

Agenda item	<b>6.7</b>
Report no	<b>PLN/057/17</b>

## THE HIGHLAND COUNCIL

**Committee:** North Planning Applications Committee

**Date:** 12 September 2017

**Report Title:** 17/03270/FUL  
Land 30M East Of 1 Reay Thurso

**Report By:** Area Planning Manager (North)

### 1. **Purpose/Executive Summary**

#### 1.1 **Applicant :** Barrie Robertson

**Description of development:** Erection of general storage shed measuring (9.144m wide x 15.240m long x 5.800m high) (in retrospect to adjust from 15/00850/FUL)

**Ward 02 -** Thurso And North West Caithness

**Category:** Local Development

**Reason referred to committee:** Number of objections

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 as set out in section 11 of the report.

## 1. PROPOSED DEVELOPMENT

1.1 Erection of general storage shed measuring (9.144m wide x 15.240m long x 5.800m high) (in retrospect to adjust from 15/00850/FUL)

1.2 This application is for retrospective planning permission to regularise changes to a storage shed. Planning permission was originally granted on 8 June 2015 for the erection of a shed on this site. As a result of a discrepancy in the submitted drawings, the height of the shed as built varies from that approved.

The originally approved drawings of the shed states dimensions of:

- 9.144m wide x 15.240m long x 4.267m in height.

Whereas the built shed has dimensions of:

- 9.144m wide x 15.240m long x 5.800m in height to the ridge.

This is an increase in height of 1.533m.

In addition to the height difference, the originally approved drawing showed a blockwork finish to the walls and profile metal sheeting whereas the built shed has a white smooth concrete wall finish and profile metal sheeting. However, this change was formally approved through a non-material variation to application 15/00850/FUL in May 2016.

The originally approved shed had one large shutter door on the front elevation whereas the built shed has a personnel door as well as a large shutter door.

This application seeks to regularise the differences between the approved shed and the built shed.

1.3 Supporting statement submitted by applicant:

- The original submission (based on supplier drawings and draughtsman's drawings) showed a height of 4.267m, rather than 5.800m. It emerged that the lower value represented the height to the top of the walls, as opposed to the top of the roof.
- This shed is required for personal storage of private vehicles and large family caravan. As such it does not have power or water supplied to it. It is certainly not used for commercial purposes, nor will it be, as per the conditions of the original planning approval.

1.4 **Variations:** None

## 2. SITE DESCRIPTION

2.1 The site is located to the north side of the main public Reay to Shebster road, approximately 900m to the east of its junction with the A836 at Reay village.

The development comprises an existing shed within a flat field. The shed is set within an area of hardstanding comprising gravel, edged with grass with young tree planting. It is bound with horizontal timber fencing on the north elevation and post and wire fencing on the other sides. There is grass verge between the site and the public road.

The site is located at the cross roads of the public road and a minor access road and is accessed from the minor road. This access serves six houses (including the applicant's house) and the shed.

The development pattern is mainly single storey houses located in a linear pattern along the public roads.

The shed is located parallel to the main road, set back from the road by approximately 25m. Aligned north-south the gable of the shed faces the road.

There are houses in proximity of the shed. The closest being Blackhills, which is located to the east of the site, on the opposite side of the minor road and Sandford House which is located to the south on the opposite side of the main public access road.

### **3. PLANNING HISTORY**

- 3.1
- 15/00235/FUL - Erection of Agricultural Store, withdrawn 9 March 2015
  - 15/00850/FUL - Erection of steel portal framed building for use as a general store, granted 10 June 2015

### **4. PUBLIC PARTICIPATION**

- 4.1 Advertised : John O Groat Journal - Unknown Neighbour 14 Days  
Representation deadline : 11 August 2017

Timeous representations : 13

Late representations : 22

- 4.2 Material considerations raised are summarised as follows:

#### Objections

- The shed is industrial in scale in an area of residential properties and dwarfs neighbouring houses
- The shed is at odds with the surrounding landscape
- The shed is approx. 40% taller than previously applied for
- Water runs off the site onto the public road and to neighbouring property in times of heavy rain
- Noise impacts from activities within the shed
- Concerns that the applicant intends to use the shed as a workshop and potentially run a business from it
- Impacts on light to neighbouring houses especially Blackhills Cottage
- The shed is too close to neighbouring houses
- Removable fence posts have been installed in order to keep a direct access route to the main road open

Caithness West Community Council advised they were approached by a number of local residents about the application being larger than what was approved with discrepancies in the materials and location of doors. As it has a significant visual impact and is detrimental to local amenity they wish to object to the application.

Support

- No technical objections from any consultees on grounds of road safety, flooding etc
- Shed is high quality and set in well landscaped grounds and consistent with 2 similar buildings that have recently been granted planning permission in the area
- The height of the building has little effect on the landscape being positioned well below the horizon
- The shed is sufficiently far away from residential properties
- Site is neat and tidy and has improved overall look of the area

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

## 5. CONSULTATIONS

5.1 **Flood Team:** No objections but a condition should be attached requiring submission of further drainage information and thereafter implementation of a scheme.

## 6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

### 6.1 Highland Wide Local Development Plan 2012

Policy 28 Sustainable Design

Policy 36 Development in the Wider Countryside

Policy 66 Surface Water Drainage

### 6.2 Caithness Local Plan (as continued in force 2012)

6.3 No site specific policies

## 7. OTHER MATERIAL CONSIDERATIONS

### 7.1 Draft Development Plan

Caithness and Sutherland Local Development Plan: Modified Proposed Plan 2016

### 7.2 Highland Council Supplementary Planning Policy Guidance

### 7.3 Scottish Government Planning Policy and Guidance

## 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 within wider countryside in terms of the Development Plan. Policy 36 of the adopted Highland wide Local Development Plan requires proposals to be assessed for the extent to which they:

- Are acceptable in terms of siting and design;
- Are sympathetic to existing patterns of development in the area;
- Are compatible with landscape character and capacity;
- Avoid incremental expansion of one particular development type within a landscape whose distinct character relies on an intrinsic mix/distribution of a range of characteristics
- Avoid, where possible, the loss of locally important croft land; and
- Would address drainage constraints and can otherwise be adequately serviced, particularly in terms of foul drainage, road access and water supply without involving undue public expenditure or infrastructure that would be out of keeping with the rural character of the area.

Policy 28 sets out Sustainable Design criteria for the assessment of applications. Of particular relevance to this application are criteria relating to:

- Compatibility with public service provision;
- Accessibility
- Impact on individual and community residential amenity
- Impact on landscape
- Demonstrate sensitive siting and high quality design in keeping with local character and historic and natural environment and in making use of appropriate materials

Policy 66 requires that all developments be drained by Sustainable Urban Drainage Systems.

### 8.4 **Material Considerations**

The principle of the erection of a shed for general storage is already established on this site. The key consideration in the assessment of the proposal is whether the increase in height and the addition of a personnel door on the front elevation is acceptable.

The shed is situated in a rural area which comprises a scattering of houses. It is set back from the main road by approximately 25m, the siting is in accordance with the dominant development pattern in this area of linear development along the road. The separation distance from the road diminishes its visual impact when viewed from the road and from neighbouring houses on the opposite side of the road. The shed is located in excess of 50m from the closest house situated on the opposite side of the main road, Sandford House. Birchwood House, to the west of Sandford House is approximately 80m from the shed. The frontage of Sandford House is screened from the public road by tall trees and vegetation.

Blackhills Cottage is the nearest dwelling being some 20m away and forward of the shed on the other side of the minor access road and facing the main road. The shed is outwith the direct outlook of this house. There is a small window on the gable which faces the site. The shed is set back from this gable window. The rear garden and wider curtilage of Blackhills Cottage to the north is mainly screened by outbuildings and mature trees. The house located to the north of Blackhills is the applicant's house, Torview.

When viewed from the main road travelling east, some trees on the minor road provide a backdrop and the shed is viewed in the context of the houses that are located along the minor road. Although single storey, these houses are set at a slightly higher level than the shed. The shed does not appear dominant from this perspective. When travelling southwards down the minor road towards the main road the shed is back dropped by mature trees. When travelling west on the main road, the shed is back dropped by the landscape.

The dark green cladding on the upper walls helps to make the shed appear recessive. The design of the shed is typical of its type, with a rectangular footprint and dual pitched roof and simple appearance. This type and scale of building is commonly found in areas of wider countryside throughout the area. In this context the increased height/scale of the shed is not considered to be excessive and does not dominate the area or the surrounding houses. The development as built does not result in significant landscape or visual impacts.

The shed is accessed from the minor road east of the shed. Objectors have suggested that access could be taken from the main road by removal of fence posts, which they consider to be a road safety issue. The submitted drawings clearly show access to the east of the site from the minor road. A condition is attached to the current planning permission stipulating that access is from the minor road.

The principle of development of a shed is already established on the site, the matter for consideration is whether or not an increase in ridge height of 1.533m significantly changes the impact that the shed has. Objectors have made reference to the reduction in light caused by the shed. Given the siting and separation distances from neighbouring houses, this is not considered significant or detrimental to residential amenity. The development does not impact on the sunlight or daylight to any windows of neighbouring properties.

The applicant has submitted drainage calculations these relate to the run off from the roof of the building alone and did not take into consideration the hardstanding. Objectors have stated that the shed has resulted in flooding of a neighbouring property and of water run off onto the road. This has been contested by the applicant. Notwithstanding this there is an obligation on all developers to ensure water is correctly disposed when leaving their land. To this end the Council's Flood Team have advised that there is a technical solution based on the available land subject to the installation of an appropriate soakaway. A condition is proposed to secure the submission of these details and thereafter the installation of the approved scheme.

The applicant has advised that the building will be used as a general store. It is reasonable to attach a condition which clarifies the use of the building as being domestic for use ancillary to the applicant's house.

The original planning permission had a number of conditions attached relating to: access, the use of the building; management of surface water drainage, finishing materials, landscaping and open storage of goods/machinery. Conditions relating to finishing materials and landscaping are no longer necessary; however the other conditions remain applicable.

## 8.5 **Other Considerations – not material**

Non material considerations

- It is closer to neighbouring properties than it is to the applicant's house
- Impact on property values
- Impact on views

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

None

## 9. **CONCLUSION**

9.1 This application seeks to regularise amendments to an existing planning permission that arose due to discrepancies in the original drawings. The shed built on site is 1.533m higher than that originally approved. The shed as built also includes a personnel door as well as a shutter door.

The principle of the erection of a shed on this site is established; therefore the determining matters for assessment are the increase in height and the addition of the door. It is not considered that either of these changes have any adverse impacts, visually or in terms of amenity.

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

## 10. **IMPLICATIONS**

10.1 Resource – Not applicable

10.2 Legal –Not applicable

10.3 Community (Equality, Poverty and Rural) –Not applicable

10.4 Climate Change/Carbon Clever –Not applicable

10.5 Risk – Not applicable

10.6 Gaelic – Not applicable

## 11. RECOMMENDATION

**Action required before decision issued** N

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

1. All access to the site shall be from the U4730 road only as shown on the approved site layout drawing.

**Reason** : In the interests of road safety and to ensure the free flow of traffic on the public road.

2. Use of the building hereby approved shall be only for domestic purposes entirely related to and ancillary to the house known at the date of this decision as Torview, Blackhills, Reay; no commercial activities shall be permissible from the building/site.

**Reason** : In order to safeguard the amenity of neighbouring properties and occupants.

3. Prior to the 15 October 2017 full details of all surface water drainage provision within the application site (which shall accord with the principles of Sustainable Urban Drainage Systems (SUDS) and be designed to the standards outlined in Sewers for Scotland Second Edition, or any superseding guidance prevailing at the time) have been submitted to, and approved in writing by, the Planning Authority. Thereafter, the scheme. Thereafter the scheme shall be full installed in accordance with the approved details by 15 November 2017.

**Reason** : To ensure that surface water drainage is provided timeously and complies with the principles of SUDS; in order to protect the water environment.

4. No part of the site shall be used for the open storage of goods or machinery.

**Reason** : In the interests of visual and residential amenity.

## REASON FOR DECISION

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

### **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.

Signature: Dafydd Jones

Designation: Area Planning Manager (North)

Author: Emma Forbes

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

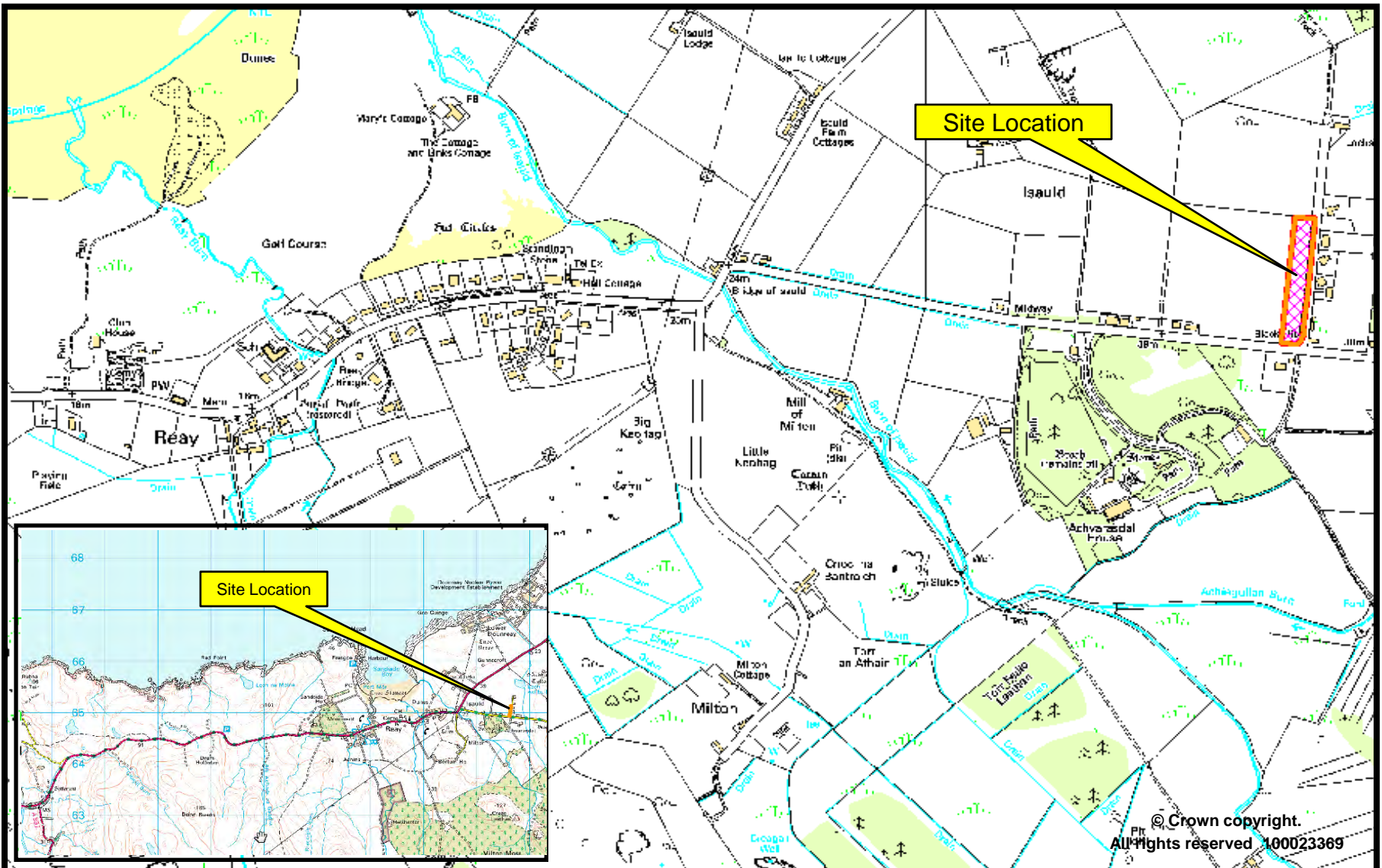
Relevant Plans:

- 000001 Location Plan
- 000002 Site Layout Plan
- 000003 Elevation Plan
- 000004 Site Layout Plan

## Appendix – Letters of Representation

Name	Address	Date Received	For/Against
Mrs Sarah MacLeod	3 Marine Walk, Carmichael Way, Fort William	06/08/17	Against
Mr Len Humphries Miss Emma Miller	Glen View. Wevdale. Thurso Glen View, Weydale, Thurso	09/08/17 09/08/17	Against Against
Mr Donald Sutherland	31 Ormlie Crescent, Ormlie, Thurso	07/08/17	Against
Caithness West Community Council		09/08/17	Against
Dr Eric Sutherland Mrs Miriam Sutherland	Achiegullan, Reay, Thurso Achiegullan, Reay, Thurso	07/08/17 06/08/17	Against Against
Mr and Mrs David and Pauline Craig	Sandford House, Achvarasdal Reay, Thurso	01/08/17	Against
Mr Christopher Miller	1 Blackhills Cottages, Reay, Thurso	10/08/17	Against
Mr Keith Miller,	Blackhills Cottage, Reay, Thurso	06/08/17	Against
Mrs Brenda Herrick	Sandmill, Harbour Road, Castletown, Thurso	07/08/17	Against
Mrs Lyn Leet	8 Burnside, Thurso, KW14 7UG,	06/08/17	Against
Mr Angus Forbes	3 The Avenue, Reay, Thurso	10/08/17	Against
Mr Mark Campbell	5 Strathmore Place, Pennyland, Thurso, KW147PU	28/08/17	Support
Mrs Senga Findlater	2 Braal Terrace, Halkirk, KW12 6YN	29/08/17	Support
Mr Julian Mackenzie	West House, Westfield, Thurso, KW14 70N	29/08/17	Support
Ms Linda Cameron	10 Duncan Street, Thurso	26/08/17	Support
Mrs Elizabeth Robertson	Elbar, Reay, Thurso	26/08/17	Support

Mr William Robertson	Elbar, Reay, Thurso	27/08/17	Support
Mr Andrew Robertson	Elbar, Reay, Thurso	27/08/17	Support
Mrs Majella Robertson	Elbar, Reay, Thurso	27/08/17	Support
Mr Stephen Farquhar	Lower Hillhead, Broadhaven Road, Wick, KW14RF	28/08/17	Support
Mr Charles Sutherland	Sutherlands Garage, Reay, Thurso	26/08/17	Support
Mrs Elizabeth Cunningham	Delmarock, 10B Brabster Street, Thurso	26/08/17	Support
Miss Leanne Bremner	5 Leitch Court, Laurie Terrace, Thurso	27/08/17	Support
Mr Brian Robertson	45 Tower Hill Road, Mountpleasant, Thurso	27/08/17	Support
Mrs Valerie Rosalie Bradford	Rehovot, Reay, Thurso	26/08/17	Support
Mr Carl Ramsey	Nareska. Castletown. Thurso. KW14 8SS	30/08/17	Support
Mr Philip Cameron	2 Braal Terrace, Halkirk	27/08/17	Support
Mr Roy Kirk	Craigmore, Reay, Thurso	27/08/17	Support
Mrs Elizabeth Kirk		27/08/17	Support
Mr John Anderson	Sysavoe, Reay, Thurso	28/08/17	Support
Ms Susie Simpson	6 Brode's Hill. Inverness. IV3 8AG	28/08/17	Support
Mr James Lawson	Achvarasdal, Reay	28/08/17	Support
Mrs Tracey Boyd	Newton Cottage, Halkirk KW12 6UX	31/08/17	Support



**The Highland Council**  
Comhairle na Gàidhealtachd

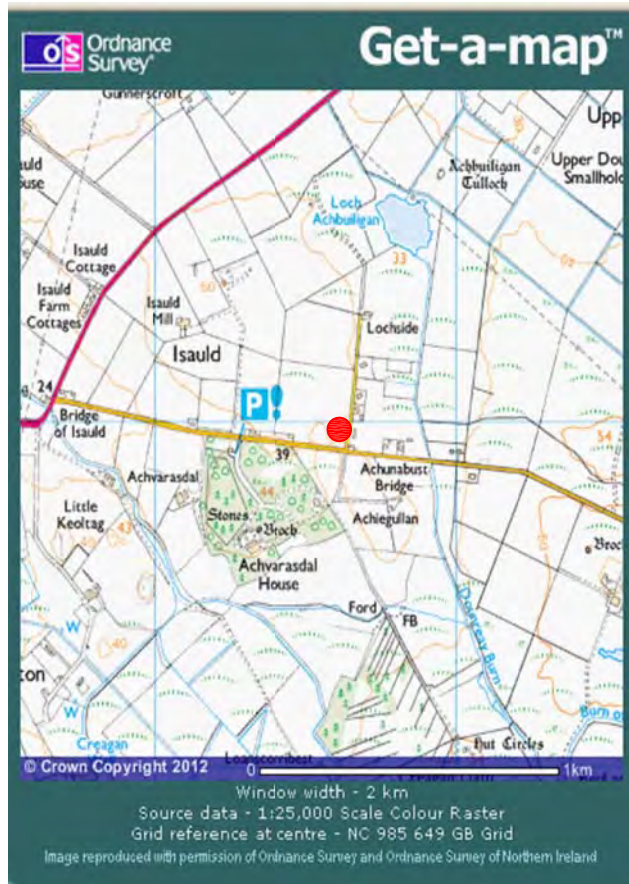
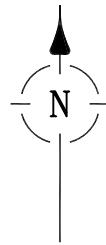
Development & Infrastructure Service

**17/03270/FUL**

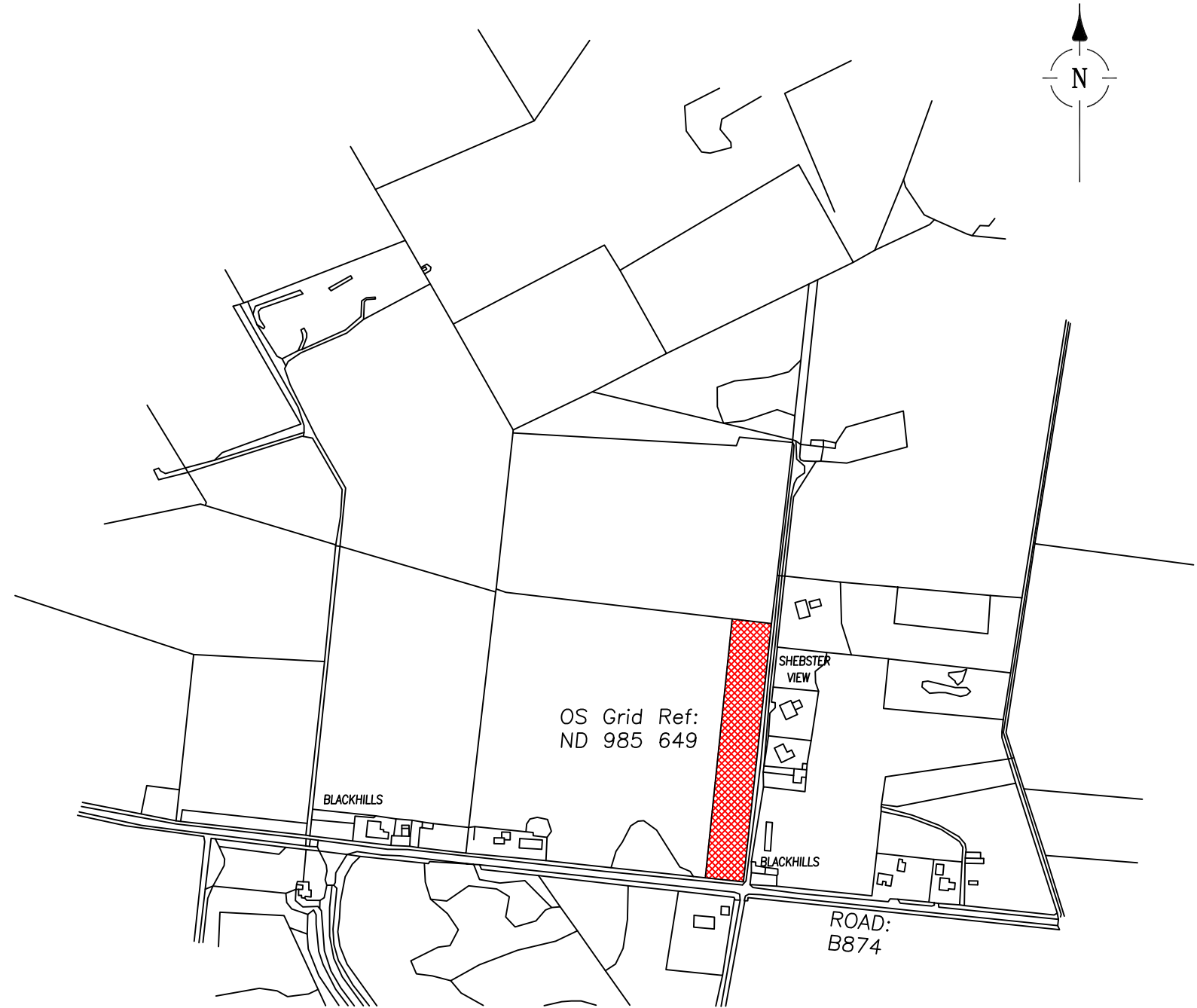
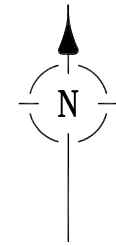
**Erection of general storage shed measuring (9.144m wide x 15.240m long x 5.800m high) (in retrospect to adjust from 15/00850/FUL) at Land 30m East of 1 Reay, Thurso**

**31/08/2017**

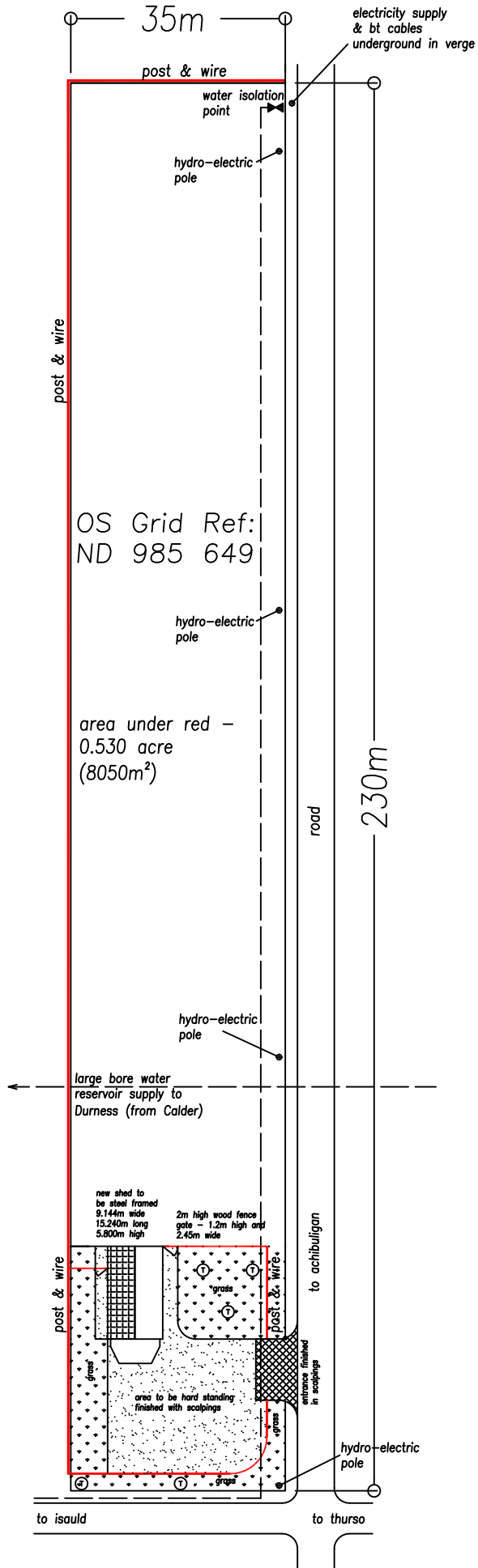
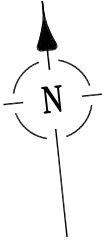




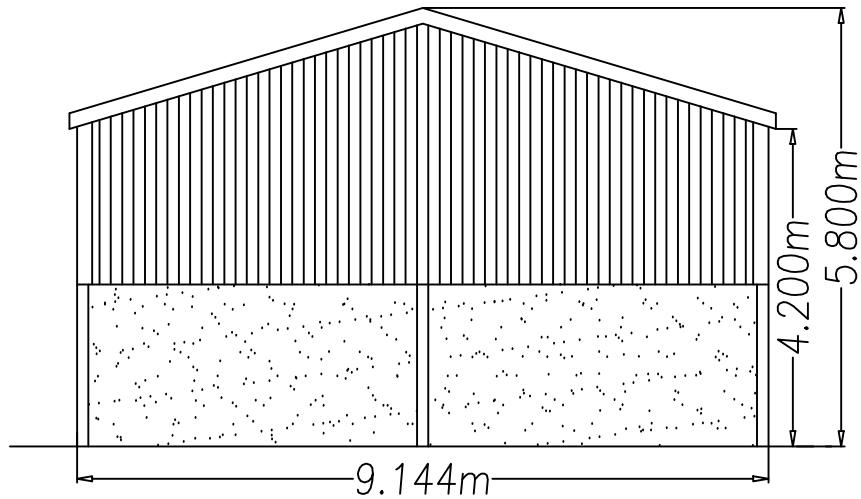
location plan  
scale 1:25000



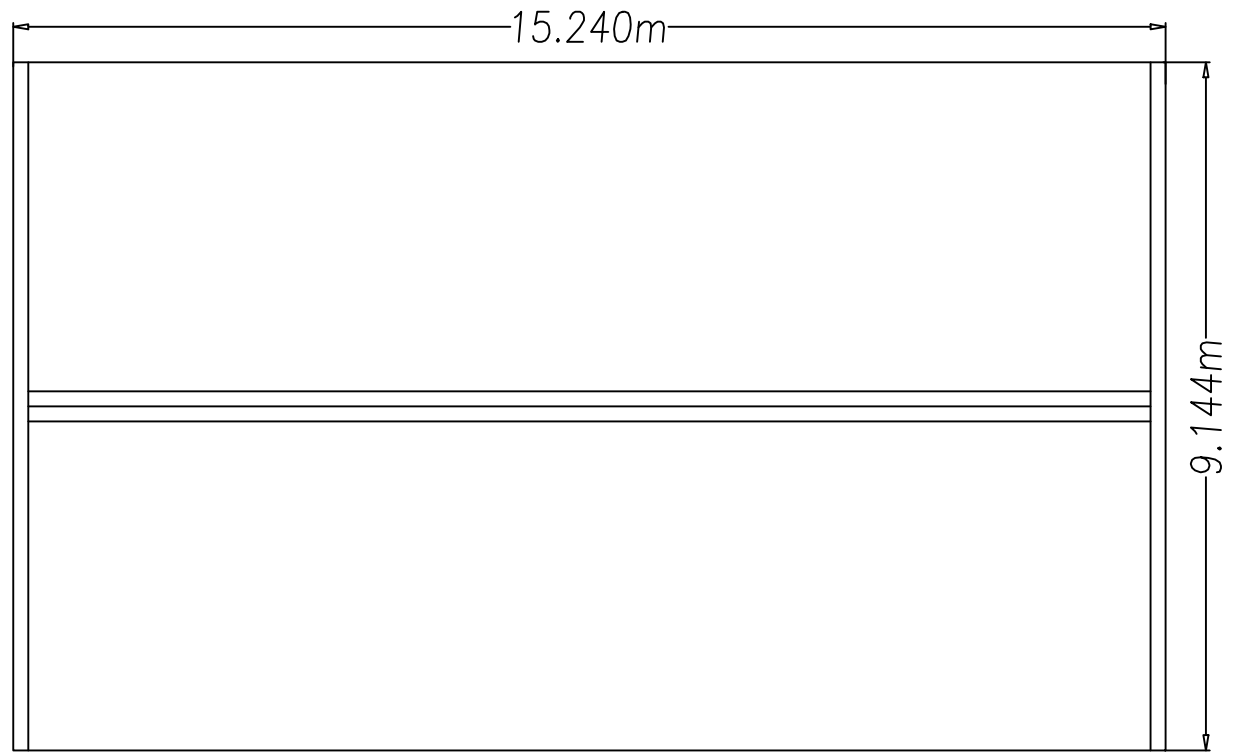
site plan  
scale 1:5000



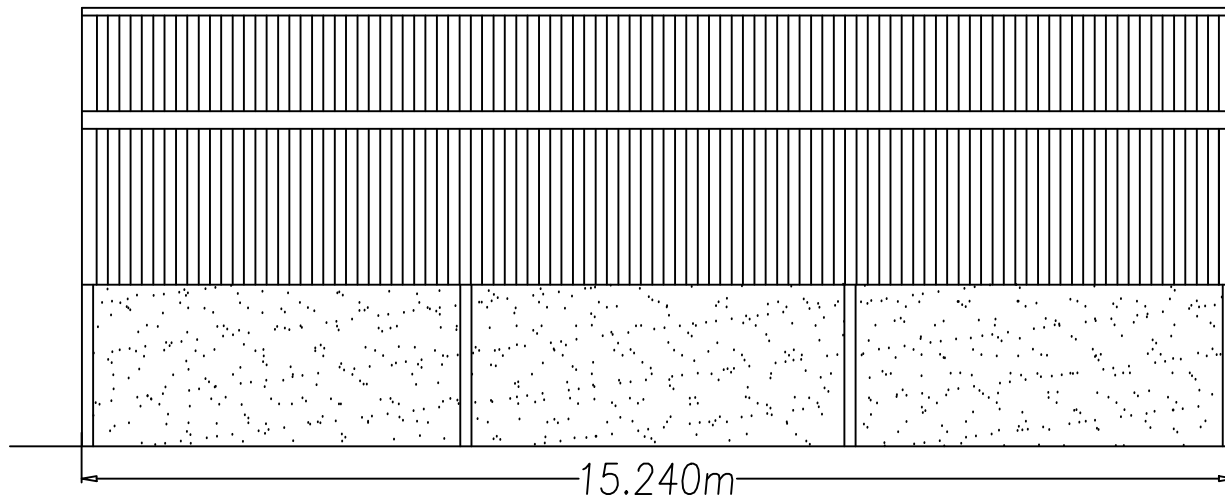
site plan  
scale 1:1000



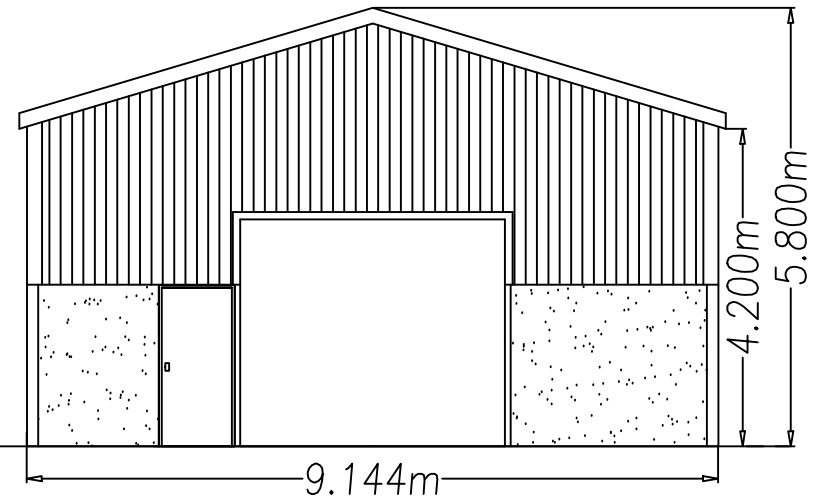
end elevation



roof plan

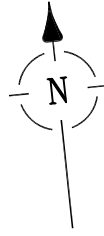


side elevation (x2)



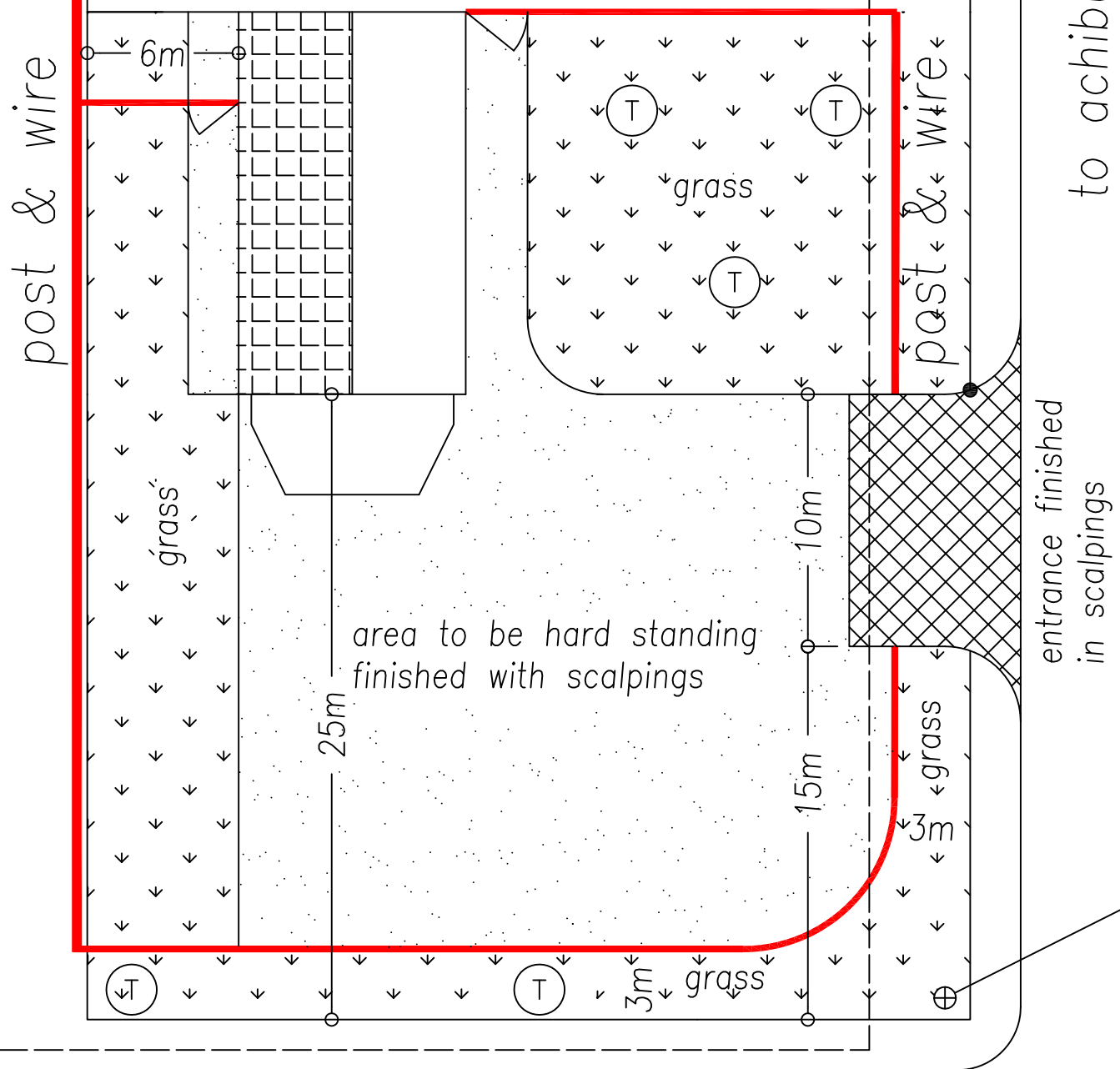
access elevation

Mr B Robertson  
 West of Torview, Reay  
 scale 1:100



new shed to  
be steel framed  
9.144m wide  
15.240m long  
5.800m high

2m high wood fence  
gate - 1.2m high and  
2.45m wide



to achibuligan

entrance finished  
in scalpings

h:  
p:

to isauld

to thu

site plan showing  
location of shed  
scale 1:250

