

THE HIGHLAND COUNCIL

CAITHNESS, SUTHERLAND & EASTER ROSS PLANNING APPLICATIONS COMMITTEE – 25 October 2011

Agenda Item	3.3
Report No	PLC/049/11

**11/01098/FUL: Mr Allan & Mrs Kathy Wares
Land west of Bighouse Farm, Melvich
Supplementary Report No 1**

Report by Area Planning Manager

SUMMARY

Members will recall that this application was reported to Committee on 13 September 2011. Committee agreed to defer determination of the application to allow the consideration of issues raised after the preparation of the initial report and to enable the Conservation Officer to be present at Committee.

Since the previous report was prepared letters have been received from Melvich Community Council and five third parties, two of whom had already made representations. This report assesses all the issues and it is recommended that planning permission be granted for the reasons contained within.

Description : Erection of house (as amended)

Recommendation - GRANT

Ward : 01 - North, West And Central Sutherland

Development category : Local

Pre-determination hearing : None

Reason referred to Committee :

- More than 5 representations have been received.
- Objection from the Community Council

1. PROPOSED DEVELOPMENT

- 1.1 The application is in detail for the erection of a house and the provision of a private foul drainage system on land to the west of and downhill from Bighouse Farm. The roof is to be finished in natural slate with white wet dash external materials.
- 1.2 An application for permission in principle was lodged in 2009 (09/00247/PIPSU). The applicant was advised that due to the sensitivities of this site a detailed application would be more appropriate and this application was withdrawn. A

subsequent application (10/02682/FUL) was also withdrawn after the applicant was advised that the exact siting was not considered to be acceptable. The applicant was also advised at that time a white render such as the proposed Skye Marble finish was not considered to be appropriate in this location. The current application was submitted in April this year. A wholly new submission was required because the application site boundaries were different.

1.3 The current application has been revised from its original form. The applicant advised that further site investigation had revealed that building a house in the proposed location would require significant engineering works and proposed that the house be moved to the location shown on the latest version of the plans. This change could be accommodated within the application site boundary and as such it was judged that a new application was not required. However, the application was re-advertised and neighbours and consultees were advised of the change.

1.4 There is a small stable block on site.

1.5 No supporting documents have been submitted.

2. SITE DESCRIPTION

2.1 The site is around 270m to the north-east of Bighouse and 50m to the west of the existing steading buildings at Bighouse Farm. The ground is used for grazing and is accessed from the end of the public road via an existing agricultural access between the steading building and Kennel Cottage. There is a significant slope across the site which generally runs from east to west. There is an open outlook to the River Halladale and Melvich to the west and northwest. The nearest properties are Kennel Cottage and Bighouse Farm which are approximately 55m and 135m to the southeast. The site is set in a dip.

2.2 The adjacent steading building is a C listed building. There are a group of listed buildings to the south west of the application site which includes The Pavilion and Walled Gardens which are A listed, the Barracks, the house, garden walls and west gate piers which are B listed. There is also a B listed Ice House to the west of the site.

The approved core path, 819.012 runs through the site.

3. PLANNING HISTORY

- 3.1
- 10/02682/FUL Erection of a house. Withdrawn 21.03.2011.
 - 09/00427/PIPSU Erection of a house and installation of septic tank and soakaway (Planning Permission in Principle). Withdrawn 10.11.2009.
 - 04/00308/AGRSU Erection of stable block Prior Approval Not Required 20.09.04

4. PUBLIC PARTICIPATION

4.1 Advertised: Neighbour Notification, Affecting Setting of Listed Building. Expiry 13.05.2011, 26.08.2011

Representation deadline : 13.05.2011, 26.08.2011

Timeous representations : 17 (15 parties)

Late representations : 5 (3 new parties)

4.2 Material considerations raised are summarised as follows:

- Impact on landscape and particularly important views across Melvich Bay
- Impact on the setting of listed buildings
- Conflict with development plan
- Design and inappropriate use of materials
- Maintenance of access rights
- Lack of detail on Surface Water Drainage
- Impact of future permitted development
- Impact on the turning head at the end of the public road
- The suitability of the public road to accommodate further development
- Exact positioning and impact on neighbours

4.3 **Response from applicant:**

The applicant has submitted a response to the representations raising the following issues:

- Concerns over the conduct of the Community Council
- The motivations of objectors
- The suitability of the development to the site
- The need to help sustain the local community

The applicant also provided the following comments on the previous application dated 16 August 2010 which they also wished to be included. This covers the following additional issues:

- The distance from the site to Bighouse Lodge
- No outbuildings or additional structures form part of the application
- The existing public right of way will be retained
- Parking will be provided within the site
- Other recent development has brought change into the area and some has been less sympathetic than the current proposal

4.4 All letters of representation can be viewed online at www.highland.gov.uk, at the Area Planning Office and for Councillors, will be available for inspection immediately prior to the Committee Meeting.

5. CONSULTATIONS

5.1 **Melvich Community Council :**

The Chairwoman of the Community Council provided comments on 11 September. This makes the following points:

- Factual inaccuracies in the application
- Inaccuracies and omissions in the report
- The presence of other buildings and structures of historic interest in the area
- The assessment of the application does not accord with the correspondent's assessment of the case or the relevant policy.

5.2 **The formal response from the Community Council was submitted on 4 September**

Melvich Community Council would like to raise the following relevant points.

1. In line with the Local Plan, adopted June 2010 there is no area marked for housing in the settlement of Bighouse. The settlement of Bighouse is clearly marked under Heritage Features categories of National Importance (policy 4.2), Local/Regional Importance (policy 4.1) or Wider Countryside (policy 3). There has been no requirement for new housing in this area and the local plan clearly details the areas for housing development as being next to the current 'Industrial Estate', Melvich.
2. Also on the Local Plan for Melvich – sub-heading Development Factors 'Important views over open water across Melvich Bay should be protected.'

This proposal would clearly disrupt those very views from all areas of Melvich and Portskerra and on that basis we object to this application.

3. There is a public right of way which follows the 'track' through the BighousePark. This path is used by the general public and forms part of the Core Paths Plan (Draft) Map 10 Armadale, Strathy, Melvich. From the aforementioned document the area through the 'BighousePark' is depicted in purple as a Candidate Core Path ref 819.012. This path joins the walk from the beach to the coastal area at Bighouse and is well used by locals and visitors alike. We are concerned that the application shows part of this as their proposed development site.
4. We should also like to note that the applicants previously padlocked the gate at the lower end of the park to withdraw access through the park. At that time the local Access Officer had contacted the community council to assist with the removal of said padlock. We do not think this is appropriate behaviour and have concerns of the access being disrupted in the future.
5. We feel that if this application were granted it would set precedence for future modern designed developments, which we do not think appropriate for that area of our community.

To conclude the views and walks over to Bighouse from the villages of Melvich and Portskerra are enjoyed by locals and visitors of the area. This particular area has the only listed buildings in our community and surely this should be preserved.

5.3 **Area Roads and Community Works Manager:** This appears to be the 3rd house off the end of our adopted road. No objections.

5.4 **Access Officer:** The approved core path, 819.012, runs through the site (marked as the access road on the site plan) and can be seen on the ground. It is used modestly but regularly enough to be clearly defined. The comments below should be attached to any approved application in order that the path can be used safely and freely by the public.

- There is currently a gate to the site (at grid ref 289380 96494) and this

should not be locked to non-motorised users during the development, or upon completion of the proposal, unless a side gate or gap is provided with a minimum width of 1.5m.

- The above should also apply to any further access gates on the access route to the site.
- Other than for access to the site/delivery of materials, the line of the path should not be used for moving or storing building materials.
- The south-eastern boundary of the proposal is shown as undefined, it is currently open for the public to cross when using the route. Any additional fencing or similar to define the garden ground of the dwelling should be approved in writing by the planning authority.

While it is not on our records, it is likely the route has been used for the prescriptive period and conditions to be considered a right of way.

5.5 **Contaminated Land Unit** : No objections

5.6 **Conservation Officer**: The principle of development in this location gives rise to a number of significant material considerations for the local planning authority.

As per the comments provided on the previous application there is some concern in relation to the surrounding listed buildings and their interrelationship with each other and the historic landscape setting. It is considered that the current revised submission does not address or remove the concerns previously raised (Memo attached).

It should also be noted that this application must be considered against a desirability to preserve and protect the open landscape of north Sutherland. The historic natural landscape is a key element of the wider historic environment and makes a valuable contribution to the wider setting of historic environment assets. The Council has a number of historic environment assets recorded in the immediately surrounding area incorporating a number significant archaeological finds/features as well as the more visually obvious listed buildings.

Scottish Planning policies on the historic environment which seek to preserve the setting of listed buildings, archaeology, gardens and designed landscapes and other Historic Environment assets are all applicable to this development proposal.

The Landscape Character Appraisal for Caithness and Sutherland classifies this area of Sutherland as a combination of Sweeping Moorland and long sandy beaches. Both of these character types consist of open landscapes which afford far reaching views. The Appraisal identifies the beaches of the north Sutherland and Caithness coasts and recognises that they have a “magical” quality to them. It must be accepted that to allow new development to encroach into this historic landscape will inevitably have some impact on the intrinsic value and the setting contribution of the landscape to the existing dwellings and settlements of the area. Scottish Planning Policy advises that Landscapes and the natural heritage are sensitive to inappropriate development and planning authorities should ensure that potential effects, including the cumulative effect of incremental changes, are considered when preparing development plans and deciding planning applications.

It is considered as per the previous application that the current proposal has the potential for negative impact on the listed buildings, their setting and the wider historic landscape in which they are located. As such it is considered that the proposed development does not meet the requirements of local and national policy in relation to landscape character and the historic environment. Therefore it is not possible to support the development proposal.

Comments on the previous application (10/02682/FUL) referred to above:

The listed steading forms part of the Bighouse group of buildings which includes the main house, barracks, garden walls, west gate piers and ice house all category B listed. The associated walled garden is Category A listed.

The group of listed buildings at Bighouse appear on the first edition maps of the area and all were added to the statutory list of buildings of special architectural or historic interest in 1977.

There is a clear historical association between the farm and steading and the main house with a direct path linking the two developments also clearly evident on the first edition maps. The farm and steading are located in an elevated position looking over main house, gardens and landscape from a north easterly position.

The landscape setting of the building group is distinctive and can be clearly viewed from the main thoroughfare into the village of Melvich. This is considered a fundamental aspect of the wider special historic interest of the listed buildings. The name "Bighouse" is considered to be an anglicised corruption of the Norse *bygdhus* meaning village house. This suggests that the location and landscape setting of the Bighouse group was significant in presenting the buildings as the main/grand house to the village. As such the landscape setting and views from the main approach to Melvich village are considered to be an important element in the special architectural and historic interest of the listed buildings.

The proposed development will be sited in between the farm and steading and the other historically associated listed buildings. This is considered undesirable and unacceptable for the listed group and the historic setting of the listed buildings within the landscape.

The addition of a new dwelling in this location will have a significantly detrimental impact on the views both to and from the historic buildings when considered from both the main road and more closely between the buildings themselves. The development would create a physical division in the historic setting and landscape relationship of the listed buildings and would devalue the historic status of the "Bighouse", its historically associated estate and both formal designed and wider historic landscape.

The development proposed would diminish the historic relationship of the listed buildings and would have a negative impact on the historic landscape as such the proposal is not considered to be appropriate in terms of the Planning (Listed Buildings and Conservation areas) (Scotland) Act 1997 which requires local planning authorities to have regard to the desirability of preserving the setting of listed buildings. In failing to preserve the setting of the listed buildings in

accordance with the national legislation the proposal is not considered to meet the requirements of both local and national policy and guidance in relation to the historic environment.

5.7 **Archaeology:** There are no sensitive historic environment issues and no mitigation is required.

5.8 **Historic Scotland:**

We commented previously on a similar application (10/02682/FUL) last year for the erection of a dwelling at Bighouse Farm. We would refer your council to this earlier response of 10 August 2010, as this remains our position on residential development within the area marked on the location plan.

Notwithstanding our comments above, we confirm that your Council should proceed to determine the application without further reference to us.

5.9 **Comments on the previous application (10/02682/FUL) referred to above**

This consultation request concerns the setting of the A-listed Bighouse Walled Garden & Pavilion (Bighouse itself is listed at category B) located approximately 200m to the west of the development site.

In considering the application, in terms of potential impact on the walled garden, we do not object to this development. The setting of a walled garden is often characterised by its position in relation to the house it serves. In this instance, the garden and house are immediately adjacent to one another, and the development proposed is of a sufficient distance not to raise any issue of national significance.

As part of our assessment, we recognise the development does have potential implications for the wider landscape. It would appear that this rural landscape, including the listed structures within, has developed over time with each subsequent development supporting the requirements of Bighouse. This development will depart from this tradition, introducing a modern domestic building in the landscape, and your Council will need to consider if this development will preserve the setting of the listed buildings in the existing landscape.

Highland Council should proceed to determine the application without further reference to Historic Scotland.

5.10 **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

G6 Conservation and promotion of the Highland Heritage

- H3 Housing in the Countryside
- BC5 Listed Buildings and Conservation Areas

6.2 Sutherland Local Plan

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

6.3 Highland Wide Local Development Plan

- 29 Sustainable Design
- 37 Wider Countryside
- 58 Natural, Built and Cultural Heritage

7. OTHER MATERIAL CONSIDERATIONS

7.2 Highland Council Supplementary Planning Policy Guidance

Interim Supplementary Guidance: Housing in the Countryside and Siting and Design (August 2011)

7.3 Scottish Government Planning Policy and Guidance

Scottish Planning Policy; Scottish Historic Environment 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 Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires that the Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses; and that a planning authority shall have regard to the desirability of preserving features of special architectural or historic interest and, in particular, listed buildings.

8.4 Development Plan Policy Assessment

Structure Policy G2 and Draft Local Development Policy 29 require that proposal demonstrate sensitive siting and high quality design in keeping with the local character and the historic and natural environment and in using high quality materials. For the reasons set out below and subject to the recommended conditions it is considered the proposal complies with this part of the policy. Furthermore, the proposal is not considered to have a significantly detrimental

impact on individual or community amenity which is also a requirement of these policies.

8.5 In line with the assessment below the proposal is considered to accord with Structure Plan Policies G6 and BC5 which seek to conserve historic buildings and emerging Highland Wide Local Development Plan policy 58 which supports development that will not have an unacceptable impact on or compromise a heritage resource.

8.6 The proposal is considered to meet the tests for development in the wider countryside set out in Local Plan policy 3.

8.7 The proposal is considered to accord with the Development Plan.

8.8 **Material Considerations**

8.9 **Impact on the landscape and listed buildings**

It is acknowledged that the previous report did not adequately tackle the issue of impact on the surrounding listed buildings. This supplementary report seeks to address that. There are number of listed buildings close to the site with the nearest being the C listed steading which sits above the site. The steading and Kennel Cottage are significantly separated from the collection of buildings around Bighouse Lodge. The proposed house is more than 200m from Bighouse Lodge itself and sits on much higher ground which continues to rise up beyond the application site. However, it is recognised that there is a historic association between the groups and this application has to be considered in that context. Historic Scotland were consulted on the application as they are a statutory consultee in cases where the Planning Authority considers that a development may affect the setting of an A listed building. The garden pavilion and walled garden associated with Bighouse Lodge are A listed. Given the nature of these structures their setting is principally drawn from their relationship with the main house. Members will note that Historic Scotland advise that the walled garden and pavilion are sufficiently separated from the application site to preclude any issues of national importance and they do not object.

8.9.1 Historic Scotland also note the importance of considering the impact of the development on the wider historic environment and the Council's Conservation Officer has also offered advice on this subject. This advice is reproduced in sections 5.6 and 5.7 above. The advice states that this application should be considered in the context of the desirability to protect and preserve the open landscape of Sutherland and makes the point that the natural landscape is a key component of the historic environment. The advice goes onto point out that national guidance on the setting of listed buildings, archaeology, gardens and designed landscapes is also pertinent. It should be noted that while the historic value of the landscape is acknowledged it is not a formally designated designed landscape.

8.9.2 This is advice and particularly the Conservation Officer's view that the proposal has the potential to negatively impact on the setting of the listed buildings and the wider landscape has been considered as part of the overall assessment of the case. The Planning Authority is mindful of the duty to protect the wider landscape and

particularly important views over Melvich Bay. Moreover, the statutory duty placed on the Planning Authority to preserve the setting of listed buildings is central to the assessment of this application. While it is acknowledged that new development will have an impact it is considered that this impact is acceptable. The comments of the Conservation Officer regarding the observations Caithness and Sutherland Landscape Character Assessment on Sutherlands sweeping moorland and the magical quality of the areas beaches are noted but the site does not sit in a completely open landscape. The site is within a group of established development that contributes to the existing character of the area. It is considered that the addition of a new house will not fundamentally alter the character of the landscape. The new house will not dominate any of the individual listed buildings or the wider landscape. It will sit within the existing group around the steading and will not alter the understanding of the historic relationship between the development at the main lodge and the functional buildings around the steading. The new house is some way above Bighouse Lodge and from the key views across Melvich Bay the distinction between the two will be clear. The new house will be viewed in the context of an existing cluster of buildings and against the backdrop of rising ground. The topography is such that views of the site from the public road to the south and the private track serving the development will be limited.

- 8.9.3 Correspondence from objectors points to legal precedence in relation to the assessment of developments that may affect the setting of a listed building and particularly the case of Garner V Elmbridge Borough Council. This case confirmed the duty of the Planning Authority to consider whether a development conflicted with the objective of preserving the setting of a listed building and furthermore that planning permission should not be granted for development that would harm the setting of a listed building without strong reason. That duty has been fully discharged in this case. The proposed development will inevitably have an impact on the setting of the listed buildings but this is not considered to be harmful. Scottish Planning Policy notes that in most cases the historic environment can accommodate sensitively managed change. It is considered that this is one such case.
- 8.9.4 It is recognised that this is a sensitive landscape and any new development must reflect this. However, the house is considered to be appropriately sited within an existing cluster of buildings and a high quality design appropriate to the location is proposed. The house has a simple and broadly traditional form that reflects the styles typical of the area. The massing of the house is broken up with stepped down elements. Some objectors have raised concerns about the materials proposed for the house. It should be noted that a natural slate roof is proposed and the use of high quality traditional materials is welcomed. It is acknowledged that the proposed white render would be incongruous among buildings that are predominantly stone built. However, some nearby buildings including Kennel Cottage have rendered elements and it is considered that a render of a suitable colour would be appropriate. It is also felt the glazing pattern shown on the drawings is inappropriately ornate. Conditions have therefore been recommended suggesting a more appropriate coloured render and alternative windows. This has been discussed with the applicant who is willing to accept these requirements.

8.9.5 Objectors have also raised concerns about the potential impact of future development particularly those carried out under the General Permitted Development Order which the Planning Authority would be unable to control. Given the sensitivity of the landscape this is a valid concern. A condition removing permitted development rights from the house is therefore recommended.

8.9.6 It is also recommended that a detailed landscape plan be sought by condition. This will ensure that appropriate landscaping is carried out which will further serve to assimilate the development into its surroundings.

8.10 **Siting**

The precise siting of the house has also been cause for concern. There appears to be some degree of misunderstanding with some representations suggesting the house could be built anywhere within the application site boundary. This is not the case. If approved the house will be built in the location identified on the plans.

8.10.1 The impact of development on the amenity of immediate neighbours has also been raised as a concern by objectors. The house is to be sited in a dip which will lessen the impact on neighbours. The applicant has submitted a topographical survey of the site in support of the application. This shows that the existing ground levels at the house site are around 24m relative to a 30m datum point at the foot of the gate post adjacent to Kennel Cottage. The proposed house is 6.2m to its ridge. Accordingly, the ridge height of the proposed house would be below the adjacent Kennel Cottage and would not impede the outlook from it. It is therefore considered that the development would not have a significantly detrimental impact on the amenity of neighbours in that house or nearby.

8.11 **Access** – Objectors have raised concerns about the access to the site and the suitability of the road to accommodate further development. The new access is not off from the public road and Roads confirm that they have no objection. The condition of the private road is a civil matter between the interested parties.

8.12 **Core Path network and Right of Way** – It is noted that a core path runs through the site. The Access Officer does not object to the application and appropriate conditions will be attached to ensure that access rights are maintained during construction and on completion of the development.

8.13 **Conflict with the development plan** – Some objectors have expressed the view that the proposal is contrary to the development plan. It is demonstrated in section 8 above that this is not considered to be the case.

8.14 **Drainage** - One objector notes that the application does not provide information on surface water drainage. This will be addressed by condition. Foul drainage will be by means of a septic tank and soakaway. Evidence of successful percolation tests has been submitted.

8.15 **Neighbour notification**– The neighbour notification procedure has been correctly followed and the application has been advertised on two separate occasions. It is noted that one house was incorrectly identified on our mapping system. This has now been corrected.

8.16 Other Considerations – not material

- Land ownership – It is noted that a portion of the application site around the access is not in the applicant's ownership but the applicant has confirmed that the appropriate land ownership certificate has been served on the owner. The right to use this land for the purposes proposed is a civil matter between the two parties.
- Water and Electricity connection – These are matters for the applicant to resolve with relevant suppliers and landowners
- Impact on various business' associated with the contributors
- Loss of views enjoyed by neighbouring properties
- Addresses of objectors
- The actions of the Community Council
- The contribution of the applicants to the local community

8.17 Matters to be secured by Section 75 Agreement - None

9. CONCLUSION

- 9.1 The proposal is considered to accord with local and national policy. The impact of the development on the setting of nearby listed buildings and the wider landscape is judged to be acceptable. The design is considered to be appropriate to this location and it is not felt that the development will have an undue impact on neighbours. It is recommended that planning permission is granted subject to the conditions set out 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 / notes to applicant:

1. No development shall commence on site until the developer has submitted and had approved in writing details of the colour of the wet dash render finish to the walls, with test panels being provide on the building as necessary. For the avoidance of doubt, the walls shall be a dark stone or buff colour. The walls shall thereafter be finished in accordance with the agreed details and shall be maintained as such in perpetuity.

Reason: In the interests of amenity.

2. No development shall commence on site until the developer has submitted and had approved in writing full written and plan details of the proposed windows and doors for the house. For the avoidance of doubt, the windows shall have a single, double or 4 pane glazing pattern The windows and doors shall thereafter be installed in accordance with the agreed details and be maintained as such in perpetuity. .

Reason In the interests of amenity.

3. No development shall start on site until a fully detailed scheme of landscaping for the site which includes a scheme of maintenance, has been submitted to and approved in writing by the Planning Authority. The landscaping plan shall identify all trees that are to be retained, all trees that are to be removed, details of boundary treatments and all hard and soft landscaping. The development shall thereafter be carried out in accordance with the details thereby approved. All planting thereby approved shall be undertaken in the first planting season following the completion of the house. Any plants which die, are removed, or become seriously damaged or diseased within a period of five years shall be replaced the following planting season to the original specification unless otherwise agreed in writing with the Planning Authority.

Reason: In order to assist the effective assimilation of the development into the landscape

4. No development shall start on site until detailed proposals for the disposal of surface water from the site, incorporating the principles of SuDS, have been submitted to and approved in writing by the Planning Authority. The development shall thereafter proceed in accordance with the approved details.

Reason: In order to ensure that the site is properly drained.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 as amended, or any Order revoking and re-enacting that Order, with or without modification, no extensions shall be made to the house hereby approved and no buildings or other structures shall be erected within the curtilage of the house hereby approved without the express consent of the Planning Authority.

Reason: In order to allow the Planning Authority to retain effective control over the development of the site and in order to protect the setting of the listed building.

6. Other than for access to the site and delivery of materials, the existing gate (at grid ref 289380 964940), any future gates and the access track shall remain accessible and free from obstruction prior to, during and upon completion of the development. The track shall not be used for storing building materials or plant at any time. No gates shall be blocked to non-motorised users unless a side gate or gap is provided with a minimum width of 1.5m to the satisfaction of the Planning Authority. No construction materials or machinery shall be stored on or block off the Approved Core Path 819.012 which runs through the site.

Reason: In order to ensure that the site can be accessed freely and safely

7. The roof of the house shall be finished in natural slate.

Reason: In the interests of amenity.

8. All access arrangements shall be provided to the satisfaction of the Planning Authority in consultation with the Roads Authority prior to the first occupation of the house.

Reason: In the interests of road safety.

9. All drainage arrangements shall be to the satisfaction of the Planning Authority, in consultation with the Scottish Environment Protection Agency, the Drainage Authority, and the Building Standards Authority.

Reason: In the interests of amenity and public health.

Signature: Dafydd Jones

Designation: Area Planning Manager North

Author: Lisa MacKenzie

Background Papers: Documents referred to in report and in case file.

Relevant Plans: Plan 1 – Location / Site Plan DS/10/3.J1

Plan 2 – Layout Plan DS/10/3.J2

Plan 3 – Sections DS/10/3.J3

Plan 4 Elevations SE04/01/0548/A02

Plan 5 Elevations SE04/01/0548/A03

Plan 6 Floor Plan SE04/01/0548/A01

Appendix – Letters of Representation

Representations – Against

1. Mrs Caroline J M Graham, Kennel Cottage, Bighouse, Melvich 17.05.2011, 17.08.2011, 08.09.2011
2. Mr Tom Walduck, Woodfield Farm, Hatfield, Hertfordshire 30.04.2011
3. Miss Shelly Hart, Hartshill Cottage, Dalhalvaig, Forsinard 30.04.2011
4. Mr PCB Pockney, Fox Hill, Inkpen, Berkshire 30.04.2011
5. Mr R.J.W Titley, Keepers Cottage, Alton Pancras, Dorset 30.04.2011
6. Mr and Richardson, The Barracks, Bighouse Lodge, Melvich 30.04.2011
7. Mr David Cargill, The Dairy House, Dunwich, Suffolk 18.04.2011
8. Mr Anthony Haslam, 78 Holly Bush Lane, Hampton, Middlesex 16.04.2011
9. S H Donald MacKay, Bighouse Farm, Melvich 13.05.211, 12.08.2011
10. Mr David Hurst-Brown, Whisketts Farm, Hastings Road, Tunbridge Wells 15.04.2011
11. Mr Miles Ward, Church Farm, East Woodhay, Newbury 25.04.2011
12. Mr John Hungerford, Bighouse Estate, Melvich 27.04.2011
13. Mr Colin Ian Liddell, Castlebridge, Mere, Warminster 15.04.2011
14. Hamish Watson, Riverside House, Axford, Marlborough, Wiltshire 27.04.2011
15. Chris Devlin, Shepherd And Wedderburn, (On Behalf Of Bighouse Estate Partnership), 1 Exchange Crescent, Conference Square, Edinburgh 28.04.2011 12.09.2011
16. James Bolton, Border Lines, Clapton Manor, Clapton on the Hill, Cheltenham, Gloucestershire, 22.09.11

For

1. Mrs Elizabeth MacKay, Mo Dhachaidh, Portskerra, Melvich 26.09.2011
2. Joan Ritchie, Tigh-na-Clash, Melvich 11.10.2011

THE HIGHLAND COUNCIL

CAITHNESS, SUTHERLAND & EASTER ROSS PLANNING APPLICATIONS COMMITTEE – 13 September 2011

Agenda Item	3.5
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**11/01098/FUL : Mr Allan & Mrs Kathy Wares
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Report by Area Planning Manager

SUMMARY

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Recommendation - GRANT

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Development category : Local

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1. PROPOSED DEVELOPMENT

- 1.1 The application is in detail for the erection of a house and the provision of a private foul drainage system on land to the west of and downhill from Bighouse Farm. The roof is to be finished in natural slate with white wet dash external materials.
- 1.2 Various pre-applications discussions have taken place as a result of the now withdrawn previous applications on the site since 2009 (see 3.1).
- 1.3 There is no existing infrastructure on the site.
- 1.4 No supporting documents submitted.
- 1.5 Building position has shifted slightly to the north within the application site.

2. SITE DESCRIPTION

- 2.1 The site is around 270m to the north-east of Bighouse and 50m to the west of the existing steading buildings at Bighouse Farm. The ground is used for grazing and is accessed from the end of the public road via an existing agricultural access between the steading building and Kennel Cottage. There is a significant slope across the site which generally runs from east to west. There is an open outlook to the River Halladale and Melvich to the west and northwest. The nearest properties are Kennel Cottage and Bighouse Farm which are approximately 55m and 135m to the southeast. The site is set within a dip/hollow.

3. PLANNING HISTORY

- 3.1
- 10/02682/FUL Erection of a house. Withdrawn 21.03.2011.
 - 09/00427/PIPSU Erection of a house and installation of septic tank and soakaway (Planning Permission in Principle). Withdrawn 10.11.2009.

4. PUBLIC PARTICIPATION

- 4.1 Advertised : Neighbours, Affecting Setting of Listed Building. Expiry 13.05.2011, 26.08.2011

Representation deadline : 13.05.2011, 26.08.2011

Timeous representations : 15

Late representations : 0

- 4.2 Material considerations raised are summarised as follows:

- Impact on Landscape, (Listed) Bighouse Lodge, Wall and Garden
- Inappropriate design and scale of building
- Core Path network and Right of Way
- Access
- Contrary to Development Plan Policy
 - Surface water drainage

- 4.3 All letters of representation can be viewed online at www.highland.gov.uk, at the Area Planning Office and for Councillors, will be available for inspection immediately prior to the Committee Meeting.

5. CONSULTATIONS

- 5.1 **Melvich Community Council** : No response received.

- 5.2 **Area Roads and Community Works Manager** : This appears to be the 3rd house off the end of our adopted road. No objections.

- 5.3 **Access Officer** : The approved core path, 819.012, runs through the site (marked as the access road on the site plan) and can be seen on the ground. It is used modestly but regularly enough to be clearly defined. The comments below should be attached to any approved application in order that the path can be used safely and freely by the public.

- There is currently a gate to the site (at grid ref 289380 964940) and this should not be locked to non-motorised users during the development, or upon completion of the proposal, unless a side gate or gap is provided with a minimum width of 1.5m.
- The above should also apply to any further access gates on the access route to the site.

- Other than for access to the site/delivery of materials, the line of the path should not be used for moving or storing building materials.
- The south-eastern boundary of the proposal is shown as undefined, it is currently open for the public to cross when using the route. Any additional fencing or similar to define the garden ground of the dwelling should be approved in writing by the planning authority.

While it is not on our records, it is likely the route has been used for the prescriptive period and conditions to be considered a right of way.

5.4 Contaminated Land Unit : No objections

5.5 Conservation Officer: The principle of development in this location gives rise to a number of significant material considerations.

There is some concern in relation to the surrounding listed buildings and their interrelationship with each other and the historic landscape setting. It is considered that the current revised submission does not address or remove the concerns previously raised.

It should also be noted that this application must be considered against a desirability to preserve and protect the open landscape of north Sutherland. The historic natural landscape is a key element of the wider historic environment and makes a valuable contribution to the wider setting of historic environment assets. The Council has a number of historic environment assets recorded in the immediately surrounding area incorporating a number of significant archaeological finds/features as well as the more visually obvious listed buildings.

Scottish Planning policies on the historic environment which seek to preserve the setting of listed buildings, archaeology, gardens and designed landscapes and other Historic Environment assets are all applicable to this development proposal.

The Landscape Character Appraisal for Caithness and Sutherland classifies this area of Sutherland as a combination of Sweeping Moorland and long sandy beaches. Both of these character types consist of open landscapes which afford far reaching views. The Appraisal identifies the beaches of the north Sutherland and Caithness coasts and recognises that they have a “magical” quality to them.

It must be accepted that to allow new development to encroach into this historic landscape will inevitably have some impact on the intrinsic value and the setting contribution of the landscape to the existing dwellings and settlements of the area. Scottish Planning Policy advises that landscapes and the natural heritage are sensitive to inappropriate development and planning authorities should ensure that potential effects, including the cumulative effect of incremental changes, are considered when preparing development plans and deciding planning applications.

It is considered that the current proposal has the potential for negative impact on the listed buildings, their setting and the wider historic landscape in which they are located. As such it is considered that the proposed development does not meet the requirements of local and national policy in relation to landscape character and the historic environment. Therefore it is not possible to support the development proposal.

5.6 **Archaeology** : There are no sensitive historic environment issues and no mitigation is required.

5.7 **Historic Scotland** : The application under consideration is for the erection of a single-storey dwelling house on land adjacent to Bighouse Mains Steading. This consultation request concerns the setting of the A-listed Bighouse Walled Garden & Pavilion (Bighouse itself is listed at category B) located approximately 200m to the west of the development site.

In considering the application, in terms of potential impact on the walled garden, we do not object to this development. The setting of a walled garden is often characterised by its position in relation to the house it serves. In this instance, the garden and house are immediately adjacent to one another, and the development proposed is of a sufficient distance not to raise any issue of national significance.

As part of our assessment, we recognise the development does have potential implications for the wider landscape. It would appear that this rural landscape, including the listed structures within, has developed over time with each subsequent development supporting the requirements of Bighouse. This development will depart from this tradition, introducing a modern domestic building in the landscape, and your Council will need to consider if this development will preserve the setting of the listed buildings in the existing landscape.

Highland Council should proceed to determine the application without further reference to Historic Scotland.

5.8 **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
BC5	Listed Buildings and Conservation Areas

6.2 Sutherland Local Plan

3	Wider Countryside
6	Design for Sustainability
16	Housing in the Countryside

6.3 Highland Wide Local Development Plan

29	Sustainable Design
37	Wider Countryside

7. OTHER MATERIAL CONSIDERATIONS

7.2 Highland Council Supplementary Planning Policy Guidance

Interim Supplementary Guidance: Housing in the Countryside and Siting and Design (August 2011)

7.3 Scottish Government Planning Policy and Guidance

Scottish Planning Policy; Scottish Historic Environment 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 Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires that the Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses; and that a planning authority shall have regard to the desirability of preserving features of special architectural or historic interest and, in particular, listed buildings.

8.4 Development Plan Policy Assessment

The main development plan policies which affect the site are policies H3, 16, 29 and 37; and the Interim Supplementary Guidance: Housing in the Countryside and Siting and Design. The proposed development accords with these policies with regards to siting and design.

8.5 The applicant has submitted a topographical survey of the site in support of the application. This shows that the existing ground levels at the house site are around 24m relative to a 30m datum point at the foot of the gate post adjacent to Kennel Cottage. The proposed house is 6.2m to its ridge. Accordingly, the ridge height of the proposed house would be below the adjacent Kennel Cottage and would not impede the outlook from it. Therefore, the proposal is not considered to have a significantly detrimental impact on individual or community residential amenity as set out by policies G2 and 29. Members will note that an existing property is not entitled to a view but does have a reasonable expectation of amenity. In my assessment the overall amenity level will decrease, but not in a significantly detrimental way in the test of the policy.

8.6 The steading building to the east and above the house site is Category C Listed. Approximately 200m to the west at Bighouse, there are Category A and B Listed Buildings. Members will note that these are listed due to their architectural and historic importance and their setting within the landscape.

Whilst it is recognised that the site does have an historic and scenic quality, it is not considered that this will be significantly adversely affected by the development of a single house on this site. Furthermore, the proposal is not considered to conflict with Scottish Planning Policy in relation to its potential impact on the landscape, natural heritage or built environment qualities.

8.7 **Material Considerations**

The proposed house is considered to have a traditional form, being single storey on an elongated T-plan. The house has an overall length of 21.3m, and depth of 17.7m. Notwithstanding this, the building would sit well on the site as a modern interpretation of a traditional form. The windows are however considered to be over-fussy in their detailing and a simpler form is suggested.

8.8 The massing of the house is broken up by the use of stepping, with the lounge, master bedroom and bedroom 2 on three small 'wings' to the main house. The house is single storey with a slate roof and white wet harl wall finish. Whilst the proposed external materials are considered to be generally acceptable, the use of a darkened stone or buff colour to the external would help to reduce its visual impact, particularly from the west side of Strath Halladale – the Melvich side – and would relate better to Kennel Cottage.

8.9 Members will note that details relating to external wall finish and windows can be controlled by conditions.

8.10 The agent has indicated that due to the variation in existing ground levels across the site, the actual house position has moved to allow a build to take place without very significant ground engineering works taking place. It would be appropriate for the final positioning of the house to be pegged out both before the commencement of development (that is before ground works are commenced) and also before the digging out of any trenches required for the preparation of foundations. This would confirm the exact position of the house.

8.11 **Representations** on the application highlight the following issues:

- Impact on Landscape, (Listed) Bighouse Lodge, Wall and Garden - Whilst the proposal will have an impact on the landscape, this is considered to be relatively small and therefore acceptable in terms of Planning policy. It is not considered that the proposal will have any direct or indirect impact on Listed Buildings or their setting.
- Inappropriate design and scale of building – The design and scale of the proposed house are considered to be appropriate and accord with policy.
- Core Path network and Right of Way – The Access Officer has confirmed that Approved Core Path 819.012 runs through the site. The line of the path should not be used for moving or storing materials.
- Access from the end of the public road at a turning head / Increased level of traffic – TEC Services have indicated that the proposal is acceptable.

- Contrary to Development Plan Policy - The proposal is considered to accord with policy.
- Surface water drainage – The drainage of the site will be undertaken in accordance with SuDS best practice.

8.12 Other Considerations – not material

- Neighbour notification procedure – Members will note that the procedure has been correctly followed. In addition, the application has been advertised on two separate occasions.
- Accuracy of the Ordnance Survey plans and naming of properties on them.
- Loss of business
- Water and Electricity connection – These are matters for discussions with the suppliers and landowner
- Right of access to site – Any right of access to the site over private land in the ownership of a third party is a matter for discussion with the other owner.

8.13 Matters to be secured by Section 75 Agreement - None

9. CONCLUSION

9.1 The proposal is considered to accord with development plan policy and approval is recommended, subject to conditions.

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 / notes to applicant:

1. No development shall commence on site until the developer has submitted and had approved in writing details of the colour of the external wet harl render finish to the walls, with test panels being provide on the building as necessary. For the avoidance of doubt, the walls shall be a dark stone or buff colour. The walls shall thereafter be finished in accordance with such approved details.

Reason : In the interests of amenity.

2. No development shall commence on site until the developer has submitted and had approved in writing full written and plan details of the proposed windows and doors for the house. For the avoidance of doubt, the windows shall have a single, double or 4 pane glazing pattern.

Reason : Reason: In the interests of amenity.

3. No development shall commence on site until the developer has pegged out the position of the house and access route from the public road for the inspection by and agreement in writing of the Planning Authority.

Reason : In the interests of amenity and in order to ascertain the position of the house.

4. No construction works – pouring of foundations, erection of blockwork, erection of a timber kit, installation of foul or surface water drainage, or formation of the access track - shall take place until the developer has submitted to and had agreed in writing by the Planning Authority the finalised position of the house on the cleared prepared site. Such final positioning shall be confirmed by means of pegging the house position. The development shall thereafter be undertaken in accordance with the approved pegging of the house.

Reason : In the interests of amenity and in order to ascertain the position of the house.

5. Foul drainage shall be by means of a septic tank and land soakaway, or as may otherwise be agreed in writing by the Planning Authority. All proposals thereby approved shall be implemented by the developer prior to the first occupation of the house.

Reason : In the interests of amenity.

6. Surface water drainage shall be by means of the Best Management Practice Guidelines of the Scottish Environment Protection Agency using the principles of SuDS. All proposals thereby approved shall be implemented by the developer prior to the first occupation of the house.

Reason : In order to ensure that the site is properly drained.

7. All access arrangements shall be provided to the satisfaction of the Planning Authority in consultation with the Roads Authority prior to the first occupation of the house. For the avoidance of doubt, no construction materials or machinery shall be stored on or block off the Approved Core Path 819.012 which runs through the site, or the turning head on the adopted public road. The existing access gate to the site (at grid ref 289380 964940) and access track shall not be locked or blocked up to non-motorised users during, or upon completion of the development, unless a side gate or gap is provided with a minimum width of 1.5m to the satisfaction of the Planning Authority.

Reason: In the interests of road safety.

8. The roof of the house shall be finished in natural slate.

Reason: In the interests of amenity.

INFORMATIVE NOTE REGARDING THE TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION: In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), the development to which this planning permission relates must commence within THREE YEARS of the date of this decision notice. If development has not commenced within this period, then this planning permission shall lapse.

Statutory Requirements: The following are statutory requirements of the Town and Country Planning (Scotland) Act 1997 (as amended). Failure to meet their respective terms represents a breach of planning law and may result in formal enforcement action.

1. The developer must submit a Notice of Initiation of Development (NID) in accordance with Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) to the Planning Authority prior to work commencing on site. Furthermore, work must not commence until the notice has been acknowledged in writing by the Planning Authority.
2. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to the Planning Authority. Copies of the notices referred-to are attached to this consent for your convenience.

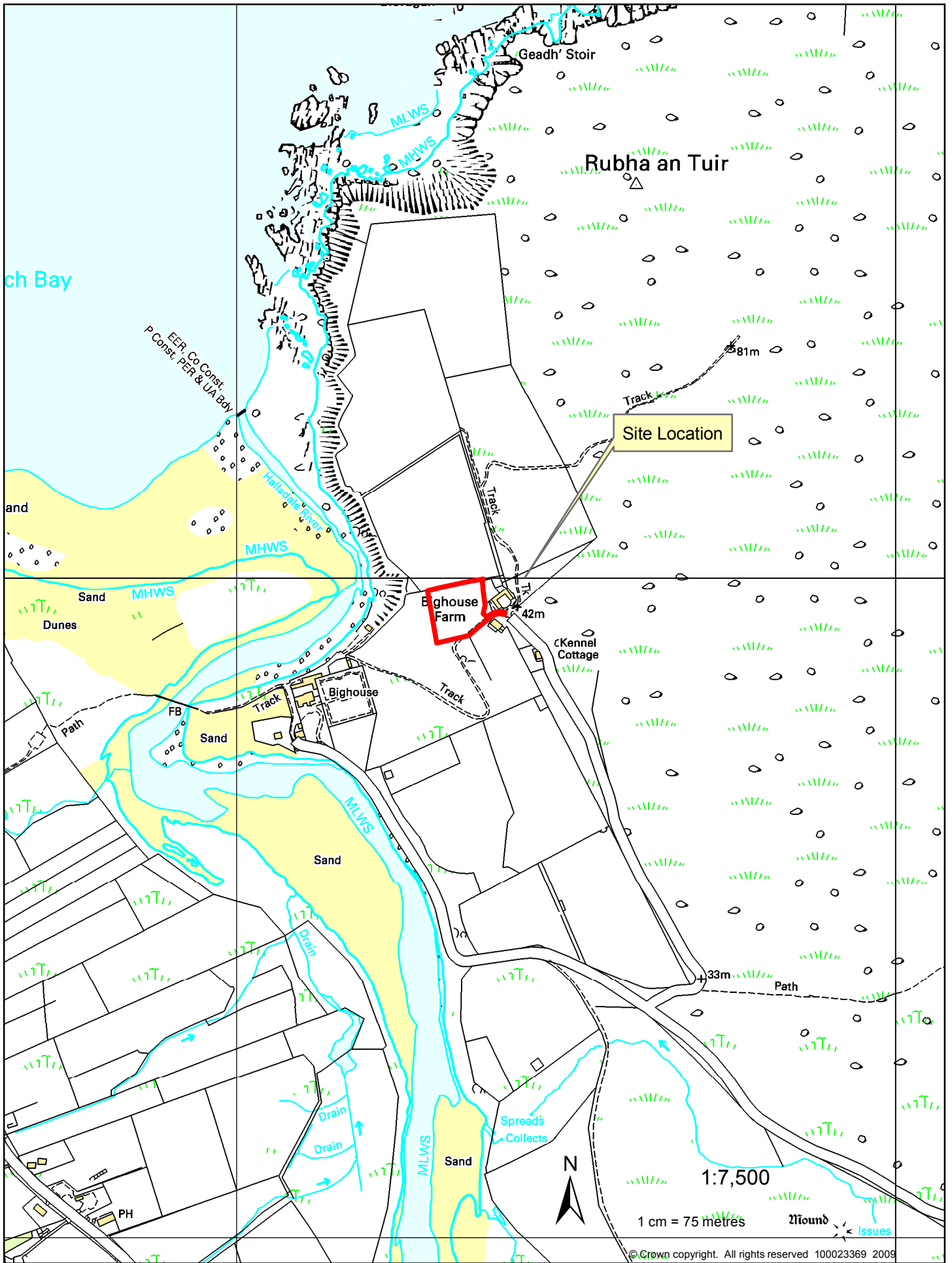
Access: The south-eastern boundary of the proposal is shown as undefined, it is currently open for the public to cross when using the route. Any additional fencing or similar to define the garden ground of the dwelling should be approved in writing by the planning authority.

Signature: Allan Todd
Designation: pp Area Planning Manager North
Author: Bob Robertson
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 – Location / Site Plan DS/10/3.J1
Plan 2 – Layout Plan DS/10/3.J2
Plan 3 – Sections DS/10/3.J3
Plan 4 Elevations SE04/01/0548/A02
Plan 5 Elevations SE04/01/0548/A03
Plan 6 Floor Plan SE04/01/0548/A01

Appendix – Letters of Representation

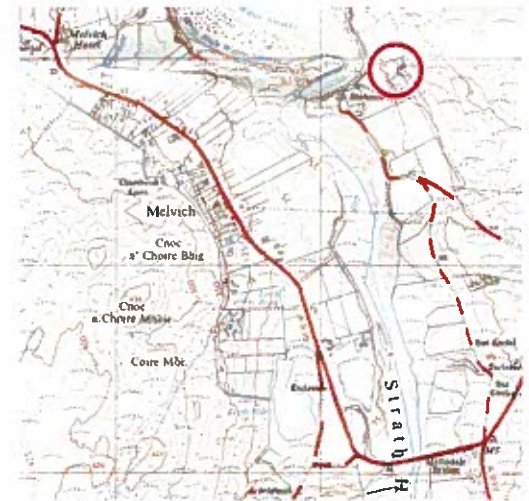
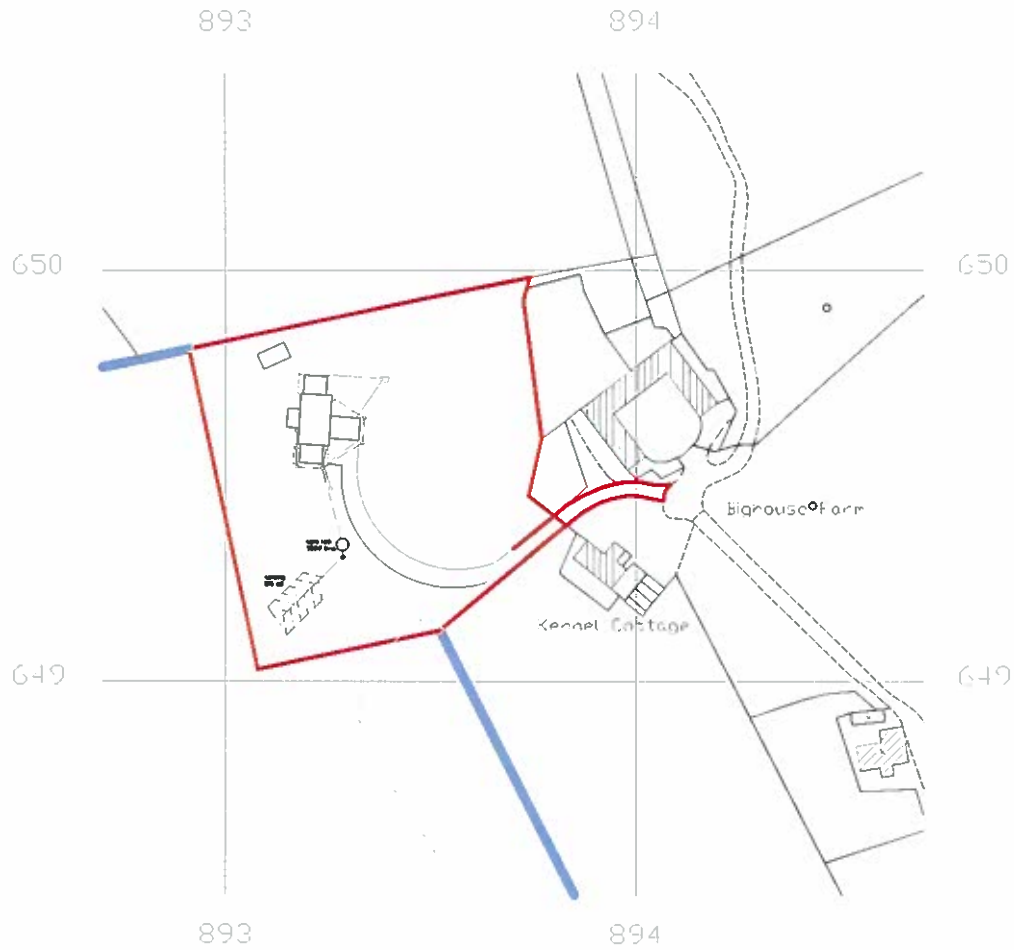
Representations – Against

1. Mrs Caroline J M Graham, Kennel Cottage, Bighouse, Melvich 17.05.2011, 17.08.2011
2. Mr Tom Walduck, Woodfield Farm, Hatfield, Hertfordshire 30.04.2011
3. Miss Shelly Hart, Hartshill Cottage, Dalhalvaig, Forsinard 30.04.2011
4. Mr PCB Pockney, Fox Hill, Inkpen, Berkshire 30.04.2011
5. Mr R.J.W Titley, Keepers Cottage, Alton Pancras, Dorset 30.04.2011
6. Mr and Richardson, The Barracks, Bighouse Lodge, Melvich 30.04.2011
7. Mr David Cargill, The Dairy House, Dunwich, Suffolk 18.04.2011
8. Mr Anthony Haslam, 78 Holly Bush Lane, Hampton, Middlesex 16.04.2011
9. S H Donald MacKay, Bighouse Farm, Melvich 13.05.211, 12.08.2011
10. Mr David Hurst-Brown, Whisketts Farm, Hastings Road, Tunbridge Wells, TN3 8JG
15.04.2011
11. Mr Miles Ward, Church Farm, East Woodhay, Newbury 25.04.2011
12. Mr John Hungerford, Bighouse Estate, Melvich 27.04.2011
13. Mr Colin Ian Liddell, Castlebridge, Mere, Warminster 15.04.2011
14. Hamish Watson, Riverside House, Axford, Marlborough, Wiltshire 27.04.2011
15. Chris Devlin, Shepherd And Wedderburn, (On Behalf Of Bighouse Estate Partnership),
1 Exchange Crescent, Conference Square, Edinburgh 28.04.2011



11/01098/FUL
 Erection of house (as amended) at
 Land West of Bighouse Farm, Melvich.

Mr A & Mrs K Wares
 Ardnabraich
 Portserra
 Melvich
 Thurso
 KW14 7YL



Drawing number	DS/10/3.J1		
Title	Proposed House Bighouse Park Melvich location plan		
Scale	1:1250	Drawn	hm
Checked	Date	july 2011	

drafting services
 28 grove lane
 thurso
 KW14 8AE
 tel:01847 896253
 e-mail: hughmackay110@btinternet.com

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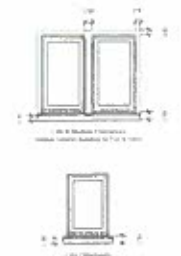
FRONT ELEVATION



REAR ELEVATION

External Appearance

- Roof:**
Natural Slate.
- Walls:**
Wet Dash Finished to Walls,
Plastered White,
Drydash Smooth Render Bands to
Capped Windows,
Drydash Flints to Gills & Mullions.
- Windows & Doors:**
High Performance UPVC Windows,
Colour White,
Patio Doors Slab & Oak.
- Main Water Gutter:**
Black UPVC.
- Skylight & Landsc:**
Timber Slatted Black.



FOR EXTERNAL APPEARANCE SEE SKYEHOMES WEBSITE
SKYEHOMES.CO.UK

DRAWINGS NOT FOR CONSTRUCTION.
CONSTRUCTION SHOULD ONLY TAKE PLACE IN ACCORDANCE WITH BUILDING REGULATIONS AS APPLICABLE.

REVISION	DATE	DESCRIPTION
1	14th Jan 2010	Planning (Average floor)
2	16th Feb 2010	Final Planning (Average floor)
3	24th Feb 2010	Final Planning (Average floor)
4	26th Jun 2010	Final Planning (Average floor)

DRAWING STATUS
Planning

CLIENT: Allan & Kathy Ware

PROJECT: Design of Elm/Bang House
Melville,
Strathclyde

DRAWING: Front & Rear Elevations

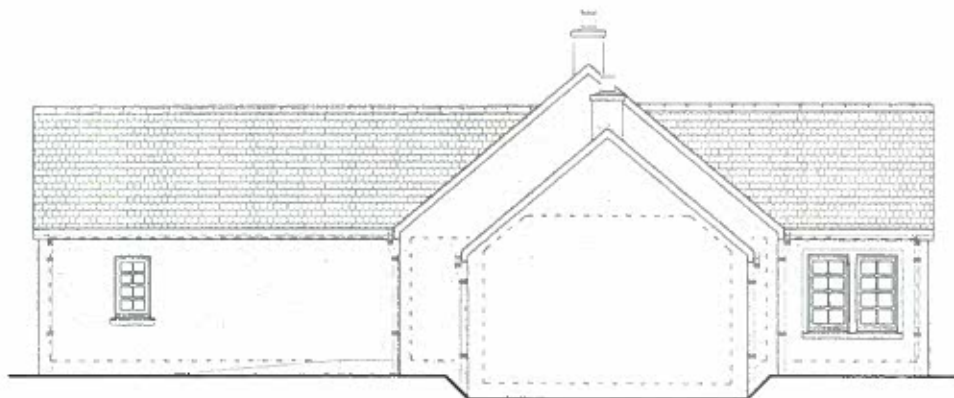
SCALE: 1:50 DRAWN BY: NS
DRAWING No: SKYEHOMES/01486/A02

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RECEIVED 11/05/2010



SIDE ELEVATION



SIDE ELEVATION

FOR QUANTIFICATION OF MATERIALS
 QUANTITIES
 LEVELS

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 CONSULT YOUR ARCHITECT FOR ALL INFORMATION
 REGARDING BUILDING REGULATIONS APPROVALS

REV.	DATE	DESCRIPTION
1	15th Jan 2010	Planning Drawing Issue 1
2	16th Feb 2010	Draft Planning Drawing Issue 2
3	16th Feb 2010	Draft Planning Drawing Issue 3
4	16th Feb 2010	Draft Planning Drawing Issue 4

DRAWING TITLE:
Planning

DRAWN BY:
 Alan & Katie Ware

OBJECTIVE:
 Proposed Planning Process
 M.10.1.1
 10/1/10

DRAWING: Side Elevation

SCALE: 1:50

DWG. No.: SKYHOMES/0048/401

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RECEIVED 11 JAN 2010