

Agenda Item	7.6
Report No	PLS-41-23

HIGHLAND COUNCIL

Committee: South Planning Applications Committee
Date: 27 June 2023
Report Title: 21/02982/FUL: Mrs Bernadette Church
Land 60M NW Of Foresters Cottage, Newtonhill, Lentrán, Inverness
Report By: Area Planning Manager – South

Purpose/Executive Summary

Description: Erection of hut
Ward: 12 – Aird and Loch Ness
Development category: Local

Reason referred to Committee: Member referral

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.

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 The proposal is to erect a hut for accommodation on land near Newtonhill at Lentrán to the west of Inverness.
- 1.2 The hut would be a simple rectangular form 4.8m long by 2.4m wide and 2.2m in height. An open 1.8m long porch is attached to the gable entrance. The external finish is timber giving an overall external appearance would be of a garden shed. Internally the structure would have a wood burning stove and a simple open plan layout. Two windows are on the southwestern elevation. A supporting statement submitted with the application sets out that the hut is for recreational accommodation.
- 1.3 The site would be accessed with parking coming directly off the existing single-track road.
- 1.4 Pre-Application Consultation: None
- 1.5 Supporting Information: Supporting Statement, Private Access Checklist, site photos and Engineer's report
- 1.6 Variations: None

2. SITE DESCRIPTION

- 2.1 The site is on the east side of the single-track public road, on the inside of a bend. The ground is relatively steep, facing north and downhill. The site measures around 57m long at its greatest (NW-SE) extent, and 23m at its widest (NE-SW). A low voltage overhead powerline is on the western side of the road.
- 2.2 The ground is covered in rough vegetation, with a single large larch tree to its northern edge. Post and wire fencing defines the site boundaries. Approximately 20m to the northeast is a 1½ storey house (Hallival), facing gable to the site. To the southeast is an older 1½ storey house (Foresters Cottage), facing gable to the road, but screened from the site by larch trees. This house sits above the site due to the change in levels.

3. PLANNING HISTORY

- 3.1 14/03112/PREAPP Erection of single storey 2 bedroom house and single storey shed
- 22/00096/ENF Formation of parking

4. PUBLIC PARTICIPATION

- 4.1 Advertised: Unknown Neighbour
Date Advertised: 16 July 2021
Representation deadline: 30 July 2021

Timeous representations: 6

Late representations: 0

4.2 Material considerations raised are summarised as follows:

- access does not meet the Highland Council access guidance with no space for turning on the property.
- proposal is not in keeping with the residential nature of the surrounding area.
- plans lack design details
- negative impact of woodburning stove on neighbouring amenity
- Hallival overlooks the site reducing neighbouring amenity for both parties
- Environmental issues from compostable toilet

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 **Kirkhill and Bunchrew Community Council** – Neutral response provided, note to ensure neighbouring comments are addressed within the decision-making process.

5.2 **Development Plans Team** - No objections. Transport Planning response should be sought.

5.3 **HQ Forestry** – No objections.

5.4 **Environmental Health** – No objection to wood burning stove or composting toilet on site due to infrequent use. SEPA should be contacted in relation to the disposal of waste on site.

5.5 **Transport Planning Team** – Originally objected due to lack of roads information including no Private Access Checklist or visibility splay drawing. On receiving the additional information required, the objection has been maintained. The site entrance is non-compliant, there is a significant shortfall in visibility splay provision, and the proposed site entrance is located at an inappropriate location relative to the public road.

5.6 **Contaminated Land Officer** – No objection. Site has historic use as a gravel pit/quarry. Condition to be attached to any permission given relating to previous use of the site.

6. DEVELOPMENT PLAN POLICY

6.1 National Planning Framework 4 (NPF4) was adopted on 13 February 2023. The policies within it form part of the Development Plan and are material to the consideration of this application, alongside the West Highland wide Local Development Plan, 2019 and Highland wide Local Development Plan, 2012 and should, where there is conflict between policies, be afforded greater weight in decision making given that it is the most recent statement of planning policy.

6.2 The following Development Plan policies are relevant to the assessment of the application

6.3 National Planning Framework 4

Policy 1 - Climate and nature

Policy 3 - Biodiversity

Policy 14 - Design, quality and place

Policy 22 - Flood risk and water management

Policy 30 - Tourism

6.4 Highland Wide Local Development Plan 2012

28 - Sustainable Design

29 - Design Quality & Place-making

35 - Housing in the Countryside (Hinterland Areas)

44 - Tourist Accommodation

51 - Trees and Development

56 - Travel

65 - Waste Water Treatment

66 - Surface Water Drainage

6.5 Inner Moray Firth Local Development Plan 2015

No specific policies apply

6.5 Highland Council Supplementary Planning Policy Guidance

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

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

Sustainable Design Guide (Jan 2013)

Trees, Woodlands and Development (Jan 2013)

7. OTHER MATERIAL POLICY CONSIDERATIONS

7.1 None

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, design and impact on amenity
 - c) access and parking
 - d) any other material considerations.

Development Plan

- 8.4 NPF4 policy 30 Tourism identifies that proposals for huts will be supported where the nature and scale of the development is compatible with the surrounding area and the proposal complies with relevant good practice guidance. While this proposal for recreational (hutting) accommodation is supported by policy 30 Tourism, the primary purpose of the hut is for occasional accommodation, rather than for commercial scale tourism.
- 8.5 There is no definition of hut within the Highland wide Local Development Plan with policy 44 - Tourist Accommodation being the closest fit. This identifies that proposals for tourist accommodation outwith settlements will be supported where the proposal complies with policy 35 and its associated supplementary guidance on Housing in the Countryside. In addition, proposals must ensure that they are compatible with public service provision, demonstrate sensitive siting and design without having significantly detrimental impacts on the environment and landscape quality or individual and community residential amenity.
- 8.6 Where proposals would not have significant detrimental impact on individual and community residential amenity and demonstrate sensitive siting and high-quality design in keeping with the local character of the area and are compatible with public service provision they would generally accord with the development plan.

Siting, Design and Impact on Amenity

- 8.7 The proposal is for the development of a small timber hut for recreational accommodation. The proposed hut is small, similar in size to a garage or larger garden shed. There is already a wooden stick shed adjacent to the site.
- 8.8 The hut will be located approximately 9m from the boundary to the northeast, and a further 20m from Hallival. Along this fenced boundary there is a mix of trees, small shrubs and mature trees. This provides a degree of physical delineation and screening between the existing house and the proposed shed. This physical feature is considered appropriate in providing amenity screening from

neighbouring properties. In addition, the physical separation of approximately 29m is at a level that would be considered acceptable in a rural location.

- 8.9 The other nearby house to the southeast, Foresters Cottage, sits above the application site, and accordingly, it is assessed that any potential amenity impact on it from the proposed hut is low.
- 8.10 It is also noted that the orientation of the proposed hut is principally on a northwest to southeast axis, with the main fenestration facing southwest, with the access door and small deck on the southeast elevation.
- 8.11 Accordingly, the main outlook of the proposed hut is towards the road and away from Hallival. The development is therefore considered to be acceptable in terms of its amenity impact on the individual site and wider community residential amenity.

Access and Parking

- 8.12 Under Highland wide Local Development Plan Policies 28 – Sustainable Design and 56 – Travel, proposed developments will be assessed on the extent to which they are compatible with the safety and convenience of pedestrians, drivers and other road users. Due to the location of the application site on the inside of a bend on a single-track road, and the gradient of the road, the proposal has the potential to impact on road safety for both pedestrians and traffic. The road does not have a pedestrian footway and is too narrow for two vehicles to pass.
- 8.13 A technical site inspection was undertaken by both the Transport Planning and Planning Officers to assess the access. Although vehicle speeds are relatively low on this section of the road due to the gradient and the bends both to the south (uphill) and north (downhill), the Transport Planning Team's formal assessment is that the proposed access does not meet the minimum required technical standards, particularly with regards to forward visibility. It also noted that there is no space within the site for a vehicle to turn which would result in vehicles potentially reversing from/into the public road from the site. It must be recognised that the very essence of a hut is to be low impact where minimal hard surfacing should be required. However, this should not be to the detriment of road safety, either for the occupant or other road users.
- 8.14 Accordingly, it is not considered that the proposed access arrangements for the development are acceptable, and therefore the proposal does not accord with the Roads servicing requirements of Development Plan policy 28 Sustainable Design.

Other material considerations

- 8.15 Representations also refer to the amenity impact of the proposed woodburning stove. Although the installation of a wood burning stove would emit smoke, the size of the hut would mean that its heating requirements, and the actual volume of any wood and resultant smoke emission to be burned is likely to be low. Furthermore, the nature and scale of the proposal, with occasional occupation, rather than permanent residential use, is also likely to result in a low level of wood

burning. Finally, the degree of physical separation is such that there is considered to be space for any smoke emission to dissipate.

- 8.16 The proposal also includes a composting toilet within the hut. Due to the infrequent occasional use of the hut, this is considered to be acceptable.

Non-material considerations

- 8.17 None.

9. CONCLUSION

- 9.1 The site is currently relatively open ground and has a small wood store on it. The application seeks to erect a hut for occasional personal use as huts are meant to be.
- 9.2 The scale of the proposed building is similar to that which is typically found within the residential garden ground curtilage of housing in the area and what would be expected in terms of form for a simple hut.
- 9.4 It is considered that the siting of the hut within the site, and its relatively placement to and separation from existing buildings with regard to both individual and community amenity; and its design and use of materials, are all acceptable, and that the proposal accords with the Highland wide Local Development Plan policies 28 Sustainable Design and Placemaking, 44 Tourist Accommodation in this regard.
- 9.5 However, the proposed access arrangements to the site are not considered to meet the minimum technical standards, with the access being placed on the inside of a bend on a single-track road, with the visibility splays both up and downhill being below the required standard. Accordingly, it is not considered that the proposal is acceptable with regards to the road safety and road servicing requirements of the Highland wide Local Development Plan policy 28 Sustainable Design.
- 9.6 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 for refusal for the reasons set out below.

Reasons for Refusal

1. The proposed access arrangements to the site are not considered to meet the minimum technical standards, with the access being placed on the inside of a bend on a single-track road, with the visibility splays both up and downhill being below the required standard. In addition, the proposal has not demonstrated that there is appropriate in-curtilage parking and turning space to prevent vehicles reversing from/into the public road from the site. Accordingly, it is not considered that the proposal is acceptable with regards to the road safety and road servicing requirements of the Highland wide Local Development Plan policy 28 Sustainable Design.

Signature: David Mudie

Designation: Area Planning Manager – South

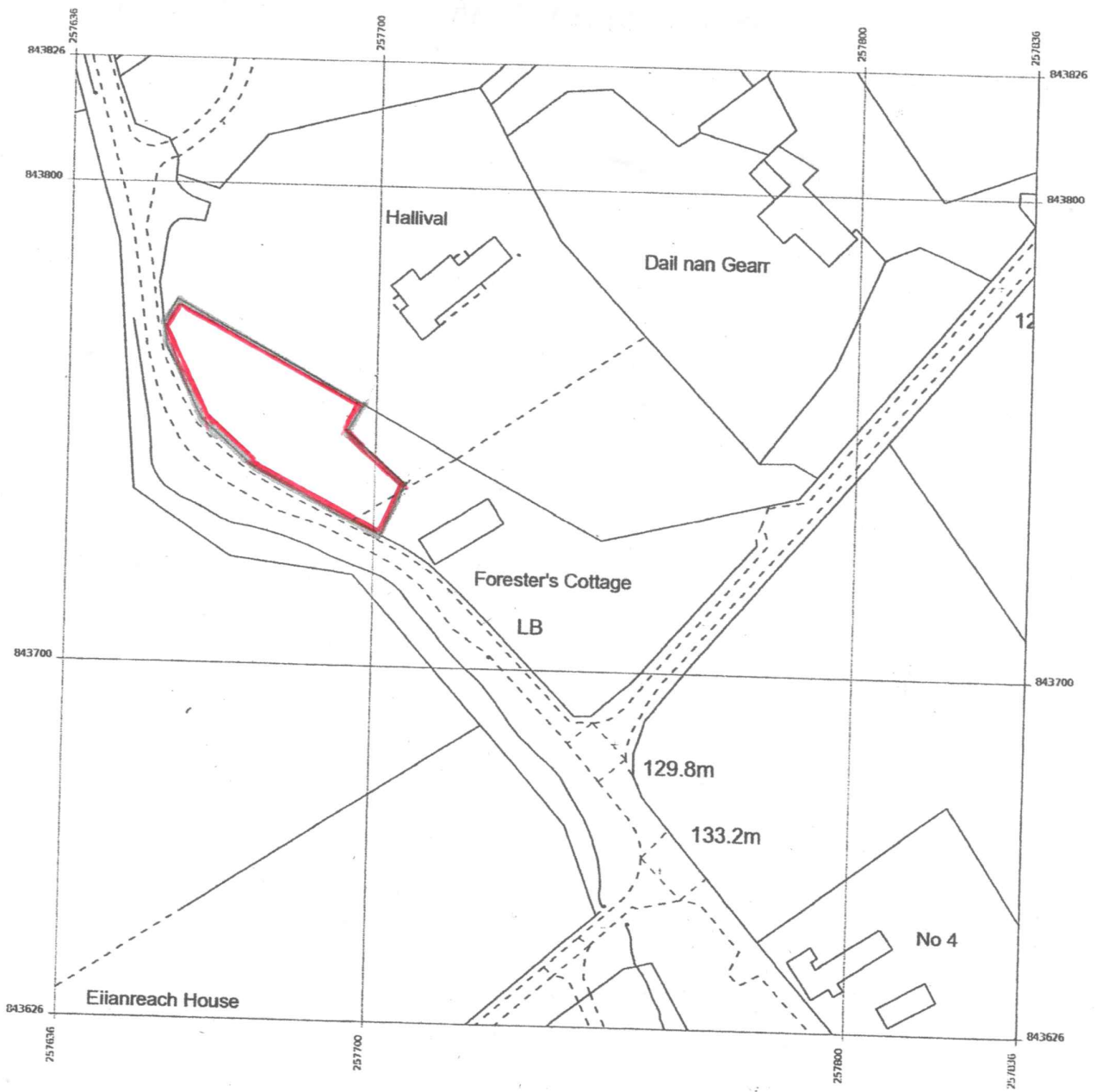
Author: Lauren Neil

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

Relevant Plans:

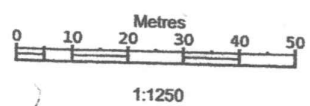
- Plan 1 - Location Plan - 000001
- Plan 2 - Section Plan – NE - 000003
- Plan 3 - Section Plan – SW - 000004
- Plan 4 - Elevation Plan - 000005
- Plan 5 - Elevation/Floor Plan – NE & NW - 000006
- Plan 6 - Site Layout Plan – Site Plan 3
- Plan 7 - Site Plan
- Plan 8 - Access Layout Plan - 000007

LOCATION PLAN OF PROPOSED HUT
 AT NEWTONHILL IV3 8RN (CHURCH)
 GRID REFERENCE 577 438
 AREA APPROX 0.135 Ha



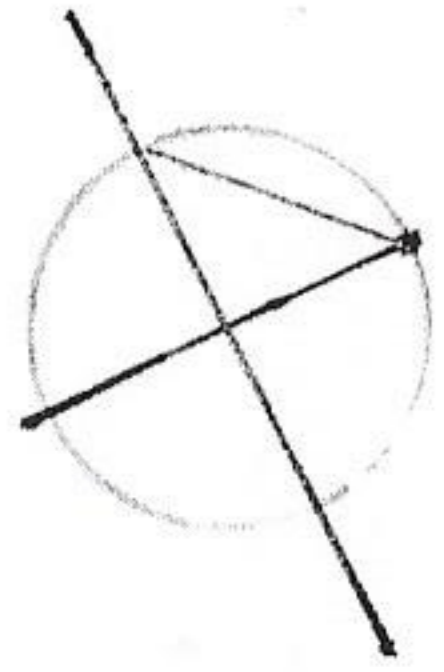
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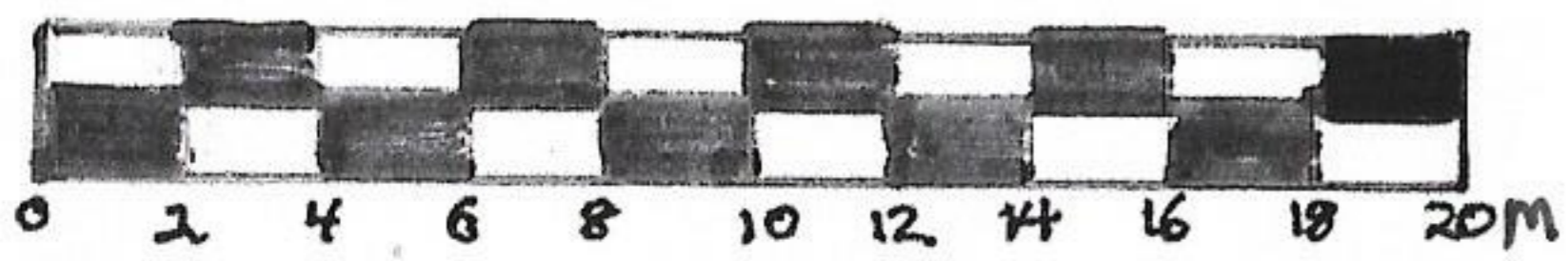
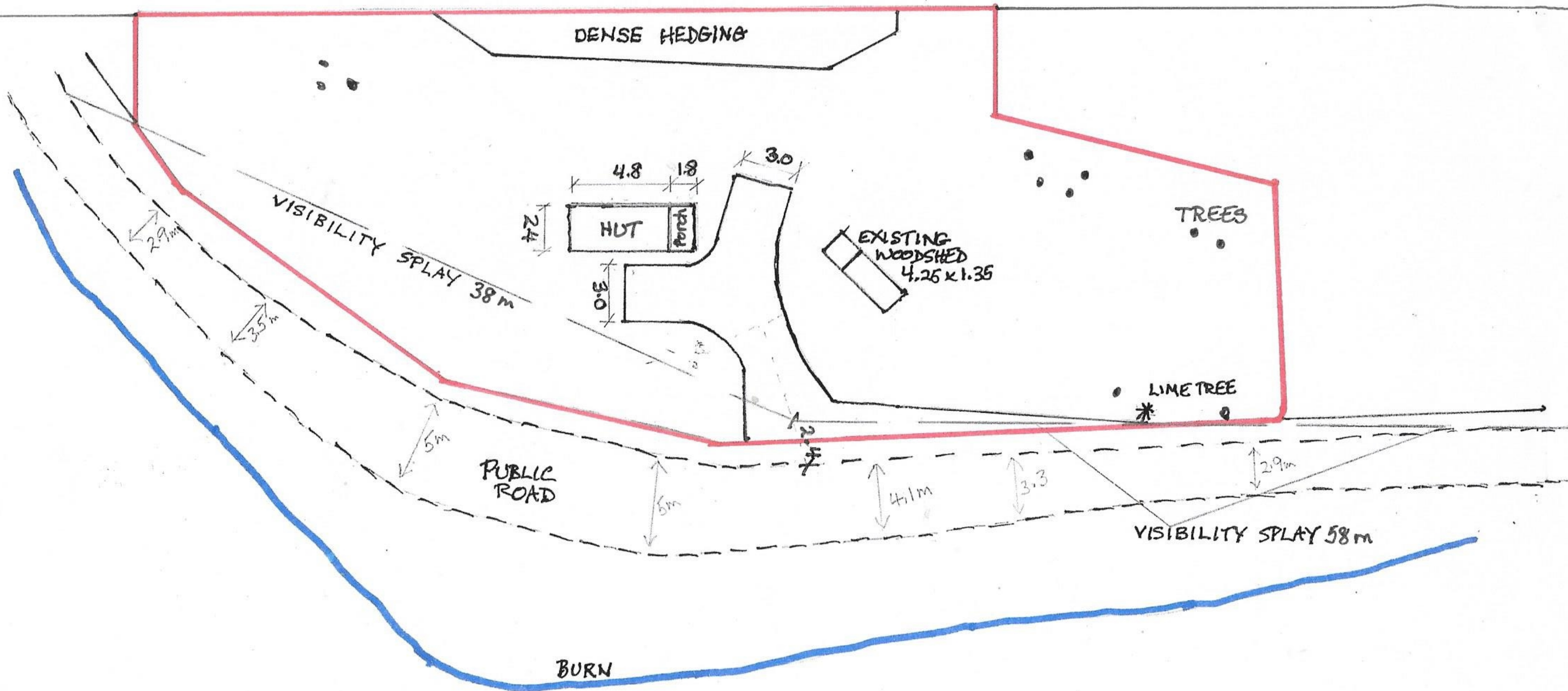


Newtonhill, Lentrán, Inverness
 IV3 8RN

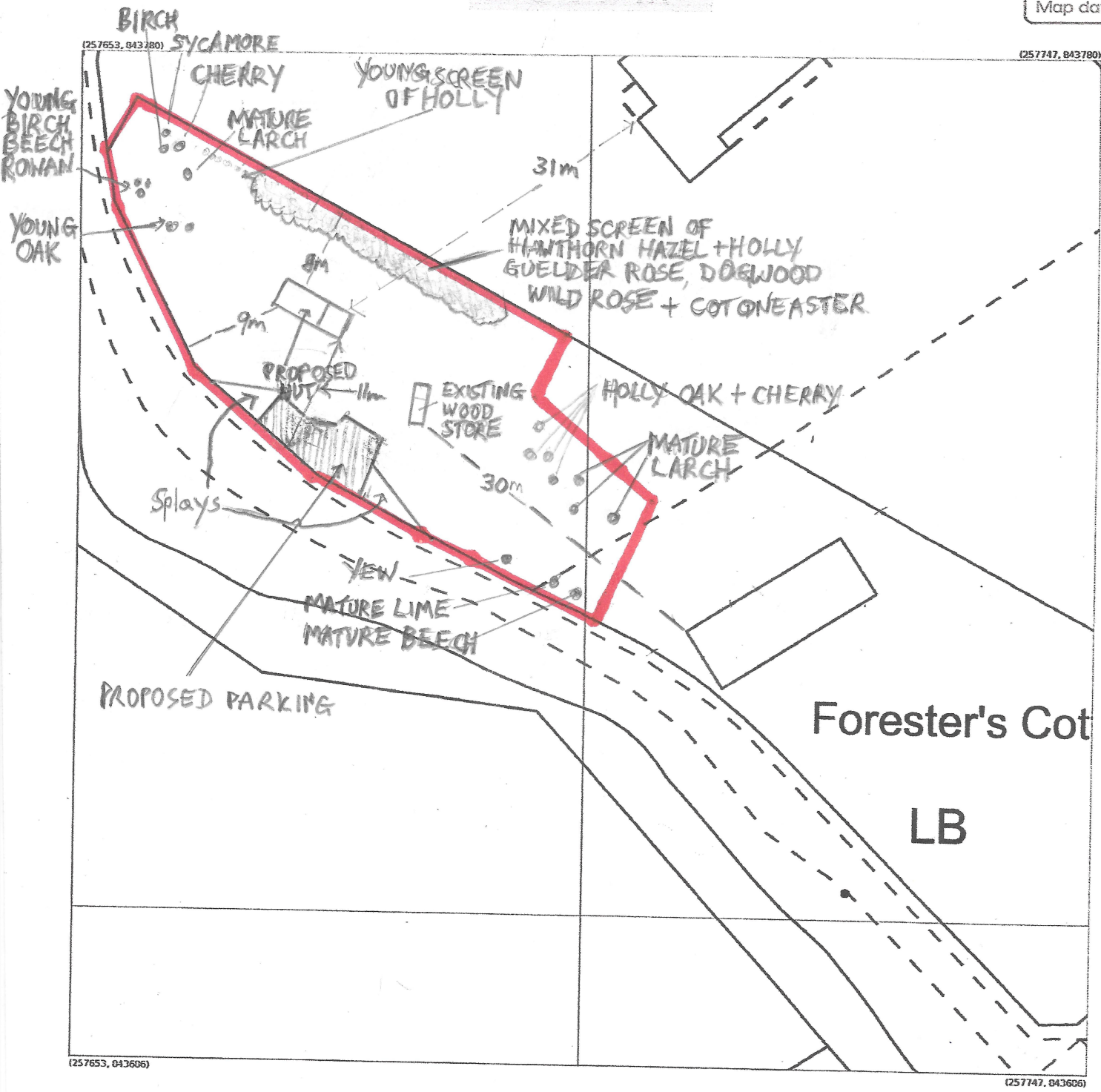
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REF 21/02982/FUL
ERECTION OF HUT ON LAND 60m NW OF FORESTERS COTTAGE
NEWTONHILL, LENTRAN, INVERNESS, IV3 8RN
BERNADETTE + GERARD CHURCH
AMENDED SITE PLAN FOR PARKING + ACCESS AT PROPOSED HUT
9TH MAY 2022

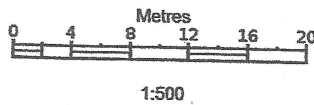


SITE PLAN OF PROPOSED HUT
 NEWTONHILL N38RN (CHURCH)
 GRID REF 577 438
 AREA APPROX 0.15 Ha



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Newtonhill, Lentrán, Inverness
 IV3 8RN

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NORTH EAST ELEVATION
 SITE SECTION OF PROPOSED HUT
 NEWTONHILL 1V38RN
 GRID REF 577 438 (CHURCH)
 AREA APPROX 0.135 Ha

FENCE GATE

← FORESTERS
 COTTAGE
 BOUNDARY

↑
 CURRENT
 WOOD
 STORE

OPEN PORCH

BACK
 OF HUT

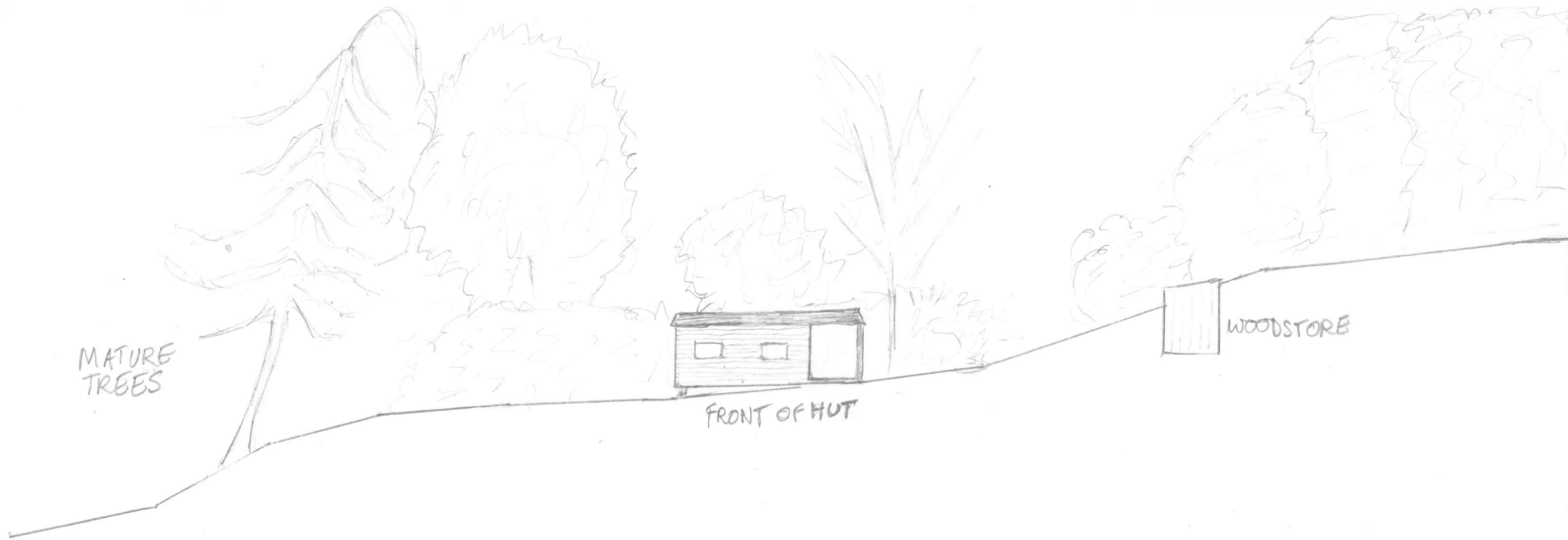
CHANGE

HEIGHT
 CHANGE

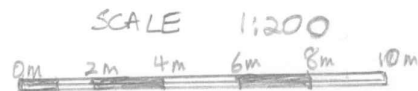
0.000m	11.500m (11.500)	9.000m (20.500)	10.000m (30.500)	4.000m (34.500)	6.000m (40.500)	6.500m (47.000)
0.000m	0.555m (0.555)	0.866m (1.421)	3.496m (4.917)	0.350m (5.267)	0.392m (5.659)	0.173m (5.832)

SURVEYED BY
 ETHAN MURRAY
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0m 2m 4m 6m 8m 10m

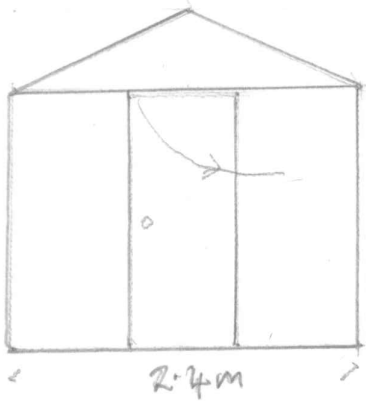


SOUTH WEST ELEVATION
SITE SECTION OF PROPOSED HUT
AT NEWTONHILL 1V38RN
GRID REF 577 438 (CHURCH)

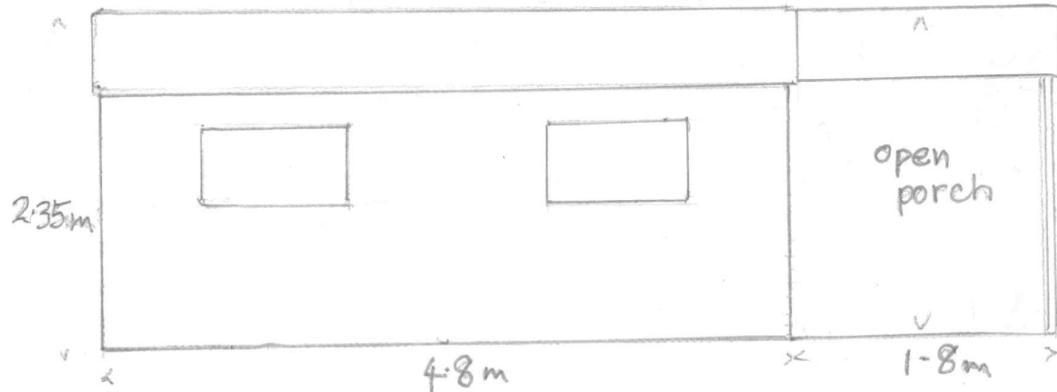


(SITE AREA APPROX 0.135 Ha)

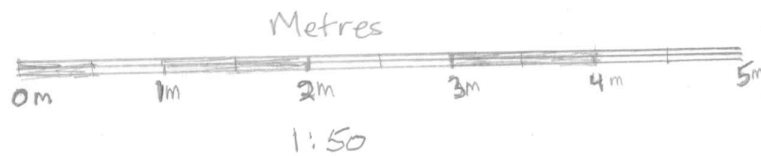
SW ELEVATION OF PROPOSED HUT
AT NEWTONHILL IV38RN
GRID REF 577 438 (CHURCH)



SE Elevation
Crable end
Open porch not shown

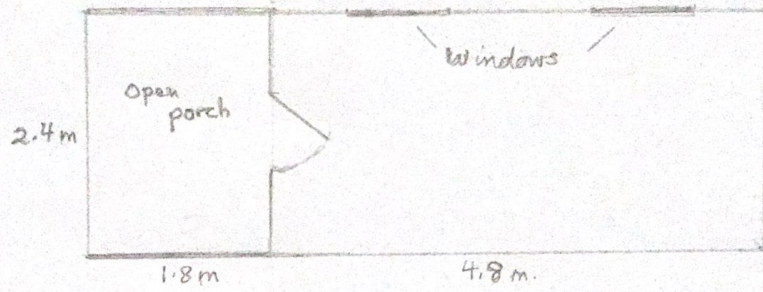


S.W Elevation

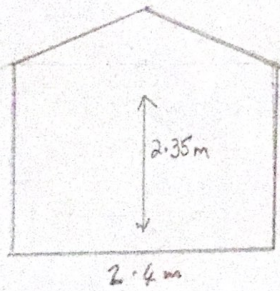


NE. and NW elevations
and Floor Plan of
proposed Hut at 60m NW of Foresters Cottage
at Newtonhill W38RN
GRID REF 577 438 (CHURCH)

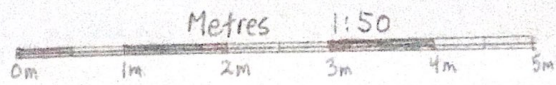
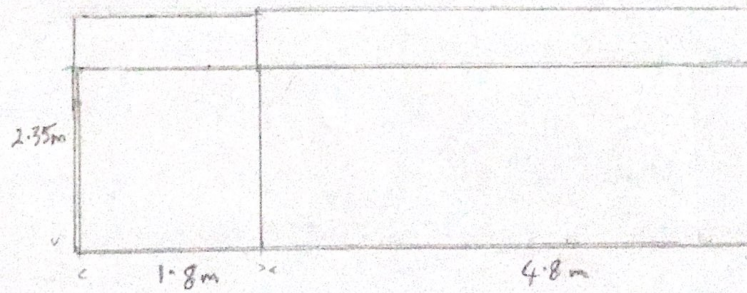
Floor plan

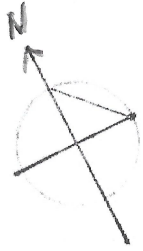


N.W. elevation



NE. Rear elevation





REF 21/02982/FUL
ERECTION OF HUT ON LAND 60m NW OF FORESTERS COTTAGE
NEWTONHILL, LENTRAN, INVERNESS, IV3 8RN
BERNADETTE + GERARD CHURCH
AMENDED SITE PLAN FOR PARKING + ACCESS AT PROPOSED HUT
WITH DIMENSIONS ADDED 22/05/2022

