

**THE HIGHLAND COUNCIL**

**CAITHNESS, SUTHERLAND & EASTER ROSS PLANNING  
APPLICATIONS AND REVIEW COMMITTEE – 1 July 2008**

Agenda Item	3.2
Report No	25/08

**06/00959/OUTRC Erection of house (outline), Land to east of Torvaig, Lamington,  
Tain**

**Report by Area Planning and Building Standards Manager**

**SUMMARY**

The site lies partly within, and partly outwith, the Scotsburn settlement boundary. The extension of the rear boundary of the site into the Hinterland Around Towns area is contrary to policy, and would lead to a pattern of development at odds with that typical in the immediate vicinity of the site.

**The Recommendation is to REFUSE planning permission.**

Ward Number 8 – Tain and Easter Ross

Applicant – Mr B Logue, 5 Gordon Terrace, Bettyhill

**The application is subject to the Council's hearings procedure.**

**1. PROPOSAL**

- 1.1 The application is made in outline and is for the erection of one house.
- 1.2 The site lies between two existing houses, Torvaig and Stirling Cottage, to the southern side of Scotsburn Road, Lamington. These are both sited adjacent to the road edge. Torvaig is a traditional croft house, which has since been extended, and Stirling Cottage is a more recent bungalow.
- 1.3 The site itself is overgrown with whin, and currently disused. It slopes down from front to rear, and is crossed by power lines.
- 1.4 The Scotsburn settlement boundary has been drawn primarily along the rear boundaries of the existing housing, and in this area runs between the rear boundary of Torvaig and the rear boundary of Stirling Cottage, and dissects the site. The applicant was asked to review the site boundary to fit it wholly within the settlement boundary, but he has declined to revise it.

## 2. PLANNING HISTORY

- 2.1 There have been no previous planning applications for this site. However, the applicant has recently obtained outline consent for one house on a site on the opposite (northern) side of Scotsburn Road (reference 06/00958/OUTRC).

## 3. PUBLIC PARTICIPATION

- 3.1 The application was advertised on 22 December 2006 under Section 34 of the Act and as a potential departure from the provisions of the Development Plan. The closing date for representations to be made was 26 January 2007.
- 3.2 Two letters of representation have been received, including a request for the application to be determined under the Council's Hearings procedure. The letters of representation are available in the Area Office and will be available at the Committee meeting. The names of those making representations are listed at the end of this report.
- 3.3 The main grounds of objection are as follows:
- This is one of several recent applications in the vicinity. If all were to go ahead, the cumulative impact would change the character of the settlement.
  - Access adjacent to a blind bend.
  - Drainage.
  - House unconnected with crofting and would reduce land available to crofters.
  - Loss of panoramic vistas.
  - Fire hazard from fragments of neglected and undeveloped land.

## 4. CONSULTATIONS

- 4.1 **Archaeology** have no comments to make and do not request any archaeological conditions.
- 4.2 **Scottish and Southern Energy plc** have no objections provided that statutory safety clearances are maintained. The developer would be required to pay for any alterations to the existing low voltage overhead line that crosses the site in order to allow construction within the statutory safety clearances.
- 4.3 **Scottish Water** have no objections.
- 4.4 **TECS (Roads)** have no objections, subject to conditions relating to access, visibility, and parking. The developer will also need to take account of ground or surface water which could flow into the site from the public road.
- 4.5 **TECS (Contaminated Land)** have no objections.

## 5. POLICY

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

### **Highland Structure Plan (2001)**

- Policy H3 Housing in the Countryside.
- In the Hinterland, new housing will not be permitted....
- Policy G2 Design for Sustainability.
- Development must demonstrate sensitive siting in keeping with local character....

### **Ross and Cromarty East Local Plan (2007)**

- Housing Policy 3 –

Development may be acceptable within the defined boundaries of the small rural settlements listed....suitably designed proposals will be supported if they

Are consistent with General and Housing Policies in the Structure Plan

Are consistent with the established settlement / development pattern

Can be drained...

Avoid hazards, significant earthworks, prominent siting, or conflict with natural and cultural heritage interests.

In line with General Housing Policy H, a strong presumption against development will also be maintained on land immediately outwith the defined settlement boundaries.

Scotsburn – there are now significant servicing problems especially in relation to waste disposal...Potential for further infill is subject to satisfactory drainage arrangements and, where feasible, the use of shared access points...

- Policy GSP10 Housing in the Hinterland Area –

The Council will presume against housing in the open countryside of the Hinterland....

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).

- SPP3 Planning for Housing - seeks to restrict the development of new houses in the countryside to maintain rural character and amenity and safeguard agricultural production. Most housing requirements should be met within or adjacent to existing settlements.

- PAN 72 Housing in the Countryside - planning authorities should seek to reinforce the building pattern of the existing settlement...

## 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
  - whether the layout of development is appropriate
  - the impact on the amenity of the area and residents
  - other material issues raised by the objectors
- 6.3 The application is in outline form so only the principle of erecting one house within the site is to be determined. No details have been submitted although an indicative layout has been provided to demonstrate the location of a proposed house relative to the overhead power line.
- 6.4 The northern part of the site fronting Scotsburn Road lies within the Scotsburn settlement boundary. However, the rear portion of the site lies within the Hinterland Around Towns. A strong presumption is maintained against the erection of new housing within the Hinterland unless a recognised policy justification for departure is accepted (as set out in the Council's Development Plan Policy Guideline).
- 6.5 The applicant has been requested to amend the plot to accord with the settlement boundary, but has declined to do so. He submits that the proposal respects the settlement pattern in that several properties in the immediate vicinity are set back from the road much further than the two adjacent properties, Torvaig and Stirling Cottage. He considers that these two properties are unusual in that they are very close to the road. Furthermore, he considers that the Hinterland boundary steps around the plots of land previously developed, and he considers that this area is intended as a guide rather than a distinct boundary which divides their property. He is also aware of other residential development to the east which falls outwith the area approved for development. He wishes to construct a single family home on the site - there is no intention to subdivide the plot or for any further development in the future.
- 6.6 Although the front portion of the plot falls within the Settlement boundary, it is constrained by the power lines crossing the site and the need for a septic tank/soakaway system to accommodate drainage. It also slopes from front to back, and this gradient would need to be taken into account in any house design.

Roads comment that access would need to be taken to the east of the plot in order to accommodate visibility requirements, and that within curtilage parking and turning is required.

- 6.7 The Scotsburn settlement boundary has been drawn along the rear of the existing house plots, and does not extend into the field areas to the rear of these houses. The development of land immediately outwith the settlement boundary is expressly discouraged by Housing Policy 3 of the Local Plan. The boundary is not intended as a general guideline as suggested by the applicant, but as a definitive boundary for development. The extension of the plot into the rear field area would set an undesirable precedent for the further extension of development into this area rather than its containment along Scotsburn Road.
- 6.8 Furthermore, Housing Policy 3 requires development within the settlement boundary to be consistent with the established settlement pattern in the area. The site is viewed in the context of the houses to either side, Stirling Cottage and Torvaig. Although the wider context of Scotsburn Road does include housing set further from the road edge, there is not a precedent for housing to be set as far from the road as is suggested by this application. This section of Scotsburn Road, and the immediate context within which this proposal will be viewed, is of housing set close to the road edge, rather than centrally within plots.
- 6.9 Scotsburn Road itself is linear in nature, with housing along the road frontage interspersed with fields. The housing in the vicinity of the application site, on the southern side of Scotsburn Road is primarily close to the road edge, rather than set some distance within plots. The siting of a house centrally within this plot would fail to reflect this settlement pattern and would be foreign in this context and out of character with the street scene.
- 6.10 The applicant has stated that there is residential development to the east which is outwith the settlement boundary. However, I am not aware of any residential development which has been permitted on land outwith the settlement boundary subsequent to the adoption of the Ross and Cromarty East Local Plan.

## **7. CONCLUSION**

- 7.1 The proposal is contrary to the provisions of the Ross and Cromarty East Local Plan and The Highland Structure Plan since it includes land outwith the defined settlement boundary and within the Hinterland Around Towns. Furthermore, the proposal fails to reflect the settlement pattern in the immediate vicinity, through extending the residential boundary into the agricultural land to the rear of the existing housing boundaries, and siting a house centrally within the plot instead of close to the road edge.
- 7.2 However, if the overhead electricity line were to be diverted or undergrounded then it would be possible to site a house towards the frontage of the plot, in compliance with policy.

## **RECOMMENDATION**

**Refuse planning permission** for the following reasons:

1. The proposal is contrary to the provisions of the Ross and Cromarty East Local Plan (Housing Policy 3 and Policy GSP10) and The Highland Structure Plan (Policy H3) since part of the site lies outwith the defined Scotsburn settlement boundary and within the Hinterland Around Towns where there is a strong presumption against residential development. No justification has been made for a departure from policy.
2. The proposal is contrary to the provisions of the Ross and Cromarty East Local Plan (Housing Policy 3), The Highland Structure Plan (Policy G2), and SPP3 Planning for Housing, and fails to comply with the advice in PAN72 Housing in the Countryside since it would extend the residential area of Scotsburn into the adjoining agricultural land, and would lead to a house being constructed at some distance from the road edge in an area where the immediate context is of housing close to the road edge. This would result in development uncharacteristic of other development in the vicinity and would lead to an undesirable precedent for further development elsewhere on land immediately outwith the settlement boundary and for further development which fails to respect the siting of adjacent buildings.

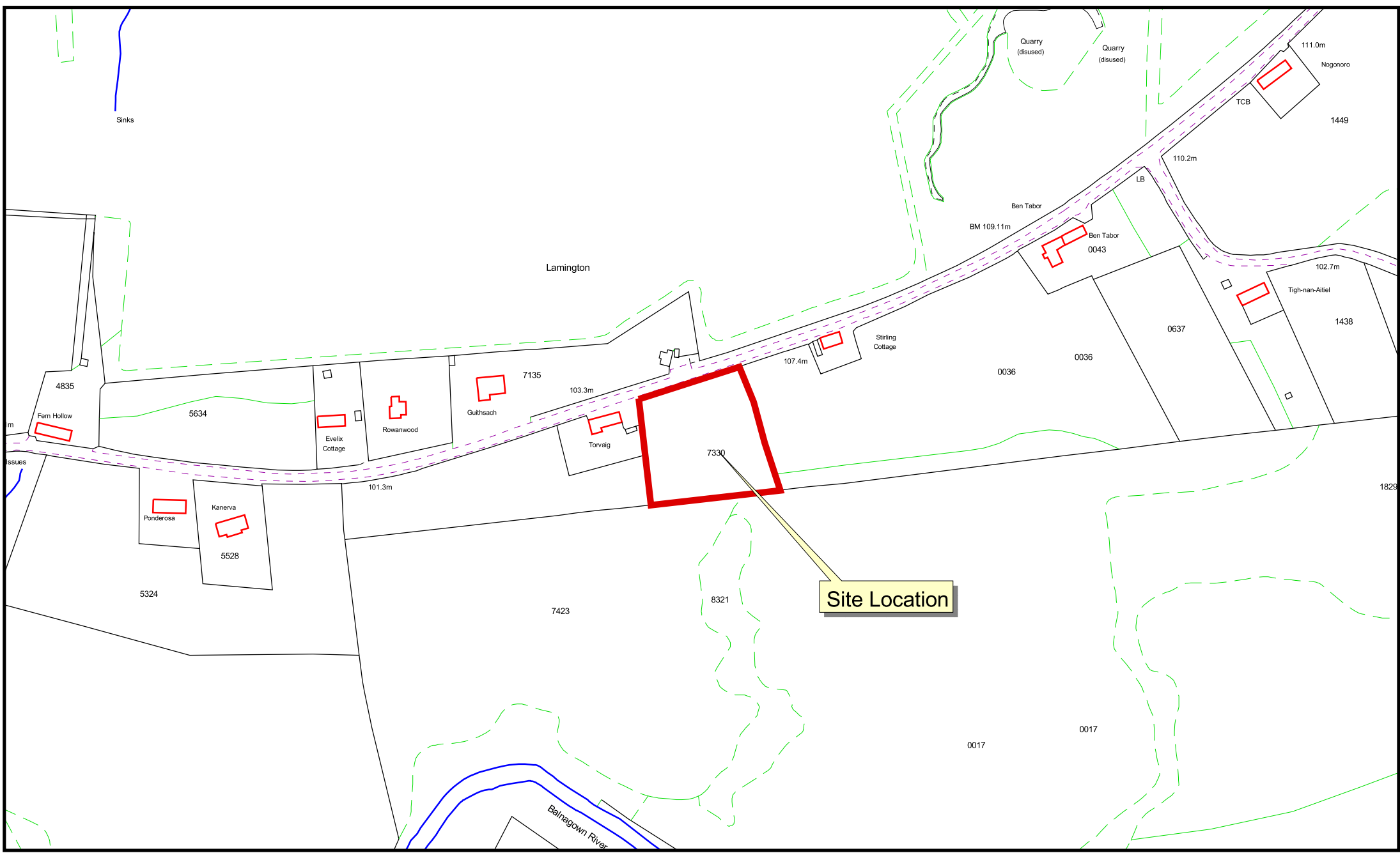
Signature: Allan J Todd

Designation: Area Planning and Building Standards Manager

Author: Susan Hadfield, Planner (01349 868663)

Background Papers: As referred to in the report above and case file reference number 06/00959/OUTRC.

Date: 18 June 2008



06/00959/OUTRC  
 Erection of house (outline) at  
 Land To East Of Torvaig, Lamington.




**SUPPLIED BY THE HIGHLAND COUNCIL**

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 per Mr A Clark  
 Torrance Partnership  
 165 High Street  
 Invergordon  
 IV18 0AL

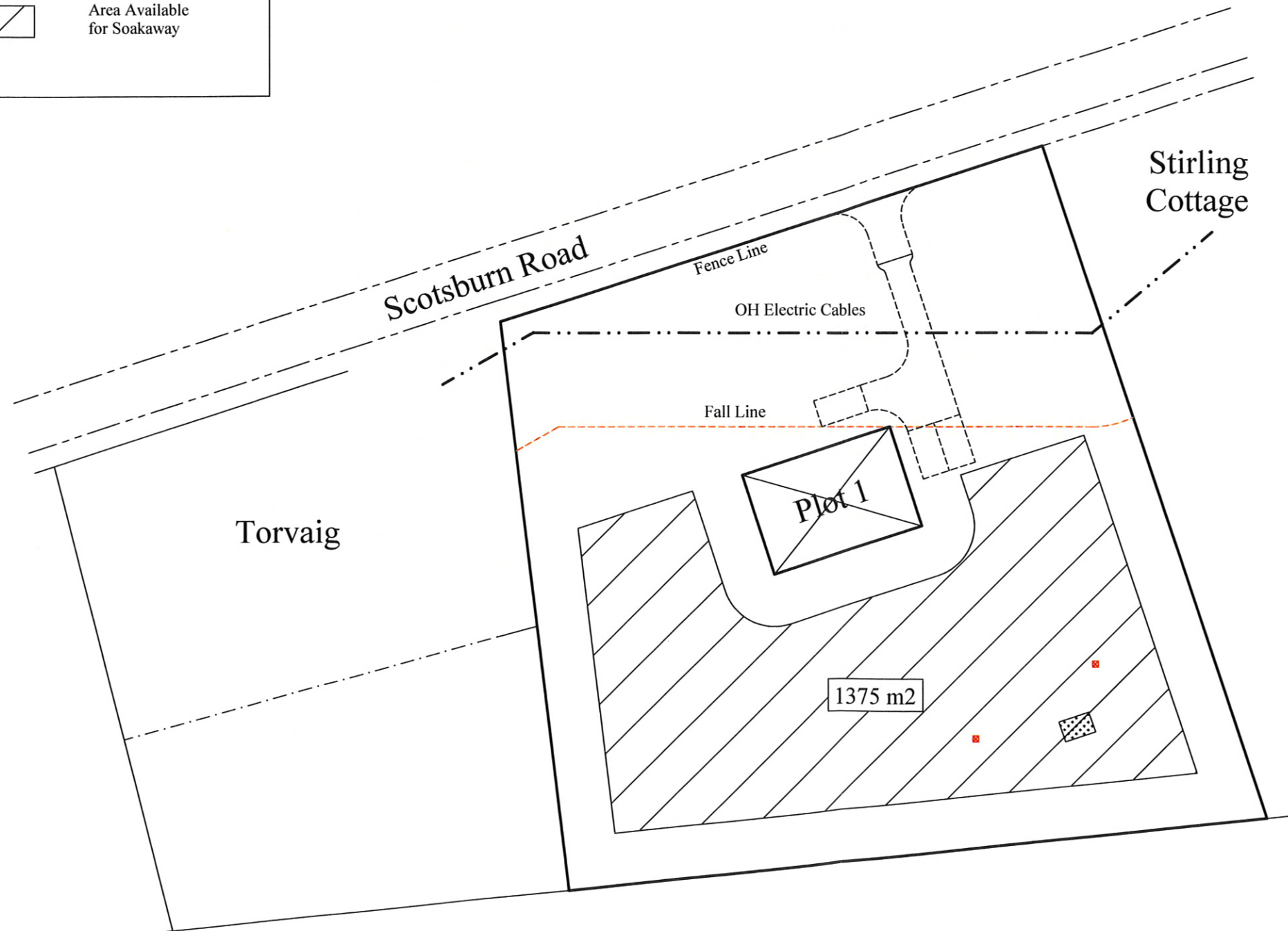


**Key :**

-  Percolation Hole
-  Water Table Hole
-  Area Available for Soakaway

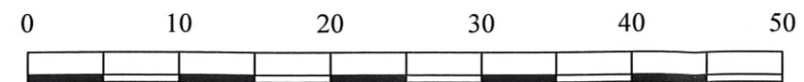
**Septic Tank Soakaway Requirements**

Calculated from a Vp of 53s/mm  
with a maximum occupancy of 7 persons  
the required soakaway area would be  
93 M2



**Site Plan**

Scale 1 : 500



Scale in meters (1 : 500)

**NOTES**

FIGURED DIMENSIONS MUST BE TAKEN IN PREFERENCE TO SCALED DIMENSIONS. ANY DISCREPANCIES MUST BE IMMEDIATELY REFERRED TO THE SURVEYOR.

SUB-CONTRACTORS AND SUPPLIERS MUST VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCING ANY WORK OR MAKING SHOP DRAWINGS.



CLIENT: MR BRIAN LOGUE  
 PROJECT: PLOT 1, LAMINGTON  
 DRAWING TITLE: DRAINAGE PLAN  
 DRG. NO: BS06/101 - 3  
 SCALES: 1 : 500  
 DRAWN BY: A. D. Clark  
 DATE: 30th January 2008

REVISION:  
 A.  
 B.  
 C.  
 D.