

Agenda Item	6.6
Report No	PLN/021/22

HIGHLAND COUNCIL

Committee: North Planning Applications Committee

Date: 15 March 2022

Report Title: 21/05944/FUL : Mr & Mrs Foran

Land 85M South Of Windrill, Drumsmittal, North Kessock

Report By: Area Planning Manager - North

Purpose/Executive Summary

Description: Erection of house

Ward: 09 - Black Isle

Development category: Local development

Reason referred to Committee: Requested by a majority of the 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** the application as set out in section 11 of the report

1. PROPOSED DEVELOPMENT

- 1.1 Detailed planning permission is sought for a new dwelling and detached garage. The proposed house is of a rectangular in plan, gable roofed design, 1¾ stories in height. It measures approximately 19m in width x 8 m in depth with an additional front projection of 3m incorporating the entrance hall. Height to the roof peak is approximately 8m. The proposal will be finished in white render with plain concrete roof tiles, white render and fibre cement cladding on the external walls and conservation effect windows. The proposed detached garage measures 6.5m in width x 6.8m in depth. Height to the roof ridge is approximately 6m. It is proposed to finish the garage in materials to complement the main house.
- 1.2 The application site is served by a rough track, connecting to an existing access junction onto the public road, that is shared with two existing residential properties to the south: 'Roneval' and 'Tigh Na Greine'
- 1.3 Pre-Application Consultation: 19/05088/PREAPP and 20/03894/PREAPP advised that site was not considered to be a suitable exception to the conditions of Policy 35, in that it could not be considered as within a housing group, as defined under the relevant supplementary planning guidance.
- 1.4 Supporting Information: Private Access Checklist, Site Investigation and Drainage Report, Planning Statement
- 1.5 Variations: None

2. SITE DESCRIPTION

- 2.1 The application site is an substantial area of undeveloped field extending to over 1 hectare, within the dispersed rural area known as Drumsmittal which lies north of North Kessock. The site is not specifically listed as a croft by the Registers of Scotland, but there are registered crofts in the surrounding area, with Croft R2207 located on wider landholdings to the south. The site is located adjacent the U2596 public road to the east, which is single track at this point. The site slopes noticeably upwards to the northwest and is bordered respectively to the north and south by existing residential properties 'Windrill' and 'Roneval'. To the west is an area of plantation woodland, currently cleared.

3. PLANNING HISTORY

- 3.1 None found

4. PUBLIC PARTICIPATION

- 4.1 Advertised: Ross-shire Journal, Unknown Neighbour, 14 Days
Date Advertised: 14 January 2022
Representation deadline: 29 January 2022
Timeous representations: 3 from 2 households
Late representations: 1 from 1 household

- 4.2 Material considerations raised are summarised as follows:
- a) Objection to the principle of development in the hinterland, on the basis of Highland wide Local Development Plan Policy 35.
 - b) Concerns over the intensification of the existing public road access and the applicant's right to use the shared junction.
 - c) Concerns over loss of privacy through overlooking from the new property.

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 The Historic Environment Team (Archaeology) did not object to the proposals and recommended a condition to secure an archaeological watching brief should planning permission be granted.

5.2 Scottish Water did not object to the proposals, advising that there is sufficient capacity in the local water supply network and that there is no public wastewater infrastructure available. They advised that the development may impact upon existing Scottish Water assets and that the applicant should contact Scottish Water directly to ensure that any potential conflict can be identified.

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)

47 – Safeguarding Inbye/AppORTioned Croftland

65 - Waste Water Treatment

66 - Surface Water Drainage

6.2 Inner Moray Firth Local Development Plan (2015)

Within the designated hinterland

7. OTHER MATERIAL CONSIDERATIONS

7.1 Highland Council Supplementary Planning Policy Guidance

Access to Single Houses and Small Housing Developments (May 2011)

Developer Contributions (March 2013)

Rural Housing Supplementary Planning Guidance (September 2021)

Managing Waste in New Developments (March 2013)

Sustainable Design Guide (Jan 2013)

7.2 Scottish Government Planning Policy and Guidance

Scottish Planning Policy 2014 (as revised 2020): SPP paragraphs 74-83 set out the national policy context for rural housing development.

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) any other material considerations.

Development plan / other planning policy

8.4 The application site is located within the designated Hinterland around established towns, where pressure for sporadic commuter housing development is greatest and as such, the application requires to be considered principally in terms of Policy 35 of the Highland-wide Local Development Plan (HwLDP). The policy, and the adopted Rural Housing Supplementary Guidance, will normally only support residential development proposals if they comply with one of the designated exceptions to the policy, as listed below:

- 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
- 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

The guidance also details that proposals must also be not significantly detrimental in terms of the following matters: siting and design, pattern of development, landscape character and servicing, particularly roads. In addition to the above, the proposal also requires to be assessed against the general policies of the Highland-

wide Local Development Plan. Policy 28 requires sensitive siting and high-quality design in keeping with local character and historic and natural environments, and the use of appropriate materials. This Policy also requires proposed developments to be assessed on the extent to which they are compatible with service provision, as well as their impact on individual and community residential amenity. Policy 29 repeats the emphasis on good design in terms of compatibility with the local landscape setting and in terms of place making.

- 8.5 Policy 35 presumes against housing in the open countryside of the Hinterland, unless the proposal complies with at least one of the stipulated exceptions stated in paragraph 8.4 above. The conditions whereby these exceptions apply are further detailed in the adopted Rural Housing Supplementary Planning Guidance. In this instance there is no supporting information submitted that indicates the house is required for operational reasons or to aid in the management of the land therefore the majority of exceptions are not applicable. It is however appropriate to consider whether the proposal would meet the criteria for acceptable expansion of housing group. The guidance defines a housing group as “at least 3 buildings (2 of which must already be houses) that are physically detached from each other but that have a perceptible relationship with each other and share a well-defined, cohesive character.”
- 8.6 It is acknowledged that there are several single houses in the countryside in the general vicinity of the application site namely, Drumsmittal Farm, Roneval, Windrill and Windsong. However, these properties do not form a housing group as defined in the adopted guidance. Specifically, the separation distance between the single house Roneval and the properties Windrill and Windsong, which amounts to some 155m, is such that there is no perceptible relationship between the properties. Not only are they separated by some considerable distance, but there is also no visual relationship between them due to the topography of the intervening land which prevents any sense that the three properties are a group with a well-defined cohesive character and sense of containment. The public road that separates Drumsmittal Farm from all of these properties, lies at a lower level and for the same reasons as set out above has no perceptible relationship with any of the houses on the opposite side of the road. As such it is not considered that there is an existing housing group, as defined by the SG, that development of the site could either infill or round off.
- 8.7 Further to the concerns expressed above, and as noted earlier the applicant has not submitted any further justification on the basis of locational or operational need for a house in this location. The house is not justified as being essential for land management purposes or in association with a rural business, nor is it intended to accommodate a retiring farmer. As such, development of the site does not comply with any of the exceptions set out in the development guidance. It is therefore considered that the development would create an inappropriate intrusion into a previously undeveloped field, contrary to the aims and objectives of HwLDP Policy 35 and the associated Rural Housing Supplementary Planning Guidance.

Siting, Design and Amenity

- 8.8 The proposed house is clearly a modern design, utilising modern, synthetic materials and finishes, although it draws on traditional rural features, with additional internal space incorporated via the front cross gable projection and a rear 'lean to' like structure. A degree of cut and fill is necessary to accommodate the proposals on the sloping site. The level of the development platform will be 2m above the existing slope however the ground would be re-profiled such that the house could be accommodated without undue prominence.
- 8.9 Due to the house siting and design, the proposals raise no direct window to window or other loss of privacy issues with the neighbouring properties. The closest, 'Windrill', will be located more than 40m away, uphill, which exceeds the 21m level separation distance considered adequate for any facing windows. Any overshadowing generated will fall within the application site, on the rising ground behind the proposed house.

Access and Parking

- 8.10 The proposal will share an access with 'Roneval' and two additional properties to the south. The applicant has assessed the traffic speed on the public road as 40 mph, which is considered reasonable based on the single-track nature of the road and the position of gentle bends in the road directly to the north and south. The applicant has shown how visibility splays of 2.4 x 120m can be formed in either direction from the junction. Parking and turning space is available within the application site for up to three cars, which is considered acceptable for the four bedroom property proposed.

8.11 Drainage and Servicing

The applicant has shown how appropriate private foul drainage treatment and surface water drainage arrangements and the required soakaways can be accommodated within the site. Suitable space is available within the application site for storage of refuse bins, in accordance with the Managing Waste in New Developments guidance.

Non-material considerations

- 8.12 The representations noted concerns regarding the use of the shared access junction onto the public road to accommodate the new property. The existing junction is considered to have adequate visibility onto the public road and is otherwise considered to comply with the conditions of the Council's Access to Single Houses and Small Housing Developments guidance. The legal rights to use the access are a private matter for the various parties concerned and not a material planning consideration.

Developer Contributions

- 8.13 Policy 31 requires that, where developments create a need for new or improved public services, facilities or infrastructure, the developer makes a fair and reasonable contribution in cash or kind towards these additional costs or requirements. If planning permission is otherwise granted, the proposed dwelling will be eligible for developer contributions to support North Kessock Primary School.

9. CONCLUSION

- 9.1 The proposed house has no perceptible relationship with any of the houses in the surrounding area. As such, it cannot be considered as located within a housing group in terms of the Rural Housing Supplementary Planning Guidance. The applicant has not submitted any further justification based on locational or operational need for a house in this location. As such, development of the site does not comply with any of the exceptions set out in HwLDP Policy 35 and the Rural Housing Supplementary Planning Guidance. It is considered that the development would create an inappropriate intrusion into a previously undeveloped field contrary to the aims and objectives of HwLDP Policy 35.

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

Notification to Scottish Ministers N

Conclusion of Section 75 N
Obligation

Revocation of previous permission N

Subject to the above actions, it is recommended to
REFUSE the application for the following reasons

REASON FOR DECISION

The proposed house has no perceptible relationship with any of the houses in the surrounding area. As such, it cannot be considered as located within a housing group in terms of the Rural Housing Supplementary Planning Guidance. The applicant has not submitted any further justification based on locational or operational need for a house in this location. As such, development of the site does not comply with any of the exceptions set out in HwLDP Policy 35 and the Rural Housing Supplementary Planning Guidance. It is considered that the development would create an inappropriate intrusion into a previously undeveloped field contrary to the aims and objectives of HwLDP Policy 35.

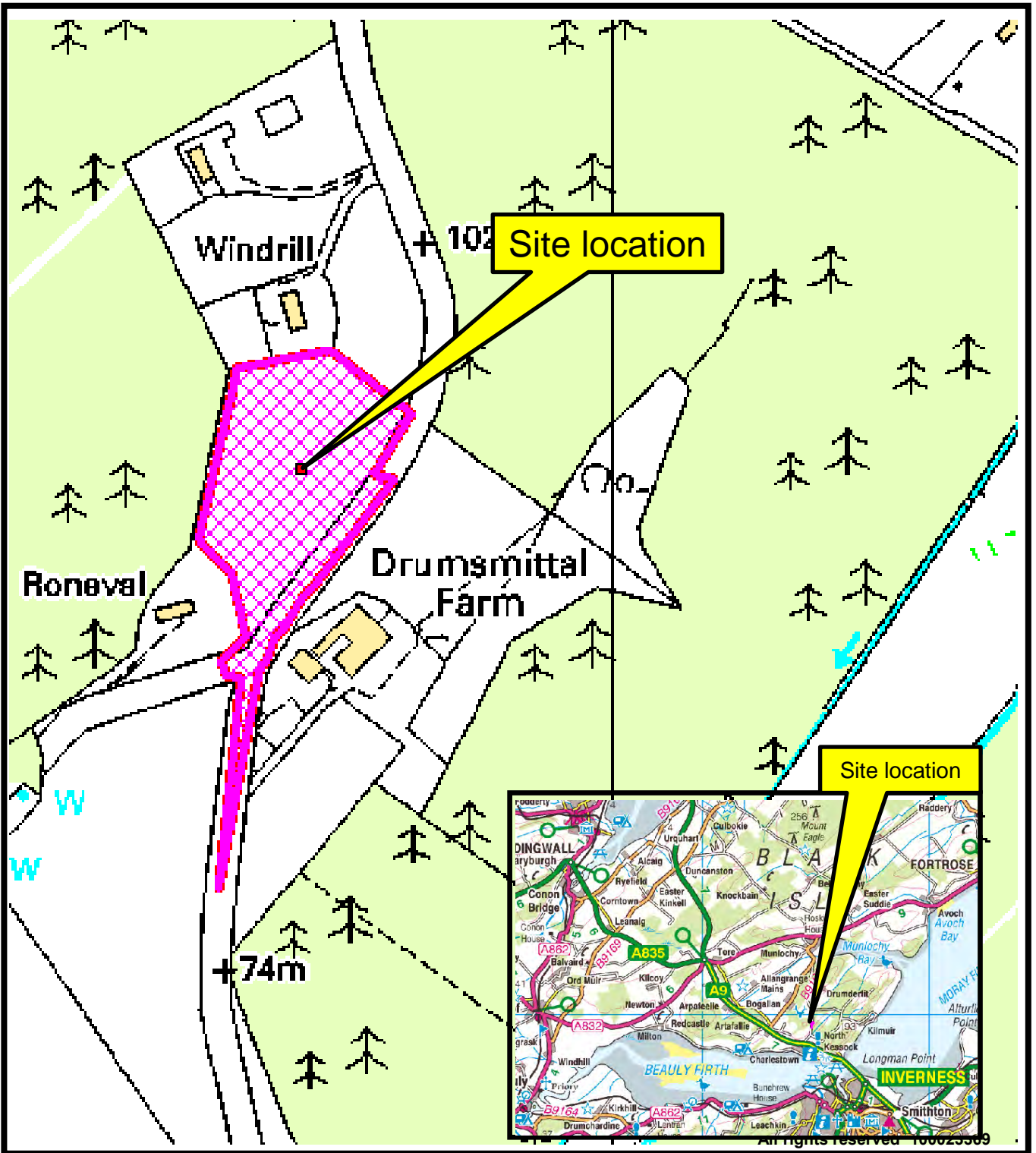
Designation: Area Planning Manager - North

Author: Michael Kordas

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

Relevant Plans:

Document Type	Document No.	Version No.	Date Received
Location Plan	2753 - PL 001		20.12.2021
Site Layout Plan	2753 - PL002		20.12.2021
Site Layout Plan	2753 - PL003		20.12.2021
Section Plan	2753 - PL005		20.12.2021
Floor/Elevation Plan	2753 - PL010		20.12.2021
Garage Plan	2753 - PL011		20.12.2021

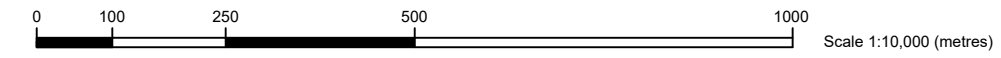
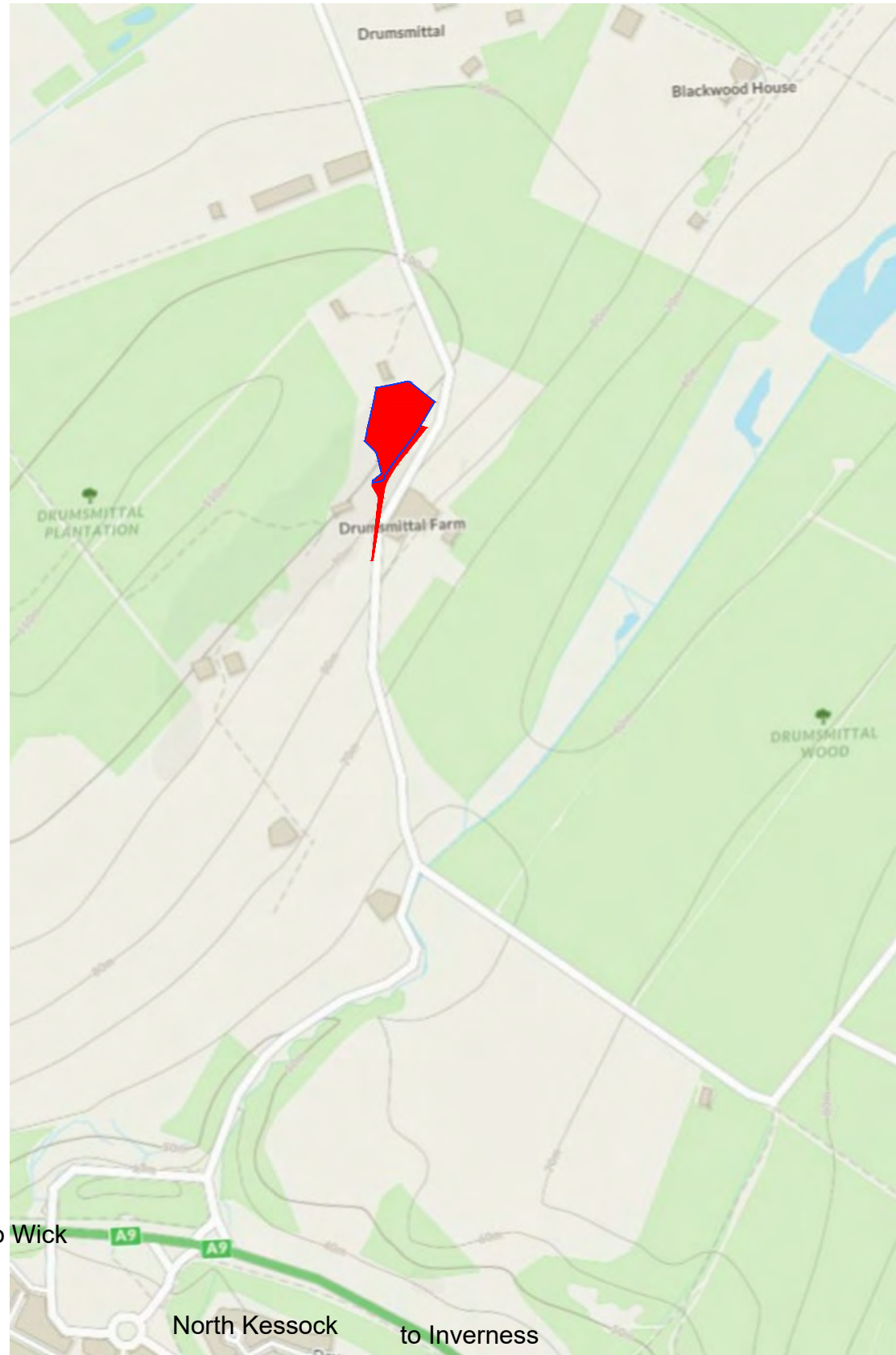


Development & Infrastructure Service

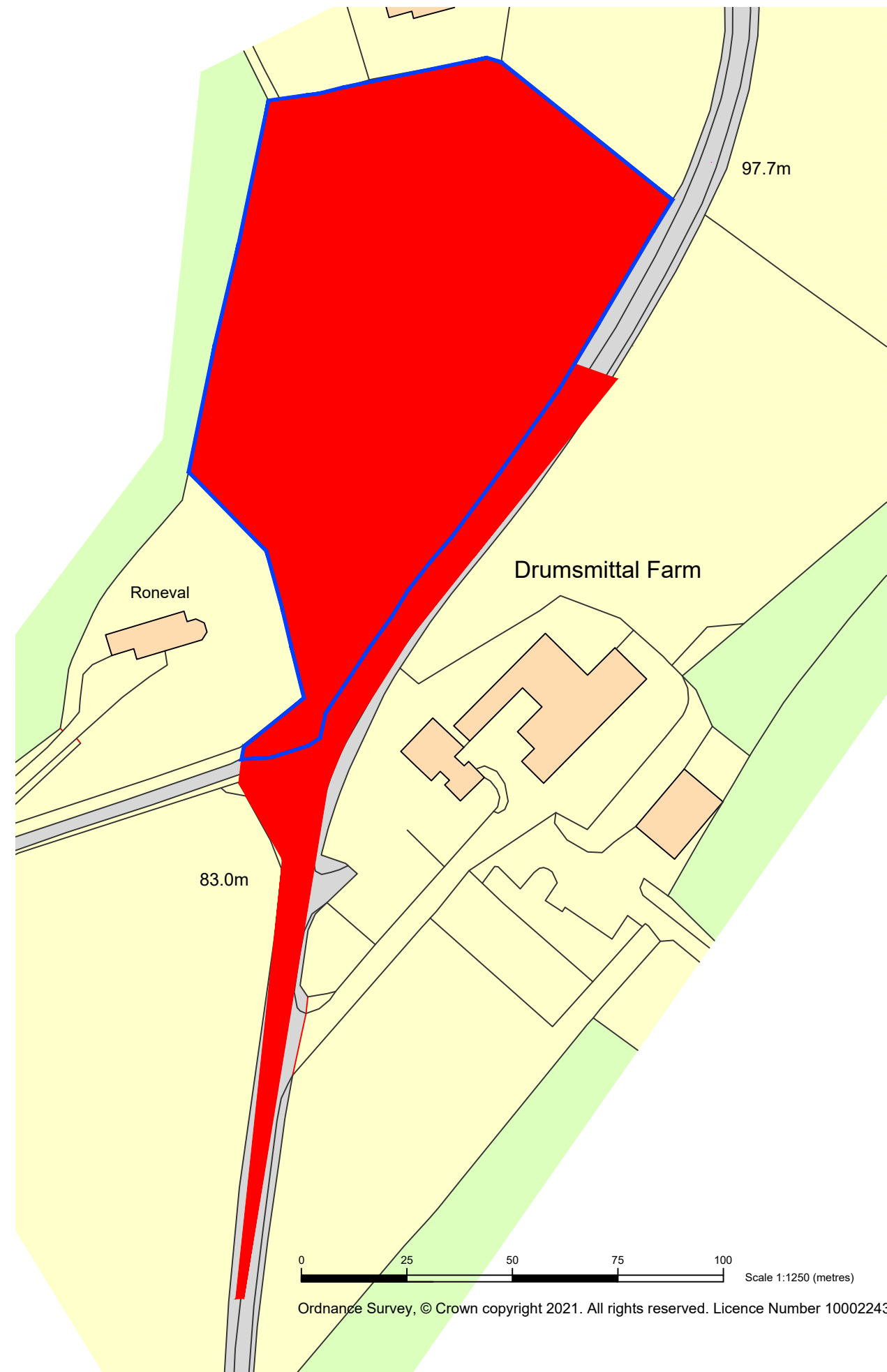
21/05944/FUL
Erection of house
at Land 85M South Of Windrill
Drumsmittal, North Kessock

March 2022

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



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Client
Richard and Stephanie Foran

Project
**House at Drumsmittal
 North Kessock
 Floor Plan & Elevations**

Drawing
Location Plan

Status
Planning

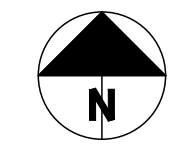
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2753 / PL 001

Rev

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Drawing
Site Plan

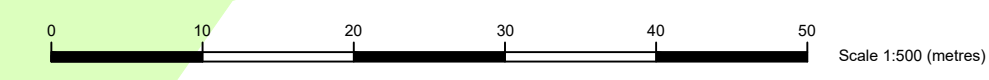
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Planning

Scale 1:500 Date 20/12/21

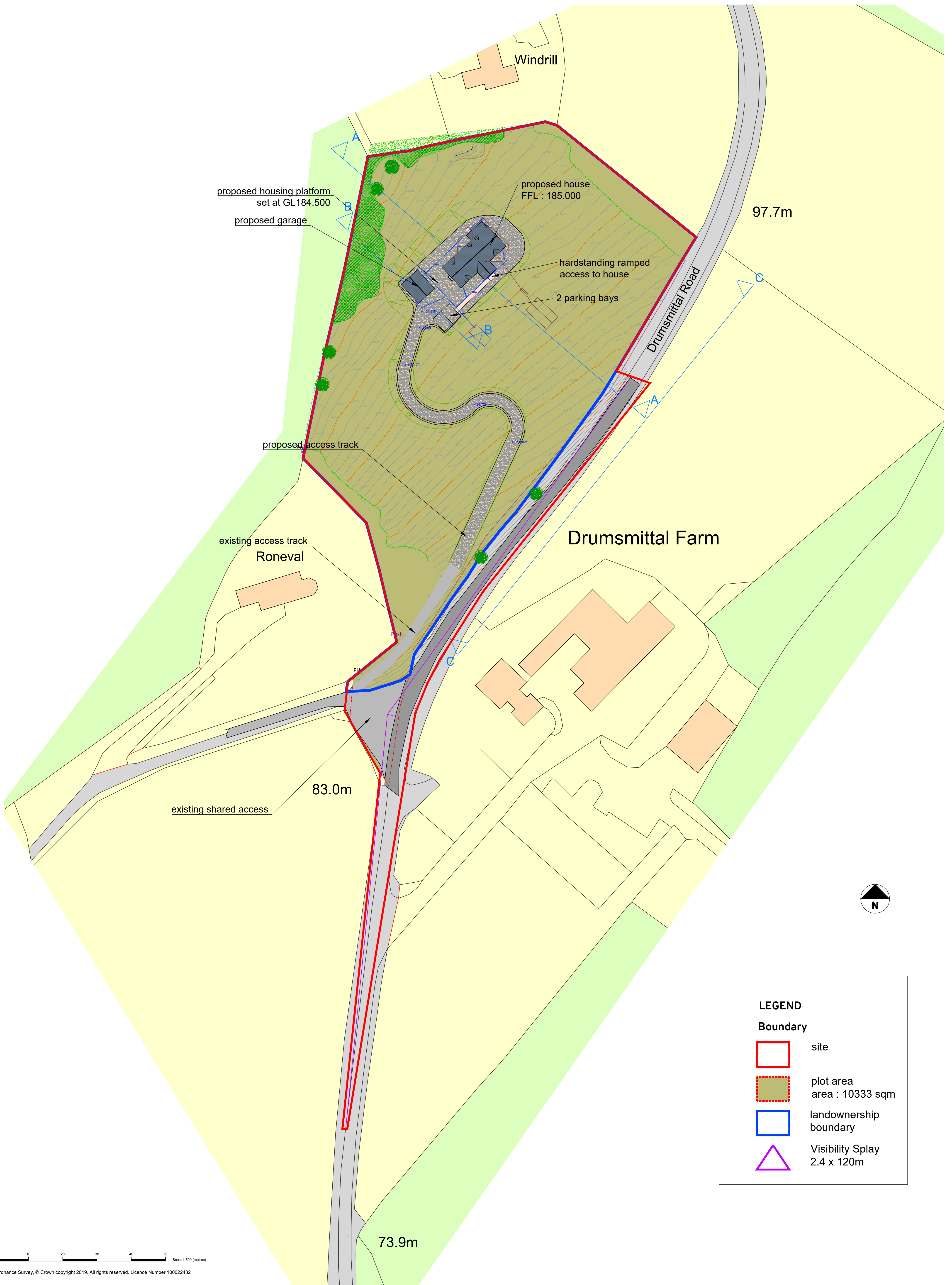
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Drawing No:
2753 / PL 002

Rev:



Scale 1:500 (metres)
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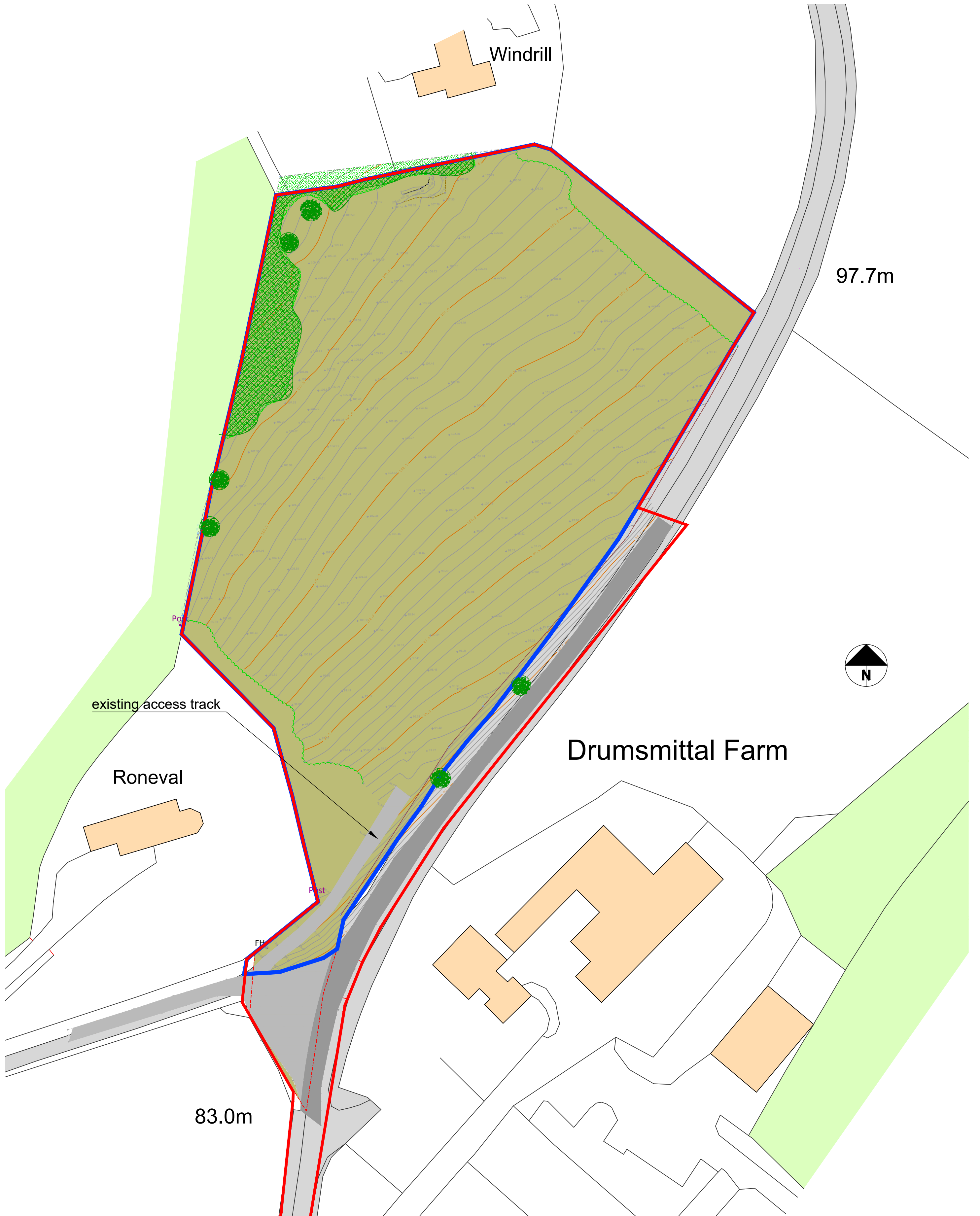


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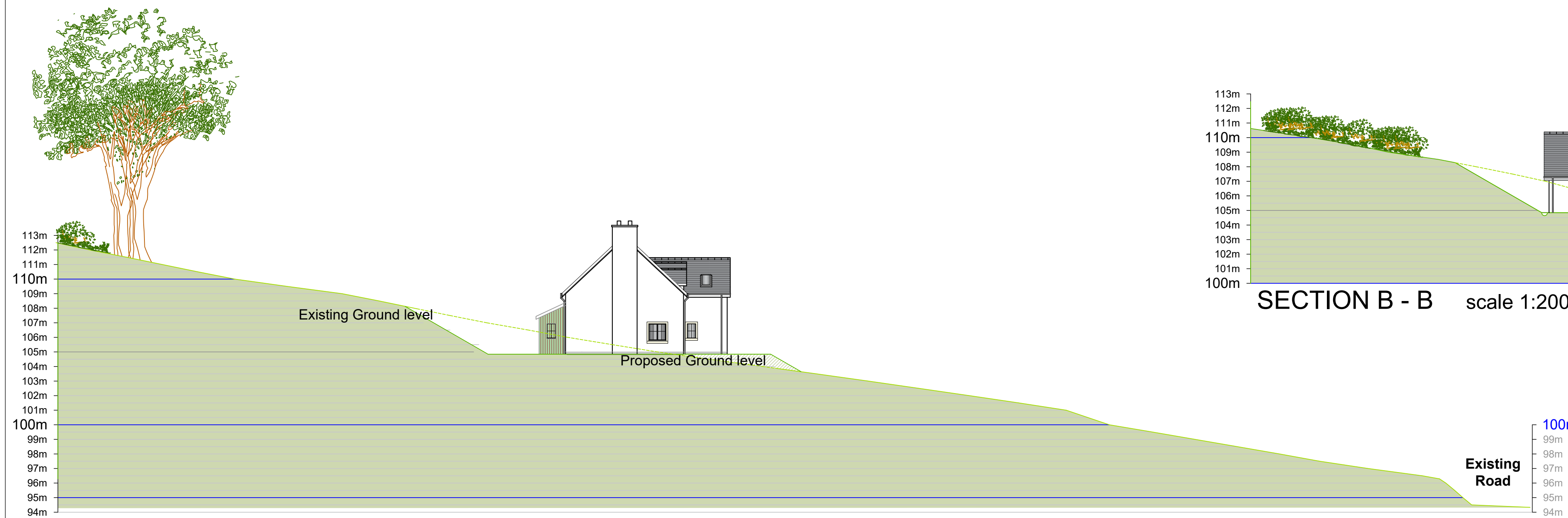
Boundary

- site
- plot area
area : 10333 sqm
- landownership boundary
- Visibility Splay
2.4 x 120m

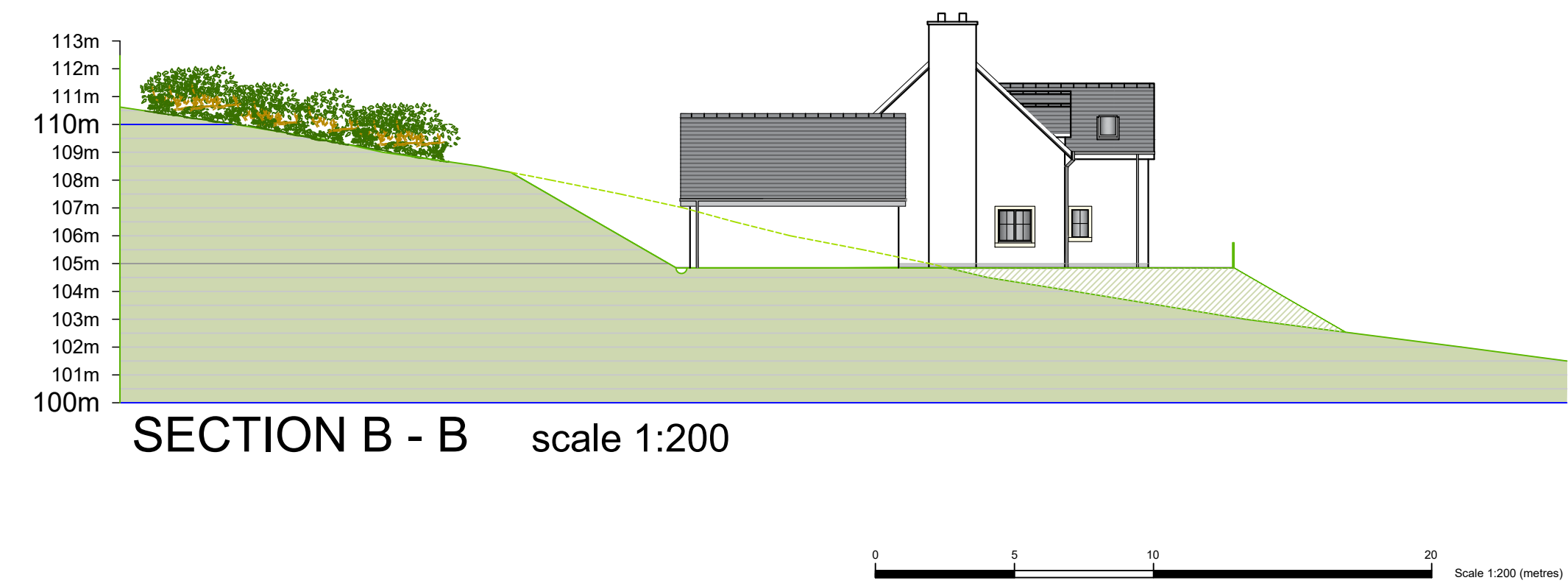
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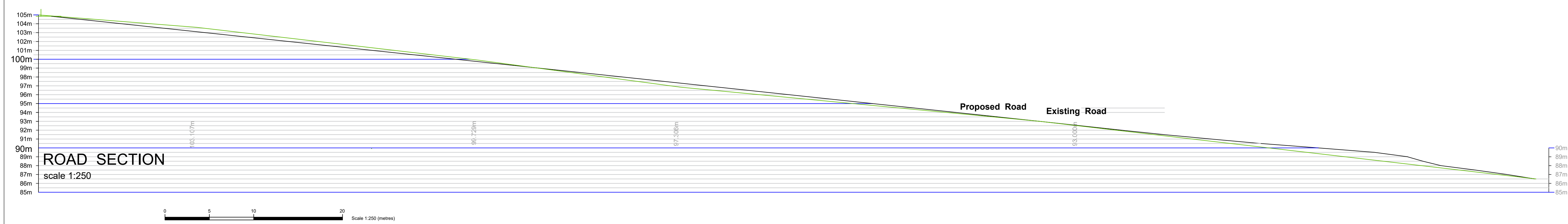
SECTION A - A scale 1:200



SECTION B - B scale 1:200



SECTION C - C scale 1:200



ROAD SECTION scale 1:250

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Drawing
Site Sections

Status
Planning

Scale 1:200 / 1:250 Date 20/12/21

Sheet A1 Drawn by CL

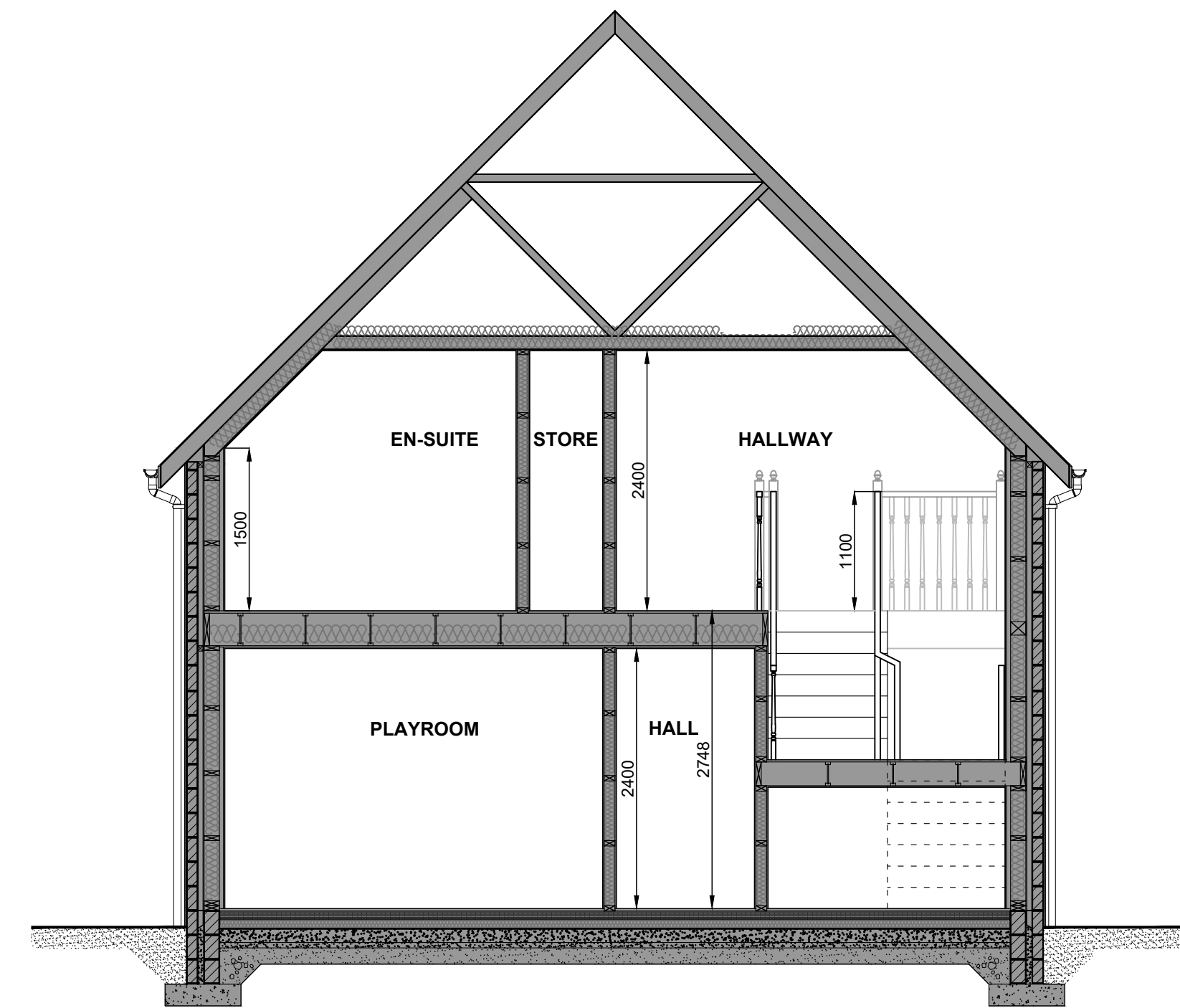
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Front (North West) Elevation
 Scale 1:100



Side (South West) Elevation
 Scale 1:100



Cross Section
 Scale 1:50



Side (North East) Elevation
 Scale 1:100

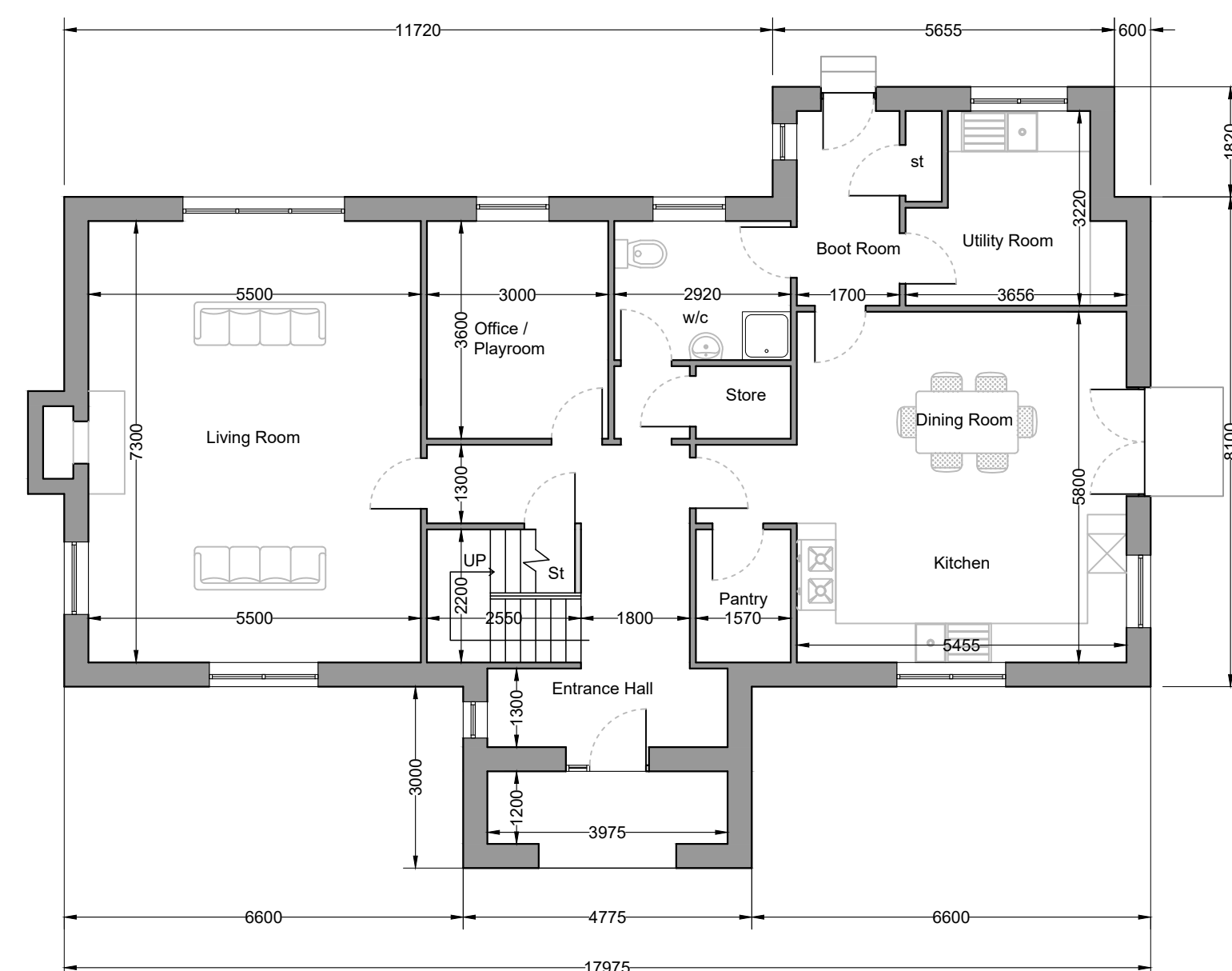


Rear (South East) Elevation
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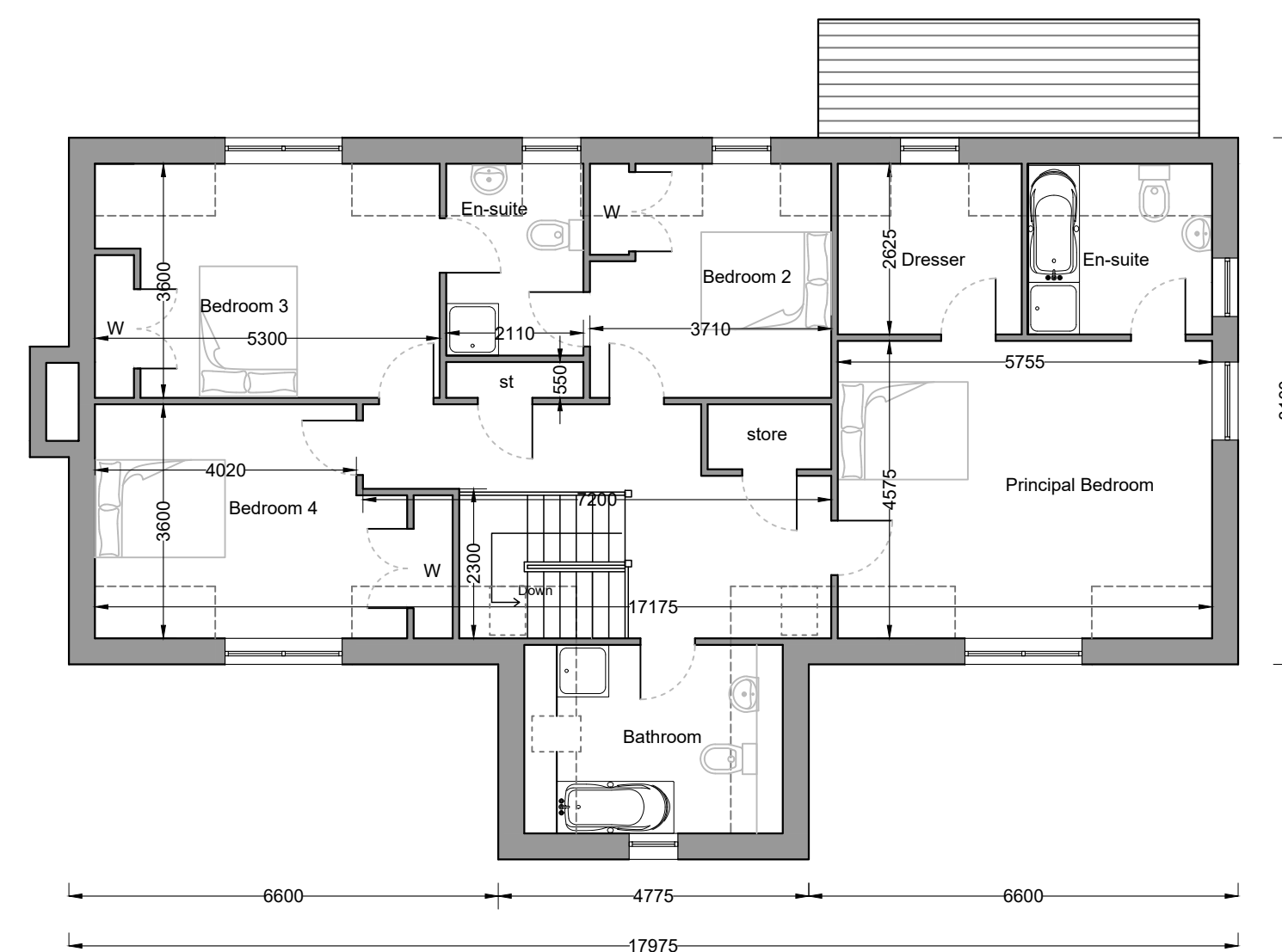
Key to Materials-

ELEVATIONS

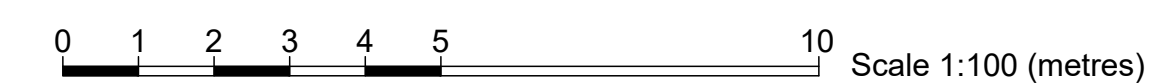
- Roof:- Plain Concrete Tiles in Grey finish with concrete ridge with Code 5 lead valleys
- Walls:- White K Rend with coloured render bands around windows and timber dormers. Colour to be agreed.
- Basecourse:- Grey wet hair textured render
- Windows:- High performance timber or uPVC in White colour
- Doors:- House Doors- High performance doorsets with iron grey frame. Colour to be agreed.
- Cladding:- Porch walls & feature cladding in fibre cement planking. Colour to be agreed.
- Gutters:- uPVC colour black
- Downpipes:- uPVC colour black



Ground Floor Plan
 Scale 1:100
 area : 139m²



First Floor Plan
 Scale 1:100
 area : 136m²



Rev.	Description	Drawn	Date
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Drawing
 House
 Floor Plans & Elevations

Status
 Planning

Scale 1:100 / 1:50 Date 20/12/21

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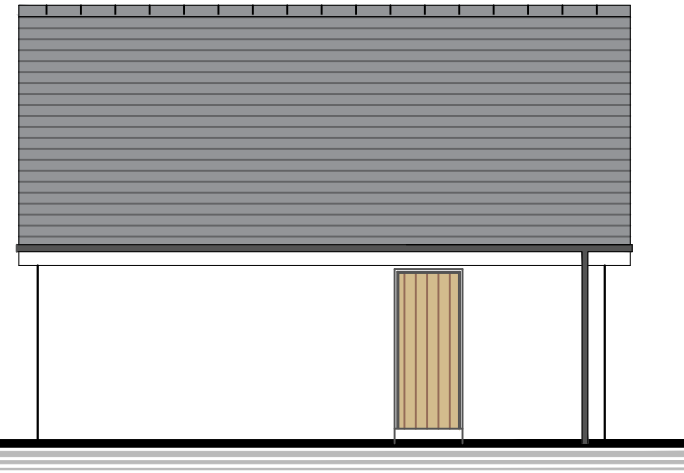
Key to Materials:-

ELEVATIONS

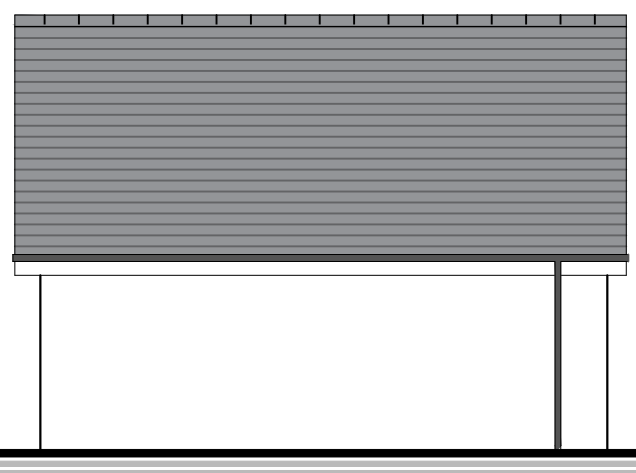
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- Walls:- White K Rend with coloured render bands around windows
- Basecourse:- Grey wet harl textured render
- Window:- High performance timber or uPVC in White colour
- Doors:- High performance doorsets. Colour to match feature cladding on house.
- Gutters:- uPVC colour black
- Downpipes:- uPVC colour black



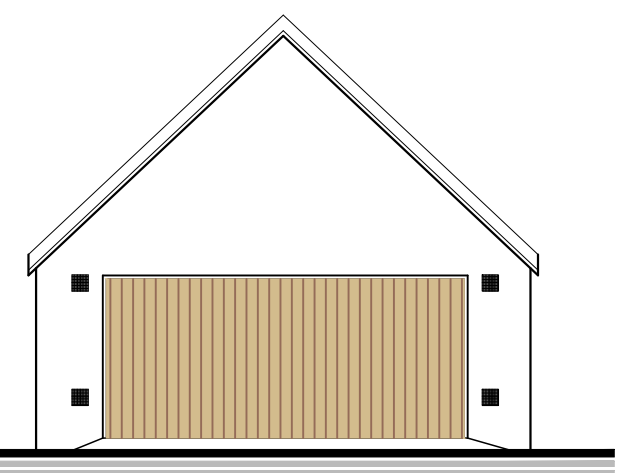
Rear Elevation



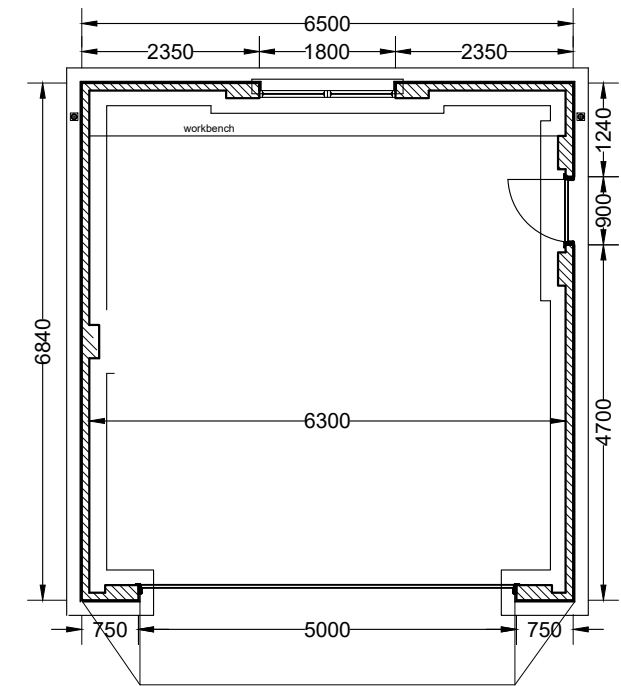
Side Elevation



Side Elevation



Front Elevation



Floor Plan

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Drawing
Garage

Status
Planning

Scale 1:100 Date 20/12/21

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Drawing No:
2753 / PL 011

