

THE HIGHLAND COUNCIL

CAITHNESS, SUTHERLAND & EASTER ROSS PLANNING APPLICATIONS COMMITTEE – 10 August 2010

Agenda Item	
Report No	

**10/01601/FUL : Mrs Rosemary Campbell per David Green acting as agent
Land to South of Parkhead, Whitefield, Castletown**

Report by Area Planning and Building Standards Manager

SUMMARY

Description : Erection of house

Recommendation - REFUSE

Ward : Ward 4 – Landward Caithness

Development category : Local Development

Pre-determination hearing : N/A

Reason referred to Committee : Request by Ward Members to refer to Area Planning Applications Committee.

1. PROPOSED DEVELOPMENT

- 1.1 The application is for a single storey 2-bedroom house with integral garage and sun room with proposed external finish of 'Canterbury' spar drydash render with hazel brown drydash render baseband, brown Redland 'Renown' concrete roof tiles, light oak colour uPVC fascias, and cherry uPVC double glazed windows and doors. The site is located immediately to the south of a property known as 'Parkhead' adjacent to a single track gravel surfaced road which links with the B876 road on the southern approach to Castletown.
- 1.2 No pre-application consultation noted as being undertaken immediately prior to this application. The application does however cite a letter from the Area Planning and Building Standards Manager dated 9 May 2008, as pre-application discussion. The correspondence is a response to a query from John Thurso MP at the behest of the appellant. It reiterates the grounds of refusal and subsequent appeal decision by the Deputy Chief Reporter regarding planning application 07/00138/FULCA. This letter notes that there has been no substantive change in circumstances that would lead to a different recommendation, but suggests that the applicant consider the upgrading of the existing property as a potential solution.

- 1.3 The site currently forms part of a field, which at the time of the site visit was used for grazing horses. The site is accessed from an adjacent single track, gravel surfaced road that serves a number of dwellings.
- 1.4 No supporting documents submitted.
- 1.5 No variations made to the application.

2. SITE DESCRIPTION

- 2.1 The setting of the application is distinctly rural in character with the proposed site occupying a relatively prominent position on a rising slope. The site is currently used for grazing horses and/or agricultural purposes. The adjacent property known as 'Parkhead' is a modern bungalow.

The track which would form the principal access to the site is a linear route rising to a high point at 'Whitefield', south of the application site, and is used for access by a number of scattered properties. The track is not accessible to vehicles south of 'Whitefield', owing to lack of maintenance and scrub growth although it continues to link with the unclassified road in the vicinity of Borgie Mains. The proposed house is the fifth house to be accessed from this track.

The unmade track in its entirety is noted as a component of the draft Core Paths Plan for Caithness.

3. PLANNING HISTORY

- 3.1 07/00138/FULCA Application for erection of stables, installation of septic tank and soakaway, installation of oil tank and formation of vehicular access. Delegated refusal 01.05.07.
Appealed to Scottish Ministers. Appeal dismissed 03.12.07.

4. PUBLIC PARTICIPATION

- 4.1 Advertised : 30 April 2010 (Neighbour Notification)
Representation deadline : 14 May 2010
Timeous representations : 0
Late representations : 0

5. CONSULTATIONS

- 5.1 **TEC Services:** It is noted that this is the fifth house accessed from the unsurfaced unadopted road. No objections subject to the following conditions:
Access to be improved to adoptable standards to the first house. This will require a Road Construction Consent application. A typical road improvement would consist of:-
 - Road width 3.3m
 - 40mm D.B.M. wearing course
 - 60mm D.B.M. base course

Soft spots removed, back filled and track regulated as required

2m nominal verge to either side

Creation of turning head

- 5.2 Consultees to application 07/00138/FULCA included Archaeology, SEPA, and Scottish Water. There were no objections to this earlier application by these bodies. The Archaeology Service did however require that an archaeological watching brief be undertaken, pending the success of the application, as the area of the development is considered to be archaeologically sensitive. These earlier consultation responses are believed to remain pertinent to the current application.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 Highland Structure Plan 2001

G1 Conformity with strategy

G2 Design for sustainability

H3 Housing in the countryside

H8 Access arrangements for new and existing development

BC1 Preservation of archaeological sites

6.2 Caithness Local Plan

PP3 The site is located in an area subject to primary policy 3 (PP3) of the landward chapter of the Caithness Local Plan whereby the Council will presume against development unless an exceptional need can be demonstrated.

7. OTHER MATERIAL CONSIDERATIONS

7.1 Draft Development Plan

Not applicable

7.2 Highland Council Supplementary Planning Policy Guidance

Interim Supplementary Guidance: Housing in the Countryside, September 2009.

7.3 Scottish Government Planning Policy and Guidance

Scottish Planning Policy, The Scottish Government 2010.

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.

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.

8.3 **Development Plan Policy Assessment**

The proposal is situated within the hinterland area of Thurso and is subject to Primary Policy 3 (PP3) as defined by the Caithness Local Plan. There is a presumption against new housing in this defined area unless a house is essential for the management of land and associated family purposes, or where it involves required social housing provision or the conversion of a traditional building or redevelopment of a ruinous one. None of these circumstances has been demonstrated in the application.

Furthermore, Scottish Planning Policy dictates that all new development in the countryside should “.. respond to the specific local character of the location, fit in the landscape and seek to achieve high design and environmental standards .. “. The proposed development fails to meet the terms of this Policy.

Highland Structure Plan Policy H8 notes in situations where access is to serve more than 4 houses that the access should be constructed to adoptive standards. This application would result in a fifth house served from the existing unadopted access.

The application is considered to be within an area of archaeological sensitivity. Any works within this area would be subject to Highland Structure Plan Policy BC1 – Preservation of archaeological sites. The proposal does not immediately suggest that there are any archaeological sites within the area of the application however to mitigate potential damage to archaeological remains an archaeological watching brief would be required.

8.4 **Material Considerations**

The development in the manner proposed conflicts with the intentions and provisions of the Highland Structure Plan Policies G1, G2 and H3, and also Policy PP3 of the Caithness Local Plan. The application does not conform to any of the exceptional situations as noted in these policies, nor does it meet any of the requirements of the supplementary planning guidance regarding housing in the countryside which may have been considered relevant to the support of this application. In this instance the previous refusal and the dismissal of the subsequent appeal are material in the assessment of the current application. Nothing has changed since the previous appeal was dismissed, the proposal remains contrary to policy and cannot, again, be given a favourable recommendation.

It is worth noting the conclusions of the Reporter in determining the appeal –

While I can understand the appellant's wish to develop her own land, such a wish could be expressed by too many landowners, with the result that sporadic development would severely undermine the aims underlying the planning authority's established policies.

These are not in my judgement considerations which should carry sufficient weight to over turn the established policies of the development plan.

8.5 Other Considerations – not material

During the processing of this application the agent has intimated that the proposed house is required for the care of an elderly relative. This point was raised within the earlier application 07/00138/FULCA and resultant appeal.

However, this does not meet any of the exceptions to policy.

8.6 Matters to be secured by Section 75 Agreement

None

9. CONCLUSION

- 9.1 The application is largely unchanged from the original application (planning reference 07/00138/FULCA) which was refused under delegated powers on 1 May 2007, and thereafter subject to an appeal which was dismissed on 3 December 2007. A stable block has been removed from the current application in comparison with the earlier application, however all other considerations according to the case history, policy background and current policy guidance remain unchanged. The application does not conform with the intentions and provisions of Planning Policy as per the Highland Structure Plan and the Caithness Local Plan, nor does it accord with current planning policy guidance with regards Housing in the Countryside.

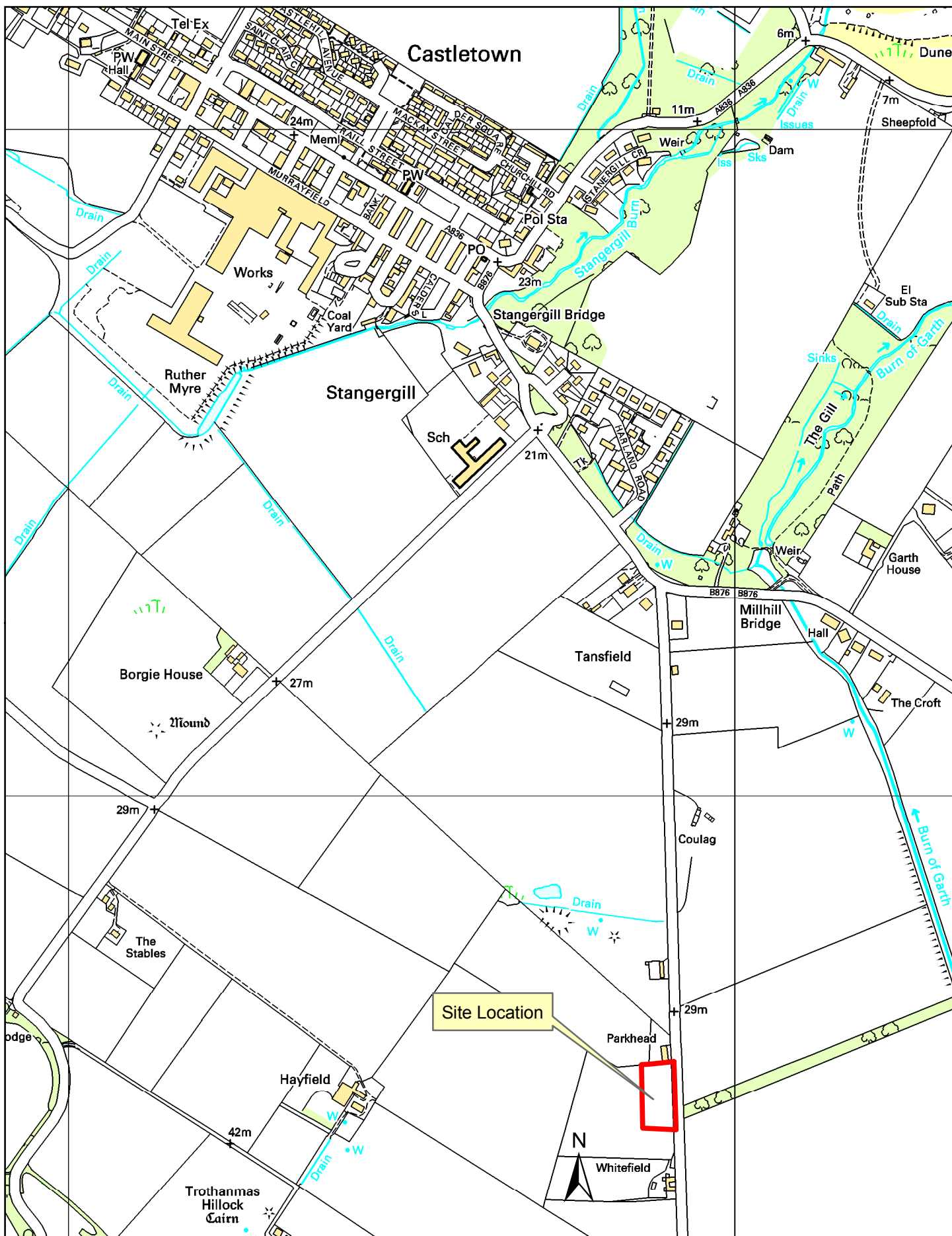
10. RECOMMENDATION

Action required before decision issued	N
Notification to Scottish Ministers	N
Notification to Historic Scotland	N
Conclusion of Section 75 Agreement	N
Revocation of previous permission	N

Subject to the above, it is recommended the application be **Refused** for the following reason:

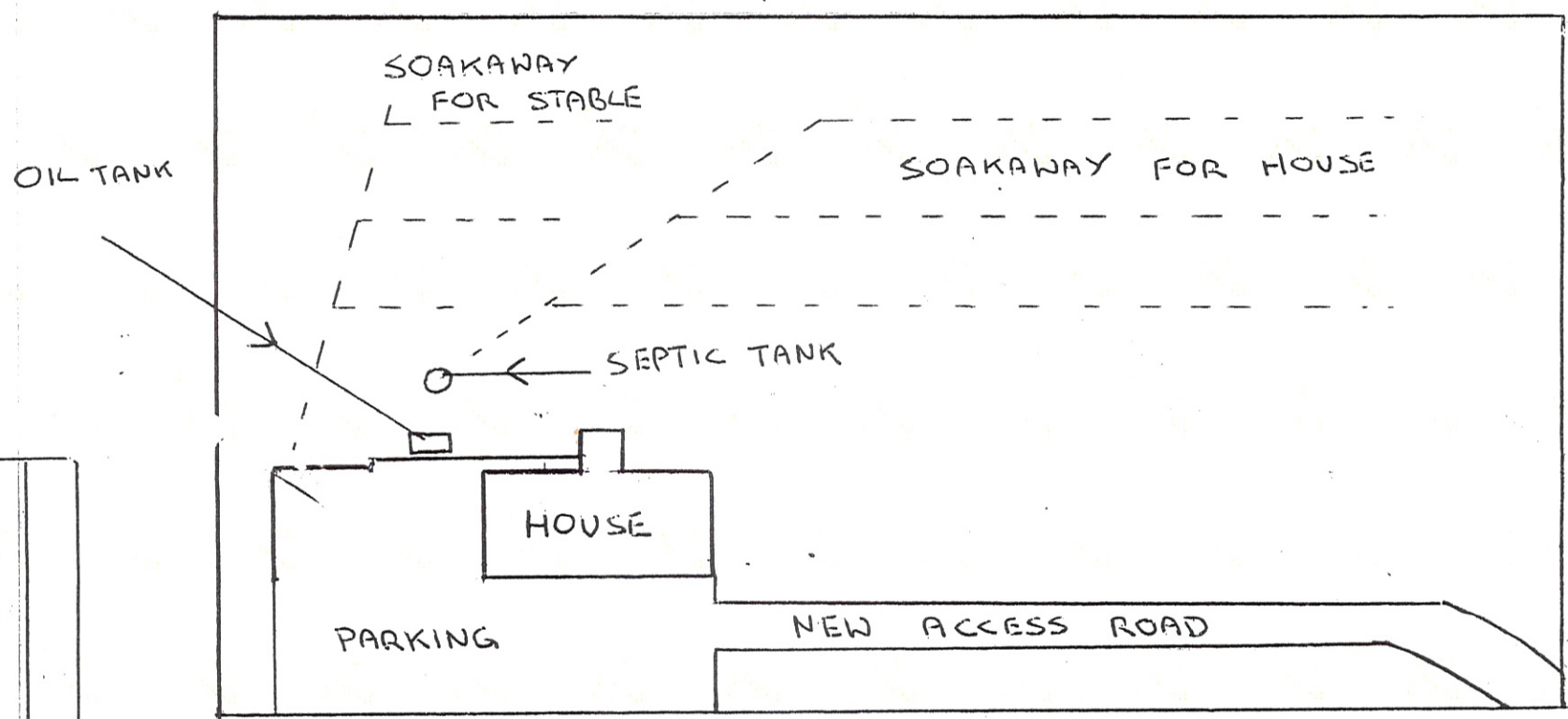
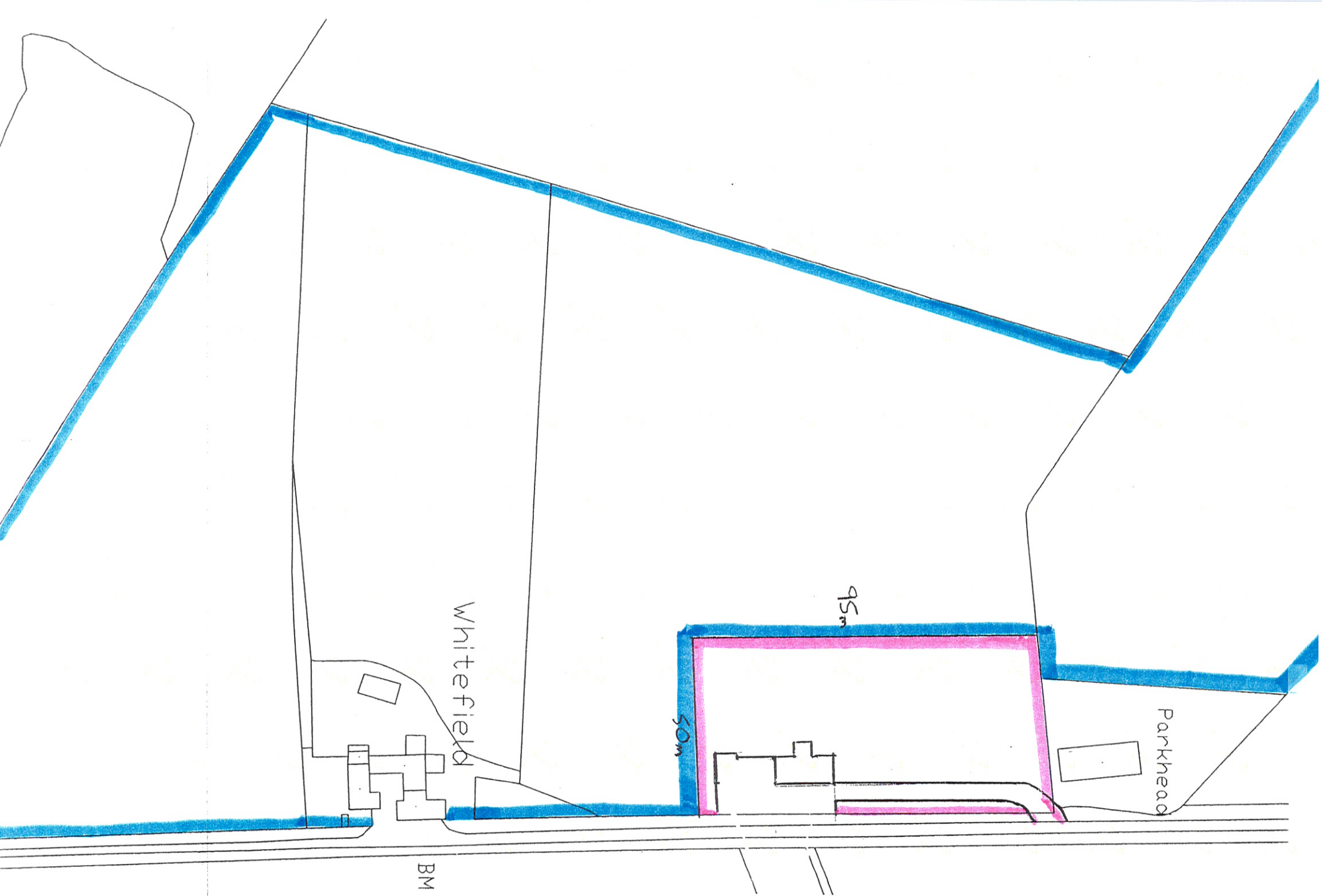
1. The proposed house is contrary to the provisions of Structure Plan Policy H3 Housing in the countryside, Primary Policy PP3 of the Landward Chapter of the adopted Caithness Local Plan and the Council's Interim Supplementary Guidance: Housing in the Countryside, which presume against housing development in the Hinterland as defined in the Local Plan, and no exceptional need as required by the Policy has been demonstrated.

Signature: Allan J Todd
Designation: Area Planning & Building Standards Manager
Caithness, Sutherland and Easter Ross
Author: David Barclay
Background Papers: Documents referred to in report and in case file, including
Scottish Government Planning Appeal Decision ref. P\PPA\270\482
Letter Reference 07/00138/FULCA/AJT/ar
John Thurso MP correspondence 29.04.08 & 04.02.08
Relevant Plans: Plan 1 – Location Plan
Plan 2 – Block Plan
Plan 3 – Proposed Floor Plan
Plan 4 – Foundation Plan
Plan 5 – Elevations
Plan 6 – Cross Section

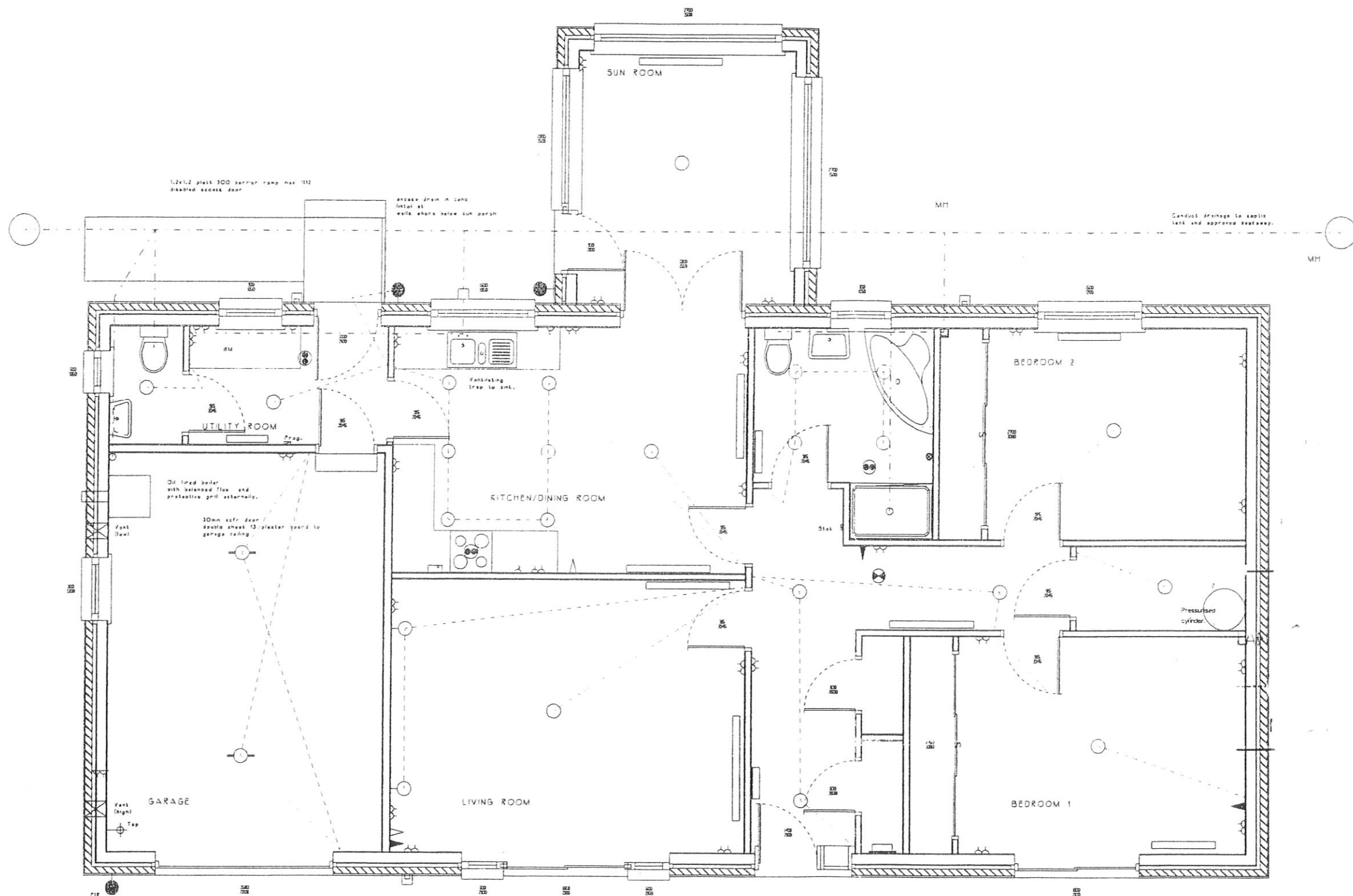


10/01601/FUL
 Erection of house at
 Land to south of Parkhead, Whitefield, Castletown

Mrs R Campbell
 Per Green & Cameron Ltd
 Burnside Cottage
 Gills
 Canisbay
 Wick



CAMPBELL - WHITEFIELD, KUILA 8VA.			
1:	500		
1:	1250		
SITE	400	01	12/3/07



All CB and downpipes to
discharge via 100 pvc
drains to approved local
sewer 15m from house.

x Repositioned porch door	
PROPOSED DWELLING CAMPBELL	
NTS	DRG 505