

Agenda Item	6.10
Report No	PLS 048/19

## HIGHLAND COUNCIL

**Committee:** South Planning Applications Committee  
**Date:** 11 June 2019  
**Report Title:** 19/00703/FUL: Mr Peter Roy  
Land 150M NE of Larisa House, Bunloit, Drumnadrochit  
**Report By:** Area Planning Manager – South

### **Purpose/Executive Summary**

**Description:** Erection of house  
**Ward:** 12 Aird and Loch Ness  
**Development category:** Local

**Reason referred to Committee:** Member Request

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 house and garden store to the north east of Larisa House.
- 1.2 Access to the site is from a single track road that leads to Bunloit.
- 1.3 Pre Application Consultation: none
- 1.4 Supporting Information: Private Access Checklist, Supporting Statement
- 1.5 Variations: none

## **2. SITE DESCRIPTION**

- 2.1 The 0.67ha triangular shaped site slopes from north to south and is covered with woodland, which also provides strong delineated boundaries to the site. It is located within the hinterland of Inverness and outwith but across the River Coilte from the settlement of Drumnadrochit. The Highland Council's road maintenance depot is located to the south side of the public road. The nearest house, Larisa House, is approximately 67m at its closest point from the nearest point of the application site; and 110m from the proposed building.

## **3. PLANNING HISTORY**

- 3.1 None

## **4. PUBLIC PARTICIPATION**

- 4.1 Advertised: Unknown neighbour  
Date Advertised: 08.03.2019  
Representation deadline: 22.03.2019  
  
Timeous representations: 1  
  
Late representations: 1
- 4.2 Material considerations raised are summarised as follows:
  - a) The field should not be classed as garden as it has not been mown or tended as a garden, but grazed by horses and sheep;
  - b) The site of the proposed dwelling has been used by the owner as a garden.
- 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 **Forestry Officer:** The applicant will need to demonstrate that it is possible to develop the site without additional impact on trees. A tree survey will have to be carried out by a professional arboriculturalist and provide a Tree Constraints Plan and Tree Protection Plan to BS: 5837(2012). The Tree Protection Plan will need to

show the retention and protection of the remaining trees on site along with adequate separation between trees and the proposed residential development. In addition, a Tree Planting Plan with heavy standard planting proposals will also be required.

## **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
- 31 - Developer Contributions
- 35 - Housing in the Countryside (Hinterland Areas)
- 65 - Waste Water Treatment
- 66 - Surface Water Drainage

### **6.2 Inner Moray Firth Local Development Plan 2015**

No site specific policies apply.

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

- Access to Single Houses and Small Housing Developments (May 2011)
- Developer Contributions (March 2013)
- Housing in the Countryside and Siting and Design (March 2013)
- Sustainable Design Guide (Jan 2013)
- Trees, Woodlands and Development (Jan 2013)

## **7. OTHER MATERIAL 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) siting and design;

c) any other material considerations.

#### Development plan/other planning policy

- 8.4 The site lies within the Hinterland of Inverness therefore the Highland-wide Local Development Plan policy 35 Housing in the Countryside (Hinterland Areas) applies. This presumes against 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 businesses, infill or rounding off of an existing housing group, redevelopment of brownfield land, conversion or re-use of traditional buildings, or housing in garden ground. The supporting statement to this application states that the application is made under the garden ground exception.
- 8.5 The policy allows for the sub-division of existing garden ground for a single house provided that the garden meets the criteria set out in the Guidance. This states that land shall only be defined as garden ground when it:
- Has a clear boundary defining the extent of formal garden ground;
  - Is clearly looked after/tended/maintained/developed;
  - Is not separated from the house by burn, road, track or other feature;
  - Has signs of formal usage in the way of man-made structures – e.g. summer houses/sheds/picnic furniture and well trodden paths to them.
- It further states that proposals on wider land ownerships that do not form part of identified formal garden ground do not comply with policy.
- 8.6 In this case, there is a formal garden that is clearly looked after, tended and maintained within the immediate vicinity of Larisa House. The proposed site, however, is within the wider land ownership, but outwith the tended garden ground. There are no signs of formal usage in the way of man-made structures. Further there is a band of trees separating the site from Larisa House. Taking these factors into account, it cannot be concluded that the proposal would comply with the Highland Wide Local Development Plan Policy 35.

#### Siting and Design

- 8.7 The proposed house sits on a steep slope and as such will require significant changes to provide a site for development. Engineering works to accommodate this will include retaining walls and substantial underbuilding to provide a platform for the house. A garage and garden store has been included at a lower level that partly provides the house with a level platform to build on and a wide terrace over the garage with balustrading around.
- 8.8 The Housing in the Countryside and Siting and Design Supplementary Planning Guidance encourages integrating the house into the slope and avoiding engineered 'platforms'. It encourages the use of split level design to achieve a stepped effect that fits into the landscape or long low buildings.
- 8.9 While the proposed house itself is single storey, it is built essentially on two large platforms and while it may be argued that it appears split level as per the guidance,

the proposed development is not built into the slope, so it does not fit into the landscape. The development is therefore not considered to demonstrate sensitive siting in keeping with local character and the natural environment and as such does not accord with the Highland-wide Local Development Plan policy 28 Sustainable Design.

Other material considerations

- 8.10 Two letters of representation were received relating to the use of the site as garden ground. Applying the criteria set out in the Development Plan, it is not considered that the site forms part of the formal garden ground.

Non-material considerations

- 8.11 There are no non-material planning considerations.

Developer Contributions

- 8.12 Policy 31 requires all developments to make fair and reasonable contributions towards improved public services as required. The following is what would be required in the event that planning permission were to be granted.

<b>Summary of Developer Contributions</b>		
<b>Infrastructure / Service Type</b>	<b>Select Answer</b>	<b>Contribution Rate Per Home</b> (a small scale housing discount has already been applied)
<b>Number of Homes Proposed</b>	1	
<b>Schools - Primary</b>		
Build Costs	Major extension / new school	£1,504
Major Extension / New School - Land Costs	None - No land costs required	£0
<b>Primary Total</b>		<b>£1,504</b>
<b>Schools - Secondary</b>		
Build Costs	None - No capacity constraints	£0
Major Extension / New School - Land Costs	None - No land costs required	£0
<b>Secondary Total</b>		<b>£0</b>
<b>Affordable Housing</b>		
CNPA	No	£0
<b>Cumulative Transport</b>		
Development Brief / Agreement Area	None - No cumulative transport costs required	£0
<i>Breakdown</i>	N/A	N/A
	N/A	N/A
	N/A	N/A
<b>Total Per Home</b>		<b>£1,504</b>
<b>Total for Development</b>		<b>£1,504</b>
All costs are subject to indexation (BCIS All-In TPI) and have been indexed to the appropriate quarter.		

## 9. CONCLUSION

9.1 The proposed house does not accord with the Highland-wide Local Development Plan (2012) in that it does not :

- meet the criteria for one of the exceptions (garden ground) to Policy 35 Housing in the Countryside (Hinterland areas)
- accord with Policy 28 Sustainable Design, as it does demonstrate sensitive siting for building on a significant slope, without significantly and insensitively altering the local landscape character and the natural environment by way of the land-raising required to create a building platform.

For these reasons it is considered that the planning application should be refused.

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

It is recommended that the planning permission be **Refused** for the following reasons:

1. The proposal does not accord with Policy 35 Housing in the Countryside (Hinterland areas) of the Highland-wide Local Development Plan since it does not meet any of the exceptions detailed in the policy, such as the development of a house within garden ground.
2. The proposal does not accord with Policy 28 Sustainable Design of the Highland-wide Local Development Plan as it does demonstrate sensitive siting for building on a significant slope, without significantly and insensitively altering the local landscape character and the natural environment by way of the land-raising required to create a building platform.

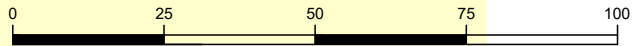
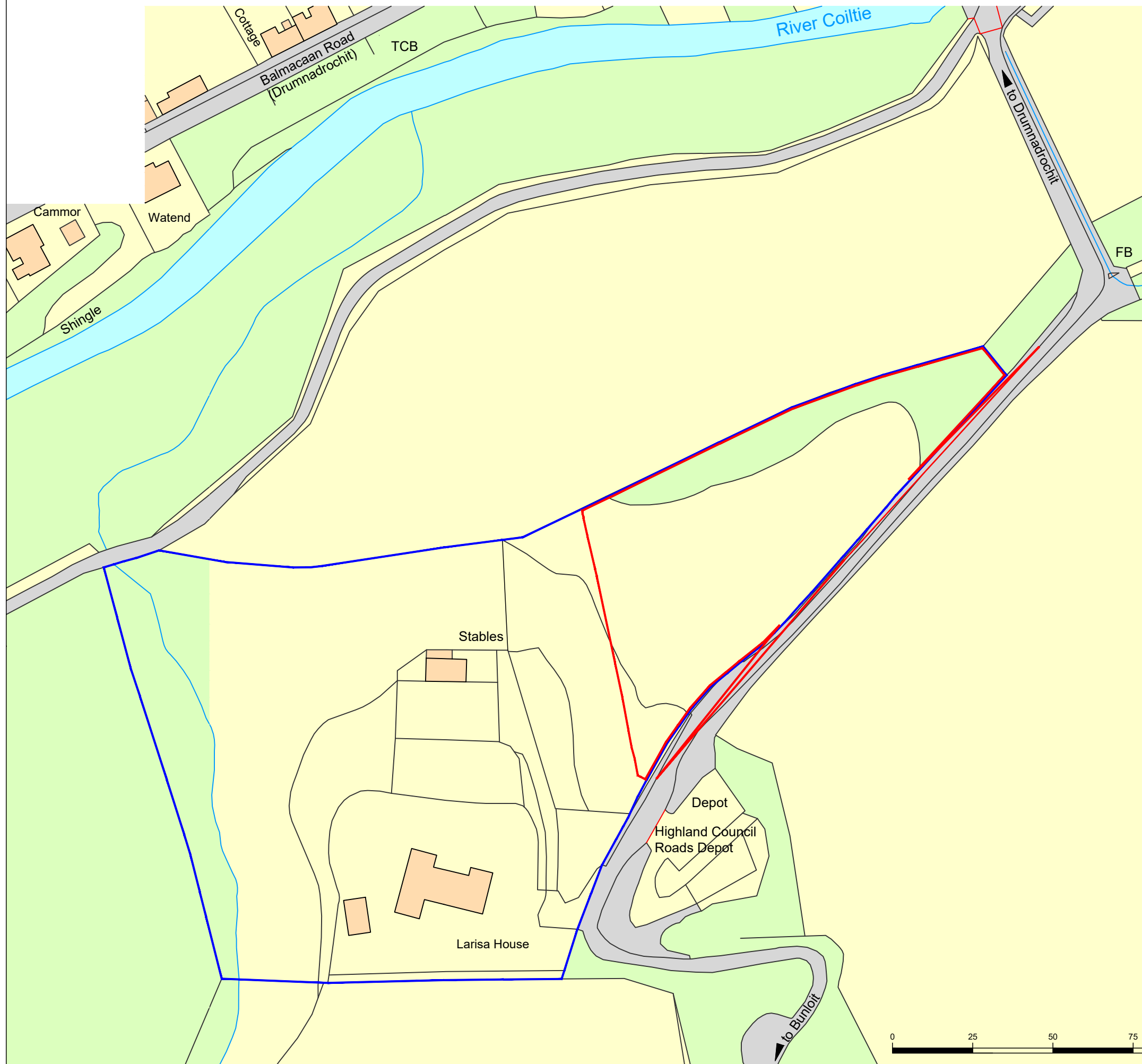
Signature: David Mudie

Designation: Area Planning Manager – South

Author: Elaine Watt

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

Relevant Plans:	Plan 1 - Location Plan	PL01
	Plan 2 - Site Layout Plan	PL02
	Plan 3 - Proposed Site Layout Plan	PL03
	Plan 4 - Floor/Elevation Plan	PL04
	Plan 5 - General Plan	000001



Scale 1:1250 (metres)

DO NOT SCALE, IF IN DOUBT PLEASE ASK  
 All setting out must be checked on site prior to commencement. Any discrepancy must be reported to  
 G. H. JOHNSTON Building Consultants Ltd

- Ownership Boundary
- Development Boundary including visibility splays

# PLANNING APPLICATION

REVISIONS		
rev.	description	date

Client  
**Mr Peter Roy**

Project  
**Proposed New House at Bunloit Drumadrochit**

Drawing  
**Location Plan**

Scale <b>1:1250@A3</b>	Date <b>Feb 2019</b>	Drawn by <b>SR</b>
Project no <b>2528</b>	Dwg no <b>PL01</b>	Rev

**G.H.JOHNSTON**

**BUILDING CONSULTANTS LTD**

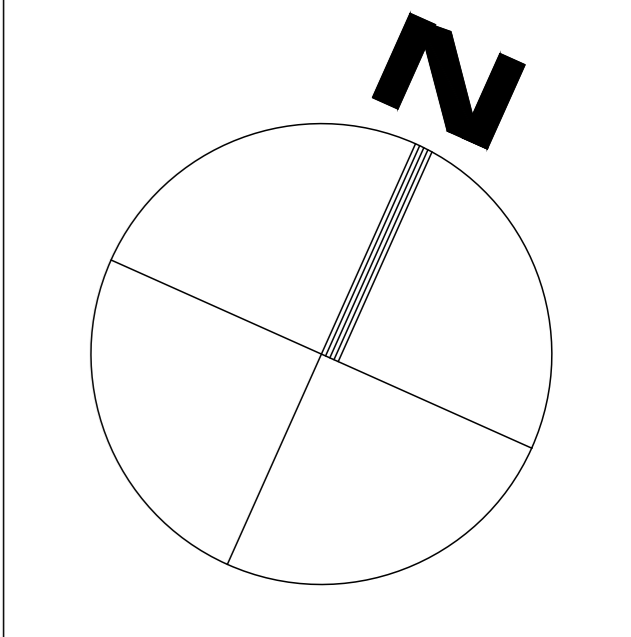
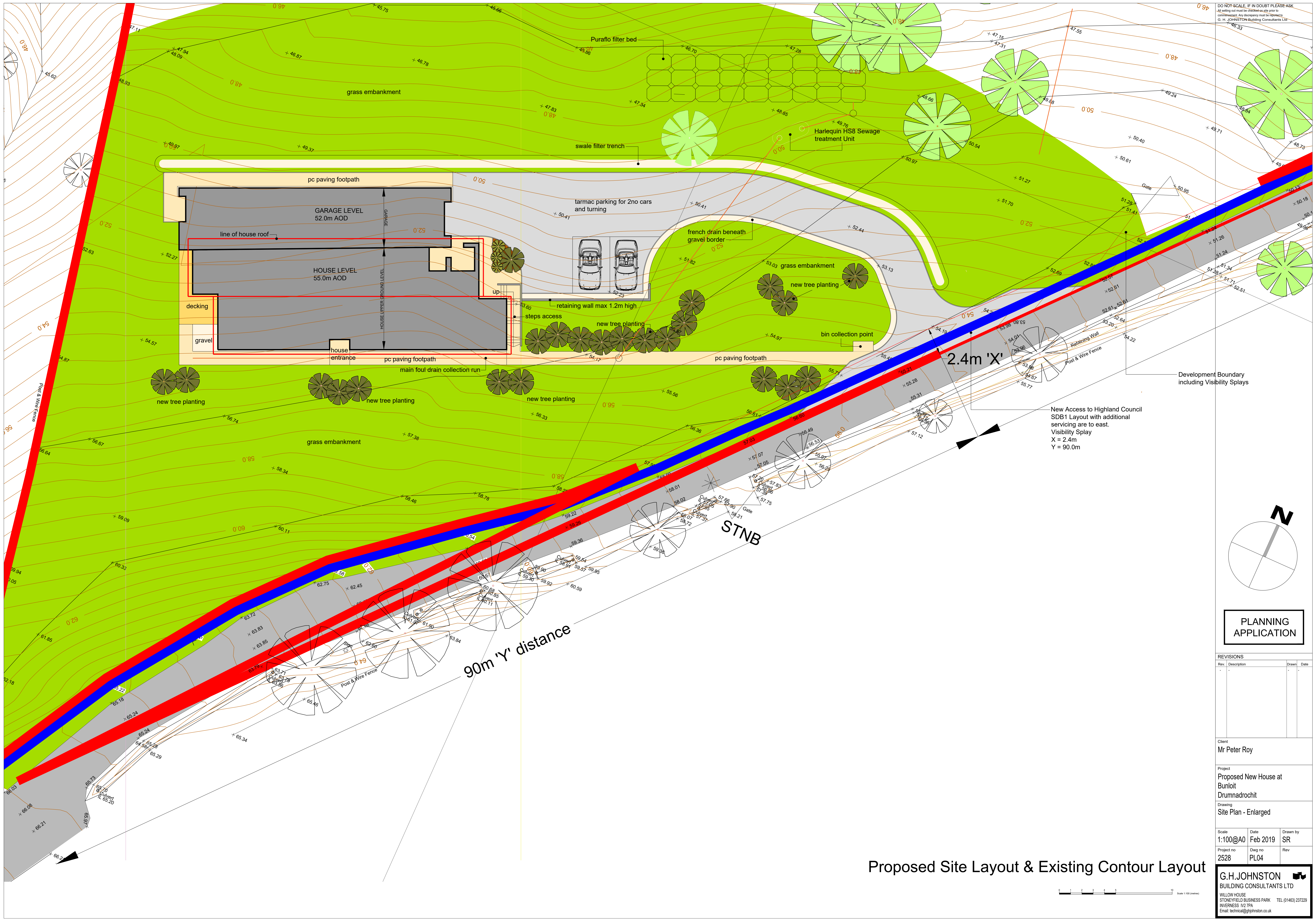
WILLOW HOUSE  
 STONEYFIELD BUSINESS PARK TEL (01463) 237229  
 INVERNESS IV2 7PA  
 Email: technical@ghjohnston.co.uk







DO NOT SCALE. IF IN DOUBT PLEASE ASK  
 All settings out must be checked on site prior to  
 construction. Any discrepancies must be reported to:  
 G. H. JOHNSTON Building Consultants Ltd



**PLANNING APPLICATION**

REVISIONS			
Rev.	Description	Drawn	Date

Client  
 Mr Peter Roy

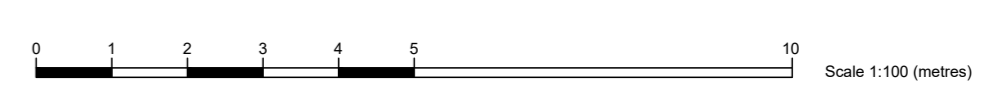
Project  
 Proposed New House at  
 Bunloit  
 Drumadrochit

Drawing  
 Site Plan - Enlarged

Scale	Date	Drawn by
1:100@A0	Feb 2019	SR
Project no	Dwg no	Rev
2528	PL04	

Proposed Site Layout & Existing Contour Layout

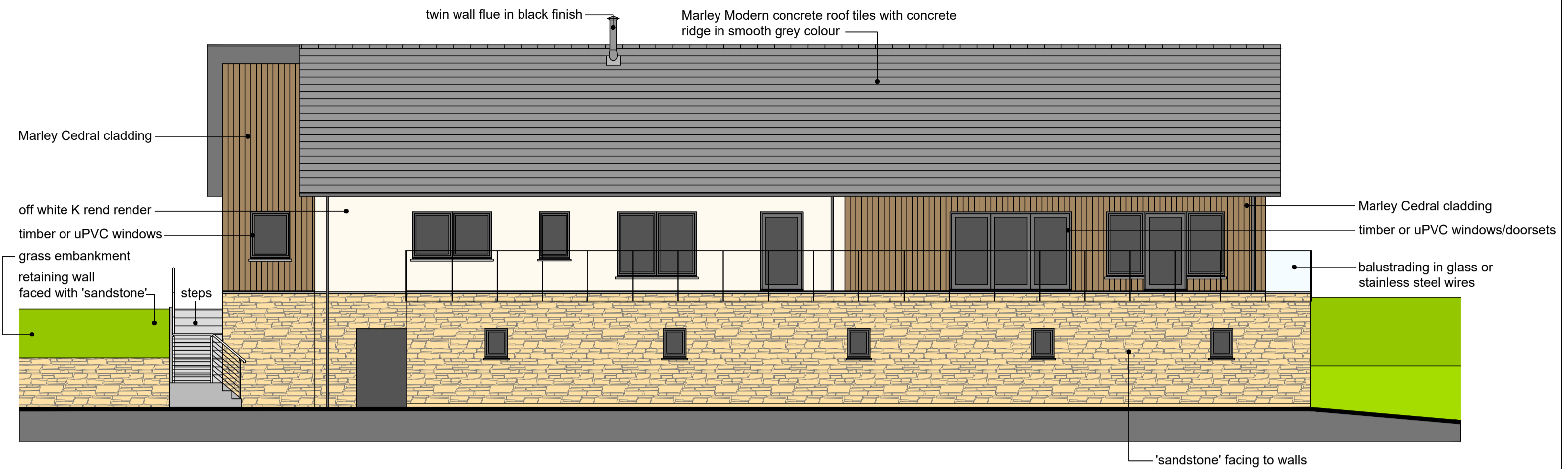
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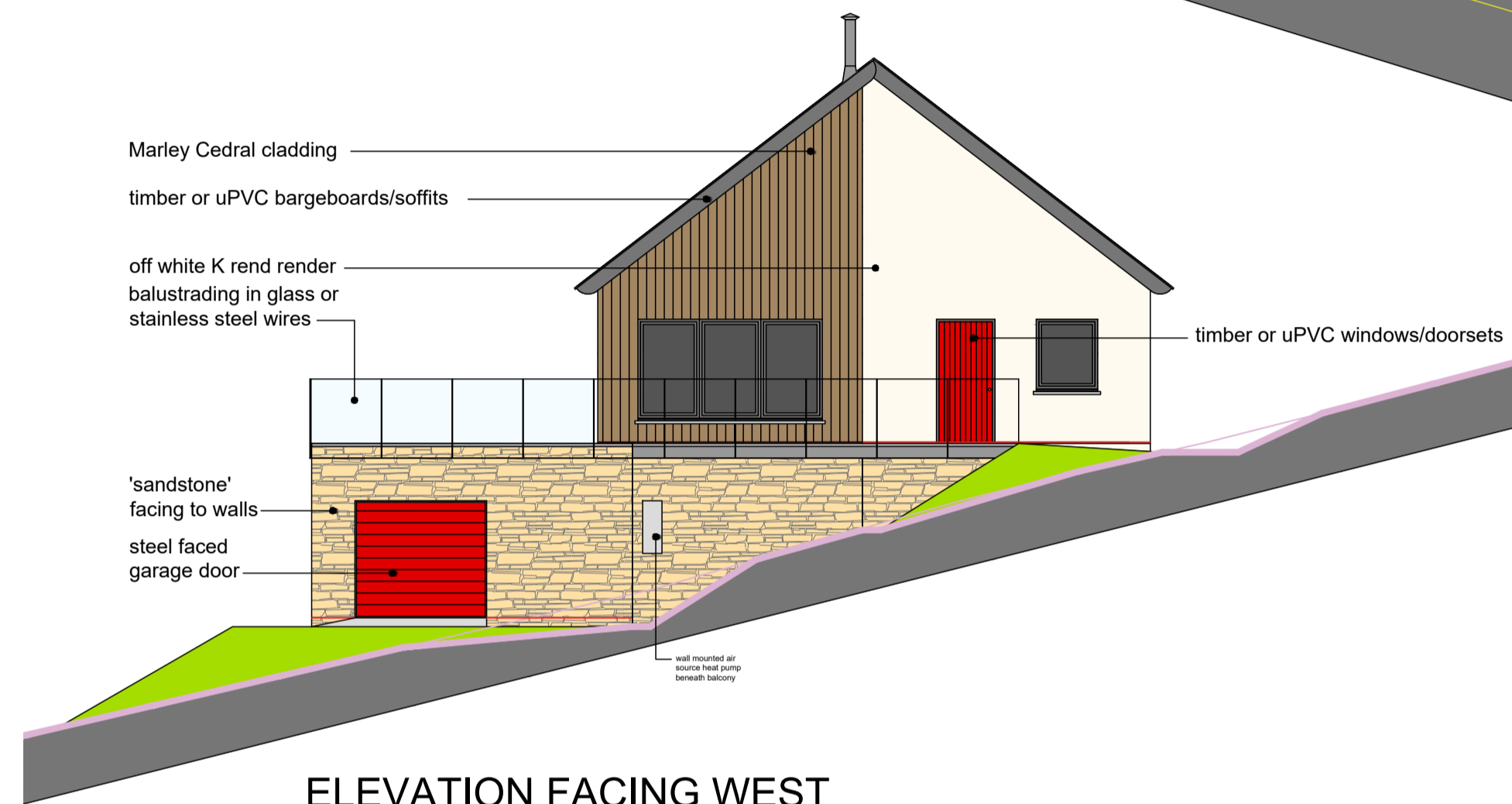




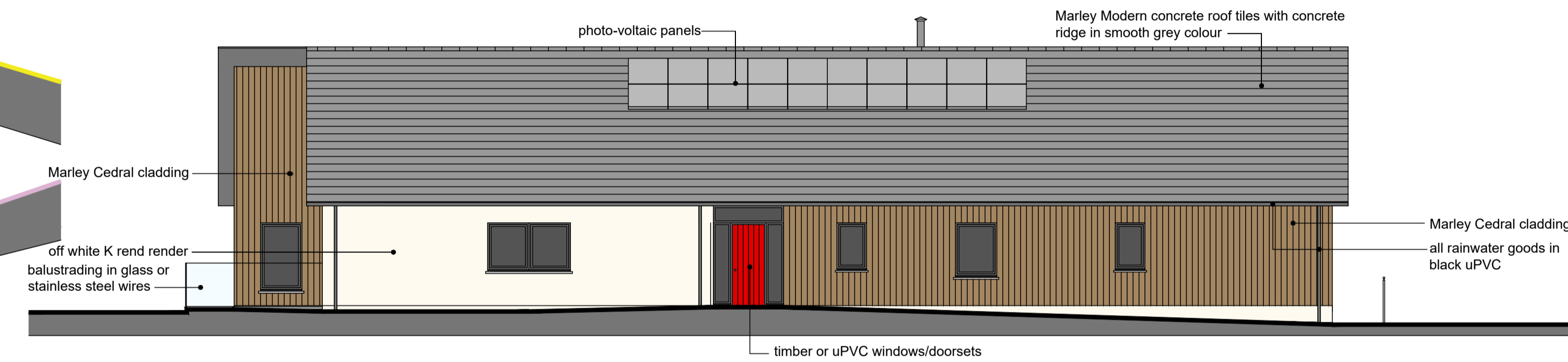
ELEVATION FACING EAST



ELEVATION FACING NORTH



ELEVATION FACING WEST



ELEVATION FACING SOUTH (ROAD & HILL)

**PLANNING APPLICATION**

REVISIONS

Rev.	Description	Drawn	Date

Client  
 Mr Peter Roy

Project  
 Proposed New House at  
 Bunloit  
 Drumadrochit

Drawing  
 Floor Plans and Elevations as  
 Proposed

Scale  
 1:100@A1

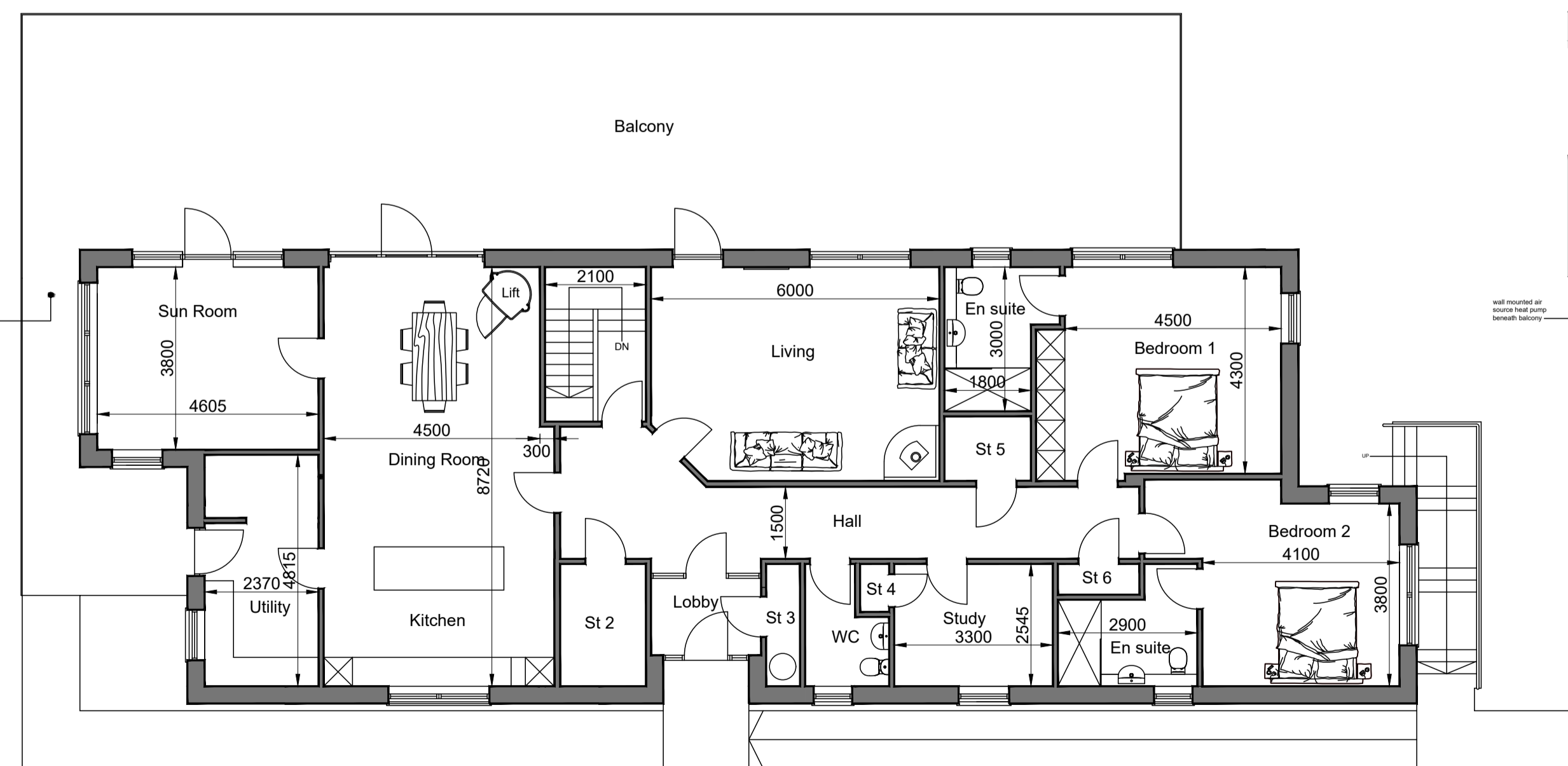
Date  
 Feb 2019

Drawn by  
 SR

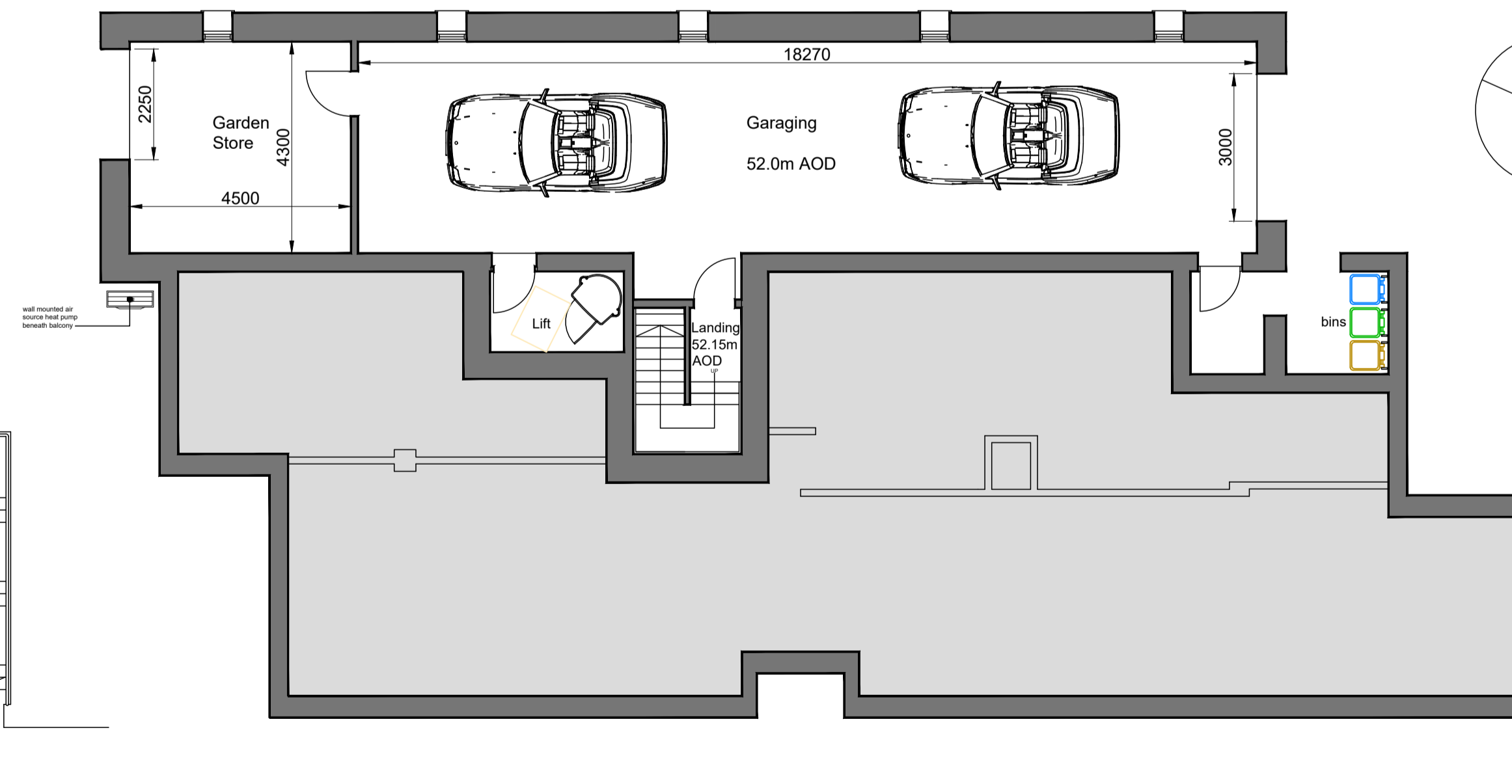
Project no  
 2528

Dwg no  
 PL04

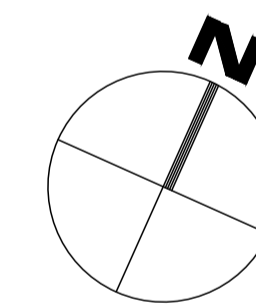
Rev



UPPER GROUND FLOOR PLAN



LOWER GROUND FLOOR PLAN





1:500 @ A2