a staffing model comprising "3 x 8-hour shifts" to provide 24-hour coverage. This approach implies the presence of multiple staff operating on a rota basis, rather than a single essential on-site worker. Furthermore the applicant had permission for the adjoining house which has now been built. The management of the cattery could conceivably be undertaken without the need for a further dwelling.

8.18 c. Size of Landholding

Although the extent of the landholding is not explicitly stated, submitted plans indicate that the identified site lies within the applicant's control. This matter is accepted and is not a determining issue.

8.19 d. Infrastructure

The submission makes only high-level reference to infrastructure requirements, including SuDS and drainage, with some supporting detail provided elsewhere. While such matters could be addressed by condition at the Permission in Principle stage, this does not mitigate the fundamental lack of justification for the development itself.

- 8.20 e. Justification for Rural Location
Whilst there may be a general market rationale for the proposed enterprise, the submission fails to demonstrate why the business must operate from this specific rural location in functional terms. It is accepted that a cattery is better suited to a rural location, however there is no clear evidence to support the need for a second dwelling in association with the business. The operation of a cattery in association with the kennel (should it become operational) could in itself be supported.
- 8.21 f. Justification for the Proposed Dwelling
The submission provides no information regarding the current residential circumstances of the applicant's parents, who are intended to occupy the dwelling. There is no evidence demonstrating that their existing accommodation is unsuitable or that it is located at such a distance as to preclude effective management of the business. Crucially, there is no robust justification as to why relocation is essential or why commuting would not be a reasonable or viable alternative. In relation to the proposed shift pattern, no explanation has been provided as to why this cannot be accommodated using the existing dwelling on site, which would appear capable of meeting this operational requirement. In the absence of such evidence, the case for a new dwelling is unsubstantiated.
- 8.22 g. Financial Evidence and Business Planning
The financial information provided is limited to broad estimates and does not constitute a credible or structured 5-year business plan. There is no detailed projection of income, expenditure, profitability, or cash flow, nor any sensitivity analysis. This undermines any confidence in the long-term viability of the enterprise and fails to meet the evidential standards expected to justify rural development of this nature. Confidence is further undermined by the applicant's failure to progress the adjoining kennel business to date.
- 8.23 h. Funding
Reference is made to family funding and potential grant support; however, no firm or verifiable funding arrangements are demonstrated. Given the absence of a robust financial forecast, it is not possible to conclude that the business is financially deliverable or sustainable. The lack of clarity and certainty in this respect further weakens the case for the development.
- 8.24 Taken together, the submitted information fails to satisfy the requirements of HwLDP Policy 35 and the Rural Housing Supplementary Guidance in respect of housing to support a rural business. In particular, the applicant has not demonstrated, as required by RHSG criterion (i), that the proposed dwelling is essential for the direct operational needs of the business.

- 8.25 While the principle of a cattery is not unacceptable in this rural location, the ONA and Business Plan lack the necessary evidential rigour to establish a functional requirement for a house. Furthermore, under RHSG criterion (ii)(section 8.12), insufficient information has been provided to demonstrate that a worker must be predominantly employed on site, or that their continuous on-site presence is essential to the efficient operation of the enterprise. The absence of a quantified labour assessment, combined with the proposed “3 x 8-hour shifts” staffing model, directly undermines the case for a single resident worker.
- 8.26 Furthermore, in relation to criterion (iii), no justification has been provided to demonstrate that existing accommodation cannot support the enterprise, particularly given that a dwelling already exists on the wider site under the same applicant’s control. The applicant has failed to evidence why this property cannot accommodate the combined operations or why alternative accommodation options, such as in the nearby settlement of Tain, would be unsuitable. While the principle of a cattery in this rural location may be acceptable, the need for an additional dwelling has not been adequately justified.
- 8.27 Finally, the lack of clear operational, locational and financial justification further weakens any case that the proposed dwelling represents an appropriate and necessary development. As such, the proposal does not meet the policy tests for rural business-related housing and is considered to represent an unjustified extension of residential development in the Hinterland.
- 8.28 The proposed development fails to accord with the policies of the Highland-wide Local Development Plan (HwLDP), the Inner Moray Firth Local Development Plan 2 (IMFLDP2), and the Rural Housing Supplementary Guidance. The introduction of a dwelling in this location would represent an encroachment of suburban-style development into a predominantly rural Hinterland area, resulting in the incremental proliferation of housing that would unacceptably intrude upon the character and visual amenity of the countryside. This could, cumulatively, lead to the gradual suburbanisation of the Hinterland, place increased pressure on infrastructure and service networks, and erode the intrinsic rural character that the relevant policy framework seeks to safeguard.

8.29 Development in Rural Areas:

The application must also be assessed against NPF4 Policy 17 (Rural Housing), which sets out the relevant criteria for such development. Policy 17a (NPF4) supports proposals for new homes in rural areas where the development is suitably scaled, sited, and designed to be in keeping with the character of the area, *and* where one of the following is met:

- i. the development is on an allocated housing site;
- ii. the proposal re-uses brownfield land where a return to a natural state will not happen without intervention;
- iii. reuses a redundant or unused building;
- iv. is an appropriate use of a historic environment asset/will 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 to live permanently at or near their place of work;
- vi. is for a single home for her retirement succession of a viable farm holding;
- vii. is for the subdivision of an existing residential dwelling;
- viii. reinstates a former dwelling or is a one-for-one replacement of an existing permanent house.

8.30 In relation to the specified requirements above, the site is not allocated for housing development within the local development plan, does not comprise brownfield land, nor does it involve the reuse of an existing building. Furthermore, it is not associated with a historic environment asset. As set out above, there is no demonstrable requirement for a dwelling to support a viable rural business under criterion (v). Accordingly, the proposal fails to comply with any of the identified criteria.

8.31 In addition to meeting at least one of the stated criteria, proposals must also be appropriately scaled, sited, and designed to reflect the character of the area. While this application seeks Planning Permission in Principle and detailed design matters would be addressed through a subsequent application, the proposed siting and extent of the plot remain material considerations. As outlined in Sections 8.4–8.27, the development site is considered unacceptable, as it would introduce unjustified development within a Hinterland area.

8.32 Furthermore, Policies 28 and 29 of the Highland-wide Local Development Plan require that new development is sensitively sited and respects the established character and local distinctiveness of the landscape. The proposed development fails to reflect the existing sporadic settlement pattern in the surrounding area and would extend built form into an undeveloped field, resulting in a suburbanising effect on the rural landscape. Consequently, the proposal is considered to be contrary to Policies 28 and 29, as it does not demonstrate sensitive siting or respect for the local landscape character.

8.33 Given that the proposal does not comply with Policy 17(a), consideration has been given to whether support could be afforded under Policy 17(c) of NPF4. This policy supports new housing in rural areas where it would contribute to sustaining fragile communities, support local housing outcomes, and be appropriate in terms of location, access, and environmental impact. For the purposes of the policy, a 'fragile community' is defined as a growing or other settlement identified within the Council's adopted Local Development Plans. The application site does not fall within such a settlement. Moreover, it lies within the Hinterland area identified in the Inner Moray Firth Local Development Plan 2, which is recognised as a pressured area subject to demand for commuter-based housing. This context further supports the conclusion that the site neither lies within nor contributes to a fragile community. The proposal therefore fails to accord with Policy 17(c).

8.34 Local Living and Sustainable Transport:

As the proposal fails to meet the requirements of NPF4 Policies 17(a) and 17(c), it requires to be assessed the proposal against Policy 17(b), which seeks to ensure new housing in rural areas contributes to local living, having regard to local housing need, economic benefit, and sustainable transport. As set out in Section 8.32, there

is no identified housing need in this location, nor is the area recognised as an economically fragile community. The proposal therefore requires to be assessed against NPF4 Policies 13 (Sustainable Transport) and 15 (Local Living and 20-Minute Neighbourhoods), alongside HwLDP Policy 56. These policies collectively promote development in locations where every day needs can be met by walking, wheeling, cycling or public transport, reducing reliance on private cars.

- 8.35 Although the site at Fendom lies approximately 0.5 miles from Tain's Settlement Development Area (SDA), the route is not suitable for safe or convenient active travel due to the 60mph C1004 public road, absence of continuous footpath, and constraints at the rail bridge. Public transport provision is also limited, with the nearest practicable bus stop around 0.8 miles away.
- 8.36 As a result, future occupants would be reliant on private car use for access to services and facilities. The proposal therefore does not support local living or sustainable travel and offers no realistic scope to improve connectivity. Accordingly, the development is contrary to NPF4 Policies 13, 15 and 17(b), and HwLDP Policy 56.
- 8.37 Sustainable Development:
In addition to the transport-related deficiencies identified above, the proposal has been assessed against NPF4 Policies 1–3 and 5, which collectively place a strong and overarching emphasis on addressing the global climate and nature crises and embedding sustainable development principles in all decision-making.
- 8.38 NPF4 Policies 1 and 2 require that significant weight is given to both the climate and biodiversity emergencies and that development proposals are sited and designed to minimise lifecycle greenhouse gas emissions. In this case, the issue is principally locational. As set out above, the site is not accessible by sustainable modes of travel and would result in a pattern of development reliant on private car use. This is inherently incompatible with national policy objectives to reduce emissions and transition to low-carbon living.
- 8.39 With regard to NPF4 Policy 3, no information has been submitted to demonstrate how the development would contribute positively to biodiversity. While it is acknowledged that such matters would be addressed via condition, this does not outweigh the fundamental locational and sustainability concerns arising from the site's location
- 8.40 Lastly, NPF4 Policy 5: Soils is to be taken into account. Although the site is not prime agricultural land, it remains greenfield, and its development would result in the unnecessary loss of undeveloped land without sufficient justification. Taken together, the proposal fails to accord with the key sustainability principles set out in NPF4 and does not represent sustainable development. It is therefore contrary to NPF4 Policies 1–3, 5, 13, 15 and 17.

Non-material considerations

- 8.41 None.

Matters to be secured by Legal Agreement / Upfront Payment

In order to mitigate the impact of the development on infrastructure and services the following matters require to be secured prior to planning permission being issued:

a) Developer Contributions

The applicant has four months from the date that the Council's solicitor writes to the Applicant/Applicant's solicitor indicating the terms of the legal agreement or other appropriate mechanism to secure mitigation for the impacts of the development agreed by the Planning Service, to deliver to the Council a signed legal agreement. Should an agreement or other appropriate mechanism to secure the mitigation agreed by the Planning Service not be delivered within four months, the application may be refused under delegated powers for the following reason:

9. CONCLUSION

- 9.1 There is no clear evidence to support the need for a second dwelling in association with the establishment of a cattery. The operation of a cattery in association with the kennel (should it become operational) could in itself be supported. The proposed development is located within a recognised pressurised rural area where there is significant demand for commuter-based housing. The introduction of an additional dwelling in this location would contribute to the incremental suburbanisation of the countryside, eroding its rural character and undermining the spatial strategy of directing development to existing settlements. The proposal is not linked to any established service provision and would represent unjustified sporadic development in the open countryside. Consolidating growth within defined settlement development areas remains essential to ensure efficient use of infrastructure, accessibility to services, and minimisation of public and private cost burdens. The proposal is therefore contrary to the overarching aims of both national and local rural housing policies.
- 9.2 The proposal fails to satisfy the requirements of Policy 35 and the Rural Housing Supplementary Guidance, as it has not been robustly demonstrated that the dwelling is essential for the operation of a rural business. The supporting submission lacks sufficient operational detail, fails to provide quantified evidence of labour need, and does not include a credible financial appraisal. The proposed shift-based staffing model fundamentally undermines any claimed necessity for on-site residential accommodation. Furthermore, insufficient justification has been provided to demonstrate why the applicant's existing residential accommodation, previously approved in association with the unused kennel business, could not meet the needs of the proposed cattery. As such, it has not been demonstrated that an additional dwelling at this location is necessary, and the proposal is not supported as an essential rural worker's house.
- 9.3 The proposal does not comply with National Planning Framework 4 Policy 17. It fails to meet any of the criteria set out under Policy 17(a), does not contribute to local living or address an identified local housing need as required by 17(b), and, being located within a pressurised area, does not support a fragile or declining rural community as set out in 17(c). The development therefore represents an unjustified departure from national rural housing policy.

- 9.4 The proposal is contrary to Policies 28 and 29 of the Highland-wide Local Development Plan. It fails to respect the established dispersed settlement pattern and would instead introduce an incongruous form of development that contributes to the suburbanisation of the rural area. The development would extend built form into a predominantly undeveloped field, resulting in the coalescence and erosion of the distinct and sporadic pattern of housing in the locality. It fails to demonstrate sensitivity to the character, landscape setting, and established development pattern of the area. Additionally, the site is not accessible by a range of transport modes, relying predominantly on private car use, which is also contrary to Policy 28 requirements.
- 9.5 The proposal is contrary to NPF4 Policies 1 (Tackling the Climate and Nature Crisis), 2 (Climate mitigation and adaptation), 3 (Biodiversity), 5 (Soils), 13 (Sustainable Transport), and 15 (Local Living and 20 Minute Neighbourhoods), as well as Policy 56 of the Highland-wide Local Development Plan. The site is not served by sustainable transport options, with no realistic opportunities for walking, wheeling, cycling, or accessing public transport. The distance to local facilities, combined with the nature of surrounding roads and lack of public transport provision, would result in a wholly car-dependent form of development. Consequently, the proposal fails to support sustainable travel patterns or reduce reliance on private vehicles and does not demonstrate the necessary response to the climate and nature crises.
- 9.6 As outlined in 8.10, unauthorised development has taken place within the site, including the erection of boundary fencing and the construction of a large structure with associated services. These works have been carried out without the benefit of planning permission. The Council's Enforcement Team is actively investigating these breaches of planning control, which weigh against the acceptability of the proposal.
- 9.7 All relevant matters have been considered when appraising this application. It is considered that the proposal does not accord with the principles and policies contained within the Development Plan and is unacceptable in terms of applicable material considerations.

10. IMPLICATIONS

- 10.1 Resource: Not applicable
- 10.2 Legal: Not applicable
- 10.3 Community (Equality, Poverty and Rural): Not applicable
- 10.4 Climate Change/Carbon Clever: Not applicable
- 10.5 Risk: Not applicable
- 10.6 Gaelic: Not applicable

11. RECOMMENDATION

Subject to the above actions, it is recommended to **REFUSE** the application for the following reasons:

1. The proposal is contrary to HwLDP Policy 35 and the Rural Housing Supplementary Guidance, as it fails to meet any exception for housing in the Hinterland and would extend development into undeveloped greenfield land, contributing to suburbanisation of the countryside within an already pressurised area.
2. The proposal fails to demonstrate that the dwelling is essential to support a rural business, with insufficient operational detail, lack of quantified labour requirements, and no robust financial justification, contrary to Policy 35 and associated guidance.
3. The proposal does not accord with NPF4 Policy 17, as it fails to meet any of the criteria under 17(a), does not support local living or identified housing need under 17(b), and, being located in a pressurised commuter area, does not contribute to sustaining a fragile rural community under 17(c).
4. The site's distance from services, lack of active travel options, and absence of public transport would result in car-dependent development, contrary to NPF4 Policies 13 and 15 and HwLDP Policies 28 and 56.

REASON FOR DECISION

All relevant matters have been considered when appraising this application. It is considered that the proposal does not accord with the principles and policies contained within the Development Plan and is unacceptable in terms of applicable material considerations.

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 represent 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.

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 Planning Manager – North

Author: Katie Tolley

Background Papers: Operational Needs
Business Plan
Private Access Checklist
Drainage Statement
Planning Statement
Ground Investigation Report

Relevant Plans: Plan 1 - RS-0339-001 REV B – Location Plan

Appendix 1 – Developer Contributions

Summary of Developer Contributions		
Infrastructure/Service Type	Details	Contribution rate per home
Number of Houses	1	
Number of Flats	0	
Primary Education - Knockbreck (R&C) Primary School / Tain Campus		
Houses	Contributions Required	£2,103
Flats	Contributions not required	£0
Land costs?	NO	£0
Total		£2,103
Secondary Education		
Houses	Contributions not required	£0
Flats	Contributions not required	£0
Land costs?	NO	£0
Total		£0
Transport - Tain Active Travel		
	Contributions Required	£206
Water & Waste		
	Contributions not required	£0
Public Art		
	Contributions not required	£0
Affordable Housing		
CNPA	Contributions not required	£0
Total Per Home		£2,309
Total Per Flat		£0
Total		£2,309