

THE HIGHLAND COUNCIL
CAITHNESS, SUTHERLAND & EASTER ROSS PLANNING
APPLICATIONS AND REVIEW COMMITTEE
1 July 2008

Agenda Item	3.7
Report No	30/08

08/00100/OUTSU Alteration and extension to former house to dwelling house.
Installation of sewage treatment plant and mounded infiltration system.
Formation of access onto unclassified Achavandra Muir public road
at House Plot 1 Crofts 18 and 31 Achavandra Muir Dornoch

Report by Area Planning and Building Standards Manager

SUMMARY

The proposal is in outline and seeks to establish the principle of altering and extending the existing building to form a house.

No representations have been received. The application has been advertised as a Potential Departure from the Development Plan. The advert expired on 2 May 2008. The application is being reported to Committee at the request of the Ward Members.

The Recommendation is to REFUSE planning permission.

Ward Number 5 – East Sutherland and Edderton.

Applicant – Mr W Murray.

No hearing has been requested.

1. PROPOSAL

1.1 The application seeks to alter and extend the existing building (former house) to a house.

2. PLANNING HISTORY

2.1 The site has been the subject of a recent outline planning application for a house site (06/00132/OUTSU). This was subject to a report to the Sutherland County Committee on 15 January 2007. The Committee refused the application and a copy of the report is attached to the rear for information.

2.2 A previous application SU/1991/320 to alter or demolish the existing house (derelict) (In Outline) was not determined as the applicant failed to produce further

information in relation to foul drainage and access as requested by the Divisional Planning Committee.

3. PUBLIC PARTICIPATION

3.1 No letters of representation have been received on the application.

4. CONSULTATIONS

4.1 **Dornoch Community Council** – Provided all regulations are met and the alterations are in keeping with its rural setting the Community Council has no objections.

4.2 Internal Consultees

Archaeology – ARC 3 condition (photographic record required).

TEC Services – No objections. A 90m visibility splay is required from a combined bellmouth and service bay surfaced in bituminous macadam. Parking and turning for 2 cars is required within the curtilage of the site.

4.3 External Consultees

Scottish Water – No objections.

SEPA – No objections.

5. POLICY

5.1 The following policies are relevant to the assessment of the proposal

Highland Structure Plan:

- G2 Design for Sustainability
- H3 Housing in the Countryside

Housing in the Countryside – Development Plan Policy Guideline (June 2006)

South and East Sutherland Local Plan – Policy ENV2

Deposit Draft Sutherland Local Plan – Policy 16 is material to the consideration of the application.

5.2 The proposal also requires to be assessed against the following relevant Scottish Planning Policies (SPP); National Planning Policy Guidelines (NPPG); and Planning Advice Notes (PAN).

- PAN 72 Housing in the Countryside

6. PLANNING APPRAISAL

- 6.1 **Determining issues** – 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.
- 6.2 The proposal requires to be assessed against the appropriate policies of the Development Plan, supplementary guidance and National Planning Policy and Guidelines as referred to in the Policy section. In particular, the proposal requires detailed assessment of the following fundamental issues:
- whether the principle of development is appropriate in terms of policy
 - the impact on the amenity of the area and residents
- 6.3 The site is located at Achavandra Muir to the west of the A9(T), and to the north of the Trentham Hotel. The site is backgrounded by trees to the west and is open to grazing to the north, east and south east. Access is from a minor single track road. There is an existing dilapidated single storey building on the site with stone walls and corrugated roof. A small timber and corrugated structure is attached.
- 6.4 Members will note that a previous application (see section 2.1 above) was refused by the Sutherland County Committee. The agent indicated on that application that the building is a steading. It measures approximately 9m x 6m and is built from stone with a corrugated roof. The Agent has submitted indicative sketch plans showing how the existing steading building may be utilised. These sketches suggest that the existing building would be the subservient part of a larger house.
- 6.5 The applicant has submitted supporting information with the application:
- Letter from the Scottish Executive Environment and Rural Affairs Department confirming that Crofts 18 & 31 are “used for grazing cattle and sheep and that the land is farmed in accordance with normal practice”.
 - Letter from Ian Giles (Consultant Engineer) advising that “the existing stonework appears satisfactory and suitable for the proposed renovation to a habitable dwelling”, and that the “present wall head level could be raised by not more than 500mm in concrete block construction built on a concrete capping layer”.
- 6.6 From the information submitted by the agent in support of the current and previous application, it would appear that the existing building is not a house. The site lies within the Hinterland around Towns as set out in Structure Plan Policy H3 Housing in the Countryside. Within this area, the policy indicates that new housing will be exceptional and will only be permitted where it can comply with one of the exceptions to the policy as set out by the Development Plan Policy Guidance. This policy takes precedence over the South and East Sutherland Local Plan Policy ENV2. Policy 16 of the Deposit Draft Sutherland Local Plan also requires proposals to be assessed in the context of Policy H3. The proposal is for alteration and extension of the “former house”. As it is a “former house”, it is currently not a house

and therefore the proposal is considered to be a new build in terms of the restricted housing policy area as set out by Policy H3. Accordingly, the proposal is not assessed as according with Policies H3 or 16. None of the exceptions to the policy, such as a fully detailed and independently assessed agricultural justification, have been put forward by the applicant in support of the application.

- 6.7 Furthermore, whilst the Policy Guideline allows for the conversion or re-use of a traditional non-residential building where the existing building is substantially complete including having walls to wall head level, the indicative proposals submitted with the present application clearly suggest that the development proposed would go well beyond conversion or re-use of the existing building. That a house could be accommodated on this site if it complied with the Policy and the Policy Guideline through conversion or re-use of an existing building is immaterial to assessing the principle of what is effectively a new house on the site. The Policy allows for the conversion or re-use of traditional buildings to retain that resource – not for new building, or for their substantial alteration and extension.
- 6.8 The application is in outline and no details showing how the structure is to be altered and extended have been provided in support of the proposal. The submitted plan no.2 shows the “existing steading building retained” and a “proposed house site”. This is clearly different to the description of the proposal submitted on the application form.

7. CONCLUSION

- 7.1 The site lies within the restricted countryside area around Dornoch, as defined by Structure Plan Policy H3, where new housing is the exception. The existing building is not a house and therefore the proposal – alteration and extension to the former house - is considered to be a new build in terms of Policy H3. The proposal is clearly contrary to the provisions of Policies H3 and 16. No justification has been put forward identifying why an exception to the policy should be made in this instance. Accordingly, I am unable to support the proposal.
- 7.2 Refusal is recommended.

RECOMMENDATION

Refuse planning permission for the following reasons:

- 1 The proposal does not accord with Highland Structure Plan Policy H3 Housing in the Countryside and the Deposit Draft Sutherland Local Plan Policy 16, as it is not a house and therefore is considered to be a new build in terms of the restricted housing policy area as set out by Policies H3 and 16.
- 2 The proposal does not accord with Highland Structure Plan Policy H3 Housing in the Countryside and the Deposit Draft Sutherland Local Plan Policy 16 insofar as it is not exceptional, and is located within the open restricted countryside within the

hinterland of towns area around Dornoch, as defined by the Council's Housing in the Countryside Development Plan Policy Guideline (June 2006).

- 3 Approval of the proposal would set a dangerous precedent making it difficult to refuse similar departures from approved policy.

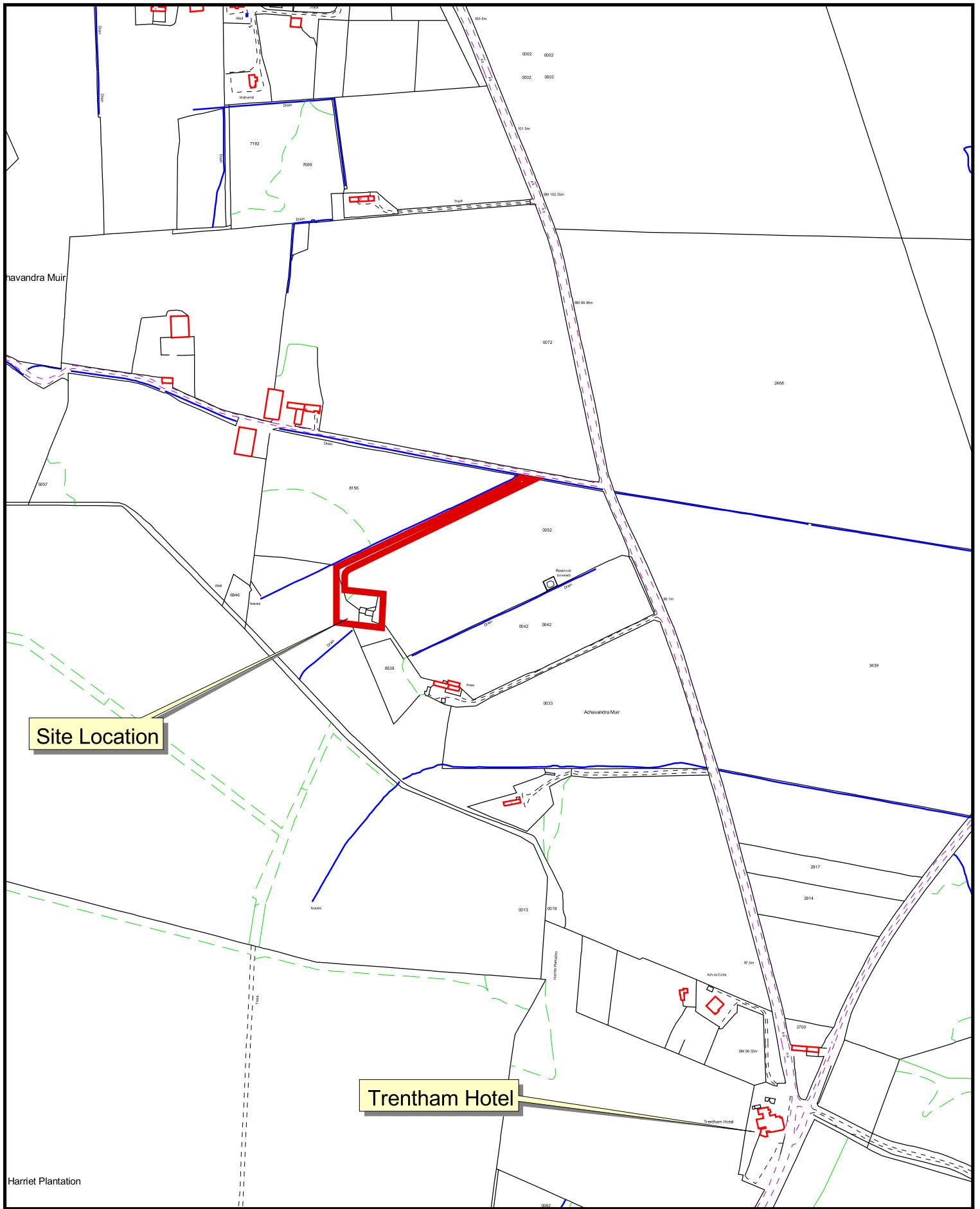
Signature: Allan J Todd

Designation: Area Planning & Building Standards Manager

Author: Bob Robertson 01408 635371

Background Papers: As referred to in the report above and case file reference number 08/00100/FULSU

Date: 18 June 2008



08/00100/OUTSU
 Alteration and extension to former house to dwelling house.
 Installation of sewage treatment plant and mounded infiltration system.
 Formation of access onto unclassified Achavandra Muir public road at
 House Plot 1 Crofts 18 And 31, Achavandra Muir,
 Dornoch.

Mr W Murray
 per Mr P Harrison
 Hill Cottage
 Golspie.



Date: 20 June 2008

SUPPLIED BY THE HIGHLAND COUNCIL

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Agenda Item	
Report No	

Provision of house site for a single or 1½ storey dwelling with garage and all services. Installation of sewage treatment plant and mounded infiltration system. Formation of access onto unclassified Achavandra Muir public road
at
Plot 1, Crofts 18 & 31, Achavandra Muir, Dornoch
(06/00132/OUTSU)
Report by Area Planning and Building Standards Manager

POTENTIAL DEPARTURE – NO HEARING REQUESTED

SUMMARY

This report provides the background to consideration of the above application. It sets out the relevant Development Plan provisions, publicity and consultation procedures involved, and the views of the applicant, if any, prior to an appraisal of those issues material to determination. There is a **RECOMMENDATION** to **REFUSE**.

1.0 PROPOSALS

- (a) **DEVELOPMENT** Provision of house site for a single or 1½ storey dwelling with garage and all services. Installation of sewage treatment plant and mounded infiltration system. Formation of access onto classified Achavandra Muir public road
- (b) **LOCATION** Plot 1, Crofts 18 & 31, Achavandra Muir, Dornoch
- (c) **APPLICANT** Mr W Murray
- (d) **GRID REF** 277823 893444
- (e) **RECEIVED** 7 April 2006

2.0 SITE DETAILS

- (a) **DESCRIPTION** The site is located at Achavandra Muir to the west of the A9(T), and to the north of the Trentham Hotel. The site is backgrounded by trees to the west and is open to grazing to the north, east and south east. Access is from a minor single track road. There is an existing dilapidated single storey building on the site with stone walls and corrugated roof. A small timber and corrugated structure is attached.

- (b) **PREVIOUS DECISIONS** SU/1991/320 – Alteration or demolition of existing house (derelict) (In Outline) at Achavandra Muir, Dornoch. Divisional Planning Committee minded to grant permission subject to further information in relation to drainage and access details being provided. This information was not produced.
-

3.0 **PUBLICITY, REPRESENTATIONS AND CONSULTATIONS**

- (a) **ADVERT** Section 34 – 14 days
Section 25 Potential Departure – 21 days
- (b) **EXPIRY DATE** 26 May 2006
- (c) **REPRESENTATIONS**
- (d) **CONSULTATIONS**

Scottish Water - No objections. The sewer network has adequate capacity to accommodate this development. However, connection to the public sewer network system is dependent on the spare capacity at the time of application for a sewer connection. Scottish Water's water network infrastructure is not affected by this proposal. However, connection to the public water network system is dependent on the spare capacity at the time of application for a water connection.

SEPA - No objections. SUDS measures should be utilised. The private foul drainage system must be located at least 10m from watercourses, including ditches and field drains, and at least 50m from boreholes and wells used for water abstraction. As from 1 April 2006 all discharges to land and water require authorisation from SEPA under The Water Environment (Controlled Activities) (Scotland) Regulations 2005.

Area Roads and Community Services Manager – No objections. A 90m visibility splay is required from a combined bellmouth and service bay surfaced in bituminous macadam. Parking and turning for 2 cars is required within the curtilage of the site.

Archaeology – ARC 3 – Photographic record of the building is required.

Dornoch Community Council – Do not object to the application but are concerned at the possibility of strip development adjacent to the A9(T) and more vehicles accessing the main road. We trust that all the regulations for a rural development will be complied with.

- (e) **VIEWS OF APPLICANT**

Letters from Agent received 3 May 2006, 26 May 2006, 6 July 2006, 18 August 2006, 13 October 2006, 17 November 2006

The existing stone building was the original house for one of the crofts, but the building has been subsequently used as a steading. It could therefore be argued that this is a replacement or renovation of an existing dwelling.

Client is the tenant farmer at Kirkton Farm, Golspie. He wishes to alter and extend the former house on the croft.

I have advised my client not to link the proposed house to the croft by the use of planning conditions. I have prepared a sketch showing a smaller house incorporating the existing building. I believe that I have provided the necessary information showing the agricultural use of the croft and the structural stability of the walls.

Letter from Ian Giles Associates Ltd (Consulting Engineer) dated 3 July 2006 on behalf of the applicant advises that the condition of the existing stonework appears satisfactory and suitable for the proposed renovation to a habitable dwelling. The existing door and window openings in the building would be retained and consolidated as required and no additional openings would be created. The present wall head level could be raised by not more than 500mm in concrete block construction built on a concrete capping layer. The final wall surface should be rendered.

4.0 PLANNING POLICY

4.1 The Highland Structure Plan March 2001 and Policy G2 Design for Sustainability in particular requires that developments will be assessed on the extent to which they, amongst other factors:

- are compatible with service provision including water and sewerage, drainage and roads
- impact on individual and community residential amenity
- impact on habitats, species, landscape, scenery, including pollution and discharges
- demonstrate sensitive siting and high quality design in keeping with local character and historic and natural environment and in making use of appropriate materials

Developments which are judged to be significantly detrimental in terms of the above criteria shall not accord with the Structure Plan.

4.2 Policy H3 Housing in the Countryside notes that housing development will generally be within existing and planned new settlements. In the hinterland of towns, as defined in Local Plans, new housing within the open countryside will be exceptional and will only be permitted where it complies with the following requirements:

- Land management or family purposes related to the management of the land.
- Provision of housing by a social housing provider to meet a demonstrable local affordable housing need.
- Provision of housing associated with an existing or new rural business.
- The replacement of an existing dwelling which does not meet the requirements for modern living and where the costs of upgrading are not justified on economic or environmental grounds.

- The conversion or re-use of traditional buildings or the redevelopment of derelict land.
- Part of a comprehensively planned new settlement which meets the criteria set out in Policy H2 New Settlements.

4.3 The South and East Sutherland Local Plan allocates the site under policy ENV2 which notes that the Council will favour development unless this would significantly affect important local features.

5.0 PLANNING APPRAISAL

5.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that applications are determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.

5.2 The proposal has been advertised as a potential departure from policy. No representations have been received. No technical difficulties have been highlighted by consultees.

5.3 The proposal is in outline and seeks to establish the principle of building a single or 1½ storey house with garage, private sewage system and formation of a new access to the public road on the site.

5.4 Members will note that the Agent has confirmed that the building is currently a steading. It measures approximately 9m x 6m and is built from stone with a corrugated roof. The Agent has submitted indicative sketch plans showing how the existing steading building may be utilised. These sketches suggest that the existing building would be the subservient part of a larger house.

5.5 The site lies within the Hinterland around Towns as set out by Structure Plan policy H3 Housing in the Countryside. Within this area, the policy indicates that new housing will be exceptional and will only be permitted where it can comply with one of the exceptions to the policy as set out at paragraph 4.2. This policy takes precedence over the South and East Sutherland Local Plan Policy ENV2.

5.6 The application has been made for the provision of a house site. Accordingly it must be assessed on this basis only with respect to policy H3. Correspondence from the Agent, with supporting information from an Engineer, has tried to identify exceptions to the policy which are relevant to the consideration of the proposal, including:

- Land management or family purposes related to the management of the land.
- Conversion or re-use of traditional buildings or the redevelopment of derelict land.

5.7 Members will note that neither of these is what has been applied for - namely provision of a house site for a single or 1½ storey dwelling.

5.8 Whilst the agent has advised that the client is the registered crofter, no agricultural justification has been put forward by the agent with supporting information from an independent third party such as the Crofters Commission, or SEERAD, identifying why a house is required for the management of the land.

- 5.9 Furthermore, although the agent has submitted a letter from an Engineer indicating that the building is capable of re-use, the conversion of the existing building is not what has been applied for. Indicative sketches prepared by the agent do show the existing building as part of a larger new house. However, I would advise Members that the application has not been made for conversion or re-use of the traditional building, but for a house site.
- 5.10 The proposal is clearly contrary to the provisions of policy H3. No justification has been put forward identifying why an exception to the policy should be made in this instance. Accordingly, I am unable to support the proposal.
- 5.11 Refusal is recommended.

6.0 RECOMMENDATION

Refuse outline planning permission for the following reasons:

- 1 The proposal does not accord with Structure Plan policy H3 Housing in the Countryside, insofar as it is not exceptional, and is located within the open restricted countryside within the defined hinterland of towns area around Dornoch, as defined by the Policy Guidelines (June 2006).
- 2 Approval of the proposal would set a dangerous precedent making it difficult to refuse similar departures from approved policy.

Signature:

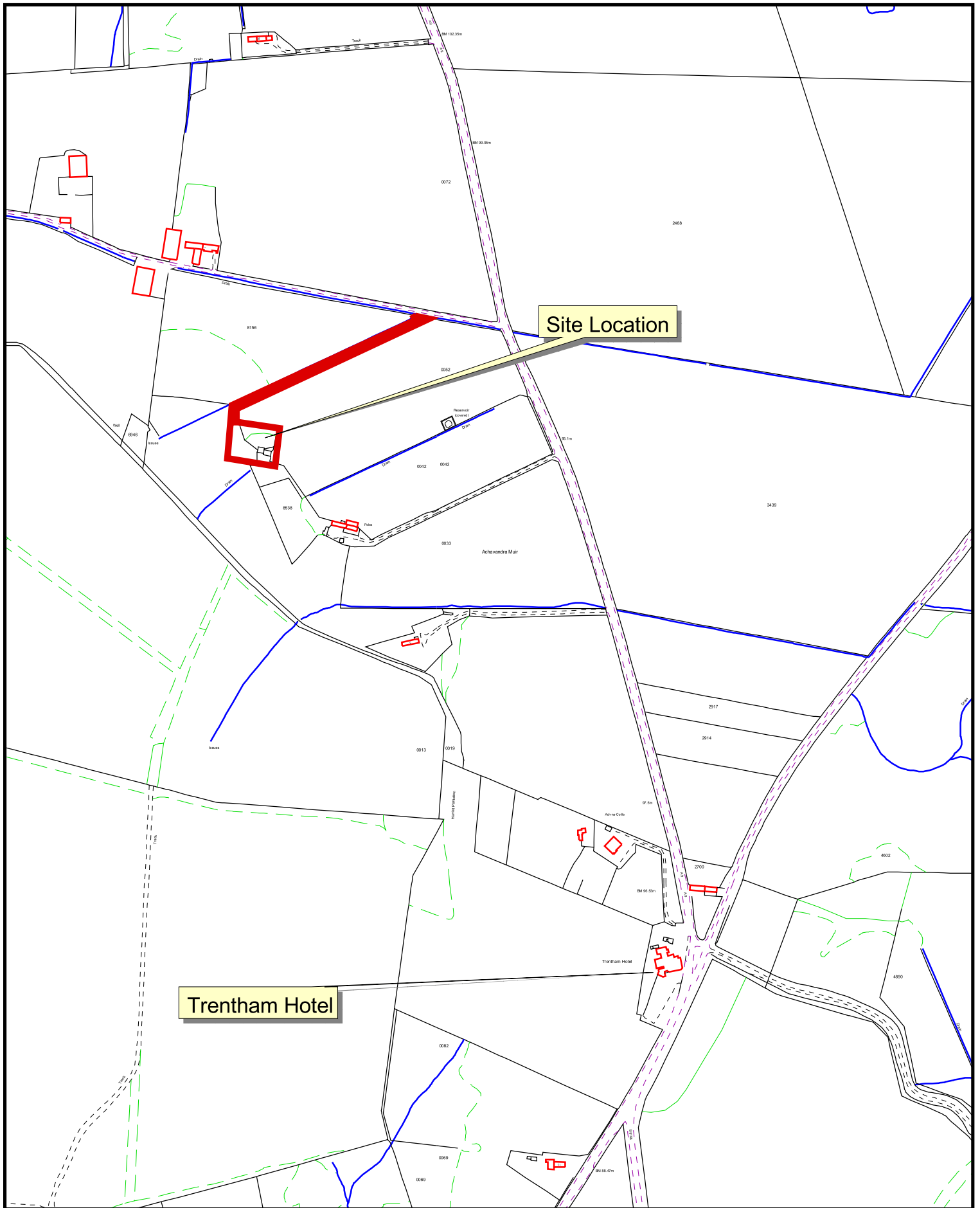
Designation: Area Planning and Building Standards Manager

Date: 13 December 2006

BACKGROUND INFORMATION

As referred to in the report above and case file reference number 06/00132/OUTSU

Author: B Robertson



06/00132/OUTSU
 Provision of house site for a single or 1½ storey dwelling with garage and all services.
 Installation of sewage treatment plant and mounded infiltration system.
 Formation of access onto unclassified Achavandra Muir public road at House Plot 1, Crofts 18 and 31, Achavandra Muir, Dornoch.

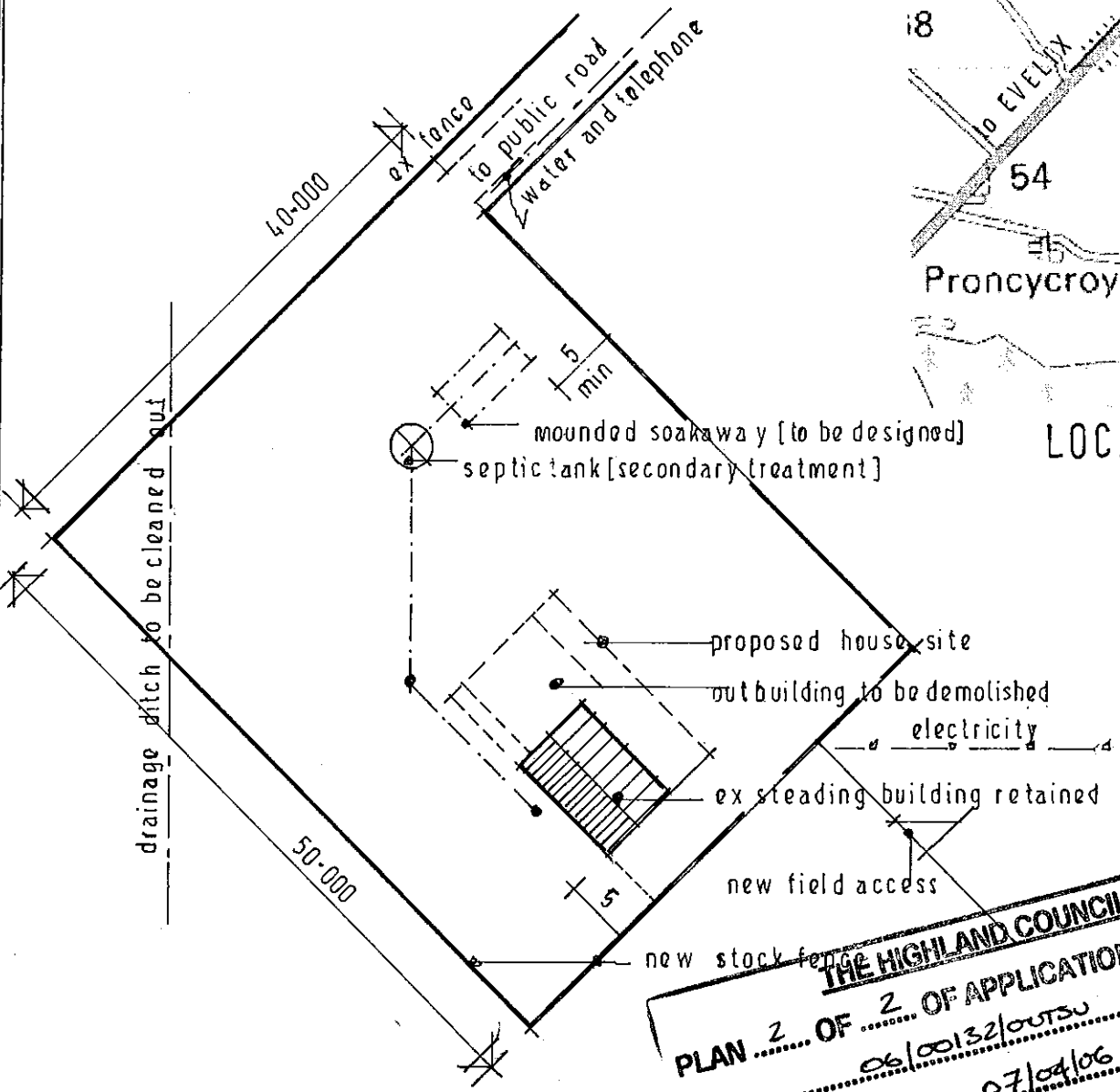
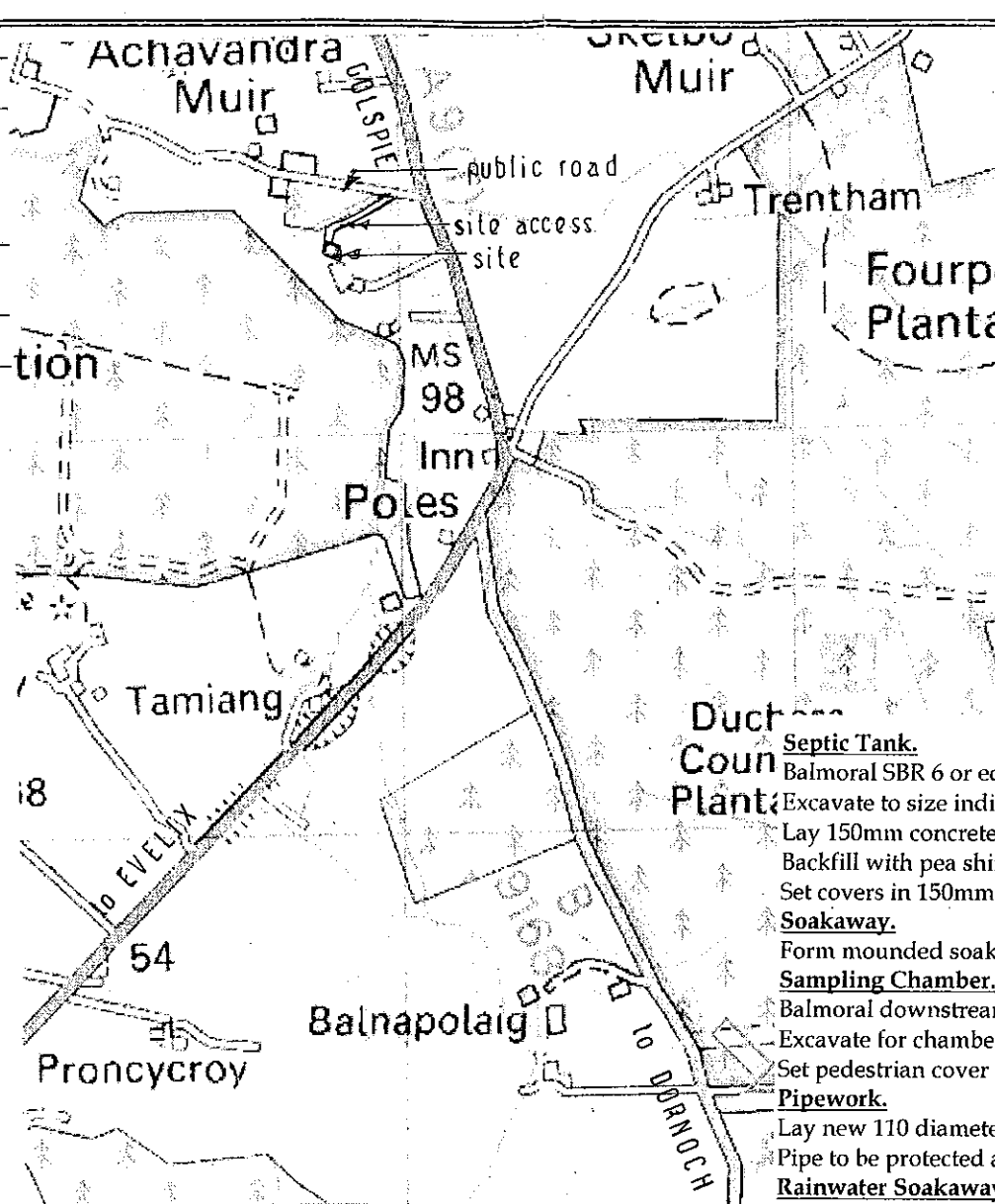
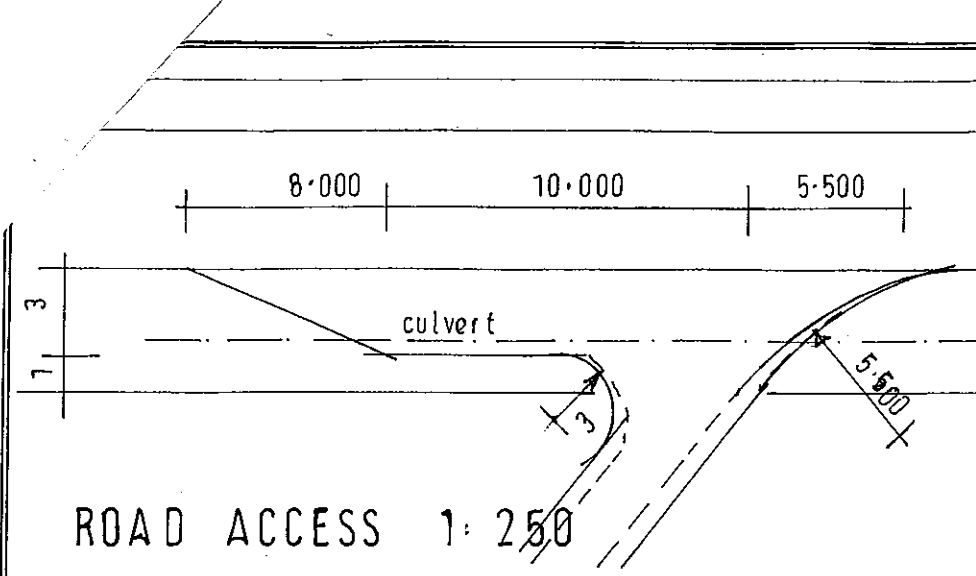
Mr W Murray
 per Mr P Harrison
 Hill Cottage
 Golspie

Date: 21 Dec 2006

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THE HIGHLAND COUNCIL
 PLAN 2 OF 2 OF APPLICATION REFERENCE
 RECEIVED 06/00132/OUTSU
 07/04/06

- Septic Tank.**
 Balmoral SBR 6 or equal secondary sewage treatment plant installed to manufacturers instructions, [450mm min. invert]
 Excavate to size indicated plus 200mm for concrete base, allowing for all shuttering to retain sand.
 Lay 150mm concrete bed & install tank, partially filled with water. Haunch bed to 450mm high around tank & compact.
 Backfill with pea shingle ensuring water level is maintained with backfill. Cut neck of tank to suit & fit lockable cover
 Set covers in 150mm concrete reinforced with a 12mm reinforcing bar. Provide & fit ventilation pipe and terminal to tank.
- Soakaway.**
 Form mounded soakaway designed by Ian Giles Associates Ltd. Stoneybank, Thrumster, Wick, Caithness. KW1 5TQ
- Sampling Chamber.**
 Balmoral downstream sampling chamber installed to manufacturers instructions.
 Excavate for chamber allow space for back fill. Set chamber on 150mm pea gravel, align pipe work & backfill.
 Set pedestrian cover and frame in 150mm. concrete reinforced with one 10mm bar.
- Pipework.**
 Lay new 110 diameter solid upvc drain pipe to tank, between tank & sampling chamber and chamber & soakaway.
 Pipe to be protected and laid on 100 of well compacted fill. Make good track surface and grassed area on completion.
- Rainwater Soakaways.**
 Carefully lift turf, roll and set aside for reuse, excavate area of soakaways [1 metre square and 1,5 metres deep]
 Form soakaways in washed and cleaned rubble covered with Teram backfilled with 300mm ground and turf
 Lay 110mm distribution drain pipes as indicated at a fall of 1 : 200, backfill and compact up to ground level.
- General.** All dimensions are to be checked on site and are to be taken as minimum sizes.
 All areas are to be left tidy with any excess sand or spoil removed from the site.
 All works are to be carried out with the approval of S.E.P.A. and the Local Authority.
- Bellmouth to Public Road.** Road to be formed with fall to verges and ditch and not to public road.
 Clean out existing ditch and install concrete culvert pipes [size to be agreed with Highland Council Roads Department.
 Back fill pipe in concrete and hardcore all to requirements of above.
 Surface strip access road and remove all vegetable matter and leave ready for hardcore.
 Compact subgrade as necessary and ensure a maximum fall of 1 : 16 to public road
 Uppill area of road in 100mm clean hardcore, well wetted and rolled
 Lay 75mm. thick graded well consolidated hoggin well wetted and rolled
 Lay 10/12 mm. dia. gravel spread over sprayed layer of cold bituminous emulsion and rolled
 Lay 6/10 mm. dia. gravel spread over sprayed layer of cold bituminous emulsion and rolled
- Fence.**
 The new and adjoining fence is to be kept below 1 metre high to maintain sight line to road.
 New stock fence to be erected along access road and to site boundary, field gate to be repositioned
- Acces.**
 Surface strip area of road and remove all vegetable matter and leave ready for hardcore
 Uppill road with 100mm. clean hardcore/hoggin well wetted & rolled, lay 50mm. of quarry dust. Edge with grass sods.
 Clean out as necessary the existing drainage ditch from hill at rear of house to existing roadside ditch.
- Services.**
 All services to be taken from adjoining supplies on applicants ground.

Proposed house site at
 Croft 18 & 31 Achavandra Muir, Dornoch, Sutherland. IV25 3JA
 for Mr. & Mrs. W. Murray
 Scales. 1 : 500 . 1 : 1000

Date - 6th. April 2006
 Drg. No. Dornoch/06/03/A

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