

Agenda item	7.7
Report no	PLN/043/17

HIGHLAND COUNCIL

Committee: North Planning Applications Committee

Date: 13 June 2017

Report Title: 17/01492/FUL Miss Gail Williams
Land 215M NE of Tigh na Cathair, 267 Achnacarnin,
Lochinver

Report By: Area Planning Manager

1. Purpose/Executive Summary

1.1 Installation of touring caravan and erection of shed (partially retrospective).

Ward: 1 - North, West and Central Sutherland

Local Development

Reasons Referred to Committee - 5 objection comments.

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.

2. Recommendations

2.2 Members are asked to agree the recommendation to grant planning permission as set out in section 11 of the report.

3. PROPOSED DEVELOPMENT

- 3.1 The application seeks consent for the installation of a touring caravan and erection of a small shed. The elevation plan demonstrates that the shed would measure 2.5m x 1.8m with a height of 2.1m. A photo of the caravan has been supplied; this is a touring caravan of standard size and appearance. The caravan has already been placed on site therefore the application is partially retrospective in nature.
- 3.2 Informal pre-application advice was sought in advance of submission of the application; however this was largely to ascertain whether planning permission would be required rather than on the merits of the proposal itself.
- 3.3 The site is accessed via an existing informal access track however no other infrastructure exists on site.
- 3.4 No documents have been submitted in support of the application.

3.5 **Variations:** None

4. SITE DESCRIPTION

- 4.1 The site lies within the township of Achnacarnin on the north-west coast, accessed from an informal lower road. The main public road runs around 280m to the north of the site, around which residential properties are predominantly found. One other property has access from the lower road, lying east of the site. The site is set at a lower elevation than the main concentrations of housing at Achnacarnin and within the Assynt-Coigach National Scenic Area. The site has an attractive open outlook facing south and east over Clashnessie Bay.

5. PLANNING HISTORY

- 5.1 15/03977/PIP: Erection of house. Granted 02.12.2015

6. PUBLIC PARTICIPATION

- 6.1 Advertised: Unknown Neighbour - 21.04.2017

Representation deadline: 05.05.2017

Timeous representations : 8 from 8 households

Late representations : 0

- 6.2 Material considerations raised are summarised as follows:

- Concern that the caravan would be permanent which would be detrimental to the open landscape
- The access track is very narrow; passing places and another parking area will impact and damage the scenic view and hillside
- Adverse impact on otters using the burn and surrounding area
- Lack of consideration given to habitat and environmental concerns

- The croft is used for almost constant grazing all year round however the application states that there is no current crofting activity
- A development in the NSA should provide benefit, not be of detriment to the NSA
- Not clear how the waste water from the chemical toilet will be disposed of, off or on site
- Unclear whether the proposed development will open the way for a future house build in addition to the consented permission ref 15/03977/PIP
- Drainage proposals are unclear
- Lack of detail with respect to materials, design or construction of the shed
- Work already carried out despite the applicant knowing it required planning permission
- Discrepancies regarding stated site area
- Proposed water supply details not clear
- Archaeological investigations have identified a possible Neolithic/bronze age stone circle 400m NE of the site; archaeological sites in the vicinity. The site should be surveyed to ensure no damage will occur
- Overdevelopment of the area
- Adverse impact on National Scenic Area
- Application is not in accordance with the pattern of development and does not demonstrate sensitive siting
- Incongruous appearance
- No case has been presented by the applicant to demonstrate how the significantly adverse effect of this application is outweighed by benefits of national importance

Non-material considerations are summarised as follows:

- The site is owned by other parties in addition to the applicant
- The applicants have expressed an intention to develop eco-friendly tourism and accommodation at the site particularly on a number of social media sites including artist impressions of the proposed development. Particular concern as the community were unaware of the proposals and the applicant has asked for 'volunteers' to help develop the proposal
- Unsuitable site for a caravan and shed due to weather conditions
- There have been several tents on the croft for some time which are visible from properties and have a negative visual appearance

6.3

All letters of representation are available for inspection via the Council's e-planning 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.

7. CONSULTATIONS

7.1 **Scottish Natural Heritage:** No comments

7.2 **Scottish Water:** No comments

8. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

8.1 Highland Wide Local Development Plan 2012

28	Sustainable Design
36	Development in the Wider Countryside
57	Natural, Built and Cultural Heritage
61	Landscape
65	Waste Water Treatment

8.2 Sutherland Local Plan 2010 (As Continued in Force, 2012)

The general policies which applied previously in respect of the site have been superseded by the provisions of the Highland-wide Local Development Plan.

9. OTHER MATERIAL CONSIDERATIONS

9.1 Draft Development Plan

Caithness and Sutherland Local Development Plan (Modified Proposed Plan, 2016)

9.2 Highland Council Supplementary Planning Policy Guidance

Sustainable Design Guidance

9.3 Scottish Government Planning Policy and Guidance

Scottish Planning Policy

10. PLANNING APPRAISAL

10.1 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.

10.2 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.

10.3 **Development Plan Policy Assessment**

The application requires to be assessed against the general policies of the Highland-wide Local Development Plan, with particular regard to Policy 28 (Sustainable Design) and 36 (Development in the Wider Countryside). As the site lies within the Assynt Coigach National Scenic Area, Policy 57 (Natural, Built and Cultural Heritage) also requires to be given due consideration.

The proposal concerns the installation of a touring caravan and erection of a small shed. It is regrettable that the caravan has been installed without the benefit of planning permission however this application seeks to regularise the situation.

10.4 **Material Considerations**

10.4.1 **Impact on local and residential amenity**

The site is located a considerable distance from residential properties, the nearest of which is located approximately 205m to the west of the site. Due to the topography of the landform, the site is set a lower elevation than the main concentrations of housing to the west and is therefore largely not visible. As such it can be reasonably concluded that the proposed development, which is relatively small scale in nature, would not impact on any residential or local amenity. No specific amenity issues pertaining to the caravan or shed have been raised in representations.

10.4.2 **Siting and Design including impact on the National Scenic Area**

The caravan is of a standard appearance, as shown in the visual information, and has been sited on the lowest lying part of the land within the applicant's landholdings. This also allows the proposal to be backdropped by rising landform to the rear to minimise impact on the landscape. As such it is not considered that the proposal would negatively impact on the National Scenic Area, nor would it be visible from the majority of houses or the main public road at Achnacarnin. Due to the small scale nature of the development, it will have minimal impact when viewed from wider public views further afield. It is however recommended that, due to the nature of development, consent is granted for a temporary period of 1 year only during which time the applicant may prepare plans for more formal accommodation. The caravan, by virtue of its design, finish and method of construction is not considered appropriate for permanent residential accommodation. As noted in the planning history, planning permission in principle was granted for a house on the site in 2015; it remains the position that a suitably sited and designed house would not have an adverse impact on the National Scenic Area and could be supported by the Planning Authority.

10.4.3 **Access and Parking**

The site is accessed via a relatively informal access track. At present the applicant has 2 cars which are parked off the access track. It is not considered that additional parking is required in order to accommodate the proposal.

Considerate parking is the responsibility of the applicant to ensure however at the time of the site visit it was not noted that parking of the applicant's car was impeding on the access track in any way.

Drainage

- 10.4.4 Waste water will be generated via a chemical toilet contained within the caravan; this will be emptied and collected by a specialist contractor. It is the responsibility of the applicant to ensure waste water is disposed of safely and responsibly. This is secured by condition.

Archaeological Impact

- 10.4.5 The application will impact on the remains of a historic settlement complex that predates the first edition Ordnance Survey map of c.1870. The archaeological potential of the site is considered worthy of further assessment prior to the start of any consented development. There is a requirement to identify, research and survey in detail the historic environment features that will be impacted. A condition is requested. The brief requires a slot-trench excavation in order to record the upstanding and buried remains and represents the minimum standard of work required to fulfil this condition. The applicant will need to engage the services of a professional archaeological contractor.

10.4.6 Protected Species

Concern is noted amongst representations that otters frequent a burn which lies south of the site. As noted it is not proposed for any water or waste water to discharge into this burn therefore the proposed development will not impact on the burn or the otters contained within it. As such it is not considered to be reasonable to request an otter survey from the applicant in this instance. Any consent granted will contain the standard informative with regards halting of work if any protected species may be impacted.

10.5 Other Considerations – not material

- 10.5.1 A number of representations express concern regarding future plans for the wider site including holiday accommodation proposals. These concerns are noted however at this point in time, the application is concerned solely with the siting of a caravan and erection of small shed. The future plans expressed by the applicants cannot be considered as part of this application. It is however noted that the applicants have removed much social media content relating to their future plans at the request of the Planning Authority. Some informal wild camping has indeed taken place on the site however this can be allowed for short periods of time (under 28 days) and some tents have been removed following a site visit by the Planning Authority. The situation continues to be monitored by the Planning Authority.

11. CONCLUSION

- 11.1 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. However it is recommended that a short-term consent is granted; this is secured by condition.

12. IMPLICATIONS

- 12.1 Resource – Not applicable
- 12.2 Legal –Not applicable
- 12.3 Community (Equality, Poverty and Rural) –Not applicable
- 12.4 Climate Change/Carbon Clever –Not applicable
- 12.5 Risk – Not applicable
- 12.6 Gaelic – Not applicable

13. RECOMMENDATION

Action required before decision N issued

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

1. Planning permission is hereby granted for a temporary period only and shall cease to have effect on 30th June 2018 (the 'cessation date'). Prior to the cessation date, the application site shall be cleared of all development approved under the terms of this permission (including any subsequent ancillary works, infrastructure, fixtures, fittings and any temporary developments permitted under Class 14 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended)).

Reason: In recognition of the temporary nature of the proposed development, and that the structure by virtue of its design, finish and method of construction is not suitable for permanent residential accommodation and to enable the Planning Authority to reassess the impact of the development after a given period of time and secure removal and restoration of the site.

2. For the avoidance of doubt, waste water shall be dealt with by means of a chemical toilet which shall be collected by an approved and licenced contractor.

Reason: In order to ensure that private foul drainage infrastructure is suitably catered for, in the interests of public health and environmental protection.

3. Prior to the commencement of development, a programme of work for the evaluation, preservation and recording of any archaeological and historic features affected by the proposed development, including a timetable for investigation, all in accordance with the attached specification, shall be submitted to and agreed in writing by the Planning Authority. The agreed proposals shall be implemented in accordance with the agreed timetable for investigation.

Reason: In order to protect the archaeological and historic interest of the site.

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

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 and 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

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 and 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).

Local Roads Authority Consent

In addition to planning permission, you may require one or more separate consents (such as road construction consent, dropped kerb consent, a road openings permit, occupation of the road permit etc.) from the Area Roads Team prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local Area Roads office for further guidance at the earliest opportunity.

Failure to comply with access, parking and drainage infrastructure requirements may endanger road users, affect the safety and free-flow of traffic and is likely to result in enforcement action being taken against you under both the Town and Country Planning (Scotland) Act 1997 and the Roads (Scotland) Act 1984.

Further information on the Council's roads standards can be found at:

<http://www.highland.gov.uk/yourenvironment/roadsandtransport>

Application forms and guidance notes for access-related consents can be downloaded from:

http://www.highland.gov.uk/info/20005/roads_and_pavements/101/permits_or_working_on_public_roads/2

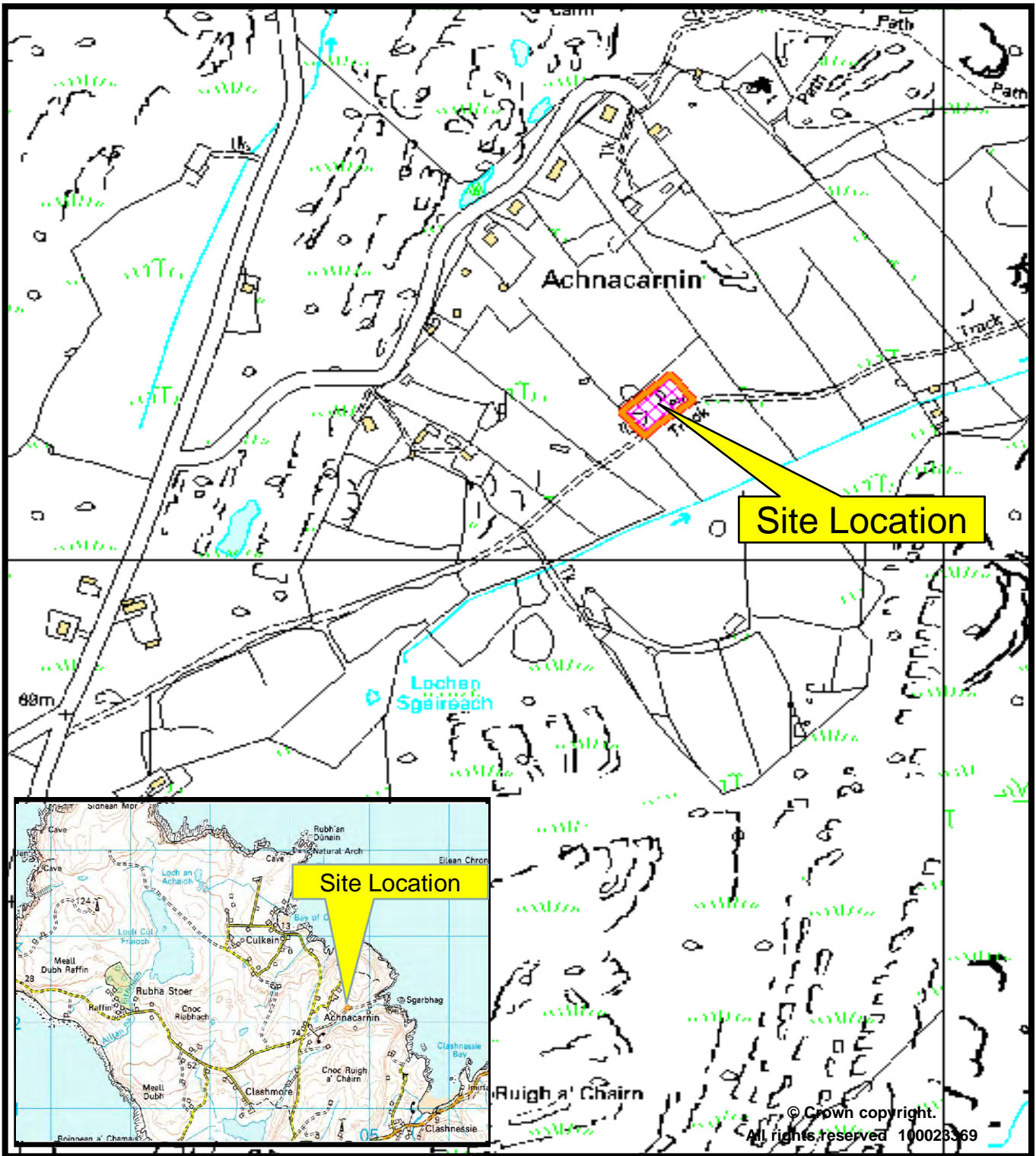
Mud and Debris on Road

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.

Protected Species - Halting of Work

You are advised that work on site must stop immediately, and Scottish Natural Heritage must be contacted, if evidence of any protected species or nesting/breeding sites, not previously detected during the course of the application and provided for in this permission, are found on site. For the avoidance of doubt, it is an offence to deliberately or recklessly kill, injure or disturb protected species or to damage or destroy the breeding site of a protected species. These sites are protected even if the animal is not there at the time of discovery. Further information regarding protected species and developer responsibilities is available from SNH: www.snh.gov.uk/protecting-scotlands-nature/protected-species

Signature: Dafydd Jones – Area Planning Manager North
Designation: Area Planning Manager - North
Author: Gillian Webster
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 – Location Plan 000001
Plan 2 – Site Layout Plan 000002 A
Plan 3 – Elevations 000003



Site Location

Site Location

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The Highland Council
Comhairle na Gàidhealtachd

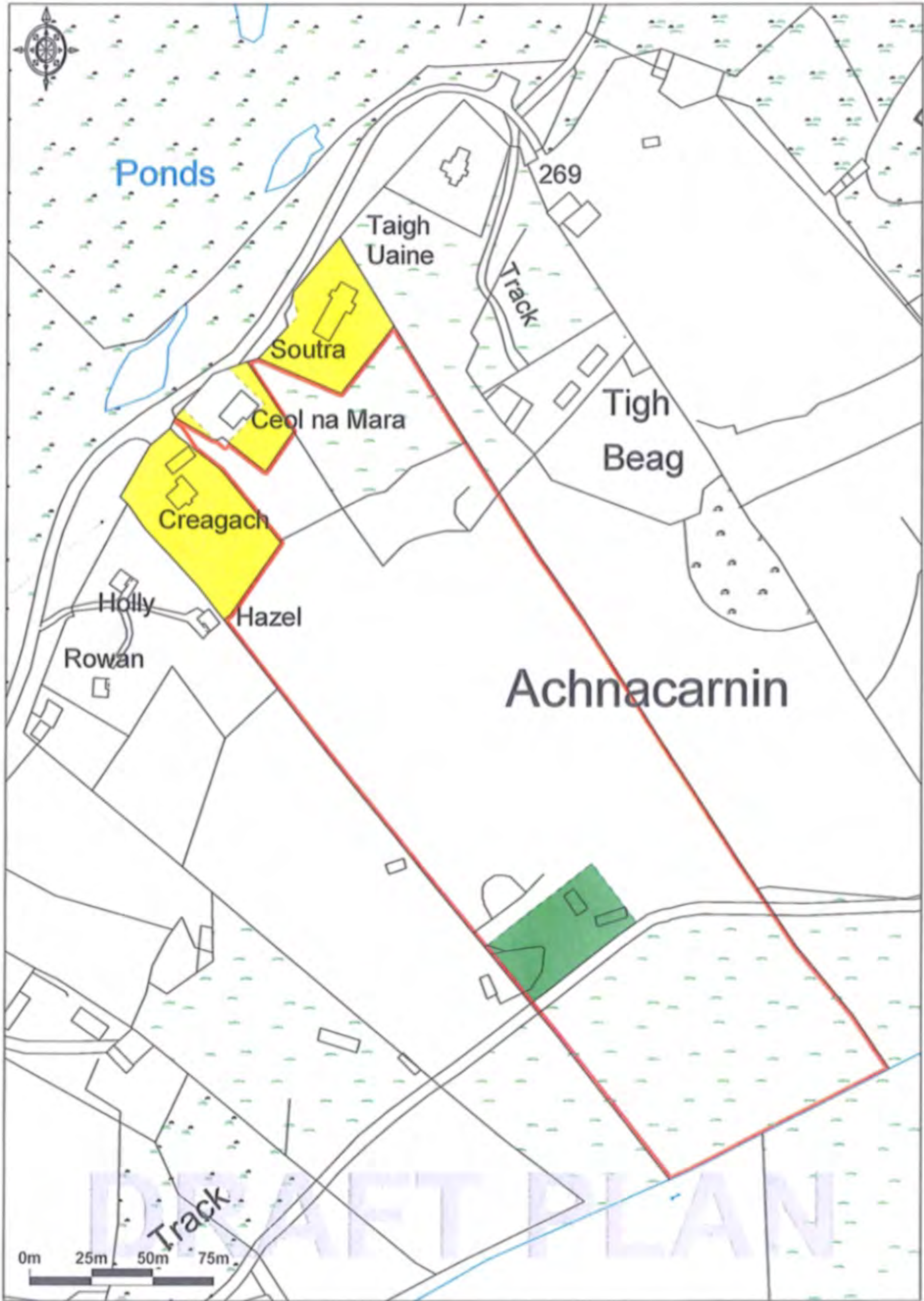
Development & Infrastructure
Service

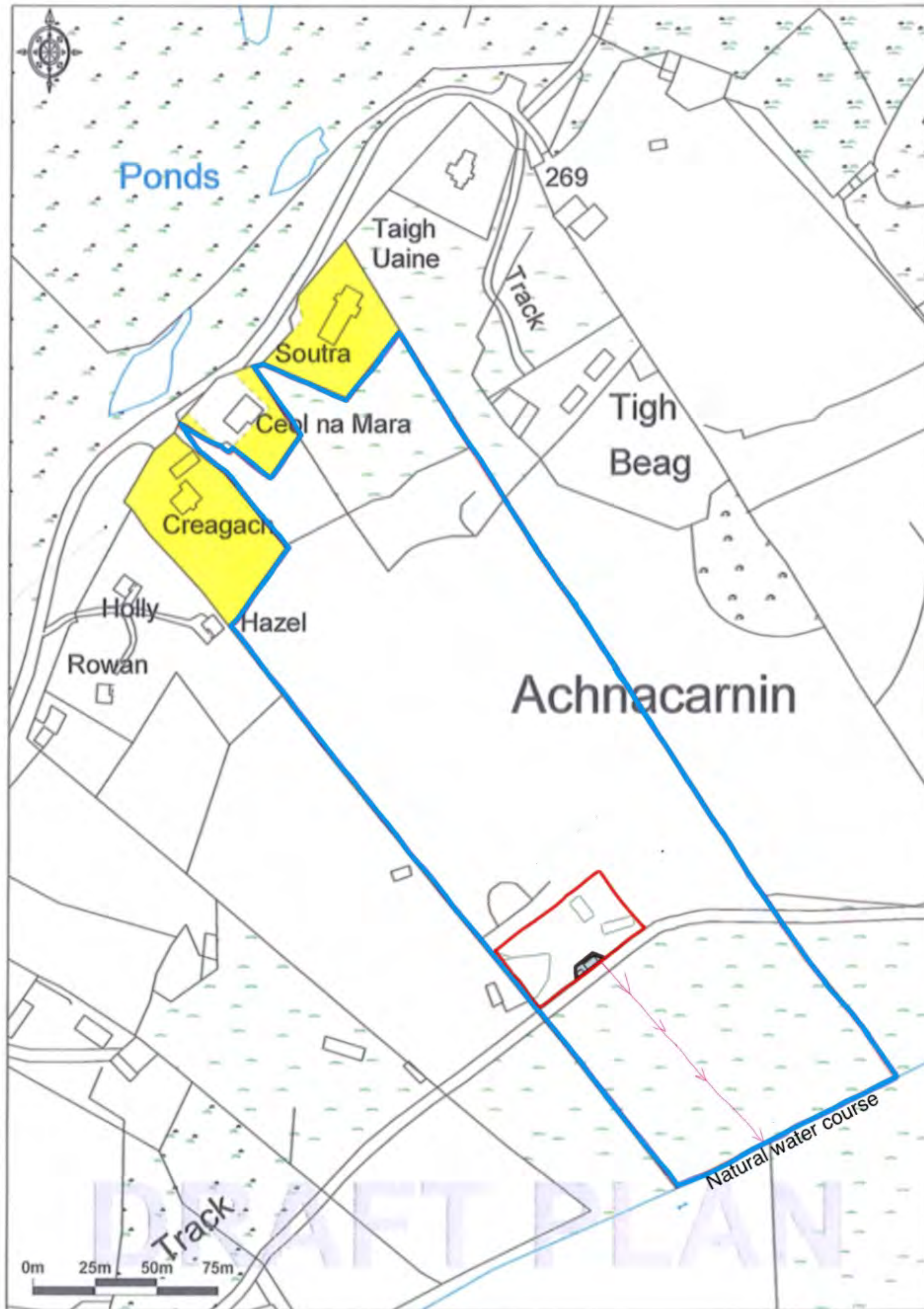
17/01492/FUL

Change of use from agricultural land to residential including installation of touring caravan and erection of shed (partially retrospective).

Date:05.06.2017







Close up of proposed site.



→ We plan to collect rainwater into a container and the overspill will be routed down this route to the natural water course.

