

THE HIGHLAND COUNCIL

Agenda Item	4.2
Report No	45-08

**CAITHNESS, SUTHERLAND & EASTER ROSS PLANNING
APPLICATIONS AND REVIEW COMMITTEE – 19 AUGUST 2008**

**08/00192/OUTSU Erection of house (In Outline)
on land to North-west of Fortanach House, Shandwick**

Report by Area Planning and Building Standards Manager

SUMMARY

The proposal is for the erection of a house (in outline).

The application was advertised as a departure from policy, with the advert expiring on 18 July 2008. No representations have been received. The application is being referred to Committee following a request by the local Ward Members.

The Recommendation is to Refuse outline planning permission.

Ward Number 8 – Tain and Easter Ross

Applicant – Mrs N Westwater

1. PROPOSAL

- 1.1 The application is in outline and seeks to establish the principle of building a single house within the garden curtilage of the existing adjacent house.

2. PLANNING HISTORY

- 2.1 Members will note that a previous planning application (07/00030/OUTRC) for the erection of a house was refused by the Ross and Cromarty Area Planning Committee on 30 March 2007 (copy of Minute attached to rear for information).
- 2.2 The application was the same as the current submission.

3. PUBLIC PARTICIPATION

- 3.1 The application was advertised as a departure for the provisions of the development plan on 27 June, the period for representations to be made expiring on 18 July 2008. No representations have been received.

4. CONSULTATIONS

4.1 **Nigg and Shandwick Community Council** – No objections.

4.2 Internal Consultees

Archaeology – The application site lies in an area where significant archaeological remains are recorded, including human burials. An ARC1 condition is required (a programme of archaeological work for preserving and recording any features etc).

Area Roads and Community Works Manager – No objections. A visibility splay of 2.5 x 120m is required onto the public road.

4.3 External Consultees

Scottish Water – 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

Ross and Cromarty East Local Plan

- Rural Development Area, H2 – The Council will favour development in the RDA. A strong presumption against development will also be maintained on land immediately outwith the defined settlement boundaries.
- BP3 – The Council will only approve development if there are no significant adverse effects on heritage, amenity, public health and safety interests.

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):

- SPP 3 Housing
- PAN 72 Housing in the Countryside
- PAN 67 Housing Quality

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 lies to the north and west of Fortanach House, Shandwick. The ground comprises the grassed garden area of Fortanach House and is relatively flat with an open outlook to the south and east towards the Moray Firth and Seaboard Villages. Access is via a track leading from the Broomton / Shandwick public road. A further 3 houses are accessed by this track. The Shandwick Stone sits to the north of the site approximately 70metres from its northern boundary.
- 6.4 The site is considered to be physically capable of accommodating a single house without having any significantly detrimental impact on the residential amenity of the area.
- 6.5 However, the proposal is not considered to accord with either the Highland Structure Plan or the Ross and Cromarty East Local Plan policies for the site. It lies outwith the Seaboard Settlement Boundary as identified in the adopted Ross & Cromarty East Local Plan (February 2007) and within the Rural Development Area. The Local Plan presumes against development on land immediately outwith the defined settlement boundary of the Seaboard villages. This is a prominent site, and if a house was to be approved it would add to the impression of a street when viewed from the village, and it would set a precedent whereby refusal of further infill would be difficult to resist.
- 6.6 The proposal would result in inappropriate linear development outwith the settlement boundary of Shandwick which would be emphasised by the open nature of the surrounding landscape and the prominent location of the application site. Bringing development close to the roadside would lead to a feeling of suburbanisation, and it would be detrimental to the visual amenity and established character of the area as the separation distance from the adjacent house is out of keeping with the existing settlement pattern. By comparison, the existing house is set well back from the public road and has the benefit of established tree planting.
- 6.7 As such, the proposal does not accord with the Ross and Cromarty East Local Plan policies H2 and BP3; and does not accord with Highland Structure Plan Policy G2 which requires a demonstration of sensitive siting in keeping with local character.

6.8 Material to the consideration of the proposal is the recent refusal by the Ross and Cromarty Area Planning Committee (see section 2). A copy of the Minute of its meeting is attached for information. **Members should note that the applications are identical.**

7. CONCLUSION

7.1 There have been no changes to the Development Plan policy since the previous refusal and no changes in technical advice from consultees. Accordingly, there are no material changes which would allow a different recommendation to that on the previous planning application (07/00030/OUTRC) which was refused by Committee. The current proposal is essentially a re-application.

7.2 Refusal is recommended.

RECOMMENDATION

Refuse planning permission for the following reasons:

1. The proposal is contrary to the provisions of the Ross & Cromarty East Local Plan Policies H2 and BP3, and Structure Plan Policy G2. It would result in inappropriate linear development outwith the settlement boundary of Shandwick and this would be emphasised by the open nature of the surrounding landscape and the prominent location of the application site. This would lead to a feeling of suburbanisation and be detrimental to the visual amenity and established character of the area as the separation distance from the adjacent house is out of keeping with the existing settlement pattern.
2. Approval of the proposal would set an unwelcome precedent making it difficult to refuse applications of a similar nature in the future.

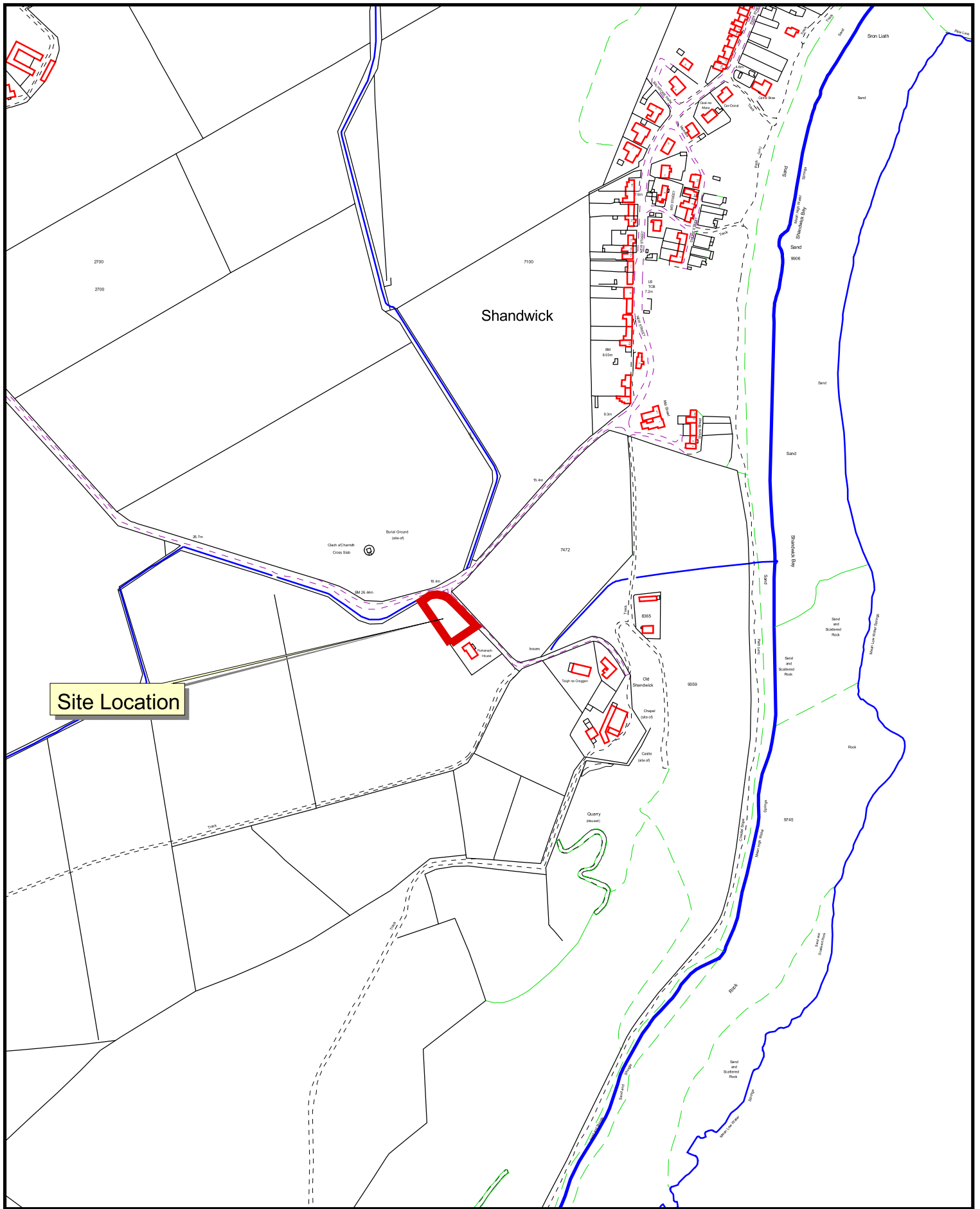
Signature: Allan J Todd

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 08/00192/OUTSUFULSU

Date: 4 August 2008



Site Location



08/00192/OUTSU
Erection of house at Land to North of Fortanach House, Shandwick.

Date: 25 July 2007

SUPPLIED BY THE HIGHLAND COUNCIL



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**3.8 Erection of House (Outline) at Land to North West of Fortanach House, Shandwick by Mr and Mrs Westwater, per Blueprint Architecture, 123 Obsdale Park, Alness, IV17 0TR
(Application Ref No 07/00030/OUTRC)**

There was circulated Report No [RP-055-07](#) by the Area Planning and Building Standards Manager recommending refusal of the application, for the following reason:-

1. The proposal is contrary to the provisions of the Ross & Cromarty East Local Plan Policies H2 and BP3, and Structure Plan Policy G2. It would result in inappropriate linear development outwith the settlement boundary of Shandwick and this would be emphasised by the open nature of the surrounding landscape and the prominent location of the application site. This would lead to a feeling of suburbanisation and be detrimental to the visual amenity and established character of the area as the separation distance from the adjacent house is out of keeping with the existing settlement pattern.

Following debate, the Chairman, seconded by Mr R Macintyre, moved refusal of the application for the reason set out in the Report.

Mr R Durham, seconded by Mr A Torrance, moved as an amendment approval of the application subject to appropriate conditions to be imposed by the Planning Team Leader in consultation with the Chairman and the Local Member. The amendment was moved on the grounds that Mr Durham and Mr Torrance disagreed with the assessment of the application against policies H2, BP3 and G2 as set out in the Report and considered the application acceptable within these policies.

On a vote being taken by roll call, the outcome was as follows:-

For the Motion:

Dr D Alston	Mrs V MacIver
Mr A Anderson	Mr E C Mackinnon
Mr D Briggs	Mrs A MacLean
Mr D J Chisholm	Mr M Macmillan
Mr J Connell	Mrs I McCallum
Mr R MacIntyre	Mr A Rhind

For the Amendment:

Mr R W Durham	Mr A Torrance
Mrs M E Paterson	Mrs J Urquhart

There being twelve votes in favour of the motion and four votes in favour of the amendment, the **MOTION** became the finding of the meeting.