

THE HIGHLAND COUNCIL

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

Agenda Item	4.2
Report No	PLC/051/11

**11/01479/PIP: Gordon Innes
Land east of Culcairn Cottages, Newmore, Invergordon**

Report by Area Planning and Building Standards Manager

SUMMARY

Description : Erection of house

Recommendation - REFUSE

Ward : 07 – Cromarty Firth

Development category : Local development

Pre-determination hearing : Not required

Reason referred to Committee : Local Members' request

1. PROPOSED DEVELOPMENT

- 1.1 The application seeks permission in principle for a house and associated access and private foul drainage system.
- 1.2 No pre-application advice was given.
- 1.3 It is proposed to form a new access from the Culcairn public road to service the site. A private foul drainage system is proposed and connection to the public water supply network.
- 1.4 No supporting documents have been submitted.
- 1.5 No variations have been made to the application since its submission.

2. SITE DESCRIPTION

- 2.1 The site comprises the edge of a field in grazing use on the south side of the single track Culcairn public road to the north of Alness. The land is open and relatively flat but lies below the level of the public road. The site lies approximately 50m distant from a terrace of traditional one and a half storey houses (Culcairn Cottages) on the opposite side of the public road to the west; and over 70m from the detached properties of 'McKimie Steadings' and 'Lesanne' on the opposite side of the public road to the east. A small profiled sheeting horse shelter lies within the same field immediately to the east of the site.

3. PLANNING HISTORY

3.1 There are no records of any previous planning applications in respect of this area of land.

4. PUBLIC PARTICIPATION

4.1 Advertised : Unknown neighbour and potentially contrary to development plan.

Representation deadline : 24 June 2011

Timeous representations : 2

Late representations : 0

4.2 Material considerations raised are summarised as follows:

- The site is on prime agricultural land;
- The site is not allocated for housing and the development is therefore contrary to Council policy;
- Development would be contrary to road safety because of the existing road alignment and lack of passing places;
- Development could be subject to surface water flooding as it lies below the level of the public road;
- Development as proposed affects the existing private foul drainage system serving Culcairn Cottages;
- If permission is granted this would set a precedent for further sub-division of the field.

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

5. CONSULTATIONS

5.1 **TECS (Transport):** No objections subject to the applicant meeting all of the criteria in the standard conditions.

5.2 **Ardross CC:** No objections subject to conditions relating to restricting scale of development, use of traditional materials, landscaping and tree planting.

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

G1 Conformity With Strategy

G2 Designing for Sustainability

H3 Housing in the Countryside

6.2 **Ross and Cromarty East Local Plan 2007**

GSP 10 Housing in the Hinterland

BP3 Background Policy

7. **OTHER MATERIAL CONSIDERATIONS**

7.1 **Draft Development Plan**

Policy 36 – Housing in the Countryside (Hinterland Areas)

7.2 **Highland Council Supplementary Planning Policy Guidance**

Interim Supplementary Guidance : Housing in the Countryside, Siting and Design

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 within the hinterland of Inverness closeby the existing towns of Alness and Invergordon as identified in the Highland Structure Plan, the Ross and Cromarty East Local Plan and the emerging Highland Wide Development Plan. There is a presumption against new housing development in the hinterland subject to a number of named exceptions as defined below:

The Council will presume against housing in the open countryside of the hinterlands around towns as defined on the Proposals Map. Exceptions to this policy (as detailed in Supplementary Guidance) will only be made where at least one of the following applies:

- **A house is essential for land management or family purposes related to the management of the land;**
- **The dwelling is for a retiring farmer and their spouses; or for a person retiring from other rural businesses on land managed by them for at least the previous ten years, where their previous accommodation is required for the new main operator of the farm, or rural business;**
- **Affordable housing is required to meet a demonstrable local affordable housing need;**
- **Housing is essential in association with an existing or new rural business;**
- **The house proposed is a replacement of an existing dwelling which**

does not meet the requirements for modern living and where the costs of upgrading are not justified on economic or environmental grounds (subject to the existing dwellings being demolished);

- **The proposal involves conversion or reuse of traditional buildings or the redevelopment of derelict land;**
- **The proposal meets the Council's criteria for acceptable expansion of a housing group (as detailed in the relevant Supplementary Guidance);**
- **The potential for new housing related to crofting is restricted; wider public benefit must be clearly demonstrated and meet the criteria set out in New/Extended Crofting Township Policy 49.**

Where exceptions are justified, all proposals should still accord with the general policies of the Plan and the Siting and Design Guidance.

- 8.4 As specified above, the Supplementary Guidance does allow for new housing to be located within or to round off an existing housing group. For the purposes of assessing planning applications and to provide advice to potential developers the supplementary guidance defines a housing group as being at least three houses in close proximity to one another, taking into account their form and cohesiveness and the level of containment by natural or man-made boundaries.
- 8.5 The applicant's agent argues that the site is within an established group of houses consisting of a row of three old farm cottages to the west and two detached houses to the east.
- 8.6 In response, it is not considered that this disparate form of development comprises a cohesive group of houses under the terms of the Supplementary Guidance. The existing traditional terrace of houses to the west reads as a self contained unit, over 100m from two more modern detached houses which lie adjacent to existing steadings to the west of Culcairn House. The application site is separated from both the cottages and the detached houses by the public road.
- 8.7 The current proposal is, in a number of respects, clearly contrary to the criteria set out in the Supplementary Guidance as detailed as follows:
- The application site lies on the opposite side of the public road and at some distance from the two separate areas of established development referred to above.
 - It is proposed to be served off a new access from the public road and involve development within a previously undeveloped field. The presence of a tiny horse shelter within this field (of which there is no record of any planning permission) does not provide any justification for the proposed residential development.
 - The site is visually prominent due to its open position below the public road and is visually and physically detached from existing houses to the west and south east by the public road and by mature trees which frame the existing properties. A house in this location would be seen as an isolated development and not part of a cohesive group.

It is therefore submitted that the proposal fails to comply with the requirements of the Supplementary Guidance which states that new development should respect the character of existing groups and should not create an inappropriate intrusion into a previously undeveloped field. The proposal is therefore considered to be contrary to policy.

8.8 **Material Considerations**

Two third party objections from neighbouring householders have been received which are summarised in section 4.2. Concerns relating to policy have been addressed in paras 8.3 – 8.7 above. It is also acknowledged that if permission is granted contrary to policy then a precedent will be set which could lead to further development and thereby erode the established rural nature of the area. With regard to servicing concerns, there are no over-riding objections and no objections have been lodged from technical consultees.

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

None

9. **CONCLUSION**

The application is clearly a departure from policy. There are no over-riding material considerations to accept the proposal as such a departure and accordingly it is recommended that the application is refused.

10. **RECOMMENDATION**

Action required before decision issued N

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

1. The site lies within the hinterland boundary of Inverness as identified through the Structure Plan, the Ross & Cromarty East Local Plan and the emerging Highland Wide Development Plan. Within the hinterland of Inverness the Council operates a restrictive policy where there is a presumption against new housing in the open countryside. Adopted Supplementary Planning Guidance allows for a relaxation of the policy restrictions when the development is considered to consolidate/round-off a housing group or the development falls within one of the other exceptions identified in the Supplementary Guidance. The application does not comply with this policy as the proposed development is located in an area of open countryside, detached and divorced from other houses and therefore does not form part of a housing group. It is considered that no justification has been made which would allow one of the exceptions contained within the guidance to apply. The principle of erecting a house on the site is therefore contrary to Structure Plan Policy H3, Ross & Cromarty East Local Plan Policy GSP10, Highland Wide Development Plan Policy 36 and Housing in the Countryside: Interim Supplementary Guidance.

2. Highland Structure Plan Policy G2 and Ross and Cromarty East Local Plan Policy BP3 state that development proposals will only be supported if they will not compromise any amenity and heritage resource; in this instance open agricultural land. The land comprising and surrounding the application site constitutes open agricultural land which represents an important tract of undeveloped countryside framing existing development at Culcairn. The proposed development comprises unplanned, piecemeal residential development and as such will undermine the open rural character of the land and lead to (and set a precedent for) the gradual suburbanisation of the countryside outwith any defined settlement boundary. All of these issues will have a detrimental impact on the character and amenity of the area and therefore the application fails to accord with the requirements of both Policy G2 of the Highland Structure Plan and Policy BP3 of the Ross and Cromarty East Local Plan.

Signature:

Designation: Area Planning & Building Standards Manager North

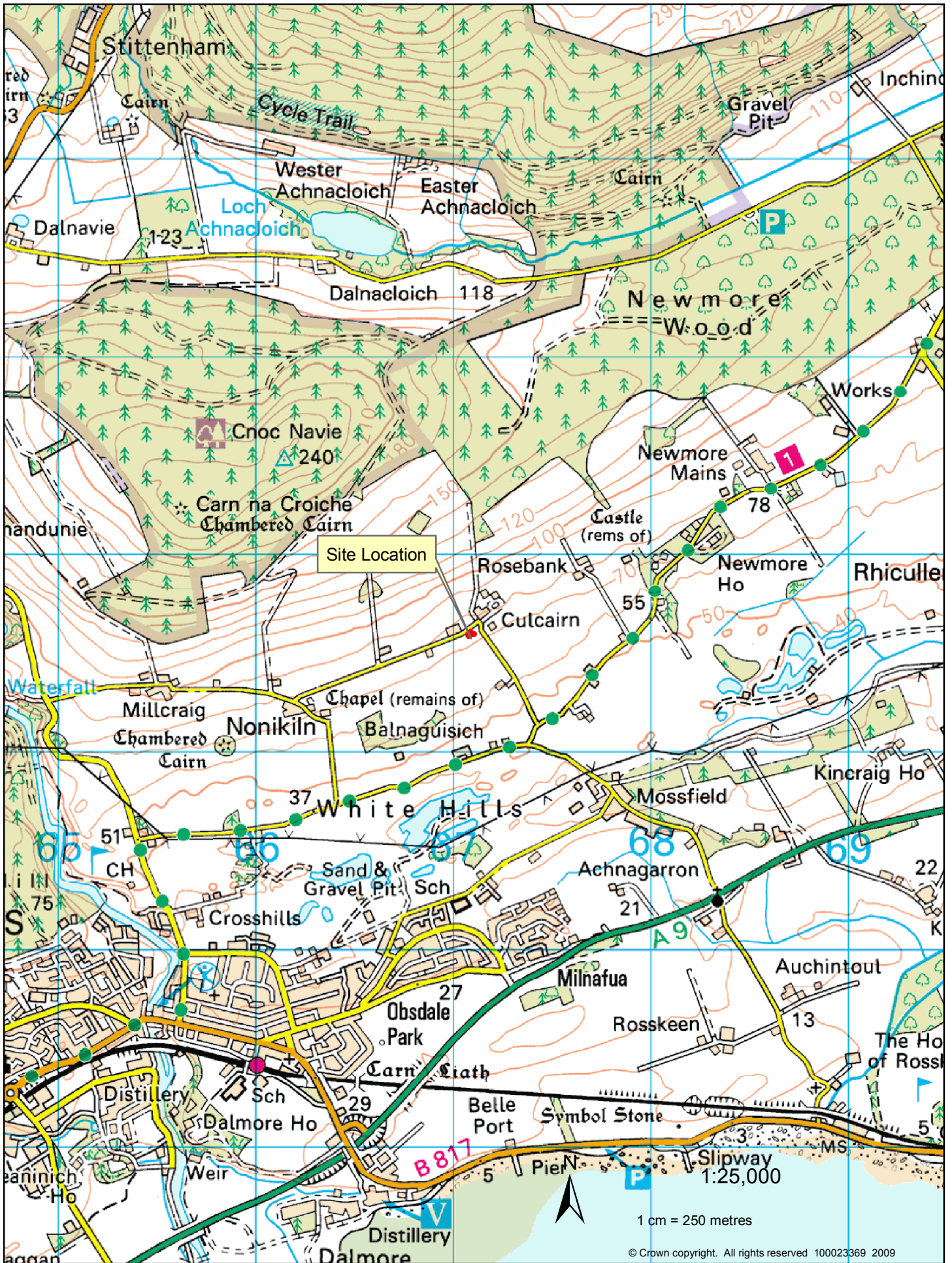
Author: Dorothy Stott

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

Relevant Plans: Plan 1 – Location Plan

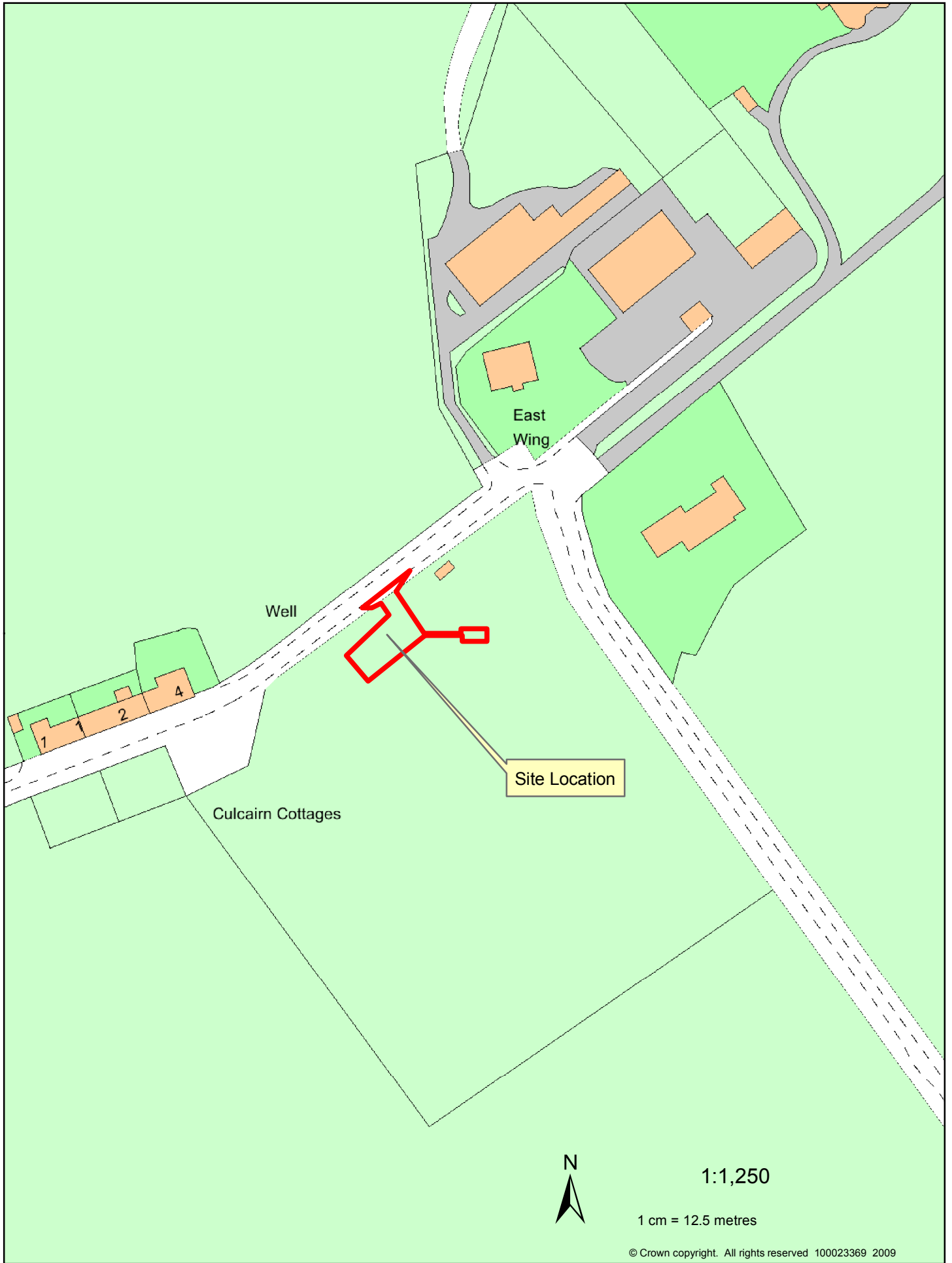
Appendix – Letters of Representation

Name	Address	Date Received	For/Against
R & S Turnbull	2 Culcairn, Invergordon	24.06.2011	Against
L Keith & L Urquhart	4 Culcairn Cottages, Invergordon	24.06.2011	Against



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 per Caroline Matheson
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