

Agenda Item	5.5
Report No	PLS-042-20

HIGHLAND COUNCIL

Committee: South Planning Applications Committee

Date: 18 August 2020

Report Title: 20/01181/FUL: Mr Jess Christman
Land 100m SW of Swallowfield Arc, Teandalloch, Beauly

Report By: Area Planning Manager – South

Purpose/Executive Summary

Description: Erection of house, formation of access

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 is to erect a single storey house with associated access driveway taken from the north side of the public road. The house will be finished in horizontal timber cladding, with monopitch sedum roof.
- 1.2 The proposal includes the formation of a new access with service layby, formation of a SuDS detention trench with overflow to the burn, and a private sewage treatment plant with outfall to the burn. A 5kw free standing solar photovoltaic array is proposed within the curtilage.
- 1.3 Pre Application Consultation: none
- 1.4 Supporting Information: planning and design statement
- 1.5 Variations: position of access off public road amended to achieve adequate visibility splays.

2. SITE DESCRIPTION

- 2.1 The site forms the rear corner of an existing field, which is currently overgrown and disused. There are some small conifer trees towards the west boundary, and some tree planting has taken place between the site and 'Swallowfield' to the east. The area between the site and the public road (to the south) is disused field, which is open and exposed in nature.
- 2.2 An existing detached house, Lunashya, sits in generous garden grounds to the west of the site, with Teandalloch Farmhouse sitting at the road side.
- 2.3 Swallowfield Smallholding lies to the east of the field containing the application site. This is an existing firewood business, which is understood to sell firewood and woodchip and provide forestry contract services and consultancy services on biomass district heating schemes. Swallowfield Arc, a dwelling which was previously permitted for running this rural business, lies to the rear of the firewood business, roughly in line with Lunashya and with the proposed house.

3. PLANNING HISTORY

- 3.1 04.02.2019 18/03526/PIP was for the erection of 4 Planning houses on a portion of this field which lies Permission in roughly between this application site and the Principle Refused public road.

4. PUBLIC PARTICIPATION

- 4.1 Advertised: neighbour
Date Advertised: 10.04.2020
Representation deadline: 24.04.2020
Timeous representations: 4

4.2 Considerations raised are summarised as follows:

- a) Aim is to build on the whole field. Previous application for 4 houses on the front of the field was refused.
- b) Field is an eyesore
- c) High noise levels when chopping wood for the woodchip boiler experienced from early morning to late night
- d) Development at Swallowfield Holding not in accordance with permitted plans
- e) Road is single track and already very busy with vehicles and pedestrians, unsuitable for additional traffic
- f) Existing houses at Teandalloch form a clustered group of traditional 1 – 1½ storeys approximately 140m apart, with well tended gardens and short accesses to the road. Swallowfield Arc is single storey contemporary building remote from the housing cluster, which is more in keeping with the buildings forming part of Swallowfield timber processing yard.
- g) Access to proposed house too long, dissects a field, is not sustainable, and does not reflect other accesses.
- h) House squeezed into area only 65m from Luanshya
- i) Loss of privacy to Luanshya
- j) Access off public road poorly sited with inadequate visibility
- k) Site is over 800m from Muir of Ord, in excess of ½ mile to the junction at the Industrial Estate, and over 2km to the nearest shop in the village
- l) Statement says bins will be collected from same point as Swallowfield, but plans show bin collection at the new access.
- m) Applicant has turned a field into an ugly industrialised area at Swallowfield Holdings, which does not respect the sensitivity of the area
- n) Access driveway will open up remainder of field area to development
- o) There is existing land zoned for development within the village boundaries.
- p) Loss of arable land
- q) Poor and extremely pressurised services will be put under more pressure
- r) Contrary to policy
- s) Applications should not be allowed to be made during lockdown

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.

5. CONSULTATIONS

5.1 **Transport Planning Team:** Access should comply with SBD1. Adequate visibility obtainable from amended access point off public road.

5.2 **Scottish Water:** No objection. There is currently sufficient capacity in the water treatment works. There is no public sewer in the vicinity of the site; private treatment will be required. Capacity cannot be reserved.

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 and Place-making
- 31 - Developer Contributions
- 35 - Housing in the Countryside (Hinterland Areas)
- 58 - Protected Species
- 65 - Waste Water Treatment
- 66 - Surface Water Drainage

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

Outwith Settlement Development Area; within Hinterland. 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)

7. **OTHER MATERIAL POLICY CONSIDERATIONS**

7.1 **Scottish Government Planning Policy and Guidance**

Scottish Planning Policy 2014

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) design and layout; including impact on character of the area
- c) impact on agricultural unit
- d) **sustainability**
- e) road safety
- f) impact on trees
- g) servicing arrangements
- h) impact on residential amenity

Development plan/other planning policy

- 8.4 The Hinterland area has been identified where pressure for commuter based housing development is greatest. This requires a more managed approach to housing development in order to prevent the suburbanisation of the countryside, and the breaching of service network capacities. It is more sustainable for housing to be provided within settlements where it is within easy reach of existing facilities. This also helps to bolster the local centres (e.g. Muir of Ord and Beauly), and enables more cost efficient infrastructure provision.
- 8.5 Policy 35 presumes against housing in the open countryside of the Hinterland, unless it complies fully with at least one of the exceptions detailed in the adopted Supplementary Guidance Housing in the Countryside and Siting and Design.
- 8.6 The Housing in the Countryside and Siting and Design Supplementary Guidance details the criteria with which new housing in the Hinterland will need to comply for each of the stipulated exceptions. The applicant has stated that he considers that the exception relating to housing groups should apply.
- 8.7 A housing group is defined as having at least 3 existing houses that are physically detached from one another; all of which have a perceptible relationship with one another and share a well defined cohesive character. In order to comply with housing group criteria, the proposed house must (amongst other factors):
- constitute small-scale in-fill or round-off
 - reflect and respect the character, cohesiveness, spacing and amenity of the existing group
 - not constitute linear / ribbon development along a public road
 - not create an inappropriate intrusion into a previously undeveloped field or open land
 - meet the 'general development considerations'.
- 8.8 There are existing scattered houses of assorted age, design, and size alongside the Teandalloch public road, some set back from the road edge, others close to the road. This reflects the individual nature of the different houses and the sporadic, piecemeal nature of development over the years. The overall feel is a row of houses which front the public road. There are also some areas, such as this site, which remain in agricultural use and have not been developed. These combine to give the area a rural feel.
- 8.9 'Swallowfield Arc' is set back from the public road, to the rear of the existing Swallowfield firewood business with its scattering of associated buildings. It is accessed via the firewood business private access track which runs off the public road. It is largely hidden from public view due to its substantial set back from the road and the intervening firewood business. Substantial tree planting has also recently taken place around 'Swallowfield Arc', to again help integrate it visually into the landscape and reduce its visual impact. This also provides containment to 'Swallowfield Arc' and separates it from the field the subject of this application.
- 8.10 'Luanshya' is a detached bungalow set within generous garden grounds. This extends from the road edge, with a long driveway traversing it from the road edge to the house. An adjacent house to the west, 'Muirfield', has a similar configuration, with large set back off the public road, garden grounds extending

to the road edge, and an extensive access driveway from the road edge to the house.

- 8.11 The site lies between 'Swallowfield Arc' to the east, a contemporary detached house which was built to facilitate the management of the adjacent agricultural and firewood premises and 'Luanshya' to the west. There are further houses to the west of 'Luanshya'.
- 8.12 The site itself is currently an open, exposed field, and a further field lies on the opposite side of the public road. There are more fields between Swallowfield holding and Muir of Ord. This lends a rural feel to the area. 'Teandalloch Farm House' and an agricultural shed add to this visual feel of a countryside location.
- 8.13 Although there are houses immediately to the west of the site, it sits at the rear of an agricultural field, and visually relates to the agricultural fields and not to the adjacent houses.
- 8.14 The house to the west of the site, 'Luanshya', has a visual frontage to the public road, after which those travelling towards Muir of Ord see a small paddock, then 'Teandalloch Farmhouse', before reaching the field within which the application site is located. It is therefore visually separated from the site, despite lying adjacent to it on a map.
- 8.15 Travelling from Muir of Ord towards the site, the houses within the settlement development area are clearly contained by the railway, after which the area on both sides of the public road is agricultural land. Swallowfield Holding is then reached, which again is not domestic in nature, but a scattering of timber sheds of assorted size and function, following which there is a further field (which contains the application site) before reaching houses fronting the road. 'Swallowfield Arc', the house associated with this business, lies to the rear of these buildings, and is largely hidden from view from the public road. Furthermore, it is the buildings associated with Swallowfield Holding in the foreground which establish the character and the landscape setting. This is seen as a rural business sitting within an agricultural setting. The field, within which the application site lies, does not have a perceptible relationship with the other nearby housing, but with the adjacent farmland.
- 8.16 'Swallowfield Arc' has no road frontage and is largely hidden from public view by the tree planting which has recently taken place, its substantial set back off the public road, and the intervening firewood business. It has no road frontage or visual presence when viewed from the road. In contrast, the houses further to the west including 'Luanshya' all have a road frontage and are clearly visible from the public road. This gives them a presence in the landscape setting and visual relationship with the road which is missing from 'Swallowfield Arc'.
- 8.17 In order to form a housing group, all of the houses are required to have a perceptible relationship with one another and share a well defined cohesive character. 'Swallowfield Arc' has no perceptible relationship with the houses further to the west on the other side of the application site, but is separated from them both by the intervening field (which includes the application site), by an absence of a road frontage, by being largely hidden from the road by its substantial set back to the rear of the firewood business, and by being seen in

the context of the firewood business and the surrounding agricultural land, and not in the context of other houses.

- 8.18 Although the gable of 'Luanshya' can be seen across the field, and the gable of 'Teandalloch Farmhouse' is also clearly visible, the boundary with the field forms a clear visual end to the area which contains housing development.
- 8.19 It can therefore be argued that 'Swallowfield Arc' is lacking a perceptible relationship with other nearby housing and is separate from and does not form part of a housing group.
- 8.20 In order to comply with the housing group criteria, the site must be seen, amongst other factors, as constituting small-scale infill or round-off, and not creating an inappropriate intrusion into a previously undeveloped field. The site, although it lies between 'Luanshya' and 'Swallowfield Arc', would visually extend the built form into the agricultural field, and not be viewed as 'infill or rounding off'. It has no visual relationship with 'Swallowfield Arc' nor does it round-off the existing built form, but would instead constitute an inappropriate extension into this open field.
- 8.21 The proposal clearly fails to comply with housing group criteria and is therefore contrary to Policy 35 and the Council's adopted Supplementary Guidance Housing in the Countryside and Siting and Design.

Siting and design

- 8.22 Policy 28 assesses development against a number of criteria, including that it demonstrates sensitive siting in keeping with the local character and the historic and natural environment. Similarly, Policy 29 requires that new development makes a positive contribution to the visual quality of the place in which it is located, demonstrating sensitivity and respect towards the local distinctiveness of the landscape and layouts. This is also reflected in the Housing in the Countryside and Siting and Design supplementary guidance which requires, amongst other factors, that new housing integrates into the character of the area.
- 8.23 As set out above, the visual extension of the existing built form, extensive access driveway, and lack of visual relationship with the public road, and subdivision of an existing agricultural field by the access track fail to demonstrate sensitive siting in keeping with the local character and the natural environment. This fails to integrate into the character of the area in a satisfactory manner or make a positive contribution to the visual quality of Teandalloch.
- 8.24 Although the curtilage could potentially be amended to extend to the road edge and better reflect the existing development to the west, this would continue to extend the built form rather than constituting in fill or rounding off. It would also constitute linear 'ribbon' development. This again would fail to integrate into the area in a satisfactory manner, and any roadside development would be more prominent visually, since the intervening landscape / agricultural 'buffer' would be absent.
- 8.25 The house is single storey rectangular footprint, with monopitch sedum roof. It will be finished in horizontal timber cladding and utilise vertically proportioned

windows. The design is simple and unobtrusive in nature. The overall feel is minimalistic, and its low height (sloping from 3.9m down to 2.9m) will result in it being largely hidden from public view.

8.26 The proposed design and materials are acceptable.

Agriculture

8.27 The general development considerations of the Supplementary Guidance also require that proposals must not conflict with adjacent land uses (including working farms and other rural industries). The proposed access track will dissect an existing agricultural field, which is currently fallow. This will reduce its potential to be brought back into agricultural use.

Road Safety

8.28 The access point has been amended, since it was recognised by the applicant that the required visibility splay could not be achieved within the application site boundary. It has now been moved further east towards 'Swallowfield Holding', and the red edge denoting the application site boundary also amended to reflect the new access point.

8.29 Transport Planning is now satisfied that the visibility splays are achievable and comply with Council guidance. It does however comment that the access should be designed in accordance with guideline standards for a single house, whereas the access has been drawn to comply with guideline standards for 2 – 4 houses. This has since been amended to comply with the guideline standards for a single rural house.

8.30 Local residents have expressed safety concerns regarding the additional traffic from the development along the Teandalloch public road. It is acknowledged that traffic speeds are high, and that there are blind summits both at the railway bridge and near Teandalloch Farmhouse. It is also acknowledged that there is currently no footpath alongside the road, and that pedestrian safety is therefore a concern.

8.31 Transport Planning do not, however, object to the proposal. The existing Teandalloch public road is well used and serves a substantial number of existing houses, and the volume of traffic associated with one additional house will not materially impact on the existing situation.

8.32 The proposal includes sufficient space for within curtilage parking and turning.

Impact on trees

8.33 The proposal indicates that the existing young pine trees will largely be retained, along with the existing young aspen trees, and new screen planting will be carried out both within the proposed house plot and alongside the proposed access driveway. A willow hedge is proposed to both side boundaries, which will provide additional screening between the site and the existing houses.

Servicing

- 8.34 Surface water will be drained via a SuDS detention trench with an overflow to a nearby burn. Foul waste will be disposed of via a treatment plant discharging to the burn.

Residential amenity

- 8.35 At its nearest point, the existing house 'Luanshuya' will be approximately 65m from the proposed house. The orientation is such that there will be no direct overlooking of either property from the other one. The intervening distance and presence of small pine trees (which will ultimately grow to provide a screen) are such that privacy will not be materially impacted by the proposal.
- 8.36 Since any potential occupiers of the proposed house will be aware of the adjacent biomass boiler and firewood business, they will be able to assess whether it presents a potential noise nuisance for them, or whether they are content to co-exist with it.

Developer Contributions

- 8.39 Policy 31 requires that, where development proposals create a need for new or improved public services, facilities or infrastructure, the Council will seek from the developer a fair and reasonable contribution in cash or kind towards these additional costs or requirements. For this proposal, if granted, the following contribution is required:

Summary of Developer Contributions		
Infrastructure / Service Type	Select Answer	Contribution Rate Per Home (a small scale housing discount has already been applied)
Number of Homes Proposed	1	
Tarradale Primary School		
Build Costs	2 classroom extension	£425
Major Extension / New School - Land Costs	Tarradale, Muir of Ord	£22
Primary Total		£447
Dingwall Academy		
Build Costs	Major extension / new school	£725
Major Extension / New School - Land Costs	None - No land costs required	£0
Secondary Total		£725
Affordable Housing		
CNPA	No	£0
Cumulative Transport		
Development Brief / Agreement Area	None - No cumulative	£0

	transport costs required	
Breakdown	N/A	N/A
	N/A	N/A
	N/A	N/A
Total Per Home		£1,171
Total for Development		£1,171
All costs are subject to indexation (BCIS All-In TPI) and have been indexed to the appropriate quarter.		

Other material considerations

- 8.40 Representations point out that the access point to the site is approximately 650m from the settlement boundary of Muir of Ord, and approximately 2km to its centre, where the nearest services are found. The point raised is one of sustainability. The length of access driveway (approximately 190m) from the public road extends this distance to be travelled still further. Its location on a rural road which is single track with passing places and not on a bus route, combined with distance to the nearest facilities, makes this property likely to be accessed by private car and unlikely to be subject to active travel arrangements. Although the house itself recognises this in utilising timber cladding, sedum roof, and a free standing solar panel array, its location encourages commuter based travel which is not in itself sustainable.

Non-material considerations

- 8.41 Any future application for additional housing will fall to be assessed against planning policy and other material planning considerations at that time, and is not a material planning consideration in relation to the assessment of this current proposal.
- 8.42 Whether the existing development at Swallowfield has been built in accordance with the approved plans or not is not a material consideration in the assessment of this proposal.
- 8.43 The application has been made during the Covid 19 lockdown, but the plans and supporting information are available to be inspected on line, public comments can still be received, and consultees are still available.

Matters to be secured by Section 75 Agreement

- 8.44 a) none

9. CONCLUSION

- 9.1 The proposal fails to comply with Policy 35 and its related supplementary guidance Housing in the Countryside and Siting and Design, since it fails to comply with the housing group exception; instead extending the existing built form and failing to round-off or infill existing development. It represents an inappropriate intrusion into this field.

- 9.2 The proposal also fails to comply with Policies 28 and 29, in that it introduces a convoluted access that dissects a field, represents an inappropriate visual extension of the existing built form, fails to reflect its rural location or the pattern of development found in the surrounding area, and thus fails to demonstrate sensitive siting in keeping with the local character and the natural environment.
- 9.3 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.

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

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

1. The proposal is contrary to the provisions of Policy 35 (Highland-wide Local Development Plan) and to the Council's adopted Supplementary Guidance Housing in the Countryside and Siting and Design, in that it fails to meet any of the detailed exceptions. In particular, it :
 - fails to round off or infill an existing housing group
 - inappropriately extends development into an otherwise open field
 - is not brownfield land, since it has not previously been developed and will not result in a net environmental improvement.
 - is not in response to a demonstrated affordable housing need
 - is not required for land management or business purposes

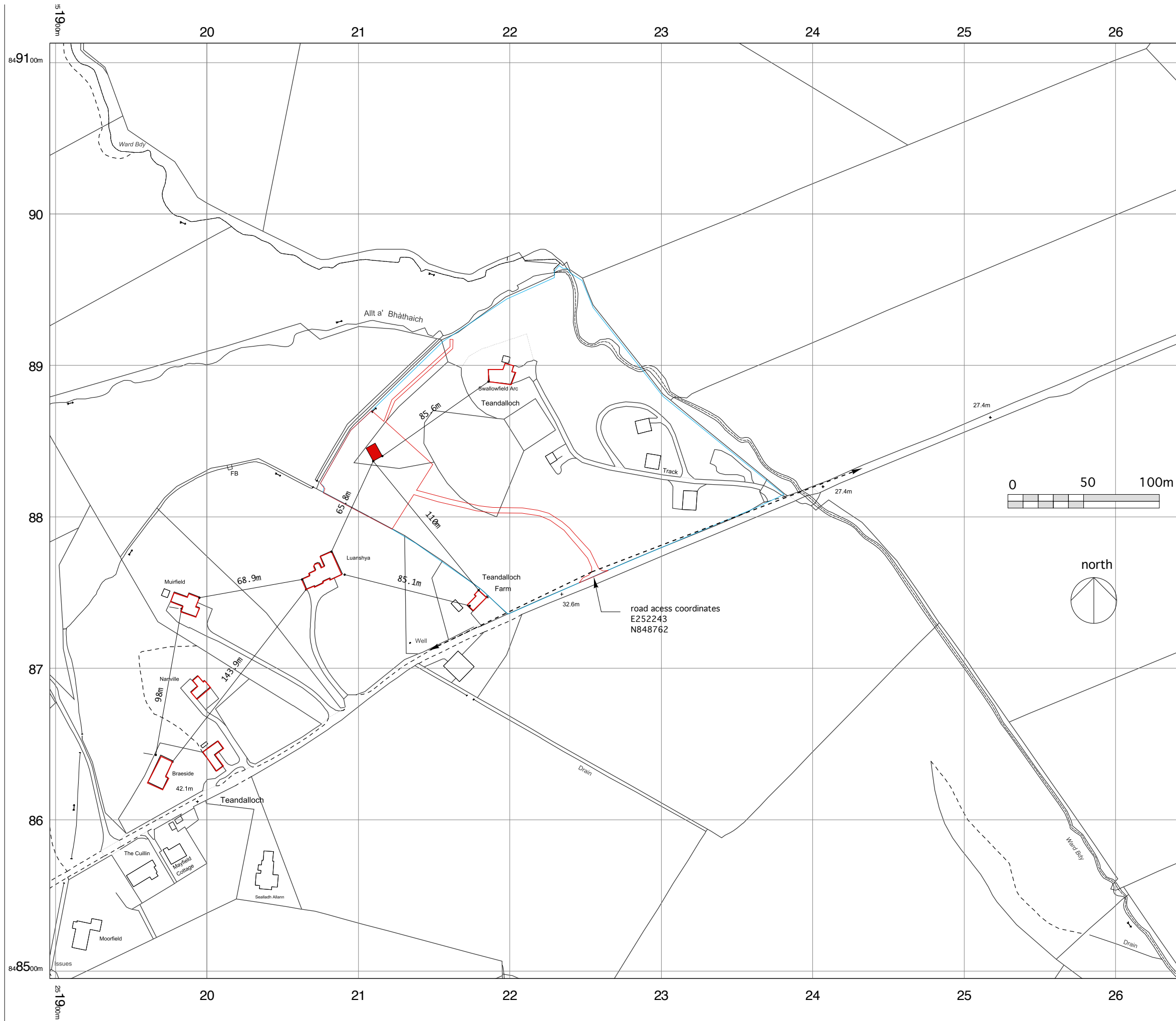
2. The proposal is contrary to the provisions of Policy 28 (Highland-wide Local Development Plan), Policy 29 (Highland-wide Local Development Plan), and the General development Considerations of the Council's adopted Supplementary Guidance Housing in the Countryside and Siting and Design, in that :
 - the proposed access is convoluted and dissects a field

- the house plot represents a visual extension of the existing built form, fails to reflect its rural location or the pattern of development found in the surrounding area and thus fails to demonstrate sensitive siting in keeping with the local character and the natural environment.

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: Area Planning Manager - South
Author Susan Hadfield
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 - Location Plan 00 rev A
Plan 2 - Site Layout Plan 02 rev P
Plan 3 - PV Array 04
Plan 4 - Floor / Elevation Plan 01 rev C
Plan 5 - Service Bay 03 rev A



NOTES
 1. no dimensions to be scaled from this drawing

REVISIONS

Revisions
 A dimensions altered March 10 2020

Project: Swallowfield Muir of Ord
Drawing Title: Location Plan
Drawing No: 00 rev A
Scale : 1/2500
Date : March 04 2020

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DISCHARGE POINT A
E252162 N 848925

Allt a' Bhàthaich

Black Burn

Swallowfield Arc

Teandalloch

Track

sightline to 215m

27.4m

8m minimum to gate
treatment plant and
sampling chamber
suds detention trench
and overflow to burn

new willow hedge

existing aspen trees
existing trees
pine, spruce, oak, hazel, cherry

woodchip boiler

4kw pv array

new house

bin store

wood store

parking

existing pine trees

SITE AREA
0.39 ha

existing pine trees

new willow hedge

new deciduous trees
oak, ash, aspen

new trees

3.5m wide access road

32m of fence to be removed to maintain sightline

gate

Teandalloch Road

bin enclosure

shrub roses
to be trimmed
back

34m of fencing to be
removed to maintain
sightline

REVISIONS

H	PV array position altered and shown as 4 kw array	
J	road access point changed	2.06.2020
K	road access revised	3.06.2020
L	trees amended	4.06.2020
M	service bay altered	8.06.2020
N	further info added	9.06.2020
P	service bay altered	17.06.2020

Luanshya
Luansh Ya

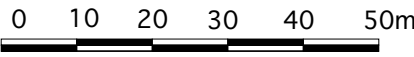
Teandalloch
Farm

Teandalloch Farm

elder tree
to be trimmed back

32.6m

Well



Project: Swallowfield New House

Drawing Title: Site plan

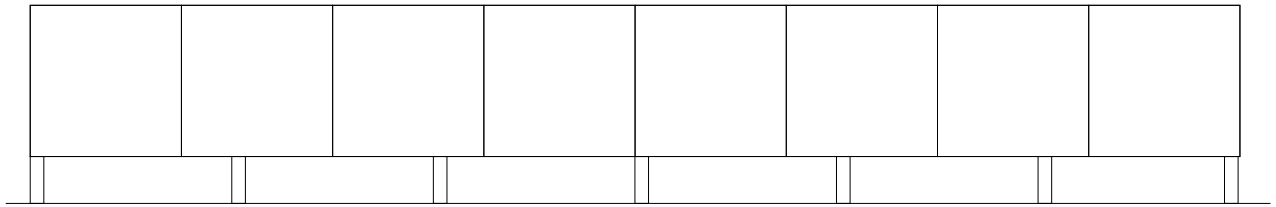
Drawing No: 02 rev P

Scale: 1/1000

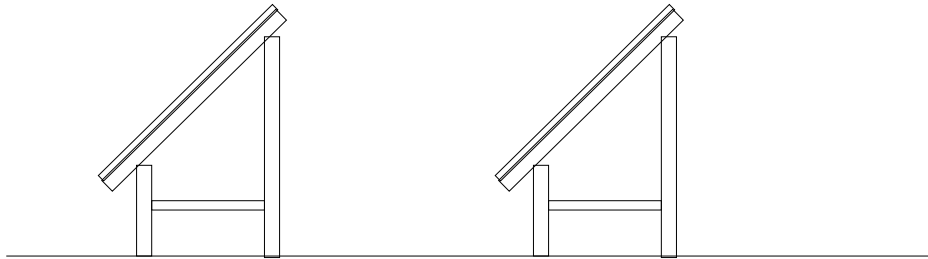
Date: July 2019

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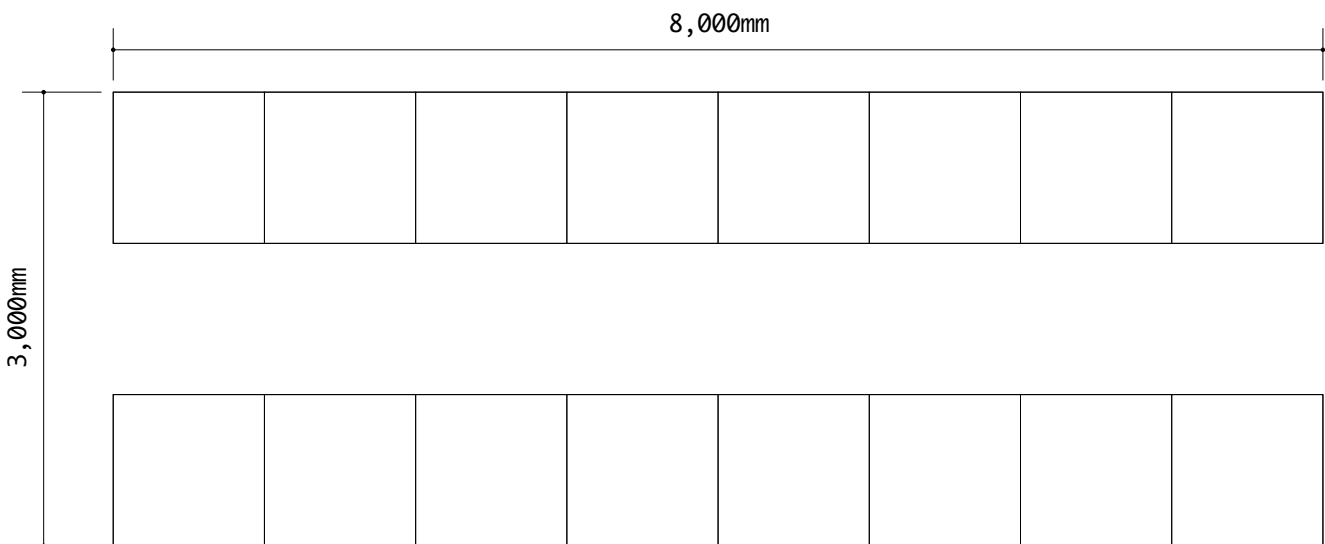
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SOUTH ELEVATION



EAST ELEVATION



PLAN

Project: Swallowfield New House

Drawing Title: PV array

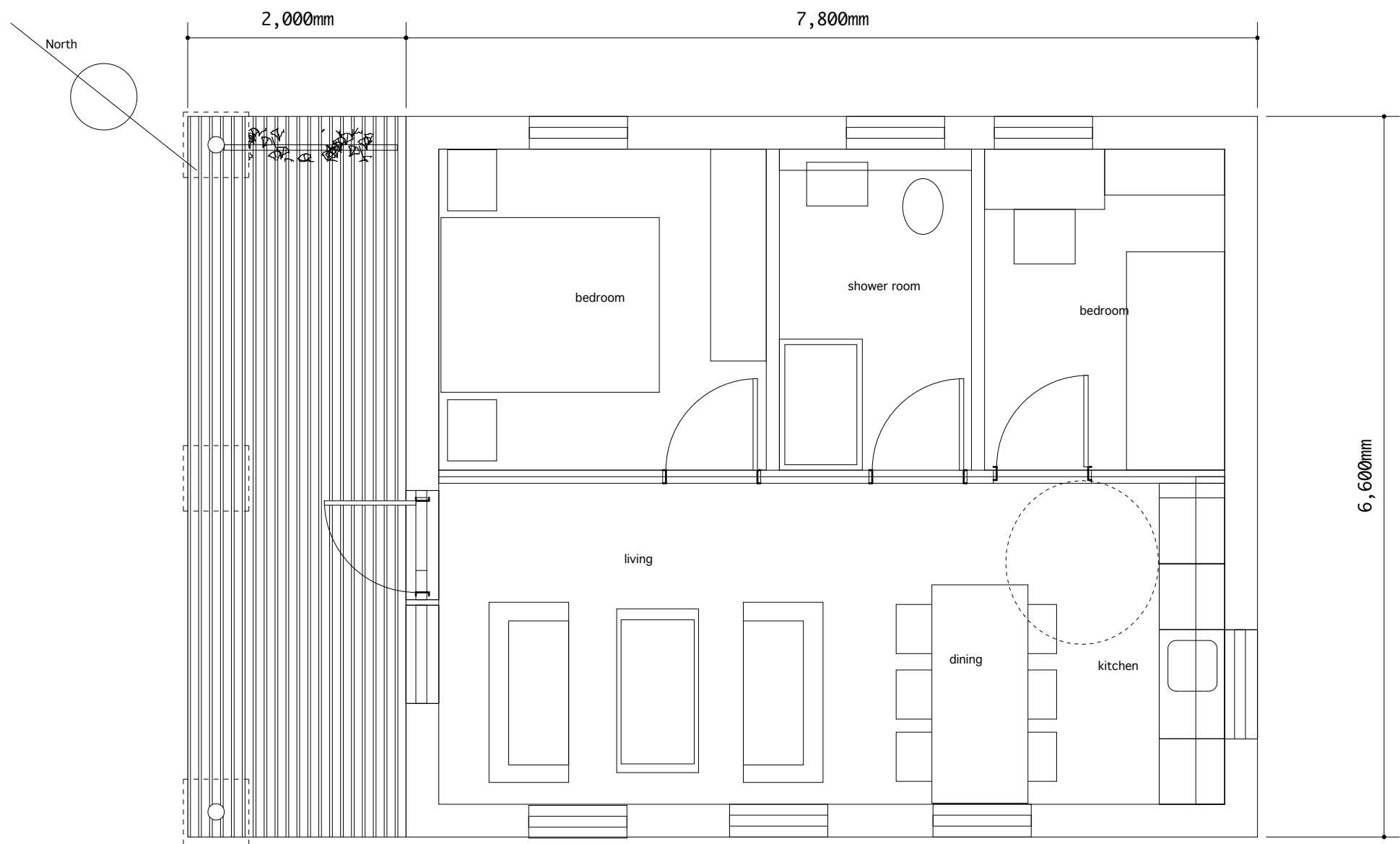
Drawing No: 04

Scale : 1/50

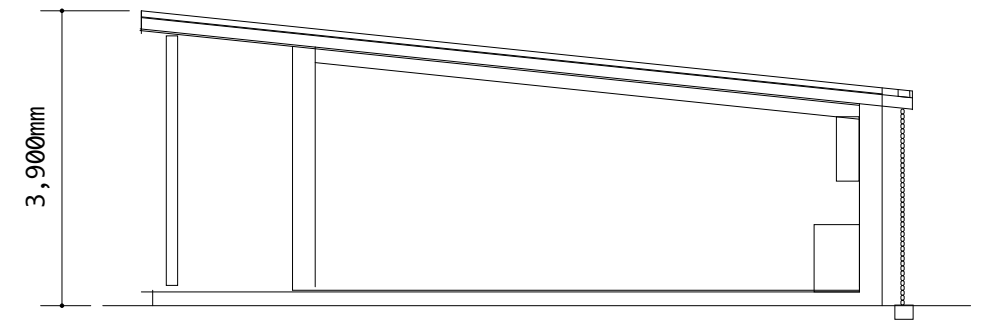
Date : 19 March 2020

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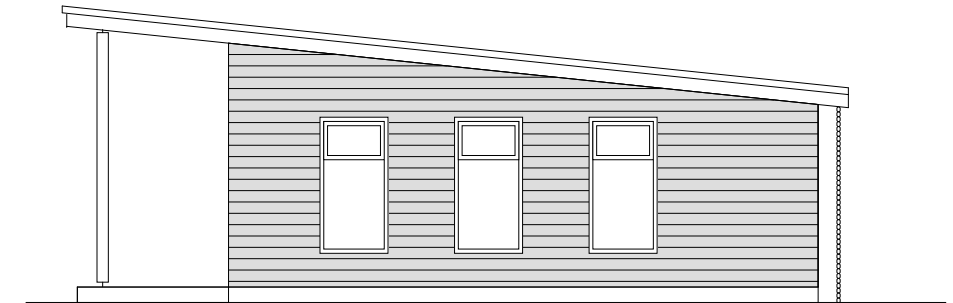
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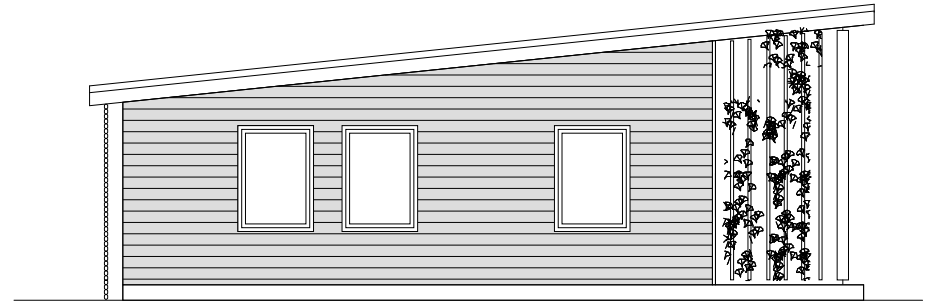
planscale 1/150



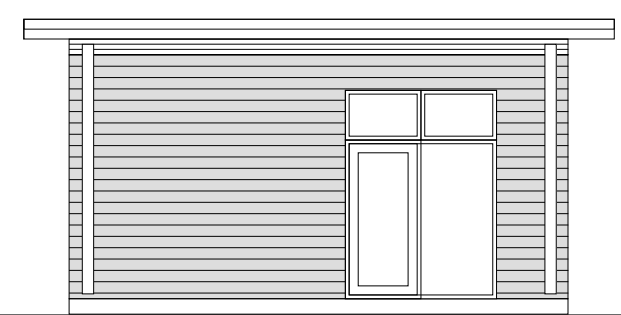
section A/A1/100



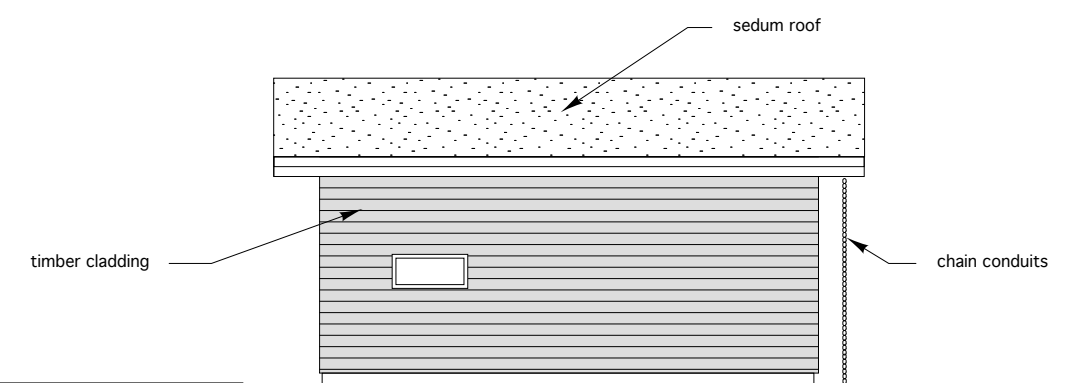
south west elevation



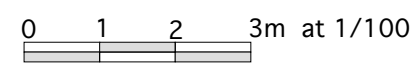
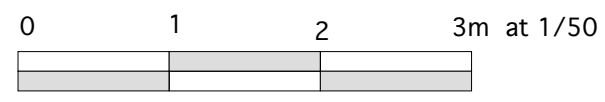
north east elevation



north west elevation 1/100

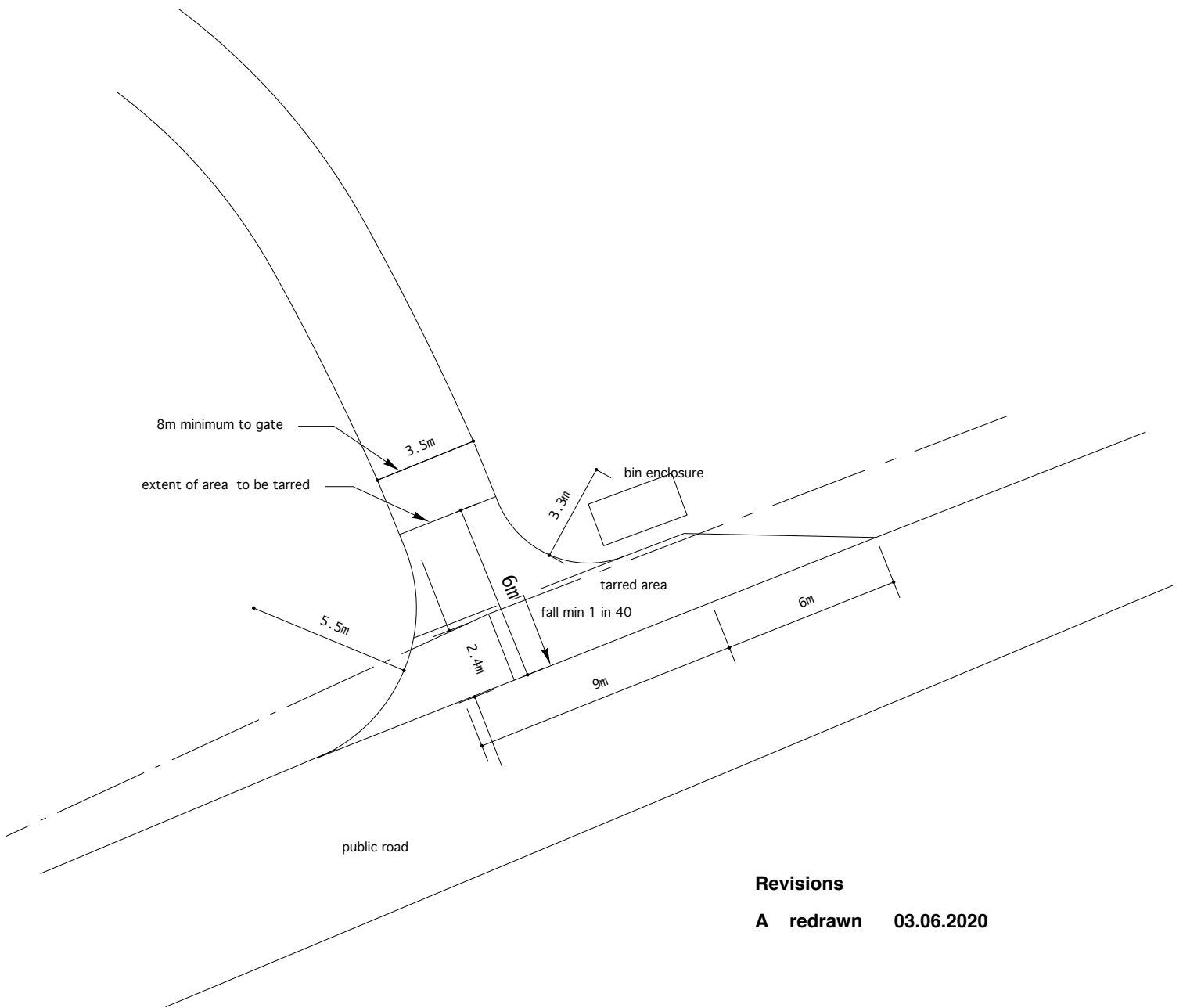


south east elevation 1 /100



Revisions
 C scales confirmed and dimschanged 24.06.2020

Project: Swallowfield New House
Drawing Title: Plans etc
Drawing No: 01 rev C
Scale : 1/50 1/100
Date : July 2019
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Revisions

A redrawn 03.06.2020

Project: Swallowfield New House

Drawing Title: Service bay

Drawing No: 03 rev A

Scale : 1/20 1/200

Date : 9 March 2020

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