

THE HIGHLAND COUNCIL

**PLANNING APPLICATIONS COMMITTEE
5 August 2014**

Agenda Item	6.9
Report No	PLN/057/14

**14/02059/FUL : Highlands Unbridled
Keeper's Cottage Strathsteven Brora KW9 6NL**

Report by Area Planning Manager

SUMMARY

Description : Change of use of land for business use (pony trekking centre), formation of vehicular access, installation of portacabin

Recommendation - GRANT

Ward : 05 - East Sutherland and Edderton

Development category : Local Development

Pre-determination hearing : None

Reason referred to Committee : More than 5 representations from separate addresses.

1. PROPOSED DEVELOPMENT

- 1.1 The application is in detail for the development of a pony trekking centre, with ancillary works including the formation of a new vehicle access and parking area, the installation of a portacabin and two bridges over the Sputie Burn.
- 1.2 The application was submitted following the refusal of a previous application (13/01462/FUL) under delegated powers on 1 November 2013. The previous application was refused due to the inability of the application to accord with the minimum road access and servicing requirements of the Planning Authority in consultation with the Trunk Roads Authority.
The Planning Authority had indicated to the applicant that it was supportive of the principle of the development, but was concerned about the road safety implications of the proposed use of the site without works to improve and upgrade the access being included. The applicants were advised that a revised application would be required and would involve additional land involving a third party; and that such an application should be made timeously due to the road safety issues on site. The Planning Authority did indicate to the applicants that due to the road safety

concerns, in the absence of a successful resolution relating to this matter within a period of 6 months (which would expire on 1 May 2014) formal enforcement action would be pursued.

Following the refusal there have been various discussions between the Planning Authority, the applicant, Trunk Roads Authority and the landowner to address the road safety requirements and develop acceptable technical details which could be used in support of a planning application. The current planning application is the result of these pre-application discussions.

- 1.3 There is an existing shared private access from the A9(T) to the existing house. There is also an existing agricultural field access from the field to the A9(T).
- 1.4 The applicant has submitted supporting information with the application:
- Supporting Statement
 - Transport and travel plan
 - Flood drainage and SUDS implications

1.5 **Variations:** Minor adjustments to technical drawings

2. **SITE DESCRIPTION**

2.1 The site is located adjacent to and east of the A9(T) approximately 1700m west-south-west of Brora, within the dispersed crofting townships of the Doll. Sputie Burn flows from west to east across the site.

The existing Keeper's Cottage is a stone / slate Sutherland Estates house with ancillary stable block to the east. The access to the site from the A9(T) is shared with two other houses and also forms a popular local access to reach the beach at Sputie. The eastern boundary of the site is formed by the Inverness to Wick/Thurso railway line.

3. **PLANNING HISTORY**

- 3.1
- 13/01462/FUL Change of use to Pony Trekking Centre & replace & heighten holding area fence (In retrospect) at Keeper's Cottage Strathsteven Brora. Refused 01.11.2013 under the scheme of delegation. The application was refused on the basis of the unsuitability over the existing access arrangements.

4. **PUBLIC PARTICIPATION**

4.1 Advertised : 06.06.2014, 18.07.2014
Representation deadline : 01.08.2014

Timeous representations : 10

Late representations :

4.2 Material considerations raised are summarised as follows:

Representations

- Existing Access – poor visibility from access

- Proposed access – does little to address safety concerns. Unclear whether existing business to use this proposed access entirely, or whether some use of the existing access also.
- Hay deliveries and loading/unloading horses on A9(T)
- Corrals and manure heap to remain active in current positions on shared access road
- New bridle path adjoining A9(T) – safety concerns
- Flooding of site – applicant qualified to submit a flood risk assessment
- Muck heap – very close to Sputie Burn
- Application site - Keeper's Cottage not part of application site but many of business facilities such as toilet, washing and changing facilities available from it
- Proposed portable toilet facilities – concern over the appropriateness of this; servicing
- New sheds, advertising sign and two bridges do not have planning permission
- Flood risk – applicants suggest no flood risk, despite local residents knowledge of flooding in the area
- Concern that there was a 6 month period of grace for submission of planning application
- Use of land – suggested that the landowner, Sutherland Estates, are not supportive of use of site for commercial purposes
- Structural Engineers plans of bridges should be provided with full plan details – elevations, dimensions, foundations detail – designed for proposed weights and uses
- Loading and unloading of horses at lay-by to north on A9(T); it is actually a bus-stop
- Insufficient grazing land available for horses

Support

- Activities provided from site only kind in area
- Local business, employ staff and bring in considerable money to area

4.3 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet www.wam.highland.gov.uk/wam. Access to computers can be made available via Planning and Development Service offices.

5. CONSULTATIONS

5.1 **Access Officer** : The paths/bridge proposed in this development will be open for public access upon completion by rights given in the Land Reform (Scotland) Act 2003. I would not expect the car park to the Sputie track path to be of general public use but the Doll link path may be and the applicants should be aware of this. It should be noted that as well as the new vehicular access from the A9, the proposal also creates two new non-motorised accesses – one to the A9 and the other to the Doll–Kilman Road. These accesses should be installed to the standards for the relevant roads authorities.

5.2 **Environmental Health** : The premises have operated as a Riding Establishment since the granting of their licence application by the Licensing Committee on 29th April 2009.

The licence has been renewed on an annual basis and comments are invited each year from consultees (Police, Fire Service, SSPCA and Highland Council Animal Health & Welfare Officer). The premises and horses are inspected each year by a specially qualified vet and licensed in accordance with recommendations of the vet. The vet has raised minor issues throughout the period but has never objected to a licence being issued.

The premises are also inspected by our own Animal Health and Welfare Officer and Health and Safety Officer to ensure that the welfare of the animals is of an adequate standard and that appropriate written procedures have been drawn up and implemented by staff at the Centre. Again at inspection minor issues have been noted and these have been subsequently addressed by the operator.

In agreement with the specialised vet, the number of horses has increased over the years from 10 animals in 2008 to a current total of 30.

Regarding statutory nuisance there have not been any issues noted to date and given the location of the operation granting of planning permission is unlikely to give rise to statutory nuisance.

In summary, whilst there have been a number of minor issues with the operation, there have been no significant issues since the licence was first granted and I would not wish to raise any objections.

5.3 **Transport Scotland (12.06.2014)** : Advise that planning permission be refused. There is insufficient information to determine this application. Transport Scotland would be willing to reconsider this recommendation should the applicant provide more detail relating to carpark layout, confirmation that all land within the visibility splay but outwith the Trunk Road boundary is within the applicants control. Confirmation that no traffic associated with the business operation will use the existing Keepers Cottage access road inclusive of staff parking, manure removal, feed deliveries and loading / unloading of horses for transportation.

(25.07.2014) : Following the submission of amended technical plans – The revised access arrangements are acceptable subject to conditions and informatives.

5.4 **SEPA (11.07.2014) :**

Flood risk - Parts of the site lie within the medium likelihood (0.5% annual probability or 1 in 200 year flood extent of the SEPA Flood Map, and may therefore be at medium to high risk of flooding from the Sputie Burn. We note that two bridges are proposed over the Sputie Burn. Having reviewed the Bridge Elevation Plan, we would strongly advise that any watercourse crossings follow good practice guidelines and should be adequately sized to enable them to convey the 1 in 200 year design flow at each point without causing constriction of flow or exacerbation to flood risk elsewhere. We request that this is secured by condition.

The Flood, Drainage and SUDS Assessment states that 'although the footpath will run closer to the burn, there will still be over 2m between the closest edge of the path and the burn including a raised bank'. It is not clear if this is an existing raised bank, or if it is proposed to be raised as part of the new development. Additionally the Flood Assessment states 'The parking area and path will, by their nature of construction be raised above the level of the field'. We would highlight that development, including landraising, within the functional floodplain can affect the storage and conveyance capacity of the functional floodplain and increase flood risk elsewhere. No landraising should be undertaken for the formation of access roads, paths, or the parking area or to produce any new raised banks and we request that this is ensured by condition.

It is unclear from the site plans where the location of the proposed new portacabin will be. As it has not been identified on the Junction Layout, it is assumed that it will be located on the Northern Bank of Sputie Burn, close to the existing buildings, and will therefore be outwith the extent of the SEPA Flood Map.

5.5

Flood Team Development and Infrastructure :

23.06.2014 – No objection to this development subject to the following conditions:

- The pedestrian and vehicle bridges to be designed to sufficiently accommodate the 1 in 200 year flood event for the Sputie Burn, so as not to cause a blockage risk. Bridges should be designed in accordance with CIRIA's Culvert Design and Operation Guide C689.
- No ground raising, fencing or other development within 6m of the top of bank of any watercourse (except the 2 proposed bridges) in order to maintain access to the watercourse for future maintenance and bank stability upland.

10.07.2014 – For a development of the size in this application, we would normally be satisfied with the provision of a 'Drainage Statement' which was submitted by the applicant. Our Supplementary Guidance on Flood Risk and Drainage sets out a proportional approach dependant on the size and risk of the development. We were provided with photos of the flooded field and understand that the inundation is caused by surface water runoff and any flooding to the proposed car park and existing field area is classed as a commercial risk, which is an issue for the applicant to accept. We are unable to visit each development application site in person for a number of reasons and therefore have to rely on information provided to us in the determination of the application.

The proposed foot bridge and vehicle bridge as conditioned in our original response should be designed in line with CIRIA'S Culvert Design and Operation Guide C689, these should be designed, such that there will be no cause for blockages and allow free flow during a fluvial flood event on the Sputie Burn. The Flood Team are of the opinion that should a flood event occur, the risk to others below the site would be minimal.

The Flood Team were unaware of any existing bridge crossing the Spuite Burn at this site. However, we have requested that any bridges over the watercourse required as part of the application should be designed to accommodate the 1:200 year flows without causing an obstruction/ flooding. The applicant will therefore be required to demonstrate the existing bridge is satisfactory.

5.6 **Brora Community Council** : Any response will be reported verbally to Committee.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 Highland Wide Local Development Plan 2012

28	Sustainable Design
29	Design Quality and Place Making
36	Development in the Wider Countryside
43	Tourism
64	Flood Risk
66	Surface Water Drainage

7. OTHER MATERIAL CONSIDERATIONS

7.1 Draft Development Plan

Not applicable

7.2 Highland Council Supplementary Planning Policy Guidance

SPP

7.3 Scottish Government Planning Policy and Guidance

Not applicable

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 application seeks to regularise the operation of a horse trekking business on the site, which started in 2008. The business has been successful and has expanded and the applicants now wish to consolidate the planning position.

The application plans comprise a mix of detailed technical plans and hand drawn details. These together provide a good overall set of plans depicting the proposed development.

The application has been advertised on two separate occasions as set out at section 4.1. The second public advertisement was placed in order to avoid any uncertainty over what plans were part of the planning submission as the plans had come in over a longer period of time than that which would normally be expected.

The application is in detail for the change of use of land for business use (pony trekking centre), formation of vehicular access, installation of portacabin and the installation of two bridges and advertising signage.

The planning application site (the red site boundary) covers 1.9ha and is located to the east side of the A9(T). Access to the site from the A9(T) is from a private access track which also serves two other houses and provides a route to the waterfall and beach at Sputie, both of which lie around 200m to the southeast.

The proposal includes the following **main physical elements**:

Formation of a **new car park with a turning area** for larger vehicles such as tractor and trailer or horsebox. This parking area would have 6 bays for cars plus 3 larger bays for horse boxes. The new car park and turning area would be surfaced in a granular material/sub-base. The **new access point** onto the A9(T) is from an existing field access gate which would be improved and would be surfaced in bituminous macadam. This would then provide for achieving the minimum visibility standard for a new access point onto the trunk road of 215m. There are few places on the trunk road in the area where this is readily achieved without significant engineering works. There is a **roadside stone dyke** which would have to be realigned to meet the splay requirements. From the rear of the parking area, there would be an access track running in a curve to meet the current shared private access serving the house and business by means of a new **vehicle bridge** over the Sputie Burn. The applicant has indicated that this bridge would provide business vehicular access between the car park and stabling area. In addition a second smaller **pedestrian bridge** would also be provided over the burn allowing pedestrians to walk from the new car park towards Keepers Cottage and the stables. The provision of both bridges would significantly negate the current practice of both pedestrians and horses walking along the A9(T), which has no footpath on either side of the carriageway.

To the western side of the A9(T) opposite the existing shared private access the developer proposes undertaking some small works to provide a **fenced-off crossing point** thus allowing riders and pedestrians an area to walk along on the western side of the A9(T), but separate from the road. This will make it safer for all parties, as currently any trekking to the west side of the A9(T) requires direct useage of the A9(T) due to the lack of a footpath. It should be noted that the A9(T) is national speed limit at this location, 60mph.

The other physical works proposed are adjacent to the existing stable, where a **portacabin type building** is proposed for offices and clients use. The portacabin type building is to be located adjacent to the existing stabling and kennels.

In addition to the physical works the proposal would **change the use of the site** from domestic / agricultural / croft use to commercial with the establishment of the site as a trekking centre.

The **applicant's supporting statement** notes that:

The property was originally the old Keepers Cottage and the steading was originally a cattle byre and stables for stabling ponies with a hayloft over. We have been using the old cattle byre (which was used by previous tenants as a shed) as our tack room and the stables and hayloft for their original use.

The area for residential parking is adjacent to the house, between the house and Yard 1. There is an additional small area for parking between the two yards, in front of the kennels. It is large enough for 3 cars, but this area would be used predominately for parking our horse trailer, which would take all three spaces when parked. It would also be used for parking when the farrier comes to shoe the horses and when the vet visits as on both of these occasions it would be impracticable to expect them to carry heavy equipment any distance and they may have to return to their vehicles frequently to fetch different items of equipment during any visit. The vet in particular would not want to leave her vehicle too far away as it would contain controlled medications.

The area to the East of Yard 2 is used for storing hay and wrapped haylage bales, which are delivered fortnightly and the very far end of this area is where our manure heap is situated. Most of the manure is put straight into the trailer, however some is stored and allowed to rot down for use on our garden. The remaining manure is removed fortnightly. SEPA have visited the site and have confirmed that this arrangement is satisfactory and that there are no run-off issues. The other concerns raised as a result of our initial application were horses being led along the A9 from the fields to the north of the property and the safety of crossing with horses from the turning to Doll, opposite the existing access to Keepers Cottage, which involved riding about 15 metres along the A9. We propose the following measures to address these concerns.

1. The ponies currently grazed in the fields to the north of Keepers Cottage will be moved to more accessible fields during the summer so that they will not need to be walked along the A9. In the winter they will return to grazing in those fields, but will be transported back to the yard by trailer when required.

2. With the agreement of Edward Mackay, we will take access on the inside of the wall of the triangular patch of ground adjacent to the A9 and bordered by Sputie Burn. We will then cross the A9 directly opposite the existing shared access to Keepers Cottage, improving visibility and keeping the time physically spent crossing the A9 to an absolute minimum. It is essential to our business that we are able to cross the A9 at this point in order to reach trails in the forest and beyond that are integral to the service we offer.

Having discussed our plans, both immediate and future with the planning department, we have also applied for permission to site a portacabin to be used as an office and reception area and also stabling to be sited on Yard 2.

Our business has two sides. We offer pony-trekking in the local area for all ages and abilities and also long distance trail riding holidays for experienced riders, specialising in Coast to Coast rides. We also offer the longest trail ride in the UK. We are fully insured and licensed by the local council and are inspected by the SSPCA and all horses vetted yearly. Our staff are fully trained and have the relevant qualifications and we have an excellent safety record.

The new vehicle bridge. As this will just be carrying the tractor and trailer, either removing manure, or bringing in hay and ourselves with the horse trailer we felt that a simple affair constructed of metal beams topped with 'sleepers' with a low raised edge to prevent tyres from going over the edge should be sufficient –

basically a typical simple farm bridge. This will not be used for the general public as they will park in the new car park and access the premises on foot via the footbridge.

The applicants **Transport and Travel Plan** indicates that :

A new access be created from the A9 to the field to the south of the property, utilizing an improving the existing access to the field. The access would lead to a parking area suitable for 6 to 8 cars. This would allow space for our vehicle and trailer to drive into the parking area in a forward gear and would allow sufficient turning space to allow our vehicle to exit the parking area also in a forward gear.

We have agreed with Edward Mackay who owns the land to the west of Keepers Cottage that we can, subject to planning fence a strip of land adjacent to the A9 to be used as a bridle path and create a path sloping up to road level opposite our existing access. This will enable the horses to cross to the property directly, with the minimum time spent on the road. Visibility is also better for vehicles here as it is further from the corner.

The development plan policies generally favour the establishment of commercial enterprises, particularly those within rural and more economically vulnerable parts of the Highlands.

Notwithstanding this however, a balance has to be struck between the emerging commercial interests of the trekking business and various other material planning considerations including the technical comments from statutory consultees and third party representations.

Policies 28 and 29 are particularly pertinent in the assessment of the application as they state that the Council will support developments that promote and enhance the social, economic and environmental wellbeing of the people of Highland. Amongst various things that will be assessed are development impacts on the current levels of service provision, amenity and landscape as well as making a positive contribution to the economy of the area.

8.4 **Material Considerations**

Representations have been received on the application. These are set out in summary in section 4.2. Some of the matters raised are material to the consideration of the planning application. Others relate to licensing matters and animal husbandry, welfare and management; these are dealt with by other competent bodies than the Planning Authority, including the Licensing Authority and Environmental Health Authority. It is difficult to disentangle some of the material planning matters from matters dealt with by other competent bodies.

The material planning issues raised are:

Access onto A9(T) – Planning Comment – The applicants have submitted a supporting statement detailing how they provide for the:

- safe movement of horses crossing the A9; and
- information on visitor and parking management

The Trunk Road Network Manager (TRNM) has inspected the site during pre-application discussions. It is understood that it is likely that following the further minor adjustment of the submitted technical plans by the applicant, the current

Objection from the TRNW would be withdrawn. It is hoped that an update on this can be provided to Members at Committee. The proposed new access point from the A9(T) to the new car park has been assessed and is considered to be acceptable by the TRNM.

The existing access serving the house and other properties is to be unaltered by the proposal, although there is to be a new path on the opposite side of the A9(T) to allow for safe movement of horses and pedestrians across the A9(T) to trails to the west within The Doll. The applicant has indicated in their supporting statement that they would manage the movement of horses and riders differently so that:

Although they currently graze north of Keepers Cottage, (the horses) will be moved to more accessible fields during the summer so that they will not need to be walked along the A9(T); in winter they will return to grazing in those fields, but will be transported back to the yard by trailer when required.

By constructing a new pathway to the opposite side of the A9(T), taking access on the inside of the wall of the triangular patch of ground adjacent to the A9(T) and bordered by Sputie Burn, they would then cross the A9 directly opposite the existing shared access to Keepers Cottage, improving visibility and keeping the time physically spent crossing the A9(T) to an absolute minimum.

The applicant has advised that visitors to the business such as the vet or farrier would still use the existing access rather than the proposed new one due to the practicalities of carrying materials from their vehicles to the stabling area. Members are advised that the **proposed new access and parking area** are considered to be acceptable from a planning perspective, with their **purpose being to serve the business use of the site for general parking and deliveries of fodder and removal of dung. This can be controlled by condition.** The applicants will have to put in place a clear access and transport management plan for the operation of the site, which would then draw the distinction for visitors and those servicing the site as to which access they should use. The use of advanced signage and publicity on any business literature would help to confirm such new access arrangements. The **access and transport management plan can also be controlled by conditions.**

Blocking of private access track; parking and turning; mud – Planning Comment – This is an existing private access track and the use of it is a private matter for the parties with an interest in it. Notwithstanding this, the development of a new access with associated car park will help to significantly reduce traffic using this access.

Fencing – Planning Comment – The existing fencing at the site is in need of considerable upgrade and repair. A new post and wire type stock proof fence would be the most appropriate means of enclosure on the site.

Manure – Planning Comment – The location and management of this is normally a business operational matter. Any run-off would be for SEPA to assess.

Loading / Unloading horses onto trailers on A9(T) – Planning Comment – The proposed new parking arrangements will negate the need for unloading horses for the stable block and centre area on the A9(T). Members will note that loading /

unloading of horses at any other fields adjacent to the A9(T) (or other non-Trunk road) would require careful management, as would be the case for any agricultural practices.

Flooding of site – Planning Comment – Members of the local community have highlighted that the area is known to flood during periods of rainfall. The Sputie Burn drains the site but also drains a far larger catchment area. It is also acknowledged that there are field drains in the area which could be damaged or broken unless care is exercised in their maintenance and management and appropriate land management practices are undertaken. The potential for flooding of the site is noted by the Planning Authority and by SEPA; however Members will note that SEPA have not objected to the proposal although have requested that elements of the proposed developed are addressed by appropriate planning conditions.

In relation to Flood Risk, **SEPA** have noted that the construction of two bridges over the Sputie Burn should follow good practice guidelines and should be adequately sized to enable them to convey the 1 in 200 year design flow at each point without causing constriction of flow or exacerbation to flood risk elsewhere. This can be controlled by condition. The bridges design should be in accordance with CIRIA's Culvert Design and Operation Guide C689.

The **Council's Flood Team** have advised that they have been provided with photos of the flooded field and understand that the inundation is caused by surface water runoff. They have indicated that any flooding to the proposed car park and existing field area is classed as a commercial risk, which is an issue for the applicant to accept. The Flood Team are of the opinion that should a flood event occur, the risk to others below the site (of the bridging) would be minimal.

Proposed portable toilet facilities – An update on the requirements from Building Standards / Environmental health will be available at Committee.

Application site - Keeper's Cottage not part of application site – Planning Comment – The building is currently in domestic use although the applicants have been using the welfare facilities of the house for the business. The proposal would result in the business welfare facilities being taken out of the private house and into the portacabin type building.

New signage – Planning Comment – New advanced signage would be provided on site. The location, position and design of signage are considered to be acceptable.

Extension of 6 month period of grace for submission of planning application – Planning Comment – This is a planning procedural matter but is not material to the consideration of the Planning Application.

The planning system deals with the use of the land. The key issue is whether the use of the site as a pony trekking centre is appropriate, or not, balancing up planning policies, the comments from statutory consultees and all other material planning considerations raised (such as relevant representations). Non-material matters raised in representations cannot be given any weight in the assessment of the planning application and have to be discounted.

The development of new businesses is welcomed by the Council, particularly where they are located in rural areas and make use of the natural resources of the area. The development reuses existing buildings in the day to day operation and that is supported by policy. The existing business is an example of this and has various economic spin-offs in the immediate area of East Sutherland, but also further away as a result of the longer distance trekking routes followed by those on holiday. The business also uses local services which again have their own spin-offs.

Notwithstanding this, there are local finite resources, including grazing and trekking routes, which have to be secured by the business to maintain its security and continued existence. These are for the applicants to provide and maintain and are not material planning considerations. Notwithstanding this however, they are of concern to some in the local community. Representations have raised appropriate and considerate equine business practices; these encompass matters of neighbourliness, goodwill, co-operation and mutual respect, all of which are key to success in a small rural community. Whilst noted these are however not material planning considerations and cannot form part of the planning assessment of the merit, or otherwise, of the development proposal.

The application has to be assessed against the relevant development plan policies, technical comments of statutory consultees and material planning considerations.

The TRNM has assessed the application following a pre-application site visit. The TRNM had initially advised that the proposal was not acceptable; however, it was indicated that this position would be reconsidered should the applicant provide more detail. This has now been done and the proposed access and parking arrangements are now technically acceptable. Notwithstanding this, the operational and management practices of the developers need to be improved to demonstrate that the site can be operated safely in perpetuity. Anecdotal information on operational practices has suggested that the day to day working of the business on the ground needs to be improved from both a road safety and neighbourly perspective, particularly in relation to horse/rider and pedestrian safety at, onto and crossing the A9(T).

The previous delegated refusal clearly advised that a new application could be given more favourable consideration were the access matters fully addressed.

In land use terms the Planning Authority still has concerns as to the long term suitability of a pony trekking business adjacent to the trunk road. A different location without the ever present high speed and high volume of traffic is considered the best long term solution. Notwithstanding this, it is considered that the operation of the business would be significantly bettered by the development of the new access, car parking facilities and bridging proposed by the application. Given the importance of these aspects to road safety, it is considered that a time limit of no more than 3months from the date of any approval of the development would be appropriate within which the new access, car park, dyke, fence and bridging works should be fully completed to the required standards. For the avoidance of doubt this would include the full relocation of the existing stone dyke, fencing works, the formation of the car parking area and completion of the bellmouth to the trunk road, the installation of the advanced signage, and the

construction of the footbridges; all of these aspects of the proposed development are linked together and are associated with road safety matters by enabling movement between the field/parking area and the stabling area without recourse to movement onto the A9(T).

Failure to fully complete such works would result in an unacceptable road safety hazard. The Planning Service has been keen to secure an appropriate resolution however the situation cannot be allowed to continue. It is therefore recommended that failure to resolve and complete the works as required will necessitate the pursual of formal enforcement action in this instance. Enforcement action would be undertaken on both the applicants (operators) and the land owner and would require the immediate cessation of operations at the site due to non-compliance with planning conditions associated with road safety improvements required to enable the development to take place.

Members should note that the landowner has control over the use of the land regardless of the planning situation.

The Planning Authority previously indicated that the proposed development would be acceptable, subject to the access matters being resolved. It is considered that they now have been, subject to conditions and a time limit within which the works have to be fully completed by. There may well be sites which lend themselves better for this activity, however the Planning Service is obliged to consider the proposal before it and in this regard the development is considered acceptable subject to appropriate conditions.

8.5 **Other Considerations – not material**

There are matters raised by 3rd parties which are not material planning considerations. Some of these are however regulated by other statutory regulators such as Building Standards, Licensing and Environmental Health. Others are matters of good business and equine animal management. The matters raised by 3rd parties are:

Insufficient grazing land available for horses – Planning Comment – This is an animal welfare matter and is not a material planning consideration.

Sutherland Estates site control – indicated that use of the site for commercial purposes is not supported – Planning Comment – This is a matter for Sutherland Estates. Regardless of the planning merits of the use of the land, the applicant needs to secure the requisite lease(s) from the landowner for the business. The landowner has full control over the use of the ground for the establishment of a pony trekking centre.

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

No section 75 required.

9. CONCLUSION

- 9.1 All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

10. RECOMMENDATION

Action required before decision issued

Subject to the above, it is recommended the application be **Granted** subject to the following conditions and reasons / notes to applicant:

1. All access arrangements shall be provided and completed to the satisfaction of the Planning Authority in consultation with the Roads Authority and within 3 months from the date of this permission. For the avoidance of doubt, the works which are subject of completion within this timescale are:
 - Formation of new access from the A9(T), surfaced as shown on Approved Plan No. EMCL-HUB-1 Rev E, with a visibility splay of 215m onto the A9(T), including the setback/reconstruction/re-alignment of the roadside stone dyke and new timber fencing to the satisfaction of the Planning Authority in consultation with the Trunk Roads Authority.
 - Completion of the car park and vehicle access from it toward the vehicle bridge crossing of Sputie Burn as shown on Approved Plan No. EMCL-HUB-1 Rev E
 - Completion of the vehicle bridge crossing of Sputie Burn as shown on Approved Plan No. EMCL-HUB-1 Rev E
 - Completion of the pedestrian bridge crossing of Sputie Burn as shown on Approved Plan No. EMCL-HUB-1 Rev E
 - Completion of the fenced off crossing area to the west side of the A9(T) at the junction with the C1058 Doll-Kilmain road as shown on Approved Plan No. EMCL-HUB-1 Rev D to the satisfaction of the Planning Authority in consultation with the Trunk Roads Authority.

The new access point to the A9(T) and the associated car parking and turning area shall be the only point of access and parking for all trekking customers and for commercial traffic associated with the business use, including deliveries of foodstuffs, removal of manure, transportation of horses.

Reason : To ensure that the standard of access layout both vehicular and equestrian complies with current design standards and that the safety of the traffic on the trunk road is not diminished.

2. Within one month from the date of this permission, the developer shall have submitted an access and transport management plan for the operation of the site for the approval in writing of the Planning Authority in consultation with the Trunk Roads Authority. This plan shall clearly demonstrate and distinguish how the developer proposes to ensure that visitors to and those servicing the application

site, are separated from all other users of the existing private access. The access and transport management plan shall thereafter be implemented and operated in perpetuity.

Reason : In the interests of road safety.

3. No development shall be undertaken on site in relation to the construction of either bridge until the developer has submitted full written and plan details of the bridges (based on Approved Plans No. 4, 5, 10, 11 docquetted hereto, including foundations and abutments, for the approval in writing of the Planning Authority. The construction of the bridges shall thereafter be undertaken in accordance with the approved details. For the avoidance of doubt, the two bridges shall be designed by a suitably qualified individual and shall be sized to enable them to convey the 1 in 200 year design flow at each at each point without causing constriction of flow or exacerbation to flood risk elsewhere; and in accordance with CIRIA's Culvert Design and Operation Guide C689. No ground raising, fencing or other development shall be undertaken within 6m of the top of bank of Sputie Burn (except the 2 proposed bridges) in order to maintain access to the watercourse for future maintenance and bank stability upland.

Reason : In the interests of public safety.

4. The portacabin type building shall be located on the site for 3 years only from the date of this permission and shall cease to have effect on 05.08.2017 (the 'cessation date'). Prior to the cessation date, the site of the portacabin site shall have been cleared and the ground reinstated all to the satisfaction of the Planning Authority, unless application is made for its continued siting.

Reason : As the portacabin type building is a temporary structure and in the interests of amenity.

REASON FOR DECISION

The proposals accord with the provisions of the Development Plan and there are no material considerations which would warrant refusal of the application.

TIME LIMITS

TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION

The Highland Council hereby makes the following Direction under Section 58(2) of the Town and Country Planning (Scotland) Act 1997 (as amended).

The development to which this planning permission relates must commence within 2 months from the date of this decision notice. If development has not commenced within this period, then this planning permission shall lapse.

FOOTNOTE TO APPLICANT

Initiation and Completion Notices

The Town and Country Planning (Scotland) Act 1997 (as amended) requires all developers to submit notices to the Planning Authority prior to, and upon completion of, development. These are in addition to any other similar requirements (such as Building Warrant completion notices) and failure to comply represents a breach of planning control and may result in formal enforcement action.

1. The developer must submit a Notice of Initiation of Development in accordance with Section 27A of the Act to the Planning Authority prior to work commencing on site.
2. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Act to the Planning Authority.

Copies of the notices referred to are attached to this decision notice for your convenience.

Accordance with Approved Plans & Conditions

You are advised that development must progress in accordance with the plans approved under, and any conditions attached to, this permission. You must not deviate from this permission without consent from the Planning Authority (irrespective of any changes that may separately be requested at the Building Warrant stage or by any other Statutory Authority). 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 adhere to this permission and meet the requirements of all conditions may invalidate your permission or result in formal enforcement action

Road Access and Construction

For the avoidance of doubt throughout the design and construction process for the improved access and equestrian crossing the applicant shall comply with the requirements of the Design Manual for Roads and Bridges this will include the need to undertake a Road Safety Audit. Prior to any works commencing on site detailed plans for all works within the Trunk Road boundary associate with upgrading the field access, equestrian crossing and associated signage shall be submitted to Transport Scotland for approval.

Flood Risk

It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (or emanating from) the application site. As per Scottish Planning Policy (p.198), planning permission does not remove the liability position of developers or owners in relation to flood risk.

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.

Septic Tanks & Soakaways

Where a private foul drainage solution is proposed, you will require separate consent from the Scottish Environment Protection Agency (SEPA). Planning permission does not guarantee that approval will be given by SEPA and as such you are advised to contact them direct to discuss the matter (01349 862021).

Mud & Debris on Road

Please note that it is an offence under Section 95 of the Roads (Scotland) Act 1984 to allow mud or any other material to be deposited, and thereafter remain, on a public road from any vehicle or development site. You must, therefore, put in place a strategy for dealing with any material deposited on the public road network and maintain this until development is complete.

Bridge Construction - The sizing of the bridges shall be based on the approved bridge plans Ref. No. 4, 5, 10, 11 and the crossings shall be designed in accordance with the SEPA Good Practice Guide for River Crossings www.sepa.org.uk/water/water_regulation/guidance/engineering.aspxfs

Protection of Field Drains - There are field drains in the area which could be damaged or broken unless care is exercised in their maintenance and management and appropriate land management practices are undertaken. The maintenance and management of these is the responsibility of the tenant and landowner.

Signature: Dafydd Jones

Designation: Area Planning Manager North

Author: Bob Robertson

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

Relevant Plans:

DRAWING 25 May 2014 000001 LOCATION PLAN A4

DRAWING 25 May 2014 000002 SITE LAYOUT PLAN A4

DRAWING 25 May 2014 000003 SITE LAYOUT PLAN A4

DRAWING 25 May 2014 000004 ELEVATION PLAN A4

DRAWING 25 May 2014 000005 ELEVATION PLAN A4

DRAWING 25 May 2014 000006 SITE LAYOUT PLAN A4

DRAWING 05 Jun 2014 EMCL-HUB-2 REV A ROAD LAYOUT PLAN A1

DRAWING 05 Jun 2014 EMCL-HUB-3 REV A SITE LEVEL PLAN A1

DRAWING 10 Jun 2014 000007 VISUAL INFORMATION A4

DRAWING 10 Jun 2014 000008 VISUAL INFORMATION A4

DRAWING 11 Jun 2014 000009 SIGNAGE GENERAL PLAN A4

DRAWING 11 Jun 2014 000010 BRIDGE ELEVATION PLAN A4

DRAWING 11 Jun 2014 000011 BRIDGE ELEVATION PLAN A4

AMENDED DRAWING 14 Jun 2014 EMCL-HUB-1 REV D JUNCTION LAYOUT PLAN A1

OBJECTORS

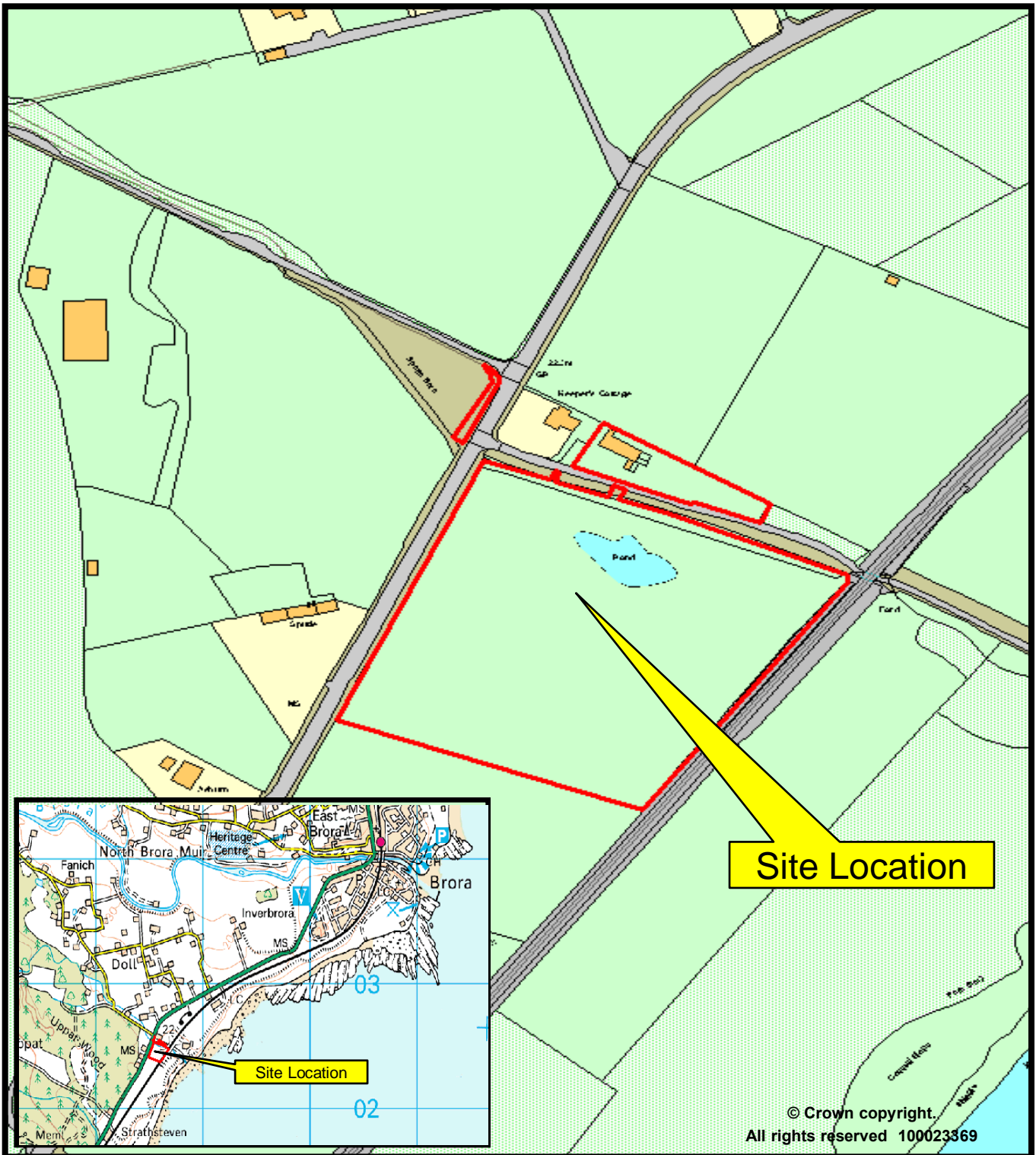
1.	Ms Margaret Little, 2 MacDonald Road, Dornoch	19/06/14
2.	Mr Alexander Baikie, The Cottage, Station Road, Embo	19/06/14
3.	Mr & Mrs Archie & Penny Paterson, Ashburn, Strathsteven, Brora	25/06/14
4.	Ms Emma Little, Dalaval, Doll, Brora	19/06/14
5.	Mrs Margaret Nicol, 227, Doll, Brora	19/06/14
6.	Mr Robin Nicol, 227, Seaview, Doll , Brora	24/06/14
7.	Mr John Little, 227, Doll, Brora	18/06/14

SUPPORTERS

1.	Mrs Shirley McLauchlan, Rowan Cottage 487 A949 A9t Junction - Achue Road Junction, Clashmore, Dornoch	19/06/14
2.	Mr Michael Geldard, The Crask Inn, By Lairg	03/07/14

REPRESENTATIONS

1.	Ms Isobel Gillies, 207 Doll, Brora	09/06/14



Case No:14/02059/FUL

**Change of use of land for business use (pony trekking centre), formation of vehicular access, installation of portacabin at Keeper's Cottage, Strath Steven, Brora
Date:21 July 2014**

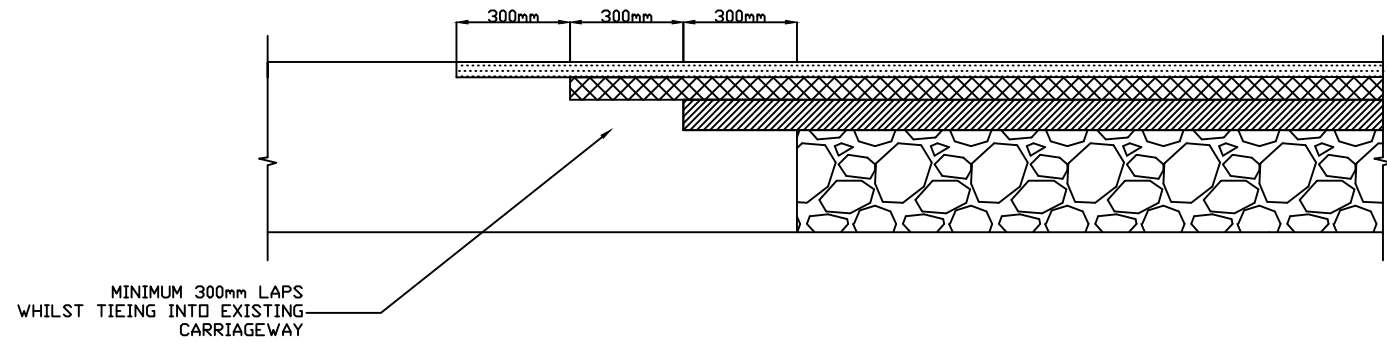


The Highland Council
Comhairle na Gàidhealtachd

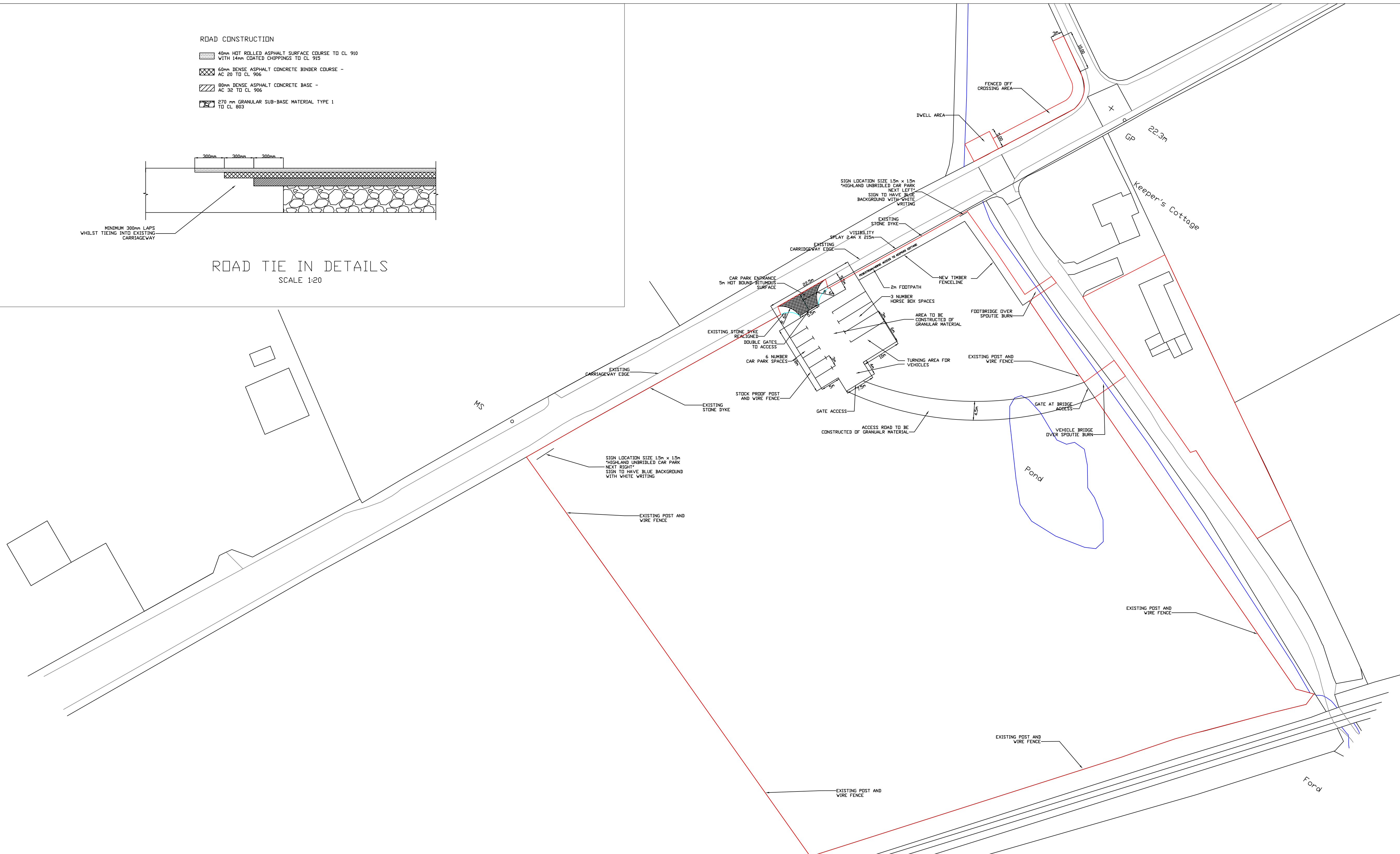
Planning & Development Service



- ROAD CONSTRUCTION**
- 40mm HOT ROLLED ASPHALT SURFACE COURSE TO CL 910 WITH 14mm COATED CHIPPINGS TO CL 915
 - 60mm DENSE ASPHALT CONCRETE BINDER COURSE - AC 20 TO CL 906
 - 80mm DENSE ASPHALT CONCRETE BASE - AC 32 TO CL 906
 - 270 mm GRANULAR SUB-BASE MATERIAL TYPE 1 TO CL 893



ROAD TIE IN DETAILS
SCALE 1:20



Notes -

Drn.	Revisions	Date	Drn.

HIGHLANDS UNBRIDLED

PLANNING
DRAWING

EDWARD MACKAY CONTRACTOR LTD
SPOUTIE
THE DOLL
BRORA, KW9 6NL
T: 01408 621751
F: 01408 621132
email: ian.moffat@edwardmackay.co.uk

**JUNCTION
LAYOUT**

KEEPERS COTTAGE, BRORA

Drawn: IM	Ck'd: SM	Scale: 1:500 @ A1
Date: MAY 2014	Date: JULY 2014	

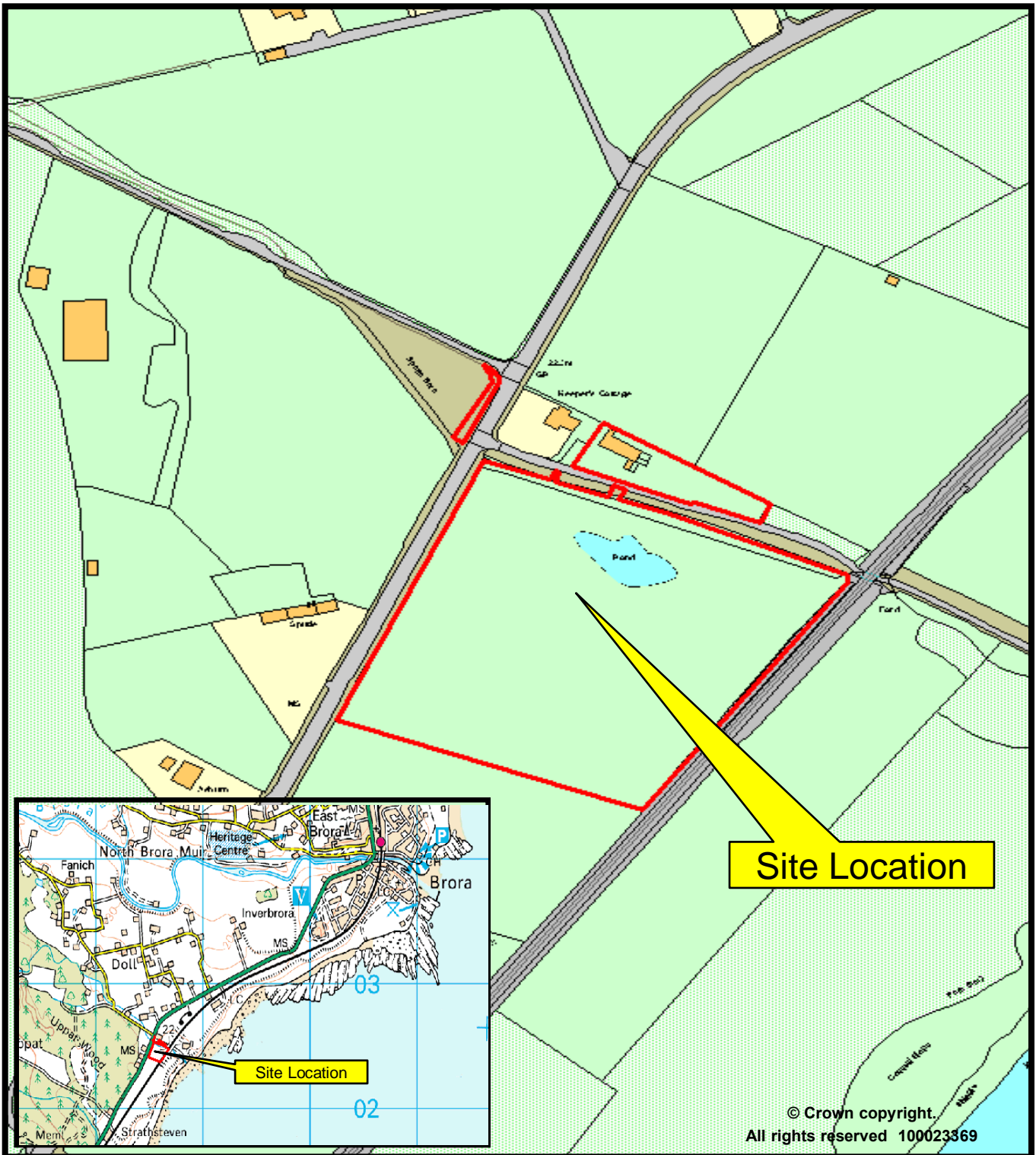
Drawing No. **EMCL-HUB-1** Revision **E**

Highlands



Unbridled

Entrance Next Left



Case No:14/02059/FUL

**Change of use of land for business use (pony trekking centre), formation of vehicular access, installation of portacabin at Keeper's Cottage, Strath Steven, Brora
Date:21 July 2014**

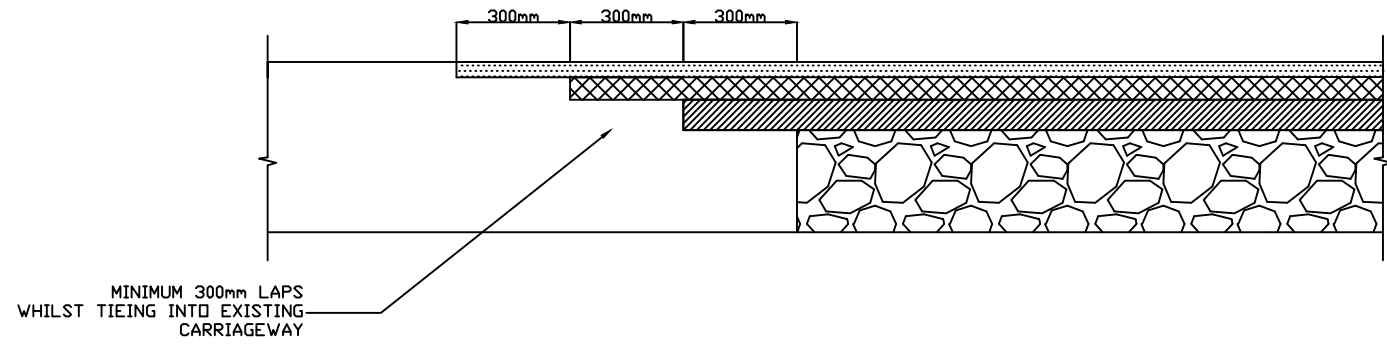


The Highland Council
Comhairle na Gàidhealtachd

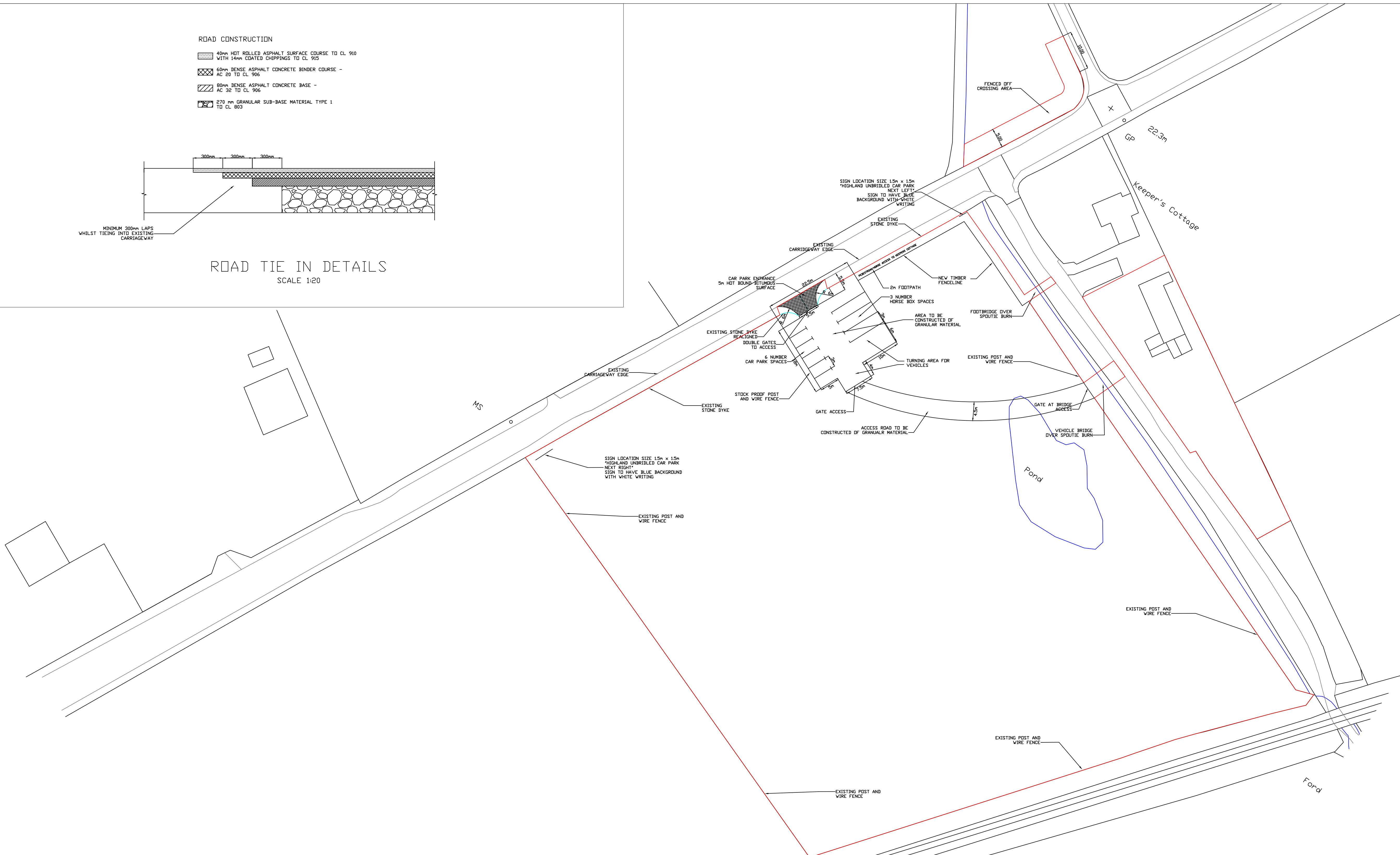
Planning & Development Service



- ROAD CONSTRUCTION**
- 40mm HOT ROLLED ASPHALT SURFACE COURSE TO CL. 910 WITH 14mm COATED CHIPPINGS TO CL. 915
 - 60mm DENSE ASPHALT CONCRETE BINDER COURSE - AC 20 TO CL. 906
 - 80mm DENSE ASPHALT CONCRETE BASE - AC 32 TO CL. 906
 - 270 mm GRANULAR SUB-BASE MATERIAL TYPE 1 TO CL. 893



ROAD TIE IN DETAILS
SCALE 1:20



Notes -

Drn.	Revisions	Date	Drn.

HIGHLANDS UNBRIDLED

PLANNING

DRAWING

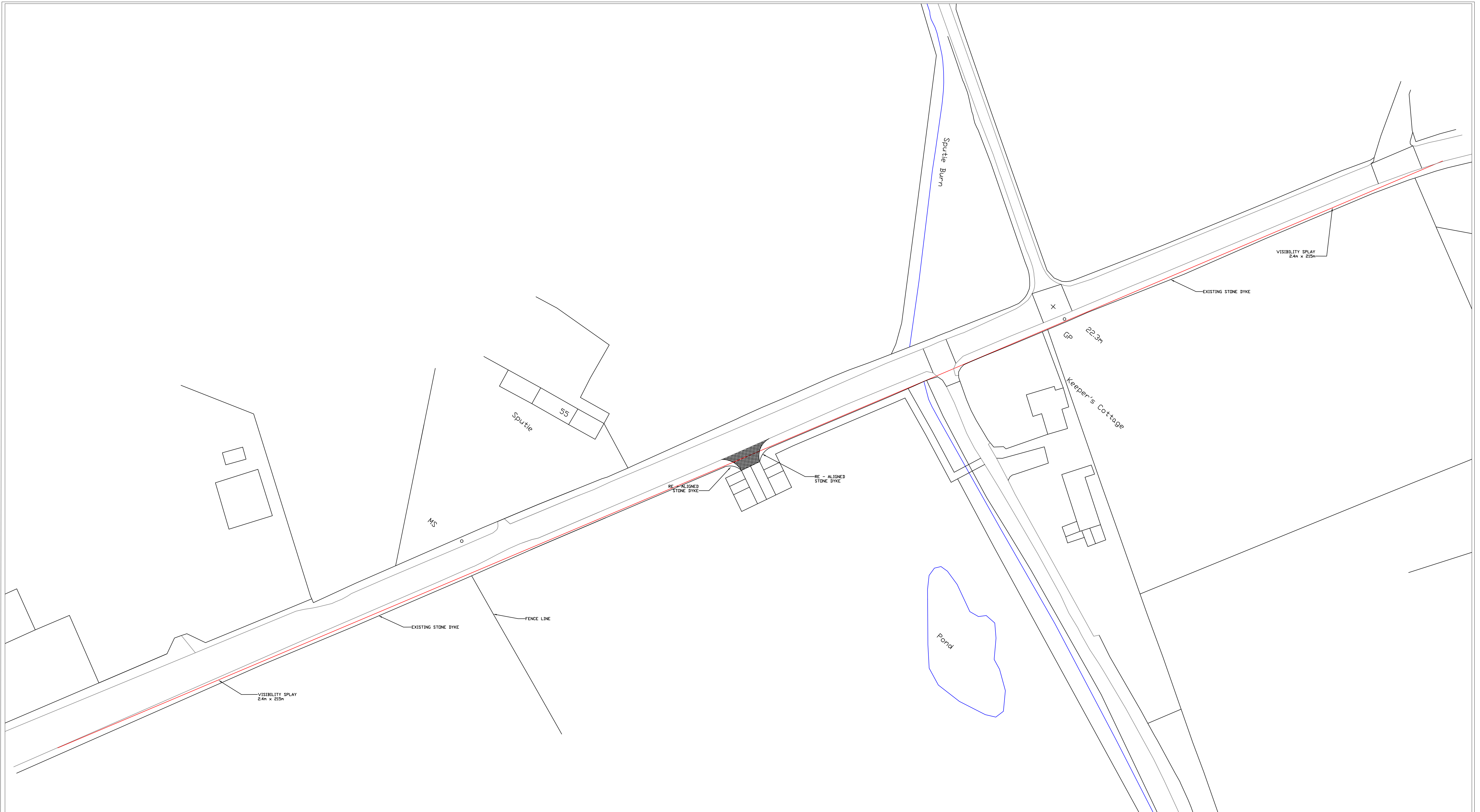
EDWARD MACKAY CONTRACTOR LTD
SPOUTIE
THE DOLL
BRORA, KW9 6NL
T: 01408 621751
F: 01408 621132
email: ian.moffat@edwardmackay.co.uk

JUNCTION
LAYOUT

KEEPERS COTTAGE, BRORA

Drawn: IM	Ch'd: SM	Scale: 1:500 @ A1
Date: MAY 2014	Date: MAY 2014	

Drawing No. **EMCL-HUB-1** Revision **D**



Notes —

Drn.	Revisions	Date	Drn.

HIGHLANDS UNBRIDLED

**PLANNING
DRAWING**

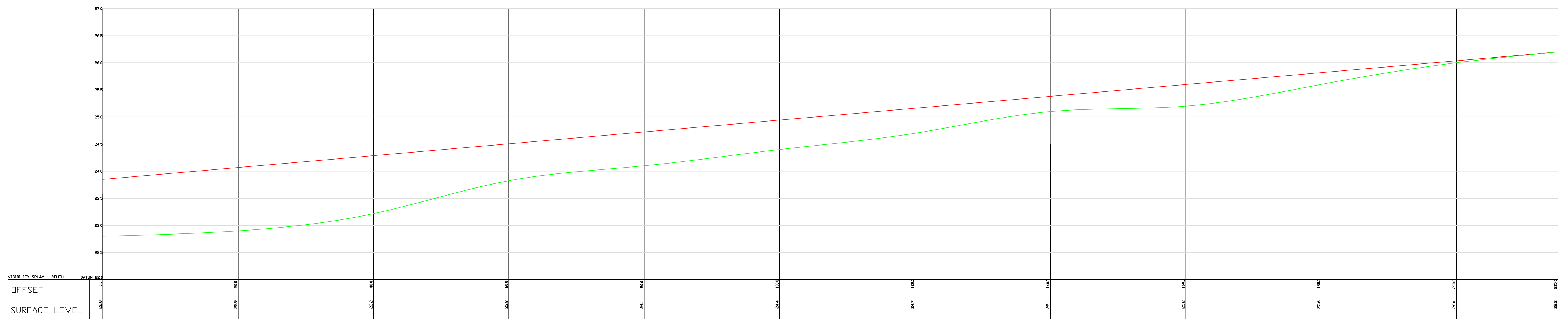
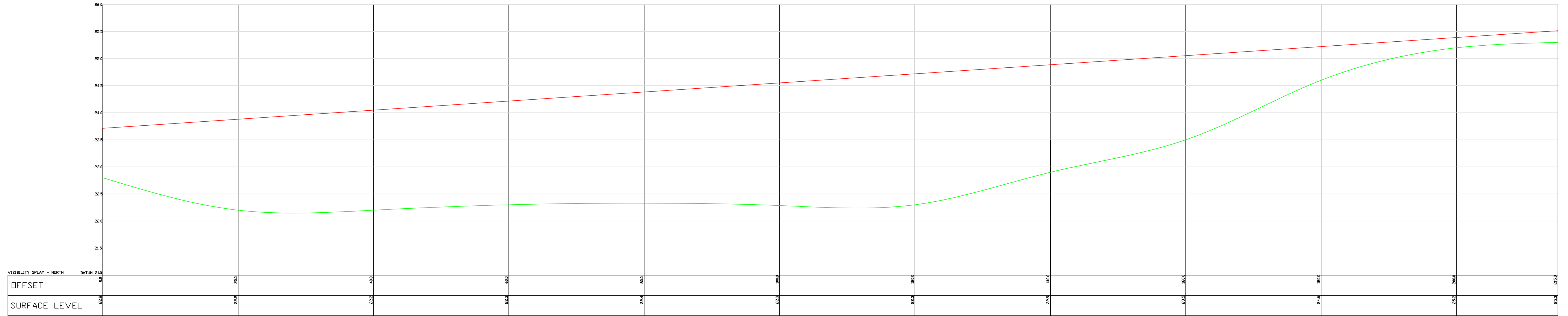
EDWARD MACKAY CONTRACTOR LTD
 SPOUTIE
 THE DOLL
 BRORA, KW9 6NL
 T: 01408 621751
 F: 01408 621132
 email: ian.moffat@edwardmackay.co.uk

**VISIBILITY SPLAY
LAYOUT**

KEEPERS COTTAGE, BRORA

Drawn: IM	Ch'd: SM	Scale: 1:500 @ A1
Date: MAY 2014	Date: MAY 2014	

Drawing No. **EMCL-HUB-2** Revision **A**



Notes -

Drn.	Revisions	Date	Drn.

HIGHLANDS UNBRIDLED

PLANNING
DRAWING

EDWARD MACKAY CONTRACTOR LTD
SPOUTIE
THE DOLL
BRORA, KW9 6NL
T: 01408 621751
F: 01408 621132
email: ian.moffat@edwardmackay.co.uk

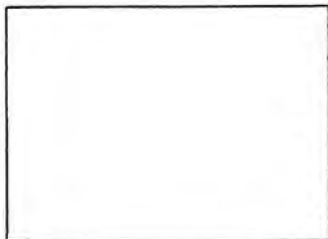
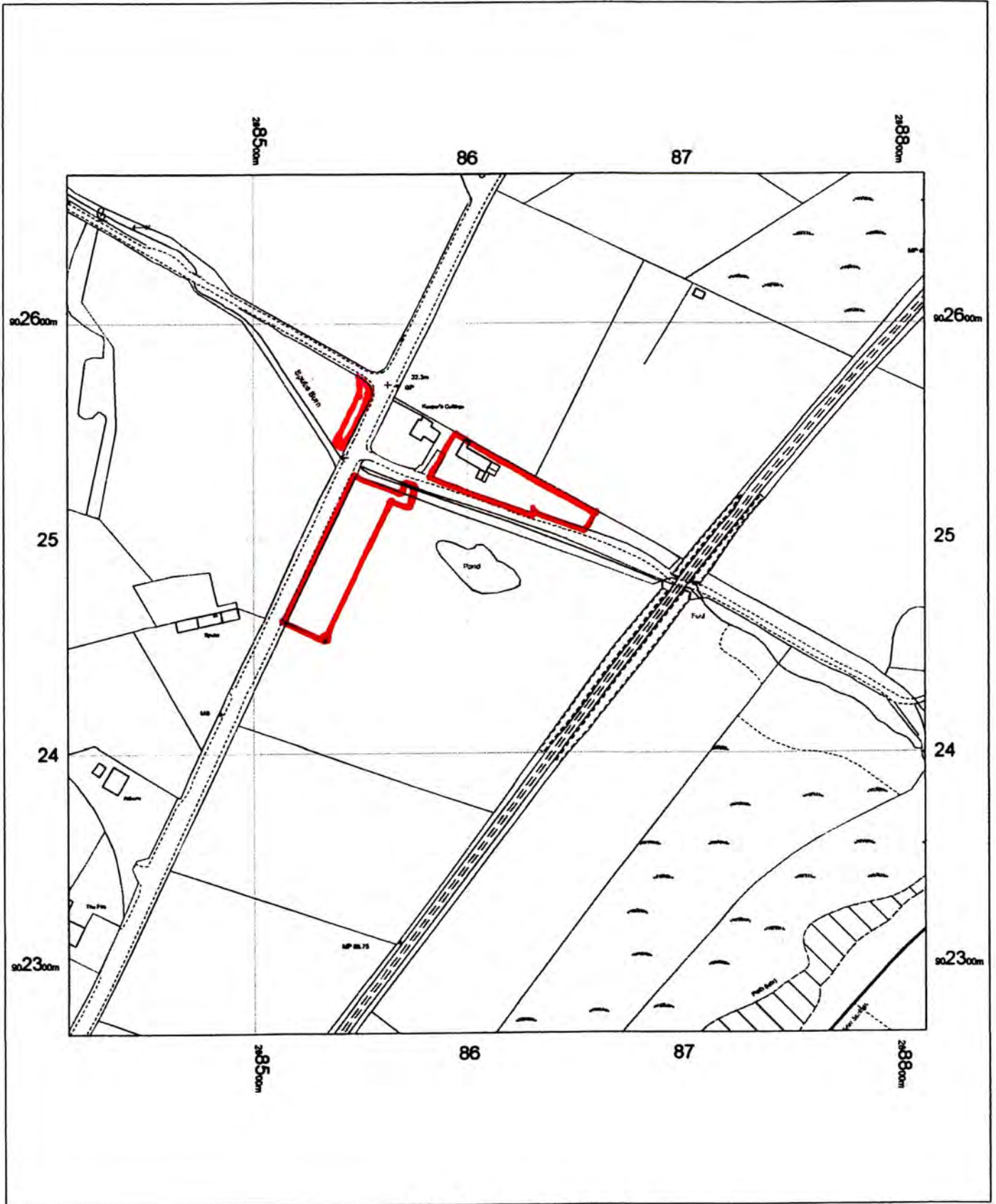
VISIBILITY SPLAY
SECTIONS

KEEPERS COTTAGE, BRORA

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Date: MAY 2014	Date: MAY 2014	

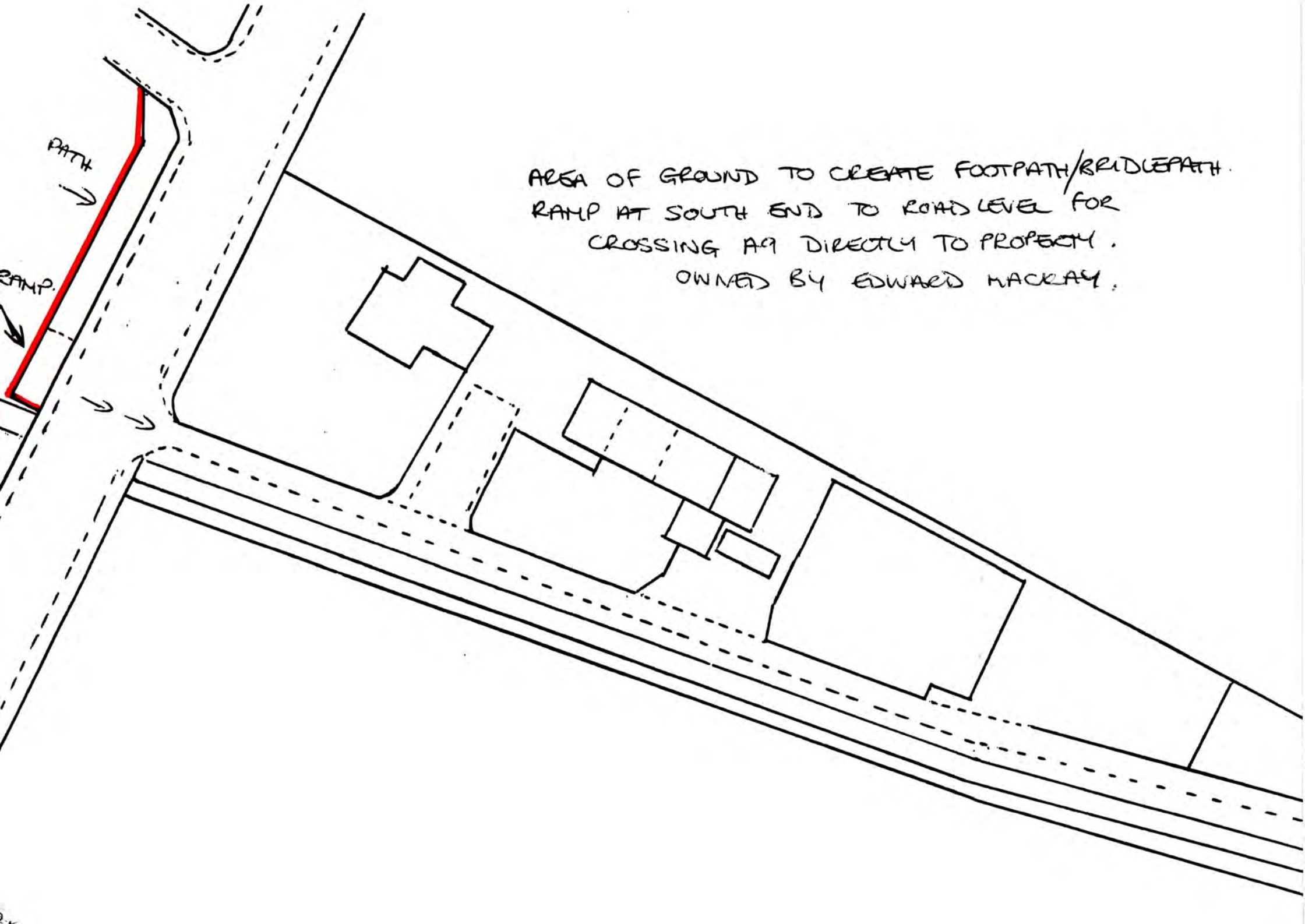
Drawing No. EMCL-HUB-3
Revision A

Keepers Cottage

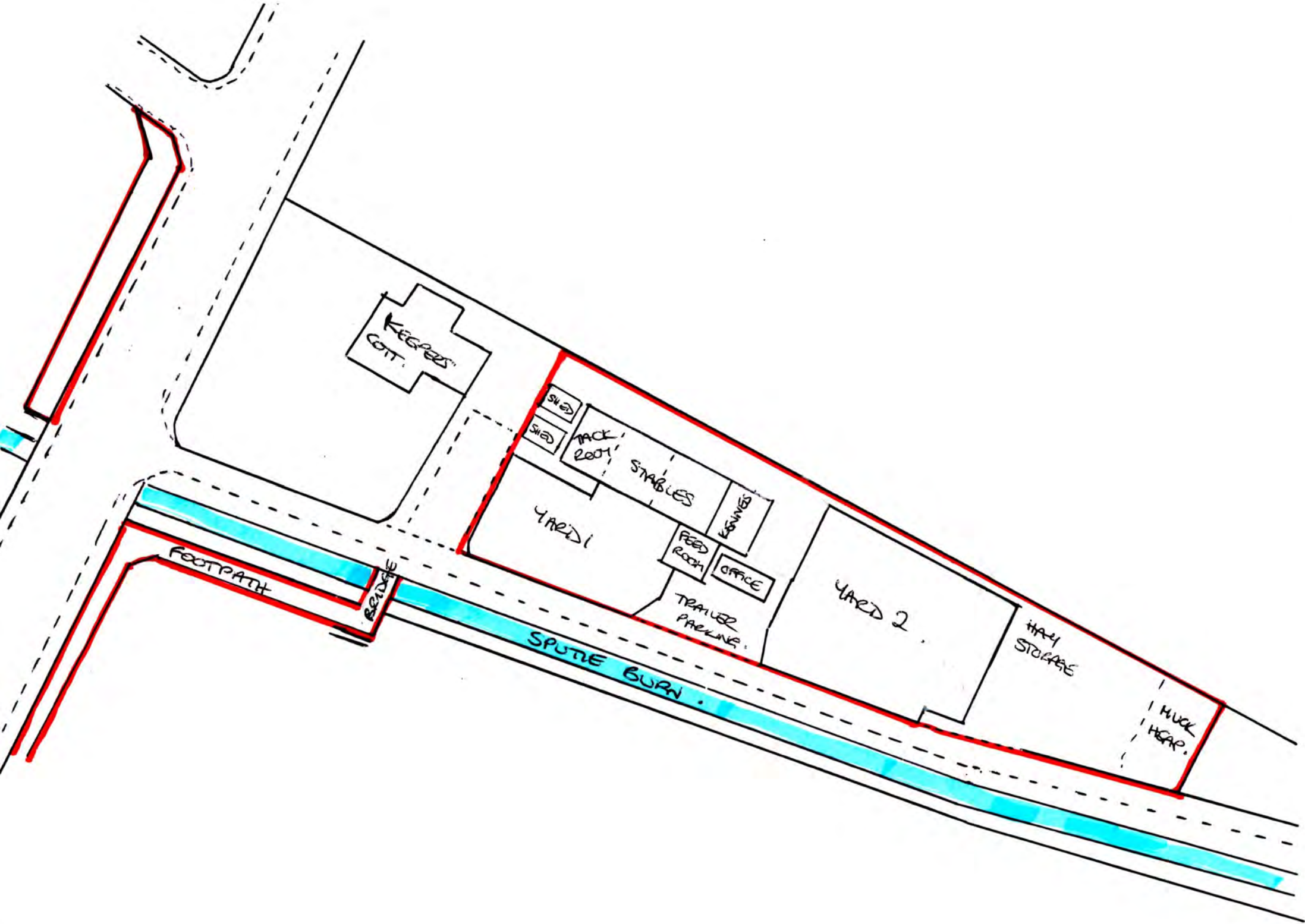


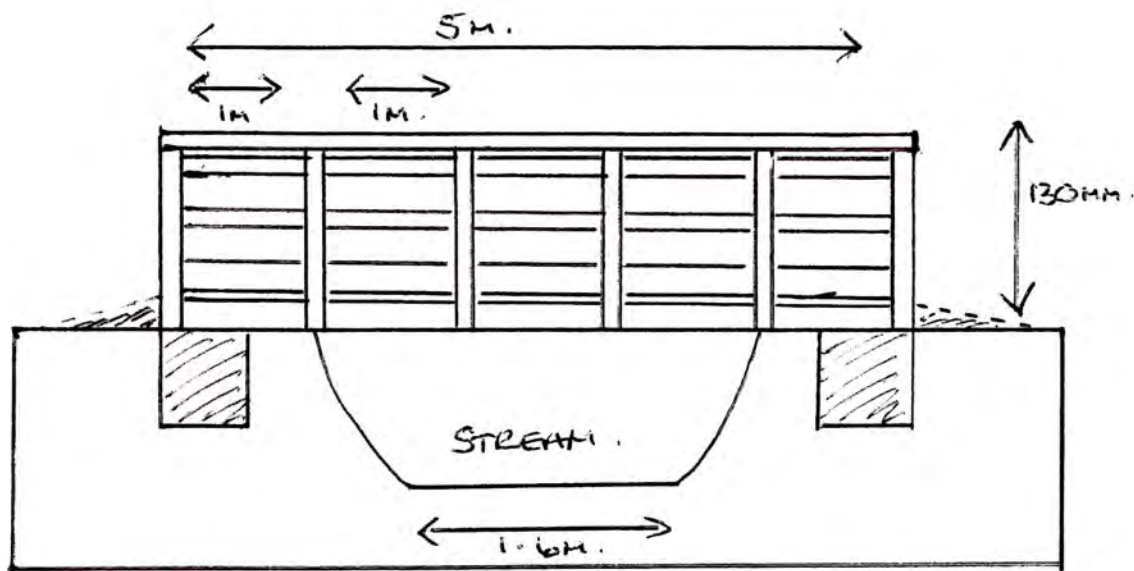
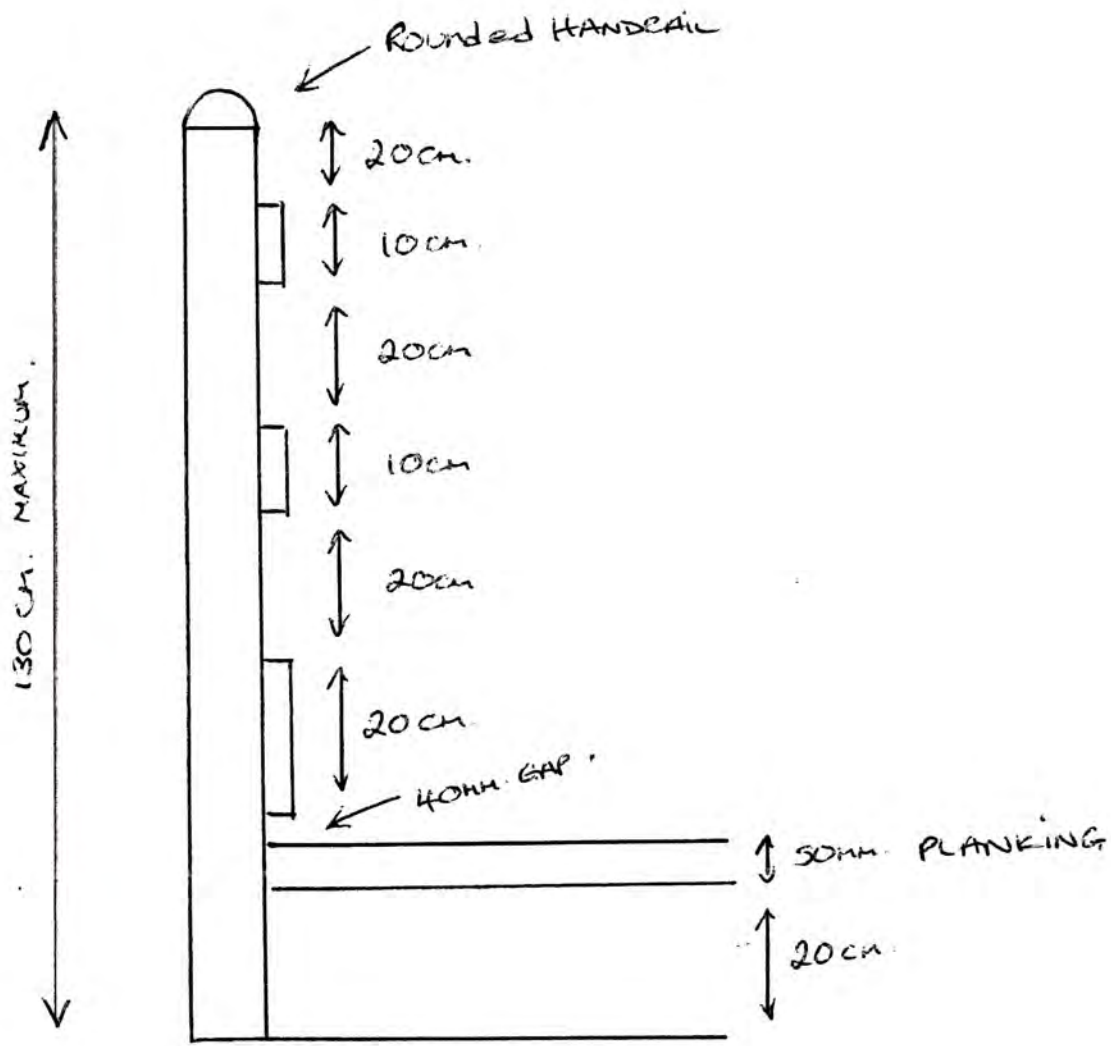
OS MasterMap 1250/2500/10000 scale
14 April 2014, ID: BLJT-00316166
www.planningapplicationmaps.co.uk
1:2500 scale print at A4, Centre: 288613 E, 902470 N
©Crown Copyright Ordnance Survey. Licence no. 100051661

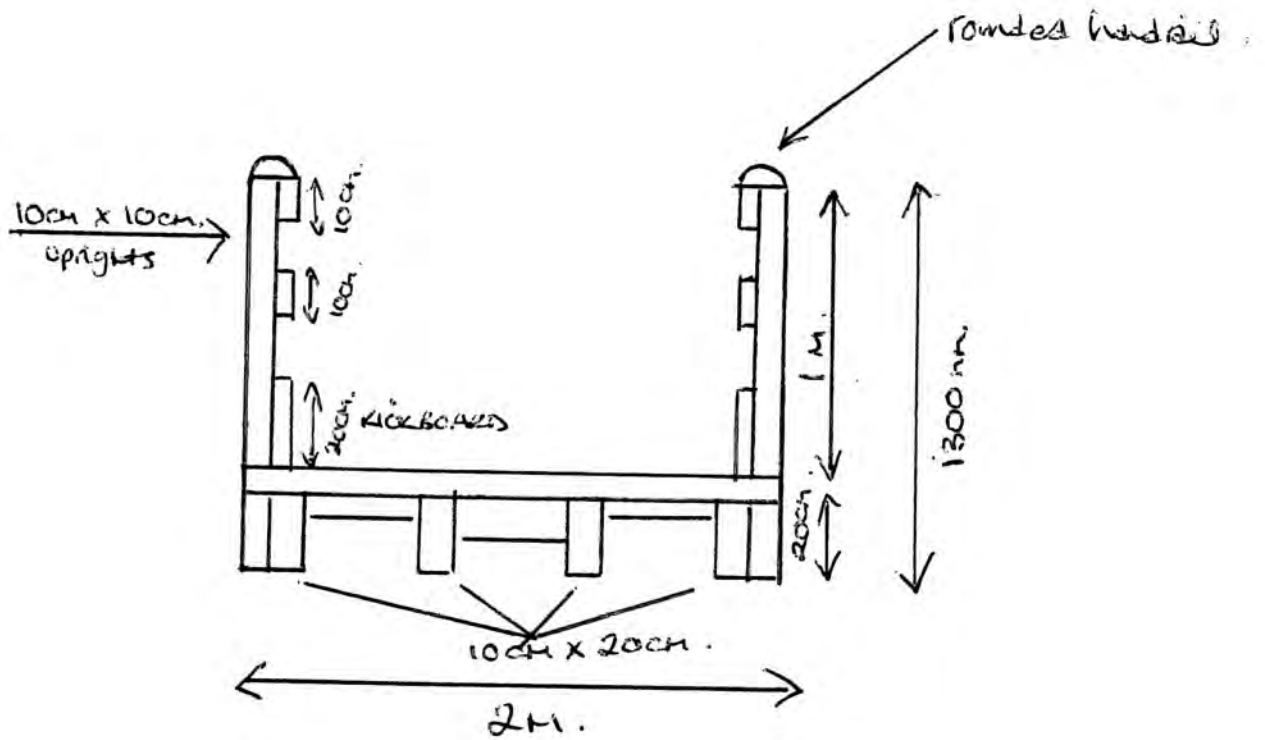




AREA OF GROUND TO CREATE FOOTPATH/BRIDGE PATH.
RAMP AT SOUTH END TO ROAD LEVEL FOR
CROSSING A9 DIRECTLY TO PROPERTY.
OWNED BY EDWARD MACKAY.



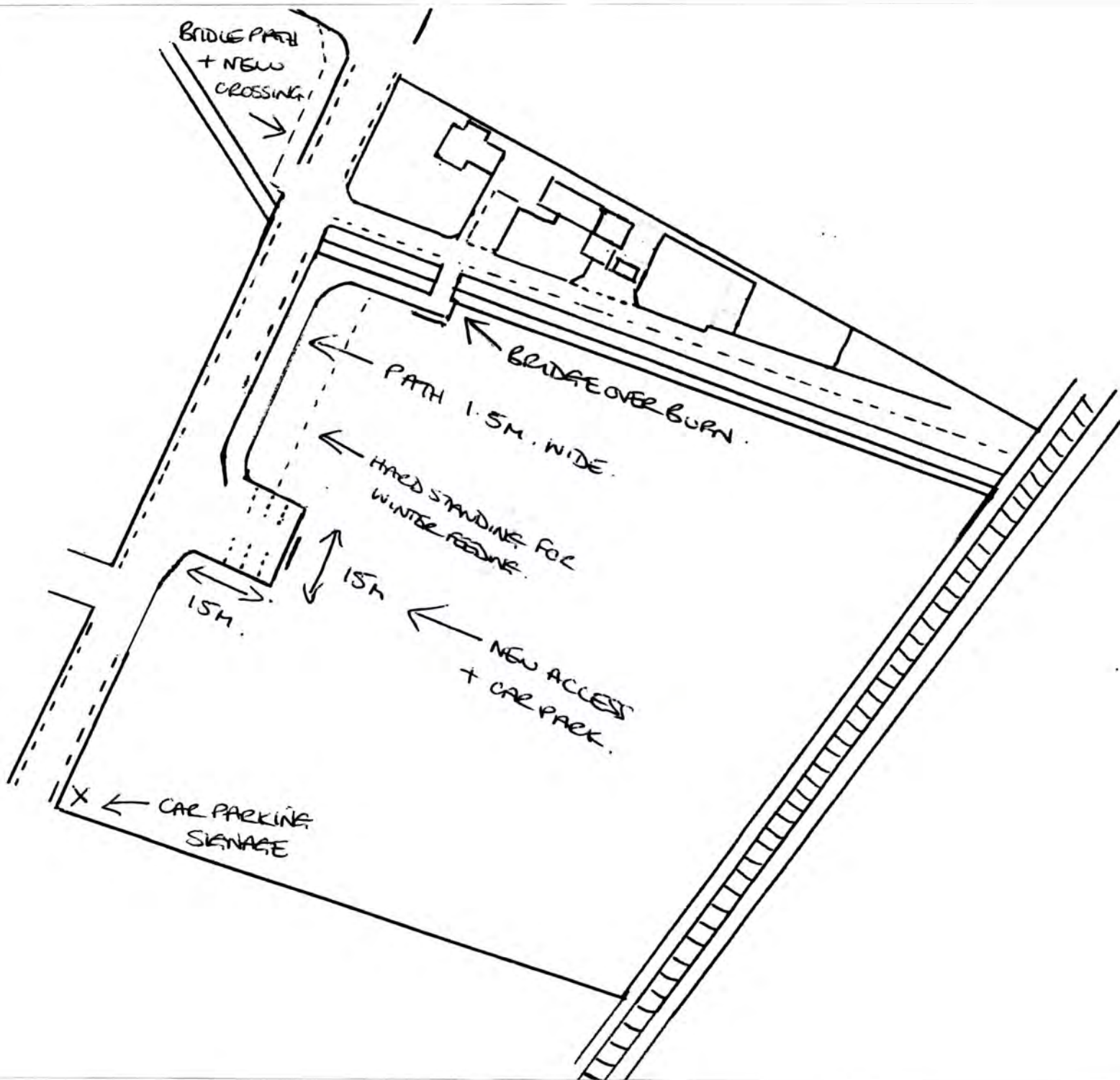




40MM GAP BETWEEN KICKBOARD AND PLANKING.

50MM PLANKING = 20MM GAP BETWEEN PLANKS.

50MM BRACING BETWEEN SUPPORTING TIMBERS



OVERVIEW OF SITE - DETAILED PLANS TO FOLLOW FROM EDWARD MACKAY.

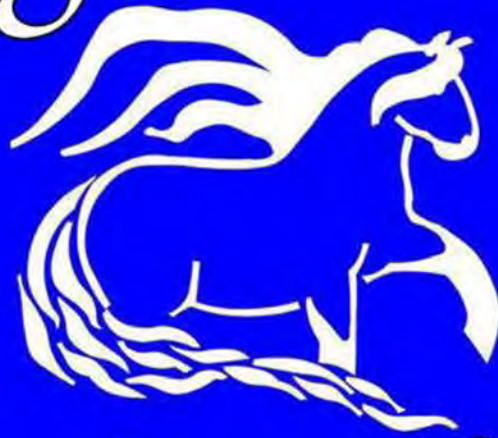
Highlands



Unbridled

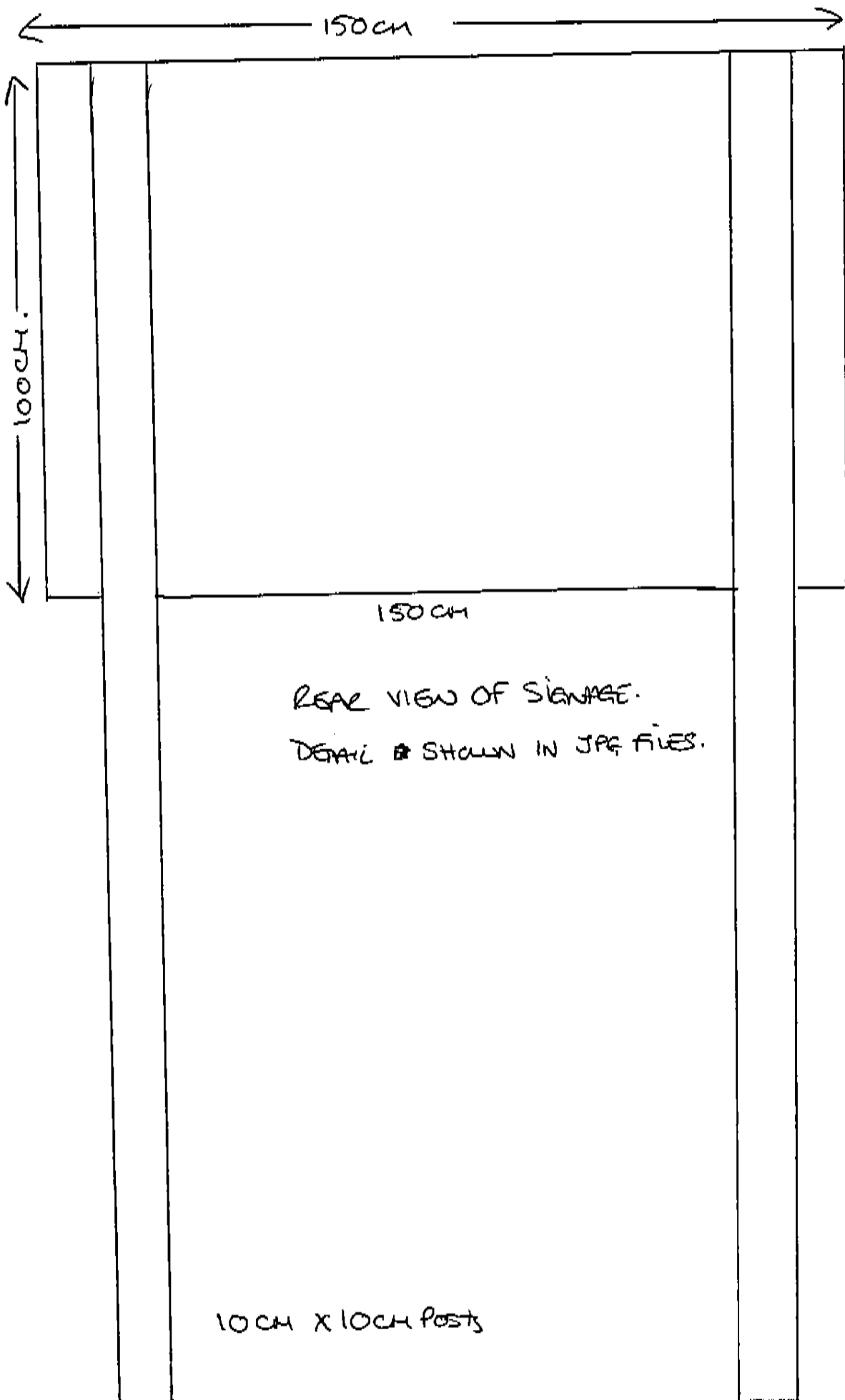
Entrance Next Left

Highlands



Unbridled

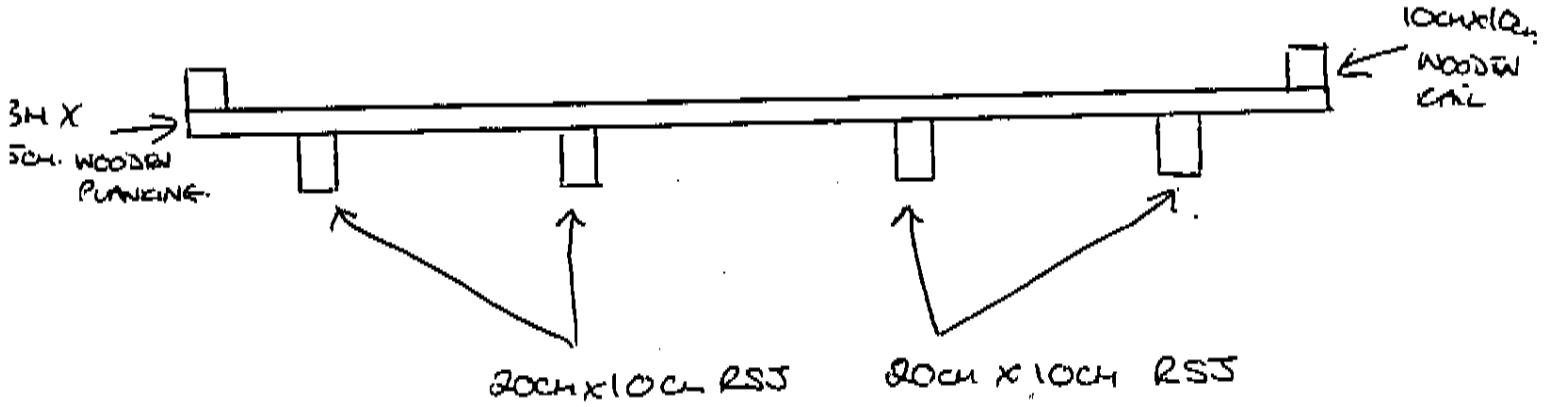
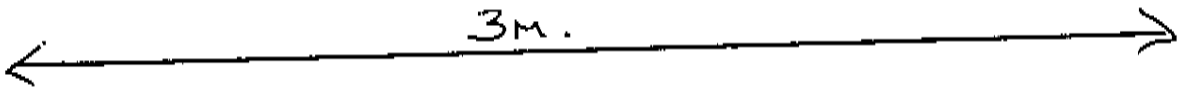
Entrance Next Right



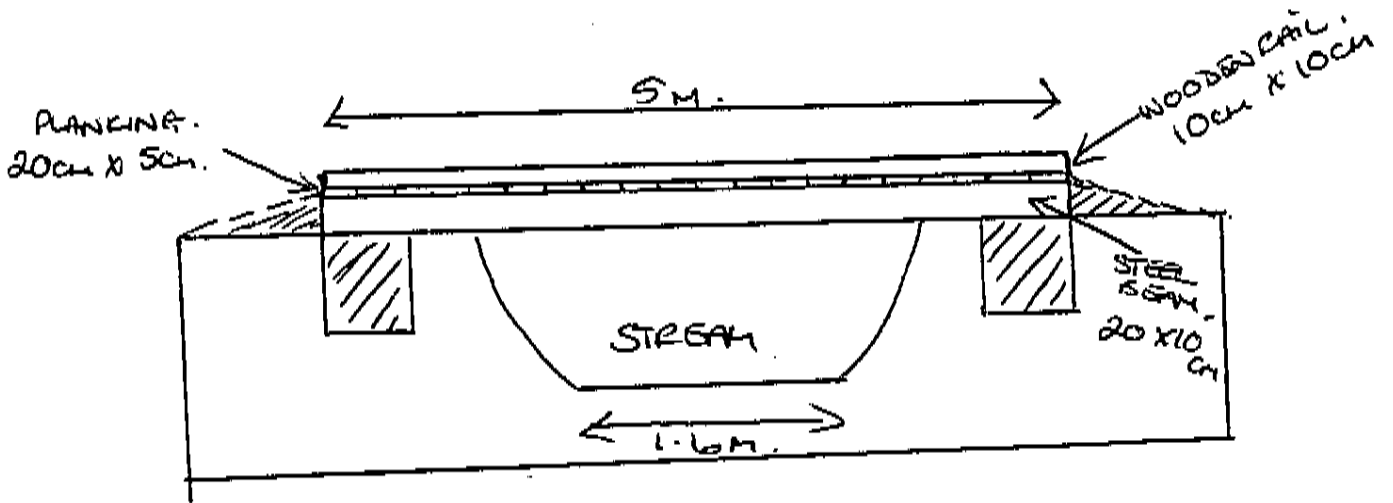
PLANS FOR SIGNAGE 14/02059/FUL

FRONT ELEVATION VEHICLE BRIDGE.

PLANNING APPLICATION 14/02059/FUL



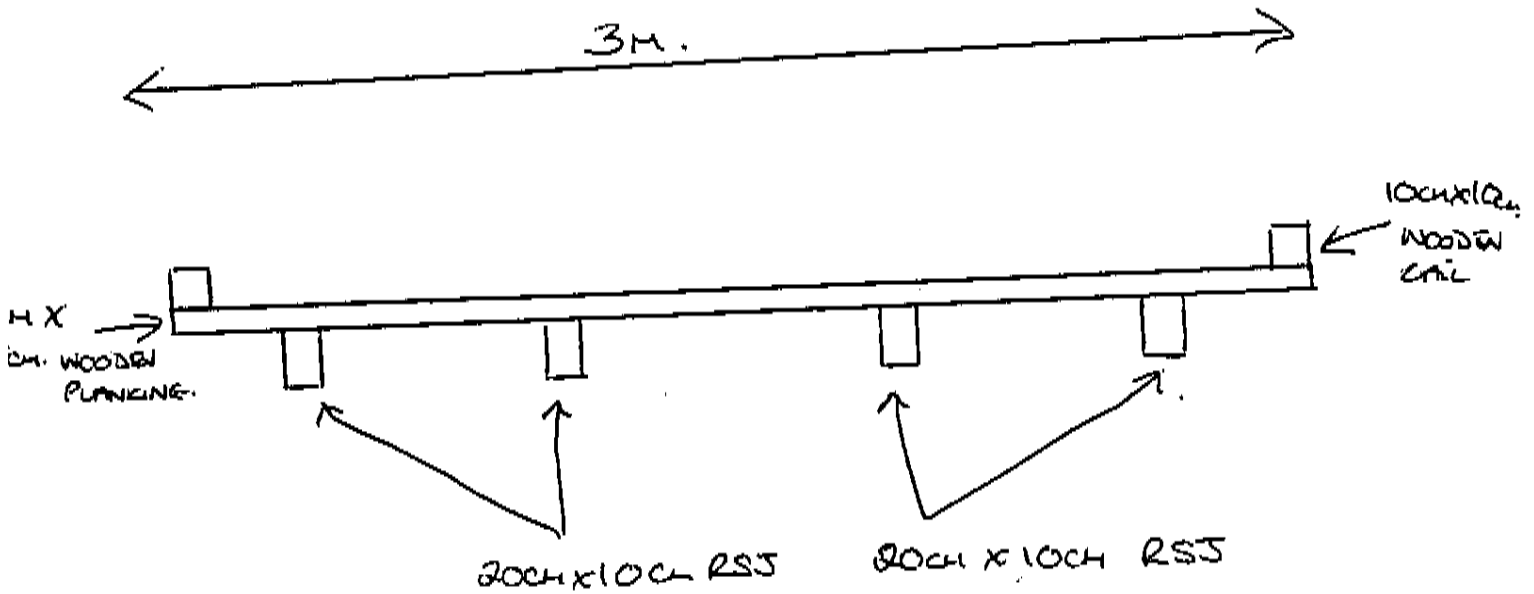
SIDE ELEVATION VEHICLE BRIDGE



PLANS FOR SIGNAGE 14/02059/FUL

FRONT ELEVATION VEHICLE BRIDGE.

PLANNING APPLICATION 14/02059/FUL



SIDE ELEVATION VEHICLE BRIDGE

