

THE HIGHLAND COUNCIL

CAITHNESS, SUTHERLAND & EASTER ROSS PLANNING APPLICATIONS COMMITTEE – 15 March 2011

Agenda Item	4.6
Report No	PLC/010/11

**11/00008/FUL : Mr & Mrs Hugh Murray
House Plot 1, Crofts 18 and 31 Achavandra Muir, Dornoch**

Report by Area Planning and Building Standards Manager

SUMMARY

Description : Demolition of existing house ruins, erect house, install septic tank and soakaway, and form new access road

Recommendation - REFUSE

Ward : 05 - East Sutherland and Edderton

Development category : Local Development

Pre-determination hearing : None

Reason referred to Committee : Delegated refusal to Members referred to Committee for determination as per scheme of delegation.

1. PROPOSED DEVELOPMENT

- 1.1 The proposal is for the “demolition of existing house ruins, erect dwelling house install septic tank and soakaway and form new access road”.
- 1.2 No pre-application consultations were undertaken on this application.
- 1.3 No existing infrastructure exists on the site.
- 1.4 No supporting documents have been submitted with the application.
- 1.5 No variations have been made to the application since it was submitted.

2. SITE DESCRIPTION

- 2.1 The site is located at Achavandra Muir to the west of the A9(T) and around 650m north-west of the Trentham Hotel. The site is backgrounded by trees to the west and is open to grazing to the north, east and south-east. Access is from a minor single track road rather than the A(9) direct. There is an existing dilapidated single storey building on the site with stone walls and corrugated roof. A small timber and corrugated structure is attached.

3. PLANNING HISTORY

3.1 Members may recall previous applications at the site being considered by Committee in 2008 and 2007:

- 08/00100/OUTSU - Alteration and Extension to Former House to Dwellinghouse. Installation of Sewage Treatment Plant and Mounded Infiltration System. Formation of Access onto Unclassified Achavandra Muir Public. Approved by Committee 08.07.2008.
- 06/00132/OUTSU - Provision of house site for a single or 1½ storey dwelling with garage and all services. Installation of sewage treatment plant and mounded infiltration system. Formation of access onto unclassified Achavandra Muir public road. Refused by Committee 19.01.2007.

4. PUBLIC PARTICIPATION

4.1 Advertised : Neighbour Notification, Potential Departure

Representation deadline : 04.02.2011

Timeous representations : 0

Late representations : 0

5. CONSULTATIONS

5.1 **Archaeology** : The building on the site is first depicted on the 1st edition OS map and is considered to be of local historic interest. The building and any associated structures should not be demolished or otherwise impacted without a visual record first being made. An ARC 3 condition – photographic record – should be attached.

5.2 **TEC Services** : No objections. The Roads Authority reserves the right to recover all costs for repairing any damage to the public road which can be attributed to construction works for this development over what is a fragile section of the Council's road infrastructure. Under the New Roads & Street Works Act (1991) s109, a Road Opening Permit is required to be obtained by the applicant from the Roads Authority for the installation of the access across the verge prior to the commencement of any development.

5.3 **Scottish Water** : No objections

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 **Highland Structure Plan 2001**

G2 Design for Sustainability

H3 Housing in the Countryside

6.2 Sutherland Local Plan

- 3 Wider Countryside
- 6 Designing for Sustainability
- 16 Housing in the Countryside

7. OTHER MATERIAL CONSIDERATIONS

7.1 Draft Development Plan

Highland Wide Local Development Plan – Proposed Plan (September 2010) – Policies

36 Housing in the Countryside (Hinterland areas)

7.2 Highland Council Supplementary Planning Policy Guidance

Housing in the Countryside (September 2009)

7.3 Scottish Government Planning Policy and Guidance

SPP

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

Policy: The site lies within the restricted countryside area around Dornoch as defined by the Structure Plan policy H3 and the Sutherland Local Plan policy 16. Within this area, new housing is the exception and is not permitted by the Development Plan policy unless it meets one of the exceptions to the policy. Such exceptions include a house for land management (crofting and agriculture on such units and accompanied by an independently produced agricultural assessment and justification of the proposal); the consolidation and addition to an existing cluster of houses (such a cluster of at least 3 units to have been present in August 2009); and the redevelopment of a traditional agricultural steading.

In my assessment, the proposal does not meet these tests which would allow a house on the site in accordance with Structure Plan policy H3 Housing in the Countryside; or the Sutherland Local Plan policy 16. Accordingly, the proposal is assessed as being contrary to the housing policy in operation and is a departure from policy.

8.4 **Material Considerations**

The application is in detail and the proposed design is considered to be generally acceptable for a rural location (that is, a house within the countryside) and this aspect of the proposal accords with policy Structure Plan policy G2 Design for Sustainability. The design is a traditional form 1.5 storey house with first floor dormers and a slate roof with white wet harl wall finish. Foul drainage is by a septic tank to land soakaway, both sited to the north-east of the house.

8.5 Members will note that TEC Services have highlighted the fragility of the existing single track public road from which the site access is proposed. Access from the public road is achieved along a new (c.210m) long track. The parking and turning area is on the west side of the house.

8.6 The Planning History of the site at section 3.1 and in particular the previous Committee decision for 08/00100/OUTSU is a material consideration to the current application. Committee agreed to support this application on the basis that the house was based on the old footprint of the demolished building. The Interim Draft Supplementary Guidance on Housing in the Countryside (September 2010) notes that proposals for the demolition and replacement of traditional buildings shall be supported provided that the resultant *floorspace* does not result in an excessive increase on that of the original building in order to maintain a similar level of impact on the landscape. The Committee minute notes that the footprint of the house should be of a “sensible family size”. Condition No.5 of 08/00100/OUTSU requires that:

The external walls of the existing stone building shall be retained as the principal part of the new house. The ground floor area of any extension to the stone building shall be no greater than 25% of the floor area of the stone building. The wall heads of the stone building shall be raised by no more than 500mm from the existing wall head levels.

8.7 The *floorspace* of the current proposal is approximately 250sqm compared to the existing floorspace of approximately 84sqm. There is therefore a considerable difference between the existing building and that proposed in overall floorspace (3 times larger); and around 60% larger than the existing footprint.

8.8 I would therefore suggest to Members that the size of the proposed house does not meet Condition No.5 on the previous permission; or the previous Committee discussion on what was an appropriate size of house; or the Supplementary Guidance – the concept that “the resultant floorspace does not result in an excessive increase on that of the original building in order to maintain a similar level of impact on the landscape”.

8.9 Members will note that the Highland Wide Local Development Plan (HWLDP) – Proposed Plan (September 2010) is material to the consideration of the application. The proposal is contrary to policy 36 Housing in the Countryside (Hinterland areas). This presumes against housing in the open countryside of the hinterland around towns. I would advise Members that no evidence of compliance with any of the exceptions (including land management; retiring farmer; replacement of an existing house; conversion or re-use of traditional buildings or the redevelopment of

derelict land; expansion of a housing group) to this policy have been provided by the applicant.

8.10 **Other Considerations – not material** - None

8.11 **Matters to be secured by Section 75 Agreement** - None

9. CONCLUSION

9.1 No agricultural justification has been put forward by the agent, with no supporting information from an independent third party such as the Crofters Commission or Scottish Executive Environment Directorate, identifying why a house is required for the management of the land. On this basis, the principle of a house on the site (and the detail as this is a detailed application) does not accord with the Highland Structure Plan policy.

9.2 Furthermore, the proposal does not accord with policy 16 of the Sutherland Local Plan, or with policy 36 of the Highland Wide Local Development Plan (HWLDP) – Proposed Plan (September 2010).

9.3 Members will note that the proposal does not accord with the Highland Structure Plan policy G2 Design for Sustainability or the Sutherland Local Plan policy 16 Housing in the Countryside as it would lead to further unplanned housing development within the restricted hinterland area.

9.4 **The application is a departure from policy. There are no over-riding reasons to accept the proposal as a departure from policy and accordingly refusal is recommended.**

36 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

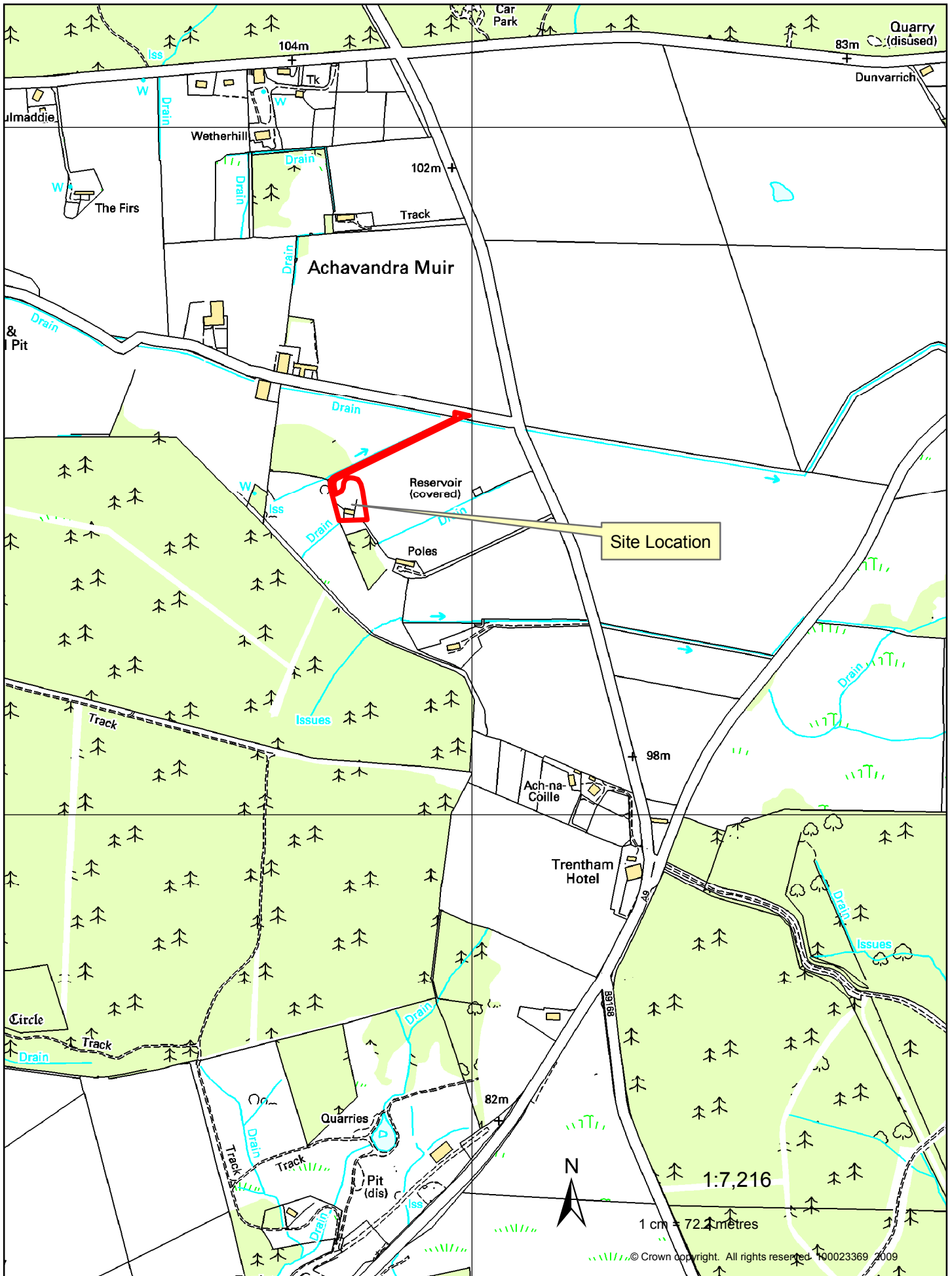
Revocation of previous permission n

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

1. The proposal does not accord with Highland Structure Plan policy H3 Housing in the Countryside (or policy 36 of the Highland Wide Local Development Plan (HWLDP) – Proposed Plan (September 2010)) insofar as it does not meet any of the exceptions to the policy as defined by the Housing in the Countryside Interim Supplementary Guidance (Sept 2009).
2. The proposal does not accord with the Sutherland Local Plan policy 16 Housing in the Countryside as it does not meet any of the exceptions to the policy.
3. Approval of the proposal would set an undesirable precedent to the detriment of community amenity as detailed by the Highland Structure Plan policy G2 Design

for Sustainability and by the Sutherland Local Plan policy 6 Design for Sustainability, leading to further unplanned housing development within the restricted countryside area as defined by Development Plan policies H3 and 16.

Signature: Allan J Todd
Designation: Area Planning & Building Standards Manager
Caithness, Sutherland and Easter Ross
Author: Bob Robertson
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Location / site plan 42/10
Elevation plan 42/10.2
General plan 42/10/B



11/00008/FUL
 Demolition of existing house ruins, erect dwelling house,
 install septic tank and soakaway and form new access road at
 House plot 1 Crofts 18 and 31, Achavandra Muir, Dornoch.

Mr & Mrs H Murray
 per Colvin Designs
 Rosslyn Street
 Brora



WEST ELEVATION



SOUTH ELEVATION

EXTERNAL FINISHES:
 WALLS: WHITE WET DASH ROUGHCAST
 ROOF: NATURAL SLATE
 WINDOWS & DOORS: HARDWOOD WITH STAINED FINISH
 PAROLES, LINTELS & SILL DRESSED REDWOOD STAINED TO MATCH DOORS & WINDOWS



EAST ELEVATION



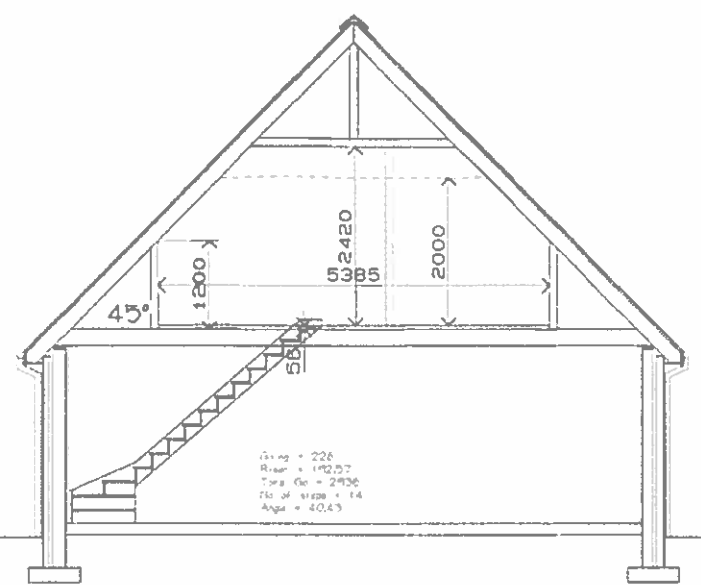
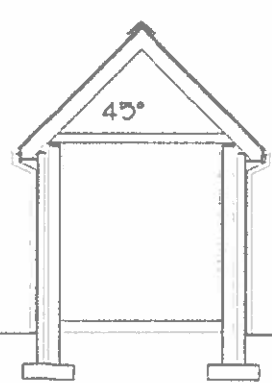
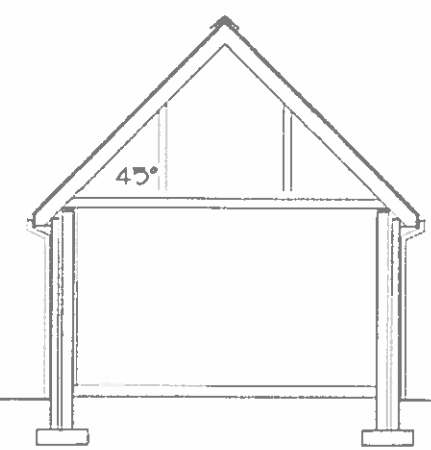
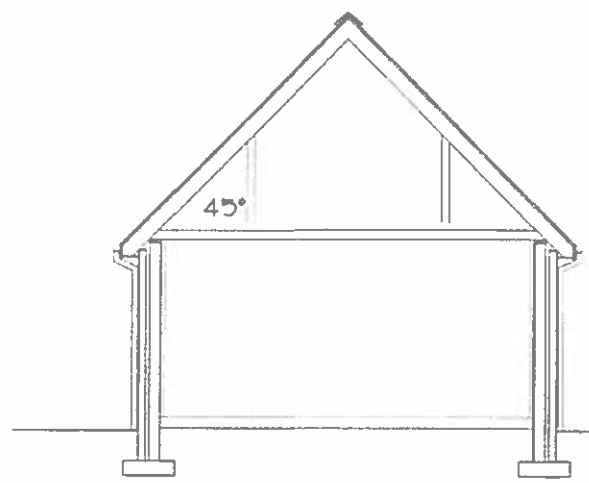
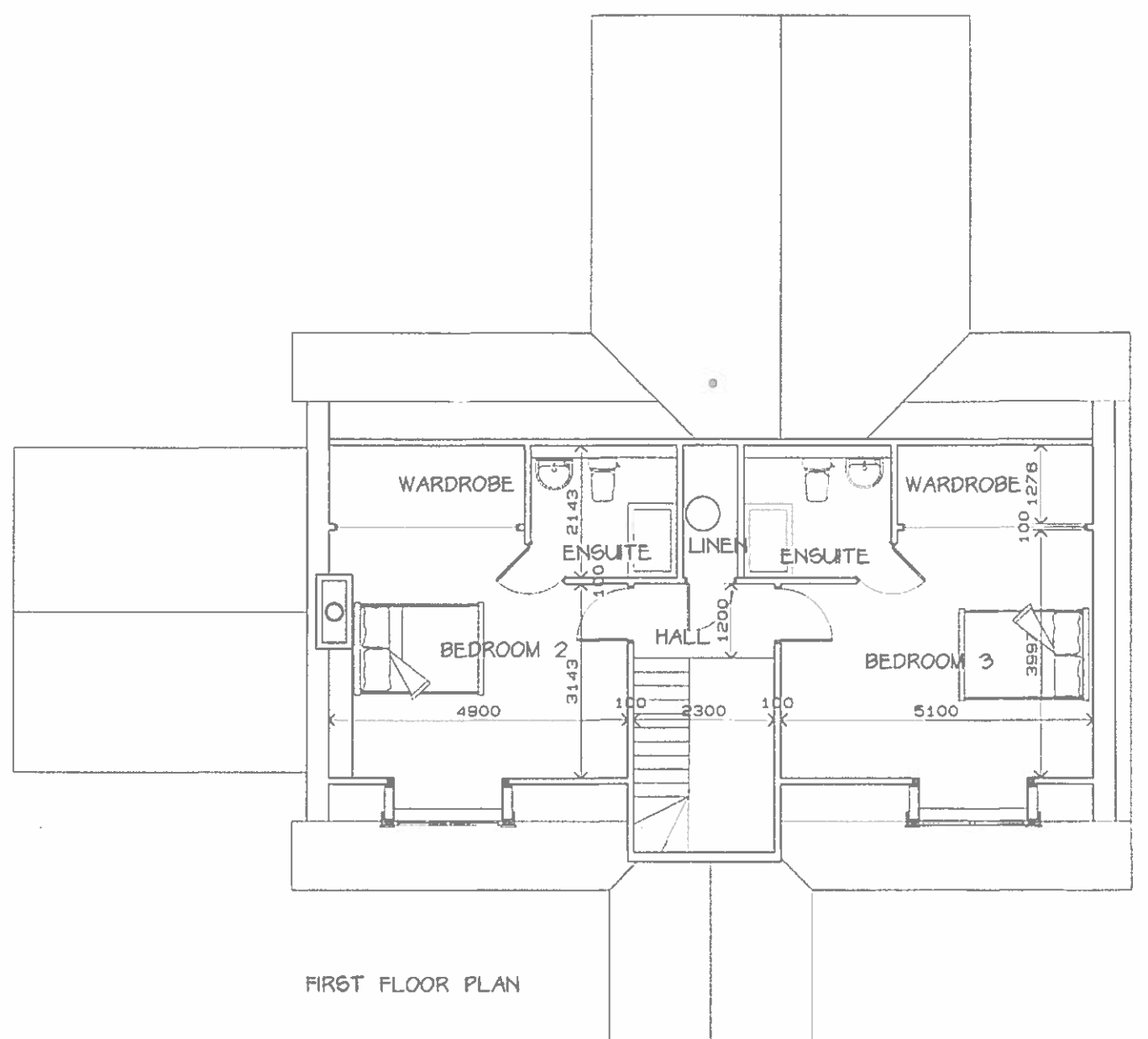
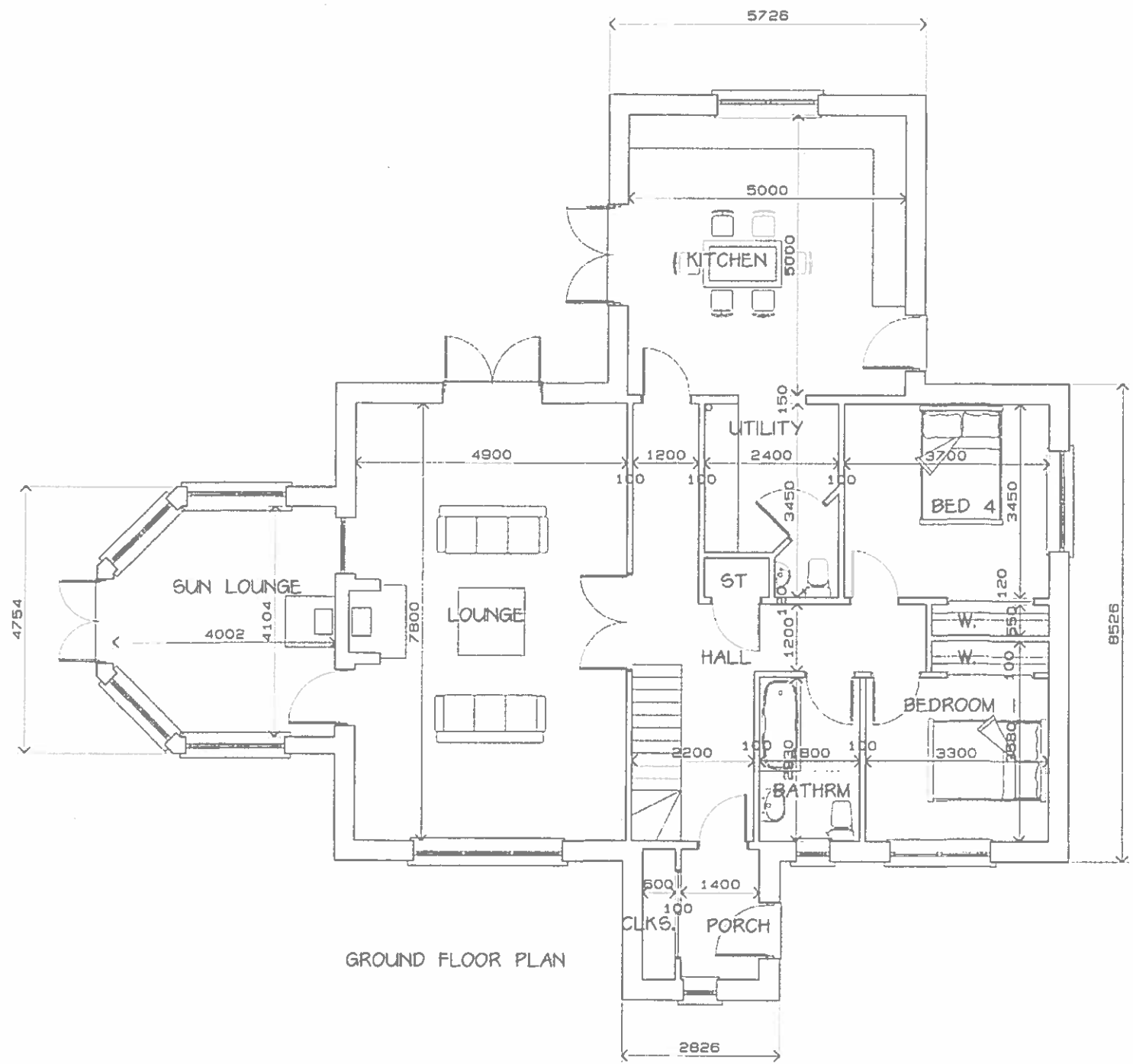
NORTH ELEVATION

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Project
 PROPOSED NEW HOUSE AT
 18/31 ACHAVANDRA MUIR
 FOR MR & MRS MURRAY

Drawing
 PROPOSALS

Scale	1:50	Drawn by	AMC
Date	NOV 2010	Number	12/10



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Project
 PROPOSED NEW HOUSE AT
 18/31 ACHAVANDRA MUIR
 FOR MR & MRS MURRAY

Drawing
 PLANS & SECTIONS

Scale 1:50 Drawn by AMC
 Date DEC 2010 Number 42/10/B