

**THE HIGHLAND COUNCIL**

**NORTH PLANNING APPLICATIONS COMMITTEE –  
02 August 2016**

Agenda Item	6.3
Report No	PLN/041/16

**16/02281/PIP: Mr and Mrs Jim Monahan  
Land 105M SE of Rowangarth, Spinningdale**

**SUMMARY**

**Description** : Erection of eco-house, formation of vehicular access, installation of treatment plant and soakaway

**Recommendation - REFUSE**

**Ward** : 05 – East Sutherland and Edderton

**Development category** : Local

**Pre-determination hearing** : n/a

**Reason referred to Committee** : At the request of Ward Members.

**1. PROPOSED DEVELOPMENT**

- 1.1 The development seeks Permission in Principle for the erection of a house and associated infrastructure.
- 1.2 No Pre Application Advice was sought in respect of the proposal.
- 1.3 There is an existing access with the public road formed, currently shared between two properties.
- 1.4 Supporting information:
  - Design Brief
  - Planning Statement
- 1.5 **Variations:** None

**2. SITE DESCRIPTION**

- 2.1 The site is located to the north of Spinningdale on the northeast side of the public road which runs from Spinningdale up the Fairy Glen towards Airdens and Migdale. The site rises from the public road to Spinningdale Wood beyond. The site is currently undeveloped and is covered in rough grassland. There is an existing timber clad house neighbouring the site, 'Rowangarth', and the property 'Rhivra' is located to the west beyond this. These two properties share the existing gravelled access track to the site.

### 3. PLANNING HISTORY

- 3.1
- SU/1992/249 and 250 – Erection of house in outline - Permitted 17.03.1993
  - SU/1996/115 and 116 – Erection of house(s) in outline for the same sites approved 06.06.1996
  - 99/00122/OUTSU – Erection of house(s) in outline for the same sites approved 12.07.1999
  - 99/0123/OUTSU – Erection of house – Approved 12.07.1999 (site of current application).
  - 01/00165/REMSU - Erection of dwelling house and garage / workshop related to (99/00122/OUTSU). Formation of access onto site – Approved 22.08.2001 (This site is located immediately adjacent to the north boundary of the site and has been constructed).

### 4. PUBLIC PARTICIPATION

4.1 Advertised : Unknown Neighbour, expired 17.06.2016

Representation deadline : 17.06.2016

Timeous representations : 1

Late representations : 0

4.2 Material considerations raised are summarised as follows:

- Comments from the neighbouring property relating to rights of access

### 5. CONSULTATIONS

5.1 **Flood Team:** No objection subject to the attachment of conditions to any permission.

5.2 **Forestry Team:** No objection

5.3 **Historic Environment Team:** No objection – located within an area with archaeological potential, attach condition and archaeological specification to any permission

5.4 **SEPA:** No objection subject to conditions in relation to Flood Risk and specific siting of the house to be as per the Permission in Principle for any subsequent detailed application.

### 6. DEVELOPMENT PLAN

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

35	Housing in the Countryside (Hinterland Areas)
57	Natural, Built and Cultural Heritage
61	Landscape
64	Flood Risk
65	Waste Water Treatment
66	Surface Water Drainage

**6.2 Sutherland Local Plan (2010) as continued in force:**

No relevant site specific policies, refer to HwLDP

**7. OTHER MATERIAL CONSIDERATIONS**

**7.1 Highland Council Supplementary Planning Policy Guidance**

Access to Single Houses and Small Housing Developments (May 2011)  
 Flood Risk & Drainage Impact Assessment (Jan 2013)  
 Highland Historic Environment Strategy (Jan 2013)  
 Housing in the Countryside and Siting and Design (March 2013)  
 Standards for Archaeological Work (March 2012)  
 Sustainable Design Guide (Jan 2013)

**7.2 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 site is located in the Spinningdale area of East Sutherland. It is located to the western extent of the hinterland around Tain as defined in the Highland Wide Local Development Plan. As such, the proposed site is required to be assessed under Policy 35 – Housing in the Countryside (Hinterland areas).

8.4 The policy states that the Council will presume against housing in such areas unless it meets one of the exceptions outlined in the policy, and as detailed in the associated Housing in the Countryside and Siting and Design Supplementary

Guidance. A number of justifications have been put forward in supporting information submitted with the application; it is not considered that these meet the exceptions outlined by Policy 35 of the Development Plan in order to make a positive recommendation. These are outlined in the Material Considerations section (8.8) below.

- 8.5 Other Development Plan policy of relevance in the consideration of this application includes Policy 28 – Sustainable Design which outlines the criteria against which all development proposals are assessed. Criteria relevant in the consideration of this application includes impact upon individual and community residential amenity and demonstration of sensitive siting and high quality design which is in keeping with local character and historic and natural environment and in making use of appropriate materials. The proposal is not considered to comply with Policy 28, as the siting is contrary to Policy 35, as such it does not demonstrate sensitive siting. It is acknowledged that an indicative design has been highlighted within the submitted Design Brief in support of the application and that a level of detail and thought has been put into the proposal; however the indicative design cannot be fully considered at this stage as the application seeks permission in principle for the siting of a house, the design would be considered in any subsequent detailed planning application.
- 8.6 The site is located within the Dornoch Firth National Scenic Area (NSA), as such, Policy 57 is relevant in the consideration of this application. This outlines that for features of national importance developments are allowed where it can be shown not to compromise the natural heritage resource. It is not considered that the development would have a detrimental impact upon the NSA subject to an appropriate design at a subsequent detailed planning application stage. A former pre-historic settlement is recorded within proximity to the site, as such there is potential for pre-historic burial remains. The Historic Environment Team were consulted and recommend that an Archaeological Specification and condition be attached to any permission. This outlines that the area must be subject to an investigation to establish whether there is any archaeology on site and that further investigatory works and mitigation measures may be required where archaeology is found. It is likely that this can be undertaken through the employment of a competent professional.
- 8.7 The site is identified as being at a 1:200 year risk of fluvial flooding, as such Policy 64 – Flood Risk is of relevance; this sets out that that additional information may be required in order to comply with Scottish Planning Policy and demonstrate that the site is not at risk of flooding. SEPA and the Council's Flood Risk Management Team were consulted and have no objection subject to conditions. SEPA require the house to be sited in the indicative location identified on the submitted plans in any subsequent application which can be conditioned in order to ensure that the level of flood risk is reduced.

## 8.8 **Material Considerations**

A supporting statement submitted with the application puts forward justification for the siting of a house here contrary to policy including:

- Planning history
- Proximity to edge of hinterland
- Design of the proposed house
- Lack of development pressure in the area
- Hinterland policy in Spinningdale does not strengthen the community or services
- Development will allow the applicants to downsize and manage the woodland where they volunteer with the Woodland Trust

## 8.9 **Planning History**

It is acknowledged that there is planning history on site, with permission (in principle) for two house plots being granted in 1992, 1996 and 1999. These were applied for separately. A subsequent detailed application was lodged in 2001 for the existing property Rowangarth at which the applicants currently reside. The planning permission in respect of the subject of this application (99/00123/OUTSU) lapsed in 2002. The permission was granted under the previous Structure Plan; adopted in 2001, which introduced the hinterland policy. Although the permission was extant at the time of adoption, the permission was never re-applied for, or renewed, following the adoption of the plan, and, as it had been previously (1992, 1996 and 1999). The current proposal therefore requires to be assessed under the relevant policies of the current Development Plan which have changed significantly since the previous permission lapsed in 2002. Accordingly it is considered that whilst the planning history is a material consideration in the assessment of the current application, it is not one against which any significant weight can be given when assessing the current proposal.

## 8.10 **Proximity of the site to edge of hinterland**

The site is located on the edge of the hinterland as defined by Development Plan Policy 35, where there is a presumption against new housing in the open countryside, unless the proposal meets one of the defined exceptions to the policy. It is not considered that the proposal meets any of the defined exceptions clearly defined by Policy 35. It should be noted that the proximity to the edge of the hinterland is not a justifiable reason to depart from Development Plan Policy.

## 8.11 **Design of the proposed house**

It is outlined within the Design Brief that the proposed house is to be of an eco-design. However, it should be noted that Policy 35 does not make provision or exception for such proposals. This application is for Permission in Principle, as

such the main concern is around the siting of a house at this location. The design would be secured in a subsequent detailed application; as such the indicative, outlined design and supporting narrative cannot be fully taken into consideration, unless it was part of a detailed proposal. That said, if the application had been detailed, incorporating an eco-design, it would not comply with any of the exceptions outlined in Policy 35 of the currently adopted Development Plan, as such would not gain support.

**8.12 Other Considerations – not material**

8.13 Development will allow applicants to downsize while managing the woodland where they volunteer with the Woodland Trust.

**8.14 Lack of Development Pressure in the Area**

No information has been submitted in order to demonstrate the level of development pressures within the area in order to assess this more fully. The lack of development in the area may be due to the presence of the hinterland policy which has acted as a deterrent to development in the open countryside since it came into force in 2002 following the construction of the Dornoch Bridge.

**8.14 Hinterland Policy Weakening Services**

The supporting statement suggests that the hinterland policy does Spinningdale no favours, particularly since the re-routing of the A9 and construction of the Dornoch Bridge. While it is unfortunate that, over time, local services have been lost here, this is due to demand for such service and this is not in the control of the Planning Authority. The hinterland policies followed the construction of the bridge, as such the hinterland policy is not considered to be responsible for the loss of services in the area. It should be noted that there have been recent public consultations in respect of the Proposed CasPlan where there were no representations received in respect of the extent of hinterland at Spinningdale.

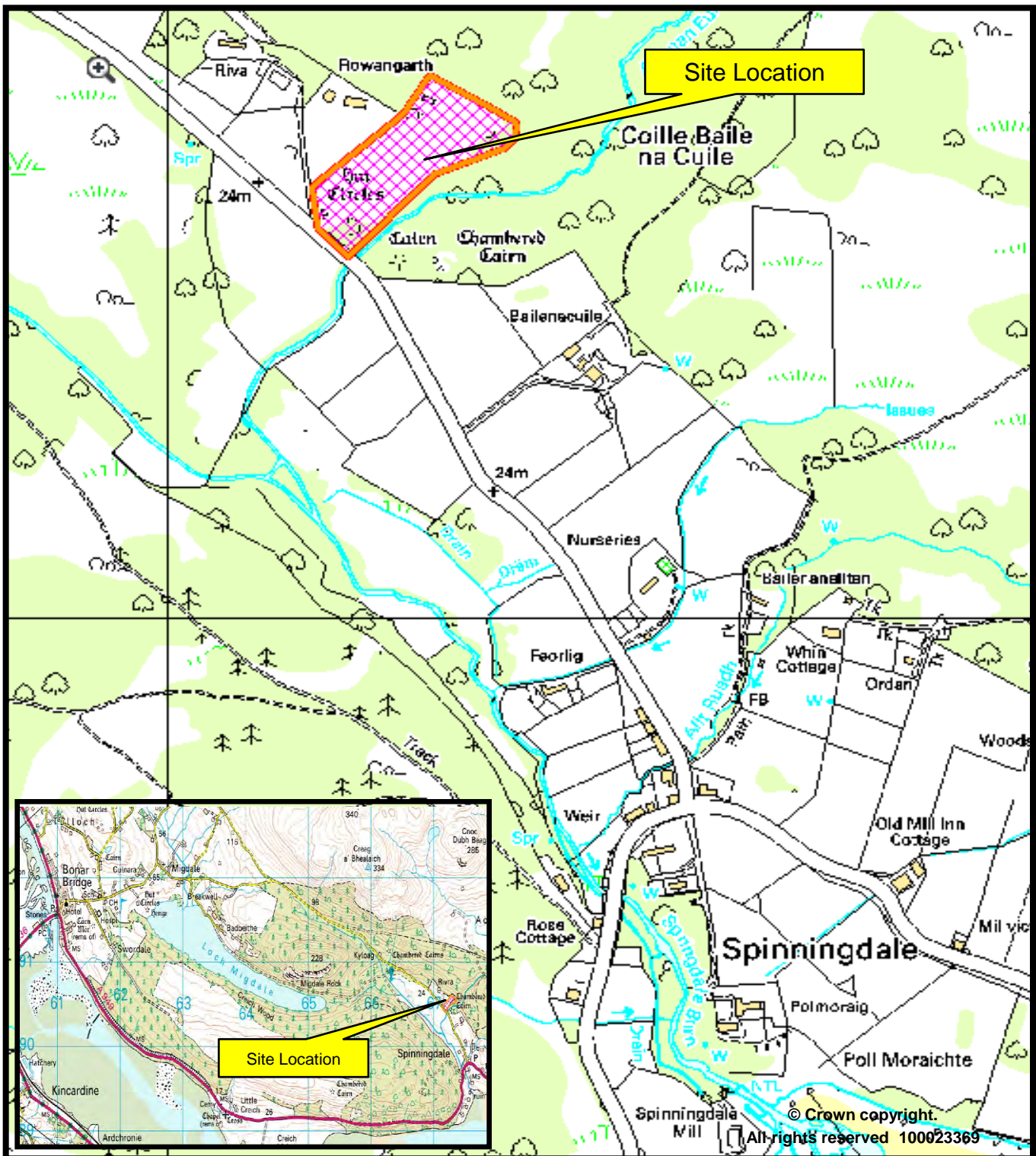
**8.16 Third Party Comment**

One representation was received in respect of the application; the neighbouring property which shares the existing access into the site commented that the existing property (Rowangarth) has access rights only over the existing access track to the site, and, that any alterations to the access required as part of the application would require to be done so with the permission of the owners, this is specifically with regard to design, construction, materials and contractors. Having assessed the application and viewed the situation on site, it is unlikely that access upgrades would be required for a third house, the access situation on site appears appropriate. It should be noted that the right of access to the site is a legal matter for agreement between the parties and is not a material planning consideration.

**8. Matters to be secured by Section 75 Agreement**

Not applicable





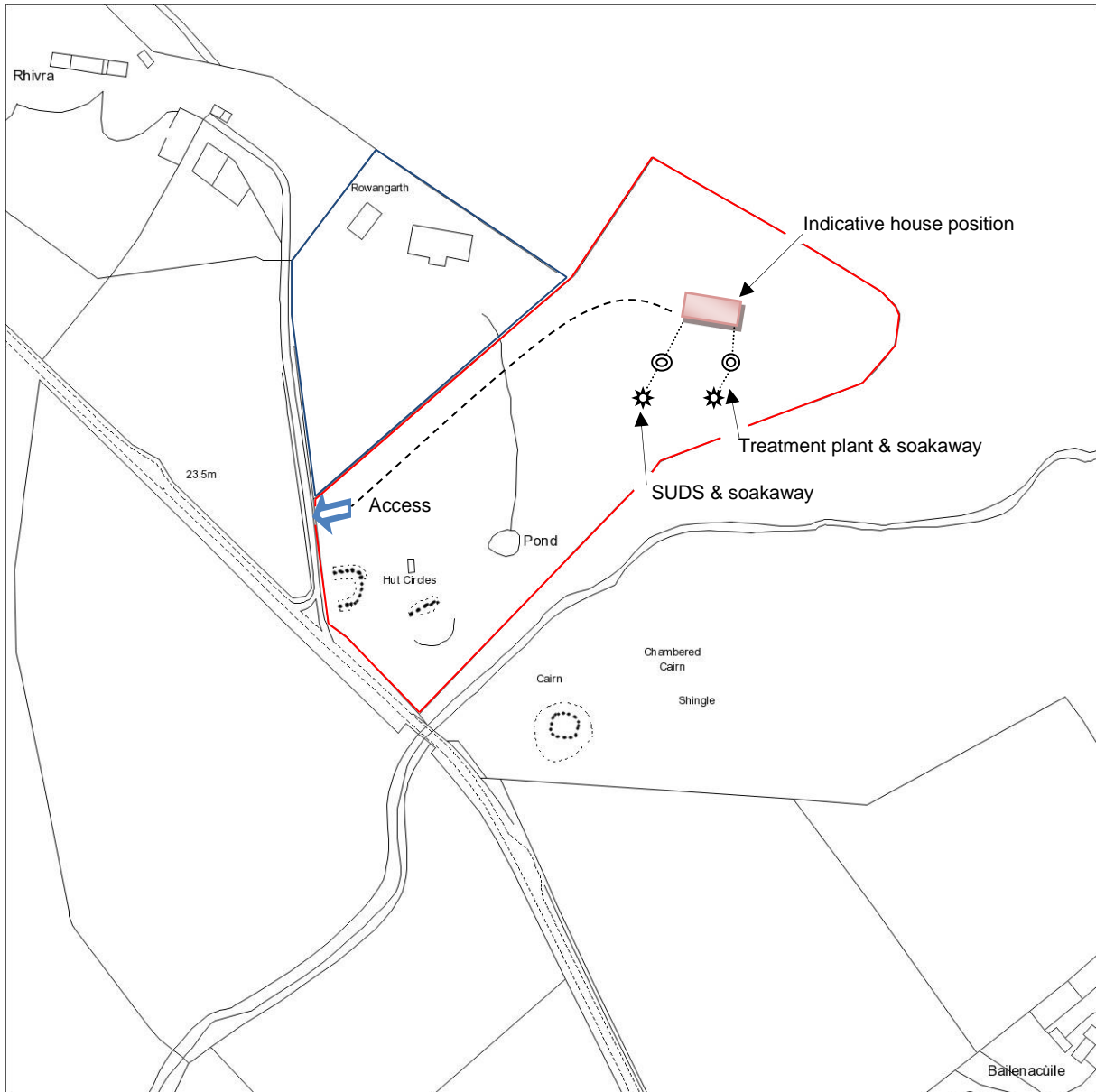
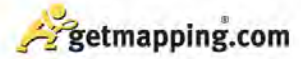
Development & Infrastructure Service

**16/02281/PIP**  
**Erection of eco-house, formation of vehicular access, installation of treatment plant and soakaway (planning in principle) at Land 105m SE of Rowangarth, Spinningdale.**

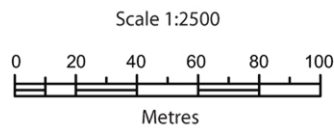
**Date: 20/07/2016**







Rowangarth, Spinningdale, Ardgay



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Applicant: dave macdonald  
eDevelopment.Scot Reference: Rowangarth