

Agenda Item	7.2
Report No	PLN/063/21

HIGHLAND COUNCIL

Committee: North Planning Applications Committee

Date: 14 September 2021

Report Title: 20/02674/PIP : Mr George Henderson
Land 30M South of Dalshian Alcaig IV7 8HU

Report By: Area Planning Manager – North

Purpose/Executive Summary

Description: Erection of house

Ward: 09- Black Isle

Development category: Local

Reason referred to Committee: More than five objection for individual addresses. Objection for statutory consultee – Ferintosh Community Council

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.

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Recommendation

Members are asked to agree the recommendation to **GRANT** the application as set out in section 11 of the report

1. PROPOSED DEVELOPMENT

- 1.1 Planning permission in principle is sought for the erection of a house. The application site extends to 0.1 hectares of agricultural land which lies on the southern side of the B9164 between the properties Craigavon and Dalshian at Urquhart Alcaig.
- 1.2 The land is accessed directly from the B9164 via a field gate which is located at the wester end of the road frontage.
- 1.3 Pre Application Consultation: None
- 1.4 Supporting Information: Private access checklist , Masterplan for Urquhart Farm
- 1.5 Variations: revised location plan submitted August 2020 to correct landownership details.

2. SITE DESCRIPTION

- 2.1 The site forms part of an agricultural field which lies on the south side of the B9164 at Urquhart Alcaig. To the east is the property known as Dalshian and to the west is the property Craigavon. These properties front the public road and are separated from each other by the application site. The site along with the rest of the field is under grass. The road frontage is defined by a post and wire fence. The boundary with Dalshian is defined by a mature hedge, as is the boundary with the property Craigavon. The landform drops across the site from west towards Dalshian to the east.

3. PLANNING HISTORY

19/01714/PIP	Erection of house	Withdrawn
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4. PUBLIC PARTICIPATION

- 4.1 Advertised: Unknown Neighbour Departure/Potential Departure

Date Advertised: 14.08.2020

Representation deadline: 28.08.2020

Timeous representations: 19 from 13 addresses

Late representations: 14 from 11 addresses

- 4.2 Material considerations raised are summarised as follows:

- a) Road traffic safety due to condition of the public road and the increase in traffic generated by the development.
- b) Loss of amenity to neighbouring houses
- c) Contrary to Policy 35 Housing in the countryside – the sale of the house plot to fund investment in the business is not a justifiable exception.
- d) Contrary to Policy 29 and 35 Housing in the countryside – constitutes ribbon development in the open countryside which would not make a positive contribution to the locality .

- e) Development will exacerbate problems with surface water run off onto public road.
- f) Poor ground conditions for foul drainage system.

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 Ferintosh Community Council. Object.

- Contrary to Policy 35 as the site is an unacceptable intrusion into the hinterland.
- Sightlines required for a 60mph speed limit cannot be achieved in this location
- Surface water run off from the field is a continual problem.

5.2 Scottish Water. No objections.

- Sufficient capacity in Assynt Water Treatment Works to service the development
- Private drainage system required, as there is no waste water infrastructure in the vicinity of the site.

5.3 Transport Planning. No objections

- Assessed speed on single track road is 30ph due to the vertical and horizontal alignment of the road.
- An upgraded access to current guidelines standards is 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 and Place-making
31 - Developer Contributions
35 - Housing in the Countryside (Hinterland Areas)
56 - Travel
64 - Flood Risk
65 - Waste Water Treatment
66 - Surface Water Drainage

6.2 Inner Moray Firth Local Development Plan 2015

No site specific policies apply

6.5 Highland Council Supplementary Planning Policy Guidance

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

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

7. OTHER MATERIAL POLICY CONSIDERATIONS

7.1 Rural Housing Supplementary Guidance (September 2021)

Scottish Government Planning Policy and Guidance

Scottish Planning Policy (as amended December 2020)

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) Road safety and surface water drainage
- c) Impact on individual and community residential amenity
- d) Developer contributions

Development plan/other planning policy

8.4 The site is located within the designated hinterland as defined in the Inner Moray Firth Local Development Plan(IMFLDP) and the Highland-wide Local Development Plan(HwLDP). The principal determining planning policy relative to this case is therefore policy 35 (Housing in the Countryside - Hinterland Areas) of the Highland-wide Local Development Plan.

8.5 Within the hinterland around towns there is a presumption against new single house development subject to certain exceptions. These exceptions are listed in the policy and further detailed within the Housing in the countryside Supplementary Guidance. The aim of the guidance is to provide opportunities for small scale housing development in appropriate countryside locations whilst guiding most new development to locations within or adjacent to settlements thereby presuming against an unsustainable growth in car-based commuting and the suburbanisation of the countryside.

8.6 The new Rural Housing Supplementary Guidance approved by the Economy and Infrastructure Committee on 1 September does not have a bearing on the current proposal. This latest version of the guidance requires to complete the formal adoption process and therefore until this process is completed the currently adopted document dated March 2013 remains in place and is relevant to the assessment and determination of planning applications.

8.7 The exceptions as set out in the supplementary guidance are as follows:

- A house is essential for land management or family purposes related to the management of the land;
- The dwelling is for a retiring farmer and their spouses; or for a person retiring from other rural businesses on land managed by them for at least the previous ten years, where their previous accommodation is required for the new main operator of the farm, or rural business;
- Affordable housing is required to meet a demonstrable local affordable housing need;
- Housing is essential in association with an existing or new rural business;
- The house proposed is a replacement of an existing dwelling which does not meet the requirements for modern living and where the costs of upgrading are not justified on economic or environmental grounds (subject to the existing dwellings being demolished);
- The proposal involves conversion or reuse of traditional buildings or the redevelopment of derelict land; development of "brownfield" sites will be supported where a return to a natural state is not readily achievable and where a wider environmental benefit can be achieved through development;
- The proposal meets the Council's criteria for acceptable expansion of a housing group or development within garden ground (as detailed in the supplementary guidance);
- The potential for new housing related to crofting is restricted; wider public benefit must be clearly demonstrated and meet the criteria set out in New/Extended Crofting Township Policy 48. Single house proposals on crofts must comply with the criteria in the Housing in the Countryside and Siting and Design Supplementary Guidance and/or Policy 47: Safeguarding inbye/ Apportioned Croftland.

8.8 The application is supported by a document entitled ' Urquhart Farm Masterplan' . This plan identifies the current planning application in relation to further proposed developments lodged by the same applicant and which relate to the agricultural holding owned by the applicant at Urquhart. The developments form the following applications.

- 20/02677/FUL Erection of house
- 2002989/FUL Erection of two agricultural buildings and formation of hardstanding.
- 20/02676/FUL Siting of residential caravan

The latter of the applications 20/02676/FUL was withdrawn by the applicant in January 2021. 20/02677/FUL and 20/02989/FUL are the subject of separate reports of handling. Application 20/02677/FUL has been dealt with under the scheme of

delegation for the determination of planning applications. Following referral to local Members 25.09.2021 the application has not called to committee and a refusal notice has been issued.

- 8.9 The text on the masterplan indicates that the development of a single house in this location is being sought so that monies secured from the sale of the land can be invested into the Urquhart Farm Business. The manner in which the applicant secure funds to allow further investment into his proposed rural business is not a material planning consideration and consequently carries no weight in the determination of this application.
- 8.10 Text on the proposed site layout plan refers to the Section 6.9 of the supplementary guidance and puts forward a case that the site satisfies the requirement for the consolidation and rounding-off of a housing group.
- 8.11 Assessing the application against the list of exceptions set out in the supplementary guidance it is considered appropriate to judge the proposal against the criteria which relates to the acceptable expansion of a house group (as set out in the guidance) in the first instance. Thereafter, it is considered appropriate and reasonable to take into account the information put forward by the applicant in support of application 20/0677/FUL Erection of house, within which a case is made on the basis of land management requirements for the land holding of which the application site forms part.
- 8.12 The supplementary guidance defines a housing group as:
- At least three houses that have a perceptible relationship with one another and share a well-defined, cohesive character.
- 8.13 It is considered that the houses at Urquhart, including the properties Dalshian and Craigavon form a housing group. Craigavon forms the most westerly property in the group. When travelling in either direction along the public road it is seen in the same visual envelope at Dalshian and there is a clear perceptible relationship between Dalshian and Craigavon. The other houses that make up the group lie to the east of the property Dalshian and consists of three properties, the original Urquhart Farmhouse, and the properties know as Northwood and Urquhart Mill Lodge which lies next to Dalshian. Further to the west of Craigavon separated by some 65m or thereby is a further property known as Orton Bungalow which due this separation distance has the character, unlike Craigavon, of a single house in the countryside and is not considered to form part of the group.
- 8.14 The supplementary guidance defines the parameters by which new houses within a housing group will be supported. It is considered that the current proposal demonstrates compliance with this criteria. Specifically, the formation of a house plot in this location constitutes in-fill development between two existing houses within the group. The plot on which Craigavon is situated previously formed part of the surrounding field. An infill development between this property and Dalshian to the east will consolidate development within the group rather than encroach into a previously undeveloped field and expand the group in a linear fashion along the road.

- 8.15 Planning application 20/02677/FUL submitted by the same applicant sought planning permission for a 4 bedroomed dwellinghouse. The supporting statement and additional information associated with the application set out that a full time presence on the agricultural holding was sought for land management purposes. A full assessment of the application is set out in the report of handling for 20/02677/FUL including that based on the evidence put forward by the applicant and considered by an independent agricultural advisory consulted by the Planning Service, the need for a permanent dwellinghouse associated with the land management operations proposed for Urquhart Farm is accepted. On this basis the current proposals if approved, represents an appropriate opportunity for the applicant to develop the site for his own use, thereby providing him with a house on the land holding and setting aside the need for a second house site. Although the applicant may desire to build a house elsewhere on the holding, it is considered that the operations of the holding can be carried out from the proposed site. Access to fields and buildings can be gained from within the fields on the southside of the road as well as from the public road itself. There does not appear any significant locational disadvantage with this site in terms of managing the land holding.

Road safety and surface water drainage

- 8.16 The site is currently served directly off the public road by an agricultural access. The ground conditions at the access result in mud and water spilling onto the public road and the comments of third parties and the community council who have raised concerns about this matter are acknowledged and understood. The access point is located at the west end of the site. From this location visibility in an easterly direction is clear for 90m. To the west the visibility is less than 90m due to the level of the banking that forms the road verge. The assessed speed of traffic on this section of road is 30mph, given the single track nature and the geometry of the road. It is considered that the visibility to the west can be improved by a reduction in the height of banking. The formation of an access to guideline standard will require the construction of the access to prevent the discharge of surface water onto the public road. These matters shall be secured by condition. It is not considered that the traffic generated from a single house, will have a significant impact on road safety. The use of this access for residential purposes does not restrict access to the field behind, as there are other direct or indirect field entrances available.

Impact on individual and community residential amenity

- 8.17 It is acknowledged that development of this site will bring change into the area. As this is an application for planning permission in principle no details of the site layout and the design of house are required. The site, which extends to 0.1 hectares is considered to be of sufficient size to be capable of accommodation a house, parking and turning area as well as a private drainage system whilst maintaining a reasonable amount of garden ground. There are no windows on the west gable of the property Dalshian that lies to the east. The property Craigavon, to the west has a fully glazed conservatory attached to the eastern gable, views from the site into this property are restricted by the high boundary hedge. It is considered that subject to a suitable site layout and design of house the site can be developed without impacting on the amenity of the neighbouring properties. Development of the site will not impact on the amenity of the wider housing group. It is noteworthy that any

further application for the approval of matters specified in conditions will be the subject of statutory neighbour notification requirements providing third parties an opportunity to consider the proposals and offer comments in the future.

Developer Contributions

- 8.18 No developer contributions towards secondary education at Fortrose Academy School or primary education at Culbokie Primary are required, as there is sufficient capacity at present. The single house proposed does not trigger the requirement for affordable housing contribution or community facilities contribution as outlined in the Developer Contributions Supplementary Guidance August 2018.

Non-material considerations

- 8.19 The majority of third party submissions make comment, in addition to those on this application, to the proposals which are the subject of the other applications lodged by the applicant. These are dealt with separately in the relevant report of handling. There is however a considerable degree of speculation by those parties that object to the application(s) about the applicant's true business intentions at Urquhart Farm as he operates a firewood business from premises near Muir of Ord and to date, other than carry out significant earthworks within the field to the east of the Urquhart Burn, no agricultural activities are taking place on site. It is the view expressed by third parties objecting to the application(s) that it is the applicant's intention to move the firewood business to Urquhart Farm with what are considered to be the undesirable consequences. The current application and those also associated with the applicant require to be assessed on their own merits. Determination of the application(s) requires to be based on the evidence that has been provided in support of the application(s) none of which refers to the relocation of the firewood operations rather than on speculation.

9. CONCLUSION

- 9.1 Policy 35 of the HwLDP presumes against single houses in the countryside of the hinterland, unless one of the exceptions as set out in the supplementary guidance applies. The opportunity for small in-fill development and the rounding-off of a housing group is considered preferable to new isolated development. It is considered that the proposed site represents an acceptable opportunity as infill development between two existing houses that form the western extremity of the housing group at Urquhart and on this basis the principle of development is considered to accord with policy. The construction of a new access to guideline standard will tackle the current surface water run-off issues, which will improve road safety. The traffic associated with a single house is not considered to impact on road safety. The site is large enough to ensure that a suitably designed house and site layout can be achieved without negatively impacting on the residential amenity of the neighbouring properties and the visual and landscape quality of the area.
- 9.1 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.

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 actions, it is recommended to

GRANT the application subject to the following conditions and reasons

1. No development shall commence until all of the matters specified below have been approved on application to the Planning Authority:
 - i. a detailed layout of the site of the proposed development (including site levels as existing and proposed);
 - ii. the design and external appearance of the proposed development;
 - iii. landscaping proposals for the site of the proposed development (including boundary treatments);
 - iv. details of access and parking arrangements; and
 - v. details of the proposed water supply and drainage arrangements.

Reason: Planning permission is granted in principle only and these specified matters must be approved prior to development commencing. Plan ref 2019 013 - 002 is an indicative site layout plan only.

2. Any details pursuant to Condition One above shall show a development featuring the following elements:
 - i. walls finished predominantly in a white/off-white wet-dash render/smooth coursed cement render/natural stone/timber cladding ;
 - ii. a roof covering of natural slate/metal sheeting;
 - iii. single storey or 1 ½ storeys in height;
 - iv. windows with a strong vertical emphasis;

v. a roof symmetrically pitched of not less than 40° and not greater than 45°; and

vi. predominantly rectangular in shape with traditional gable ends.

Reason: In order to respect the vernacular building traditions of the area and integrate the proposal into its landscape setting; in the interests of visual amenity

3. Any details pursuant to condition One above shall show the site access constructed in accordance with The Highland Council's Access to Single Houses and Small Housing Developments guidelines and the attached Access Schedule (dated 14.09.2021), with:

i. the junction formed to comply with drawing ref.SDB1 ; and

ii. visibility splays of 2.4m x 90 m (the X dimension and Y dimension respectively) in each direction formed from the centre line of the junction.

No other development shall commence until the junction has been constructed in full and within the stated visibility splays, at no time shall anything obscure visibility between a driver's eye height of 1.05m positioned at the X dimension and an object height of 0.60m anywhere along the Y dimension.

Reason: In the interest of road safety

4. Any details pursuant to condition One above shall show car parking spaces provided within the curtilage of the dwellinghouse and formed in accordance with The Highland Council's Access to Single Houses and Small Developments prior to first occupation, thereafter being maintained for this use in perpetuity. Provision, which shall exclude garages, shall be as follows:

i. Two spaces per 1 to 3 bedrooms;

ii. Three spaces per 4 to 5 bedrooms; and

iii. Four spaces per 6 or more bedrooms.

Designation: Area Planning Manager – North

Author: Erica McArthur

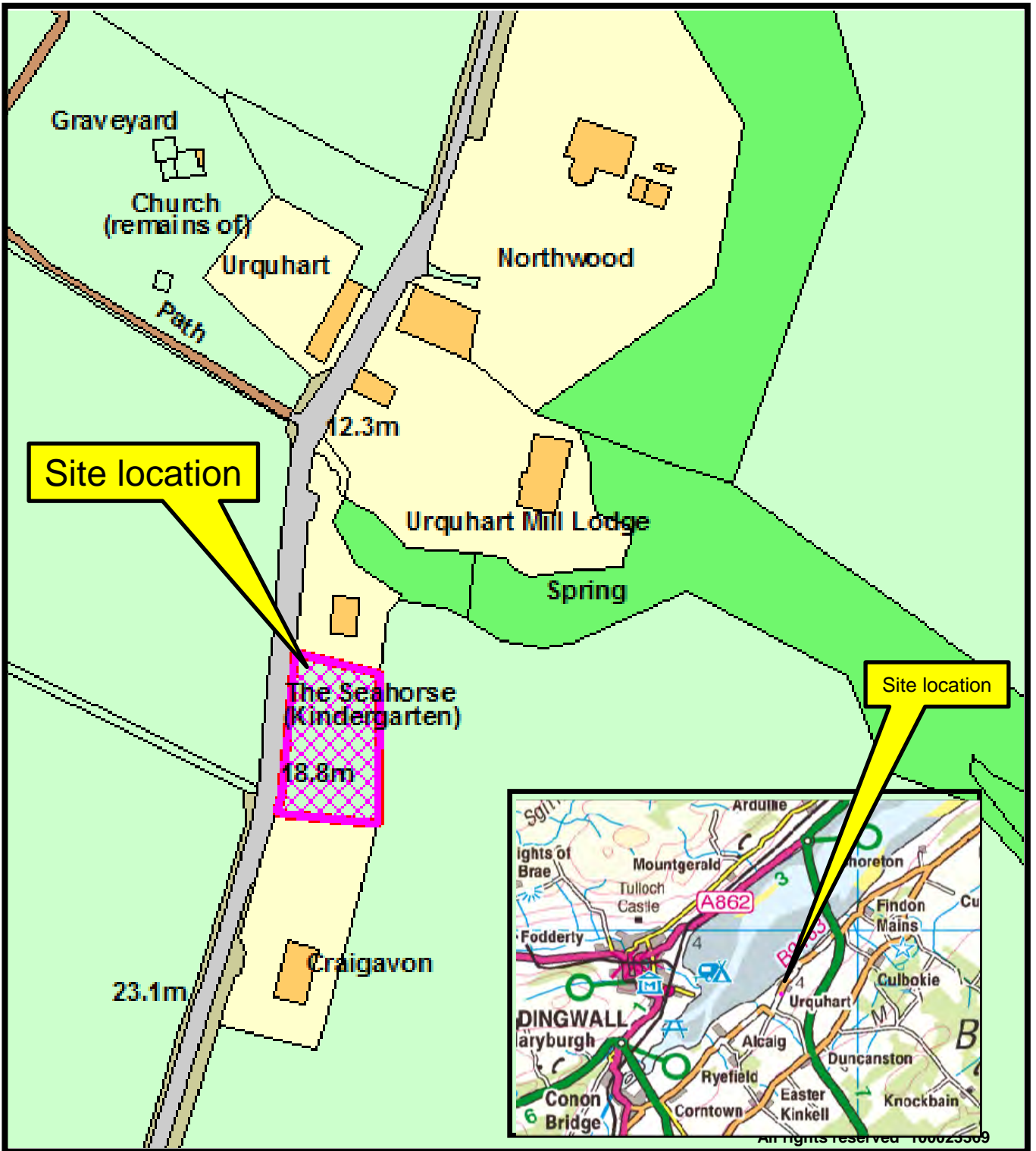
Background Papers: Documents referred to in report and in case file.

Relevant Plans: Plan 1 - Location Plan (The Highland Council)

Plan 2 - Location Plan - REF 2019 013-001 REV B

Plan 3 - Proposed Site Layout Plan REF 2019-013-002

Plan 4 - Masterplan REF 2019-013-004 REV B



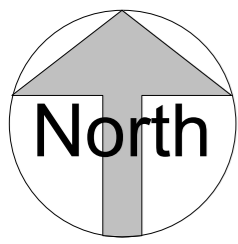
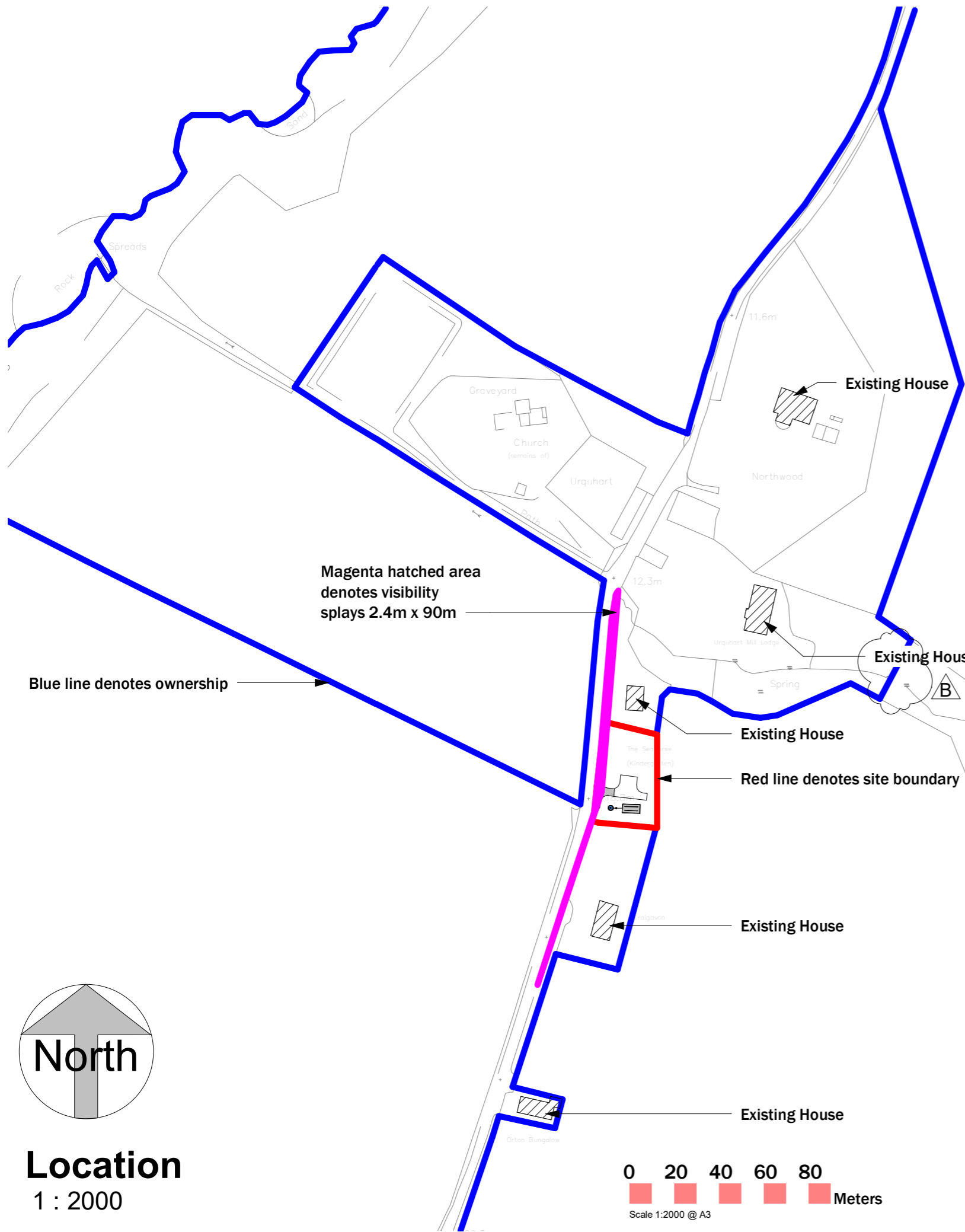
Development & Infrastructure
Service

20/02674/PIP

Erection of house

at Land 30M South Of Dalshian, Alcaig, Conon Bridge

September 2021



Location
1 : 2000

Planning issue



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No.	Description	Date
A	Corrected blue line ownership	10.08.20
B	Ownership line at burn crossing point altered	21.08.20

George Henderson	
Urquhart Farm	
Location (PIP)	
Date	09.06.20
Drawn by	CB
Scale	1 : 2000
2019 013 - 001	



Above image shows the site from the road and surroundings.

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2. Contractor is responsible for checking all dimensions prior to construction.
3. Discrepancies to be referred to architect for decision.
4. Must be read in conjunction with written specification and engineers/sub contractors construction information.

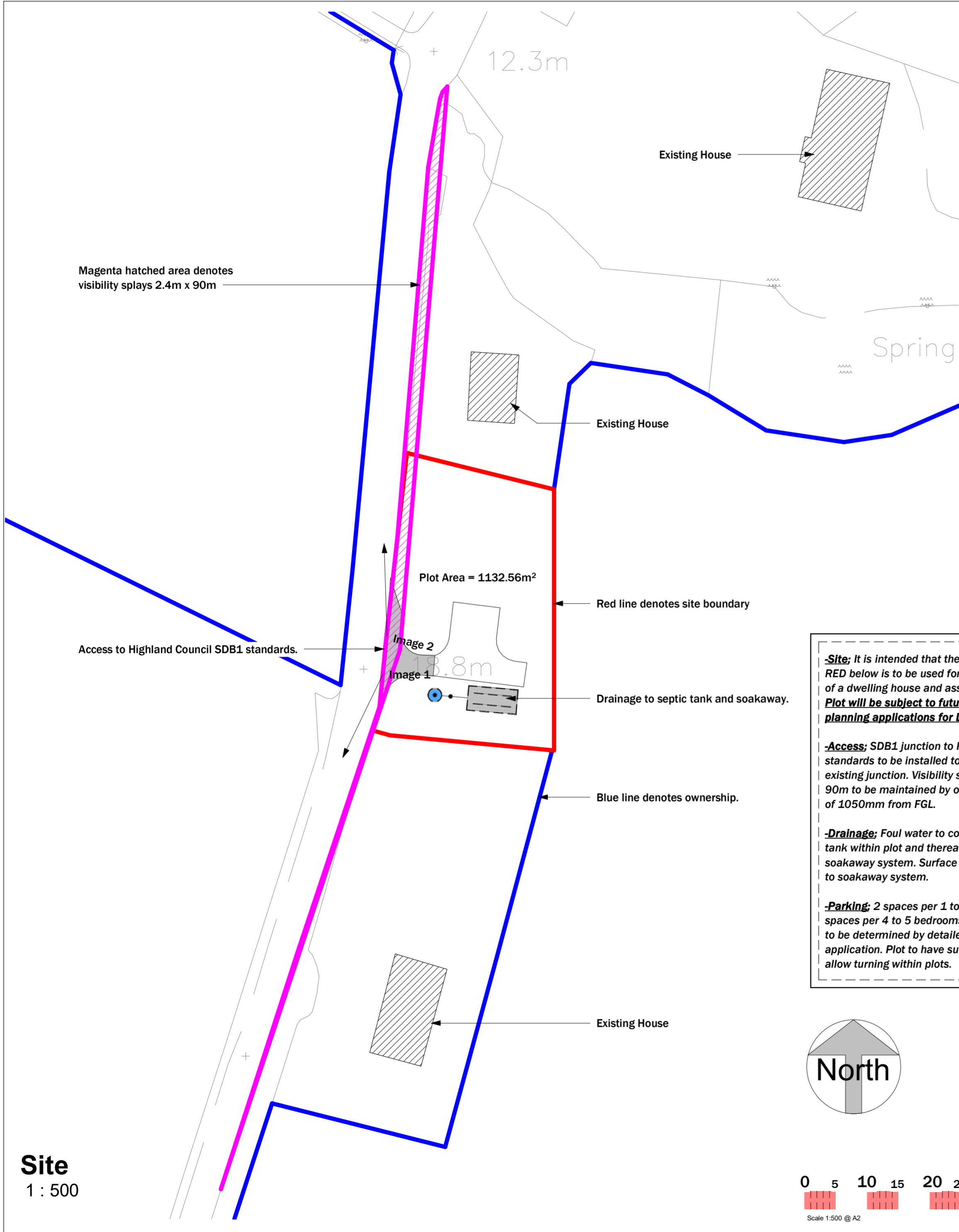
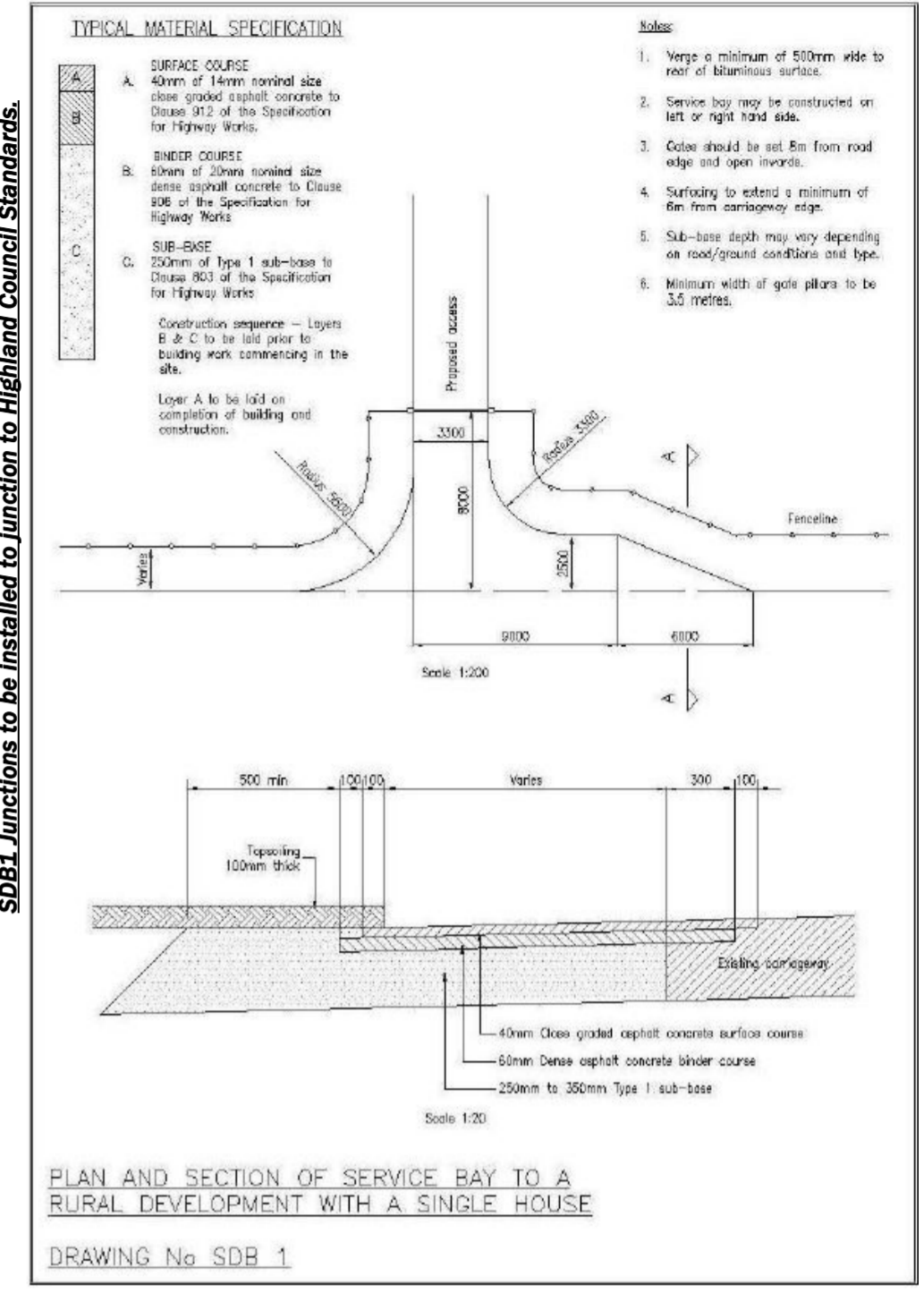


Image 1 - Above image shows visibility from proposed access.



Image 2 - Above image shows visibility from proposed access.



-Site: It is intended that the site outlined in RED below is to be used for the construction of a dwelling house and associated works. **Plot will be subject to future DETAILED planning applications for Dwelling Design.**

-Access: SDB1 junction to Highland Council standards to be installed to enhance existing junction. Visibility splays of 2.4m x 90m to be maintained by owners to a height of 1050mm from FGL.

-Drainage: Foul water to connect to septic tank within plot and thereafter connect to soakaway system. Surface water to connect to soakaway system.

-Parking: 2 spaces per 1 to 3 bedrooms, 3 spaces per 4 to 5 bedrooms. Exact number to be determined by detailed planning application. Plot to have sufficient space to allow turning within plots.

Plot Justification: The site lies in the Hinterland where Policy 35 applies, Section 6.9 of the Supplementary Guidance: Housing in the countryside and sitting and design' states;

New build houses related to existing groups are preferable to new isolated development. Groupings should not be suburban and should relate to the established settlement pattern, local character and use of materials. The potential exists to consolidate or round off existing groups where this does not generally lead to a wider expansion of the group. Groups also offer the potential of infill opportunities but these need to fit into the existing building pattern and respect local architecture/cultural heritage.

The proposals are in accordance with the criteria set out for 'housing groups':

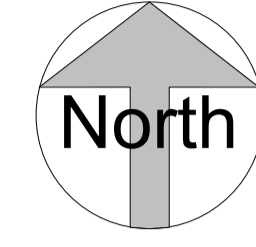
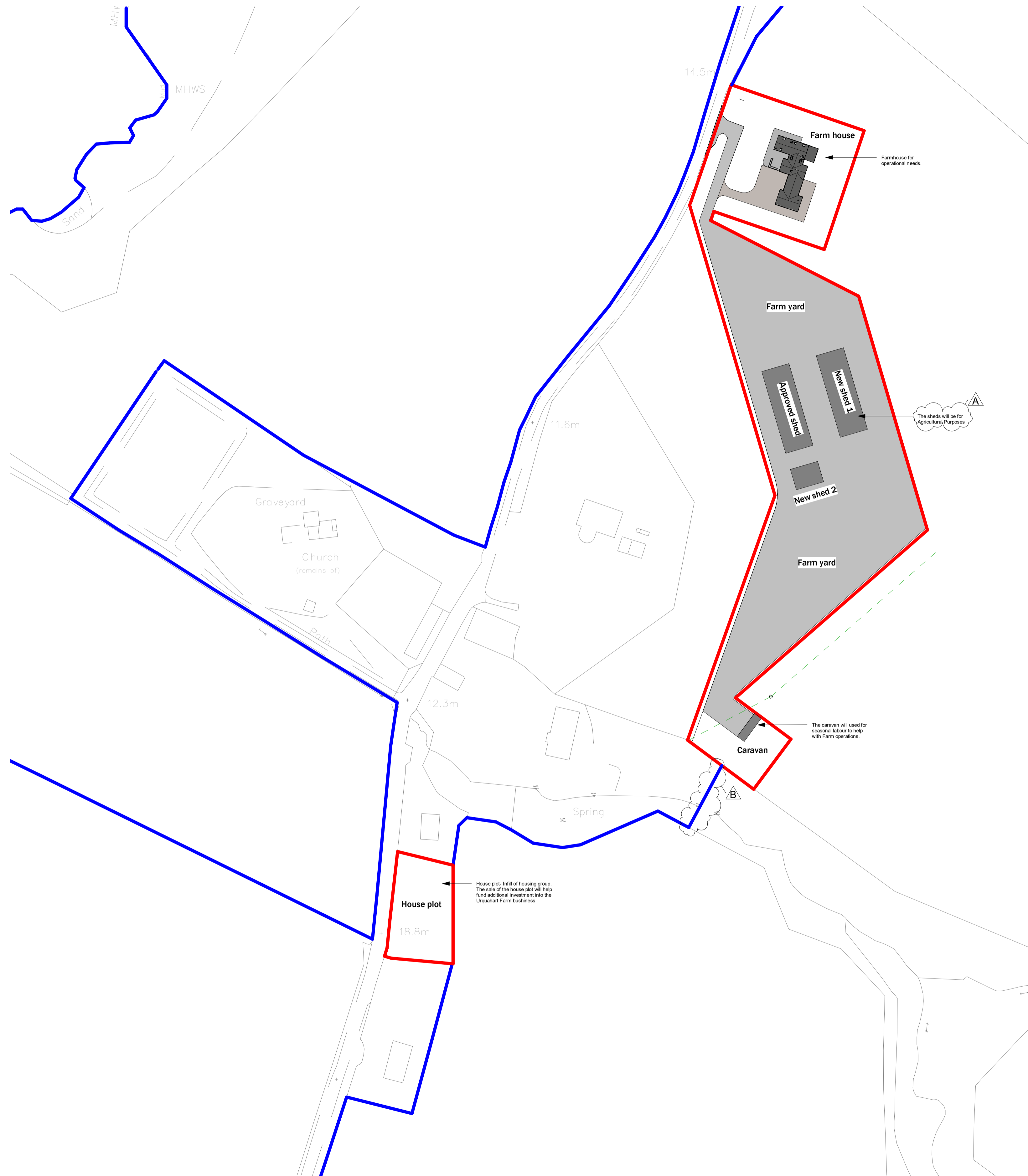
1. The site is infill of an existing housing settlement of 5 houses.
2. The location reflects and respects the character, cohesiveness, spacing and amenity of the existing group and the individual houses within the group;
3. There is sufficient gaps between the houses to not constitute ribbon/linear development along the public road.
4. The development does not impact detrimentally on existing trees and/or woodland
5. The proposals does not create an inappropriate intrusion into a previously undeveloped field as the house plots either side have formed an area of land which has become a circulation space rather than prime agricultural land.

The house plot forms apart of a wider Masterplan of development within the Farm.

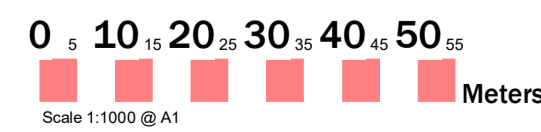
The sale of the house plot will help fund additional investment into the Urquhart Farm business to include;

- A Farmhouse.
- New agricultural sheds.
- Siting of a caravan for seasonal workers.
- Introduction of Livestock to the business.

Planning issue		
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No.	Description	Date
	George Henderson	
	Urquhart Farm	
	Site plan (PIP)	
Date		09.06.20
Drawn by		CB
	2019 013 - 002	
Scale		1 : 500
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Masterplan
1 : 1000



Planning issue

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No.	Description	Date
A	Alterations	10.08.20
B	Ownership line at burn crossing point altered	21.08.20

George Henderson	
Urquhart Farm	
Masterplan	
Date	09.06.20
Drawn by	GIR
2019 013 - 004	
Scale	1 : 1000

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