

Agenda Item	6.9
Report No	PLN/014/24

HIGHLAND COUNCIL

Committee: North Planning Applications Committee
Date: 30 January 2024
Report Title: 23/04440/FUL: Mrs Maureen Davison
3 Colbost, Dunvegan, Isle Of Skye IV55 8ZT
Report By: Area Planning Manager North

Purpose/Executive Summary

Description: Siting of cabin for purposes incidental to the enjoyment of the croft (retrospective)
Ward: Ward 10 - Eilean A' Cheò
Development category: Local Development
Reason referred to Committee: Number of Objections

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 **APPROVE** the application as set out in section 11 of the report

1. PROPOSED DEVELOPMENT

- 1.1 This application seeks full planning permission in retrospect for the erection of a small, single storey wooden cabin with a floorplan of some 6.5m by 4m and height of some 2.9m to the ridge of its shallow pitched roof. The cabin has been erected but has not been finished due to enforcement action by the Council.
- 1.2 Pre-Application Consultation: No request for pre-application advice was submitted.
- 1.4 Supporting Information: Photographs of the cabin have been submitted.
- 1.5 Variations: None

2. SITE DESCRIPTION

- 2.1 The site comprises an area of open croft land which rises in a south westerly direction from the B884. The cabin occupies only a small part of the site, adjacent to the upper Colbost road on the southern side of its junction with a private track, some 120m north of the upper Colbost road end. A dwelling house is being constructed within the site boundary some 55m east of the cabin under the auspices of Planning Permission 22/05057/FUL, as listed below. An existing dwelling house (No. 3 Colbost) lies some 24m to the south of the cabin, with another house some 29m to the north west, on the opposite side of the public road. The site lies within the North West Skye Special Landscape Area.

3. PLANNING HISTORY

- | | | | |
|-----|------------------|-------------------|---|
| 3.1 | 27 August 2021 | 21/04096/PDENQ | Erection of a timber building |
| | | Applicant advised | Planning Permission would be required. |
| 3.2 | 24 August 2023 | 23/00358/ENF | Enforcement Enquiry – ongoing |
| 3.3 | 21 December 2022 | 22/05057/FUL | Erection of house and formation of access – application approved. |

4. PUBLIC PARTICIPATION

- 4.1 Advertised: Unknown Neighbour
Date Advertised: 2 October 2023
Representation deadline: 20 October 2023
- Timeous representations: 6 from 5 households
- Late representations: 1 from 1 household
- 4.2 Material considerations raised are summarised as follows:
- a) Adverse impact on privacy and amenity resulting from noise and activity at the cabin which is positioned directly in front of the window of No. 3 Colbost.

Officer response: The Cabin sits at an oblique angle some 24m away from the front windows of No. 3 Colbost and is not directly in front of them. The structure does not lend itself to anything other than temporary occupation given its small size. The applicant has stated that the cabin is only intended to be used as a storage shed, potting shed, a place to shelter and to also act like a summer house for relaxing in, enjoying time on the croft and will be used mainly whilst developing a vegetable garden and maintaining the croft. It must be recognised that the croft itself is a potential source of noise and activity irrespective of the cabin's presence. On the basis of these factors it is considered that the level of noise and disturbance associated with the cabin would not adversely affect the privacy and amenity of people occupying No 3 Colbost.

- b) Lack of parking provision and any toilet or hand washing provision.

Officer response: The cabin occupies part of a croft and there is no requirement for the working of a croft to have dedicated parking or sanitary provision. The applicant has stated that they do intend to provide a hand sanitising area and either a chemical cassette or composting toilet. Should any pollution of adjacent land occur from persons utilising the cabin separate legislation exists to address any such issue.

- c) The cabin is large, intrusive and poorly constructed.

Officer response: It is considered that the dimensions of the cabin are modest in relation to other buildings in the vicinity. The cabin is seen in the context of an expansive, open landscape in which it does not read as a structure of any significant scale. As noted above, construction work was halted with the serving of an enforcement notice and as such the structure's current appearance is not representative of the intended finish.

- d) The cabin could be erected below a natural dip in the land to the east which would hide it from the public road and from No. 3 Colbost.

Officer response: The applicant has stated that the cabin cannot be situated below this dip as this is where the building work and the installation of services for the house approved by application 22/05057/FUL is taking place.

- e) Suspicion that the structure would be rented out to tourists.

Officer response: A condition can ensure that the use of the cabin be restricted to purposes incidental to the working of the croft.

- f) Loss of croft land.

Officer response: As the building would be used for working the croft it does not conflict with the Council's policy on the development of croft land.

- 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 No consultations

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 National Planning Framework (NPF) 4 National Planning Policy:

1. Tackling the climate and nature crises
2. Climate mitigation and adaptation
3. Biodiversity

6.2 Highland Wide Local Development Plan 2012

- 28 - Sustainable Design
- 29 - Design Quality & Place-making
- 36 - Development in the Wider Countryside
- 57 - Natural, Built and Cultural Heritage
- 61 - Landscape
- 66 - Surface Water Drainage

6.2 West Highlands and Islands Local Development Plan 2019

No site-specific policies apply

6.3 Highland Council Supplementary Planning Policy Guidance

- Special Landscape Area Citations (June 2011)
- Sustainable Design Guide (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. 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.

Determining Issues

- 8.2 The key considerations in this case are:
- a) compliance with the development plan
 - b) siting and neighbour amenity
 - c) design and landscape impact
 - d) parking

Development Plan

- 8.3 All planning applications must now be determined in accordance with the provisions of NPF4 and the existing Local Development Plan unless material considerations provide justification otherwise. If there is an inconsistency between NPF4 policies and an LDP which was adopted before 13 February 2023, the NPF prevails under Section 24(3) of the Town and Country Planning (Scotland) Act 1997 (as amended), and NPF 4 takes precedence over HwLDP Policy 36. In this case the Development Plan is comprised of NPF4 and the West Highlands and Islands Local Development Plan (although this has no site-specific policies of relevance to this application) and the Highland-Wide Local Development Plan - the relevant policies of which focus on siting, design, access, neighbour amenity and landscape impact (policies 28, 29, 36, 57 and 61). For the reasons laid out below, the proposal is considered to comply with these policies.

Siting and Neighbour Amenity

- 8.4 The cabin is sited on croft land within an area where other buildings and structures are nearby. The modest dimensions are akin to those of the type of small shed which are commonly found on croft land. As such, the structure does not appear as an isolated feature within an area of otherwise undeveloped countryside and its siting is therefore supported. The structure is positioned some 24m away from the nearest dwelling house which lies to the south, and the cabin does not lend itself to anything other than occasional occupation given its small size. This degree of separation is considered sufficient to safeguard the privacy and amenity of this property. A condition can ensure that the cabin is only used for purposes incidental to the working of the croft.

Design and Landscape Impact

- 8.5 While the design of the structure is not that of a traditional shed due to the roof overhang above the front elevation and interlocking wall corners its modest dimensions mean that these features do not stand out within the local landscape, and it is considered that the cabin does not adversely affect the qualities of the North West Skye Special Landscape Area. A condition can be applied requiring the timber walls and the roof to be finished in a dark colour so that the completed structure would be visually recessive within the landscape setting.

Parking

- 8.6 As noted above the cabin occupies part of a croft and there is no requirement for the working of a croft to have dedicated parking. However, the applicant has stated that an existing parking space to the rear of No. 3 Colbost is available for their use, being outside the ownership boundary of that property. It is noted that the cabin is adjacent to an existing gate which allows for the movement of livestock and machinery in and out of the croft. A parking space could easily be formed adjacent to the cabin on the croft side of this gate.

Other material considerations

- 8.7 There are no other material considerations.

Non-material considerations

8.8 None.

Matters to be secured by Legal Agreement / Upfront Payment

8.9 None

9. CONCLUSION

9.1 The application has been assessed as submitted and in this instance it is considered the development is acceptable in terms of its siting and effect on neighbour amenity given its position on a croft within a developed area and with good separation from existing properties. The design of this modest timber structure is considered acceptable and while no parking provision is required for a building used for the working of a croft it would be possible to form a parking space adjacent to the cabin within the croft itself.

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 N

Subject to the above actions, it is recommended to:

APPROVE the application subject to the following conditions and reasons:

1. Prior to use, the walls of the cabin hereby approved shall be coloured or stained either dark grey, dark green or dark brown and the roof shall be clad in either grey roofing felt or grey corrugated metal sheeting.

Reason: In the interests of visual amenity and in order to make the building visually recessive within the landscape setting.

2. The cabin hereby approved shall only be used for purposes incidental to the working of the croft land on which it is sited.

Reason: To ensure that the development does not become used for residential occupation in recognition of the lack of private amenity and building standards compliant internal space, and in accordance with the use applied for.

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.

INFORMATIVES

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.

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

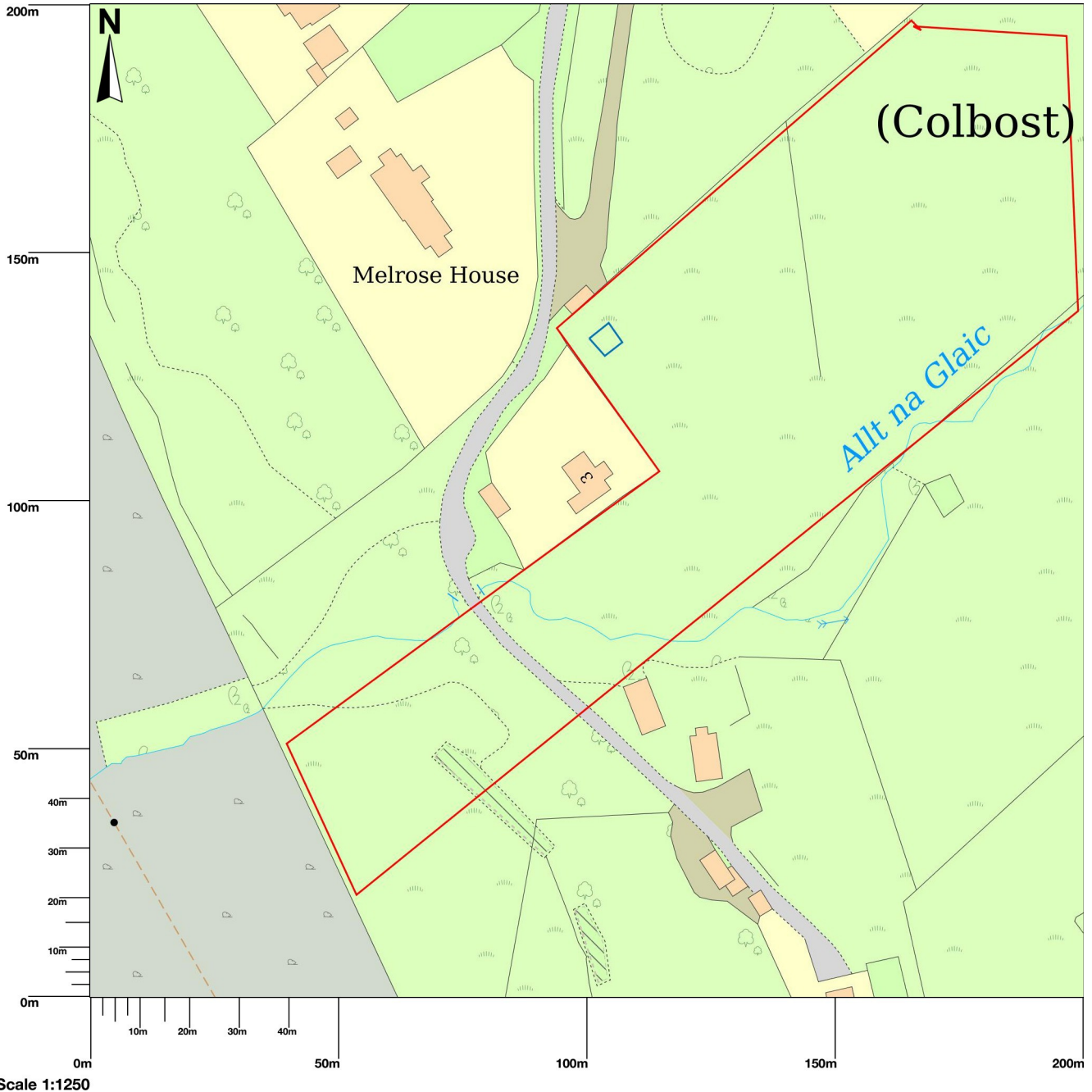
Signature:

Designation: Area Planning Manager North

Author: Graham Sharp

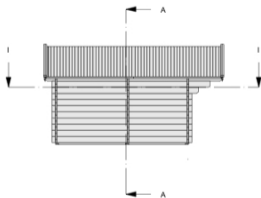
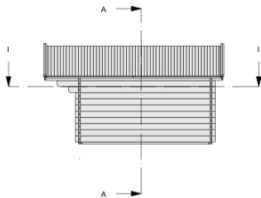
Background Papers: Documents referred to in report and in case file.

3 Dunvegan, Isle Of Skye, IV55 8ZT



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