

Agenda Item	6.3
Report No	PLS 088/18

HIGHLAND COUNCIL

Committee: South Planning Applications Committee
Date: 05 December 2018
Report Title: 18/03148/FUL: Ms Lyn McLardy
Land 70M NW of Upper Aultvaich, Beauly
Report By: Area Planning Manager – South

Purpose/Executive Summary

Description: Erect dwelling and associated works
Ward: 12 - Aird And Loch Ness
Development category: Local

Reason referred to Committee: Referred by Ward 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 involves the erection of 1□ storey house, polytunnel and shed within a field to the west of Upper Aultvaich. The design comprises a steep roof pitch with a slate grey metal roof and walls constructed of straw bales with white lime render. The sloping site requires an underbuild to the house. A corner of the house will incorporate a green house. Internally a room is to be given over to a living area/classroom in association with the business.
- 1.2 Vehicular access is to be taken from an existing road which leads to the northwest and Corry Wood. Foulwater drainage will be by means of a treatment plant and soakaway within the site and site percolation has demonstrated the ground conditions are suitable. In addition, surfacewater drainage will be by means of a soakaway within the site
- 1.3 The Business Plan for “HomeGrown” relates to the provision of 1-3 day courses throughout the year related to sustainable living, centred around the growing of food and waste reduction and an understanding of the natural surroundings. It will be run from a small organic farm using the principles of permaculture. It will produce fruit, vegetables, meat, eggs and coppice willow. 5 Free range pigs will be raised (1 Berkshire boar and 4 Berkshire breeding sows) to sell piglets and produce meat for sale locally. They will increase the number of hens to 30 for free range eggs. Produce will be grown and made on site locally. The applicants will own 1.6 acres of 6.25 acres owned by the parents of Ms McHardy and will rent the remainder. They have assessed in Section 6 the Labour Requirements for the aspects of the business:
- Course delivery 846 hours per year and preparation 480 hours per year
 - Animal husbandry - 520 hours per year
 - Growing produce – 1400 hours per year
 - Land maintenance - 480 hours per year
 - Production and sale of produce - 480 hours per year
 - Eco-accommodation management - 288 hours per year. There is no accommodation to be provided onsite and this relates to Mr Ian Stapleton’s work commitments off-site.
 - Business development - 300 hours per year
- 1.4 In the applicant’s opinion the requirement to live on site relates to:
- The labour requirements
 - Course content
 - Animal welfare and security
 - Growth of fruit & vegetables
 - Provision of eco-accommodation for guests
 - Food and accommodation for volunteer farm workers
 - Courses require access to kitchen, toilet and parking

Kitchen essential for the preparation of lunches and space for preparation and storage of foods for sale locally.

Study area in the house plan for the business

1.5 Pre Application Consultation: 17/04366/PREAPP

1.6 Supporting Information:

- Private Access Checklist
- Business Plan on 6th July and 30th August
- Design & Access Statement on 6th July and 30th August

1.7 Variations: Amended drawings submitted on 30th August

2. **SITE DESCRIPTION**

2.1 The site is a field and accessible from the road from the west and the nearest house, Upper Aultvaich, belongs to the applicant's parents. The site slopes from south to north. There is a good degree of separation from surrounding properties and generally speaking the site is not visible from the surrounding area and there a forestry plantation on the south side of the road opposite the site. In terms of existing screening there are mixed species of trees and hedging on the northeast and northwest boundaries.

3. **PLANNING HISTORY**

3.1 None

4. **PUBLIC PARTICIPATION**

4.1 Advertised: Unknown Neighbour

Date Advertised: 27.07.2018

Representation deadline: 10 August 2018

Timeous representations: 0

Late representations: 0

5. **CONSULTATIONS**

5.1 **Transport Planning:** The site is just past the end of the public road, so they wouldn't provide comment in this situation. For Designing Streets 2010 suggests a stopping site distance of 9m, for road speeds of 10mph whereas 6m is said to be available in the private access checklist. The U3146 is deficient in passing places. There should be inter-visible passing places at a maximum of 150m separation. Perhaps further passing places should be considered if there is intensification of the use of this road.

5.2 **Scottish Water:** There is sufficient capacity in Assynt Water Treatment Works to supply water.

5.3 **Forestry Officer:** No significant impact on existing trees and no objection subject to condition on safeguarding of roots of existing trees and Tree Planting Plan.

5.4 **Agricultural Consultant:** The emphasis of this case to be on the creation of a rural business rather than setting up a farm/croft for agricultural purposes and the primary need for on-site accommodation is to facilitate the attendees of the training courses. Likewise, the majority of the labour requirement centres on the preparation and delivery of the training courses and accompanying accommodation. In subsequent email correspondence with the planning case officer the applicants, Lyn and Ian confirmed they too regard this as establishing a rural business rather than filling an agricultural need or succession.

Summary:

1. On site accommodation for rearing the pigs and hens, although desirable is not regarded as essential, if alternative accommodation can be found within commuting distance.
2. Emphasis of this case is to be on the creation of a rural business with on-site accommodation to facilitate trainees, rather than being a locational requirement to manage an agricultural enterprise.

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 29 - Design Quality & Place-making
Policy 35 - Housing in the Countryside (Hinterland Areas)
Policy 47 - Safeguarding Inbye/AppORTioned Croftland
Policy 48 - New Extended Crofting Townships
Policy 65 - Waste Water Treatment
Policy 66 - Surface Water Drainage

6.2 Inner Moray Firth Local Development Plan 2015

Paragraph 2.7 Hinterland

6.3 Highland Council Supplementary Planning Policy Guidance

Access to Single Houses and Small Housing Developments (May 2011)
Flood Risk & Drainage Impact Assessment (Jan 2013)
Housing in the Countryside and Siting and Design (March 2013)
Sustainable Design Guide (Jan 2013)

7. OTHER MATERIAL POLICY CONSIDERATIONS

7.1 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) vehicular access
 - d) any other material considerations.

Development plan/other planning policy

- 8.4 The site lies within the Hinterland as defined in the Highland-wide Local Development Plan (HwLDP) and the Inner Moray Firth Local Development Plan. Policy 35 is relevant here, which presumes against housing in the open countryside unless it meets the exceptions mentioned in the Supplementary Guidance. No operational need has been made for the house in terms of the agriculture. The applicants have prepared their own case of a business need. As a result this house is being assessed in terms of the provision of housing associated with an existing or new rural business is acceptable. This reflects Scottish Planning Policy, which is supportive of the establishment of new enterprises in rural locations, whether that is through existing businesses entering into new areas of activity, expansion or the creation of entirely new enterprises. Where these new enterprises are suited to rural locations then the provision of housing to support these enterprises may be required and national policy recognises the role of the planning system in enabling this.
- 8.5 The applicant has presented a case for a rural business as described above in paragraphs 1.3 and 1.4 above and in the Business Statement. They have suggested why a rural location is appropriate to the business and what they consider as demand for the business. In terms of a land management need no case has presented which would necessitate the erection of a house. In terms of agriculture then the only relevant aspect in terms of the guidance would be animal husbandry and that does not amount to 1 labour unit. Applicants have to provide an independent statement prepared by a suitably qualified professional to support the need for a house in relation to the proper functioning of the farm holding. They have not provided such statement so it does not meet the test. Animal welfare and security and the growth of fruit & vegetables are not sufficient reason to justify a house and such an operation could be carried out from an existing house in the

area.

- 8.6 For the new rural business the case presented does not require the erection of a house. The business operations could be carried out from an existing building where training and catering could be provided. Mr Stapleton is involved with the management of eco-accommodation elsewhere. In terms of the provision of eco-accommodation for guests there is no holiday accommodation on the site.
- 8.7 The relevant criterion for compliance with the Supplementary Guidance is the new rural business and no case has been presented which would make it essential to construct a house on the site. As a result the proposal is not supported by policy.

Siting and Design

- 8.8 In terms of the location of the site it is not visually intrusive in the countryside. The nearest house is owned by the applicant's parents so there is not issue of detriment to residential, amenity and privacy. In terms of design they are aiming at sustainable design form, with use of straw bales and a metal roof which would not present a an issue in regard to visual amenity at this location.

Vehicular access

- 8.9 A private access checklist has been submitted and reveals limited visibility of 6m to the west and 60m to the east. However, this is a single track road which is only surfaced up to the end of the straight past Upper Aultvaich and then it becomes an earth track, which is incapable of use by any car. As result there is no traffic approaching form the east and the main access leads to the west.

Drainage

- 8.10 Provision for foulwater and surfacewater drainage will be within the site and percolation tests have not revealed any problem with soil conditions which would make this a problem.

Other material considerations

- 8.11 There are no other material considerations.

9. CONCLUSION

- 9.1 The applicant has presented a case for the erection of the house on the basis of a rural enterprise. Notwithstanding the information contained within the supporting statement, it is considered that there is no essential requirement for the house to be located here. Accordingly, the proposal fails to meet the criteria for exceptions contained in the Supplementary Guidance. While the siting and design of the house would not in itself present an unacceptable intrusion into the countryside, this is not considered to outweigh the provisions of the Development Plan with regard to housing development within the Hinterland.
- 9.2 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 contrary to Policy 35 of the Highland-wide Local Development Plan as the site lies within the Hinterland of Inverness and the proposal does not meet the exception in the Supplementary Guidance for Housing in the Countryside for a house required on the basis of a new rural enterprise. It would establish a precedent for developments of a similar nature to the detriment of the overall character of the area which would undermine and weaken approved and proposed Council policy within the defined Hinterland areas.
2. The proposed visibility sightline to the west does not meet the standard required by the Access to Single Houses and Small Housing Developments Guidance and is therefore detrimental to road traffic safety.

REASON FOR DECISION

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.

Signature: David Mudie
Designation: Area Planning Manager – South
Author: Keith Gibson
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 - 18001-01 Location Plan
Plan 2 - 18001-02A Existing Site Layout Plan
Plan 3 - 18001-02B Proposed Site Layout Plan
Plan 4 - 18001-05 Elevations
Plan 5 - 18001-09 Floor/Elevation Plan
Plan 6 - 18001-10 Floor/Elevation Plan
Plan 7 - 18001-11 General Plan
Plan 8 - 18001-03 Ground Floor Plan
Plan 9 - 18001-06 Section Plan
Plan 10 - 18001-07 Section Plan



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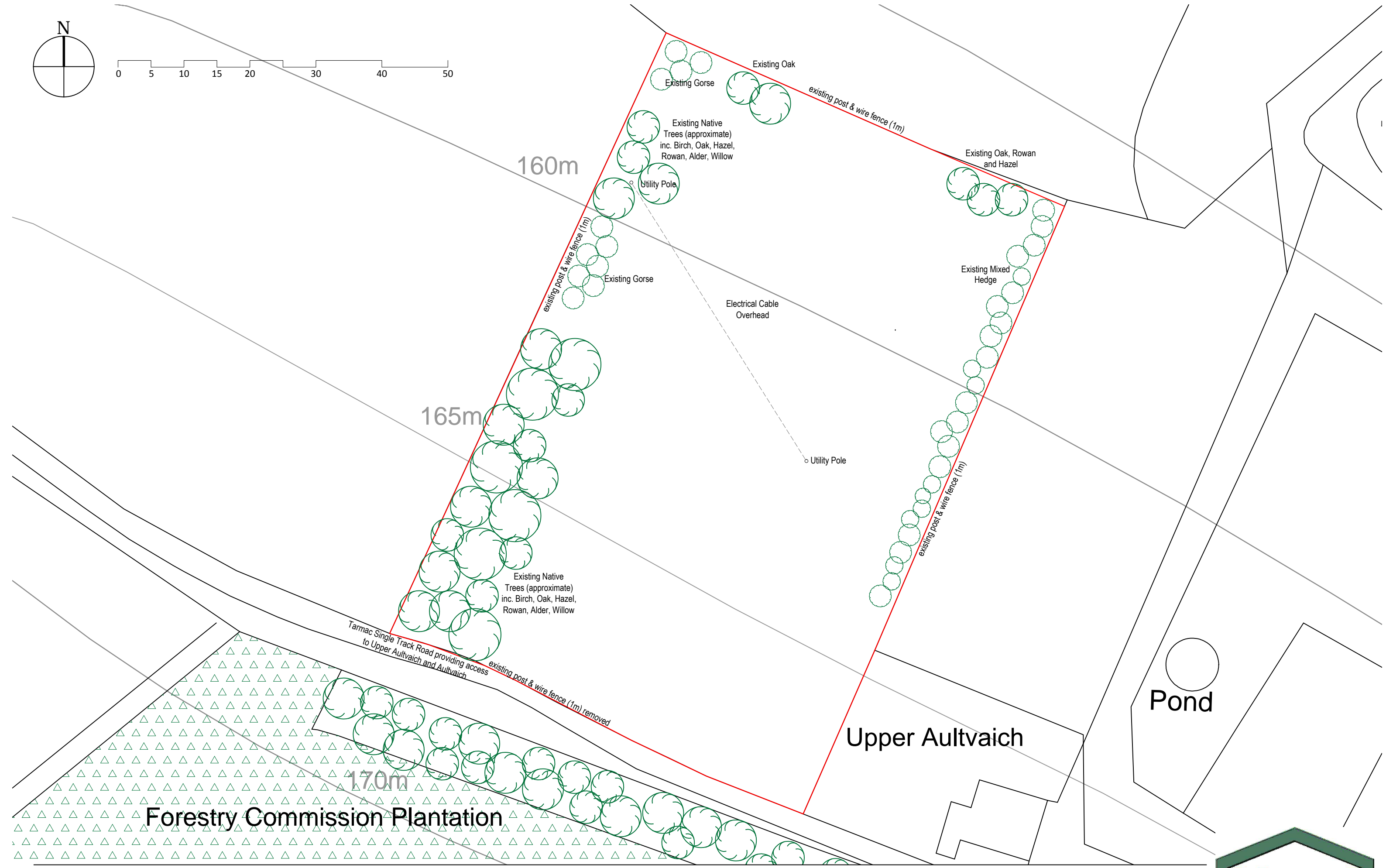
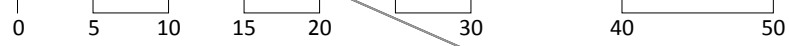
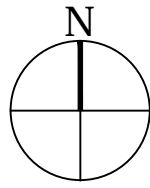
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Project: Upper Aultvaich
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Drawing: **Location Plan**
Drawing No: **18001-01**
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Forestry Commission Plantation

Upper Aultvaich

Pond

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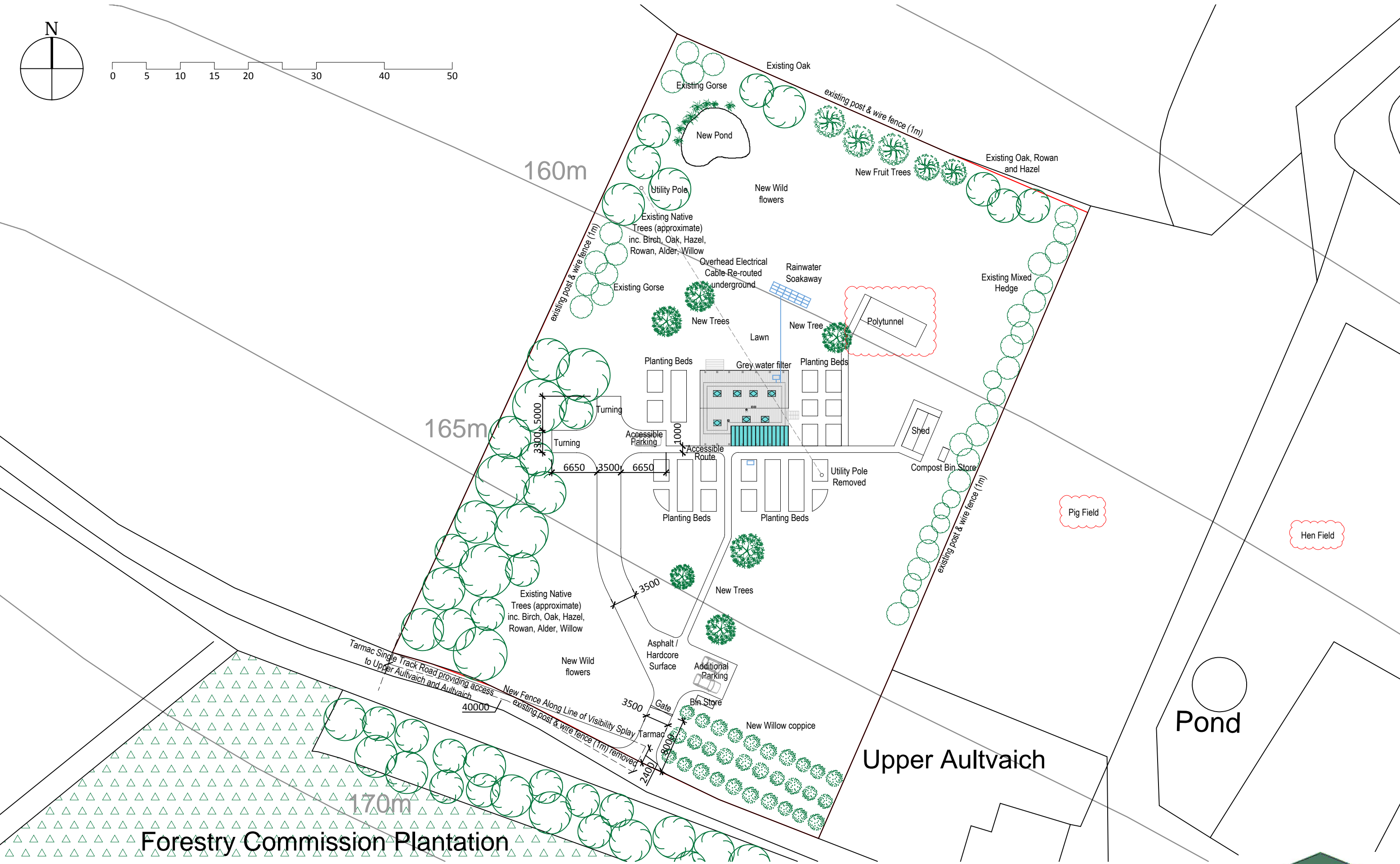
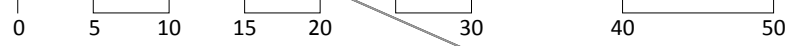
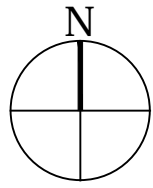
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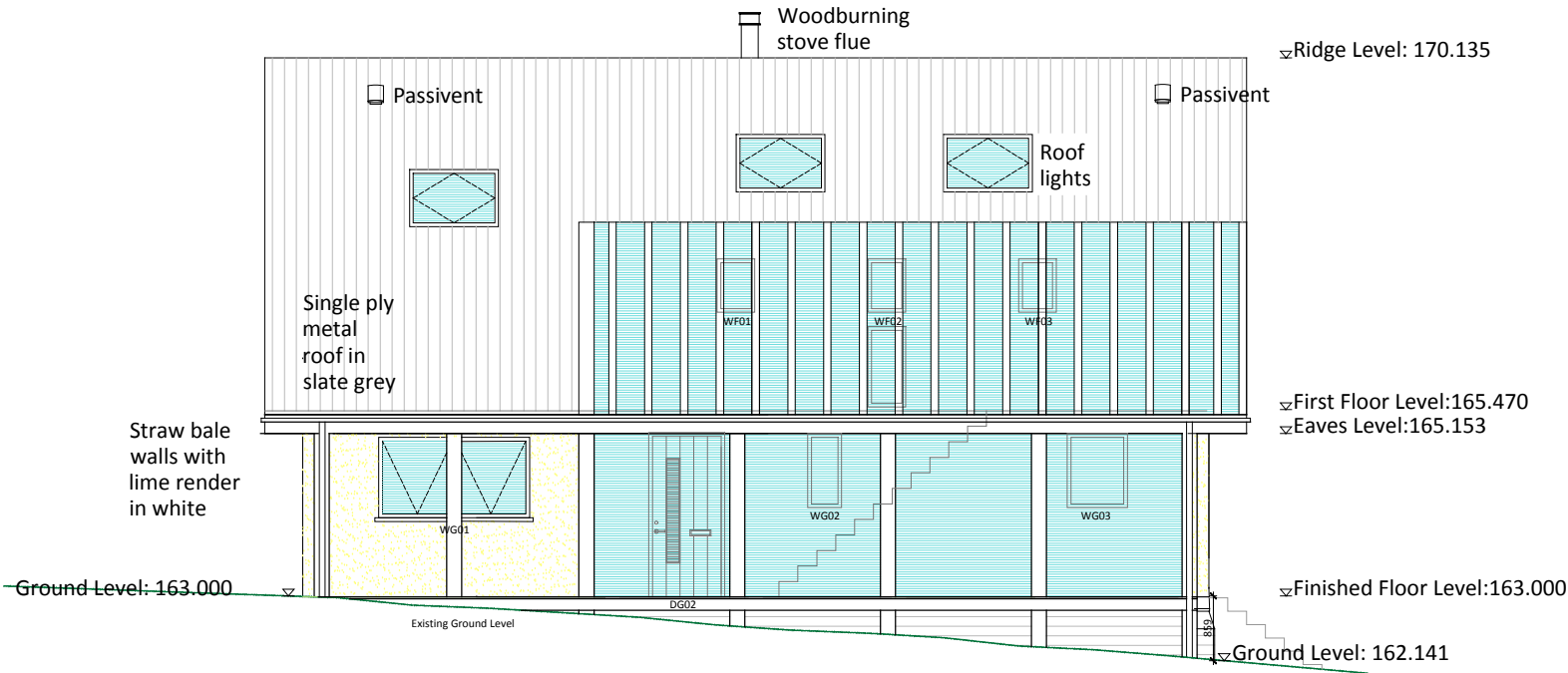
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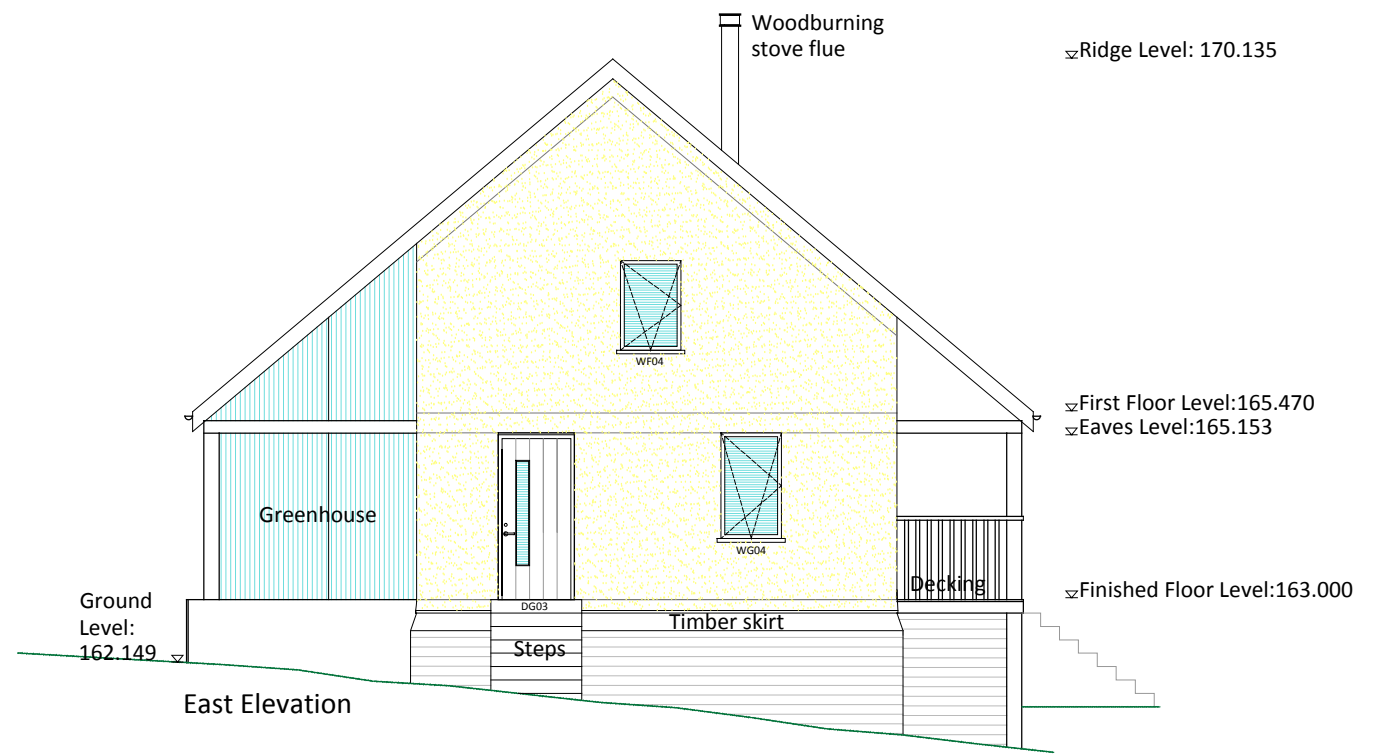
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Drawing: Site Plan Proposed
Drawing No: 18001-02b
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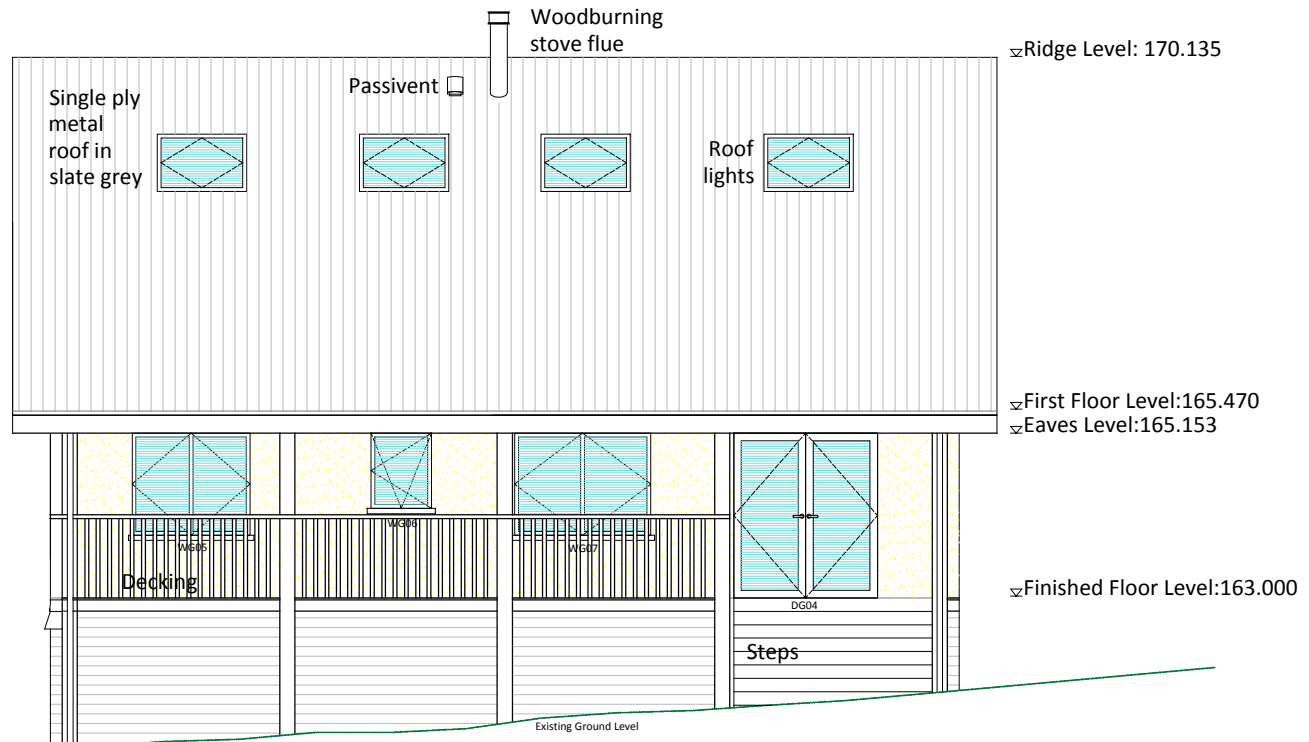




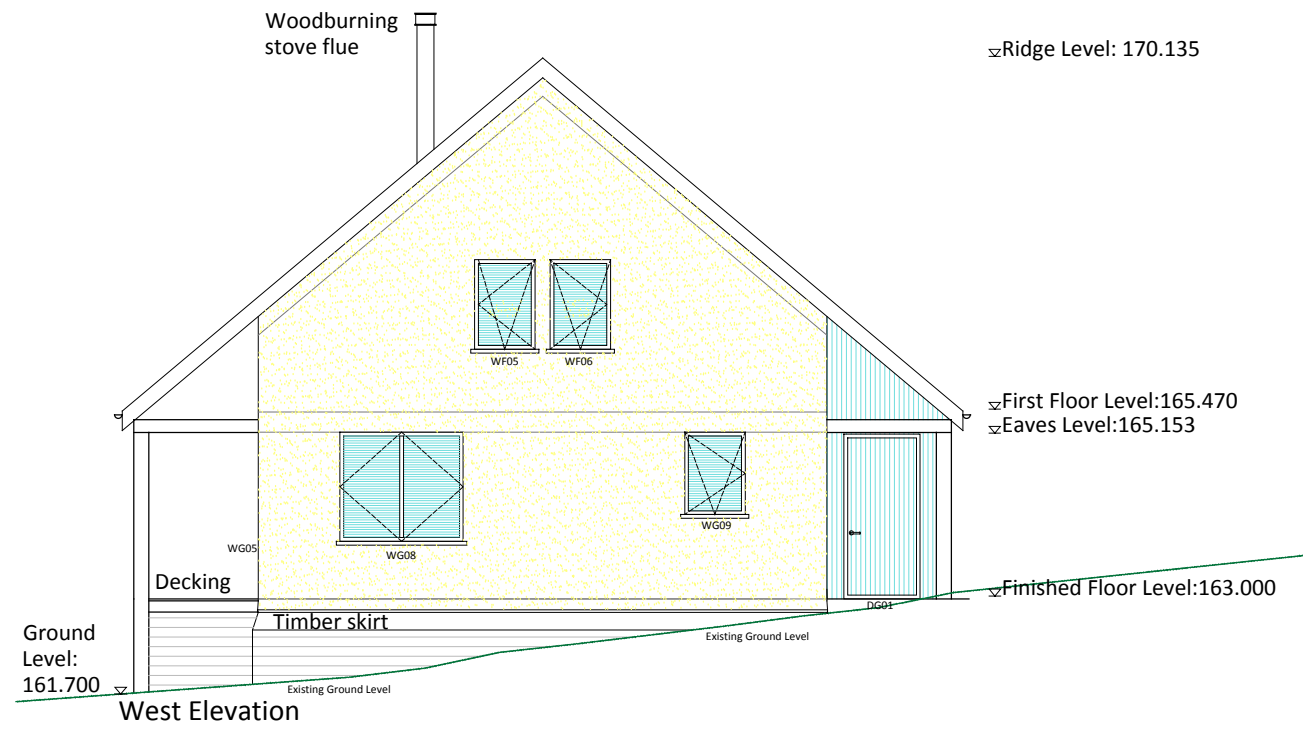
South Elevation



East Elevation



North Elevation



West Elevation



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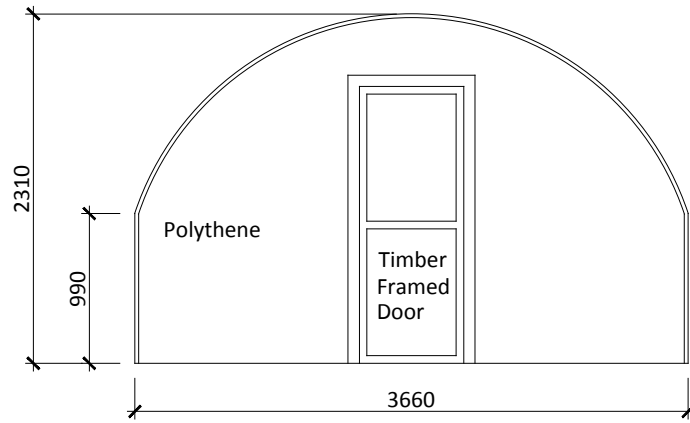
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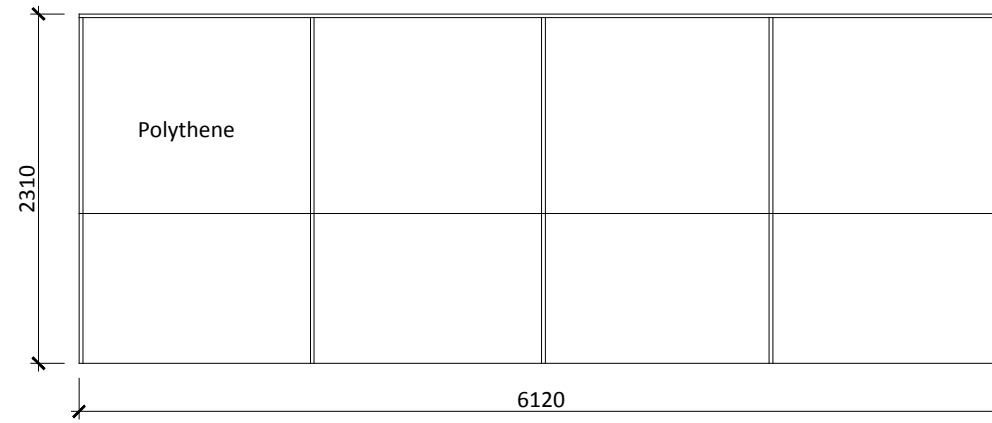
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Drawing: Elevations
Drawing No: 18001-05
Revision:

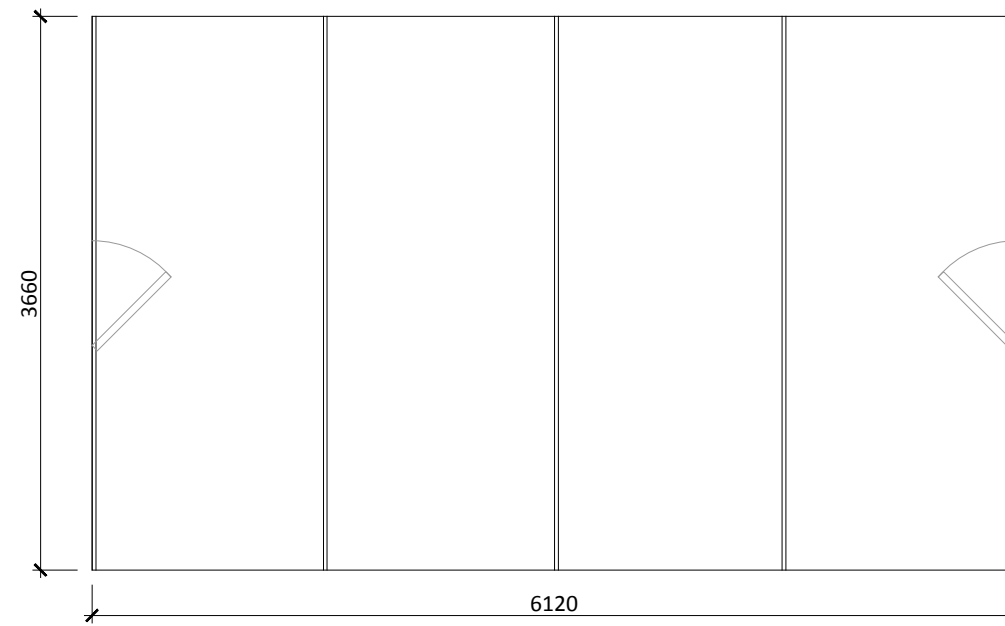




E&W Elevation

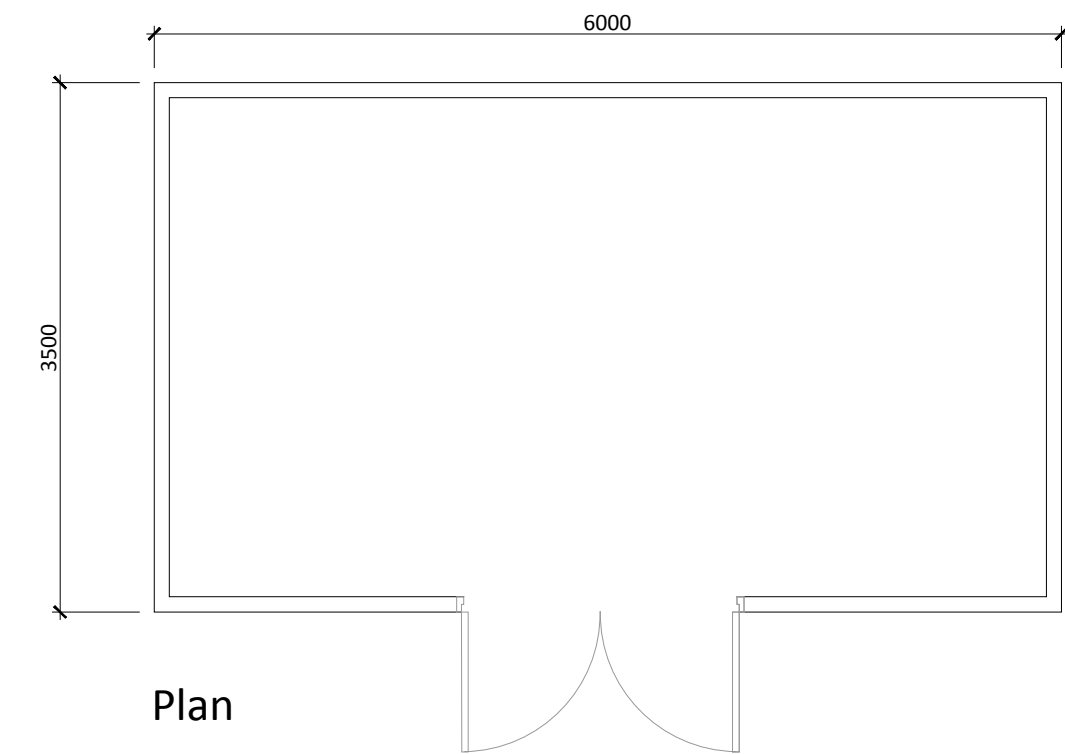
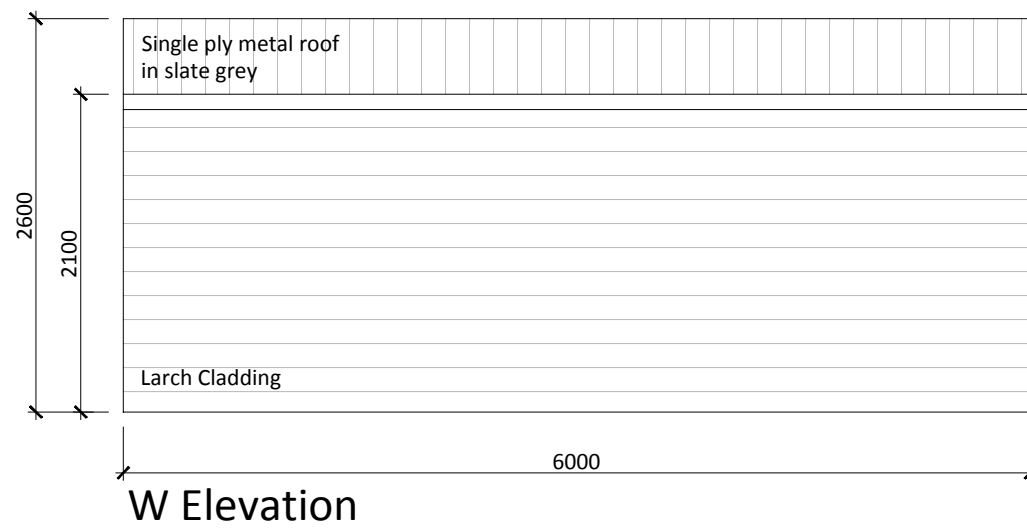
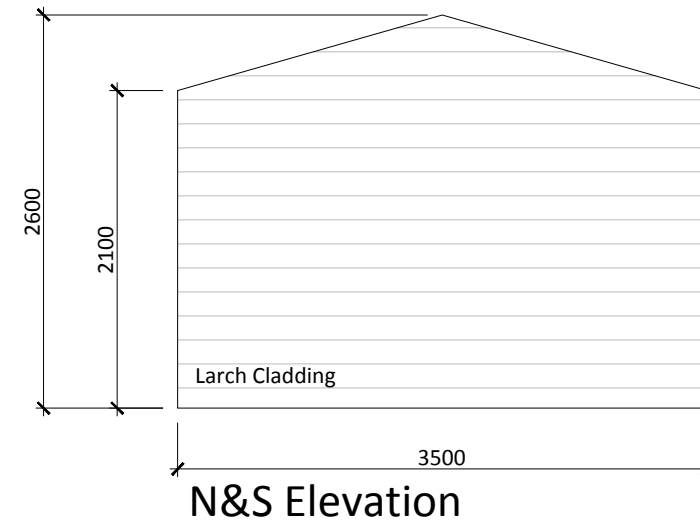
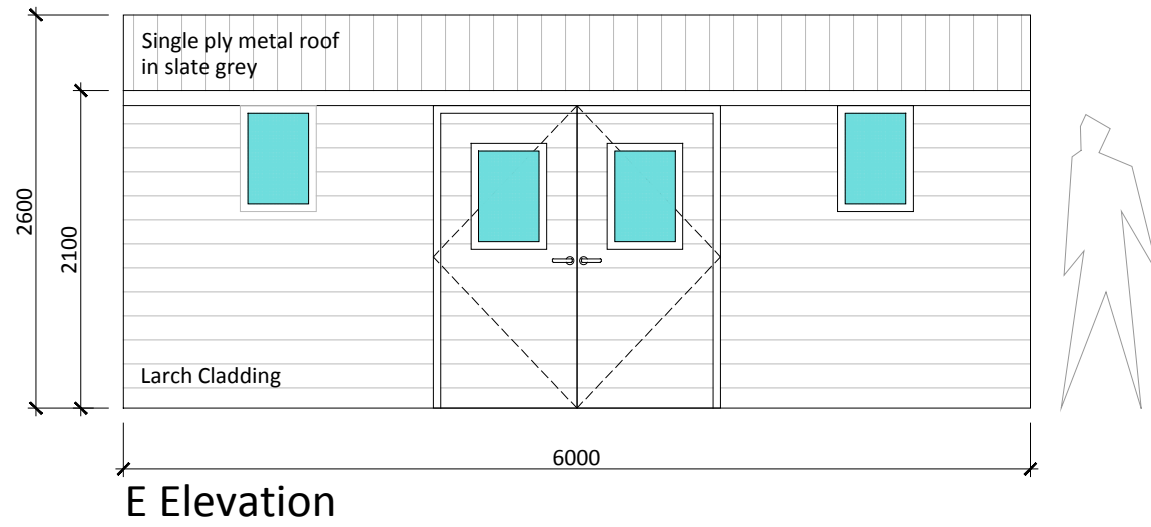


N&S Elevation



Plan





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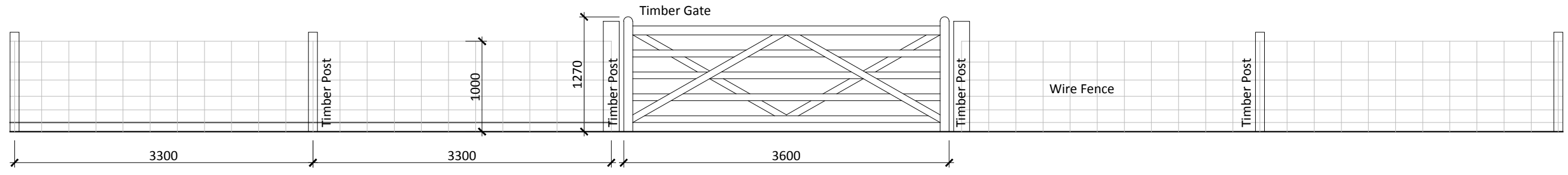
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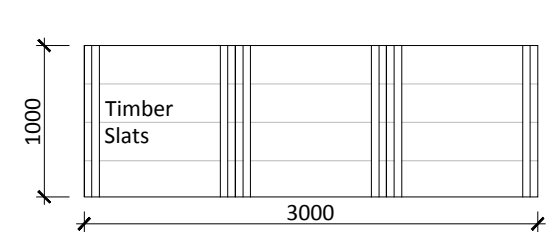
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Drawing: Shed
Plan and Elevations
Drawing No: 18001-10
Revision:

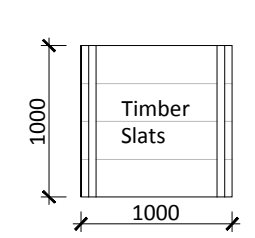




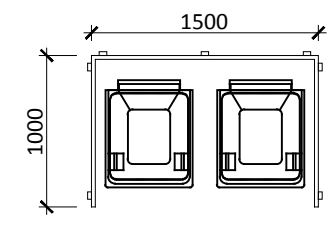
Fence and Gate Elevation



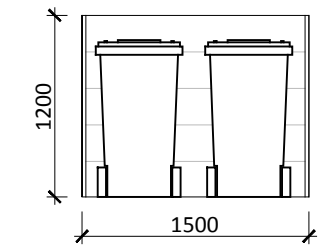
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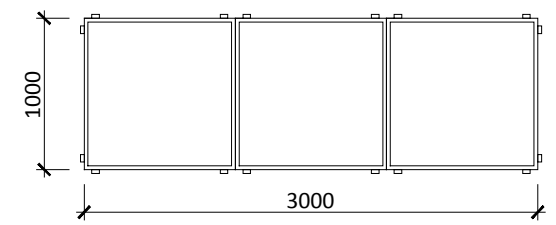
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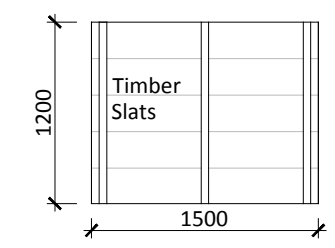
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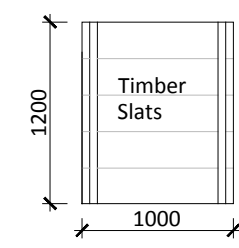
Front



Plan



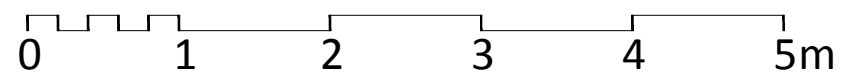
Rear



Side

Compost Bins

Bin Store



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Drawing: **Boundary Details & Bin Stores**
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Drawing: **Ground Floor Plan**
Drawing No: **18001-03**
Revision: **A**

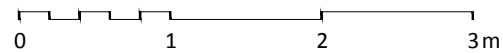
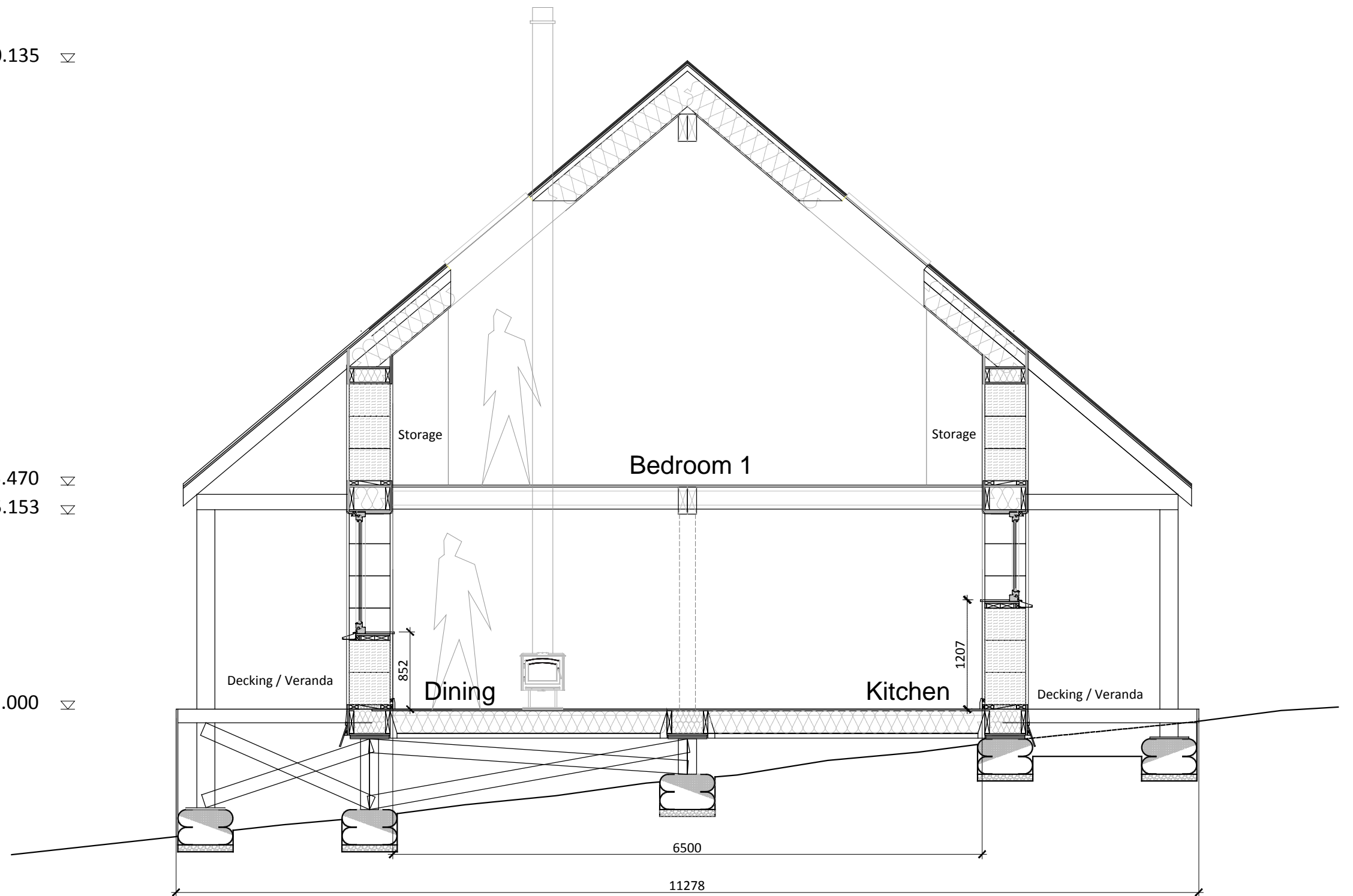


Ridge Level:170.135

First Floor Level:165.470

Eaves Level:165.153

Finished Floor Level:163.000



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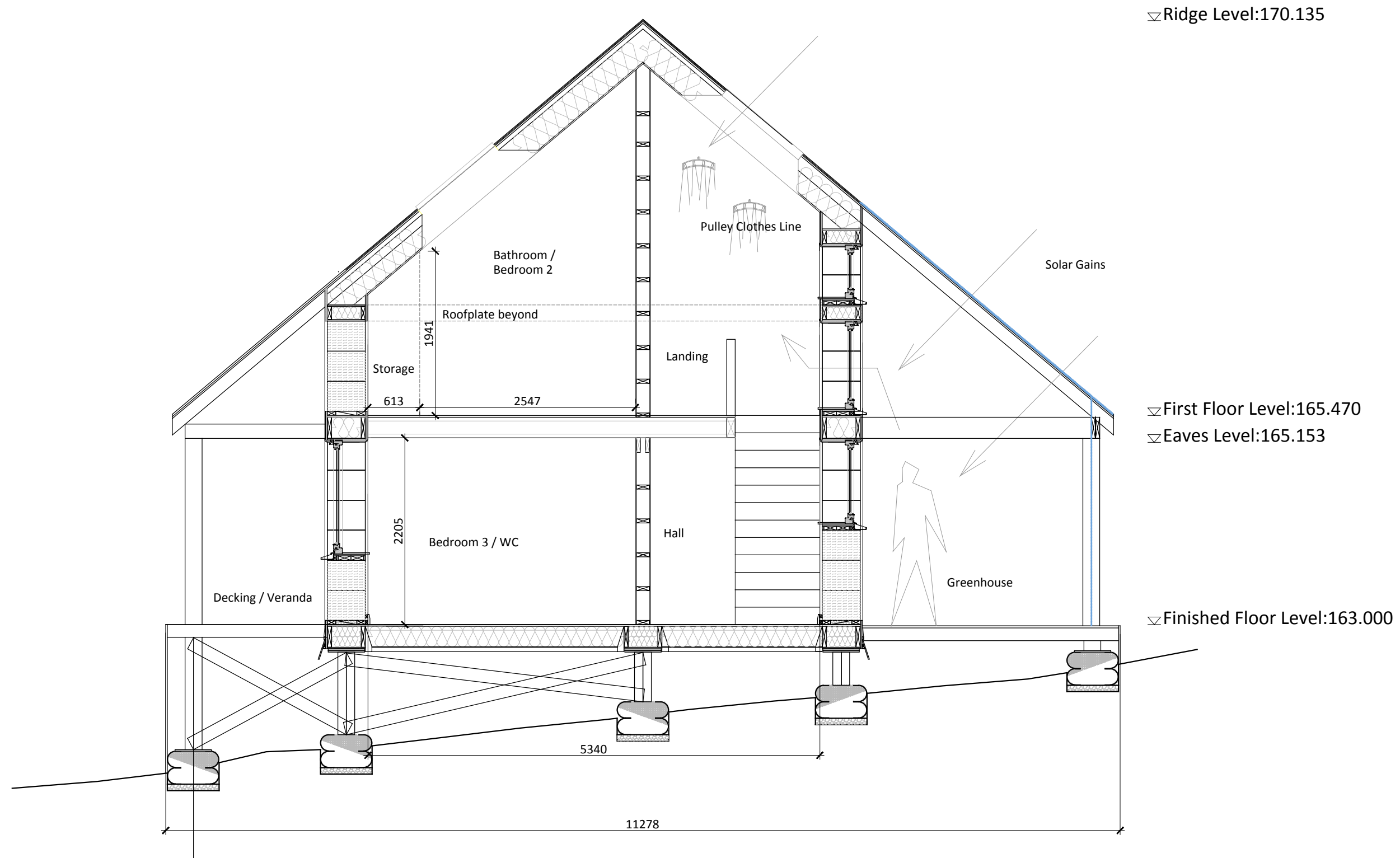
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Drawing: Section BB
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