

Agenda Item	6.6
Report No	PLS-66-23

HIGHLAND COUNCIL

Committee: South Planning Applications Committee
Date: 22 November 2023
Report Title: 23/03361/FUL: WD Stephen and Company
Land 635m NE of End Cottage, Upper Balfreish, Cawdor
Report By: Area Planning Manager – South

Purpose/Executive Summary

Description: Erection of house
Ward: 18 – Nairn and Cawdor
Development category: Local

Reason referred to Committee: More than five objections from third parties

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 **GRANT** the application as set out in section 11 of the report.

1. PROPOSED DEVELOPMENT

- 1.1 The proposal is for the erection of a new farmhouse on land at Drumore, by Cawdor, to support a long-established farming operation which is split over 3 distinct parcels of land, at Drumore, Meikle Geddes and Broomhill.
- 1.2 Together, the 3 parcels of land make up a productive farming enterprise with mixed arable, livestock and a free-range egg laying enterprise, plus tourist accommodation. An Occupational Needs Assessment submitted with the application concludes that, based on the existing operations, there is a labour requirement of over 10 labour units. The applicant has stated that the farm currently only has 3 staff, due in part to the lack of suitable accommodation in the area.
- 1.3 The applicant is the fifth generation of his family to farm at Cawdor. A separate application by the same applicant is currently under consideration (23/03359/FUL) for a farmworkers cottage and retiring farmer accommodation on land adjacent to the public road, around 580m to the NE of this application site.
- 1.4 The site is accessed via a private access track which leads from the public road up the hillside to the application site. The track already serves the 2 holiday lodges and agricultural shed and fields plus one further house (Drumore of Cantray) which is not associated with the applicant.
- 1.5 Scottish Water is currently upgrading the public water network in the area therefore the proposal is for the house to be serviced by the public water supply. Private drainage solutions are proposed.
- 1.6 Pre-application Consultation: Pre-application advice was given on a previous application which showed the farmhouse sitting on the slope of the hill, closer to the road. The siting was not considered acceptable and further evidence to demonstrate occupational need was required.
- 1.7 Supporting Information: Drainage Assessment; Occupational Needs Assessment; Planning Statement; Site Selection Report; Private Access Checklist.
- 1.8 Variations: None

2. SITE DESCRIPTION

- 2.1 The site is within the landholding at Drumore, which consists of 82ha of mainly grazing land. The application site sits around 580m to the south of the public Galcantray road in the NW corner of a field which is currently laid to grass and slopes gently to the southeast. A knoll sits along the northern boundary. The access track bounds the site to the west and there is a large agricultural building to the north and holiday lodges beyond. The landscape to the south is undulating farmland, with areas of forestry, offering a backdrop against which any development will be viewed.

3. PLANNING HISTORY

- 3.1 12.06.2023 22/04449/FUL – Erection of 3 houses Withdrawn

3.2 n/a 23/03359/FUL – Erection of 2 houses Pending Consideration

4. PUBLIC PARTICIPATION

4.1 Advertised: Unknown Neighbour; Section 34 development.

Date Advertised: 15.08.2023

Representation deadline: 29.08.2203

Timeous representations: 5 representations (from 5 households)

Late representations: 1 representation

4.2 Material considerations raised are summarised as follows:

- a) house is within the hinterland and on a prominent site; will be incompatible to the rural character of the area; will be highly visible; does not accord with the Highland wide Local Development Plan or NPF4.
- b) applicant has failed to demonstrate that 3 houses are essential for the land management at the site
- c) site is not in close proximity to the egg laying and arable units at Meikle Geddes and Broomhill. Does not make logical sense from a business perspective and will increase car-based commuting and does not provide justification for a house at this site
- d) housing at Cawdor and Nairn which would be closer to the Meikle Geddes and Broomhill sites
- e) risk of suburbanising the open landscape character of the area
- f) design of the farmhouse is not in keeping with other housing in the area other than the holiday cottages
- g) excessive plot size
- h) proposal indicates mains sewage - no mains sewage in area
- i) private drainage systems should not impact upon the various private water supplies in the area
- j) road is a designated and popular cycle route and additional traffic back and fore to other parts of the farm will add to existing vehicle usage
- k) access road inadequate for current volume of traffic
- l) detrimental impact upon biodiversity and wildlife; may be protected species in the vicinity. Not in keeping with NPF4 policies on bio-diversity
- m) nesting curlews in the area adjacent to the site
- n) light pollution to neighbouring properties
- o) house become part of the applicant's holiday letting business

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 **Scottish Water:** No objections. There is currently capacity in the Inverness Water Treatment Works to service the development, however the closest public water main is approximately 900m from the proposed site. There is no public Waste Water

infrastructure in the vicinity of the proposed development therefore private treatment options will need to be investigated.

5.2 **Environmental Health:** The submitted planning application indicates that the property is to be connected to the public water supply network, however the closest water main is currently 900m from the proposed development. Should the application be connected to the mains water supply this Service would have no comment regarding this application; however, should a connection to the water main not be possible and a private water supply is proposed, a suspensive planning condition should be applied in order to ensure a sufficient supply of wholesome water.

5.3 **Agricultural Consultant:** Meikle Geddes is comprised from Grade 2 and Grade 3.1 land; Broomhill is a mix of Grade 3.1 and Grade 3.2 land; Drumore is Grade 4.1 land. The farming activities being carried out on site include breeding cows, breeding sheep, other sheep, laying hens, grazing, silage crop, winter wheat, winter oil seed rape, spring barley and cover crop. Based on the hectareage provided and guidance set out in the Scottish Agricultural College (SAC) farm handbook, this equates to a total labour requirement of 20,006 hours per annum which is equivalent to 10.5 labour units. The ONA describes the strong interlinking of the various components of the farming enterprise. It appears to be a very good example of a mixed, circular farming enterprise. In summary:

- The ONA is detailed and provides sufficient information on the farming enterprises and labour needs to assist in evaluating the operational needs.
- The activities being undertaken by the applicant are fair and proportionate for the extent of the land holding, which is a mix of both owned and rented land.
- Given that a proportion of the land is rented, the findings of this review assume that the occupied land is under a security of tenure for a reasonable period of time, which is not detailed in the ONA.
- The time allocation measurement for the activities currently carried out on the holding are more than 10 whole labour units and on this strict basis meets the policy criteria.
- Given the above, the operational need for the requested dwellings, linked to farming enterprises, has been exemplified.

5.4 **Cawdor and West Nairnshire Community Council:** No response received

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 Highland-wide Local Development Plan and Inner Moray Firth Local Development Plan 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 policies are relevant to the assessment of the application

National Planning Framework 4 (2023) (NPF4)

- 6.3 Policy 1 - Tackling the Climate and Nature Crises
- Policy 2 - Climate Mitigation and Adaptation
- Policy 3 - Biodiversity
- Policy 4 - Natural Places
- Policy 5 - Soils
- Policy 16 - Quality Homes
- Policy 17 - Rural Homes
- Policy 18 - Infrastructure First
- Policy 19 - Heating and Cooling
- Policy 29 - Rural Development

Highland Wide Local Development Plan 2012

- 6.4 28 - Sustainable Design
- 29 - Design Quality and Place-making
- 31 - Developer Contributions
- 35 - Housing in the Countryside (Hinterland Areas)
- 55 - Peat and Soils
- 56 - Travel
- 58 - Protected Species
- 59 - Other important Species
- 61 - Landscape
- 65 - Waste Water Treatment
- 66 - Surface Water Drainage

Inner Moray Firth Local Development Plan 2015

- 6.5 No site-specific policies

Proposed Inner Moray Firth Local Development Plan 2 2023

- 6.6 No site-specific policies

Highland Council Supplementary Planning Policy Guidance

- 6.7 Access to Single Houses and Small Housing Developments (May 2011)
- Developer Contributions (March 2018)
- Highland's Statutorily Protected Species (March 2013)
- Housing in the Countryside and Siting and Design (March 2013)
- Sustainable Design Guide (Jan 2013)

7. OTHER MATERIAL POLICY CONSIDERATIONS

- 7.1 N/A

8. PLANNING APPRAISAL

- 8.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

Determining Issues

- 8.2 This means that the application requires to be assessed against all policies of the Development Plan relevant to the application, all national and local policy guidance and all other material considerations relevant to the application.

Planning Considerations

- 8.3 The key considerations in this case are:
- a) compliance with the development plan and other planning policy;
 - b) siting and design;
 - c) access and infrastructure; and
 - d) any other material considerations.

Development plan/other planning policy

- 8.4 The site sits within the Hinterland of Inverness therefore the Council's Housing in the Countryside policy applies. This presumes against housing development within the hinterland unless it can be demonstrated that it meets one of the exceptions to the policy as set out in the Council's Rural Housing Supplementary Planning Guidance. One such exception is for housing to support an existing or new rural business. The onus is on the applicant to demonstrate compliance with the criteria set out in the Guidance through the submission of robust supporting information such as an Operational Needs Assessment and/or Business Plan.
- 8.5 The recently adopted NPF4 now forms part of the development plan alongside HwLDP and IMFLDP and, as the newer document, takes precedence where there is conflict between their provisions. The key NPF4 policy is Policy 17 (Rural Homes). This seeks to encourage, promote and facilitate the delivery of more high quality, affordable and sustainable rural homes in the right locations. For the purposes of this policy the application site is within the area defined as Accessible Rural, where development is restricted, unless it meets one of the 8 development types set out in within the policy. One such development type is housing required to support a rural business or succession farming, therefore there is no incompatibility between NPF4 and HwLDP, and the principle of a house to support a farming enterprise can be supported subject to the submission of sufficient information to demonstrate that the proposal meets the terms of the policy exception as set out in the Council's Rural Housing Supplementary Guidance, and all other relevant policies.
- 8.6 Policy 28 (Sustainable Design) of the Highland wide Local Development Plan assesses proposals against a number of criteria, including their compatibility with public service provision; transport; impact on individual and community residential amenity; demonstration of sensitive siting and high-quality design in keeping with local character; and contribution to the economic and social development of the community.
- 8.7 NPF4 Policies 1-3 apply to all development proposals nationwide. When considering all development proposals, significant weight will be given to the global climate and nature crises. Development proposals will be sited and designed to minimise lifecycle

greenhouse gas emissions as far as possible. Development proposals will contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats, and building and strengthening nature networks and the connections between them. Proposals should also integrate nature-based solutions where possible.

8.8 The purpose of the rural business/succession farming policy exception is to ensure that suitable housing can be provided to support rural businesses, including agriculture. This is in acknowledgement of specific difficulties in securing suitable affordable housing in rural areas, and to ensure an on-site residential presence which can be important for security and welfare, particularly when livestock is concerned. The Rural Housing Supplementary Guidance states that proposals which are to be considered under this exception require the applicant to demonstrate that:

1. The house is essential for the direct operational requirement of the existing or new rural business, which is itself appropriate to that rural location.
2. The house is for a worker predominantly employed in the enterprise and the presence of that worker on-site is essential to the efficient operation of the enterprise.
3. There is no suitable existing house or traditional building capable of residential conversion and no appropriate sites within nearby housing groups.
4. The house site has been selected in accordance with the Site Selection Sequential Approach.

The onus is upon the applicant to demonstrate compliance with the above criteria through the submission of robust supporting information such as an Operational Needs Assessment and/or Business Plan.

8.9 The farming enterprise is made up of 3 distinct parcels of land. The applicant owns Drumore Farm (82.17ha) and rents Broomhill Farm (48.96ha) and Meikle Geddes Farm (70.52ha) on long terms secure tenancy agreements. Meikle Geddes and Broomhill are adjacent farm holding which straddle the B9090 Cawdor to Auldearn road while Drumore is located some 5 miles to the southeast, off the Galcantray road. Meikle Geddes and Broomhill are the main arable units (113ha including winter wheat, winter oil seed rape and barley) while Drumore is an upland livestock unit currently under grass. Broomhil and Drumore are categorised as Less Favoured Area while Meikle Geddes is within the non-Less Favoured Area. There are 80 beef suckler cows, 20-30 breeding heifers and 60 pedigree ewes. A 32,000 laying hen unit is located at Meikle Geddes, and diversification in the form of 2 holiday lodges offering self-catering accommodation operates at Drumore.

8.10 The submitted ONA calculates that the arable, livestock and egg laying operations carried out on site equates to 10.5 labour units. The Council's Independent Agricultural Consultant has assessed the ONA and concludes that the farming enterprise appears to be a very good example of a mixed, circular farming enterprise; and that, with a labour requirement of 10.5 labour units, the occupational need for further dwellings has been demonstrated in accordance with the terms of the policy.

8.11 A number of the objections to the application note the disparate nature of the 3 farm holdings and point out that the main farming operations which require supervision, including the egg laying business, are located 5 miles away at the Meikle Geddes

site, and this should be the location of the farmhouse. It is acknowledged that this particular farming enterprise, split as it is into 3 disparate parcels of land, does not fit neatly into the policy, as clearly the proposed house can only provide an on-site presence for one of the 3 parcels of land. However, the applicant has demonstrated that, alongside the 2 houses proposed under 23/03359/FUL it will result in an on-site presence by an employee of the farm at each of the 3 locations.

- 8.12 Only Drumore is owned by the applicant (jointly with his mother), with Meikle Geddes and Broomhill being rented on long term tenancy agreements. The ONA states that the applicant has tried to negotiate with the owners of Meikle Geddes (Cawdor Estates) to buy a house plot or the old (now semi derelict) farmhouse to convert, however his approaches have been declined, therefore Drumore is the only location open to him to build a farmhouse to support the enterprise.
- 8.13 The enterprise employs the applicant (full time farmer) who currently resides at Meikle Geddes in rented accommodation; a full-time poultry manager who currently lives in a static caravan on the farm and requires permanent accommodation; and the applicant's sister and brother-in-law, both of whom are employed part time on the farm and as manager of the holiday rental units. They currently live in nearby rented accommodation, with a tenancy which is shortly to come to an end. The applicant's mother owns Broomhill farmhouse but is retiring and requires more suitable accommodation. The applicant wishes to employ another full-time farm worker to assist with the running of the farm and to reduce reliance on contractors; and has stated that it is hard to attract the correct standard of employee without accommodation being available.
- 8.14 There are currently 2 houses on the farmland occupied by those associated with the farm:
- Broomhill Farmhouse is owned by the applicants' mother who is seeking to retire and move to a retirement farmer house (currently under consideration under (23/03359/FUL). This would free Broomhill Farmhouse which would then be occupied by the applicant's sister and brother-in law, both of whom work part time on the farm.
 - Meikle Geddes Farm Cottage which is currently rented by the applicant and his family. Once vacated this would be occupied by the full-time poultry manager, allowing an on-site presence close to the poultry livestock.

If granted, this proposal and the associated application (23/03359/FUL) will result in a further 3 houses at Drumore:

- A new farmhouse to be occupied by the farmer and his family.
- A farm workers cottage to be occupied by a new farm worker and family.
- A retirement house to be occupied by the applicant's mother.

This would result in 5 houses associated with the farm which together would allow for an on-site presence at each of the 3 land units that make up the farming enterprise. The ONA states that provision of additional accommodation on site would increase flexibility to accommodate a multitude of enterprises and permit improved animal welfare and security from theft and vandalism. The enterprises established on this unit require daily attention including monitoring the laying hens and egg

packing; calving, lambing and feeding livestock; crop work from March to September and silage making in June/July.

- 8.15 It is clearly demonstrated that the proposal can be justified to support an existing farming enterprise. The proposal would therefore comply in principle with Policy 17a of NPF4 and Policy 35 of the Highland wide Local Development Plan. Subject to ensuring that the proposal is appropriate in terms of its siting and design to be in keeping with the character of the area, without significant detrimental impact on existing infrastructure and servicing or on biodiversity the proposal would comply with the development plan.

Siting and design

- 8.16 A previous (withdrawn) application showed the proposed farmhouse situated on the slope above the minor Galcantray road. The site was considered to be overly visually prominent, and the applicant subsequently withdrew the application and carried out a site selection process in order to select a more appropriate site. A Site Selection Report based on this process is submitted with this application.
- 8.17 The Site Selection Report, which includes visualisations from key public vantage points, analyses the potential sites and identifies the proposed site as the most appropriate location for the following reasons:
- close proximity to the existing agricultural buildings and lodges;
 - accessibility via the existing farm track;
 - no loss of prime agricultural land;
 - will not impact visually and will be consistent with the existing settlement pattern.
- 8.18 The plot sits just over the brow of the hill to the SE of the agricultural shed. The house would be positioned just to the south of a small knoll in the north of the field. The visualisations submitted with the report demonstrate that due to the undulating nature of the landform the proposed house will not be visible at all from the nearby Galcantray road which sits some 580m to the NW of the application site. The house would be partially visible from the more distant B9006 (2km from the proposed house site) however would be viewed from a considerable distance and against a backdrop of higher land and plantation forestry. The building would not 'skyline' and would be viewed alongside and as part of an existing cluster of buildings in this location (agricultural shed and lodges). It is therefore considered that the proposal is compatible with the established settlement pattern in the area and can be supported in terms of siting.
- 8.19 The proposed house design is for a stone and timber clad 1½ storey house with an asymmetrical dark grey metal roof. The design is very similar to that of the nearby lodges and while relatively contemporary, demonstrates good use of traditional materials. Its dark roof and weathered timber finish will allow it to integrate well into the landscape. In order to ensure that the proposal sits well within the site and contributes towards enhanced biodiversity a landscape plan is required by condition.

Access and infrastructure

- 8.20 The proposed house will be accessed via an existing track off the public Galcantray road, which already serves the farm. Some of the objections to the application highlight that this road is a popular cycle route and others state that the farm track itself is not suitable for additional traffic.
- 8.21 While a new house will inevitably result in additional vehicular movements, given that the proposal is on existing farmland and close to an existing agricultural building, it also stands to reason that other, farm related, vehicular movements along both the farm access track and the public road will actually decrease. The proposed visibility splay of 2.4m x 160m in each direction at the junction with the farm road and public road is acceptable in terms of the assessed speed of the road at this location.
- 8.22 The proposal is for the house to connect to a new water main which will run along the public road. The applicant has supplied confirmation from Scottish Water to demonstrate that the Galcantray Mains Renewal forms part of their current programme of works and is likely to be completed by the end of 2023. Environmental Health has recommended the inclusion of a planning condition to ensure that, in the event of these work not going ahead, full details of an alternative private water supply will be submitted prior to development commencing.
- 8.23 Foul drainage is to a treatment plant and partial soakaway then to a sample chamber where it will be combined with surface water and discharged to an existing watercourse. Full details of the drainage system will be considered as part of any future Building Warrant application.

Other material considerations

- 8.24 There are no other material considerations.

Non-material considerations

- 8.25 None

Matters to be secured by Legal Agreement / Upfront Payment

- 8.26 All planning applications are assessed against Policy 31: Developer Contributions and Policy 32: Affordable Housing of the Highland-wide Local Development Plan, and the [Developer Contributions Supplementary Guidance](#) (DCSG) adopted 2 November 2018. The adopted DCSG requires all scales of residential development to make proportionate contributions towards services and infrastructure in areas of identified need.
- 8.27 Due to capacity issues at Cawdor Primary a developer contribution is required of £3,793 per house is required (based on 3 houses within the land ownership – this application and 23/03359/FUL). The applicant has 28 days from the date that the Council send the invoice for developer contributions to be paid to make a payment of the developer contributions set out in this report. Should a payment not be made with 28 days, the application shall be refused under delegated powers unless there is written agreement for an extension.

9. CONCLUSION

- 9.1 The applicant has demonstrated by means of an independent Occupational Needs Assessment that the combined farming enterprise at Drumure, Broomhill and Meikle Geddes has a labour requirement of 10.5 (full time equivalent) and therefore can meet the policy justification for additional housing as set out in the Council's Highland wide Local Development Plan, Rural Housing Supplementary Guidance and Policy 17a of NPF4. The proposed house site has been chosen following a site selection appraisal based on visual impact and the specific requirements of the applicant and rural business. The submitted Site Selection report demonstrates that the proposed house will not be widely visible, and only then from a distance. As such it is not considered that it will result in any significant negative visual impact and is acceptable in terms of siting, design. There will be no significant issues with regard to access and infrastructure provision.
- 9.2 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	Y
Notification to Scottish Ministers	N
Conclusion of S75 Obligation/Upfront Payment	Y
Revocation of previous permission	N

Subject to the above actions, it is recommended to **GRANT** the application subject to the following conditions and reasons:

1. The development to which this planning permission relates must commence within THREE YEARS of the date of this decision notice. If development has not commenced within this period, then this planning permission shall lapse.

Reason: In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended).

2. In the event that the development shall be serviced by a private water supply then:

- No part of the development shall commence until the applicant has submitted a completed PWS Planning Questionnaire (Form PWS 1) to the Planning Authority.
- No part of the development shall commence until a written report from a competent person (Qualified engineer, hydro-geologist or other similarly qualified suitable person), that confirms the development will be served by a sufficient piped water supply of wholesome water, has been submitted to and approved in writing by the Planning Authority. In particular the report shall demonstrate the following:
 - a) that there will be sufficient water to meet the demands of all properties on the supply. If other properties are already using the same water source the report shall clearly show that these will not be adversely affected by the proposed development. Calculations shall be based on 200 litres per person per day based on the maximum potential occupancy.
 - b) that the water quality can meet water safety requirements (The Private Water Supplies (Scotland) Regulations 2006 or the Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017). The report shall include a risk assessment which identifies potential sources of contamination and states the measures which will be taken to minimise the risks to anyone using the supply.
 - c) a description of any proposed treatment systems. The choice and design of any treatment system shall take into account any foreseeable variability in raw water quality.
- Prior to occupancy a water test shall be required to demonstrate that a wholesome supply of water can be provided to the development. Following approval, the water supply shall be provided and available for use upon first occupation of any part of the development.

For the avoidance of doubt the above shall not be required if the development is to be serviced by the public water supply.

Reason: In order to ensure that the development can be adequately serviced in the event that a connection to the public water supply is not possible.

3. No development shall commence until a detailed Landscape Plan and Maintenance Programme has been submitted to and approved in writing by the Planning Authority. The approved Landscape Plan shall be implemented in full during the first planting season following commencement of

development, with maintenance thereafter being carried out in accordance with the Maintenance Programme. For the avoidance of doubt, any trees or plants which within a period of five years from the completion of the development die, for whatever reason are removed or damaged shall be replaced in the next planting season with others of the same size and species.

Reason: In the interests of amenity and biodiversity enhancement.

4. The house hereby approved shall not be occupied until the junction with the public road has been constructed in accordance with The Highland Council's Access to Single Houses and Small Housing Developments guidelines, with:
 - i. the junction formed to comply with drawing ref. SDB2; and
 - ii. visibility splays of 2.4m x 160m (the X dimension and Y dimension respectively) in each direction formed from the centre line of the junction.

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 interests of road safety

REASON FOR DECISION

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.

TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION

In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), the development to which this planning permission relates must commence within THREE YEARS of the date of this decision notice. If development has not commenced within this period, then this planning permission shall lapse.

INFORMATIVES

Initiation and Completion Notices

The Town and Country Planning (Scotland) Act 1997 (as amended) requires all developers to submit notices to the Planning Authority prior to, and upon completion of, development. These are in addition to any other similar requirements (such as Building Warrant completion notices) and failure to comply represents a breach of planning control and may result in formal enforcement action.

1. The developer must submit a Notice of Initiation of Development in accordance with Section 27A of the Act to the Planning Authority prior to work commencing on site.

2. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Act to the Planning Authority.

Copies of the notices referred to are attached to this decision notice for your convenience.

Flood Risk

It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (or emanating from) the application site. As per Scottish Planning Policy (paragraph 259), planning permission does not remove the liability position of developers or owners in relation to flood risk.

Scottish Water

You are advised that a supply and connection to Scottish Water infrastructure is dependent on sufficient spare capacity at the time of the application for connection to Scottish Water. The granting of planning permission does not guarantee a connection. Any enquiries with regards to sewerage connection and/or water supply should be directed to Scottish Water on 0845 601 8855.

Septic Tanks and Soakaways

Where a private foul drainage solution is proposed, you will require separate consent from the Scottish Environment Protection Agency (SEPA). Planning permission does not guarantee that approval will be given by SEPA and as such you are advised to contact them direct to discuss the matter (01349 862021).

Local Roads Authority Consent

In addition to planning permission, you may require one or more separate consents (such as road construction consent, dropped kerb consent, a road openings permit, occupation of the road permit etc.) from the Area Roads Team prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local Area Roads office for further guidance at the earliest opportunity.

Failure to comply with access, parking and drainage infrastructure requirements may endanger road users, affect the safety and free-flow of traffic and is likely to result in enforcement action being taken against you under both the Town and Country Planning (Scotland) Act 1997 and the Roads (Scotland) Act 1984.

Further information on the Council's roads standards can be found at: <http://www.highland.gov.uk/yourenvironment/roadsandtransport>

Application forms and guidance notes for access-related consents can be downloaded from:

http://www.highland.gov.uk/info/20005/roads_and_pavements/101/permits_for_working_on_public_roads/2

Mud and Debris on Road

Please note that it is an offence under Section 95 of the Roads (Scotland) Act 1984 to allow mud or any other material to be deposited, and thereafter remain, on a public road from any vehicle or development site. You must, therefore, put in place a strategy for dealing with any material deposited on the public road network and maintain this until development is complete.

Construction Hours and Noise-Generating Activities

You are advised that construction work associated with the approved development (incl. the loading/unloading of delivery vehicles, plant or other machinery), for which noise is audible at the boundary of the application site, should not normally take place outwith the hours of 08:00 and 19:00 Monday to Friday, 08:00 and 13:00 on Saturdays or at any time on a Sunday or Bank Holiday in Scotland, as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended).

Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to result in court action.

If you wish formal consent to work at specific times or on specific days, you may apply to the Council's Environmental Health Officer under Section 61 of the 1974 Act. Any such application should be submitted after you have obtained your Building Warrant, if required, and will be considered on its merits. Any decision taken will reflect the nature of the development, the site's location and the proximity of noise sensitive premises. Please contact env.health@highland.gov.uk for more information.

Protected Species – Halting of Work

You are advised that work on site must stop immediately, and NatureScot must be contacted, if evidence of any protected species or nesting/breeding sites, not previously detected during the course of the application and provided for in this permission, are found on site. For the avoidance of doubt, it is an offence to deliberately or recklessly kill, injure or disturb protected species or to damage or destroy the breeding site of a protected species. These sites are protected even if the animal is not there at the time of discovery. Further information regarding protected species and developer responsibilities is available from NatureScot: <https://www.nature.scot/professional-advice/protected-areas-and-species/protected-species>

Signature: David Mudie
Designation: Area Planning Manager – South
Author: Christine Macleod
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 - PL001 Rev B – Location Plan
Plan 2 - PL002 Rev A – Site Layout Plan

Plan 3 - PL100 Rev A – Floor / Elevation Plan
Plan 4 - 313507 PL003 – Drainage Layout Plan

Appendix 2

Type	COMPLETE FOR LEGAL AGREEMENTS AND UPFRONT PAYMENTS				REQUIRED FOR LEGAL AGREEMENTS ONLY				
	Contribution	Rate (per house)	Rate (per flat)	Total Amount* ¹	Index Linked ¹	Base Date* ²	Payment Trigger* ³	Accounting Dates* ⁴	Clawback Period* ⁵
Schools²									
Primary – Build Costs	Cawdor Primary	£3793.00	N/A	£3793.00	BCIS	Q2 2018	Upfront	Apr/Oct	N/A
Primary – Land Costs	Cawdor Primary - No contribution required	£0.00	£0.00	£0.00	BCIS	Q2 2018	TOC/CC	Apr/Oct	15 or 20
Secondary – Build Costs	Nairn Academy – No contribution required	£0.00	£0.00	£0.00	BCIS	Q2 2018	TOC/CC	Apr/Oct	15 or 20
Secondary – Land Costs	Nairn Academy – No contribution required	£0.00	£0.00	£0.00	No		TOC/CC	Apr/Oct	15 or 20

*1 Adjust total to take account of flat exemptions

*2 Base Date – Set out in Supplementary Guidance on Developer Contributions

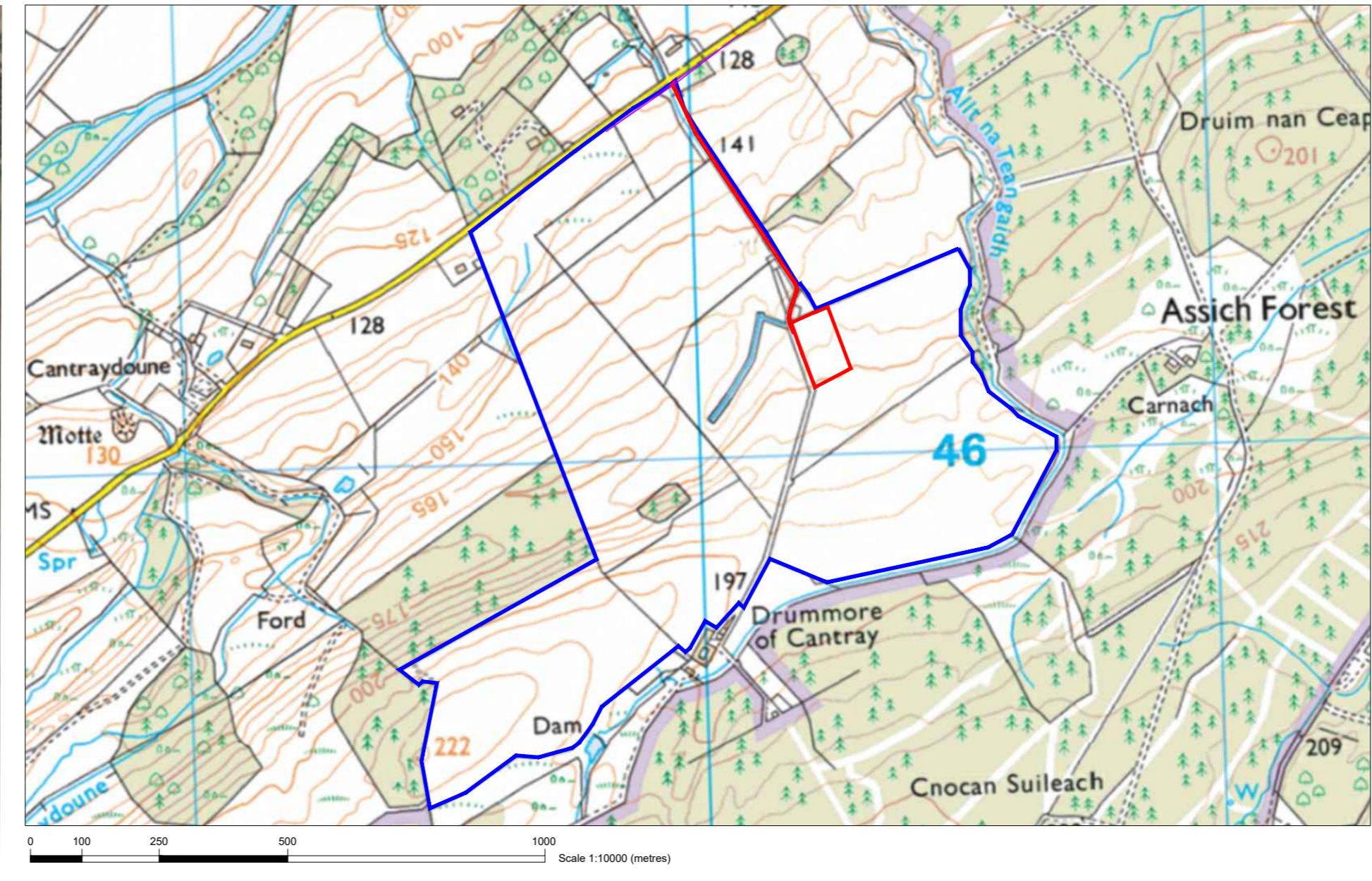
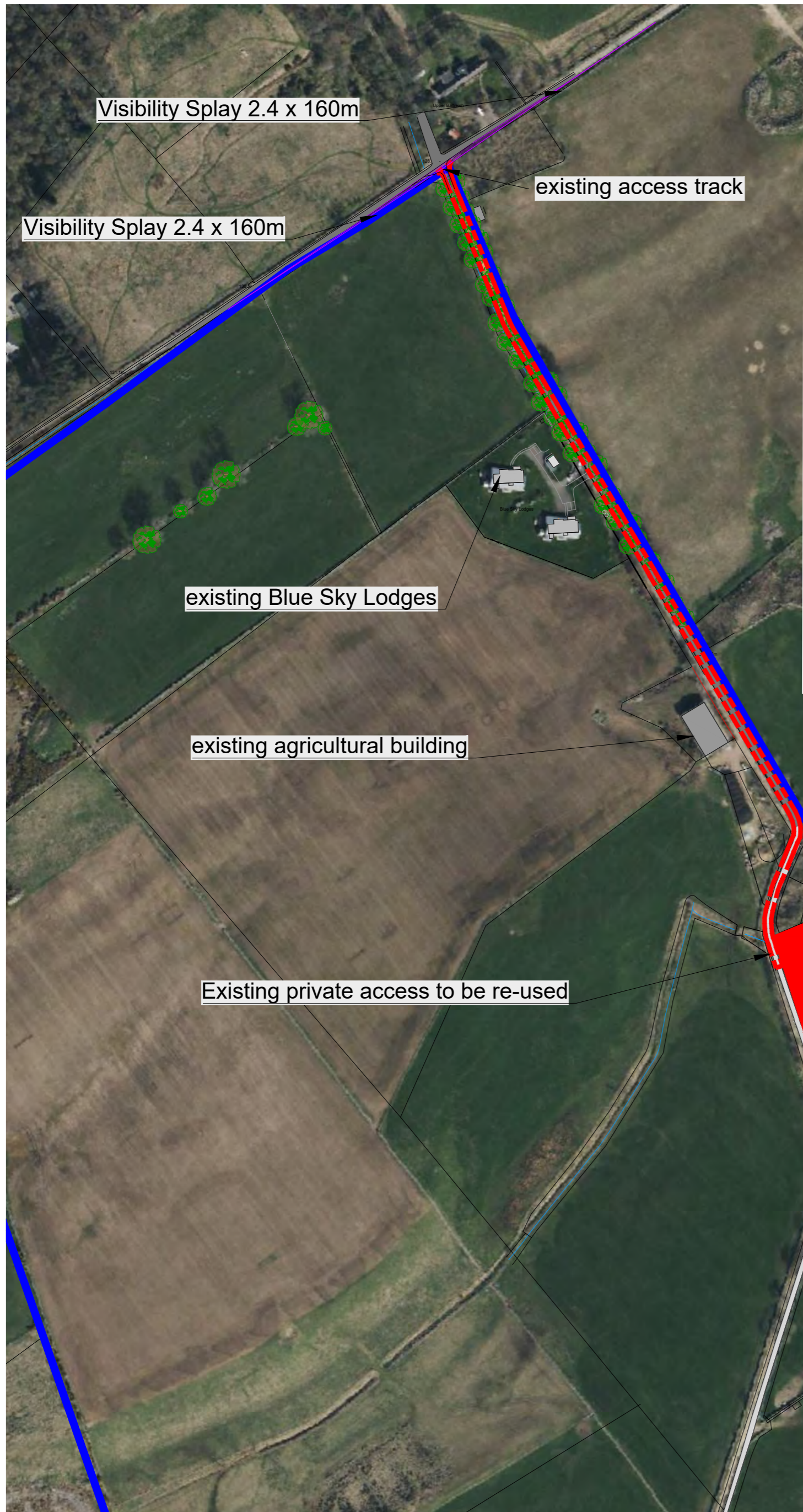
*3 TOC/CC – The earlier of the issue of either a temporary occupation certificate or a completion certificate – or specify alternative time if appropriate

*4 Accounting dates - 1 April and 1 October each year of development (if the contribution is to be paid on a basis other than related to units completed in the preceding 6 months (e.g. lump sum on a specific date) then indicate this instead of the Apr/Oct payment dates)

*5 Clawback – 15 years for Major development; 20 years for Local development

¹ If the contribution is to be used towards infrastructure projects involving building e.g. new school, new cycle route etc BCIS ALL IN TENDER will be the index, if it doesn't involve building then another appropriate index may need to be chosen with the agreement of Team Leader

² Indicate whether or not 1 bed houses/flats are exempt



DO NOT SCALE FROM THIS DRAWING, IF IN DOUBT PLEASE ASK.
ALL DIMENSIONS TO BE CHECKED ON SITE PRIOR TO COMMENCEMENT.
THIS DRAWING IS THE COPYRIGHT OF MABBETT & ASSOCIATES LTD

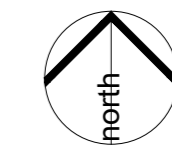
Grid Reference: NH802462

Site Area: 1.02ha

KEY

Site Boundary —

Ownership Boundary —



Rev.	Description	Drawn	Date
B	Visibility Splay Added	CL	24.10.23
A	Application boundary amended	YP	31.07.23

Mabbett[®]
Planning | Design | Environment | Engineering | Safety

Willow House
Stoneyfield Business Park
Inverness IV2 7PA
Tel: 01463 237229
www.mabbett.eu



Client
W D Stephen & Co

Project
New Farmhouse at Drummore of Cantray

Drawing
Location Plan

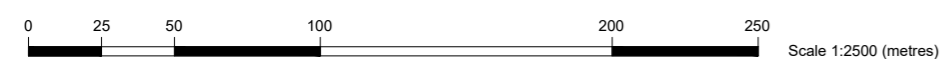
Status
PLANNING

Scale 1:2500, 1:10000 Sheet A2

Drawn PHJ Check SR Date 14.07.23

Drawing No: **313507 PL001** Rev **B**

Location Plan 1:2500




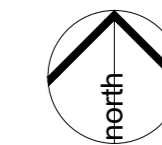
DO NOT SCALE FROM THIS DRAWING. IF IN DOUBT PLEASE ASK.
ALL DIMENSIONS TO BE CHECKED ON SITE PRIOR TO COMMENCEMENT.
THIS DRAWING IS THE COPYRIGHT OF MABBETT & ASSOCIATES LTD

Site Area: 1.02ha

KEY

Site Boundary 

Ownership Boundary 



Rev.	Description	CL	Date
A	Track incl in site boundary	CL	24.10.23

Mabbett[®]
Planning | Design | Environment | Engineering | Safety

Willow House
Stoneyfield Business Park
Inverness IV2 7PA
Tel: 01463 237229
www.mabbett.eu



Client
W D Stephen & Co

Project
**New Farmhouse at
Drumore of Cantray**

Drawing
Site Plan

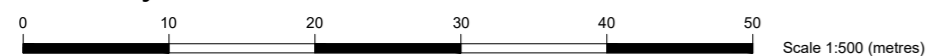
Status
PLANNING

Scale 1:500 Sheet A2

Drawn YP Check SR Date 14.07.23

Drawing No: **313507 PL002** Rev **A**

Site Layout 1:500



© Crown Copyright and Database 2023 Ordnance Survey Licence Number 100002613
Ordnance Survey, © Crown copyright 2023. All rights reserved. Licence Number 100022432

DO NOT SCALE FROM THIS DRAWING, IF IN DOUBT PLEASE ASK.
ALL DIMENSIONS TO BE CHECKED ON SITE PRIOR TO COMMENCEMENT.
THIS DRAWING IS THE COPYRIGHT OF MABBETT & ASSOCIATES LTD



Front Elevation

All wall cladding to be in European larch weathered to a silvery grey colour through the passage of time
All stone walling to be sourced from reclaimed and reused fieldstone



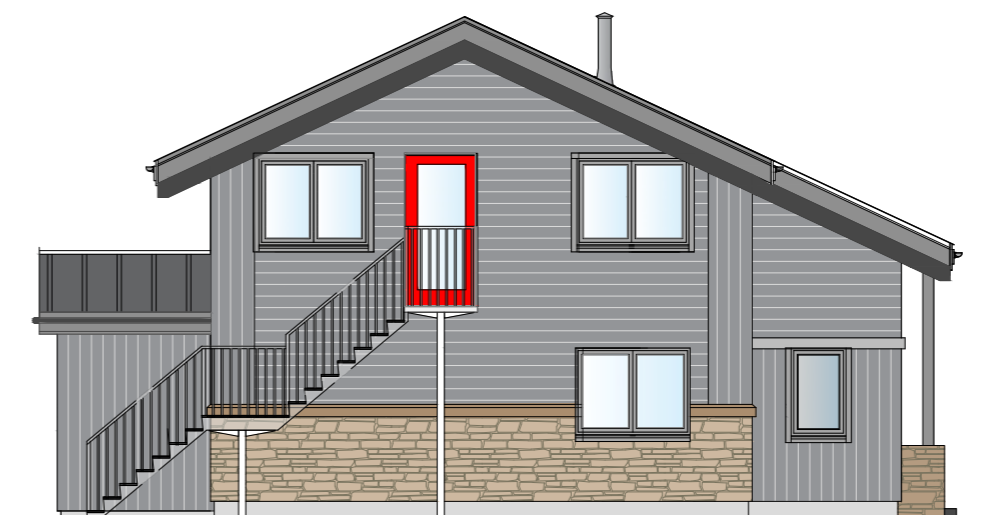
Side Elevation



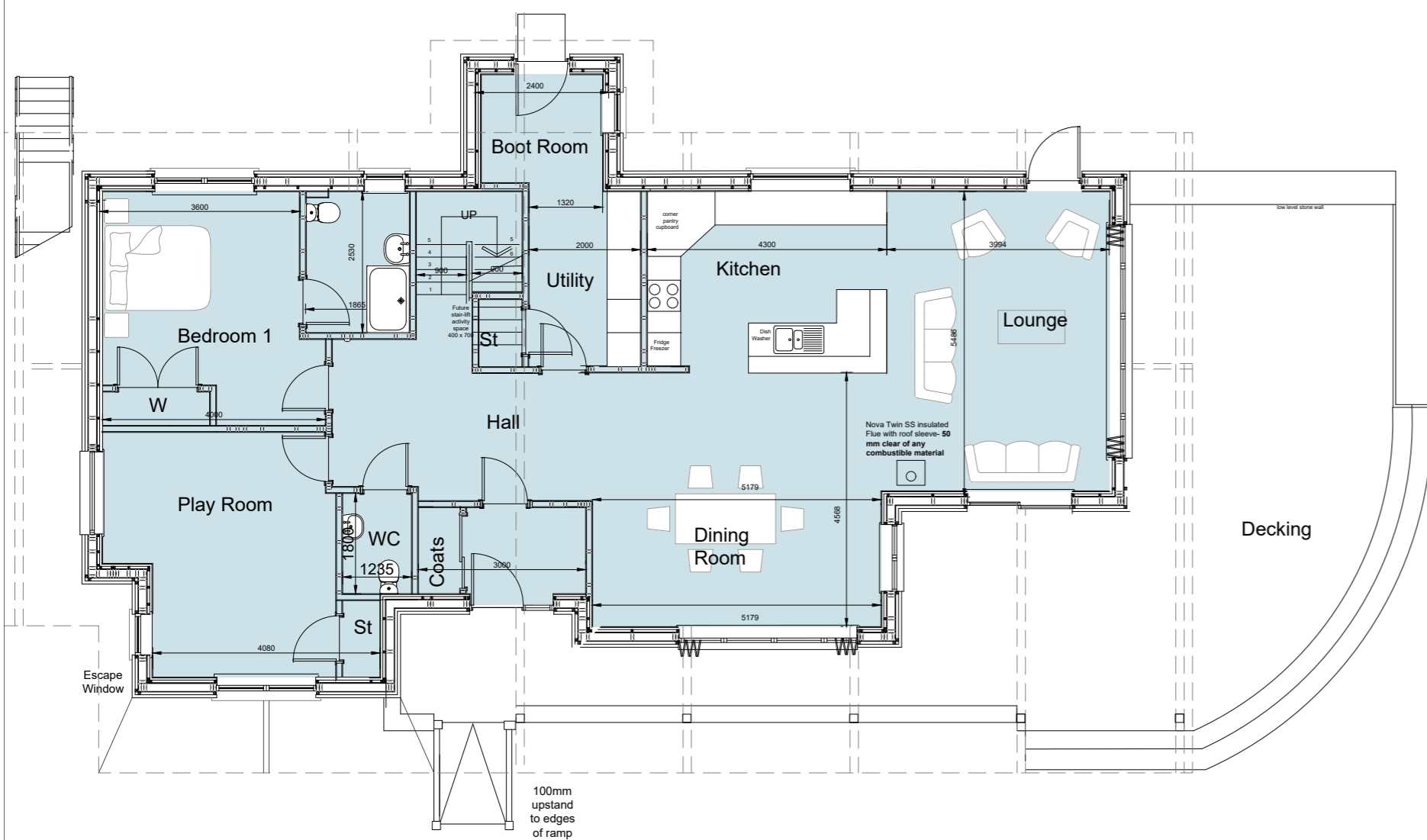
Rear Elevation

Roof slopes to be clad in standing seam zinc in anthracite colour

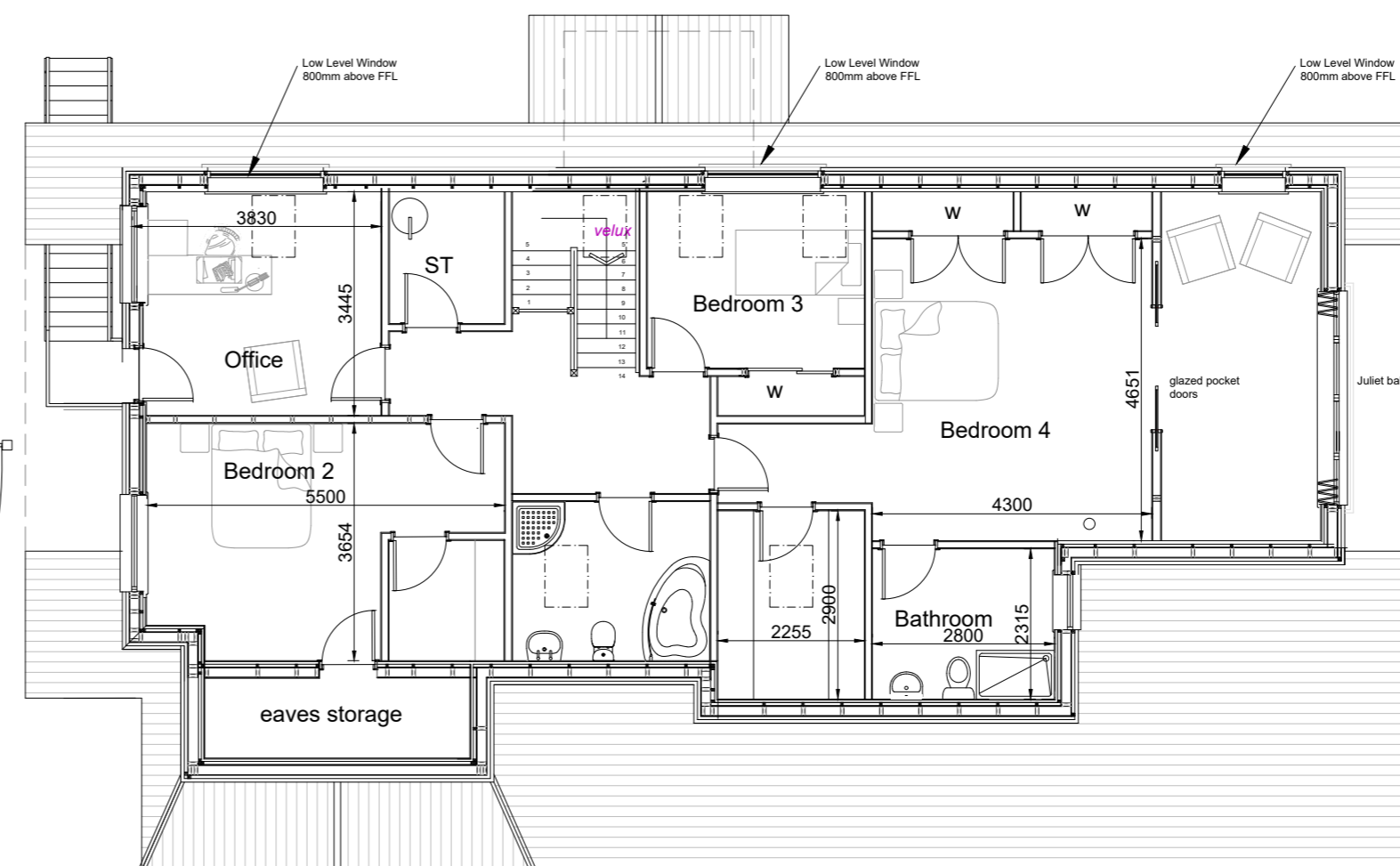
Windows & doors to be timber pre-finished



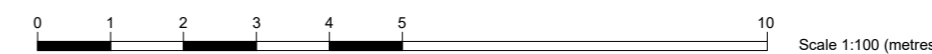
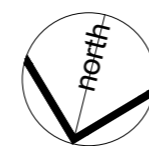
Side Elevation



Ground Floor Plan
136 sqm
268 sqm Gross Floor Area



First Floor Plan
132 sqm



Rev.	Description	CL	Date
A	Amended roof	CL	24.10.23

Mabbett[®]
Planning | Design | Environment | Engineering | Safety

Willow House
Stoneyfield Business Park
Inverness IV2 7PA
Tel: 01463 237229
www.mabbett.eu



Client
W D Stephen & Co

Project
New Farmhouse at Drumore of Cantray

Drawing
**Farmhouse
Floor Plans & Elevations**

Status
PLANNING

Scale 1:100 Sheet A2

Drawn YP Check SR Date 13.07.23

Drawing No: **313507 PL100** Rev **A**





To be read in conjunction with
Drainage Assessment report

DO NOT SCALE FROM THIS DRAWING. IF IN DOUBT PLEASE ASK.
ALL DIMENSIONS TO BE CHECKED ON SITE PRIOR TO COMMENCEMENT.
THIS DRAWING IS THE COPYRIGHT OF MABBETT & ASSOCIATES LTD

Site Area: 1.02ha



LEGEND

-  Ownership boundary
-  Site boundary
-  Surface water drainage
-  Foul water drainage

Drainage discharge to be connected to
existing watercourse (refer Drainage
Report for further details)

Sample chamber - Treated foul and surface
water to combine at this point

Partial soakaway designed to specification
of Drainage report

Klargester "BioDisc BA" Treatment Plant or similar
& approved sized for maximum population of 8 P.E.
Plant to be positioned a minimum of 5m from
buildings, 10m from any watercourse or public road
and 50m from any spring, well or borehole water
supply. Ensure no further than 25m from the
proposed access road for
de-sludging/maintenance purposes.

Existing Private Access

Rev.	Description	Drawn	Date



Willow House
Stoneyfield Business Park
Inverness IV2 7PA
Tel: 01463 237229
www.mabbett.eu



Client
W D Stephen & Co

Project
**New Farmhouse at
Drumore of Cantray**

Drawing
Drainage Layout

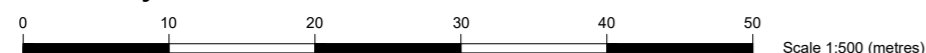
Status
PLANNING

Scale 1:500 Sheet A2

Drawn YP Check SR Date 14.08.23

Drawing No: 313507 PL003 Rev X

Site Layout 1:500



© Crown Copyright and Database 2023 Ordnance Survey Licence Number 100002613
Ordnance Survey, © Crown copyright 2023. All rights reserved. Licence Number 100022432