

Agenda Item	6.4
Report No	PLS 043/18

## HIGHLAND COUNCIL

**Committee:** South Planning Applications Committee

**Date:** 12 June 2018

**Report Title:** 17/02631/FUL: Mr Jon Sellers  
Land 1060M NE of Torr na H'Innse, Sandaig Bay, Inverie

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

### **Purpose/Executive Summary**

**Description:** Erection of house (plot 2)

**Ward:** 11 - Caol And Mallaig

**Development category:** Local

**Reason referred to Committee:** applications recommended for refusal and where Members of the Highland Council for the Ward in which the development is proposed, having been given prior notification of the recommendation of refusal, by majority request in writing within 5 working days of such notification that the application be referred to the relevant Planning Applications Committee.

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** as set out in section 11 of the report.

## **1. PROPOSED DEVELOPMENT**

- 1.1 Planning permission in principle is sought for a house just below the public road, approx 6km NW of the pier at Inverie in Knoydart. This would be one of a pair of houses sited side by side to the SE of the private track which leads down to Sandaig. The indicative footprint shows a rectangular shaped house aligned parallel with the public road. No details of design are proposed at this stage, given it is an application for Planning In Principle.
- 1.2 This site, together with plot 1 (app ref.17/02619/PIP) would be accessed directly off the public road, a shared access being sited in between the two proposed houses. Water supply and foul drainage would be private – foul drainage to individual septic tanks with soakaways, one for each house, one of which (for this plot) may have been installed already. It is proposed to provide a sustainable surface water drainage scheme.
- 1.3 Pre Application Consultation: No pre-application discussions. The applications were forthcoming following enforcement investigations into the construction of a shed and groundworks on the plot.
- 1.4 Supporting Information: Supporting statement, private access checklist, supporting documentation including details of historic settlements on Knoydart, an extract from the Results of Knoydart Community Plan Survey (Jan 2018), and 11 letters of support from Knoydart residents.
- 1.5 Variations: None

## **2. SITE DESCRIPTION**

- 2.1 This site would measure 0.3Ha, less than half the size of the adjacent plot 1. This plot would be bounded by the public road behind, to the NE, and plot 1 would be along its NW boundary. There is open ground to the SE and south. The plot width at the roadside would be 34m across, widening to 44m in front of the proposed house.

The public road crosses the Sandaig Burn a short distance to the NW of the sites, and forms a deep ravine in the rising land behind. A smaller watercourse runs alongside the SE boundary of this plot.

The plot itself is fairly level open ground, grassy and wet.

## **3. PLANNING HISTORY - None**

## **4. PUBLIC PARTICIPATION**

- 4.1 Advertised: Unknown neighbour

Date Advertised: 22.06.17

Representation deadline: 06.07.17

Timeous representations: 1 (support)

Late representations: 2 ( 1 support, 1 neutral)

4.2 Material considerations raised are summarised as follows:

- a) One nearby resident expressed concern at the proposed siting of the foul drainage arrangements, because their water supply is taken from this area
- b) Design should be of a style that fits in with the local environment
- c) Permission should be given provided the local community are in support
- d) Location is suitable because it is next to the road, and within 1km of the coast
- e) There is a need for local housing on Knoydart

Other points made in letters submitted by the applicant from 13 local individuals and couples in support of the proposals:

- The applicants have lived (in tied accommodation) on Knoydart for a considerable time and brought up family there
- There is plenty of evidence of past habitation on Knoydart away from the coast
- Houses have recently been granted planning permission away from the coast – along the Guiserein road in Inverie for example
- Plenty of examples of housing “up the hill” around Morar and on the Sleat peninsula of Skye
- No trees would be affected
- No conflict with adjacent land uses
- No adverse impact on natural, cultural or heritage features, protected species or scenic qualities
- This site was previously cleared at the end of WWII
- Sites can be readily serviced
- The applicants currently live in a remote location and are used to taking their children to school themselves, they are used to managing a diesel generator and take their rubbish to the collection point in Inverie – in these respects the proposed site would be no different
- Not in a flood risk area
- Design would be in keeping with the landscape and existing buildings on Knoydart
- The proposal would support the community in enabling these two families to remain on Knoydart
- Being half way between Inverie and Aior this can help with the safety of visitors

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).

## 5. CONSULTATIONS

5.1 **Environmental Health** : Further details sought for water supply and foul drainage.

5.2 **Historic Environment Team** : Evidence of substantial features of occupation and agricultural use remaining in the vicinity however these are of low archaeological value. The retention of these features where they cross the plots would be preferred. Condition recommended to secure a basic photographic record of

representative samples of the dykes and any other features.

## **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

36 - Development in the Wider Countryside

55 - Peat and Soils

56 - Travel

57 - Natural, Built & Cultural Heritage

58 - Protected Species

61 - Landscape

### **6.2 West Highland and Islands Local Plan 2010 (as continued in force)**

### **6.3 Proposed West Highland and Islands Local Development Plan 2017**

Lochaber Potential Community Plan Settlements

Community Groups representing Rum, Eigg, Canna, Inverie (Knoydart), Achnacarry, Bunarkaig, and Clunes have each recorded an initial interest in preparing a Community Plan for their area. The Isle of Rum has produced a Community Land Use Plan, which has been endorsed by the Highland Council as Interim Supplementary Guidance, which provides a good example of what other communities (including Knoydart) could produce in terms of process and content. A guiding list of principles is stated in the WHILDP which any community plan should comply with:

Inverie (Knoydart)

- To provide detailed locational guidance to secure exceptional siting and architectural design of housing and other development so that the heritage features that surround and overlap the village are not compromised, in particular the National Scenic Area designation.
- To support further development in proportion to the limited servicing and heritage constraint capacity of the peninsula
- To direct most significant development close to the ferry terminal and within active travel reach of the peninsula's community and commercial facilities.

## **7. OTHER MATERIAL CONSIDERATIONS**

### **7.1 Highland Council Supplementary Planning Policy Guidance**

Access to Single Houses and Small Housing Developments (May 2011)

Highland's Statutorily Protected Species (March 2013)

Housing in the Countryside and Siting and Design (March 2013)

Sustainable Design Guide (Jan 2013)

## 7.2 **Scottish Government Planning Policy and Guidance**

83. In remote rural areas, where new development can often help to sustain fragile communities, plans and decision-making should generally:
- encourage sustainable development that will provide employment;
  - support and sustain fragile and dispersed communities through provision for appropriate development, especially housing and community-owned energy;
  - include provision for small-scale housing and other development which supports sustainable economic growth in a range of locations, taking account of environmental protection policies and addressing issues of location, access, siting, design and environmental impact;
  - where appropriate, allow the construction of single houses outwith settlements provided they are well sited and designed to fit with local landscape character, taking account of landscape protection and other plan policies;
  - not impose occupancy restrictions on housing
212. Development that affects a National Park, National Scenic Area, Site of Special Scientific Interest or a National Nature Reserve should only be permitted where:
- the objectives of designation and the overall integrity of the area will not be compromised; or
  - any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance.

## **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) contribution to the economic and social development of the community on Knoydart
  - c) impact on settlement pattern

- d) impact on Knoydart National Scenic Area
- e) impact of service provision
- f) sustainability of the development
- g) any other material considerations
- h) (Design is not for consideration at this Planning permission in principle stage).

#### Development plan/other planning policy

#### 8.4 Principle

The site is within the Wider Countryside, and within a “fragile area” as defined in the HwLDP. Policy 36 requires proposals in the wider countryside to be assessed against 6 bullet points. These deal with how a proposal would fit into the existing pattern of development in an area, its siting and design, and whether proposals would be compatible with landscape character and capacity. The proposal, together with that for plot 1, would be remote from any other residential development and they would introduce the first and only housing alongside this road between Scottas/Glaschoille, where the road leaves the south coast of the peninsula, and Airor on the north west coast. There are scattered dwellings and small groups of houses in between these points, however these are on or close to the shore and set down off the public road. Whilst there are houses away from the shore, including several recently granted planning permission, these are closer to Inverie and amongst existing groups of houses. There are no existing dwelling houses along this section of the public road, where it crosses the western part of the peninsula until it drops down to the coast at Airor. Historically there was habitation away from the coast and close to the burns. However, the presence of past habitation does not necessarily mean that a site is acceptable for current residential development in terms of settlement pattern, landscape character and capacity.

- 8.5 The Housing in the Countryside SPG states that a sequential approach should be adopted in the wider countryside and that new housing of an appropriate location, scale, design and materials may be acceptable, particularly where it supports communities experiencing difficulty in maintaining population and services. In these areas however, the settlements are the preferred locations for most development. Next in this sequential approach would be rounding off and infilling existing housing groups. This is not the case here.
- 8.6 The plots are not croftland, and crofting interests would not be affected by the proposals. Servicing and the sites’ sustainability are other relevant issues that are addressed further below.
- 8.7 The proposals would help to support the community on Knoydart, in maintaining population and services, and this is an important consideration that carries significant weight, included in policy 36. However the proposal would conflict with a number of parts of policy 36, particularly the need for appropriate siting, for being in sympathy with existing patterns of development and for compatibility with the character and capacity of the landscape. On balance, the proposed development would not accord with policy 36.

- 8.8 The community in Knoydart has expressed initial interest in preparing a Community led land use plan for their area, and this is acknowledged in the WHILDP. Background work has evidently commenced towards preparation of such a plan, however no Community Land Use Plan has yet been drawn up. An extract from the results of the Knoydart Community Plan Survey from Jan 2018 is included as part of the applicant's supporting statement. This will inform the eventual development of such a plan. The survey listed improvement of local housing options/issues as a No.1 priority, and attracting more people to live on Knoydart was listed in Priority list 2.

It would be appropriate for these 2 house plots to be considered as part of such a Community plan as it is drawn up. At present however these 2 plots are not identified or included as part of any strategic plan for the area. If they were included in such a plan, this would carry more weight once adopted as part of the development plan.

#### Impact on landscape/National Scenic Area

- 8.9 Knoydart is the last major area on the UK mainland not to be connected to the road network; roads reach only to the periphery, with entry to the interior only possible by ferry or a long walk in. Human activity and influences are confined to the coastal strip, and vast areas remain uninhabited. However, traces of former settlements do indicate a long history of habitation pre-dating the clearances (c.1850s). Knoydart is frequently viewed from a distance, and this part of Knoydart is prominent from Mallaig and the Sleat peninsula.
- 8.10 Policy 57 states that development will be allowed that would not compromise the natural environment, including features of national importance, such as the NSA. Where adverse effects would occur, to be acceptable these must be outweighed by social or economic benefits of national importance. Also, the development must support communities in fragile areas who are having difficulty in keeping their population and services. The development of 1 or 2 plots in this isolated location, which is quite elevated (at 90m) beyond the coastline above Sandaig Bay would introduce built development into an area that is otherwise completely devoid of buildings. If these developments were allowed they would set a precedent for further sporadic development along this road, which would be significantly detrimental to the integrity of the NSA.
- 8.11 The development of one or two houses would not constitute development of national importance, and whilst the social and economic benefits of additional housing on Knoydart is recognised, this benefit could be delivered in an alternative location that fits better into the settlement pattern and is more sympathetic to the landscape.
- 8.12 The proposed plots are on a bare, open hillside, with rising ground behind, and extensive views in either direction along the road. This landscape is on the transition between "Rugged coastal hills" and "Rocky Coastland" as defined in the Lochaber Landscape Character Assessment. One of the stated aims in the LCA is to conserve traditional settlement patterns which are small and utilise existing loch-side shelter. Such locations can be sympathetic where infrastructure requirements do not dominate. Isolated cottages along the rocky coastland should be contained

using the natural landform to provide shelter, and simple designs with whitewashed finishes help new development to fit into the landscape.

- 8.13 The proposal for one or two houses on the plots proposed would not be contained within the landscape in this location, and they would be highly prominent in views closer to the sites. They would also be visible from Loch Nevis, and from across the water from the shore east of Mallaig and from the Sleat peninsula, particularly when lit at night, in an otherwise uninhabited part of Knoydart. The proposal would therefore conflict with policies 57 and 61 of the HwLDP and SPP.

#### Historic Environment

- 8.14 This area, referred to as “An Goirtean”, has surviving turf and stone dykes up to 1.25m high. These relate to past occupation and agricultural use of the land, and whilst they are of low archaeological importance, it would be preferable if these features were to be retained within the plots. Initial groundworks will have obliterated any remains however over the top part of plot 2 at least.

A condition is recommended to secure a photographic record is made of any affected features that remain, should permission be forthcoming.

#### Service Provision

- 8.15 The plots would not require any new access road, and each would have its own septic tank and soakaway, and private water supply. If the proposal was to be recommended for approval, conditions would be recommended to secure further details of both water supply and foul drainage, to ensure adequate provision was put in place. In particular the position of the septic tanks and soakaways would need to be sufficiently separate from the water supply to properties on the shore at Sandaig.

Environmental Health and Building Standards regulations would also separately ensure adequate water supply and foul drainage arrangements are put in place.

- 8.16 Policy 28, in addition to policy 36, deals with a number of sustainability criteria, among other issues. There would be adequate road access off the public road, and conditions could be recommended to secure details of the junction off the public road. However travel to access any services, including the primary school, the shop, café and pub, and a waste collection point would all be in Inverie, approx. 6km (just under 4 miles) away. Whilst this may just about be feasible for active travel, it is likely that the development would require motorised transport for most journeys. In addition it is likely that the houses would be powered by diesel generators, like the existing houses at Sandaig. No details have been submitted to demonstrate that any sustainable development features would be incorporated into the house design.
- 8.17 There are no mains services on Knoydart, however in and around Inverie there is a community water supply, some foul drainage provision, a community electricity supply powered by a hydro scheme, and the internet is provided through a Community Interest Company.



- 8.18 The proposed plots would not have the benefit of any of these services, and would be likely to necessitate motorised transport to access all local facilities and services. The proposal would therefore conflict with policy 28 in these respects, in addition to the sequential approach to the siting of new development set out in the Housing in the Countryside SPG, and the principles guiding development set out in the Sustainable Design Guide SPG.

Other material considerations

- 8.19 The site is not at risk of fluvial flooding. No trees would be affected by the proposed development. No protected species would be likely to be directly affected by the proposals. It is not in a “Wild Land Area”.

There are no other material considerations.

Non-material considerations

- 8.20 The issue of land ownership is not a material planning consideration. It is understood that the applicant has purchased the plot without the benefit of planning permission, which is unfortunate, however this does not demonstrate a need for the development of this site.

**9. CONCLUSION**

- 9.1 In remote and fragile areas such as this the emphasis should be on maintaining and growing communities by encouraging sustainable development, while preserving important environmental assets such as landscape that underpins continuing tourism and quality of place. In this instance the location of the proposed development would not be sympathetic to the existing pattern of development in this part of Knoydart, and one or two houses in this location would not be compatible with the landscape character. The development would compromise the quality of Knoydart National Scenic Area, and the social and economic benefits of the development would not outweigh these adverse effects.

Whilst the provision of housing on the peninsula for long established residents of Knoydart is supported in principle, this would be better delivered in a more sustainable location that is more sympathetic to the settlement pattern and landscape. The preparation and adoption of a Community Plan for Knoydart would assist in identifying such sites, and would provide some assurance to applicants that their proposals would be more likely to be supported at planning application stage.

- 9.2 The proposed development would not be sympathetic to the existing pattern of development in this part of Knoydart, which is characterised by isolated and small clusters of housing tucked into bays and more closely related to the coastline, and would thereby be contrary to policy 36 and the Housing in the Countryside SPG.

The development would not respect nor reflect the landscape characteristic and special qualities in this part of the Knoydart National Scenic Area, contrary to policies 57 and 61 of the HwLDP.

The proposal would not be sited in a sustainable location having regard to the sequential approach to site selection set out in the Housing in the Countryside

SPG, being a greenfield site in an isolated position, remote from all facilities and services contrary to policy 28 of the HwLDP and the Sustainable Design SPG.

## 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:

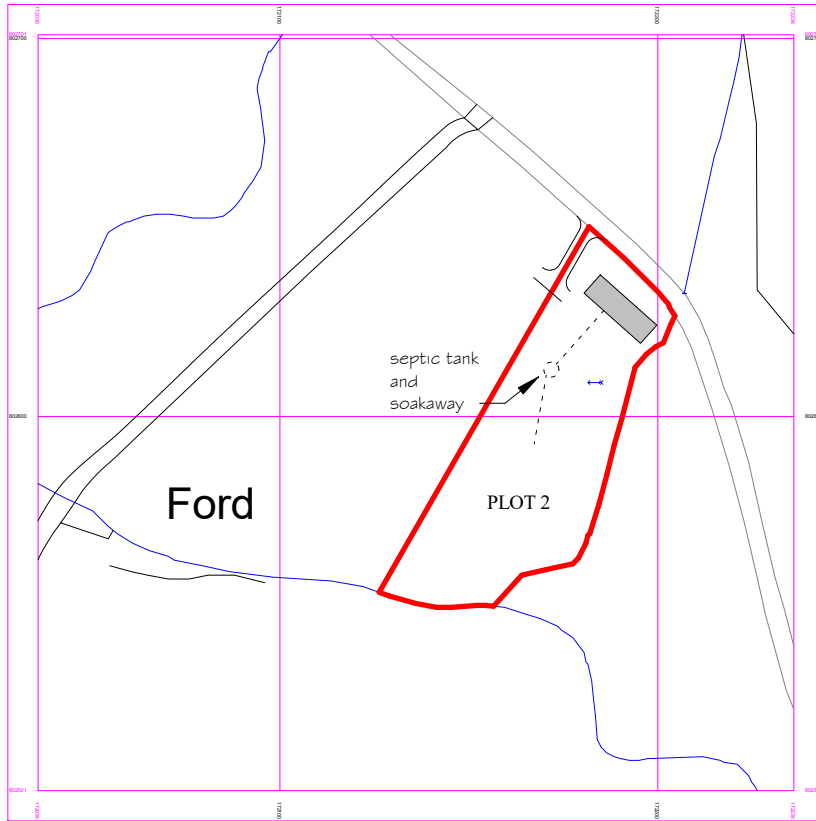
### Reasons for Refusal

1.	The proposed development would be located in a prominent and isolated position along the Inverie/Scottas – Airor road in the western part of the Knoydart peninsula, remote from the village of Inverie, and along a section of landscape where there are no existing developments. The proposed development is not sympathetic to the existing pattern of development and is contrary to policy 36 of the Highland wide Local Development Plan, and the Housing in the Countryside Supplementary Planning Guidance.
2.	The proposed development would detract from the Knoydart National Scenic Area by virtue of its prominent and isolated siting, contrary to policies 57 and 61 of the Highland wide Local Development Plan.
3.	The proposed development would not demonstrate sustainable development by virtue of its situation which is remote from community services and facilities, and no information has been submitted to show that sustainable development features would be incorporated into the

house design, particularly with respect to heat and power. The development would thus be contrary to policy 28 of the Highland wide Local Development Plan and the Sustainable Design Supplementary Planning Guidance.

Signature: Nicola Drummond  
Designation: Area Planning Manager – South/Major Developments  
Author: Lucy Prins  
Background Papers: Documents referred to in report and in case file.  
Relevant Plans: Plan 1 - Location Plan 01  
Plan 2 - Site Layout Plan 02

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## SITES NORTH EAST OF SANDAIG, KNOYDART

### LOCATION PLAN

#### PLOT 2

Scale 1 : 2000

Location 02

CAMUSDARACH, ARISAIG, INVERNESS-SHIRE PH39 4NT  
- 01687 450271 - nigeldesign@gmail.com



LAND REGISTER  
OF SCOTLAND

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Knoydart

