

Agenda Item	5.5
Report No	PLN/006/18

THE HIGHLAND COUNCIL

Committee: North Planning Applications Committee
Date: 22 January 2019
Report Title: 18/04042/FUL : Mr Gordon Adam
Land 560M NE of Hillockhead Rosemarkie
Report By: Area Planning Manager – North

Purpose/Executive Summary

Description: Siting of accommodation unit (Retrospective)
Ward: 09 - Black Isle
Development category: Local

Reason referred to Committee: Application by Elected Member

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.

Recommendation

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

1. PROPOSED DEVELOPMENT

- 1.1 Retrospective planning permission is sought for the change of use of land for the siting of a timber cabin which falls within the legal definition of a caravan. The cabin is sited adjacent to the car parking area and facilities building associated with Black Isle Yurts development at Hillockhead on the south side of the Black Isle.
- 1.2 The development is accessed from the public road via an existing private track which serves Black Isle Yurts as well as a number of private houses and the self catering holiday letting complex known as Hillockhead. The cabin includes a kitchen and shower room but there is no evidence of a drainage system to deal with grey water from the kitchen and shower or a water or electricity supply. The applicant has indicated that the cabin will be connected to the existing private drainage system once planning permission has been granted.
- 1.3 Pre Application Consultation: None
- 1.4 Supporting Information: Applicant's statement summarised as follows:
 - Application has been submitted retrospectively as there was insufficient time to secure planning permission prior to the purchase of the cabin from a classified advertisement website.
 - The cabin will provide seasonal staff with on site accommodation. Presently volunteer workers have been accommodated in one of the yurts. In 2019 it is an objective of the company to increase occupancy of the yurts by having additional paid staff who will require to have better accommodation for up to nine months of the year. Since opening in 2015, Black Isle Yurts has expanded from 4 to 7 yurts, and an 8th is planned for spring 2019. It is an expanding eco-friendly business that has welcomed over 3000 guests staying for at least two nights. Two full time jobs have been supported, a third is planned. Annual turnover is in the region of £80,000, and the wider impact on Black Isle tourism activities, restaurants, shops and transport is estimated at £160k per year (a total of over £500,000 over 3.5 seasons) according to figures for the Highlands from the latest Scottish Tourism Economic Activity Monitor. It has played a significant part in putting the Black Isle as a tourism destination on the map. But like many tourism destinations in the Highlands, this success is jeopardised by lack of staff accommodation, which this application aims to address.
 - Accommodation is also required in connection with the welfare of animals at Hillockhead which at present consist of 180 sheep, six cattle and 4 pigs.
 - The accommodation could also be occupied during the construction period associated with the proposed manager's house.
 - The provision of seasonal staff accommodation is supported by the development plan.
 - The location of the cabin is not highly visible.
 - The cabin is small (24sq m), well built, of timber and sympathetic to the adjacent facilities building.
 - Temporary permission is sought for a period of 7 years this being a realistic time scale for the construction of the managers house. .

1.5 Variations: The applicant has agreed that a temporary period of 5 years would be sufficient in the first instance.

2. SITE DESCRIPTION

2.1 The cabin is sited to the west of the facilities building and parking area associated with Black Isle Yurts on an area of hardstanding which is contiguous with the private driveway.

3. PLANNING HISTORY

3.1 Pending consideration 18/04788/PIP: Erection of house (Renewal of planning permission 14/00912/PIP)

3.2 23.11.2015 14/00912/PIP Erection of house. Granted with conditions

3.3 26.09.2014 14/00909/FUL Change of use of land to yurt campsite and erection of facilities block Approved

4. PUBLIC PARTICIPATION

4.1 Advertised: No

Timeous representations: None

Late representations: None

5. CONSULTATIONS

None

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

35 - Housing in the Countryside (Hinterland Areas)

65 - Waste Water Treatment

6.2 Inner Moray Firth Local Development Plan 2015

Map 3 Hinterland boundary

7. OTHER MATERIAL POLICY CONSIDERATIONS

7.1 Scottish Government Planning Policy and Guidance

Not applicable

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) retrospective nature of application.
 - c) Siting and Design
 - d) Services
 - e) any other material considerations.

Development plan/other planning policy

- 8.4 Policy 35 of the Highland wide Local Development Plan supports the provision of a house for the purposes of managing a rural business. In 2015 planning permission in principal ref 14/00912/PIP was granted for the erection of a manager's house in association with the glamping business Black Isle Yurts. The site for the proposed house lies above the facilities building and parking area associated with the business and the cabin, which is the subject of this application.
- 8.4.1 A further application ref 18/04788/PIP has been received to renew the permission for the house. This is pending consideration and, if approved, will secure the planning permission in principal for the erection of a house for a further three years. Approval of the matters specified in conditions on the planning permission in principal which will detail the layout of the site and the design of the house will be required before any development can take place on the house site. In addition a condition of the planning permission in principal is that no development on the construction of the house can take place until all of the yurts which benefit from planning permission, ref 14/00909/FUL, have been brought into use. At the present time seven out of a total of eight yurts have been established. The applicant has indicated that the timber cabin is intended as accommodation for seasonal workers as well as providing a stop gap until permanent accommodation for staff can be provided. It is considered that the principal of providing staff accommodation in association with this established rural business accords with the development plan.

Retrospective nature of application

- 8.5 The deliberate actions of the applicant to carry out development without first securing planning permission cannot be condoned by the Planning Service. The applicant was made aware during the processing of the original applications for the development of the business in 2014/2015 that planning permission would be required for any form of temporary accommodation. It is also considered that delivery of the cabin to the site could have been delayed until after the determination of the planning application or at least the application had been registered with the Planning Service. Such arrangements would not have prevented the purchase of the cabin, as suggested by the applicant.

Siting and Design

- 8.6 The cabin is positioned on an area of hardstanding beside the track and car parking in reasonably close proximity to the building, which provides washing and sanitary facilities for occupants of the yurts as well as office space. As such it is located on the part of the hillside where there is a cluster of development and therefore the siting of the unit is considered acceptable. Its design which is functional rather than aesthetically pleasing reflects that it has been built to comply with the definition of a caravan, as set out in the Caravan Sites and Control of Development Act 1960. As such it does not represent a sustainable form of permanent accommodation. Its construction does not meet the requirements of current Building Standard regulations in terms of energy efficiency and heating, as caravans are exempt from the building regulations.
- 8.7 The Planning Authority does not consider that caravans are in general suitable as a form of long term accommodation principally due to their construction, which means that they generally have poor insulation and are below current standards, whether this is for seasonal workers or as more permanent accommodation and also due to their visual appearance. They are not a form of sustainable development. As a consequence it is best practice to issue temporary permission for periods of between 3-5 years. This allows the Planning Authority to revisit the use of the land for the siting of a caravan on a regular basis and if the caravan is no longer required, has fallen into disuse or is in a state of disrepair, the removal of the caravan can be required.
- 8.8 The applicant has agreed that a temporary permission for a period of 5 years would be acceptable notwithstanding the initial request that permission be granted for 7 years. It is considered for the reasons set out above that it is appropriate to time limit any permission granted for no more than five years.

Services

- 8.9 Whilst it is understood that the applicant did not wish to undertake the work associated with connecting the cabin to the private drainage system that serves the yurts and the facilities building until such time as planning permission was secured, it is unacceptable that grey water appears to be allowed to discharge from the kitchen directly into the ground. Such an arrangement is in direct contravention of the Building Regulations as well as the Control of Activities legislation governed by SEPA. From the Planning Authority's position the lack of

an acceptable drainage system is considered contrary to policy 28 (Sustainable Development) and policy 65 (Waste Water Treatment) of the Highland wide Local Development Plan. It is recommended therefore that a condition is attached to any planning permission granted in order to ensure the timely installation of a compliant system.

Other material considerations

- 8.10 It is also considered appropriate to attach an occupancy condition which will establish that the cabin is not occupied permanently for the duration of the temporary permission such a condition would reflect the non permanent character of the construction and design of the cabin as well as secure the description of development applied for – seasonal workers accommodation.

Non-material considerations

- 8.11 None

Matters to be secured by Section 75 Agreement

- 8.12 None

9. CONCLUSION

- 9.1 The retrospective nature of this application is particularly disappointing given that the applicant received clear guidance from the Planning Service a number of years ago. Nonetheless, the application requires to be considered against the relevant development plan policies and all other relevant material considerations. In this regard the temporary siting of a caravan/cabin to provide seasonal staff accommodation in association with an established business is considered to comply with the Highland wide Local Development Plan. A number of conditions are recommended to secure the long term removal of the cabin, if required, the provision of an acceptable drainage system and finally, to prevent the cabin from being occupied on a permanent basis.
- 9.2 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.

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 that planning permission be Granted subject to the following:

Conditions and Reasons

1. Planning permission is hereby granted for a temporary period only and shall cease to have effect on 31.01.2024 (the 'cessation date'). Prior to the cessation date, the application site shall be cleared of all development approved under the terms of this permission (including any subsequent ancillary works, infrastructure, fixtures, fittings and any temporary developments permitted under Class 14 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended).

Reason: To ensure that any development which has ceased to serve its intended purpose is removed from the site, in the interests of visual amenity.

2. The cabin/caravan hereby approved shall be used for seasonal workers accommodation purposes only and shall not be used as a principal private residence or be occupied for more 10 months in any one calendar year.

Reason: In recognition of the temporary nature of the development and in accordance with the use applied for.

3. No occupation of the cabin/caravan shall take place until a foul drainage system has been installed to the satisfaction of the Planning Authority. Details of the drainage system shall be submitted for the consideration and written approval of the Planning Authority within one month of the date of this permission. Thereafter the system shall be installed in accordance with the agreed details.

Reason: In the interest of public health.

REASON FOR DECISION

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

TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION

In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), the development to which this planning permission relates must commence within THREE YEARS of the date of this decision notice. If development has not commenced within this period, then this planning permission shall lapse.

FOOTNOTE TO APPLICANT

Initiation and Completion Notices

The Town and Country Planning (Scotland) Act 1997 (as amended) requires all developers to submit notices to the Planning Authority prior to, and upon completion of, development. These are in addition to any other similar requirements (such as Building Warrant completion notices) and failure to comply represents a breach of planning control and may result in formal enforcement action.

1. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Act to the Planning Authority.

Copies of the notices referred to are attached to this decision notice for your convenience.

Accordance with Approved Plans and Conditions

You are advised that development must progress in accordance with the plans approved under, and any conditions attached to, this permission. You must not deviate from this permission without consent from the Planning Authority (irrespective of any changes that may separately be requested at the Building Warrant stage or by any other Statutory Authority). Any pre-conditions (those requiring certain works, submissions etc. prior to commencement of development) must be fulfilled prior to work starting on site. Failure to adhere to this permission and meet the requirements of all conditions may invalidate your permission or result in formal enforcement action

Flood Risk

It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (or emanating from) the application site. As per Scottish Planning Policy (paragraph 259), planning permission does not remove the liability position of developers or owners in relation to flood risk.

Scottish Water

You are advised that a supply and connection to Scottish Water infrastructure is dependent on sufficient spare capacity at the time of the application for connection to Scottish Water. The granting of planning permission does not guarantee a connection. Any enquiries with regards to sewerage connection and/or water supply should be directed to Scottish Water on 0845 601 8855.

Septic Tanks and Soakaways

Where a private foul drainage solution is proposed, you will require separate consent from the Scottish Environment Protection Agency (SEPA). Planning permission does not guarantee that approval will be given by SEPA and as such you are advised to contact them direct to discuss the matter (01349 862021).

Local Roads Authority Consent

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

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

Further information on the Council's roads standards can be found at: <http://www.highland.gov.uk/yourenvironment/roadsandtransport>

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

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

Mud and Debris on Road

Please note that it is an offence under Section 95 of the Roads (Scotland) Act 1984 to allow mud or any other material to be deposited, and thereafter remain, on a public road from any vehicle or development site. You must, therefore, put in place a strategy for dealing with any material deposited on the public road network and maintain this until development is complete.

Construction Hours and Noise-Generating Activities: You are advised that construction work associated with the approved development (incl. the loading/unloading of delivery vehicles, plant or other machinery), for which noise is audible at the boundary of the application site, should not normally take place outwith the hours of 08:00 and 19:00 Monday to Friday, 08:00 and 13:00 on Saturdays or at any time on a Sunday or Bank Holiday in Scotland, as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended).

Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to result in court action.

If you wish formal consent to work at specific times or on specific days, you may apply to the Council's Environmental Health Officer under Section 61 of the 1974 Act. Any such application should be submitted after you have obtained your Building Warrant, if required, and will be considered on its merits. Any decision taken will reflect the nature of the development, the site's location and the proximity of noise sensitive premises. Please contact env.health@highland.gov.uk for more information.

Protected Species – Halting of Work

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

Signature:

Designation: Area Planning Manager – North

Author: Erica McArthur

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

Relevant Plans: Plan 1 - Location Plan

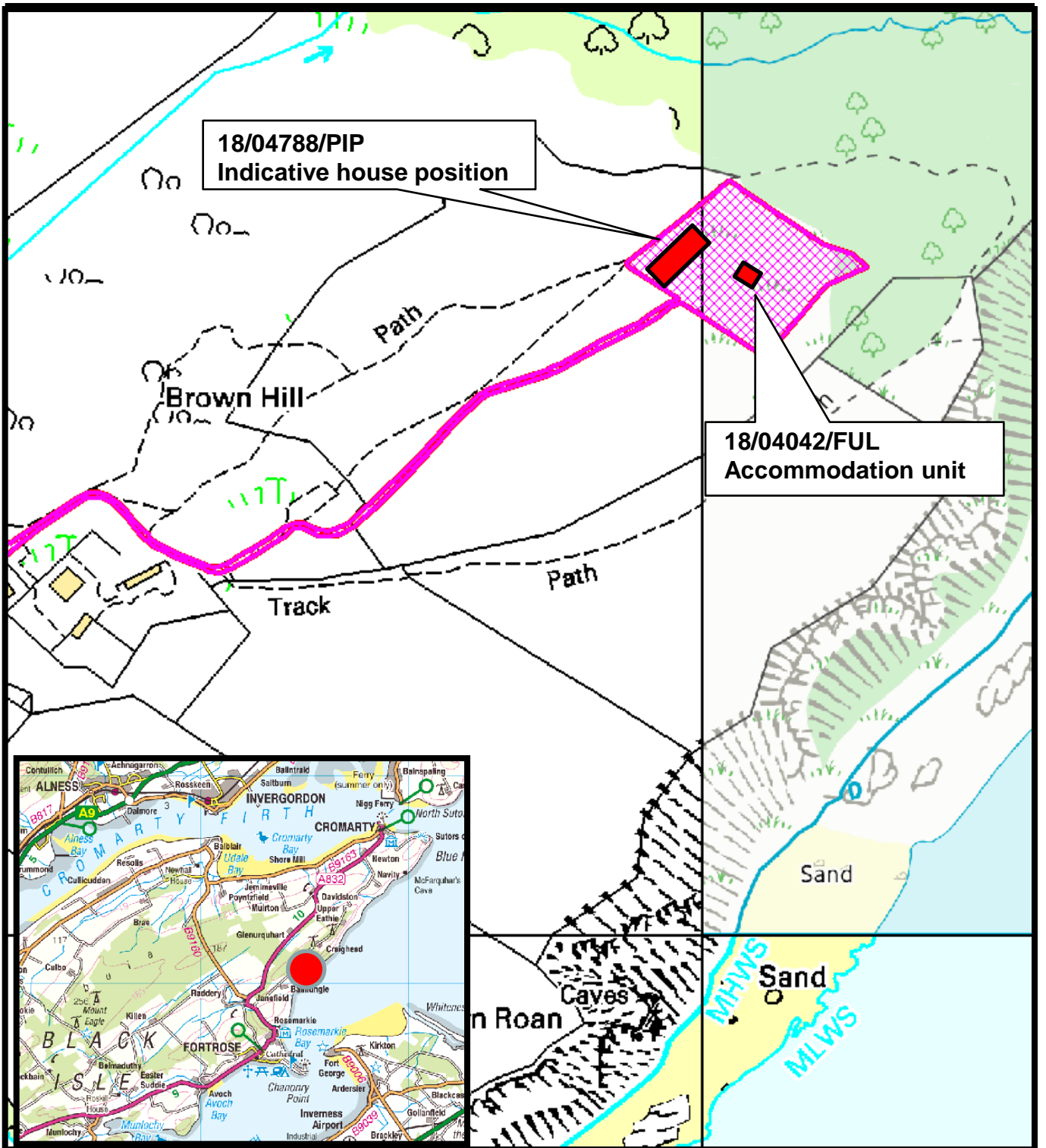
Plan 2 - Site Layout Plan

Plan 3 - Photo of cabin-01

Plan 4 - Photo of cabin -02

Plan 5 - Photo of cabin- 03

Plan 6 - Floor plan



18/04788/PIP
Indicative house position

18/04042/FUL
Accommodation unit

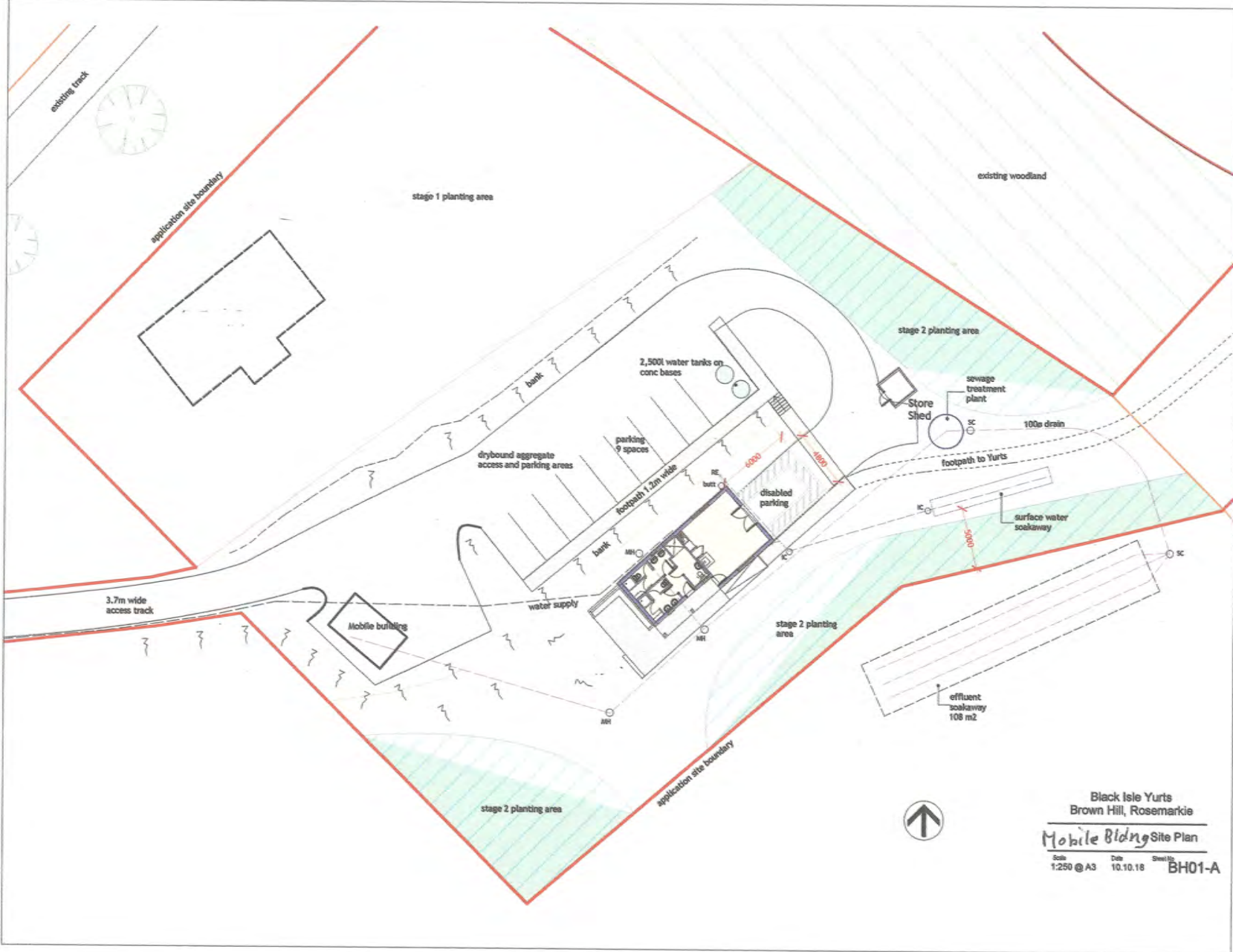


**Planning & Development
Service**

18/04042/FUL & 18/4788/PIP
Siting of accommodation unit (retrospective)
and Erection of house
(renewal of planning permission 14/00912/PIP)

Land North East of Hillockhead, Rosemarkie





existing track

application site boundary

stage 1 planting area

existing woodland

stage 2 planting area

2,500L water tanks on conc bases

sewage treatment plant

Store Shed

100m drain

drybound aggregate access and parking areas

parking 9 spaces

footpath to Yurts

water supply

footpath 1.3m wide

disabled parking

surface water soakaway

3.7m wide access track

Mobile building

stage 2 planting area

effluent soakaway 108 m2

stage 2 planting area

application site boundary



Black Isle Yurts
Brown Hill, Rosemarkie

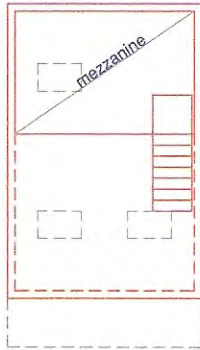
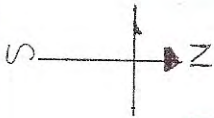
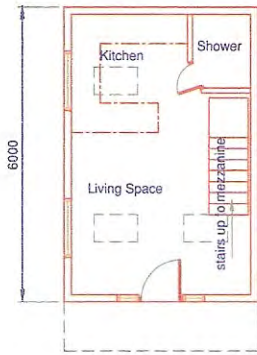
Mobile Bldg Site Plan

Scale: 1:250 @ A3 Date: 10.10.18 Sheet: BH01-A

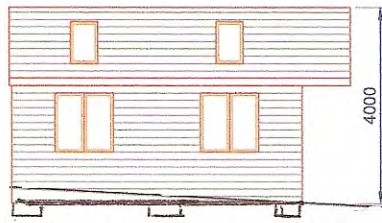




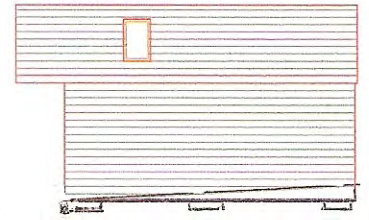




Plan at Mezzanine Level



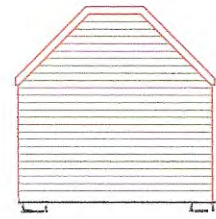
Side Elevation
Facing south



Side Elevation
Facing north

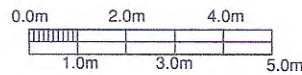


Front Elevation
Facing East



Rear Elevation
Facing West

External materials -
 Pitched Roof - Black asphalt shingles.
 Flat Roof - single ply membrane.
 Walls - Stained timber log lap cladding boards.
 Door and Windows - UPVC double glazed



Scale Bar