

THE HIGHLAND COUNCIL

CAITHNESS, SUTHERLAND & EASTER ROSS PLANNING  
APPLICATIONS AND REVIEW COMMITTEE – 3 March 2009

Agenda Item	3.4
Report No	09/09

**08/00439/FULCA: Erection of timber chalet for use as holiday let, formation of vehicular access, installation of septic tank and soakaway, Site 1, Land East of Windhaven, Brough, Thurso**

**08/00440/OUTCA: Erection of timber chalet for use as holiday let, formation of vehicular access, installation of septic tank and soakaway, Site 2, Land East of Windhaven, Brough, Thurso**

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

**SUMMARY**

This report deals with two applications submitted in respect of land to the rear of Windhaven, Brough. Both applications are for chalets to be used for holiday purposes only. The first application is for full planning permission whilst the second application is in outline.

The applications fall outwith the remit of Local Plan Policy 6(f) in Brough which relates to housing development, applying a 150 metre spacing criterion, because the use is for holiday letting purposes. However, Structure Plan Policy T3 pertaining to self-catering holiday accommodation states that proposals must not represent over-development of an area.

In terms of siting, the chalets would sit on a very exposed, long narrow site, highly visible from the Dunnet Head road. In terms of design, the chalets are of an unremarkable “off-the-shelf” form, resulting in a mediocre appearance.

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

Ward Number 4 – Caithness Landward.

Applicant – Caledonian Iberian Conexions (UK) Ltd.

**1. PROPOSAL**

- 1.1 The applications seek to obtain consent for two timber chalets for holiday use only.
- 1.2 The site is located to the rear of the property known as Windhaven, Brough. It is currently used for agricultural / equestrian purposes. The land within the applicant's ownership extends to the high water mark.

- 1.3 It is proposed to service the chalets from a new access road which will be situated between the shed and the stables. Water and electricity will be supplied by mains, whilst drainage will be to a private septic tank and soakaway system.

## **2. PLANNING HISTORY**

- 2.1 None.

## **3. PUBLIC PARTICIPATION**

- 3.1 The application was advertised on 3 October 2008 as a departure from the provisions of the development plan (21 days).

- 3.2 Five letters of objection have been received. The main grounds of objection can be summarised as follows:

- Contravention of local plan and established spacing requirements
- Poor design and insensitive siting
- Proximity of development to cliff top, potentially impacting on public non-vehicular access
- Surfeit of holiday homes in local area / lack of affordable housing
- Erosion of adjacent cliff
- “Dangerous” precedent
- Drainage limitations above cliff
- Economic loss to Caithness as property and land is currently for sale with the applicant residing in Spain
- Proposals are out of character with the area
- Loss of agricultural land

- 3.3 The letters of representation are available in the Area Office and will be available at the Committee meeting. The names of those making representation are listed at the end of this report.

## 4. CONSULTATIONS

### 4.1 Dunnet and Canisbay Community Council

Initial objection received on three grounds:

1. Neighbour notification carried out inaccurately
2. Proposals may compromise nearby SSSI
3. Access issues for wider path network

Subsequently, the objections relating to neighbour notification and the SSSI have been removed, whilst concerns remain about access. An additional concern regarding drainage was raised.

### 4.2 Internal Consultees

**TEC Services** – No objections, subject to conditions. Specifically, TEC Services have considered the issue of cliff erosion and have stated that “Over a 200 year period it is possible that part of the garden may be lost due to cliff erosion. To stabilise any slippage the overburden should be battered back to a 1 in 2 slope. Consequently up to 10m of land may be lost.”

**Access Officer** – Has provided comment that in the interest of public access, sufficient land should be safeguarded as accessible to the public between the proposed development and the top of the coastal slope/cliff.

### 4.3 External Consultees

**Scottish Water** – No objections.

**Scottish Natural Heritage (SNH)** – No objections. The site is located approximately 1.4km south of Dunnet Head SSSI and approximately 0.12km south of the proposed marine extension to the North Caithness Cliffs Special Protection Area (pSPA). SNH recommend that any habitat clearance work associated with the development should avoid the period April – July inclusive, to ensure that breeding birds are protected.

**Scottish Environment Protection Agency (SEPA)** – No objections. The original drainage proposal has been modified by the applicant, following discussions with SEPA, to ensure the drainage provision meets SEPA’s requirements.

## 5. POLICY

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

### Highland Structure Plan

- G2 Design for Sustainability
- T3 Self Catering Tourist Accommodation

## **Caithness Local Plan**

- Policy PP2
- General Supporting Policy SP1

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). In this instance, in particular, Scottish Planning Policy.

## **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 site lies within an area designated as PP2 within the Caithness Local Plan. In a PP2 designation the Council will favour housing development unless it would significantly affect important features. Within Brough itself, housing development is favoured under Policy 6 (f), subject to a 150 metre spacing between dwellings. The policy also identifies poor sub-soil drainage as a constraint on development.

6.4 As these two applications are for holiday letting as opposed to permanent residential development it is not strictly speaking appropriate to determine them under this policy. If the developments were residential and not for holiday use they would not comply with the spacing requirements and would subsequently both be recommended for refusal.

6.5 As a holiday letting development, Structure Plan Policy T3 is applicable. This states that permission for tourist accommodation proposals will be granted only on the basis of the development not being used for permanent residential accommodation. This policy goes on to state that proposals should not represent over-development of an area, or be located on land zoned for permanent housing in the Local Plan. It is considered that the proposals constitute over-development of the site.

6.6 Structure Plan Policy G2 Design for Sustainability states that developments “...demonstrate sensitive siting and high quality design in keeping with local character and historic and natural environment and in making use of appropriate materials...”.

- 6.7 In terms of Policy G2, it is considered that the chalet proposals do not demonstrate sensitive siting or high quality design. In terms of siting, the chalets would be situated on an exposed cliff top, on a small narrow site with limited space. The possibility of erosion may lead to up to 10 metres of land being lost from the cliff edge over time which would considerably impact on the amenity land of the chalets. It would also impact on public access along the cliff top.
- 6.8 The proposals do not consider the impact the chalets will have on the landscape and character of this area, particularly in relation to the cliff edge. Visually, this aspect is of concern particularly as seen from the Dunnet Head road whilst travelling south.
- 6.9 In terms of design, the proposals for application 08/00439/FULCA are of an unremarkable “off-the-shelf” form. The lack of design detail combined with the proposed external material finishes – tongue and groove timber with grey/blue felt shingle roof – would result in a mediocre standard of appearance. In this location, which is considered relatively sensitive given its proximity to Brough Bay and its visibility from the Dunnet Head road, a high standard of design is essential. The other application is in outline – however, the application form does state that the walls will be timber with a felt shingle roof. The proposed chalet design does not take account of the exposed nature of the site, nor the extremes of weather. The site itself does not permit the chalets to blend into the landscape.
- 6.10 The principal issues raised in the letters of objection, namely contravention of the Local Plan, poor design and insensitive siting, impact of development to cliff top access, erosion of adjacent cliff, proposals being out of character with the area and drainage limitation above cliff have been addressed above.
- 6.11 The key remaining issues raised as objections are the surfeit of holiday homes and lack of affordable housing, the setting of a dangerous precedent, the economic loss due to the property and land being for sale and the loss of agricultural land. To respond to these, the proposals relate to chalets used for holiday letting purposes and whether or not there are too many holiday letting properties in the vicinity is not a sufficient reason to refuse the applications. Permitting the proposal would not necessarily set a dangerous precedent as each application is considered on its own particular merits. The fact that the applicant resides in Spain and is currently marketing the property is not relevant to the application as it stands, nor is the loss of agricultural land.

## **7. CONCLUSION**

- 7.1 The proposals, in a highly visible exposed site, do not represent effective siting and design and constitute over-development of the site, and are therefore contrary to Structure Plan Policies G2 and T3.

## **RECOMMENDATION**

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

1. The proposed chalets do not accord with Highland Structure Plan Policy G2 in that they do not demonstrate sensitive siting and high quality design in keeping with local character and historic and natural environment and in making use of appropriate materials.
2. The proposed chalets do not accord with Highland Structure Plan Policy T3 in that they represent over-development of the site.

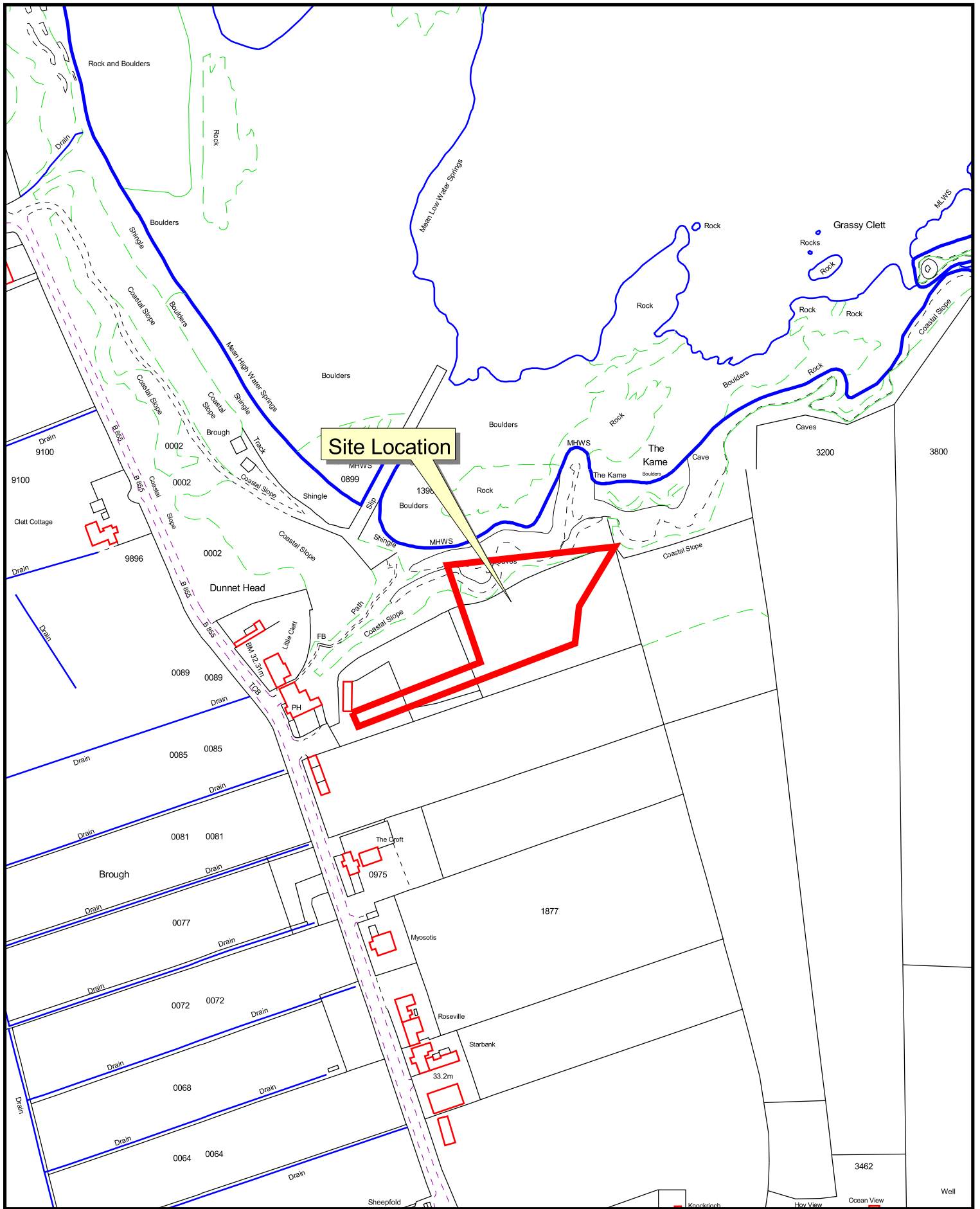
Signature: Allan J Todd

Designation: Area Planning & Building Standards Manager

Author: Morag Goodfellow 01955 607754

Background Papers: None

Date: 12<sup>th</sup> February 2009



08/00439/FULCA  
 Erection of timber chalet for use as holiday let, installation of septic tank and soakaway, formation of vehicular access at Site 1 Land to East of Windhaven, Brough, Thurso.

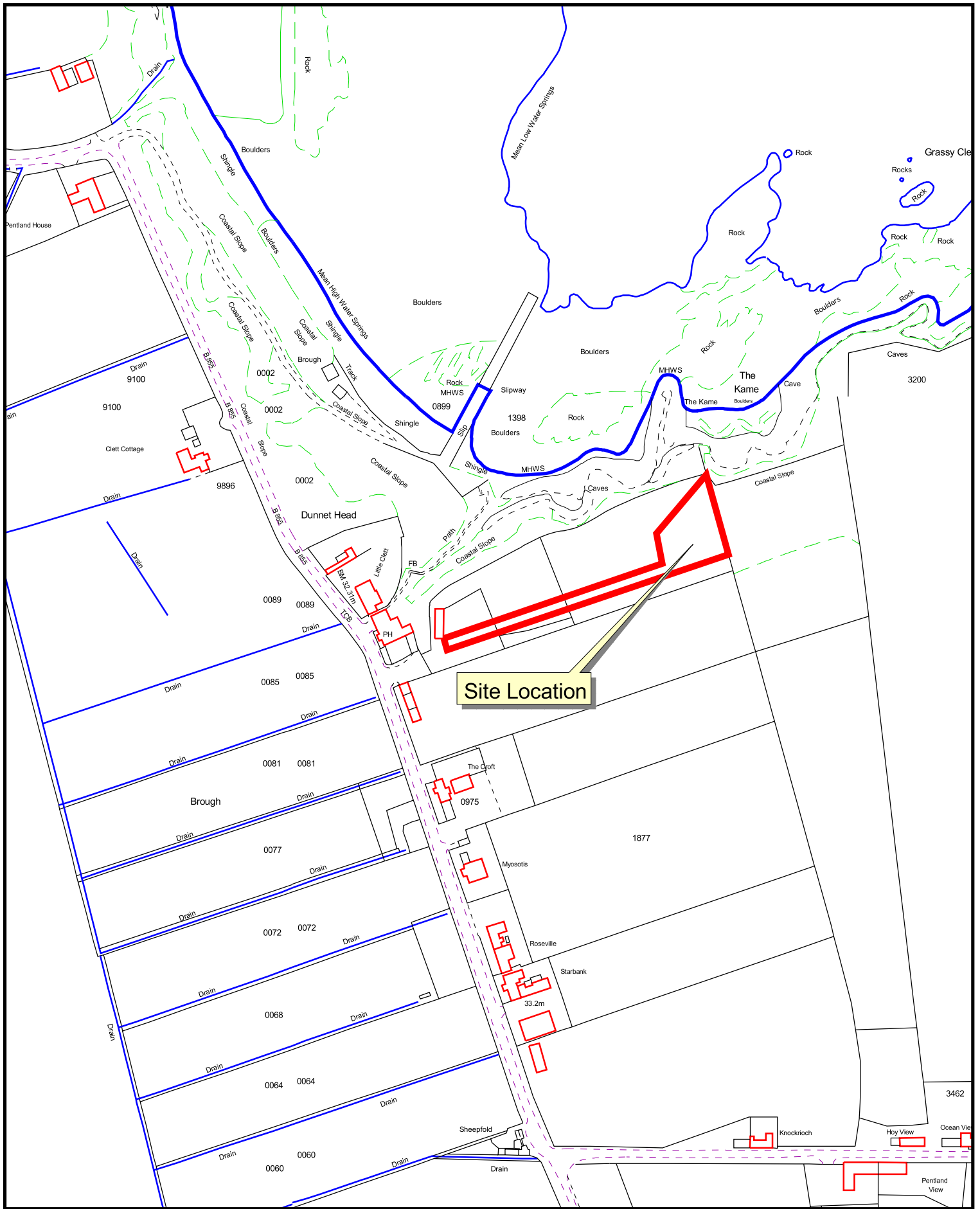
Caledonian Iberian Conexions Uk Ltd  
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Date: 06 January 2009

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08/00440/OUTCA  
 Erection of timber chalet for use as holiday let, formation of vehicular access, installation of septic tank and soakaway. (outline) at Site 2 Land East Of Windhaven, Brough, Thurso.

Caledonian Iberian Conexions (UK) Ltd  
 Windhaven  
 Brough  
 Thurso

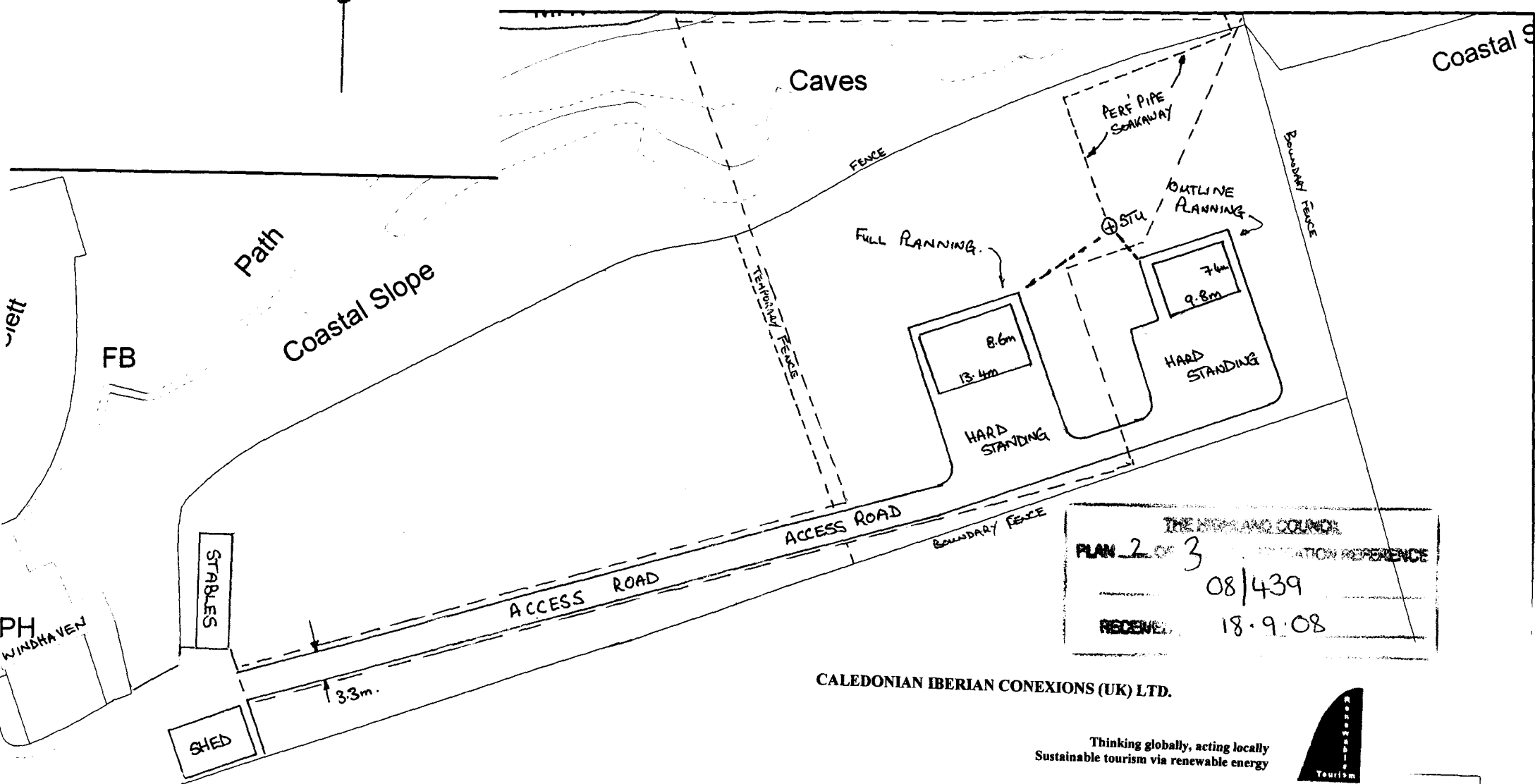
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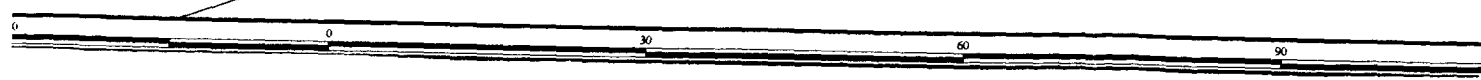




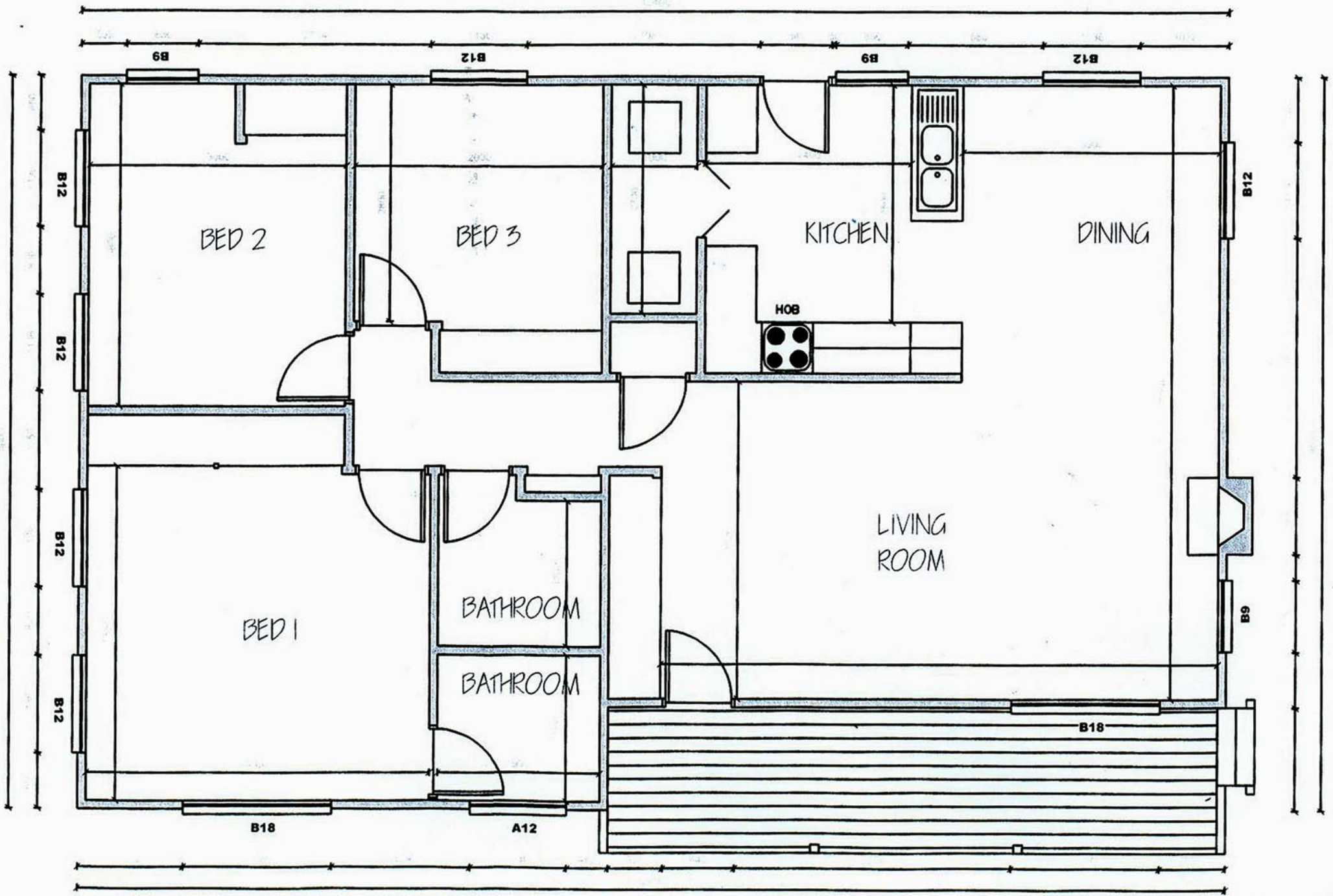
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Thinking globally, acting locally  
 Sustainable tourism via renewable energy



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FRONT ELEVATION





SIDE ELEVATION

