

Alan Dickson

alan@ruraldesign.net

Our ref: NA/HLD/077
8 September 2014

Dear Mr Dickson

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
THE TOWN AND COUNTRY PLANNING (NOTIFICATION OF APPLICATIONS)
(SCOTLAND) DIRECTION 2009
HOUSING DEVELOPMENT, REVISED SCHEME INCORPORATING 7 DWELLINGS
(PREVIOUSLY 9) TOGETHER WITH ASSOCIATED ARRANGEMENTS FOR ACCESS
AND SHARED DRAINAGE AT LAND TO SOUTH WEST OF, 22 GARAFAD, STAFFIN,
PORTREE**

1. This letter contains Scottish Ministers' decision on the above planning application which you lodged with The Highland Council, on behalf of Mr W MacInnes, on 22 September 2011.
2. The application was notified to Scottish Ministers on 6 August 2013, in accordance with the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009. In terms of Section 46 of the Town and Country Planning (Scotland) Act 1997, Scottish Ministers directed The Highland Council, on 5 December 2013, to refer the application to them for determination.
3. The application was thereafter considered on the basis of written submissions and an unaccompanied site inspection carried out by Mr J Alasdair Edward MA(Hons) MRTPI, a reporter appointed for that purpose, on 5 March 2014. A copy of Mr Edward's report is enclosed.
4. A description of the site and surroundings, proposal and relevant background appears between pages 3 to 9 of the main report. The reporter sets out the legislative and policy context within the same pages.

Summary of Statements

5. A summary of your case appears between paragraphs 54 and 59 of the report. The Highland Council's case is summarised between paragraphs 34 to 45 and Scottish Natural Heritage's case between paragraphs 46 and 49. The other parties letters are summarised at between paragraphs 50 to 53.

Consideration by the Reporter

6. The reporter's conclusions are contained in paragraphs 60 to 74 of the report with his recommendation, in paragraph 75, that planning permission should be refused.

Scottish Ministers' Decision

7. Scottish Ministers have carefully considered the written submissions and the reporter's reports of the site inspections. They agree with the reporter's conclusions and adopt them for the purposes of their own decision and accept the reporter's recommendation.

8. Accordingly, Scottish Ministers hereby refuse planning permission for the erection of 7 dwellings (previously 9), together with associated arrangements for access and shared drainage, at land to the South West of 22 Garafad, Staffin, Portree.

9. The foregoing decision of Scottish Ministers is final, subject to the right conferred by Sections 237 and 239 of the Town and Country Planning (Scotland) Act 1997 of any person aggrieved by the decision to apply to the Court of Session within 6 weeks of the date hereof. On any such application the Court may quash the decision if satisfied that it is not within the powers of the Act, or that the appellant's interests have been substantially prejudiced by a failure to comply with any requirements of the Act, or of the Tribunals and Inquiries Act 1992, or any orders, regulations or rules made under these Acts.

10. A copy of this letter and the report has been sent to The Highland Council and Scottish Natural Heritage. The parties who lodged representations will be notified of the decision.

11. The reference to *report of inquiry* in the report titles is an error and should be ignored.

Yours sincerely

L Murray
LYNDSEY MURRAY

Report to the Scottish Ministers



TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Report by J Alasdair Edwards, a Reporter appointed by the Scottish Ministers

- Case reference: NA-HLD-077
- Site Address: Land south-west of 22 Garafad, Staffin, Portree, Skye, IV51 9JX
- Application for planning permission in principle dated 22 September 2011 called-in by notice dated 5 December 2013
- The development proposed: housing development, revised scheme incorporating 7 dwellings (previously 9) together with associated arrangements for access and shared drainage
- Date of site visit by Reporter: 5 March 2014

Date of this report and recommendation: 11 July 2014

• Case reference	NA-HLD-077
• Case type	Planning permission in principle (call-in)
• Reporter	J Alasdair Edwards
• Planning application reference	11/03478/PIP
• Applicant	Mr W MacInnes
• Planning authority	The Highland Council
• Other parties	Scottish Natural Heritage The Crofters Commission Staffin Community Trust Mr Calum Nicholson Ms Marion Ross
• Date of application	22 September 2011
• Date case received by DPEA	8 January 2014
• Method of consideration and date	Site Inspection on 5 March 2014
• Date of report	11 July 2014
• Reporter's recommendation	Refuse planning permission in principle

Ministers' Reasons for Call-in

The Highland Council were minded to grant permission with an outstanding objection from Scottish Natural Heritage. The application was therefore notified to Scottish Ministers who decided to call-in the application in view of the proposed development's possible significant adverse impacts on the crofting landscape of An Clachan and the special qualities of the Trotternish National Scenic Area.

The Site

The 1.27 hectare site is located within the township of An Clachan. It is located to the north of the An Clachan loop road, accessed off the main A855 road. The single track loop road provides access to houses and croft land. The A855 lies to the east of the application site, a track with grassland and a single house to the east, and further croft (grassland) is located immediately to the north of the site. The site is used as grassland for silage and grazing. An open watercourse flows from the south-east of the site to the north.

Description of the Development

Planning permission in principle for a housing development incorporating nine houses (varied to seven houses) together with associated arrangements for access and shared drainage. The layout confirms parking for some 14 vehicles, four new accesses along the

An Clachan loop road, road widening, a culvert, and a water treatment plant and partial herringbone soak-away drainage system.

The Council's Case

The Highland Council consider that the application is consistent with the development plan and were minded to grant planning permission in principle prior to notification. The council's committee report suggests that due to the proposed design and layout the development would not have a significant adverse impact on the Trotternish National Scenic area or the An Clachan township and could be sympathetically accommodated. Development would enable affordable housing to be delivered and conditions could suitably control detailed design, roads, water and drainage matters.

The Applicant's Case

The applicant argues that the proposal addresses the concerns of Scottish Natural Heritage. Development would be within the settlement development area and a site allocated for affordable housing. The proposal would respond appropriately to the local building vernacular and pattern of development in keeping with the sensitive landscape. The inbye croft land to be lost on the land outwith the affordable housing allocation is of a poorer quality, and not viable as a croft on its own (were the affordable housing allocation to be advanced in isolation).

Other Parties' Cases

Scottish Natural Heritage object to the proposal arguing that even with mitigation the proposal would have a significant adverse impact on the Trotternish National Scenic Area and An Clachan township. The relationship between buildings and inbye land and the dispersed nature of development would be compromised by the proposed development, drawing focus away from the special character of the area and township.

Ms Ross objects to the proposal on the grounds of too many houses; impact on public views; overlooking; and loss of croft land.

The Crofters Commission seek to promote and protect the sustainability of crofting. The commission note that 60% of the application site is good quality arable land and is one of the better crofts in the area.

Staffin Community Trust support the application on the grounds that social housing is needed to retain younger people in the area.

Mr Nicholson asks for the impact on the septic tank at 22 Garafad to be considered.

Reporter's Reasoning

The proposal would comply with aspects of the development plan in providing affordable housing and suitable water and waste water solutions. However, the loss of croft land and the concentration of development with associated new accesses, access roads, parking, and footways would be at odds with the rural crofting and Highland character of the area. The overall density of development in comparison to its surroundings would

dilute the human dimension of the crofting settlement and fail to safeguard the character and appearance of the Trotternish National Scenic Area. The proposal would be unnecessarily “significant” in comparison to recent developments and would fail to adhere to the objectives for the An Clachan township of concentrating development closer to its centre.

Considering all the matters, and balancing the need for affordable housing against the impact of development, I conclude that the proposal is overall contrary to the provisions of the development plan and that no material considerations outweigh that view. The proposal would fail to safeguard or enhance the character of appearance of the national scenic area.

Recommendation

Planning permission in principle is refused. If Scottish Ministers disagree, then planning permission in principle should be granted subject to conditions and a planning obligation to secure three on-site affordable houses.

Directorate for Planning and Environmental Appeals
4 The Courtyard
Callendar Business Park
Falkirk
FK1 1XR

The Scottish Ministers
Edinburgh

Ministers,

I have the honour to report that, in accordance with my appointment following instruction from Planning and Architecture Division dated 7 January 2014, I carried out a site inspection on 5 March 2014 in relation to the objections from Scottish Natural Heritage (and others) to the application by Mr MacInnes to erect 7 dwellinghouses on land to the south-west of 22 Garafad, Staffin, Skye.

I sought further written submissions on 12 March 2012 on the following specified matters:

1. Whether, and to what extent, the application would impact on the Trotternish National Scenic Area.
2. The average plot ratio of properties on An Clachan township with comparison to the Staffin and Garafad townships and the proposed application plot ratios.
3. Whether the site is at flood risk, and if so whether any risk could be successfully mitigated.
4. Whether the use of a planning obligation to secure affordable housing, and the conditions suggested by the council, were agreed and appropriate.

The attached report summarises the parties cases, together with a review of the relevant development plan policies, and other material considerations. My conclusions and recommendations are also contained in the report.

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Application details

1. The applicant (Mr W MacInnes) applied for planning permission in principle for a housing development incorporating nine houses together with associated arrangements for access and shared drainage on 22 September 2011. The proposal was later varied to reduce the number of houses to seven. The layout confirms parking for some 14 vehicles, four new accesses along the An Clachan loop road, road widening, a culvert, and a water treatment plant and partial herringbone soak-away drainage system.
2. A two-page design statement was lodged in support of the application. The statement describes the site, the proposed layout (split into two parts to accommodate ground levels and follow the settlement pattern), and the design (to follow the surroundings and use of render and timber cladding on the exterior).
3. A 'settlement and development report' was lodged in support of the application in February 2013. The report seeks to demonstrate that the proposal would be in keeping with the local area. The statement suggests that the houses would be a modern interpretation of the traditional crofting vernacular like the R.House design (a timber framed house fabricated on Skye – see [figure 1](#)) at 1.5 storeys high, low density, with a variety of materials to prevent repetition of building style.

Description of the site and surroundings

4. The 1.27 hectare application site is located within the township of An Clachan. It is located to the north of the An Clachan loop road, accessed off the main A855 road. The single track loop road provides access to houses and croft land. The A855 lies to the east of the application site, a track with grassland and a single house to the east, and further croft (grassland) is located immediately to the north of the site. The site is used as grassland for silage and grazing. An open watercourse flows from the south-east of the site to the north.
5. On entering the township along the A855 from the south an open view north to Staffin Bay, the Trotternish Ridge, and landscape around the *Quiraing*, which continues as the road slopes down and northwards toward the bay, is presented. Houses follow the A855 in a linear pattern along the main road with accesses to the west onto the An Clachan loop road, and to the east to Garafad further north along the A855. Houses within the An Clachan township are generally of a low density, at one to one-and-a-half storeys high, faced with natural materials (stone, render, slate), and set within or beside croft land. Houses along the A855 also follow this description but development becomes more dense to the north around community facilities where there are a few semi-detached and terraced houses.
6. [Figure 2](#) (applicant drawing 164/001c) provides the site layout and location. A further detailed description is provided in paragraph 2.1 of the council's committee report.

Site history

7. A single house was given planning permission in principle on the application site in January 2005.

8. The application site was proposed for housing and affordable housing in the finalised West Highlands & Islands Local Plan. Scottish Natural Heritage objected to these allocations due to, amongst other issues, cumulative impact on the crofting landscape integral to the Trotternish National Scenic Area. The council recognised the National Scenic Area designation as a constraint but not as an embargo on development where, as in this case, it was within walking distance of community facilities and would be designed to a high quality.

9. On examination in February 2010, the reporter dealing with the above matter concluded that “the scale and density of the houses proposed (two blocks of semi-detached houses on each site, eight houses in total) would not be compatible with the sporadic nature of housing in this part of the township. These sites are prominent in views northwards from the A855 towards the Trotternish ridge and I endorse Scottish Natural Heritage’s view that such a density of housing would be detrimental to the crofting landscape of An Clachan township, which is an important element of the character of the National Scenic Area.” The reporter noted that Scottish Natural Heritage could accept development on the affordable housing allocation where it would comprise two low semi-detached buildings located along the roadside. The reporter recommended deletion of the market housing allocation and retention of the affordable housing allocation with design limits to be stated in the local plan. These changes were accepted and incorporated into the adopted local plan.

Legislative context

10. Section 37(1) of the Town and Country Planning (Scotland) Act 1997 (as amended) allows an application for planning permission to be either be: (a) granted conditionally or unconditionally; or (b) refused. Section 37(2) requires those dealing with an application for planning permission to “have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations.” Section 25 of the Act states that “where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination is, unless material considerations indicate otherwise – (a) to be made in accordance with that plan.” Outwith city regions (which applies in this case) section 24 of the Act confirms that the development plan consists of the local development plan and any supplementary guidance issued in connection with that plan.

11. Section 263A of the Act states that “where any area is for the time being designated as a National Scenic Area, special attention is to be paid to the desirability of safeguarding or enhancing its character or appearance in the exercise, with respect to any land in that area, of any powers under this Act.”

12. Under section 46 the Secretary of State may give directions requiring a planning application to be referred to him instead of be dealt with by planning authorities.

The development plan

13. The development plan in this case comprises the adopted Highland Wide Local Development Plan (2012), the West Highland & Islands Local Plan (as continued in force, 2012), and the following supplementary guidance:

- Sustainable Design Guide (2013).
- Flood Risk & Drainage Impact (2013).
- Housing in the Countryside and Siting and Design (2013).

14. The 'Housing in the Countryside and Siting and Design' Supplementary Guidance offers advice on the potential for new housing in the countryside outwith settlement development areas. As noted in paragraph 15 below, the application site is within a settlement development area. However, local development plan policy 47 (see below) requires accordance with this guidance, and therefore it is relevant to this application.

West Highland & Islands Local Plan (2010, as continued in force April 2012)

15. The local plan proposals map inset (see [figure 3](#)) shows the application site within the Settlement Development Area and Commerce Centre. Part of the site is allocated (indicatively) for 4 affordable houses "suitable for the elderly, exceptional design quality, building form and layout to comprise 1.5 storey semi-detached buildings fronting the side road, improved connection with A855 including footway provision, croft land access safeguard. Requirement to retain and integrate watercourses as natural features within the development."

16. The local plan notes three housing completions between 2000-2006 in An Clachan. For this township the plan's objectives are to:

- Bolster Staffin/An Clachan's role as a continued community facility and employment hub for the wider parish by allocated land for limited new housing and employment opportunities.
- Restrict significant development because of the sensitivity of the location.
- Secure exceptional siting and design quality commensurate with the National Scenic Area.
- Direct new development to that area of the common grazing closest to the village centre.
- Take account of the Trotternish National Scenic Area; the quality and active use of inbye croft land; an absence of existing or programmed water and sewerage capacity; and an attractive, mostly seaward outlook.
- Safeguard inbye croft land quality by favouring siting on poorer parts of crofts.
- Protect the integrity of and secure exceptional siting and design within the National Scenic Area.

17. Policy 2 'Development Objectives and Developer Requirements' instructs developers to take account of the details set out in the proposal map insets.

Highland Wide Local Development Plan (adopted April 2012)

18. The following policies are relevant to the proposed application:

Policy 28 Sustainable Design supports proposals which promote and enhance the social, economic and environmental well-being of the people of Highland. Proposals to be assessed against the extent to which they comply with set criteria to ensure sustainable design.

Policy 29 Design Quality and Place-Making requires proposals to be designed to make a positive contribution to the architectural and visual quality of the place in which it is located.

Policy 32 Affordable Housing requires developers to contribute towards the delivery of affordable housing providing generally no less than 25% on-site.

Policy 34 Settlement Development Areas supports proposals within these areas where they meet with the provisions of policy 28 and all other relevant policies of the plan. The policy also requires proposals to be judged in terms of compatibility with the existing pattern of development and landscape character, how they conform with adjacent uses, and impact on any natural features.

Policy 47 Safeguarding Inbye/AppORTioned Croft land expects proposals to minimise the loss of inbye/appORTioned croft land. For housing proposals, these should be for single houses (with consideration given to the history of the croft) and accord with housing in the countryside and design guidance. Where possible, proposals should avoid siting on better agricultural quality land, and impending use of the rest of the croft. If proposals do not meet these criteria then they will only be acceptable if there exists a proven/recognised wider community interest, and the proposal is acceptable in relation to other policy considerations.

Policy 57 Natural, Built and Cultural Heritage requires proposals to be assessed against the level and importance of heritage features, the form and scale of development, and any impact on the feature and its setting. Where there are significant adverse effects these must be clearly outweighed by social or economic benefits of national importance. It must also be shown that the development will support communities in fragile areas who are having difficulties in keeping their population and services.

Policy 61 Landscape requires proposals design to reflect the landscape characteristics and special qualities identified in the Landscape Character Assessment of the area in which they are proposed.

Policy 65 Waste Water Treatment sets out the requirements for sewerage connection or safe waste water discharge.

Policy 66 Surface Water Drainage requires proposals to be drained by sustainable drainage systems.

Sustainable Design Guide Supplementary Guidance

19. The sustainable design guide is linked to the local development plan through policy 28. In summary, the guidance requires that all development: conserve and enhance the character of the Highland area; use resources efficiently; minimise environmental impact; and enhance the viability of Highland communities.

Flood Risk & Drainage Impact Supplementary Guidance

20. Policy 64 of the local development plan refers to the preparation of supplementary guidance on flood risk. The supplementary guidance provides the basis to assess flood risk and drainage impact by requiring flood risk assessments and drainage assessments (the detail of which is directed by the level of development proposed). The guidance also seeks minimum buffer strips of six metres either side of any body of water within application sites in order to allow access to the watercourse for assessment and maintenance, to aid water and ecological quality and to ensure bank stability.

Housing in the Countryside and Siting and Design Supplementary Guidance

21. The guidance is relevant due to the provisions of local development plan policy 47. A proposal will only be supported by the guidance where it meets set criteria, including impact on services, drainage, flood risk, road junctions, and where there would be no detrimental impact on scenic quality. In relation to crofting township proposals the guidance indicates that extending a linear settlement pattern can relate to its character, while 'infill' or 'rounding off' typically contrasts to the character; and that in dispersed crofting settlements extensions may be preferable to 'infill' that can contrast to the even dispersal of houses.

Material considerations

Skye and Lochalsh Landscape Assessment (Scottish Natural Heritage, 1996)

22. The Skye and Lochalsh Landscape Assessment forms part of a national programme of landscape assessments carried out to improve knowledge and understanding of the contribution that the landscape makes to the natural heritage of Scotland. The document runs to some 160 pages providing a description of landscape character types, key forces for change (pressures), and design guidance.

23. The description on page 17 in relation to people and the landscape of Skye and Lochalsh is relevant to this application where it states that "although the form and density of the townships tends to vary, they do possess common components, such as small scale and simple design of croft houses within an area of inby, highlighted by its smoothness of texture, fencing, and bright green colour in contrast to the surrounding area of extensive common grazing." And, "the character of land division within the crofting township is most

clearly highlighted by the formal pattern of the property boundaries superimposed upon the landform.”

24. The application site and township of An Clachan are identified as having two landscape character types: (1) service corridor (along the A855); and (2) scattered crofting.

25. Service corridors are described as being dominated by human artifacts and land use, particularly a busy road. It is a very active and dynamic landscape, in constant change. The main land use is services and infrastructure. The assessment identifies that within this landscape character type “new development which orientates and directly relates to the main road, as the major organising element, tends to appear more universal, with less distinct local character and settlement identity. One settlement drifts into another.” However, it also notes that relating new buildings to the character of the surrounding landscape can weaken the dominance of a service corridor.

26. Scattered crofting is dispersed and appears random, with no visible order, clarity or focus. Of note is the focus of change on cumulative impact where the assessment identifies that development can result in a greater dominance of structures with poor reflection of the existing landscape character and vernacular architecture.

27. The applicant (see paragraph 56) argues that in the 18 years since the publication of the assessment that the landscape character at An Clachan now includes the linear crofting landscape character type. The linear crofting landscape is characterised by its “repetitive pattern of buildings and land holdings within the linear arrangement. There is typically a direct relationship between land use, built structures, and other characteristics in the landscape, their arrangement relating to a linear edge or landform.” The landscape has a simple visual composition, with visual movement directed along access roads, with no dominant focus or centre to the township. Parallel lines of settlements can create a visually balanced symmetry.

28. In general terms the assessment identifies that the introduction of additional development can influence the linear arrangement, repetitive pattern and visual clarity of elements within this landscape. Increased dominance of any individual landscape element can also disrupt the integrated relationship between characteristics in this landscape. Specifically, new development can increase the density of housing, loose township identity, and create a focus diverting attention away from the linear arrangement.

The special qualities of the National Scenic Areas (Scottish Natural Heritage, 2010)

29. The application site is located within the Trotternish National Scenic Area. A plan of the national scenic area is provided in [figure 4](#). The Scottish Natural Heritage document describes the eastern aspect of the scenic area (where the application site is located) as “an unusual landscape which combines the spectacular scenery of landslip topography with the fascination of columnar basaltic rock structures. Huge masses of basalt have collapsed at the Quirang to make a landscape of rock pinnacles interspersed with moist green meadows and tiny lochans. Below these strange formations lie peat moors and, on the

better land, crofting settlements with improved land affording a green contrast to the brown moors.”

30. The national scenic area’s special qualities are identified as:

- The unique Trotternish landslip topography.
- Contrast between the platform of moorland and the ridge above.
- The human dimension of crofting settlement.
- Variations from dark to light across the landscape.
- Dramatic sea-cliffs of basaltic columns.
- Distant views over the sea.
- Mysterious presence of the Quiraing.

31. The special quality of most interest to this application is the ‘human dimension of crofting settlement’, which the Scottish Natural Heritage document describes as “well-maintained crofts, with their white-washed cottages and actively managed inbye land, provide contrast and human scale to the wider backdrop of landslip and moorland.”

Scottish Government Planning Advice Note 72: Housing in the Countryside (February 2005)

32. This note provides advice on the design and quality of housing in the countryside. Of particular relevance to this application is the advice on landscape considerations, which emphasises that new development should try to fit into the existing landscape.

Reason for call-in

33. The Highland Council were minded to grant permission with an outstanding objection from Scottish Natural Heritage. The application was therefore notified to Scottish Ministers who decided to call-in the application in view of the proposed development’s possible significant adverse impacts on the crofting landscape of An Clachan and the special qualities of the Trotternish National Scenic Area.

Summary of submissions

The case for The Highland Council

34. The Highland Council sought to approve the revised application for seven houses subject to conditions and an obligation to secure affordable housing prior to notification.

35. The council’s committee report notes that the application site is located within the An Clachan settlement development area, while the eastern part is allocated for affordable housing. The council highlight that the report of examination into the West Highland & Islands Local Plan retained the affordable housing allocation and did not preclude development on the remainder of the site which was retained within the settlement development area.

36. The physical relationship between the crofting communities along the eastern flank in and around Staffin and the landscape, and the dispersed pattern of development, are identified by the council as intrinsic to the setting of the Trotternish National Scenic Area. This relationship is described by the council as “fragile” but it considers that the development would not have a significant adverse impact on the national scenic area. This is in part because, in visual terms, there is no single block or form of development across the application site, and this would reflect the emerging pattern of development at An Clachan. The council consider that the original application for nine houses would have been adverse, but that the revised layout and number of houses could be sympathetically accommodated.

37. The council acknowledge that the layout of the affordable housing element does not follow the developer requirements set out in the local plan but consider that the layout following the A855 is more in keeping with linear settlement pattern. It also suggests that the gable orientation of the proposed affordable housing would lessen these buildings impact on views to the Trotternish Ridge from the A855. The gable orientation reduces costs of associated groundworks. Furthermore, the council consider the provision of three, not four, affordable homes acceptable as a further semi-detached house would likely be orientated in a manner to interrupt views to the Trotternish Ridge.

38. The council note that the report of examination into the local plan recommended retaining up to 4 affordable houses on one third of the application site, which the council consider is a relatively high density compared to the surroundings. The council identify that a key issue in assessing the proposal for seven houses is how any further development of the remaining two thirds of the application site is viewed in terms of the existing settlement pattern.

39. The committee report states that “the local settlement pattern for An Clachan is of linear development associated with the road frontages coupled with small spur roads leading off that have spread development into some small clusters of houses.” And that “the An Clachan settlement development area can be seen to largely consist of open and undeveloped croft land which has evolved around the road network along the field margins.” The council note that cumulative housing development has changed the pattern of development since the report of examination in 2010. In relation to settlement pattern the committee report concludes that “the proposal is completely compatible with the existing and evolving settlement pattern and contributes to, rather than threatens, the national scenic area landscape resource.”

40. The council suggest that an unforeseen consequence of the report of examination recommending deletion of the market housing allocation from the application site (then accepted by the council) was that the deliverability of the affordable housing allocation would be less likely. There is no “incentive” to take the affordable housing forward in isolation. The application proposal would enable development of the affordable housing allocation.

41. The committee report suggests that substantial road widening, curbing and pavements sought by TECS(roads) would be urban and out of character with the township. The lesser

road improvements indicated on the layout plan to widen the An Clachan road and provide some paving could be controlled by condition. The council committee report concludes that the proposal would be compliant with the development plan. Conditions could be imposed to control the design, footprint, permitted development rights, flood risk, drainage, and access.

42. Building Standards has no objection to the proposal subject to further details on: site conditions for foundation design; groundwater levels and water control; shared sewerage system; accessibility and water supply for the fire service; and sustainability measures.

43. TECS(Roads) objects to the proposal as the proposed access arrangement would not accord with council guidance. The connection with the A855 does not accord with the TECS desire for improvements to the An Clachan township road junction with the A855 in terms of culverting, widening, strengthening and footway provision. Flood risk would be enhanced by the groundworks for plots 1-4. The proliferation of access points along the frontage is a concern. In addition, the service seeks the increase of the township road to 5.5 metres in width.

44. Housing & Property advise that any planning permission should include a planning obligation to secure the affordable housing element.

45. The Development Plans Team note that the site is located within the settlement development area for An Clachan, and that the eastern part of the site is allocated for 4 affordable houses in the 2010 Adopted West Highland & Islands Local Plan. The team note that the site was subject to public examination where its allocation for a mix of housing was dismissed by a reporter in the examination report. Despite community support and the use of a quality architectural practice, the team suggest it may be difficult to justify housing on the application site over that allocated in the plan.

The case for Scottish Natural Heritage

46. Scottish Natural Heritage object to the proposal. Even with mitigation Scottish Natural Heritage consider that the proposal for seven houses would have significant adverse impacts on the crofting landscape of An Clachan and the special qualities of the Trotternish National Scenic Area.

47. Scottish Natural Heritage objected to the inclusion of the site for housing in the West Highlands & Islands Local Plan, and note that its view was supported by the report of examination not to develop all of the application site for housing.

48. A key component of the Trotternish National Scenic Area is the contrast between the managed croft land and the wider backdrop of the Trotternish Ridge. An Clachan retains a traditional crofting landscape of low density housing which is dispersed and clear links between buildings and inbye land. The An Clachan township (and application site) is prominent in the foreground of views from the A855 towards the Trotternish Ridge.

49. The proposal would conflict with the existing pattern of development and break the link between buildings and the land. The proposal would create a high density development and cumulative adverse impact, which would draw focus away from the special character of the area and township.

The case for Ms Marion Ross

50. Ms Ross considers Staffin is a “scattered rural community and this is what makes it an attraction to locals and visitors alike”. Ms Ross objects to the proposal for the following reasons:

- Too many houses proposed.
- The public view on the approach into the settlement would be spoiled.
- Overlooking between Ms Ross’s property (Aghaidh na Greine) and a house proposed directly opposite.
- Loss of crofting land forever.

The case for The Crofters Commission

51. The commission seek to promote and protect the sustainability of crofting. It identifies that some 60% of the application site is good quality arable land, with the remainder is rough grazing. Although small, the commission consider that the site could be productive and is one of the better crofts in the area. It has been used for silage (12 bales) and is currently used for sheep grazing. Development of the site would remove it from crofting use but would not unreasonably restrict the flexibility to cultivate and move stock on adjacent land.

The case for Mr Calum Nicholson

52. Mr Nicholson has no objection to the proposal. However, he suggests that the proposal may impact on the septic tank currently serving 22 Garafad, and asks for this matter to be considered.

The case for Staffin Community Trust

53. The Trust support the proposal. It believes the decline in the local population has been partly as a result of the lack of housing development over the last decade. The Trust encourage the provision of social housing to allow young people from the community to stay, find work locally and contribute to services.

The case for the Applicant

54. The applicant argues that the proposal addresses all the concerns raised by Scottish Natural Heritage at the time of the report of examination into the local plan. The proposals follow the crofting pattern of the area, and would provide much needed housing development that is sympathetic to the sensitive location.

55. Development would be within the settlement development area. Three properties (the affordable houses) would face the A855 following a linear pattern of development, while the other four would be dispersed across the remainder of the site. The dispersal, house design, and natural levels on the site mean that development would not have a significant adverse impact on the landscape.

56. The applicant argues that the landscape character of An Clachan now has moved from the scattered crofting landscape character to a linear crofting landscape. Houses in the settlement development area are detached, irregularly spaced, with a variety of set-backs and orientations. The proposal is of a lower density than land to the north by community facilities, and would fit with its surroundings.

57. The proposal would sit comfortably within the landscape and An Clachan township, and would not challenge the special qualities of the national scenic area. The proposed design would be in keeping with the local building vernacular. The houses on each proposed plot would accommodate between 5% and 17% of their plot (9.4% on average), which the applicant notes is comparable to properties on An Clachan which have an average plot ratio of 8.4%.

58. In response to the crofters commission, the applicant suggests that the better quality soils are located on the affordable housing allocation. The remainder of the site is of a poorer quality, and not viable as a croft on its own (were the affordable housing allocation to be developed in isolation).

59. In relation to concerns from the TECS(roads) team, the applicant argues that the application site is not shown in the Scottish Environment Protection Agency flood maps at risk. Road improvements would be subject to road construction consent, and groundworks on plots 1-4 could be controlled by condition.

Reporter's reasoning and conclusions

60. Having regard to the development plan, and section 263A of the Act, the main issues in assessing this application are whether the proposal would:

- align with the developer requirements and objectives for An Clachan
- be compatible with the character of the An Clachan township
- safeguard or enhance the character or appearance of the Trotternish National Scenic Area
- minimise the loss of inbye land.

61. The development proposal would provide three affordable homes. The council's housing section did not object to the reduction of one house from the indicative capacity shown in the local plan. For that reason, and bearing in mind that the capacity is indicative, I find that the provision of three affordable homes on the affordable housing allocation would be acceptable.

62. Conditions imposed on planning permission could ensure exceptional design quality and design for the elderly – albeit that provision for the elderly is at odds with the Staffin Community Trust’s assertion that the housing should be for younger people. The junction with the A855 would be improved along with a new footway to improve road safety. Croft land could still be accessed to the north. Watercourses on the site would be retained, and a condition could ensure sufficient buffer areas along them. The building form and height could also be controlled by condition to follow the local building vernacular.

63. The above matters are all in keeping with the developer requirements for the site allocated in the local plan for affordable housing. However, the proposal would not provide two semi-detached houses orientated to face the An Clachan loop road. Policy 2 of the local plan requires development to “take account” of the developer requirements. Again, as the capacity is indicative the provision of only one semi-detached house is not significant. I note that the affordable housing has been orientated to face the A855 in order to cluster development along the main road service corridor. The council suggest this may be due to groundwork costs but this is not substantiated. It is also argued by the council that this layout would reduce the visual impact of development on the landscape. I return to this issue and alignment with the developer requirements below.

64. The reduction in the proposal from nine houses to seven houses has provided a layout with more separation between the buildings, reducing the visual impact of the development when viewed from the A855. However, the formation of four new access points, new access roads, parking bays for around 14 vehicles, and a long footway to the affordable housing are excessive and urban in character. These elements are at odds with the rural crofting and Highland character, and scenic quality, of the surrounding area. The accumulation of houses and infrastructure would also reduce the contrast of the croft land with the surrounding landscape.

65. The plot ratio of each proposed house is similar to the An Clachan township. However, unlike the traditional crofting landscape there is no appreciation of a connection with the land surrounding the proposed houses or a sense of space around each property akin to a crofting development. This almost insular layout would give the impression of a higher density and concentrated development within the township.

66. I appreciate that the proposal attempts to react to a change from a scattered crofting landscape to a more linear crofting landscape with service corridor elements coming from the proximity of the A855. I also note that the affordable housing allocation capacity is at a higher concentration than the township but its impact on the landscape and settlement character would likely be reduced by retaining the remainder of the croft as croft land. Using the affordable housing allocation as justification for development of the remainder of the croft land is at odds with local development plan policy 47, which intends for single houses on croft land. Recent consented houses in the An Clachan township may change the crofting landscape character. However, the proposal would compound an increasing density (and scale of development) overall in the township and reduce the human dimension of the crofting settlement (an intrinsic special quality of the national scenic area). And in doing so, as feared by Scottish Natural Heritage, the development would draw the

focus away from the special qualities of the Trotternish National Scenic Area, including views to the Trotternish Ridge.

67. The applicant claims that the part of the application site outwith the affordable housing allocation is poorer quality croft land. However, only one third of the application site is within the affordable housing allocation and the crofters commission identify that 60% of the site is of good quality and could be used productively. I find there is a lack of evidence to support the claim that the croft would be unviable without the parcel of land allocated for affordable housing. There is also little persuasive evidence to suggest that the affordable housing element could not come forward on its own without a market housing incentive.

68. Development should also take account of the objectives for the An Clachan township. Only three houses were built in An Clachan between 2000 and 2006. Since 2008 a further six houses have been consented in the township surrounding the application site. These consents were for a replacement house, three separate houses, and a pair of houses. In addition, the local plan only provides two housing allocations in the township – one on the application site for around four affordable houses; and one beside the town hall for around six houses. In consideration of the scale of development in the township I consider that the proposal for seven houses in one area is significant. One objective of the local plan for An Clachan is to restrict “significant” development.

69. Turning to the other objectives, the proposal would secure exceptional design using the R.House format. However, it would not be near the village centre, safeguard inbye croft land, or secure exceptional siting in the national scenic area.

70. Having considered the above reasoning, I conclude that the proposal would meet with the developer requirements for the affordable housing allocation. However, the proposal would not be fully consistent with the objectives for the An Clachan settlement inconsistent with the provisions of local plan policy 2.

71. The proposal would provide affordable housing consistent with local development plan policy 32. It also has provision (and could be suitably conditioned) to provide acceptable waste water and surface water drainage solutions consistent with local development plan policies 65 and 66, and supplementary guidance on flood risk & drainage impact. In providing affordable housing the proposal would also promote social well-being consistent with part of local development plan policy 28.

72. However, the proposal would not promote and enhance environmental well-being; make a positive contribution to the visual quality of the place in which it is located; be compatible in terms of the pattern of development or landscape character of the area; minimise the loss of inbye croft land (where that loss is outweighed by a proven/recognised community interest); or reflect the special landscape qualities of the area. Therefore, I find the proposal inconsistent with local development plan policies 28, 29, 34, 47, 57, and 61.

73. The proposal would also be inconsistent with supplementary guidance on sustainable design in some much as it would fail to conserve and enhance the character of the Highland area and minimise environmental impact. In addition, in harming the scenic quality of the

area the proposal would be, in part, contrary to supplementary guidance on housing in the countryside and siting and design.

74. I have considered all the matters raised, and weighed the need for affordable housing against the impact of the development proposed, but find that none lead me to conclude other than that the proposal is overall contrary to provisions of the development plan and that there is no justification to make a departure from the development plan in this case. The proposal would also fail to safeguard or enhance the character or appearance of the Trotternish National Scenic Area.

Recommendation to Scottish Ministers

75. I therefore recommend that planning permission in principle is refused.

76. If Scottish Ministers disagree with my recommendation and are minded to grant planning permission in principle, I recommend that this should be subject to the 12 conditions set out in appendix 1 and a planning obligation to secure three affordable houses on-site.

77. The conditions provided were appended to the council's committee report with the exception of condition 1 which I recommend be included to ensure development happens in accordance with agreed submissions. Furthermore, I have amended the conditions to take account of a buffer strip for the watercourses, and to reduce the footprint (110 to 80 square metres) and span (7 to 6 metres) of the houses (as suggested by the applicant) to reduce the visual impact and better reflect the local building vernacular. Minor amendments have been made to the conditions to ensure they align with the provisions of Scottish Government Planning Circular 4/1998 on conditions. As the local plan allocates part of the application site for affordable housing I suggest that any planning obligation should seek an on-site contribution.

J Alasdair Edwards

Reporter

Figure 1: R.House design examples



Figure 2: Site layout and location

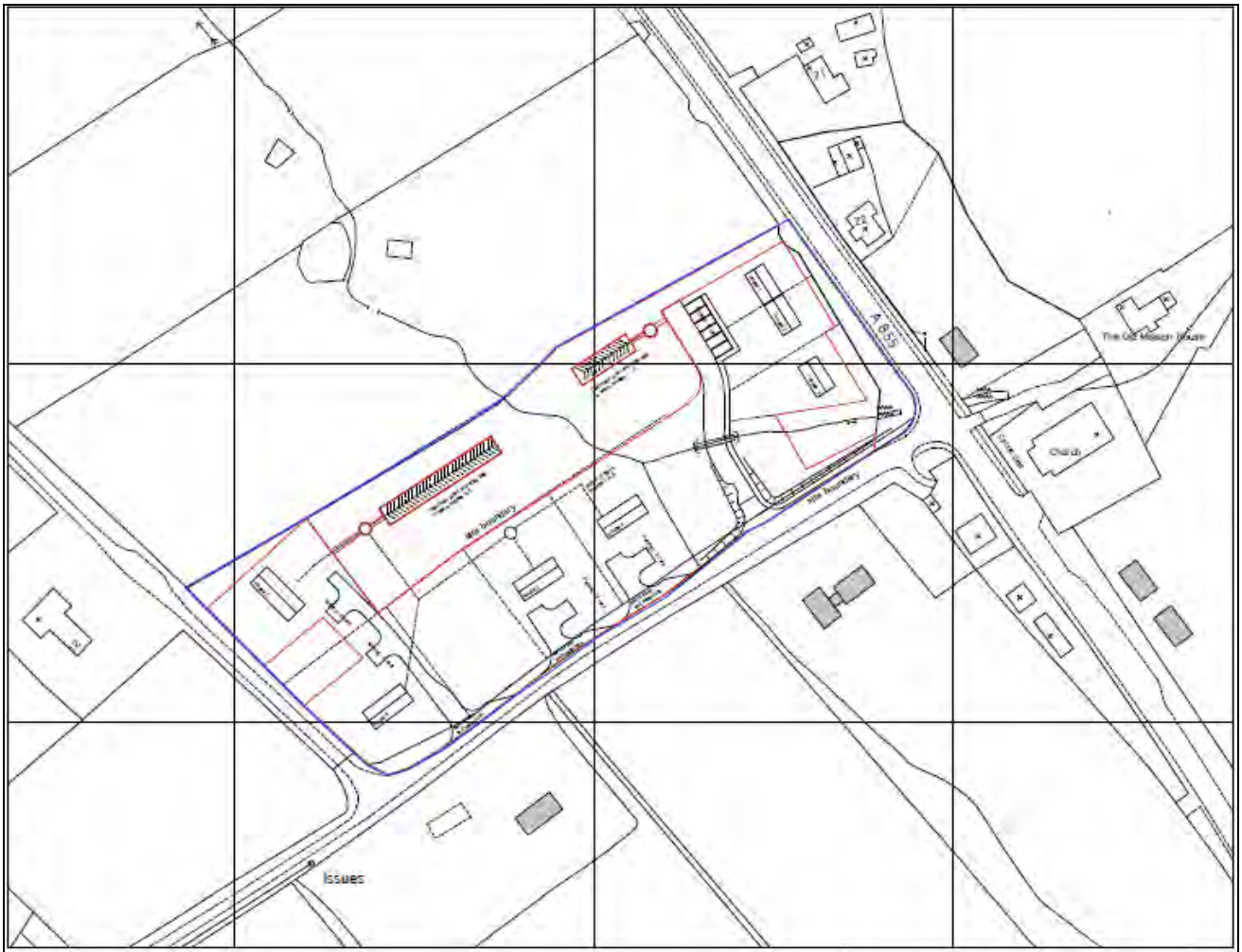


Figure 3: Inset from West Highland and Islands Local Plan – An Clachan

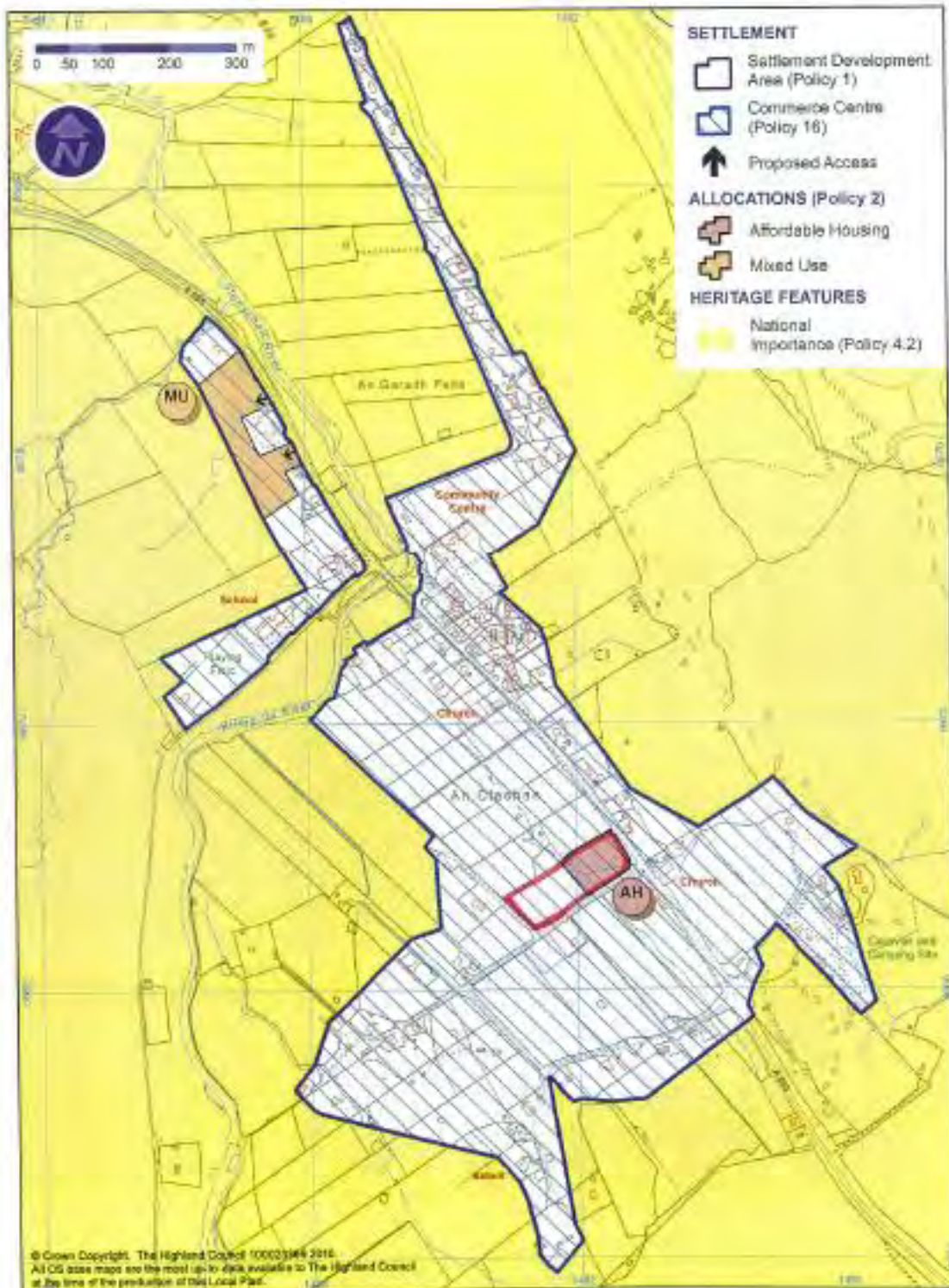


Figure 4: Plan of Trotternish National Scenic Area



Appendix 1: Conditions

1. Plans and particulars of the matters listed below shall be submitted for consideration by the planning authority, in accordance with the timescales and other limitations in section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended). No work shall begin until the written approval of the authority has been given, and the development shall be carried out in accordance with that approval. *Reason: to ensure that the matters referred to are given full consideration and to accord with section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.*

2. No development shall commence until all of the matters specified below have been approved on application to the planning authority:

- i. a detailed layout of the site of the proposed development (including site levels as existing and proposed);
- ii. the design and external appearance of the proposed development;
- iii. landscaping proposals for the site of the proposed development (including boundary treatments and suitable buffer strips for watercourses);
- iv. details of access and parking arrangements;
- v. details of the proposed water supply, foul and surface drainage arrangements.

Reason: in the interests of the visual amenity of the locality which lies within the Trotternish National Scenic Area, to respect the vernacular building traditions of the area and integrate the proposal into the landscape setting.

3. Any details pursuant to Condition 2 above shall show houses of a traditional form and proportion which contain the following elements:

- i. walls finished predominately in a white/off-white wet-dash render;
- ii. a roof covering of natural slate;
- iii. single or one and a half storey;
- iv. windows with a strong vertical emphasis;
- v. a roof symmetrically pitched of not less than 35° and not greater than 45°;
- vi. predominately rectangular in shape with traditional gable ends;
- vii. a footprint of no greater than 80 square metres;
- viii. a span of no greater than 6 metres.

Reason: in the interests of the visual amenity of the locality which lies within the Trotternish National Scenic Area, to respect the vernacular building traditions of the area and integrate the proposal into the landscape setting.

4. Notwithstanding the provisions of Article 3 and Schedule 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended, revoked or re-enacted; with or without modification), no extensions or outbuildings are permitted within the curtilage of the houses without planning permission being granted on application to the planning authority. *Reason: in order to enable the planning authority to retain*

effective control over future development within the application site so that it is carefully managed and does not result in overdevelopment or an adverse impact on the amenity of the area and Trotternish National Scenic Area.

5. No development shall commence until full details of all foul drainage infrastructure (including treatment plan and soak-away locations) have been submitted to, and approved in writing by, the planning authority. Thereafter, development shall progress in accordance with the approved details. *Reason: in order to ensure that private foul drainage infrastructure is suitably catered for, in the interests of public health and environmental protection.*

6. No development shall commence until a sustainability statement detailing commitments to reducing energy consumption and waste disposal has been submitted to, and approved in writing by, the planning authority. Matters to be considered within the statement shall include:

- the use of “grey water” recycling for toilet flushing, vehicle washing and similar uses;
- the use of renewable energy technologies and wood fuel where possible;
- heat recycling and ventilation;
- measures for energy efficiency;
- materials minimisation, composting and recycling.

Thereafter, the development shall incorporate the approved sustainability commitments, and these shall be implemented prior to the first occupation of the development. *Reason: to ensure that the development utilises sustainable building, infrastructure and services methodologies and reflects the principles of sustainable development.*

7. Any details pursuant to Condition 2 above shall show surface water drainage provision within the application site which accords with the principles of sustainable urban drainage systems (SUDS) and is designed to the standards outlined in the Sewers for Scotland Second Edition (or any superseding guidance prevailing at the time). *Reason: in order to protect the water environment and to ensure that surface water drainage is provided timeously and complies with the principles of SUDS.*

8. All surface water drainage provision within the application site shall be implemented in accordance with the approved plans and shall be completed prior to the first occupation of the development. *Reason: to ensure that all flood mitigation infrastructure, required in order to reduce the risk of flooding occurring both within and outwith the application site, is provided timeously.*

9. Any details pursuant to Condition 2 above shall show public road improvements feature the following elements:

- i. widening of the public road from its junction with the A855 through to plot 4;
- ii. the provision of a footway link on the north side of the township road from the access serving plots 1-3 through to the existing footway alongside the A855;

- iii. improvements to the layout, kerbing, pedestrian dropped kerbs, carriageway surfacing levels, drainage and geometry of the junction of the township road junction with the A855.

Reason: in order to ensure the safety and free flow of traffic on the public road, facilitate servicing outwith the carriageway and maintain the integrity of the public road carriageway.

10. Any details pursuant to condition 2 above shall show details of access, suitable for accommodating agricultural traffic, provided through the application site to the adjacent croft land. Prior to the first occupation of the houses the access shall be formed in accordance with the details approved by the planning authority and thereafter shall be maintained in perpetuity. *Reason: to ensure that the development will not impede access to, or have an adverse impact on the purposeful use of, another part of the croft or other croft land.*

11. Any details pursuant to condition 2 above shall show details of accesses from the public roads to plots 4 and 5 which incorporate a parallel access design. *Reason: to reduce the number of separate openings onto the public road in the interests of highway safety.*

12. Any details pursuant to condition 2 above shall show a layout which accords with the approved plan titled "164/001c". *Reason: to ensure the development achieves a layout that is reflective of and sympathetic to the settlement pattern of the area and in the interests of protecting the landscape character of this National Scenic Area.*