

Agenda Item	6.12
Report No	PLN/026/19

THE HIGHLAND COUNCIL

Committee: North Planning Applications Committee

Date: 5 March 2019

Report Title: 18/05804/PIP: Mr and Mrs A Fraser
Land 90m North-East of Hopefield Cottage, Flowerburn, Rosemarkie

Report By: Acting Head of Development Management - Highland

1. **Purpose/Executive Summary**

1.1 **Description:** House site and entrance

Ward: 09 – Black Isle

Development category: Local – Delegated

Reason referred to Committee: Member referral

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.

2. **Recommendation**

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

3. PROPOSED DEVELOPMENT

- 3.1 Planning permission in principle is sought for the erection of a house on agricultural land 90m north-east of Hopefield Cottage. The proposal is located on the landward side of the single track U2505 and shows a house broadly equidistant between Hopefield Steading and Hopefield Farm to the east and south respectively. The new access is to accord with the Access to Single Houses and Small Housing Developments Supplementary Guidance and will join the public road 25m east of the proposed house.
- 3.2 Pre Application Consultation: Yes, as noted at Section 3 below and detailed at Sections 8.6 – 8.8.
- 3.3 Supporting Information: Design Statement and Planning Statement.
- 3.4 Variations: None.

4. SITE DESCRIPTION

- 4.1 The application site is an undeveloped parcel of undulating agricultural land and is bounded by fields in all directions except for the U2505 to the south which is marked by a post and wire fence. There are three developments within 100m of the application site; Hopefield Farm 90m to the south and Hopefield Steading 40m to the east both of which lie on the seaward side of the road, with Hopefield Cottage 90m to the south-west sitting on the opposite side of the road. Planning permission for the conversion of the largely derelict Hopefield Steading to a house was granted in October 2018 under 18/03844/FUL. The Planning Authority understands that this development has yet to commence and a building warrant (18/02354/NDOM9) is currently pending consideration.

5. PLANNING HISTORY

- | | | | |
|-----|------------------|---------------------------------------|-----------------|
| 5.1 | 28 April 2014 | 14/00931/PREAPP - Erection of house | Advice provided |
| 5.2 | 21 November 2018 | 18/04839/PREAPP - Erection of a house | Advice provided |

6. PUBLIC PARTICIPATION

- 6.1 Advertised: Ross-shire Journal – Potential Departure and Unknown Neighbour
- Date Advertised: 21 December 2018
- Representation deadline: 17 January 2019
- Timeous representations: None

Late representations: None

7. CONSULTATIONS

7.1 Development Plans Team – 9 January 2019

Two developments are currently occupied as houses in the vicinity of the proposal; Hopefield Cottage on the landward side of the U2505 and Hopefield Farm on the seaward side. They are located approximately 50m from each other on opposite sides of the public road and are not regarded to have a perceptible relationship.

Hopefield Steading is not considered to form part of a “housing group” as defined by Section 6.10 of the Housing in the Countryside and Siting and Design Supplementary Guidance. The proposal therefore fails to meet the requirements of Policy 35 and the acceptable expansion of a housing group exception.

The application, while according with a number of different policies, falls short of the crucial requirements outlined in Policy 35. No work has yet been undertaken in relation to Hopefield Steading. Consequently, it cannot at this time be considered to constitute a dwelling that would form part of the required three house grouping. Furthermore, it is unclear if such a grouping exists due to the dispersed nature of the dwellings in the area and the lack of a cohesive relationship between them. As such, the proposal does not accord with Highland-wide Local Development Plan policy is therefore not supported by the Development Plan.

7.2 Scottish Water - 20 December 2018

There is currently sufficient capacity in the Assynt Water Treatment Works. This will be reviewed once a formal connection application is submitted to Scottish Water. There is no public waste water infrastructure in the vicinity of the application site.

8. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

8.1 Highland-wide Local Development Plan 2012

28 - Sustainable Design
31 - Developer Contributions
35 - Housing in the Countryside (Hinterland Areas)
57 - Natural, Built & Cultural Heritage
65 - Waste Water Treatment
66 - Surface Water Drainage

8.2 Inner Moray Firth Local Development Plan 2015

No site specific policies.

9. OTHER MATERIAL CONSIDERATIONS

9.1 Highland Council Supplementary Planning Policy Guidance

Access to Single Houses and Small Housing Developments (May 2011)
Developer Contributions (Nov 2018)

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

Sustainable Design Guide (Jan 2013)

9.2 Scottish Government Planning Policy and Guidance

Scottish Planning Policy (The Scottish Government, Jun 2014) Paragraph 81

10. PLANNING APPRAISAL

10.1 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

10.2 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

10.3 The key considerations in this case are:

- a) compliance with the development plan and other planning policy; and
- b) any other material considerations.

10.4 The proposal is located within the hinterland where there is a general presumption against new housing development unless a clear exception to Policy 35 and the Housing in the Countryside and Siting and Design Supplementary Guidance exists. A Design Statement and Planning Statement have been provided in support of this proposal and assert that the development meets the requirements of the acceptable expansion of an existing housing group exception.

10.5 For this exception to apply, the group of houses to which the proposal relates must meet the criteria for a "housing group" as defined by Section 6.10 of the Housing in the Countryside and Siting and Design Supplementary Guidance. In order for a group of houses to be classed as a "housing group":

1. there must be at least three houses that are physically detached from one another;
2. all of the houses must have a perceptible relationship with one another and share a well-defined, cohesive character; and
3. the houses must not comprise part of a 'small settlement' as defined by the Inner Moray Firth Local Development Plan.

- 10.6 The applicant has submitted two pre-applications in relation to the erection of a single house on land to the north-east of Hopefield Cottage. The Planning Authority's responses to 14/00931/PREAPP and 18/04839/PREAPP are summarised in Section 8.7 and Section 8.8 below:
- 10.7 14/00931/PREAPP – Response issued prior to the determination of 18/03844/FUL
- “Hopefield Cottage together with Hopefield Farm do not form a housing group. The proposal constitutes an intrusion into a previously un-developed field with no natural barrier to the east such as woodland to prevent further linear development along the road. If an application is submitted we would find it contrary to Policy 35 and we ultimately would not support the proposal.”
- 10.8 18/04839/PREAPP – Response issued post determination of 18/03844/FUL
- “This response will assess whether or not there has been any material changes to either the site or surrounding area which may alter the position of the responding planning officer in 2014.
- There are three developments of relevance to this proposal; Hopefield Cottage 70m to the south-west of the indicative house location, Hopefield Farm 45m to south and Hopefield Steading, a disused traditional steading 80m to the east. The former is located on the landward side of the U2505 whilst Hopefield Farm and Hopefield Steading sit on the seaward side.
- The only material change in the site or its surroundings since 14/00931/PREAPP was issued is the granting of planning permission for the conversion of Hopefield Steading to a single house under 18/03844/FUL.
- It is considered that the proposal continues to be contrary to Policy 35 of the Highland-wide Local Development Plan as Hopefield Cottage, Hopefield Farm and the recently approved conversion of Hopefield Steading do not constitute a housing group. The significant separation distances between Hopefield Steading and the remaining two houses mean that they do not share a cohesive character and concerns relating to linear development as well as building on farmland remain.”
- 10.9 The requirements of Section 6.10 of the Housing in the Countryside and Siting and Design Supplementary Guidance is clear; “there must be at least three houses that are physically detached from one another”. Whilst the principle of converting Hopefield Steading to a house has been established by the granting of 18/03844/FUL, it is only when works are completed that Hopefield Steading will fall into Class 9 (Houses). As there are currently only two houses, Hopefield Cottage and Hopefield Farm, this planning application could therefore be reasonably refused on the basis that there are not three houses that are physically detached from one another.
- 10.10 However, even if 18/03844/FUL is never implemented, it is clear that the Planning Authority is supportive of converting Hopefield Steading to a house. Barring a material change in Policy or the character of the application site to which 18/03844/FUL relates, it is likely that a future planning application to convert Hopefield Steading to a house, which could include the renewal of the current

consent, would also be supported. In order to remove any doubt as to whether the principle of a change in use has influenced the determination of this planning application, Hopefield Steading was considered to currently fall under Class 9 (Houses) despite, in planning terms, having an agricultural use during determination. This was also the case during the appraisal of 18/04839/PREAPP.

- 10.11 The primary consideration is whether Hopefield Cottage, Hopefield Farm and Hopefield Steading meet the requirements of a “housing group” defined by Section 6.10 of the Housing in the Countryside and Siting and Design Supplementary Guidance. If it is not accepted that these properties form a “housing group”, then there are no other material planning considerations and the application must be refused.
- 10.12 The relationship between Hopefield Steading and Hopefield Farm is immediately evident and the agricultural association between the buildings is clear and strong. A similarly strong relationship is not deemed to exist between Hopefield Steading and Hopefield Cottage. This is partly due to the topography of the land in the 135m between these two properties which obscures one from the other and that it also lies on the opposite side of the road in a slightly elevated position from both. The “housing group” exception requires all three houses to have a perceptible relationship and share a well defined, cohesive character. If this only applies to two of the three properties involved, then there is no “housing group” under the defined criteria of the exception.
- 10.13 There have been no material changes to either the application site or its surrounding area since the response to 18/04839/PREAPP was issued and it continues to be used for agricultural purposes. The group of houses do not share a perceptible relationship with one another or have a well-defined, cohesive character and there is no natural barrier with which to prevent further linear development. It is considered that the erection of a single house in an undeveloped field is contrary to Policy 35 as the existing houses close by do not constitute a “housing group”.

Other material considerations

- 10.14 If the application was to be approved then developer contributions will be required in order to mitigate the impact of this development on local services. A calculation of the contributions which would be required in this case is provided below.

Summary of Developer Contributions – DCSG (2018)		
Infrastructure / Service Answer Contribution	Answer	Contribution Rate (per house)
Schools - Primary - Build Costs	2 classroom extension	£409
Schools - Primary - Land Costs	YES	£26
Schools - Secondary - Build Costs	N/A	-
Schools - Secondary - Land Costs	N/A	-

Schools Sub-Total	1 x house	£435
Cumulative Transport Contributions	N/A	-
Community Facilities	N/A	-
Affordable Housing	N/A	-
Standard Transport Requirements	Seek advice from Transport Planning	TBC
Green Infrastructure	N/A	-
Water and Waste	Seek advice from Scottish Water and the Council's Flood Risk Management Team and Waste Team	TBC
Public Art	N/A	-
Development Total		£435
<i>All costs are subject to indexation and reflect Q3 2018</i>		

11. CONCLUSION

- 11.1 The proposal is located within the hinterland where new housing development is restricted unless a clear exception to Policy 35 exists. The three houses, Hopefield Cottage, Hopefield Farm and Hopefield Steading, do not meet the Council's stated definition of a "housing group" and the erection of a house in this location does not therefore meet the requirements of the relevant exception under Policy 35.
- 11.2 There are no material considerations that suggest the application can be supported under any of the other exceptions to Policy 35.
- 11.3 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.

12. IMPLICATIONS

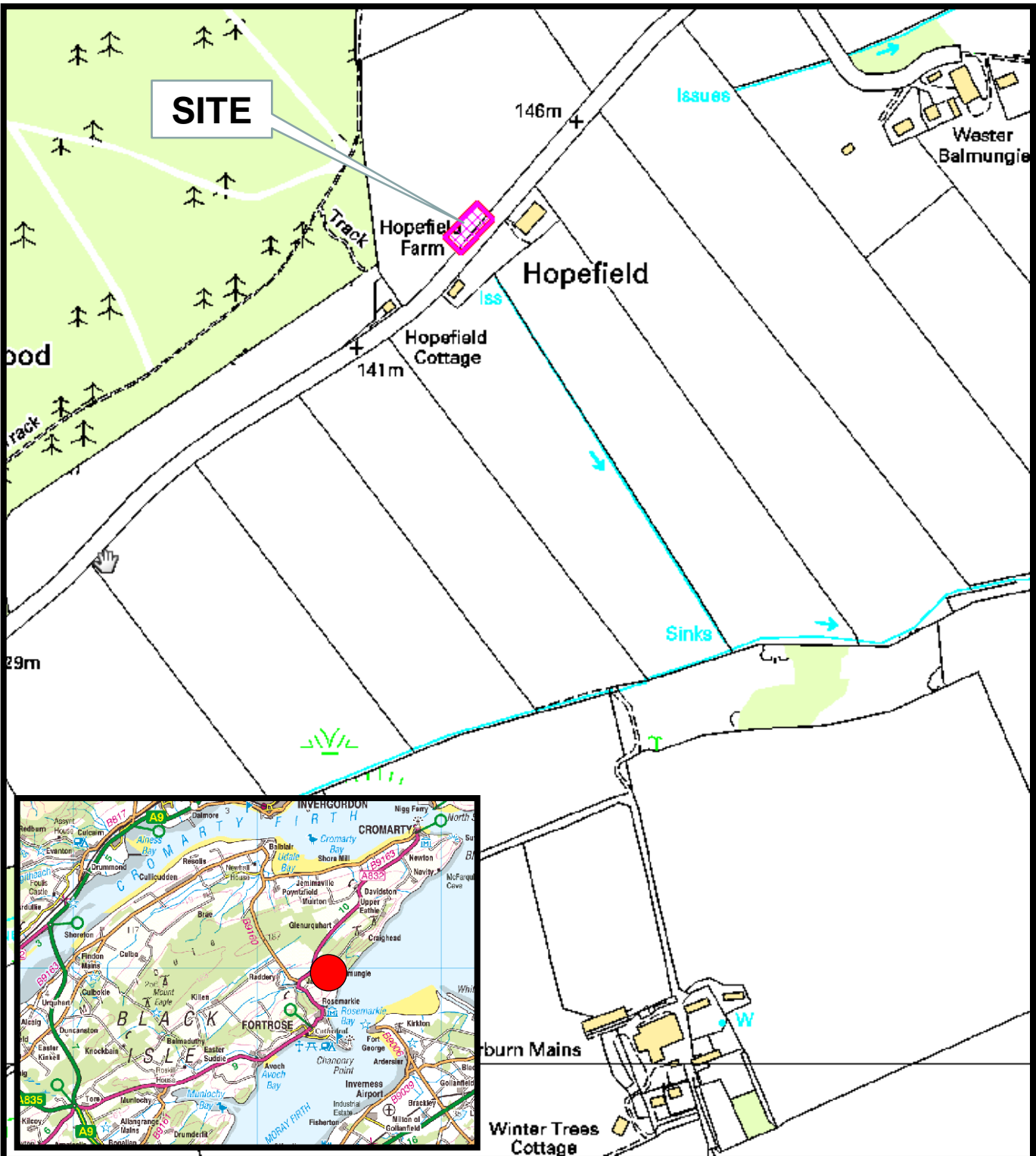
- 12.1 Resource: Not applicable
- 12.2 Legal: Not applicable
- 12.3 Community (Equality, Poverty and Rural): Not applicable
- 12.4 Climate Change/Carbon Clever: Not applicable
- 12.5 Risk: Not applicable
- 12.6 Gaelic: Not applicable

13. RECOMMENDATION

The application is recommended for **Refusal** for the reason set out below:

The proposal is contrary to Policy 35 of the Highland-wide Local Development Plan; Paragraph 81 of Scottish Planning Policy; and the Council's adopted Supplementary Guidance: Housing in the Countryside and Siting and Design; as the site is not located within or adjacent to an existing housing group as the nearest properties to the site do not meet the criteria to constitute a housing group under Section 6.10 of the Supplementary Guidance, as those properties by consequence of their separation and the intervening topography, do not share a perceptible relationship with one another or have any well-defined cohesive character.

Designation: Acting Head of Development Management - Highland
Author: Graham Fraser
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 - Location Plan: Reference 0860-300
Plan 2 - Site Layout Plan: Reference 0860-301



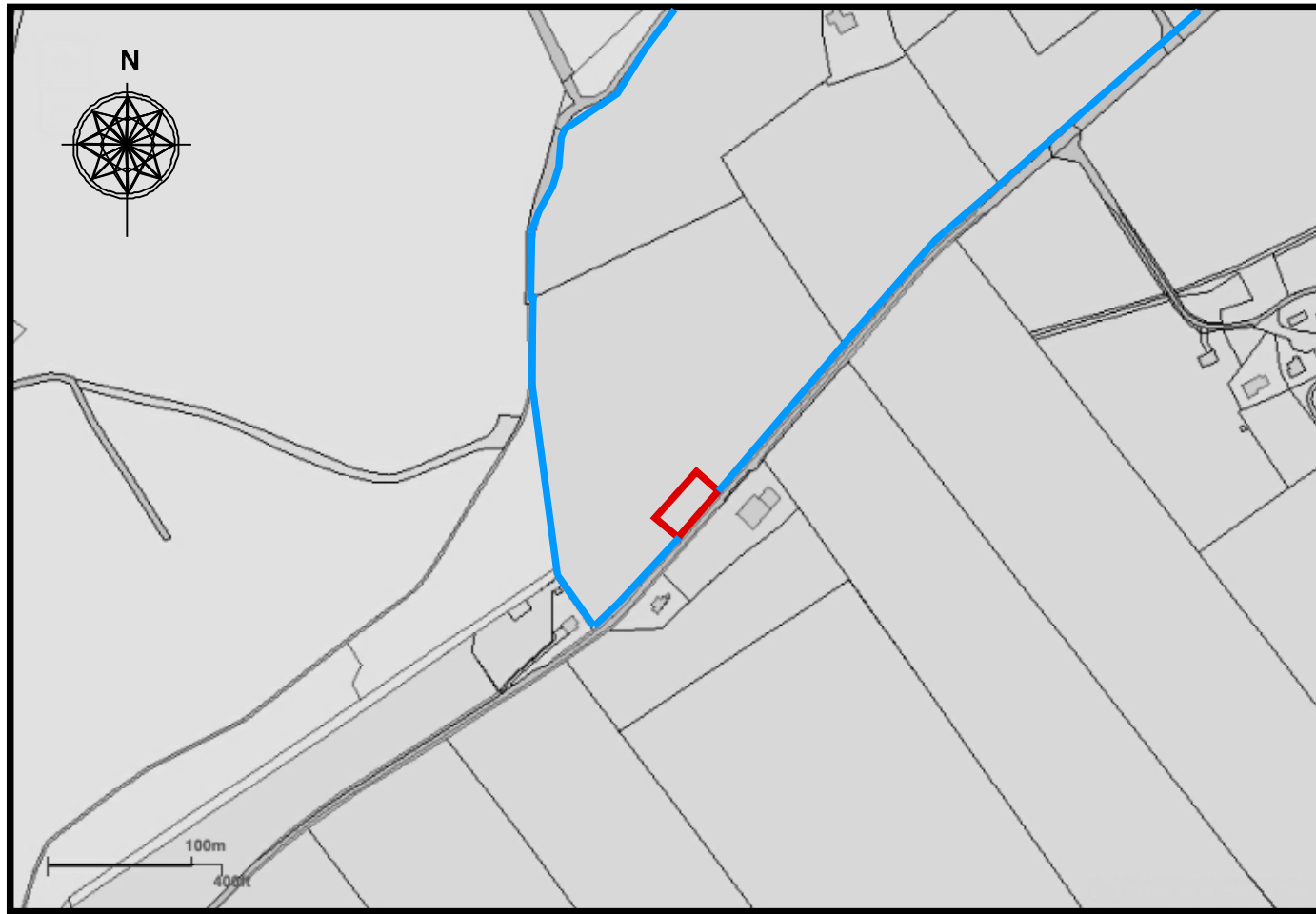
The Highland Council
Comhairle na Gàidhealtachd

Planning & Development Service

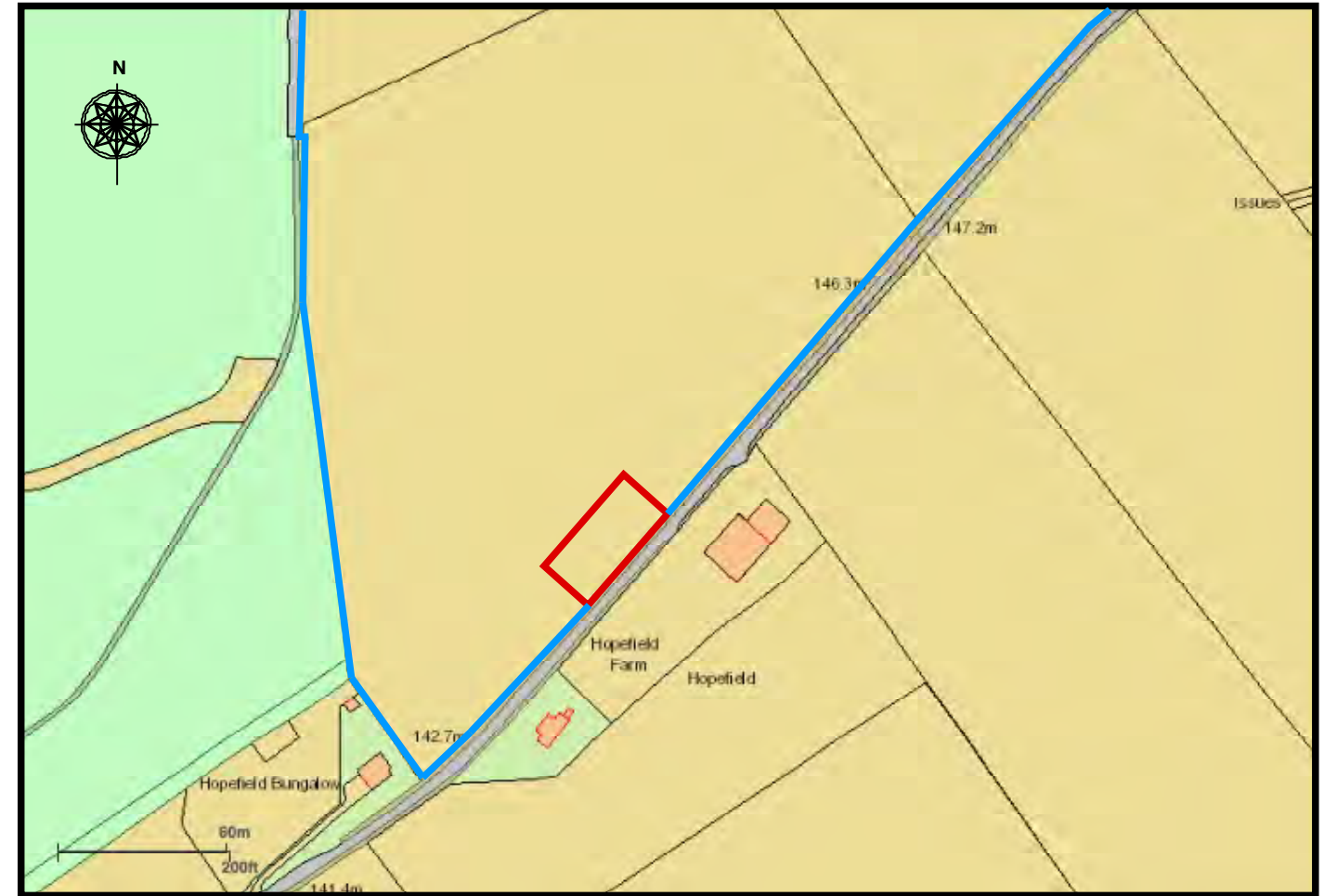
18/05804/PIP

**Erection of house
 at Land to Land NE of Hopefield Cottage,
 Flowerburn, Rosemarkie**





Location Plan (1:5000)



Block Plan (1:2500)

PROJECT:
Proposed House Site
Hopetfield, Eathie Road
Rosemarkie
Ross-shire

NOTES:
DO NOT SCALE
ALL DRAWINGS MUST BE CHECKED
PRIOR TO COMMENCEMENT AND ANY
DISCREPANCIES MUST BE REPORTED
TO THIS OFFICE



DRAWING TITLE:
Location Plans

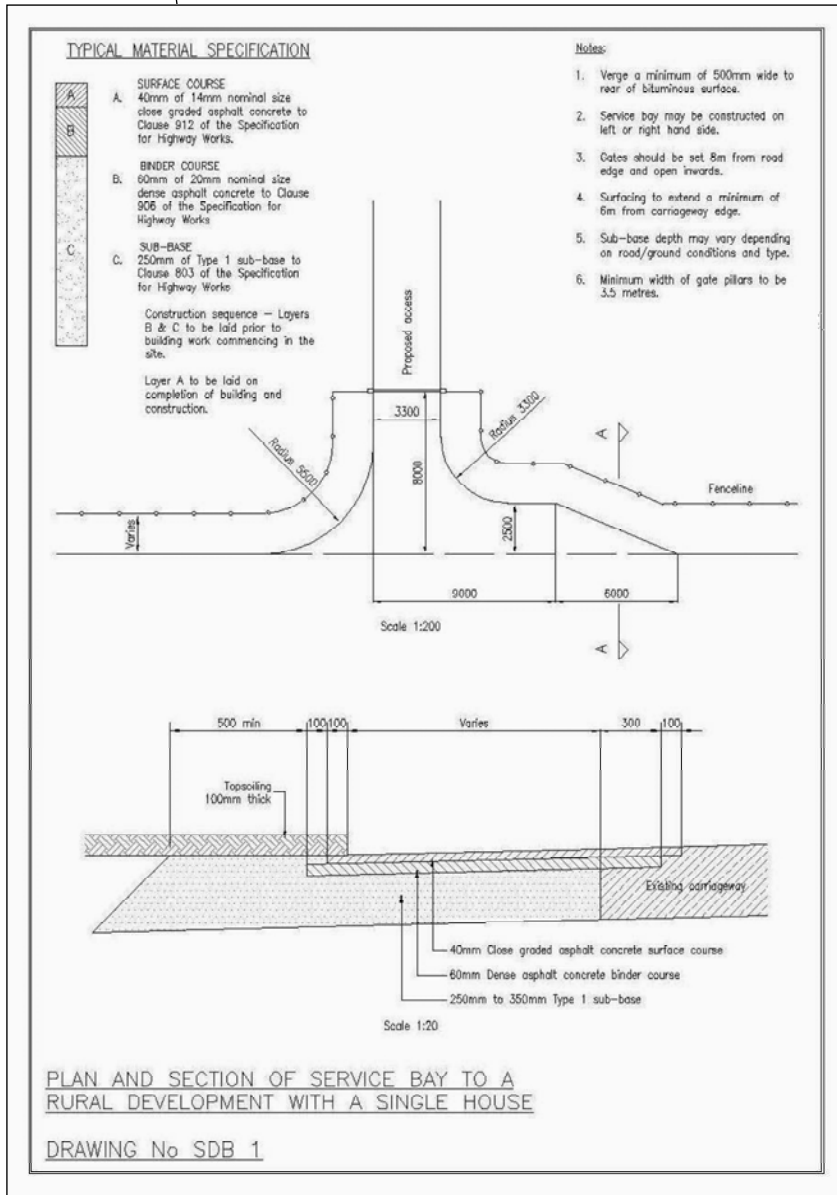
CLIENT:
Mr & Mrs A Fraser

SCALE: 1:5000;3000 @ A3

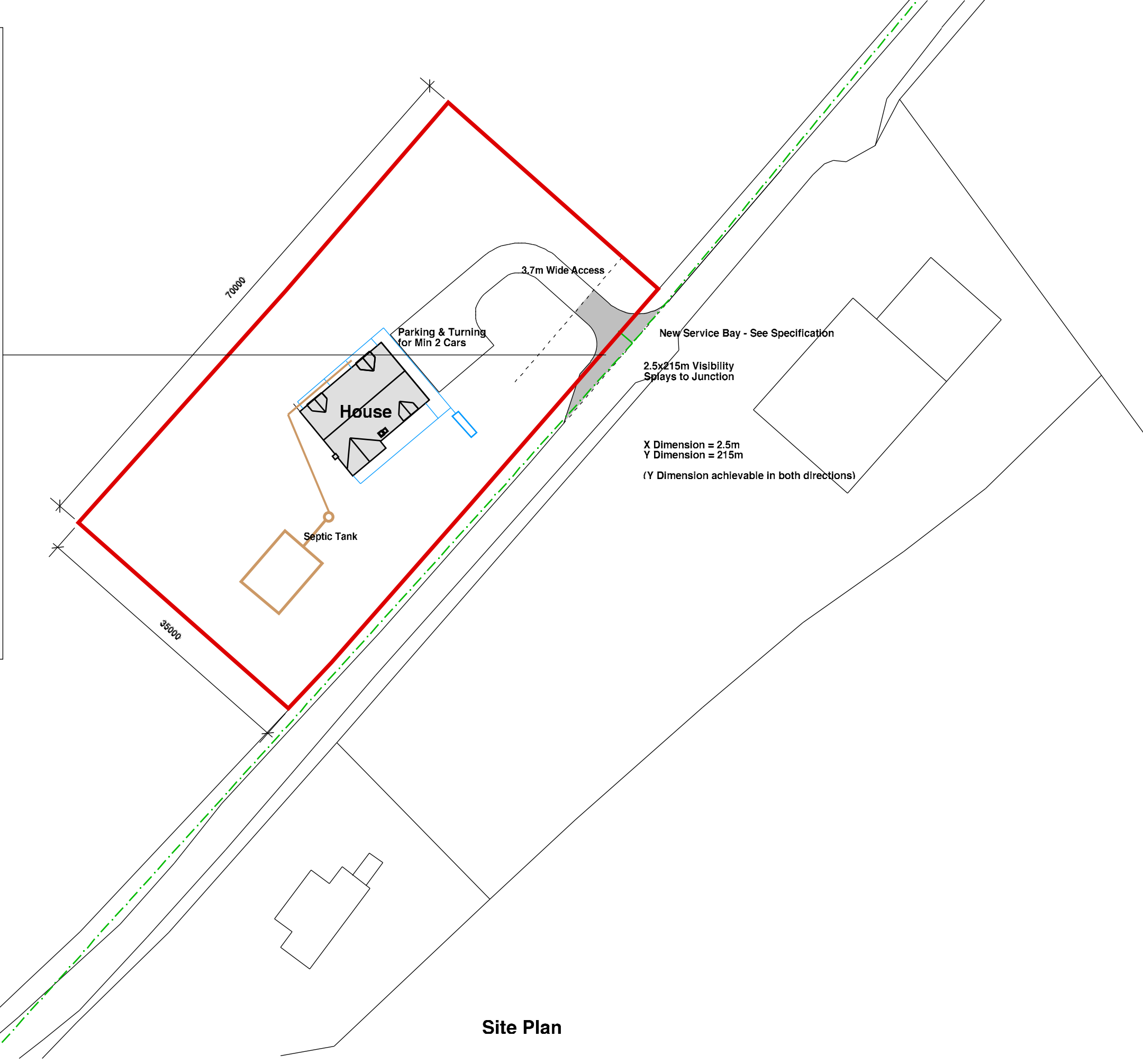
DATE: 08.12.2018

DRAWN: D.M. **REV:** -

0860/300



- Notes:**
1. Verge a minimum of 500mm wide to rear of bituminous surface.
 2. Service bay may be constructed on left or right hand side.
 3. Cates should be set 8m from road edge and open inwards.
 4. Surfacing to extend a minimum of 6m from carriageway edge.
 5. Sub-base depth may vary depending on road/ground conditions and type.
 6. Minimum width of gate pillars to be 3.5 metres.



PROJECT:
Proposed House Site
Hopefield, Eathie Road
Rosemarkie
Ross-shire

NOTES:
DO NOT SCALE
ALL DRAWINGS MUST BE CHECKED
PRIOR TO COMMENCEMENT AND ANY
DISCREPANCIES MUST BE REPORTED
TO THIS OFFICE



DRAWING TITLE:
Site Plan

CLIENT:
Mr & Mrs A Fraser

SCALE: 1:500

DATE: 08.12.2018

DRAWN: D.M. **REV:** -

0860/301