

THE HIGHLAND COUNCIL

Agenda Item	4.1
Report No	PLC/041/10

CAITHNESS, SUTHERLAND & EASTER ROSS PLANNING APPLICATIONS COMMITTEE – 9 November 2010

**10/00039/FULSU : Mr Keith Kennedy
Kiltearn House (Steading), Kiltearn, Evanton**

Report by Area Planning and Building Standards Manager

SUMMARY

Description : Erection of holiday letting unit

Recommendation - GRANT

Ward : 07 – Cromarty Firth

Development category : Local development

Pre-determination hearing : Not required.

Reason referred to Committee : Objection by Community Council

1. PROPOSED DEVELOPMENT

- 1.1 The detailed application comprises the proposed erection of a one bedroom single-storey self-contained holiday cottage within the grounds of Kiltearn House (Steading) on the outskirts of Evanton. The proposed building is modest in size with a footprint of around 100m², to be finished with natural sandstone walls and a natural slate roof and stone skews. The traditional design includes a timber sunroom and small timber storm porch.
- 1.2 No pre-application consultation took place.
- 1.3 It is proposed to use the existing access onto the single track Kiltearn public road and upgrade the road junction to the satisfaction of TEC Services. A parking area to accommodate a further two vehicles is shown off the private access. A public water supply exists and successful percolation tests have been carried out demonstrating the suitability of the subsoil to accommodate a private septic tank and soakaway.
- 1.4 No supporting documents have been submitted.
- 1.5 An amended site plan was submitted on 1 October 2010, adjusting the position of the proposed building closer to the north site boundary to allow greater separation from the mature avenue of trees on the south side of the access.

2. SITE DESCRIPTION

- 2.1 The site is currently flat grassed land in the same ownership as Kiltearn House (Steading) but just outwith its immediate curtilage to the south-west. The stead building is Listed Category B and has been converted to a house. It is a one and a half storey stone and slate building which has been extended to the rear. The grassed paddock lies approximately 20m from the existing house on the south-western approach to the property from the public road. It is open along the boundary with the access and fenced on the other three sides. The site lies very close to the end of the public road and to the west of Kiltearn Old Parish Church and Burial Ground, also Listed Category B. A number of mature trees line the roadside.

3. PLANNING HISTORY

- 3.1 None

4. PUBLIC PARTICIPATION

- 4.1 Advertised : Potential Departure and Neighbour Notification

Representation deadline : 21 May 2010

Advertised : Affecting setting of Listed Building

Representation deadline : 16 July 2010

No representations received.

5. CONSULTATIONS

- 5.1 **Kiltearn Community Council** : Objects to application on the grounds that the proposal effectively constitutes a new house within the site and is thereby contrary to the development plan. In addition it is considered that it affects the setting of the old parish church and burial ground which are Listed.
- 5.2 **Conservation Officer** : No objection. The natural materials specified are to be welcomed. Samples of materials should be agreed by condition together with details of windows and doors. Details of boundaries should also be conditioned to ensure that visually the holiday let remains ancillary to the listed building.
- 5.3 **Forestry Officer** : No objection. The proposed site does not contain any trees however there are two mature sycamores to the south of the access track opposite the proposed building. These trees form part of the amenity ground associated with the church which is an important feature locally. The trees will not be affected by the construction however will cast shadow on the site and it would be advisable to move the building closer to the north boundary. The surface water soakaway, currently shown close to the cherry tree in the adjacent garden should be relocated. A condition should be attached requiring a detailed landscape plan and maintenance programme.
- 5.4 **TECS (Transport)** : No objection subject to works to upgrade the existing access point onto the public road by way of surfacing for at least 3m. Also in view of the fragile nature of the U2020 public road, a contribution will be required from the developer for any damage to the road caused by construction vehicles.
- 5.5 **TECS (Contaminated Land)** : No objection

5.6 **Archaeology Unit** : No objection

5.7 **Scottish Water** : No objection

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
T3	Self catering tourist accommodation

6.2 Ross & Cromarty East Local Plan

BP3	Background policy
GSP10	Housing in the Hinterland

7. OTHER MATERIAL CONSIDERATIONS

7.1 Draft Development Plan

Not applicable

7.2 Highland Council Supplementary Planning Policy Guidance

Housing in the Countryside

7.3 Scottish Government Planning Policy and Guidance

Scottish Planning Policy

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 site lies outwith the village of Evanton and therefore falls within the Hinterland Around Towns area as defined within the Structure Plan (Policy H3) and Local Plan (Policy GSP10) where there are policy restrictions with regard to new houses. Whilst account has been taken of such policies, in this case the accommodation proposed is for holiday letting or tourist use and thereby the application should be considered specifically against Structure Plan Policy T3.

This allows for such development where it complies with Structure Plan Policy G2; where it does not represent over-development of land; and where it is not located on land zoned for permanent housing. The policy clearly states that such proposals will only be granted permission on the basis of the development not being used for permanent residential accommodation. This should be secured by means of an appropriate occupancy condition.

- 8.4 The proposed building is to be situated on a grassed paddock which lies between the converted steading building to the east and the former manse to the west (in separate ownership) which is now a guest house. The modest size and traditional design and proposed finished materials relates well to those older properties and to the listed former parish church and burial ground which lie on the other side of the steading. Consultation with the Council's Archaeology Unit, Conservation and Forestry Officers has generated no objections. The building has been moved marginally further away from the mature trees on the advice of the Forestry Officer. It is therefore considered an appropriate development, complying with Policies T3 and G2, compatible with adjoining residential/tourist use, and having no material impact upon wider heritage or amenity interests. There are no servicing objections. It therefore complies with policy.

8.5 **Material Considerations**

The application has generated an objection from Kiltarn Community Council as detailed at para 5.1 above. The Community Council's concerns are discussed as follows:

Contrary to development plan – As referred to at para. 8.3, the specific proposal for holiday letting accommodation complies with the Council's Policy T3 for tourist accommodation. It will therefore be necessary to attach a condition restricting it to this use and ensuring that it remains ancillary to the main house.

Effect on setting of listed old parish church and burial ground – The proposed building is separated from the old parish church and burial ground by the existing converted steading. The new building will be around 20m distant from the listed steading; over 50m distant from the burial ground boundary wall; and over 70m from the church. The modest scale and sensitive design and finish of the new building will ensure that it has no material impact on the setting of the adjacent listed buildings. The Council's Conservation Officer has no objection.

8.6 **Matters to be secured by Section 75 Agreement**

None

9. **CONCLUSION**

- 9.1 The application accords with policy as it is a small holiday letting unit which is proposed as ancillary to an existing house. The detailed architect designed solution proposed has taken account of the historic setting of the site. The siting has been marginally adjusted to take account of the proximity of adjacent mature trees, also very important to the landscape setting. It is therefore considered that the proposal is acceptable subject to the conditions listed below.

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 **Granted** subject to the following conditions and reasons:

1. The development to which this planning permission relates must commence within THREE YEARS of the date of this decision notice.

Reason : In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.

2. No development shall start on site until the completed Notice of Initiation of Development (NID) form attached to this planning permission has been submitted to and acknowledged by the Planning Authority.

Reason : In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.

3. Upon completion of the development the completed Notice of Completion form attached to this decision notice shall be submitted to the Planning Authority.

Reason : In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.

4. For the avoidance of doubt, the holiday accommodation unit hereby permitted shall be used for holiday letting purposes only and not as a main residence. It shall remain ancillary to the property currently known as Kiltearn House (Steading) and shall not be sold off separately from such property. It shall not be occupied by any family, group or individual for more than three months in any calendar year, unless as otherwise approved in writing by the Planning Authority.

Reason : To ensure that the unit remains part of the existing property in accordance with Structure Plan Policy T3 and does not enter into permanent residential use which would be contrary to Structure Plan Policy H3.

5. Prior to development commencing, a detailed landscape plan and maintenance programme shall be submitted for the written approval of the Planning Authority and thereafter implemented and maintained in accordance with such approval. For the avoidance of doubt this shall include an element of native hedge planting to define the boundary of the new development and ensure it remains ancillary to the principal property of Kiltearn House (Steading).

Reason : In order to complete a satisfactory form of development, in the interests of safeguarding the established amenity of existing properties adjacent.

6. The type of materials to be used in the development hereby approved shall be as specified on the approved plans unless the prior written approval of the Planning Authority is obtained for other materials. Prior to development commencing, full details of all proposed finished materials (including samples where requested) shall be submitted for the approval of the Planning Authority. The development shall thereafter proceed on the basis of such agreed materials.

Reason : In order to complete a satisfactory form of development, in the interests of safeguarding the integrity and setting of existing listed properties adjacent.

7. Prior to development commencing, full details of the proposed surface water system associated with the development shall be submitted for the approval of the Planning Authority. Thereafter, the approved scheme shall be installed and completed to the satisfaction of the Planning Authority and in accordance with full SuDS principles. For the avoidance of doubt such details shall ensure that the surface water soakaway for the building is not positioned within the adjacent garden.

Reason : In order to ensure that the site is properly and adequately drained and that the existing cherry tree is not affected by the works.

8. Prior to first occupation of the building hereby approved, the access onto the public road shall be upgraded to the satisfaction of the Roads Authority, including the first three metres surfaced in a recognised bituminous material and measures taken to ensure that no water drains from the site onto the public road or from the road into the site.

Reason : In the interests of road safety.

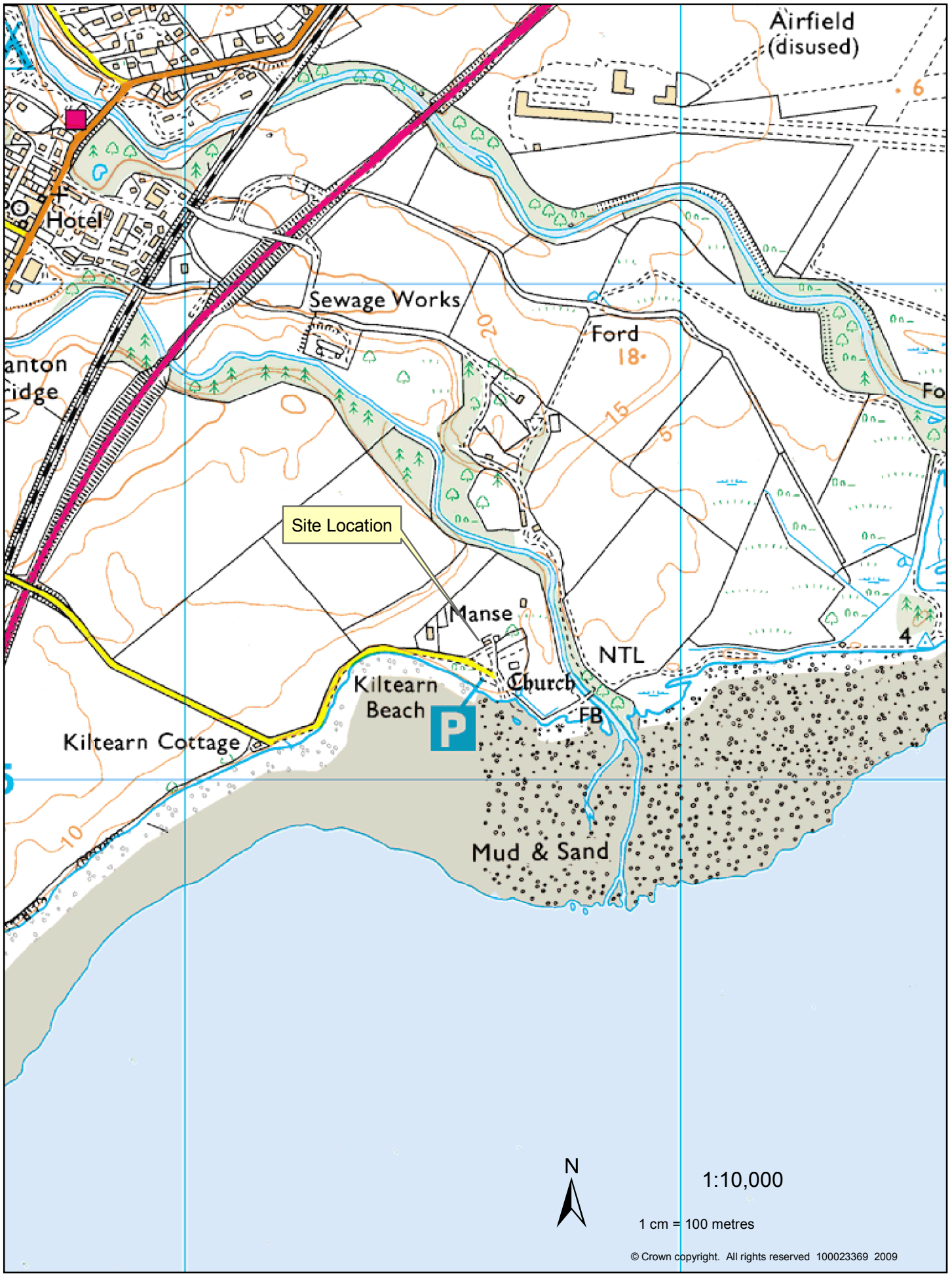
FOOTNOTE TO APPLICANT

Conditions: Your attention is drawn to the conditions attached to this permission. Any pre-conditions (those requiring certain works, submissions etc. prior to commencement of development) must be fulfilled prior to work starting on site. Failure to meet these conditions may invalidate your permission or result in formal enforcement action.

Scottish Water: You are advised that a supply and connection to Scottish Water infrastructure is dependent on sufficient spare capacity at the time of the application for connection to Scottish Water. The granting of planning permission does not guarantee a connection. Any enquiries with regards to sewerage connection and/or water supply should be directed to Scottish Water on 0845 601 8855.

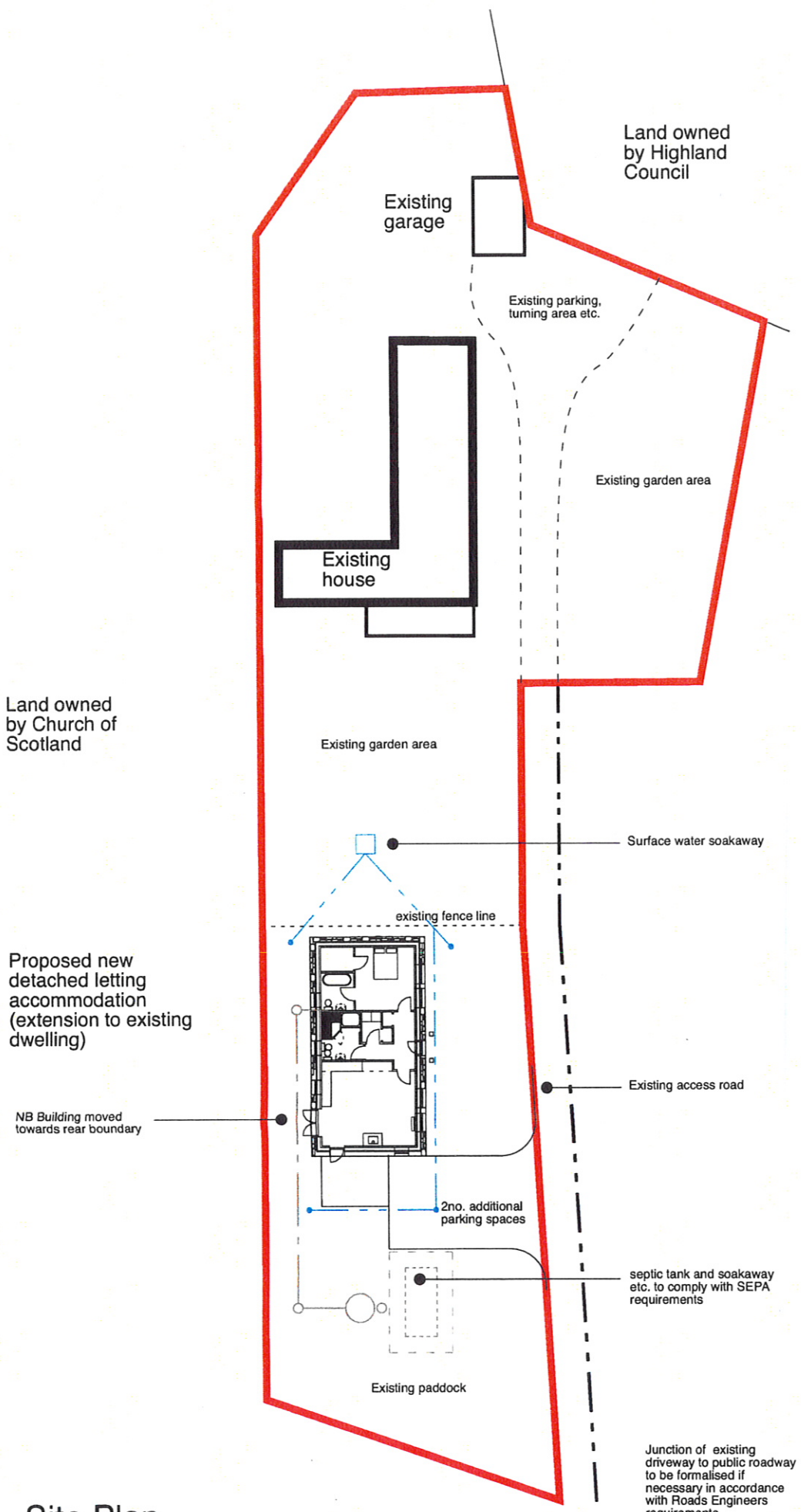
Public Road: In view of the fragile nature of the U2020 public road, a contribution will be required from the developer for any damage to the road caused by construction vehicles. You should contact TEC Services (Transport) in Golspie prior to works commencing (Nick Lindsay 01408 635314).

Signature: Allan J Todd
Designation: Area Planning & Building Standards Manager
Caithness, Sutherland and Easter Ross
Author: Dorothy Stott
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 - Location Plan
Plan 2 - Site layout
Plan 3 - Elevations



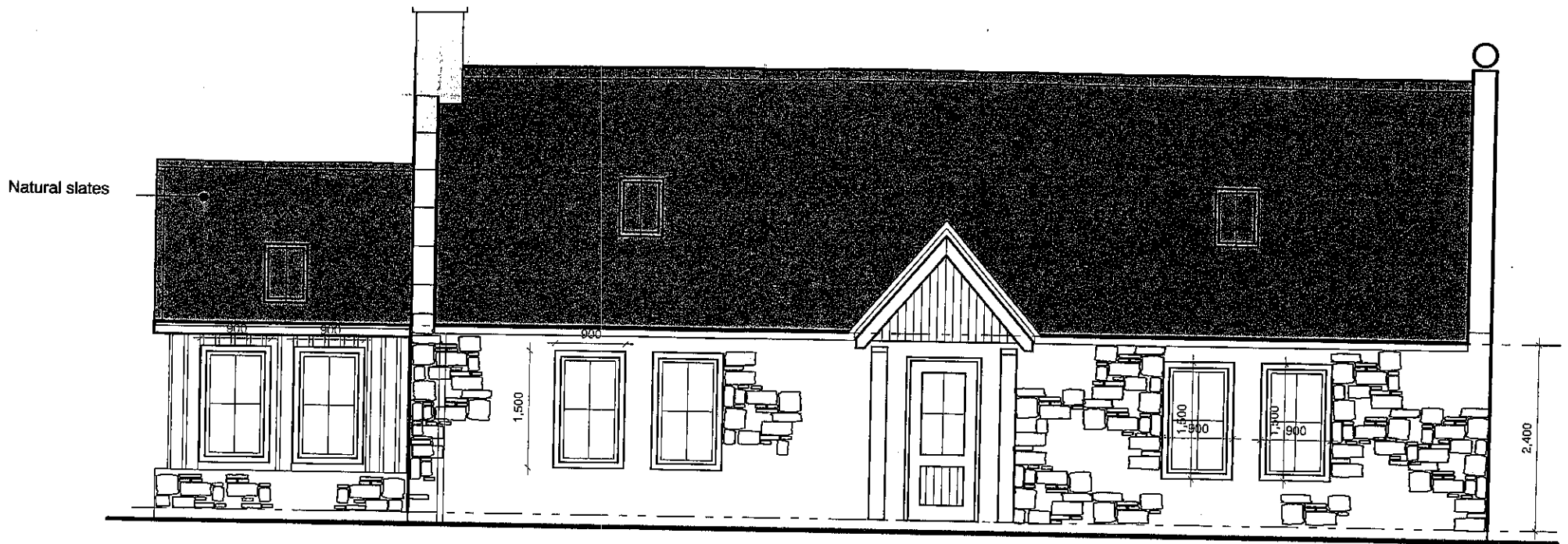
10/00039/FULSU
 Erection of self contained holiday letting unit at
 Kiltearn House (Steading), Kiltearn, Evanton.

Mr K Kennedy
 per Mr I Macbeath
 Macbeath Associates
 6 Clayton Court
 Castle Avenue Industrial Estate
 Invergordon

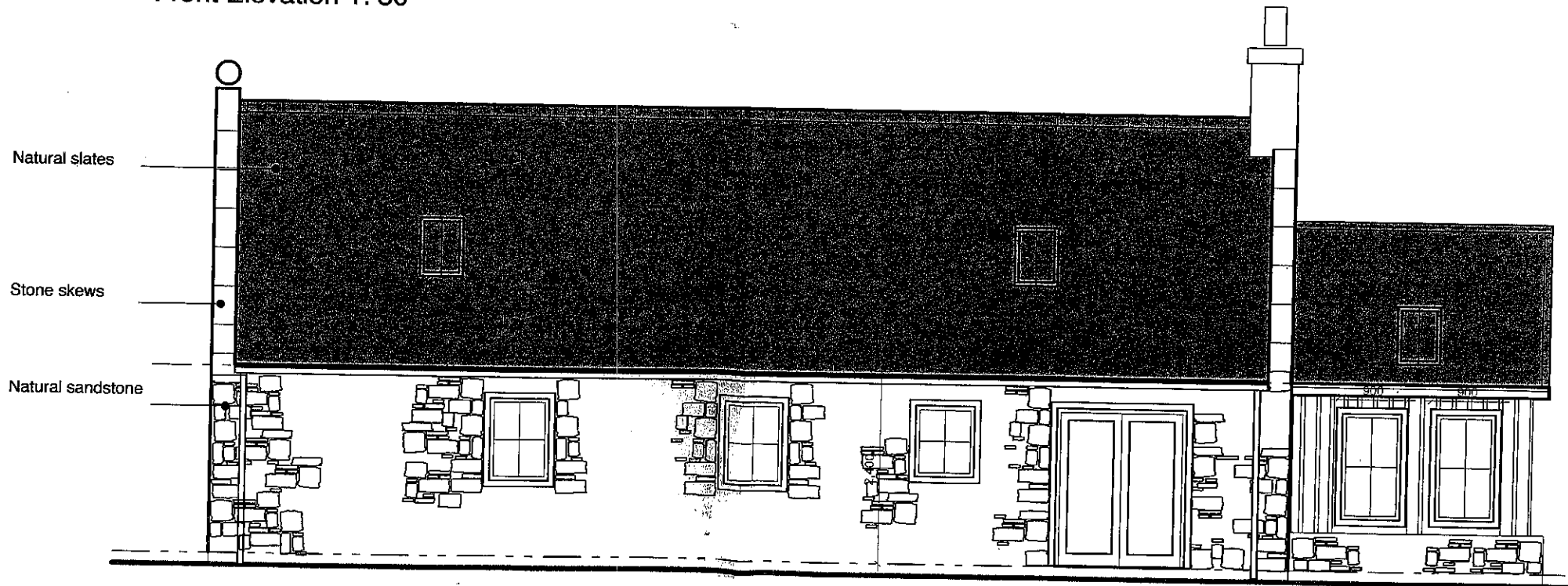


Site Plan
Scale 1: 250





Front Elevation 1: 50



Natural slates

Stone skewes

Natural sandstone

Rear Elevation (SW) 1: 50