Agenda Item	5.3
Report No	PLS/028/18

#### HIGHLAND COUNCIL

**Committee:** South Planning Applications Committee

**Date:** 24 April 2018

**Report Title:** 17/05908/FUL : Mr Andrew Reid

Cottage, Lower Muckovie, Inshes, Inverness

**Report By:** Area Planning Manager – South/Major Developments

**Purpose/Executive Summary** 

**Description:** Redevelopment to provide new house with access

Ward: 19 – Inverness South

**Development category:** Local

Reason referred to Committee: At the request of a majority of local members

All relevant matters have been taken into account when appraising this application. It is considered that the proposal does not accord with the principles and policies contained within the Development Plan and is unacceptable in terms of applicable material considerations.

#### Recommendation

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

#### 1. PROPOSED DEVELOPMENT

- 1.1 The proposal is for the erection of a 2 storey detached house on the site of a derelict cottage, at Lower Muckovie Farm which sits on the north side of Drumossie Brae, in order to support a future business for the rearing of alpacas on a 5.4ha area of land to the northeast of the house site. None of the land is currently within the applicant's ownership although he has confirmed that he has the option to buy the house site and rent the agricultural land should planning permission be granted.
- 1.2 The site is accessed via a private road off the B9077 Drumossie road which leads to Lower Muckovie Farm. Access to the site itself would be through the existing farmyard via an existing overgrown track leading to the application site.
- 1.3 Pre Application Consultation: Formal pre-application advice was given in November 2016 in relation to a new house to replace the ruins of what was an old house that is currently on the site. The applicant was advised that the proposal did not comply with Council policies and that any application would be unlikely to be supported.
- 1.4 Supporting Information: The following documents were submitted in support of the application:
  - Design and Access Statement
  - Occupational Needs Assessment
  - Business Plan
  - Structural Report
  - Private Access Checklist
  - Drainage Statement
- 1.5 Variations: There have been no variations to the application since its submission.

#### 2. SITE DESCRIPTION

2.1 The application site sits approximately 220m to the north east of the Lower Muckovie farm complex, within a corner of an agricultural field. The site contains the remains of an old single storey cottage. The cottage is in a ruinous state with no roof or windows remaining; partially collapsed walls; and a floor which is overgrown with vegetation. The curtilage of the house is no longer visible and has been incorporated into the working field. The site is elevated and sloping and is clearly visible from the pubic road. Other than those within the farm complex there are no other houses within 400m of the site.

### 3. PLANNING HISTORY

3.1 17/01024/FUL 17/01024/FUL, Redevelopment to provide new 02.03.2017 house with access (REFUSED)

#### 4. PUBLIC PARTICIPATION

4.1 Advertised: Unknown Neighbour

Date Advertised: 19.01.18

Representation deadline: 08.02.18

Timeous representations: 1 representation from 1 household

Late representations: 1 representation from 1 household (as above)

- 4.2 Material considerations raised are summarised as follows:
  - The proposal has no planning justification the applicant is not a farmer and has no association with Lower Muckovie Farm. The previous application made no reference to farming alpacas. The site is a greenfield site close to thousands of houses and approved building zones where a field could be rented for any farming requirements. Even if an agricultural need could be argued the house could be tucked in the corner of a field somewhere else on the farm, not right in the middle of the field in a highly visible location. The proposed building has no relevance to the 250 year old cottage which once stood there. Lower Muckovie Farm is no longer actively farmed; the farmer retired many years ago. The site has not yet been purchased and field has not been rented. There is no guarantee the field will be available in the long term. The applicant lives only a 3-4 minute drive away from the site; any business will be a hobby farm; it could take years to reach the volume of alpacas to justify 1 labour unit; it is highly unlikely that farmers will rent alpacas to protect their sheep; the business could be started anywhere.
- 4.3 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet <a href="www.wam.highland.gov.uk/wam">www.wam.highland.gov.uk/wam</a>.

#### 5. CONSULTATIONS

- 5.1 Agricultural Officer: Does not consider there are sufficient grounds on which to support the agricultural justification for a house in this case.
- 5.2 Development Plans Team: The proposal, in its current form, is inconsistent with HwLDP Policy 35 and its associated Supplementary Guidance. There is insufficient rationale for a new house to be constructed specifically in this location, particularly so close to the city. It may be more appropriate for the applicant to consider purchasing an existing house elsewhere with land attached or land in the countryside with greater potential for a new house to be acceptable, for example, within an existing housing group.

#### 6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

#### 6.1 Highland Wide Local Development Plan 2012

- 28 Sustainable Design
- 29 Design Quality & Place-making
- 35 Housing in the Countryside (Hinterland Areas)
- 65 Waste Water Treatment
- 66 Surface Water Drainage

#### 6.2 Inner Moray Firth Local Plan 2015

No site specific policies

#### 7. OTHER MATERIAL CONSIDERATIONS

### 7.1 Highland Council Supplementary Planning Policy Guidance

Access to Single Houses and Small Housing Developments (May 2011) Housing in the Countryside and Siting and Design (March 2013)

#### 7.2 Scottish Government Planning Policy and Guidance

SPP

#### 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.

#### **Determining Issues**

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.

#### Planning Considerations

- 8.3 The key considerations in this case are:
  - a) compliance with the development plan and other planning policy
  - b) siting and design
  - c) any other material considerations.

### Development plan/other planning policy

- 8.4 The site sits within the Hinterland of Inverness therefore Policy 35 of the Highland wide Local Development Plan (Housing in the Countryside) applies. This presumes against sporadic housing development within the hinterland unless it can be demonstrated that it meets one of the exceptions to the policy as set out in the Council's Housing in the Countryside and Siting and Design Supplementary Planning Guidance. Possible exceptions include housing to support agricultural or rural business enterprises, infill or rounding off of existing housing groups, redevelopment of redundant traditional buildings or housing in garden ground.
- 8.5 The previous (refused) application sought permission on the basis of the policy exception which allows for the rehabilitation/replacement of an existing house and redevelopment of previously used land. It was, however, determined that the remains of the cottage no longer exhibit the basic characteristics of a house as defined by the Supplementary Guidance and the proposal could not, therefore comply with the policy. This current application has been accompanied by an agricultural business proposal for the breeding of alpacas. This proposal shall

therefore be assessed on the agricultural need and rural business exceptions to the Housing in the Countryside Policy.

- 8.6 In previous years the Council routinely used legal agreements in order to tie new houses to the agricultural land or business to which they relate. Planning Conditions have also been used in the past to restrict occupation of housing to those who manage the land. Both these approaches are now considered to conflict with national policy and recent advice from the Scottish Government. The Planning, Development and Infrastructure Committee therefore agreed in May 2016 that legal agreements would no longer be used in such cases, and instead, more stringent criteria would be used to assess housing in the countryside.
- 8.7 The Housing in the Countryside Policy was put in place in order to restrict sporadic housing within the areas around the larger towns where the greatest pressure for commuter related housing is found, in order to prevent the suburbanisation of the countryside. The land management exception to the policy states that a house can only be supported where it is **essential for land management or family purposes related to the management of the land**. Any proposal must be accompanied by an independent statement to support the need for the house in relation to the proper functioning of the farm holding.
- The applicant does not appear to have any financial or familial link to the 8.8 application site. He has an option to buy a 0.4ha piece of land for the house site if planning permission is granted and states that he also has the option to rent a further 5.4ha piece of land adjacent to the house site. Again, this financial transaction would only take place if planning permission is first granted. The Council understands that Lower Muckovie Farm is not currently farmed as a single agricultural unit, but that the land is rented out to various other parties. There is no evidence to suggest that the business proposal to raise alpacas is essential to the management of the land or that there is any succession farming requirement. proposal therefore does not comply with the aim of the agricultural exception to the Housing in the Countryside policy, which is to help farmers who need assistance in managing their land but are in locations where there is no suitable housing nearby; or to help with succession farming, allowing retiring farmers to continue to live on the land while allowing it to be suitably managed. The proposal does not demonstrate a justifiable agricultural need - it is purely a business proposal between the applicant and landowner for the sale of a piece of land in order to build a house and rent of a further piece of land to facilitate a rural business. The proposal must therefore be considered unacceptable on the basis of land management criteria...
- 8.9 Assessment under the rural business policy exception has also been considered. This states that applicants must provide a comprehensive supporting statement detailing:
  - a description of the proposed business including extent, operations, infrastructure and labour requirements
  - information on how the proposed changes are to be funded, including evidence that the proposal is financially viable and sustainable
  - information on who is to reside in the house and where they live now
  - evidence of why it is necessary to the business that accommodation is

- actually needed on site.
- Why a rural location is appropriate to the business
- The potential to use existing accommodation in the area
- Whether there is demand for what is proposed.
- 8.10 The outcome of the review by the 2016 PDI Committee is that the Council will seek the submission of a business case that demonstrates why the rural business/agricultural worker needs to be accommodated on site. Where there is doubt surrounding the strength of the business plan/needs assessment a full review of the planning history of the land holding should be made and for agricultural accommodation, assessment of the size of house to ensure this remains ancillary and proportionate to the main farmhouse. It further states that where an applicant does not satisfy the above criteria, the appropriateness of permission for temporary accommodation on site, to allow a new business to become established, can be considered. Given the close proximity of such large amounts of alternative housing it is not considered that temporary accommodation would be necessary in this instance.
- 8.11 The business proposal is for the purchase and rearing of alpacas (up to a maximum of 31 alpacas and 30 young alpacas (cria) for the manufacture of alpaca fibre and the rearing and sale of cria. The applicant has full-time employment elsewhere therefore the day to day running of the business will be undertaken by his wife.
- 8.12 A brief 5 year business plan was submitted with the application. It states that the initial investment will be provided by the applicant's personal savings and that no profit is anticipated within the first 5 years while stock levels are built up. This does not demonstrate that the proposal is financially viable and sustainable. It is unclear what levels of stock the figures relate to.
- 8.13 A fuller description of the proposed enterprise is provided by an Occupational Needs Assessment (ONA), prepared by SAC Consulting, which has subsequently been revised and updated to take account of comments submitted by the Development Plans Team. The revised ONA states that the applicant has no stock at present but that alpacas will be introduced and numbers increased gradually, up to an anticipated number of 31 alpacas and 30 cria. Based on these figures SAC have calculated a labour unit equivalent of 1.069. This calculation is based on an aspirational stocking number which will be reached at some point in the future. No indication of initial stocking levels or anticipated growth per annum has been provided in either the Business Plan or ONA. SAC have no standard data for alpaca production, therefore they have used figures for pedigree beef cattle instead. It was suggested by the Development Plans Team that this may not be comparable and sheep may be a better comparison. In response, SAC have provided a comparable figure using sheep data which works out as a labour unit equivalent of only 0.28, however the author stands by the previous calculation based on the more specialist requirements of rare breed livestock. It is likely that the actual figure will fall somewhere between these two figures, and even then, only when the business reaches full capacity.
- 8.14 The original Occupational Needs Assessment was assessed by an independent agricultural consultant on behalf of the Council. This raises concerns that the

applicants do not own the 5.4ha of land and do not have any security of tenure over this land. The calculation for labour requirement could therefore only be done on the basis of the 0.4ha of land that is stated in the Occupational Needs Assessment as being owned by the applicant (It should be noted that it has since been confirmed by the applicant that no land has actually been bought yet and it will only be purchased if planning permission is granted). Only 5 alpacas could be sustained on the 0.4ha of land and the total labour requirement for this land would fall significantly under the minimum 1 labour unit (1900 hours work per annum) normally required in order to justify a house on site. The consultant concludes that there are insufficient grounds on which to support the agricultural justification for this case.

- 8.15 The Development Plans Team were consulted on the proposal and raised a number of concerns:
  - The appropriateness of the use of pedigree beef cattle figures in the absence of standard data for alpacas. A more realistic comparison may be pedigree sheep.
  - No indication has been given about the length of time it would take to build a herd of the size upon which the labour unit figures are calculated.
  - Given the site's proximity to the City of Inverness (approximately 500m from the defined boundary in the Inner Moray Firth Local Development Plan) there is potential for the applicants to purchase a property nearby that would allow for the animals to be tended to on a regular basis. The Supplementary Guidance and 2016 Briefing Note both require that the potential to use existing accommodation in the area is explored. The Planning Statement states that there is no vacant accommodation at Lower Muckovie Farm but does not explore the potential for accommodation in Inverness.
  - There is no security of tenure on the 5.4hectares of land. While the SG does not require that the land must be owned by the applicant prior to planning permission being granted, without any security of tenure there is a risk that the proposed agricultural enterprise may not be pursued. Without the ability to use legal agreements to tie the proposed housing to the operational land, planning authorities are left with very little control should the house be built without the business being developed. This is why the Council is increasingly stringent when assessing the need for a house related to a new business.
  - The Business Plan is very brief and not wholly consistent with the operational Needs Assessment in terms of the selling of alpaca fibre and breeding of sheep. Given the limited information provided in the Business Plan it is questioned whether there is genuine demand for alpaca cria and/or fibre and whether the business would be financially viable and sustainable.

They concluded that there is insufficient rationale for a new house in this location, so close to the city, and that it may be more appropriate for the applicant to consider purchasing an existing house elsewhere with land attached or land in the countryside with greater potential for a new house to be acceptable, for example, within an existing housing group.

8.16 There appears to be no land ownership or family reason for the business to be located in this position. The amount of land required is relatively small and no land

has yet been purchased/rented. While the business proposal is clearly suited to a rural location, the application site is on the edge of Inverness where there are a large number of housing opportunities of all tenures. It is understood that where proposals concern livestock it is preferable to live within close proximity, however there is a large amount of housing in the Cradlehall and Milton of Leys areas, both of which are within a 3-7 minute drive of the site. Indeed, the application site is only 1.5 miles (5 minute drive) from the applicant's present address. The ONA states that while it may be more practical to have a house on site, the remote management of a herd of alpacas is entirely possible from an animal welfare and day to day management perspective. Presumably, therefore, it would be possible for the proposed business to be established from an existing house, or for a house with associated land to be purchased elsewhere which would meet the needs of the applicant and their business aspirations. Alternatively, a house site which better conforms to the Housing in the Countryside Policy could be considered. This would correspond with the Committee decision of May 2016 which states that a sequential approach to siting should be used in the selection of suitable sites for housing to support rural businesses / agriculture.

#### Siting and Design

- 8.17 It was agreed by the Highland Council PDI Committee in 2016 that in the absence of legal agreements, more stringent criteria would be adopted to assess housing in the countryside proposals within the Hinterland. This includes site selection, siting and design. Applicants must demonstrate the best possible site selection including prior consideration of the scope to renovate, convert or redevelop existing domestic or non-domestic buildings, applicants must also demonstrate an appropriate siting and design for any house proposed, regardless of operational need. A sequential approach should be followed to:
  - identify and consider any suitable buildings which lend themselves to conversion;
  - identify and consider any opportunities for infill or rounding off either related to existing buildings or groupings; and
  - identify the most suitable site available to the applicant based on land ownership (plan of ownership to be provided).

There is an inherent assumption that the applicant will have ownership or control over the land, however in this instance the applicant does not own any land in the area, therefore the options to convert existing buildings or identify the most suitable site based on land ownership are not relevant. The Planning Statement submitted with the application states that there is no suitable vacant accommodation at Lower Muckovie Farm, however no evidence has been provided to suggest that consideration has been given to rounding off of the group of housing and farm buildings at Lower Muckovie. Again, land ownership may restrict options in this regard.

8.18 The application site sits on an area of elevated ground overlooking Inverness and the Moray Firth. The surrounding landscape is undulating grassland with hedgerows and scattered trees. The settlement pattern is generally for scattered single houses situated close to the road. Two longer tracks lead east to Lower Muckovie Farm and Upper Muckovie Farm. These follow the traditional pattern of

long straight access roads with the farm complexes at the end. The application site would extend development beyond the farm complex of Lower Muckovie further to the east. This is not in keeping with the settlement pattern of recent housing which has all been situated close to the public road. Clearly there is historic precedent for a house in this location, demonstrated by the ruins of the cottage; however the footprint and scale of the ruin is tiny in comparison with the proposed 2 storey house. It would be viewed from the B9177 and at the scale proposed would result in an unwelcome intrusion in an area of open countryside, significantly greater than the remains of the existing building.

- 8.19 The proposed house design utilises traditional building form and finishing materials (natural stone and slate) to good effect. The resulting design is of a high quality and in terms of siting and design would be acceptable in a location more in keeping with the settlement pattern of the area.
- 8.20 The proposal is for an additional access to be created rather than the existing track being upgraded. This would provide a dedicated access for the house from the farmyard onwards, however will result in 2 accesses very close to one another. Further more, both tracks will need to go straight through the Lower Muckovie farmyard in order to access the public road. This has implications for potential conflict between residential and farm traffic.

#### Other material considerations

8.21 There are no other material considerations.

Matters to be secured by Section 75 Agreement

8.22 a) None

#### 9. CONCLUSION

- 9.1 There are no concerns with the proposal for a small business to rear alpacas on the application site. However the applicant has failed to demonstrate that it is necessary for a new house to be built to support such a business. The applicant has full-time employment elsewhere therefore the business would be run by the applicant's wife and only when the business has grown to a certain level would it (potentially) provide enough work for a full-time person. The Business Plan does not set out a clear strategy for growth therefore it is unclear how long it would take for the business to be able to support a person in employment full-time as is required by policy. It is a basic assumption of the Housing in the Countryside Policy exception that a house can only be considered if there is enough employment to support at least one full time worker. It has not been demonstrated that this will be the case and there is some ambiguity over the standard data used to calculate the figures which adds to this uncertainty.
- 9.2 The purpose of the business exception to the Housing in the Countryside policy is to ensure that rural businesses can succeed in areas where there is no local housing available. This site is on the very edge of Inverness, within a 3-7 minute drive of hundreds of houses in the Milton-of-Leys and Cradlehall areas, including the applicant's current home. It is therefore considered reasonable that the alpaca

business could be established and successfully managed from an existing house, at least in the short to medium term. SAC have confirmed that remote management of a herd of alpacas is possible. In the event that the business was to grow to the extent that greater animal welfare was required due to higher stocking levels, then the principle of a house to support the business could potentially be reconsidered if a suitable site could be found. At this point there would be an established business which is clearly viable and sustainable. As things stand, the Council has no control over the future of the site once planning permission is granted. The applicant has not purchased or rented any of the land; therefore it would be entirely possible and legal for him to build the house but fail to establish the business at all.

- 9.3 Notwithstanding the above, with regard to Siting and design criteria as set out in the Council's Supplementary Guidance, it is not considered that a house of the proposed size and scale is appropriate in this location. While there is historic precedent for a small cottage (the remains of which remain in situ) the proposed house is significantly larger and in a visually prominent position which does not reflect the established settlement pattern of the area. That said, the overall house design and use of traditional materials is of a high quality and could be supported in a location which complies with the Housing in the Countryside Policy where, for example, it would round off or infill an existing housing group.
- 9.4 The applicant has failed to demonstrate that the business would be economically viable or sustainable; that it is necessary to live on site; that the potential for utilising existing accommodation has been exhausted; and that a sequential approach to selecting a house site has been taken. It is therefore considered that the proposal does not comply with Policy 35 of the Highland wide Local Development Plan (Housing in the Countryside) and cannot be supported. Furthermore it fails to demonstrate sensitive siting in keeping with local character and is also contrary to Policy 28 of the Highland wide Local Development Plan.
- 9.5 All relevant matters have been taken into account when appraising this application. It is considered that the proposal does not accord with the principles and policies contained within the Development Plan and is unacceptable in terms of 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

Notification to Scottish Ministers N

Conclusion of Section 75 Obligation N

Revocation of previous permission N

**Subject to the above,** it is recommended that planning permission be **REFUSED,** subject to the following:

#### Reasons for Refusal

- 1. The proposal is situated within the Hinterland of Inverness where there is a presumption against single houses in the open countryside unless it can be demonstrated that they meet one of the exceptions to the policy as set out in the Housing in the Countryside Siting and Design Supplementary Guidance (March 2013). It has not been sufficiently demonstrated that a house is necessary in order to support a rural business in this location, due to the close proximity of existing, suitable, alternative accommodation. This proposal does not, therefore, meet any of the exceptions listed within this policy guidance and therefore, if approved, would be contrary to the provisions of the approved Highland wide Local Development Plan in general and Policy 35 (Housing in the Countryside) in particular.
- 2. The proposal, if granted, would have an unacceptable visual impact within an area of open countryside, due to the scale of the building and its position, to the detriment of the established settlement pattern of the area, and contrary to Policy 28 (Sustainable Design) of the Highland wide Local Development Plan which states that developments should demonstrate sensitive siting and high quality design in keeping with local character.

Signature: Nicola Drummond

Designation: Area Planning Manager – South/Major Developments

Author: Christine Macleod

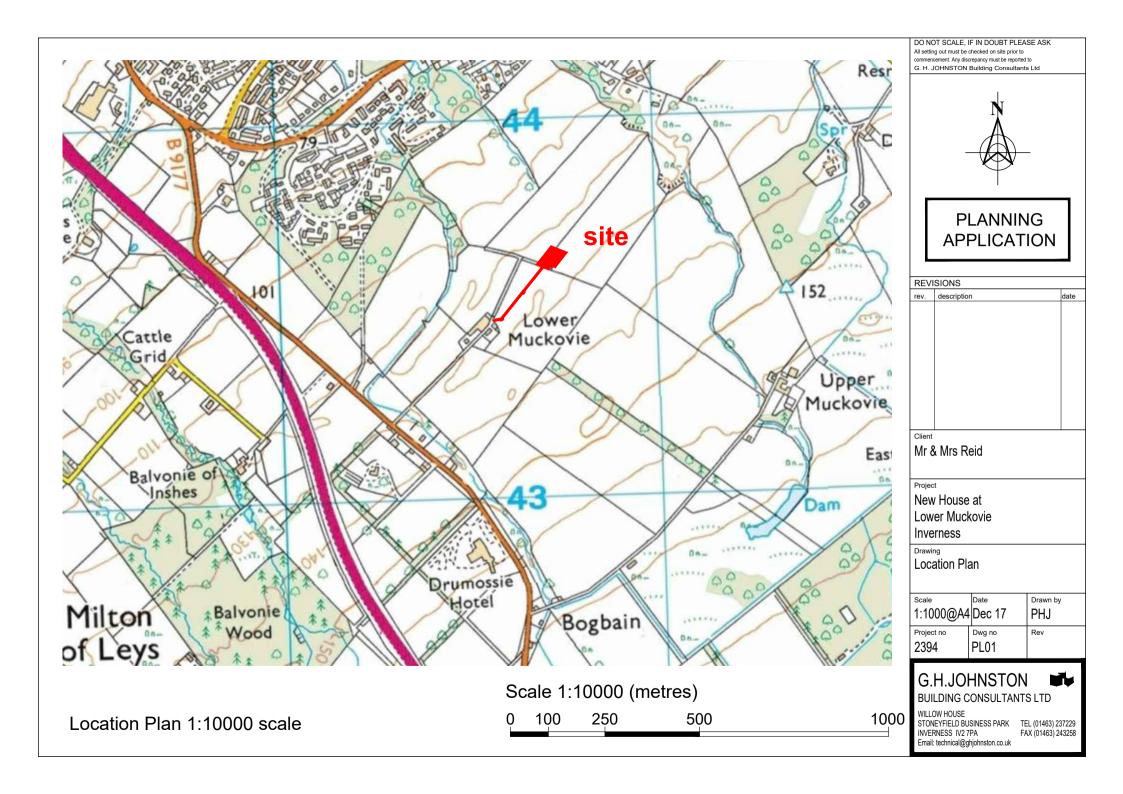
Background Papers: Documents referred to in report and in case file.

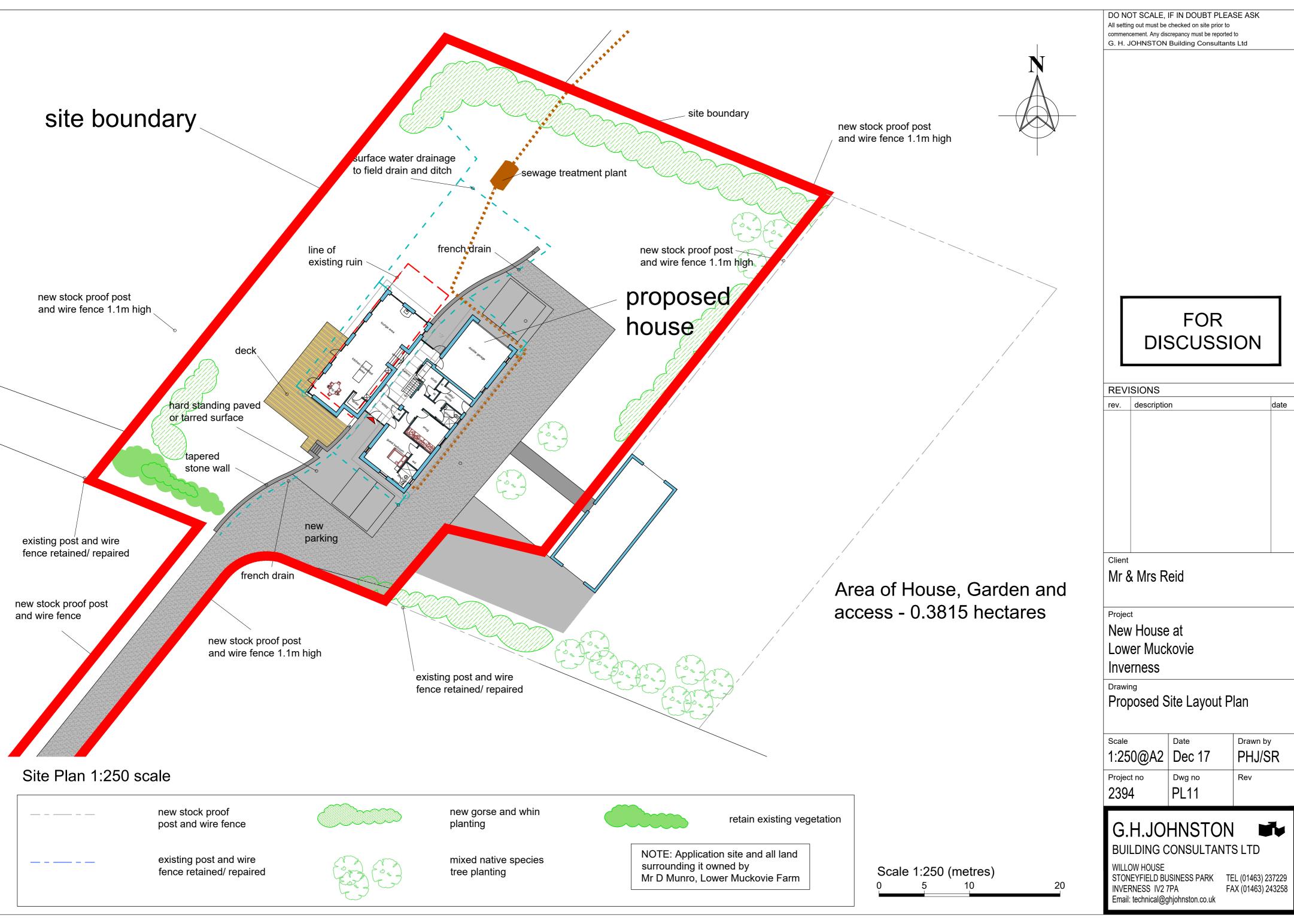
Relevant Plans: Plan 1 - PL01 - Location Plan

Plan 2 – PL11 - Site Layout Plan

Plan 3 – PL12 Site Layout with Access

Plan 4 - PL09 - Elevations
Plan 5 - PL10 - Elevations
Plan 6 - PL08 - Floor Plan





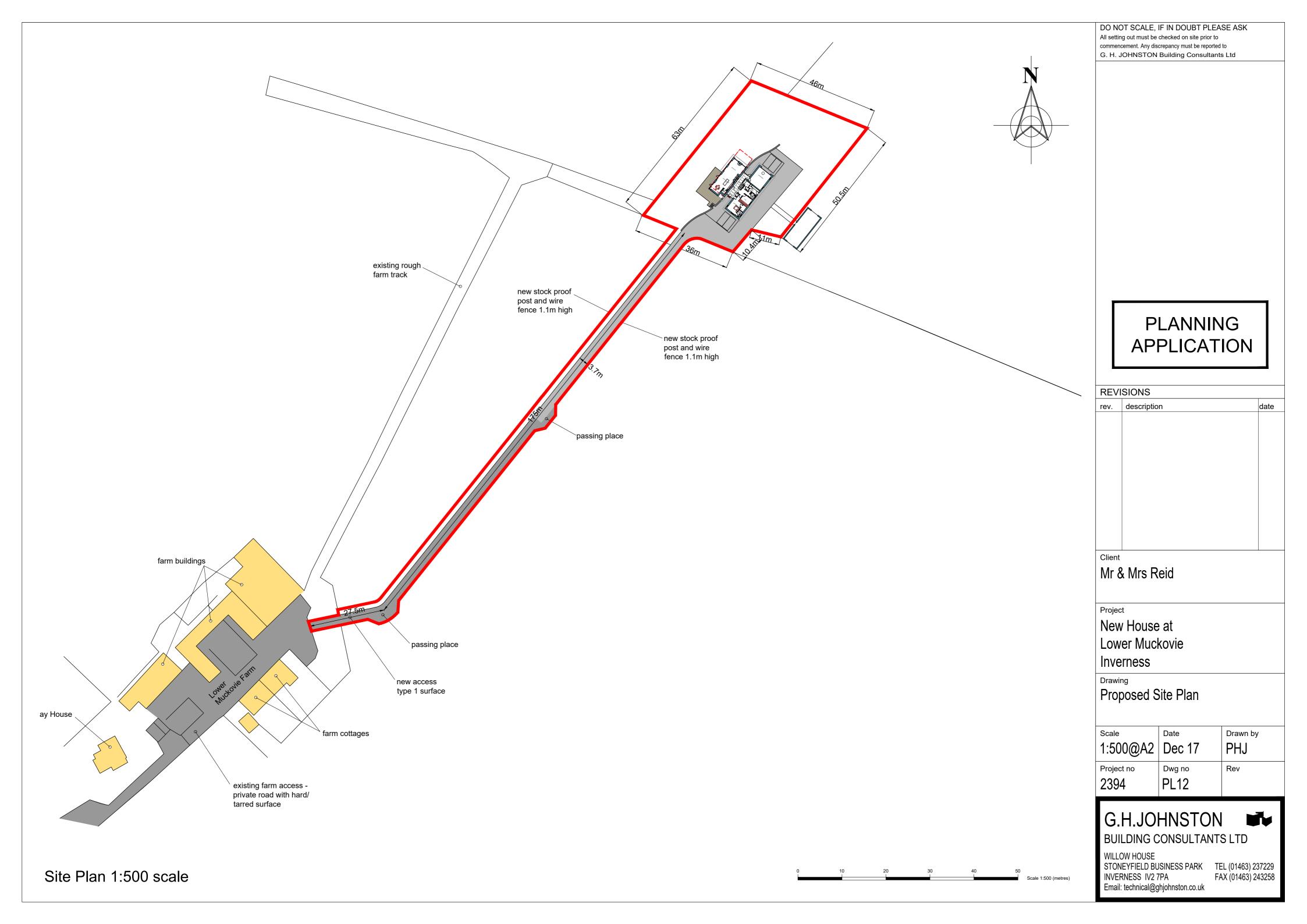
All setting out must be checked on site prior to commencement. Any discrepancy must be reported to G. H. JOHNSTON Building Consultants Ltd

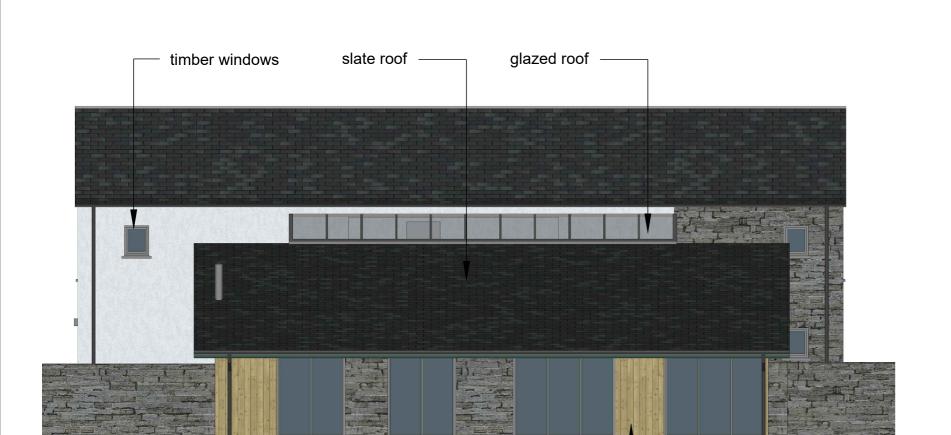
# **DISCUSSION**

REVISIONS		
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Project no	Dwg no	Rev
2394	PL11	

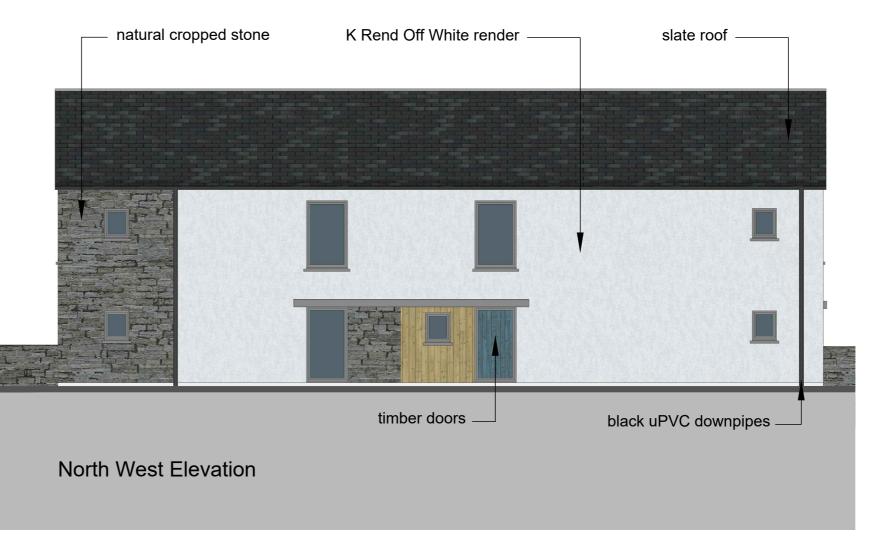






larch cladding -

timber decking



PLANNING **APPLICATION** 

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REVISIONS rev. description date

Mr & Mrs Reid

Project

New House at Lower Muckovie Inverness

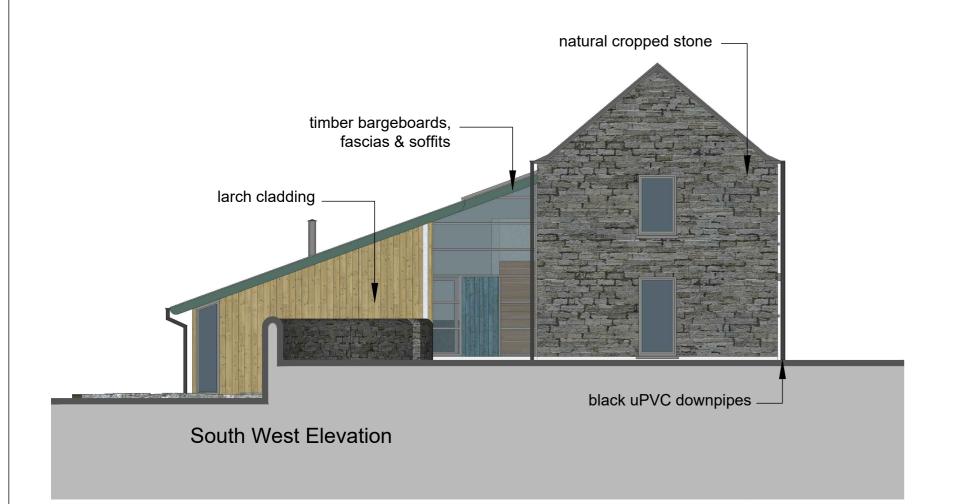
Drawing

Proposed Elevations

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1:100@A2	Dec 17	PHJ/SR
Project no	Dwg no	Rev
2394	PL09	

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Elevations Plans 1:100 scale

North West Elevation





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## **PLANNING APPLICATION**

REVISIONS				
	rev.	description	date	

Mr & Mrs Reid

Client

Project New House at Lower Muckovie

Inverness Drawing

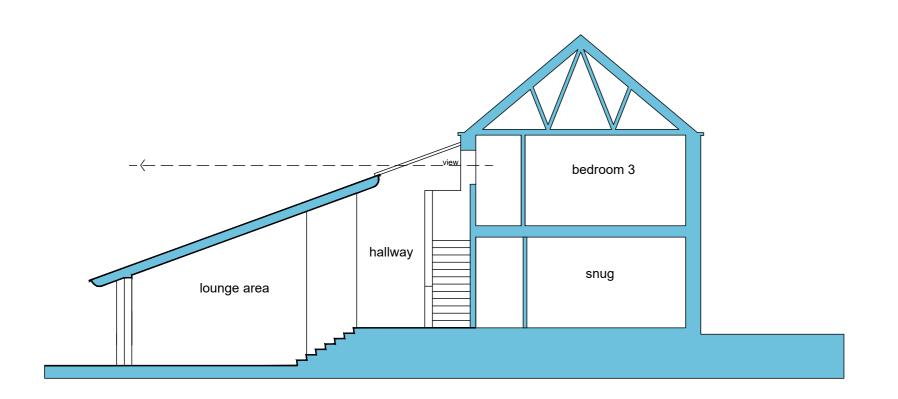
3D Renders

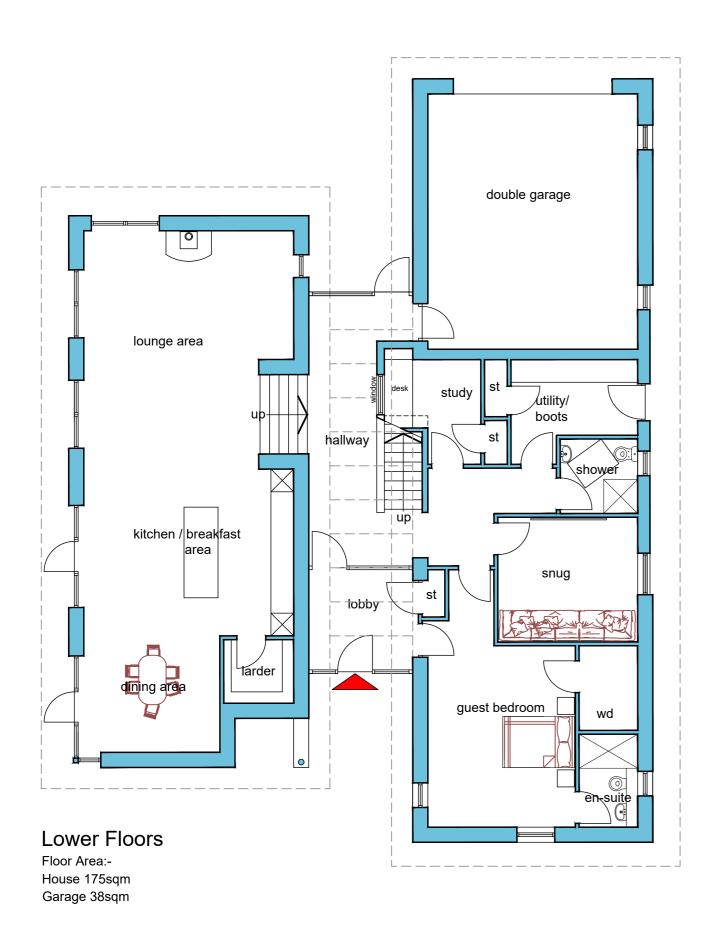
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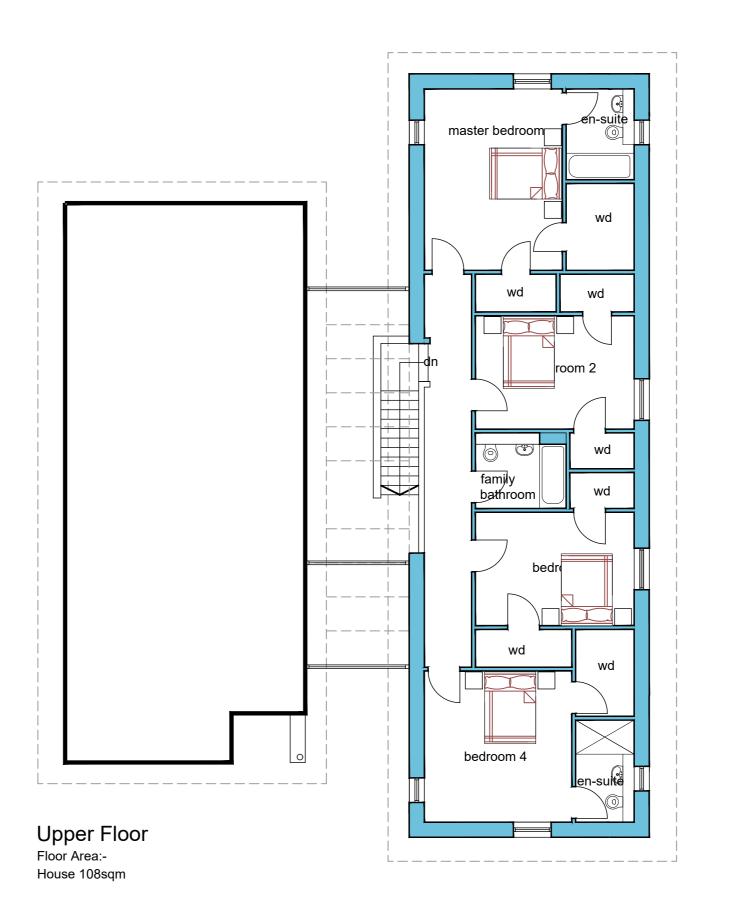
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WILLOW HOUSE STONEYFIELD BUSINESS PARK INVERNESS IV2 7PA

TEL (01463) 237229 FAX (01463) 243258 Email: technical@ghjohnston.co.uk







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## PLANNING **APPLICATION**

REVISIONS			
rev.	description	date	

Mr & Mrs Reid

Project

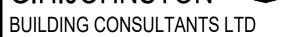
New House at Lower Muckovie

Inverness Drawing

Proposed Floor Plans & Typical Section

Scale	Date	Drawn by
1:100@A2	Dec 17	SR
Project no	Dwg no	Rev
2394	PL08	

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WILLOW HOUSE
STONEYFIELD BUSINESS PARK
INVERNESS IV2 7PA
Email: technical@ghjohnston.co.uk

TEL (01463) 237229
FAX (01463) 243258