

Agenda Item	6.5
Report No	PLS/50/26

HIGHLAND COUNCIL

Committee: South Planning Applications Committee

Date: 06 August 2026

Report Title: 26/00745/PIP: Moondrop Ltd, c/o Main Street Property Solutions Ltd
Land 100m East of Benone, Maviston, Nairn

Report By: Area Planning Manager (South)

Purpose/Executive Summary

Description: Erection of 2no. houses

Ward: 18 – Nairn and Cawdor

Development category: Local

Reason referred to Committee: Objections from 5 or more members of public

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

Recommendation

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

1. PROPOSED DEVELOPMENT

- 1.1 The proposal is for planning permission in principle for the erection of 2 houses on the site of a redundant agricultural building immediately east of an existing grouping of around 6 houses at Maviston, off Lochloy Road around 5km east of Nairn.
- 1.2 The proposal is for the existing vehicular access off Lochloy Road which serves the agricultural building to be relocated further east to provide a joint access for the 2 houses.
- 1.3 Pre Application Consultation: Pre-application advice was provided on 01 July 2025 under preapplication reference 25/02041/PREAPP. The pre-application proposal was for a larger area (including land to the north) and was for the erection of 4 houses on the site. The advice given was that any development would need to be contained within the area of brownfield land/buildings and that a maximum of 2 houses could be supported under current policies.
- 1.4 Supporting Information: Design Statement
- 1.5 Variations: None

2. SITE DESCRIPTION

- 2.1 The site sits on a roadside position immediately north of Lochloy Road. It is rectangular in shape, measuring approximately 62m x 78m (0.48 hectares). The western part of the site contains a large agricultural shed, with the remainder comprising hardstanding currently used for agricultural and general storage purposes. Two empty static caravans sit on the western boundary of the site. Commercial forestry plantations bound the site to the north and east. To the west lies a cluster of approximately six residential properties.

3. PLANNING HISTORY

- | | | | |
|-----|--------------|--|---------------------------------|
| 3.1 | 01 July 2026 | 25/02041/PREAPP – Erection of 4 houses | Pre-app
Response
Provided |
|-----|--------------|--|---------------------------------|

4. PUBLIC PARTICIPATION

- 4.1 Advertised: Unknown Neighbour
Date Advertised: 17 March 2026
Representation deadline: 01 April 2026
- 4.2 Timeous representations: 11 (from 10 households)
- 4.3 Late representations: 0
- 4.4 Material considerations raised are summarised as follows:
 - a) Not served by sustainable transport means therefore does not comply with NPF4 policy 13; will result in a car dependent development pattern

- b) Dutch Barn could be easily removed and site to return to a natural state
- c) No wider environmental benefit
- d) Represents a linear expansion of the group therefore does not comply with housing group policy; group already expanded by 100% due to the 3 adjacent houses
- e) Does not meet any of the 8 development types in NPF4 17(a)
- f) Will increase traffic on the minor Lochloy Road which has no street lighting
- g) No mains sewage
- h) Would detract from the character of the existing housing
- i) Site is still in use for the Christmas tree operation
- j) Land Ownership Certificate not completed correctly [land ownership certificate E completed by the Agent for the development as is standard practice]

4.5 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 **Forestry:** No objection subject to a tree planting condition

5.2 **Contaminated Land:** Further to the submission of a completed Contaminated Land Questionnaire the Contaminated Land Team are satisfied that there are no known issues of concern regarding potential contaminated land at the above proposed development and have no further comment to make regarding this application. However, given previous commercial activities, should any suspected contamination be encountered during development, all works should halt until further actions are agreed with the Council

5.3 **Scottish Water:** No objection

5.4 **Developer Contributions:** Education contributions required (see Appendix 2)

6. DEVELOPMENT PLAN POLICY

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

National Planning Framework 4 (2023) (NPF4)

- 6.2 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 9 - Brownfield, Vacant and Derelict Land and Empty Buildings
- Policy 13 - Sustainable Transport
- Policy 14 - Design Quality and Place
- Policy 16 - Quality Homes
- Policy 17 - Rural Homes

Highland Wide Local Development Plan 2012 (HwLDP)

- 6.3
 - 28 - Sustainable Design
 - 29 - Design Quality and Place-making
 - 31 - Developer Contributions
 - 35 - Housing in the Countryside (Hinterland Areas)
 - 42 - Previously Used Land
 - 51 - Trees and Development
 - 56 - Travel
 - 65 - Waste Water Treatment
 - 66 - Surface Water Drainage

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

- 1 - Low Carbon Development
- 2 - Nature Protection, Preservation and Enhancement

6.5 Highland Council Supplementary Planning Policy Guidance

- Access to Single Houses and Small Housing Developments (May 2011)
- Developer Contributions (March 2018)
- Housing in the Countryside and Siting and Design (March 2013)
- Sustainable Design Guide (Jan 2013)
- Trees, Woodlands and Development (Jan 2013)

7. OTHER MATERIAL POLICY CONSIDERATIONS

7.1 Scottish Government Planning Policy and Guidance

None

8. PLANNING APPRAISAL

- 8.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

Determining Issues

- 8.2 This means that the application requires to be assessed against all policies of the Development Plan relevant to the application, all national and local policy guidance and all other material considerations relevant to the application.

Planning Considerations

- 8.3 The key considerations in this case are:
 - a) compliance with the development plan and other planning policy
 - b) Siting and Design
 - c) Access and Infrastructure
 - d) Biodiversity and Landscaping
 - e) any other material considerations

Development plan/other planning policy

- 8.4 Unless material considerations require otherwise, all planning applications must be determined in accordance with the Development Plan for the area. The Development Plan covering the application site consists of National Planning Framework 4 (NPF4); Highland wide Local Development Plan (HwLDP); and the Inner Moray Firth Local Development Plan 2 (IMFLDP2).
- 8.5 The key policy for assessing applications for housing in the countryside is NPF4 Policy 17 (Rural Homes). The site lies within the Accessible Rural Area as defined by NPF4's Urban Rural Classification. This allows 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 8 development types set out in Policy 17(a). One such development type [17(a)(ii)] is for developments which "reuse brownfield land where a return to a natural state has not or will not happen without intervention". HwLDP Policy 35 (Housing in the Countryside) is also relevant. This generally resists sporadic housing development in the countryside unless it meets one of a number of specified exceptions. These include the redevelopment of derelict or brownfield land, where a return to a natural state is not readily achievable and where redevelopment can deliver a net environmental benefit. The proposal must therefore be assessed against the extent to which the site can be regarded as brownfield land and whether its redevelopment for housing would result in environmental and landscape improvements.
- 8.6 NPF4 defines brownfield land as 'land that has previously been developed' and 'may cover land occupied by redundant or unused buildings'. The application site comprises an extensive area of hardstanding together with a redundant agricultural shed/Dutch barn of relatively modern, open-sided construction. Whilst the existing shed, in isolation, would not satisfy the Supplementary Guidance criteria for a non-traditional building redevelopment opportunity, it is considered that the extent of the hardstanding and the established developed character result in a site that would not be capable of naturally reverting to a natural state without active intervention. The proposal can therefore be considered to redevelop a rural brownfield site.
- 8.7 Also relevant is IMF2LDP's Spatial Strategy which states that within the Inner Moray Firth area the Council will support "proportionate growth of existing housing groups without the need for a land or business management justification". The definition and criteria for expansion of housing groups is set out in the Rural Housing Supplementary Guidance (2021). For a development to be considered under the Housing Group exception there must be an existing group of at least 3 detached buildings (2 of which must be houses) which have a perceptible relationship with each other and share a well-defined and cohesive character, and the proposal would need to "round off" or "infill" such a group. While the existing development to the west of the application site clearly forms a housing group in accordance with the Guidance, further development eastwards would not strictly constitute a physical rounding-off of the built edge. However, the trees which bound the site to the north and east provide clear and defensible boundaries beyond which further development would be unlikely without undermining the cohesion of the group. In this context, the proposal can reasonably be regarded as completing the housing group in an easterly direction. It is noted that the wider housing group in this location has already

increased by 100% through completion of the adjacent development of 3 houses, however the justification for these recently completed houses was as a replacement for a large, redundant agricultural building, not as an extension of the original housing group (ref 19/04985/FUL).

- 8.8 Overall, taking into account policy support from Development Plan policies covering both the redevelopment of brownfield land and the expansion of housing group, the proposal can be supported in principle subject to compliance with all other relevant Development Plan policies and guidance.
- 8.9 Other relevant policies include NPF4 Policies 1–3 which require all development proposals to give significant weight to addressing the global climate and nature crises, ensuring siting and design minimise lifecycle greenhouse gas emissions and contribute to biodiversity enhancement, and HwLDP Policy 28 which requires proposals to demonstrate sustainable design through sensitive siting, high-quality design consistent with local character, compatibility with public services and transport, protection of residential amenity, and contribution to the community's economic and social development.

Siting and Design

- 8.10 The Council's Rural Housing Supplementary Guidance (2021) provides additional guidance relating to acceptable criteria, siting and design for development proposals in the countryside. For proposals on previously used land the guidance states that the Council supports the redevelopment of vacant and derelict land where a return to a natural state is not readily achievable and where a net environmental benefit can be achieved through redevelopment.
- 8.11 The Guidance sets out criteria for the redevelopment of previously developed land including:
- the former use shall have ceased;
 - the land shall have been degraded by the former activity to the point where it cannot be left to naturalise without remediation or cannot be used productively without significant investment;
 - a redevelopment proposal which is compatible with the site, wider landscape and adjacent land uses by virtue of its nature, scale and appearance;
 - net environmental improvements to the landscape setting, improved biodiversity and environmental constraints through high quality development;
 - high quality replacement buildings in terms of design and energy performance;
 - redevelopment confined to the immediate curtilage of the site
- 8.12 The application site is wholly contained within the previously used land. The site is currently padlocked and not in active use, although public representations note that it has been used seasonally in connection with the nearby Christmas tree operation. The entire site is cleared of vegetation and consists of a hard packed gravel/dust surface. Aerial imagery indicates that the site has remained in this condition for more than a decade and that the site has mainly been used for agricultural storage. Naturalisation without intervention is not, therefore, considered likely.

- 8.13 There is a group of around 6 houses which sit to the west of the application site including 3 newly built houses which were constructed on the site of a large redundant agricultural building. To the west of these sit the original farmhouse and steading buildings (now converted) and a further, more modern, house completes the group to the west. The application site therefore contains the last remaining agricultural building within the Maviston grouping and while it is not out of place in the rural setting, it could be argued that a sensitively designed residential development would integrate more successfully with the existing pattern of development than the current agricultural-scale structure and associated hardstanding, representing a net environmental benefit.
- 8.14 For proposals which expand an existing housing group the Supplementary Guidance states that new development should constitute rounding-off of the group into a readily definable development site and have a positive relationship with the existing group by enhancing the cohesiveness and perceptible relationship of the buildings in the group. Development should reflect the character, spacing, scale and amenity of the existing houses and should not create ribbon development, overwhelm the landscape setting or create an inappropriate intrusion into a previously undeveloped field or open space.
- 8.15 The proposed site lies immediately adjacent to the existing housing group and would reflect its established character and settlement pattern. While the proposal would extend development eastwards beyond the current built form, the Guidance recognises that concern primarily arises where linear development has no clear endpoint and risks eroding rural character. In this instance, the mature woodland to the east provides a strong and defensible boundary beyond which further development would be unlikely to be supported. The proposal would therefore create a logical and contained addition to the housing group, enhancing its overall cohesiveness without encouraging further encroachment into the surrounding countryside.
- 8.16 As a cleared site it is considered that the biodiversity value of the site is very low therefore a proposal offering native tree, shrub and hedging planting has the potential to deliver environmental benefits through improvements to the site's appearance, landscape setting and biodiversity value.
- 8.17 As this is an application for planning permission in principle, detailed design information has not been submitted, and full details of the siting, layout, scale, design and appearance of the proposed dwellings will require to be approved through future MSC application(s) before development can commence. Nevertheless, the indicative site layout demonstrates that the site is capable of accommodating two dwellings of a scale comparable to neighbouring houses, together with the necessary parking, drainage infrastructure and private garden ground, without adversely affecting the character or amenity of the surrounding area.
- 8.18 Subject to the submission of a high-quality scheme at the MSC stage, incorporating buildings of an appropriate scale, form and layout that respect the established settlement pattern and local character, the proposal is considered capable of complying with the relevant Development Plan policies relating to siting and design.

Access and Infrastructure

- 8.19 The existing vehicular access serving the agricultural building is located in close proximity to the neighbouring access serving three residential properties. This access would be replaced by a new shared access incorporating a service bay to serve both proposed dwellings, positioned further east towards the centre of the site. The revised arrangement would provide improved spacing between access points, in accordance with Council guidance, and would result in a more coherent and safer access layout overall. The proposed access strategy is therefore considered acceptable in principle. Full details of the access, parking and bin collection arrangements will require to be approved as part of a future MSC application(s).
- 8.20 There are no public drainage facilities in the area therefore private drainage arrangements will need to be made within the curtilage of the sites. The indicative layout shows foul drainage treatment plants and soakaways and surface water soakaways, however final details will be approved as part of a future MSC application(s).

Biodiversity and Landscaping

- 8.21 NPF4 Policy 3 requires development proposals to contribute to biodiversity enhancement, including, where appropriate, habitat restoration and the strengthening of nature networks. In this instance the site is cleared of almost all vegetation other than some shrubs around the boundaries, therefore the biodiversity value of the site is very low. A future MSC application will be required to include a Biodiversity and Landscaping Plan demonstrating how the development will deliver biodiversity enhancements through measures such as native tree and shrub planting, habitat creation and the incorporation of features that support wildlife. The submitted indicative site layout demonstrates that considerable tree, shrub and hedging can be incorporated into the site as part of a development proposal. Subject to these requirements, the proposal is considered capable of complying with the objectives of NPF4 Policy 3.

Other material considerations

- 8.22 There are no other material considerations.

Matters to be secured by Legal Agreement / Upfront Payment

- 8.23 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) A developer contribution of £947 per house (£1,894 in total) towards primary education at the catchment school (Auldearn Primary School). There are currently no capacity issues at the catchment secondary School (Nairn Academy). Note that a 3-house discount is currently applied due to a pending application for another house within the same land ownership (26/00747/PIP). In the event that this application is not granted the contribution will need to be amended accordingly.

9. CONCLUSION

- 9.1 The proposal is in principle for the development of two houses. The proposal would redevelop a rural brownfield site, resulting in an overall net environmental benefit, and complete an existing housing group. It is therefore considered to accord with the relevant provisions of the Development Plan relating to rural housing. Subject to conditions requiring the detailed siting and design of the dwelling to respect the established settlement pattern and character of the area, safeguard the amenity of neighbouring residents, provide appropriate access, drainage and servicing infrastructure, and secure appropriate landscaping and biodiversity enhancement measures, the proposal is considered to comply with the Development Plan and is recommended for approval.
- 9.2 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 Y

Notification to Scottish Ministers N

Conclusion of Section 75 Obligation N

Upfront payment of developer contribution Y

Revocation of previous permission N

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

1. The development to which this permission in principle relates shall be begun no later than the expiration of five years beginning with the date of grant of this permission.

Reason: In accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended).

2. No development in respect of this planning permission in principle shall take place unless further application(s), accompanied by plans showing all the matters specified in condition 3 below, have been submitted to and approved in writing by the Planning Authority. The further application(s) must be submitted within 3 years of the date of this permission.

Reason: Permission is hereby granted in principle only and to ensure that the matters specified in conditions are submitted timeously to enable full consideration of the matters specified, in accordance with the provisions of Sections 41 and 59 of the Town and Country Planning (Scotland) Act 1997 as amended.

3. No development shall commence until all of the matters specified below have been approved on application to the Planning Authority:
 - i. a detailed layout of the site of the proposed development (including site levels as existing and proposed);
 - ii. the design and external appearance of the proposed development;
 - iii. landscaping proposals for the site of the proposed development (including boundary treatments);
 - iv. details of access and parking arrangements; and
 - v. details of the proposed water supply and drainage arrangements.

Reason: Planning permission is granted in principle only and these specified matters must be approved prior to development commencing.

4. Any details pursuant to Condition 3 above shall show a development featuring the following elements:
 - i. walls finished predominantly in a white/off-white wet-dash render/smooth coursed cement render/natural stone/timber;
 - ii. single storey or 1½ storeys in height;
 - iii. windows with a strong vertical emphasis;
 - iv. a roof symmetrically pitched of not less than 40° and not greater than 45°; and predominantly rectangular in shape with traditional gable ends.

Reason: In order to respect the vernacular building traditions of the area and integrate the proposal into its landscape setting in the interests of visual amenity.

5. No other development shall commence until the site access has been constructed in accordance with The Highland Council's Access to Single Houses and Small Housing Developments guidelines, with:
 - i. the junction formed to comply with drawing ref. SDB2; and

- ii. visibility splays of 2.4 x 120m (the X dimension and Y dimension respectively) in each direction, formed from the centre line of the junction.

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

Reason: In order to ensure the safety and free flow of traffic on the public road.

6. Any details pursuant to Condition 3 above shall show provision for a minimum of two car parking spaces and a turning area provided within the curtilage of each dwellinghouse and formed in accordance with The Highland Council's 'Access to Single Houses and Small Developments' guidance document prior to first occupation of each house and thereafter being maintained for this use in perpetuity.

Reason: In order to ensure an adequate level of off-street parking in the interests of road safety.

7. Any details pursuant to Condition 3 above shall include full details of wheelie/kerbside recycling bin storage area located close to the public road but outwith any visibility splays. The storage area(s) shall be constructed in accordance with the details approved by the Planning Authority prior to the first occupation of the development and thereafter maintained in perpetuity.

Reason: To ensure that waste on the site is managed in a sustainable manner

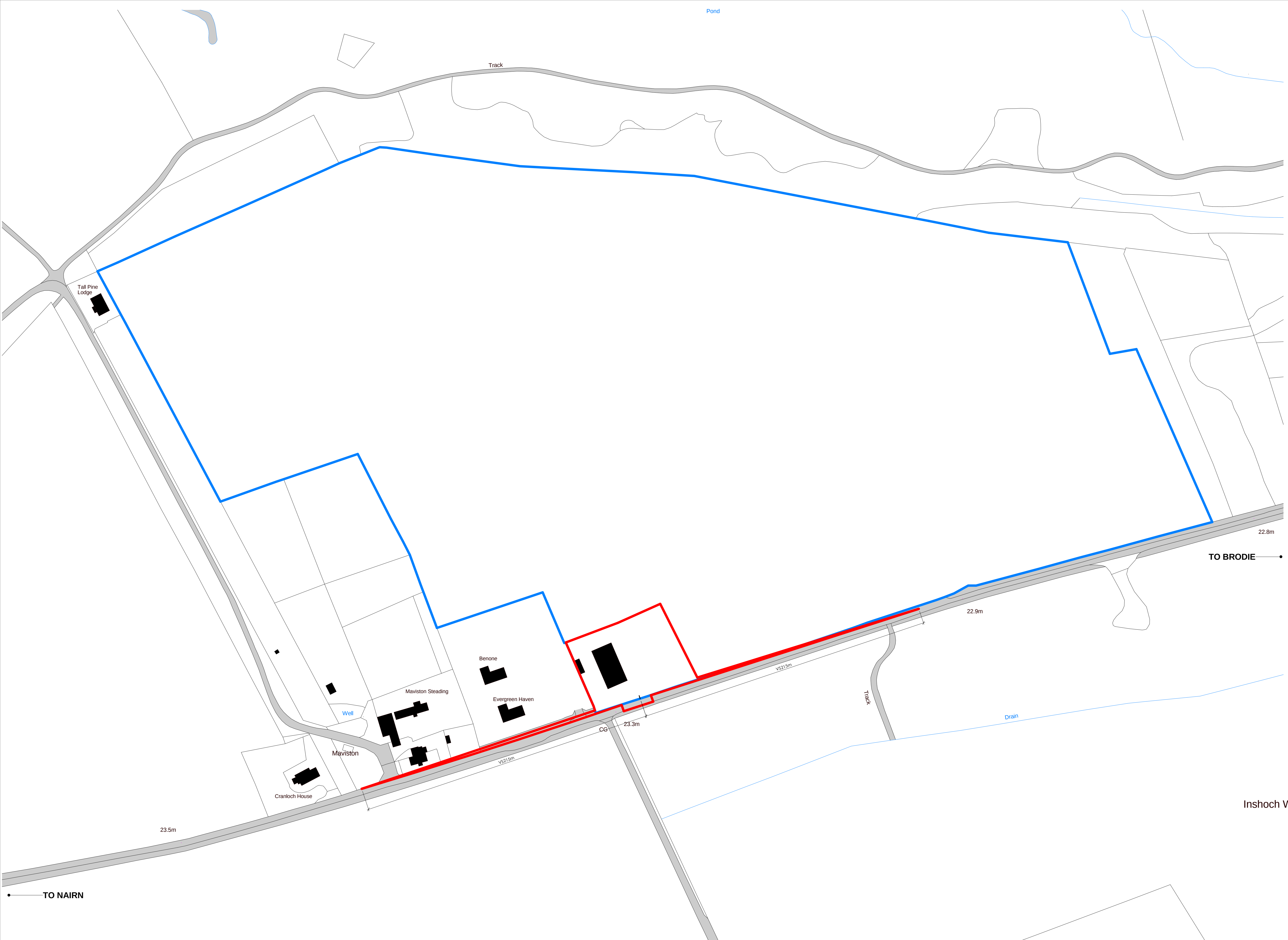
8. Any details pursuant to Condition 3 above shall include details of foul and surface water drainage provision within the application site and access (which shall accord with the principles of Sustainable Urban Drainage Systems (SUDS) and be designed to the standards outlined in Sewers for Scotland Fourth Edition, or any superseding guidance prevailing at the time) shall be submitted as an application for approval of Matters Specified in Conditions. Thereafter, only the approved details shall be implemented, and all surface water drainage provision shall be completed prior to occupation of the house.

Reason: In order to ensure that the site is properly and adequately drained in the interests of residential amenity and the water environment.

9. Any details pursuant to Condition 3 above shall include a detailed Tree Planting, Landscape and Biodiversity Enhancement Plan, to be approved by the Planning Authority. The Tree Planting, Landscape and Biodiversity Enhancement Plan shall be implemented in full during the first planting season following commencement of development, or as otherwise agreed by the Planning Authority. For the avoidance of doubt, any trees or plants which, within a period of five years from the completion of the development, die for whatever reason or are removed or damaged, shall be replaced in the next planting season with others of the same size and species

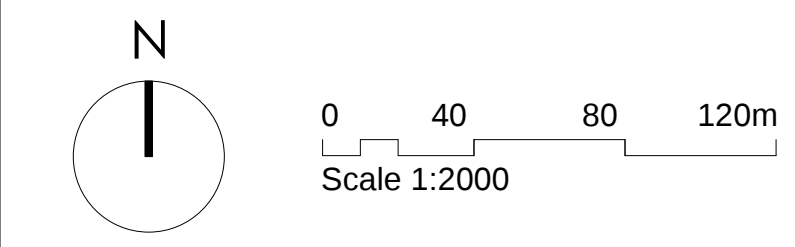
Reason: In the interests of amenity and in order to ensure that an appropriate level of biodiversity enhancement is achieved.

Signature: Bob Robertson
Designation: (Acting) Planning Manager - South
Author: Christine Macleod
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 - Location Plan - CAA- XX- XX- DR- A- 900001 REV A
Plan 2 - Site Layout Plan - CAA- XX- XX- DR- A- 900003
Plan 3 - Visibility Splay Plan - CAA- XX- XX- DR- A- 900004



Figured dimensions only are to be taken from this drawing.
All dimensions are to be checked on site before any work is put in hand.
IF IN DOUBT ASK.

CDM:
Hazard Elimination & Risk Reduction has been undertaken and
recorded where appropriate, in accordance with the requirements
of "The Construction (Design and Management) Regulations 2015"
and the associated "Industry Guidance for Designers"



Rev	Description	Date
A	Amended red line boundary	04/03/26

COLIN ARMSTRONG
ARCHITECTS

Lyle House, Fairways Business Park,
Inverness IV2 6AA

T : 01463 712 288
W : www.colinarmstrong.com

Client
Moondrop Ltd

Project
Maviston Proposed Dwellings

Project No. **2361**

CAA- XX- XX- DR- A- 900001

Revision **A**

External Works
Location Plan

Status
S3

Date Created
09/05/25

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Inshoch Wood



Tree Planting Notes

All plants to be planted during the first planting season (Nov-March) after development is completed. Standard and feather trees to be pit planted into 1m x450x450mm deep with base broken for a further 150mm. Pits to be backfilled with premium quality topsoil mixed with compost (1 part compost to 4 part soil). All half standards to be secured with 3 x 50mm diameter machine rounded stakes, driven into base of pit with minimum 1.2m extending above ground level, and wire mesh attached to protect from browsing / trimmer damage. Trees secured to stakes with tree friendly tree ties composted mulch applied.

Beech hedging plants to be planted in a min. 1m x 50cm deep prepared trench backfilled with topsoil and compost mix as per standard trees, and 50cm composted mulch applied. Native hedging to be slit planted and heeled in, assuming no soil compaction from development works. All hedging plants to be protected by individual 60cm spiral rabbit guards supported by a single bamboo canes. Weeding of young trees will be required twice during summer months to reduce competition from weeds and grasses. This will need to be carried out for a minimum of five years after planting. Trees will require regular watering through May-Sept during the establishment period of 3yrs, requiring up to 50litres of water per week during dry periods.

Any species which, within a period of five years from the occupation of the development die, are removed, or become seriously damaged or diseased, shall be replaced in the immediately following planting season with others of a similar size and species by the implementing contractor.

Figured dimensions only are to be taken from this drawing. All dimensions are to be checked on site before any work is put in hand. IF IN DOUBT ASK.

CDM: Hazard Elimination & Risk Reduction has been undertaken and recorded where appropriate, in accordance with the requirements of "The Construction (Design and Management) Regulations 2015" and the associated "Industry Guidance for Designers"

Rev

Description

Date



COLIN ARMSTRONG
ARCHITECTS

Lyle House, Fairways Business Park,
Inverness IV2 6AA

T : 01463 712 288
W : www.colinarmstrong.com



Client
Moondrop Ltd

Project
Maviston Proposed Dwellings

Project No. 2361
CAA- XX- XX- DR- A- 900003

Revision

Site Plan

Status
S3

Date Created
05/09/25

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Rev	Description	Date
 COLIN ARMSTRONG ARCHITECTS Lyle House, Fairways Business Park, Inverness IV2 6AA T : 01463 712 288 W : www.colinarmstrong.com 		
Client Moondrop Ltd		
Project Maviston Proposed Dwellings		
Project No.		2361
CAA- XX- XX- DR- A- 900004		
Revision		
Visibility Spay		
Status S3		
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