

Agenda Item	6.7
Report No	PLN/050/24

HIGHLAND COUNCIL

Committee: North Planning Applications Committee

Date: 4 June 2024

Report Title: 22/03003/FUL: Mr Duncan Fraser
Land 40M NE Of Marsden
Knockbain
Munloch

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: More than 5 third party 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 **GRANT** the application as set out in section 11 of the report.

1. PROPOSED DEVELOPMENT

- 1.1 Planning permission is sought for the erection of a single detached house to support a new rural horticulture business. This application follows the granting of an agricultural prior approval for the installation of 3no polytunnels each measuring 6.7m x 18.3m and 2.9m in height, immediately to the south east of the house site for the growing of flowers undercover.
- 1.2 The proposed house has a contemporary single storey low level design and is 'L' shaped in planform. The roof is flat and is approximately 3.9m at the highest point with the majority of the roof being at approximately 2.9m in height. The internal floor area is 306sqm, containing 4no bedrooms. The house is finished in a palette of external materials including horizontal larch cladding and white dash render, and grey GRP roofing material.
- 1.3 It is proposed to form a new access from the public road and to provide parking for 3 cars and turning. Private drainage is proposed via a septic tank/treatment plant discharging to an infiltration bed. Water supply will connect to the public network.
- 1.4 Pre-Application Consultation: none
- 1.5 Supporting Information: Agricultural Operational Needs Assessment (ONA), 3D Visualisations

Summary of ONA: An Operational Needs Assessment has been submitted which sets out the business case contributing to the necessity for a house on the 0.81 ha bare land unit. It is proposed to produce cut flowers for sale. The workload of the proposed enterprises is calculated at 1.25 labour units, supporting one full time operative plus additional seasonal labour at peak times. The holding is stated to be in good productive condition with a southerly aspect and sheltered from prevailing weather. The ONA states that in addition to the polytunnels it is intended to that hardier plants and perineal plants will be grown outside/undercover. It is also proposed to provide an undercover area for the growing of strawberries and raspberries. The ONA states that this location would lend itself well to growing cut flowers both under cover and outside, complemented with some salad vegetables all for selling through the applicant's existing retail outlet. The ONA considers that staying on site would be better for security and to incorporate flexibility of family life.

1.6 Variations:

- Amended site layout plan – 29 November 2022
- Amended site layout and elevations – 13 January 2023
- Amended site layout – 25 January 2023
- Full set of amended drawings submitted 27 February 2024 – amended house design

2.1 Site Location

The application site is an area of undeveloped field located directly to the east of an existing house 'Marsden', a detached L shaped bungalow. The site is generally

level, sloping slightly downhill to the south, and accesses the U2584 Knockbain Mains public road, via a field access gate in the northwest corner. The site is bordered by further agricultural land to the east and south and across the public road to the north.

3. PLANNING HISTORY

3.1 23/02356/PNO Erection of 3 polytunnels granted prior approval 11 August 2023

4. PUBLIC PARTICIPATION

4.1 Advertised: Ross-shire Journal - Unknown Neighbour 14 Days

Date Advertised: 15 March 2024 and 26 August 2022

Representation deadline: 29 March 2024

Timeous representations: 9

Late representations: 0

4.2 Material considerations raised are summarised as follows:

- a) Concerns over the principle of development in the Hinterland and the business justification for the proposals.
- b) Concerns over the capacity of the road serving the site to accommodate the proposed house.
- c) Concerns over the siting scale and nature of the design of the proposed dwelling.
- d) Concern over the ground conditions and drainage beneath the site.
- e) Concern over the impact on wildlife, habitats and the ongoing agricultural potential of the land in addition to pollution from the proposed business.
- f) Concern over the impact of the proposals on local water supply capacity.
- g) Concerns over omissions and errors in the submitted plans.

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 Agricultural Consultant** did not object, considering that the proposals complied with the labour requirements in terms of HwLDP Policy 35 and Policy 17 of NPF4 as summarised below:

1. From the information provided in the ONS, Lot 1 Knockbain, although small in size, its proposed uses meet the threshold for the 1 labour unit test, with a projected labour requirement of 1.25 units.
2. The horticultural activities currently being proposed on the holding, as recorded within the ONA, are within the scale of the holding's productive capacity, for the extent of the land.
3. The ONA has provided detailed economic data for the activities being

proposed for the holding, which presents a level of economic viability.

4. Given the above, this application meets the stated policy requirement in terms of labour units required for the holding

5.2 **The Crofting Commission** provided its standard template consultation response, as follows:

The Crofting Commission position in relation to planning applications concerning croft land is that:

- The siting of any proposed development should not restrict the continuing cultivation of a croft
- The siting of any proposed development should not restrict proper access to all other areas of a croft
- The siting of any proposed development avoids using the better-quality land on a croft
- Consideration be given to the number of existing developments relating to a croft to ensure that the croft should retain its identity as a crofting unit

Generally, the Commission is supportive of developments on croft land where there is an operational need that will be beneficial to the croft. For example, the Commission would generally be supportive of an application for a dwelling house on a croft where the applicant is a croft tenant or an owner-occupier crofter who personally wishes to reside on and cultivate the croft.

5.3 **Scottish Water** confirms no objections, advising that there is sufficient capacity in the local water supply network to service the proposals 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. There is live infrastructure in the proximity of the development – a 63mm mdpe main running through the site and abandoned 2 inch AC main running through the site. The applicant must contact SW direct.

6. **DEVELOPMENT PLAN POLICY**

The following policies are relevant to the assessment of the application

6.1 **National Planning Framework 4 (2023):**

Policy 1 - Tackling the Climate and Nature Crises

Policy 2 - Climate Mitigation and Adaptation

Policy 3 - Biodiversity

Policy 5 – Soils

Policy 17 - Rural Homes

Highland Wide Local Development Plan 2012

28 - Sustainable Design

29 - Design Quality & Place-making

31 - Developer Contributions

35 - Housing in the Countryside (Hinterland Areas)

65 - Waste Water Treatment

66 - Surface Water Drainage

6.2 Inner Moray Firth Local Development Plan (2015)

Within the designated Hinterland.

6.3 Inner Moray Firth Proposed Local Development Plan Intention to Adopt 2024

Within the designated Hinterland. Policy 1 Low and Zero Carbon Development

Policy 2 Nature Protection, Restoration and Enhancement

6.4 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 (December 2021)

Sustainable Design Guide (Jan 2013)

7. OTHER MATERIAL CONSIDERATIONS

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.

8.2 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 as a house in the countryside
- b) siting, design and residential amenity
- c) access, parking and servicing
- d) impact on infrastructure and services
- e) any other material considerations raised by third parties/consultees.

8.4 Principle of Development

The site lies within an area identified as 'hinterland' in the LDPs where pressure for sporadic commuter housing development is greatest and as such, Policy 35 of the Highland-wide Local Development Plan (HwLDP) applies. Policy 35 and the adopted Rural Housing Supplementary Planning Guidance (December 2021) will normally only support residential development proposals if they comply with one of

the designated exceptions to the policy. Of relevance to this application is the exception identified by Policy 35 which provides for a house essential for land management or family purposes related to the management of land.

8.5 The site is within an area identified as 'rural' in the Scottish Government's 6 Fold Urban Rural Classification 2020 for the purposes of assessment against National Planning Framework 4 (NPF4). As NPF4 is the most up to date document, as well as being embedded in the development plan, it takes primacy in the assessment of the application. The key policy is Policy 17 which relates to rural homes, this also sets out acceptable development types for the provision of rural housing.

8.6 Policy 17 (v) supports development proposals for new homes in rural areas where housing is demonstrated to be necessary to support the sustainable management of a viable rural business or croft, and there is an essential need for a worker (including those taking majority control of a farm business) to live permanently at or near their place of work).

8.7 The submitted ONA states that the holding has been purchased by the applicants as a bare land unit which no existing accommodation. It also states that the unit is not subject to any other applications or consents for a house and no houses have been sold from this unit. The ONA states that the business case, along with the nature of the operations proposed and the need for security of crops machinery and equipment necessitates the owners to be ordinarily resident on site. The ONA has been assessed by the Council's Agricultural Advisor who has advised that the detail set out in the ONA meets policy requirements.

8.8 As noted above, the applicant has prior approval granted for the installation of 3 polytunnels. It is considered reasonable and appropriate to attach a planning condition which requires the polytunnels to be installed as per the granted prior approval and written evidence to be provided which demonstrates that the business has been established prior to commencement of development of the house given that this is the basis under which the house can be justified.

8.9 The ONA states that the holding extends to 0.81 ha and is registered with ICAS. It was previously used for grazing with occasional crop rotation as part of a larger enterprise. The soil is part of the Millbuie association and is mainly Humus Iron Podzols; this supports arable and permanent pastures. It is classified as 4.1 – land capable of ley grassland but with suitability for some forage crops and cereals for stock feed, yields of grass are high but limitations may be encountered for conservation and utilisation. There is no conflict with Policy 5 (Soils) of NPF 4.

8.10 The principle of development of a new home to support this business is therefore acceptable in terms of Policy 35 of the adopted HwLDP and Policy 17 of NPF 4, subject to detailed consideration of design, amenity and servicing.

8.11 **Material considerations**

Proposals must also be not significantly detrimental in terms of the following matters: siting and design, pattern of development, landscape character, impact on locally important croftland and servicing, particularly roads. Policy 28 of the adopted HwLDP 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 of the HwLDP repeats the emphasis on good design in terms of compatibility with the local landscape setting and in terms of place making. Policy 31 requires an assessment against the Developer Contributions policy. Policy 64 requires proposals to be assessed to the extent that they are at risk of or could exacerbate flooding. Policies 65 and 66 require foul and surface water drainage to meet standards that minimise the risk of pollution and flooding.

8.12 **Siting, design and residential amenity**

Houses in the surrounding area are a variety of ages, architectural styles and heights. The pattern of development is principally single houses located along the road. The proposed siting is not at odds with the established development pattern, and it appears to be sited to reduce intrusion into the agricultural land. Discussions with the applicant have resulted in an amended design. The house has a contemporary design and appearance, but this is not considered to be inappropriate in this location. Whilst it doesn't strictly conform the traditional design conventions, it has a fairly simple overall form. It incorporates some features which are more traditional in nature like windows with vertical emphasis and makes use of high quality materials and a modest use of contrast and colour. It is acknowledged that concerns have been raised by third parties about its siting, design and appearance but the house is low in height which will help it assimilate into the landscape, minimising its visual impact and the palette of external finishing materials help to visually break up its massing. It is therefore considered acceptable in this location.

Due to the siting of the proposed dwelling from the neighbouring 'Marsden', no significant loss of privacy, sunlight or daylight concerns are raised. It is unlikely that a family house and horticulture business will result in any unacceptable amenity impacts or disturbance.

8.13 **Access, parking and servicing**

The applicant proposes a new access junction onto the public road, finished to the Councils' SBD1 standard. The applicant proposes that visibility splays of at least 2.4 x 90m in either direction from the new access junction, which are considered realistic given the straightness of the public road in the area and its single-track nature. While the representation comments are acknowledged, it is not considered that a further single house and the associated horticulture business will result in an unacceptable increase in traffic on the road, beyond what is currently experienced in the area, which accommodates several other agricultural and tourist accommodation businesses. The applicant has shown how three standard parking spaces and a turning area can be provided within the site, which is an adequate level of provision for the house proposed.

Drainage

A private drainage system is proposed as there are no public sewers within the vicinity of the site. It is considered that a technical solution for drainage exists, the detail of which will require a CAR licence from SEPA and approval of Building Standards under the building warrant regime.

Concerns have been raised by third party representations about the increase in

non-permeable surfaces within the site and lack of provision to deal with runoff/pollution from excess run off. These concerns were discussed with the Council's Flood Team who have advised that due to the scale of the development (which has no apparent flood risk to it), surface and foul water arrangements will be appropriately managed through the Planning and Building Standards processes. A condition is attached requiring submission of SUDS details.

8.14 **Climate Change and Nature Crises**

All development requires to be assessed against Policy 1 of NPF4 'Tackling the climate and nature crises' which states that when considering development proposals significant weight will be given to global and climate nature crises with the intent of the policy being to encourage, promote and facilitate development that addresses the global climate emergency and nature crisis. Under NPF 4 Policy 2, development proposals should be sited and designed to minimise lifecycle greenhouse gas emissions as much as possible. Policy 3 requires local developments to include appropriate measures to conserve, restore and enhance biodiversity. The application was submitted prior to NPF4 coming into place and as such the original application did not set out to specifically address these matters. However, the house is required for a horticulture business which will bring about biodiversity enhancements and compliance with NPF4.

8.15 **Other Material Considerations**

In addition to the 3 polytunnels referenced in section 3.1 the proposed site plan shows a new agricultural shed on land just outside the site red line boundary to the west. This element will require further prior notification to the Planning Authority should the applicant wish to progress it. Likewise, the site layout for the house includes an additional 2 polytunnels to what currently benefits from agricultural prior approval. The additional polytunnels will require a further prior notification application.

While representation comments regarding the impact on wildlife habitats are acknowledged, the proposals are not located in any area designated for natural heritage potential. The proposals, otherwise, represent an acceptable use of agricultural land.

8.16 **Non-material considerations**

Representation comments noted that an overhead electrical line within the site would require to be relocated as proposed. This is matter for discussion between the infrastructure operator and the applicant should development proceed. The potential loss of a private view from the development was raised, this is not a material planning consideration.

8.17 **Developer contributions**

Policy 31 of the adopted HwLDP 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. The proposed house is located within the catchment area of Fortrose Academy and Munloch Primary School. As neither school is currently facing

capacity constraints, developer contributions would not be required in this instance.

9. CONCLUSION

- 9.1 The house that is the subject of this planning application is supported by an Operational Needs Assessment that indicates the associated proposed rural business would generate enough working hours to justify a full-time residential presence on site. Although the design does not strictly comply with traditional design conventions, it does incorporate traditional features and a simple palette of finishes. It is low level which reduces its visual impact and is sited to reduce excessive intrusion into the agricultural field. There are no other material considerations that warrant refusal. The proposed development is therefore, in accordance with HwLDP Policy 35 and the Rural Housing Supplementary Guidance and Policy 17 of NPF 4 and all other applicable policies.
- 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

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 **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 No development of the house hereby approved shall commence until the 3 polytunnels (ref 23/02356/PNO) are erected and the horticulture business to which the house has been approved on the basis of being essential for, has been operational for at least 6 months. Written evidence of this shall be submitted to the Planning Authority and agreed in writing prior to commencement of development of the house. The house and horticulture business shall operate as a single planning unit in perpetuity.

Reason : The house was approved on the basis of being essential to support a new rural business under Policy 17 of NPF 4 and Policy 35 of the HwLDP in an area where new housing development is restricted.

- 3 No development or work shall commence until a detailed specification for all proposed external materials and finishes (including trade names and samples where necessary) has been submitted to, and approved in writing by, the Planning Authority. Thereafter, development and work shall progress in accordance with these approved details

Reason: To ensure that the development is sensitive to, and compatible with, its context and local architectural styles.

- 4 No development shall commence until details of a scheme of hard and soft landscaping works have been submitted to, and approved in writing by, the Planning Authority. Details of the scheme shall include:

- i. All earthworks and existing and finished ground levels in relation to an identified fixed datum point;
- ii. A plan showing existing landscaping features and vegetation to be retained;
- iii. The location and design, including materials, of any existing or proposed walls, fences and gates;
- iv. All soft landscaping and planting works, including plans and schedules showing the location, species and size of each individual tree and/or shrub and planting densities; and
- v. A programme for preparation, completion and subsequent on-going maintenance and protection of all landscaping works.

Landscaping works shall be carried out in accordance with the approved scheme. All planting, seeding or turfing as may be comprised in the approved details shall be carried out in the first planting and seeding seasons following the commencement of development, unless otherwise stated in the approved scheme. 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 order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.

- 5 No other development shall commence until the site access has been constructed in accordance with The Highland Council's Access to Single Houses and Small Housing Developments guidelines and the attached Access Schedule (dated 24 May 2024), with:
- i. the junction formed to comply with drawing ref. SBD1; and
 - ii. visibility splays of 2.4m x 90m (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: To ensure that an adequate level of access is timeously provided for the development; in the interests of road safety and amenity.

- 6 Prior to the first occupation of the development hereby approved, the car parking and access arrangements detailed on approved plan ref. 3.2.1 REV B shall be completed in full and made available for use. Thereafter, all car parking spaces and the access shall be maintained for this use in perpetuity.

Reason: To ensure that an adequate level of access is timeously provided for the development; in the interests of road safety and amenity.

- 7 No development shall commence until full details of all surface water drainage provision within the application site (which should accord with the principles of Sustainable Urban Drainage Systems (SUDS) and be designed to the standards outlined in Sewers for Scotland Second Edition, or any superseding guidance prevailing at the time) have been submitted to, and approved in writing by, the Planning Authority. Thereafter, only the approved details shall be implemented and all surface water drainage provision shall be completed prior to the first occupation of any of the development.

Reason: To ensure that surface water drainage is provided timeously and complies with the principles of SUDS; in order to protect the water environment.

Designation: Area Planning Manager North

Author: Emma Forbes

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

Relevant Plans:

Location Plan 3.1.1

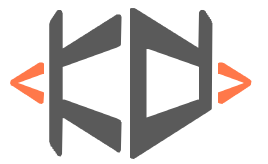
Visual Information (Supporting Info) 3.14.1 Rev A

Site Layout Plan 3.2.1 Rev B

Floor Plan 3.5.1 Rev A

Elevations 3.8.1 Rev B

Section Plan 3.9.1 Rev B



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Project

0114

D Fraser

New dwelling house
Plot at NH 61855 55712
IV8 8PG

Amendments

Rev	Description	Date

Notes

It is the responsibility of all persons using this drawing to check dimensions and other details prior to commencement of work. Any discrepancies must be referred to this office for clarification, otherwise no responsibility will be accepted.

Drawing Stage

3_Planning

Drawing Title

Location plan

Drawing No.

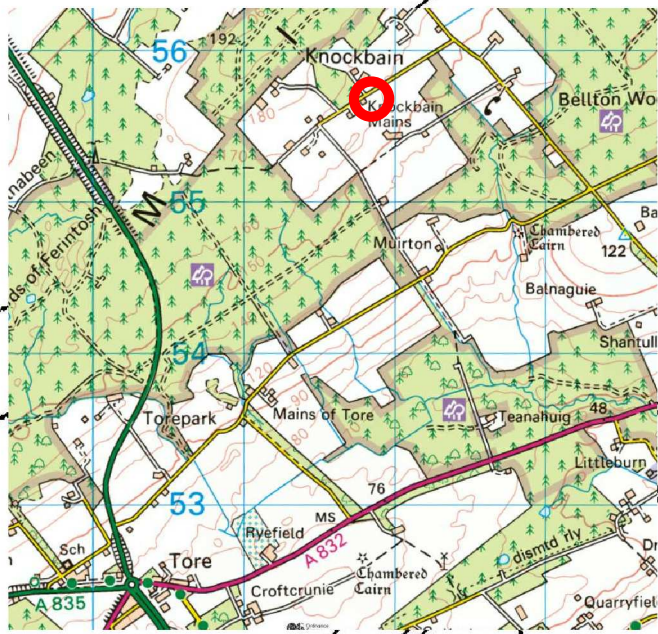
Revision

3.1.1

24/06/22

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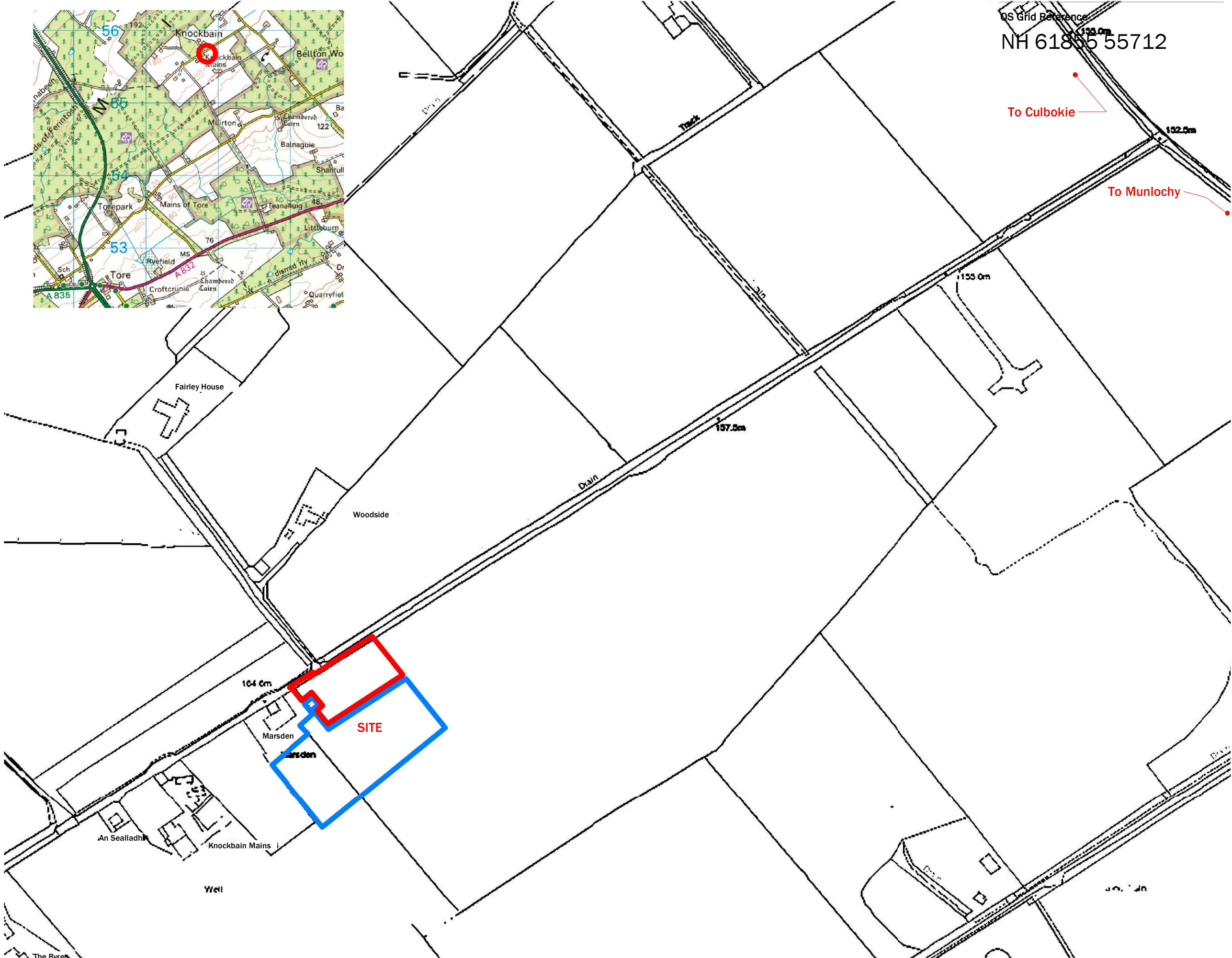
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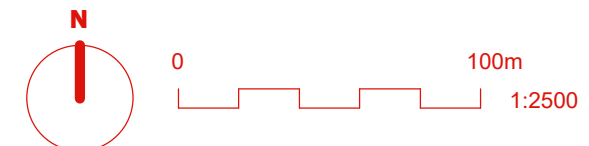
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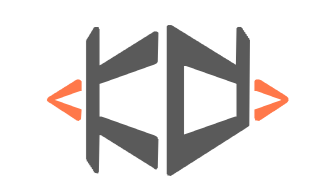
To Culbokie

To Munlochy



1 **Location plan**
1 : 2500





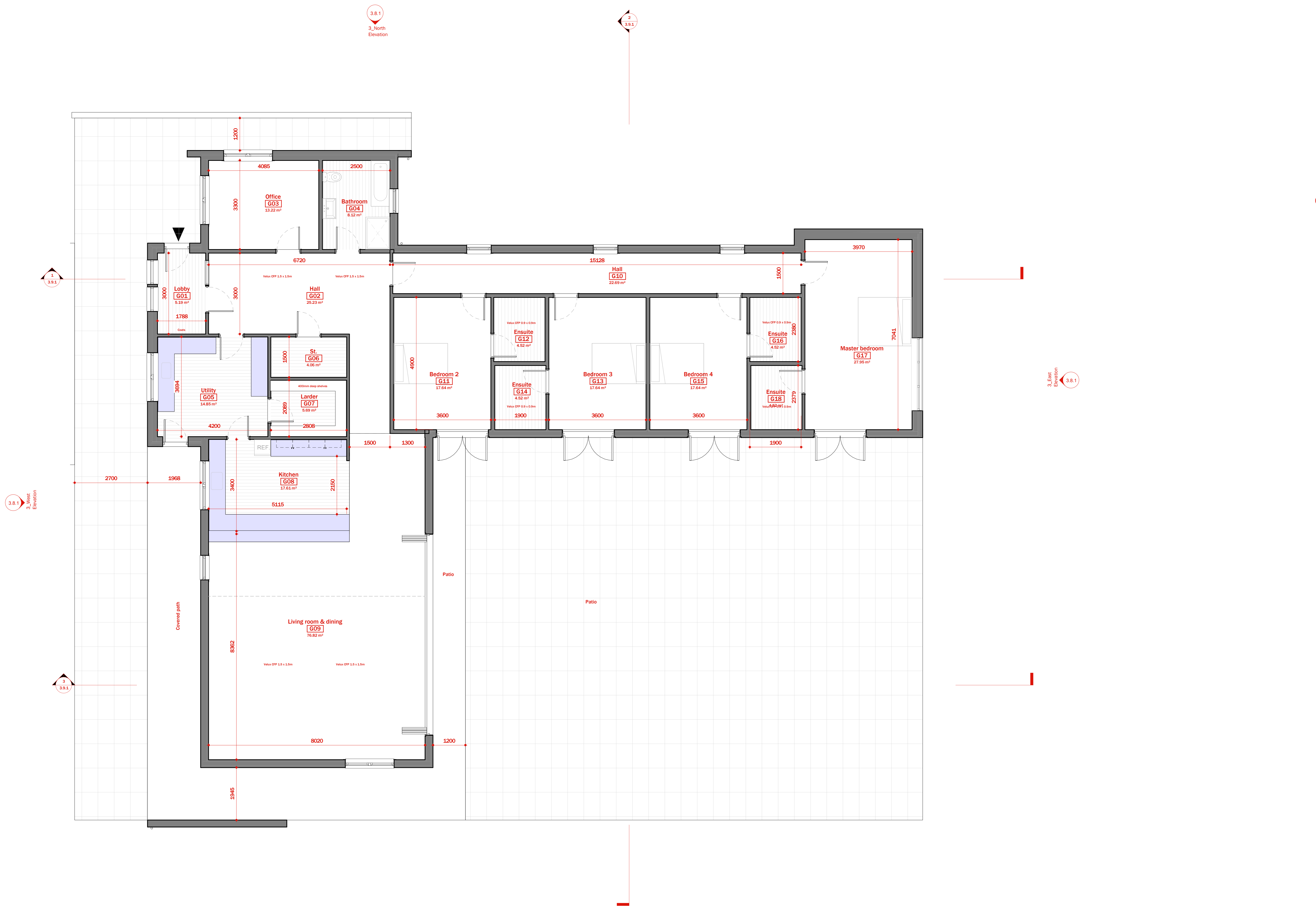
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D Fraser

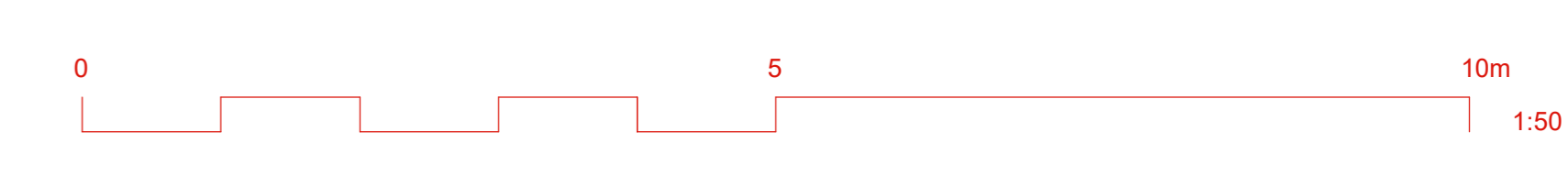
New dwelling house
Plot at NH 61855 55712
IV8 8PG

Amendments		
Rev	Description	Date
A	House redesign	26/09/23

Notes
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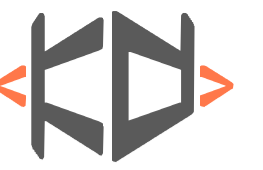
1 **Ground floor plan**
1:50
306 sq.m



Drawing Stage
3_Planning

Drawing Title
Floor Plans

Drawing No. **3.5.1** Revision **A**



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Project

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New dwelling house
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Amendments

Rev	Description	Date
A	Centres between driveways added; existing overhead power line shown	15/11/22
B	House redesign	25/09/23

Notes

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Drawing Stage

3_Planning

Drawing Title

Site layout

Drawing No.

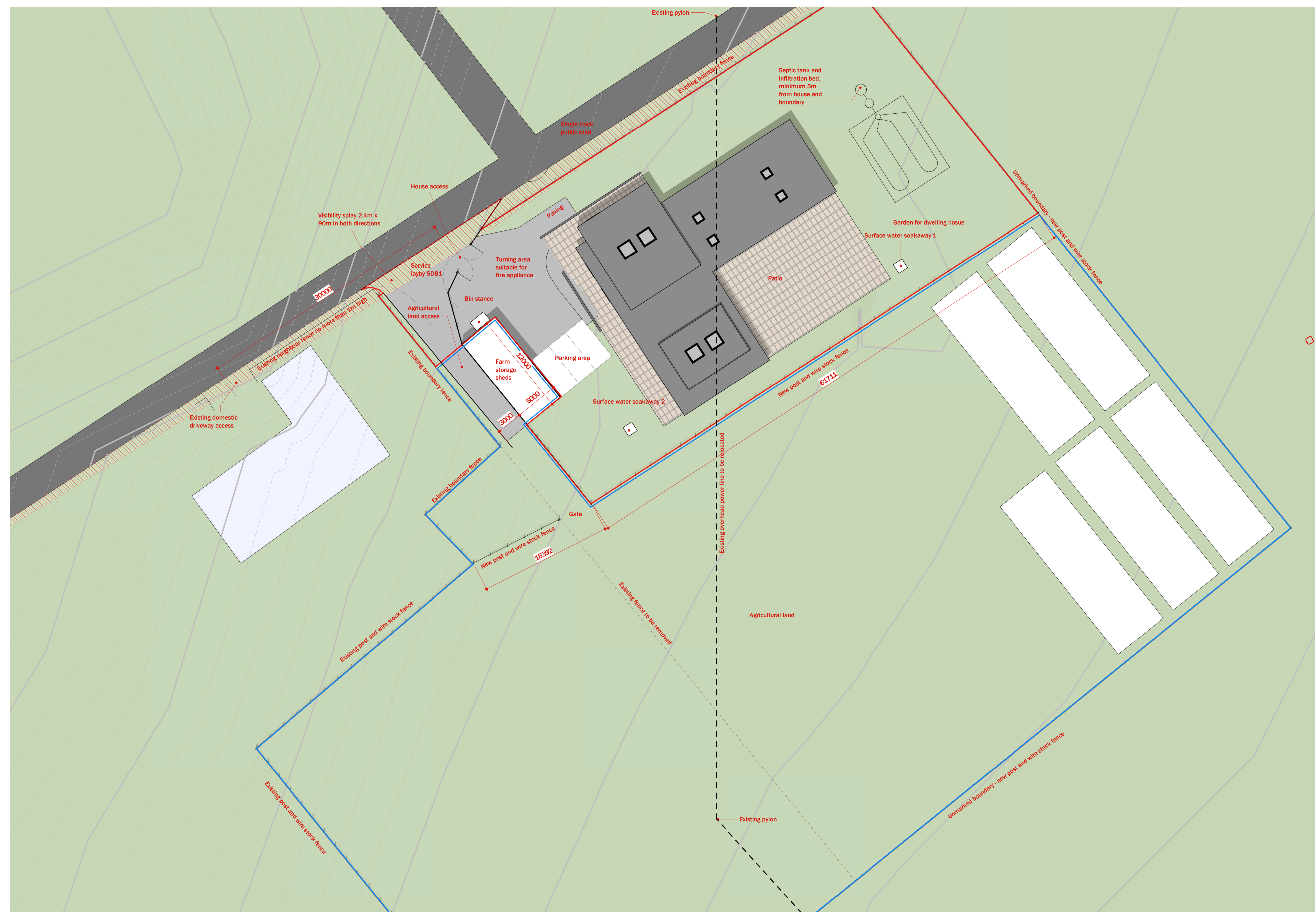
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Revision

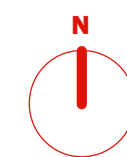
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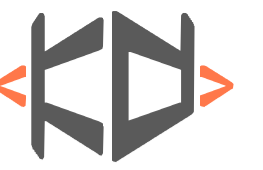
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1 Site layout
1 : 200





0114

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New dwelling house
Plot at NH 61855 55712
IV8 8PG

Amendments

Rev	Description	Date
A	Ridge height reduced to less than 7m; roof pitch changed to 40deg	15/11/22
B	House redesign	25/09/23

Notes

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Drawing Stage

3_Planning

Drawing Title

Cross section

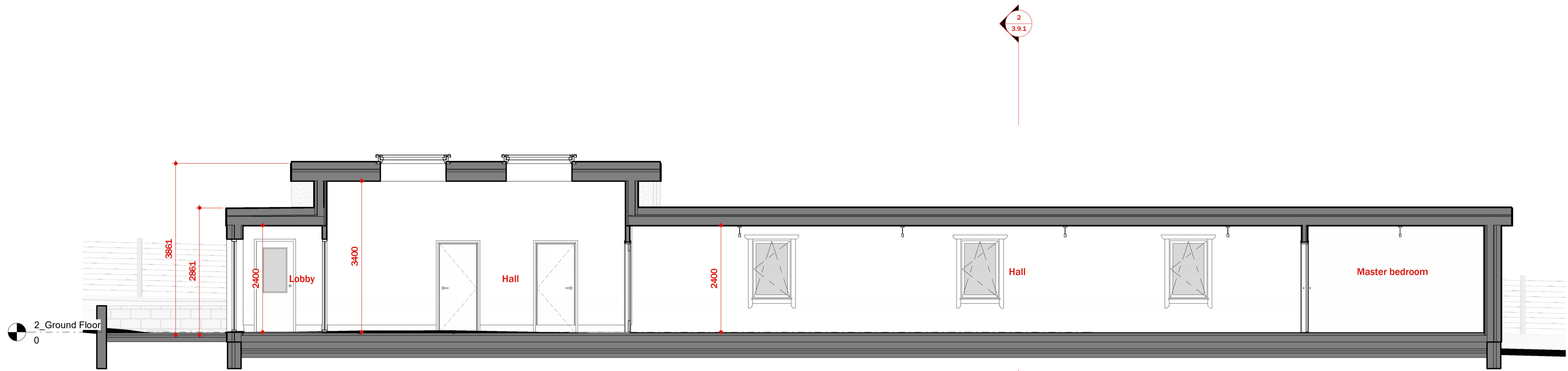
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3.9.1 B

24/06/22

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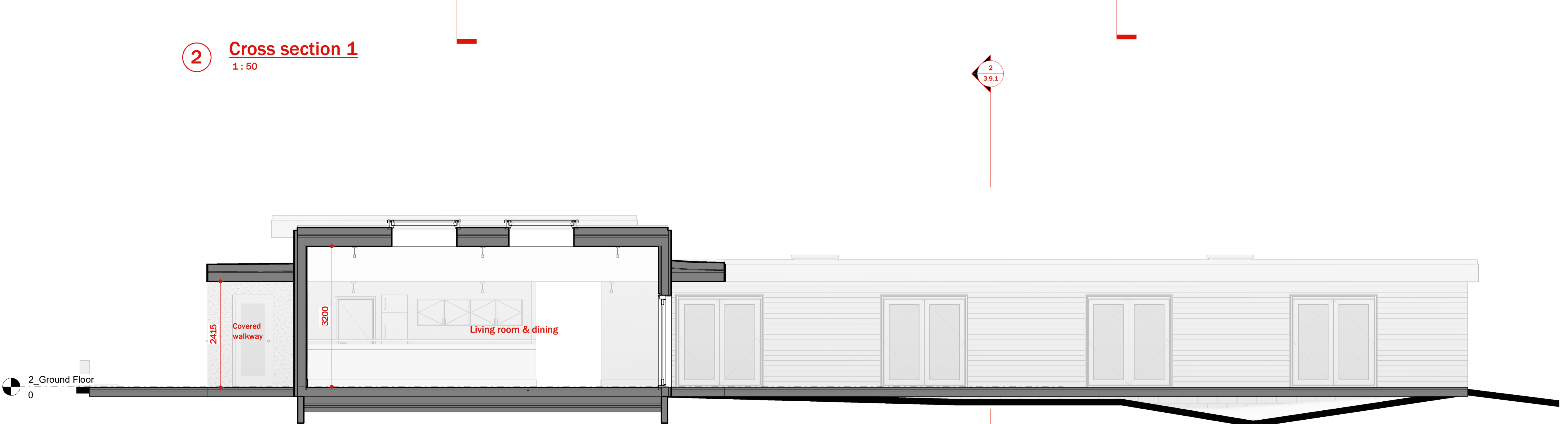
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1 Long section
1 : 50

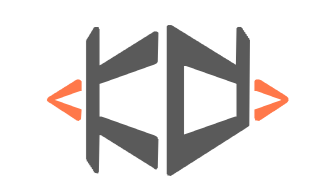


2 Cross section 1
1 : 50



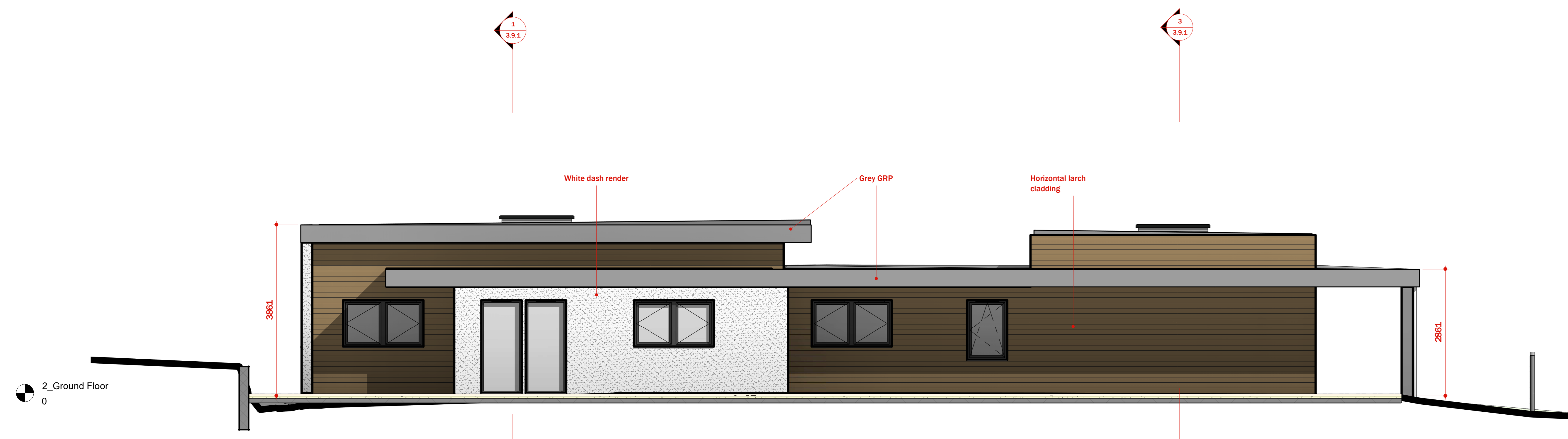
3 Cross section 2
1 : 50



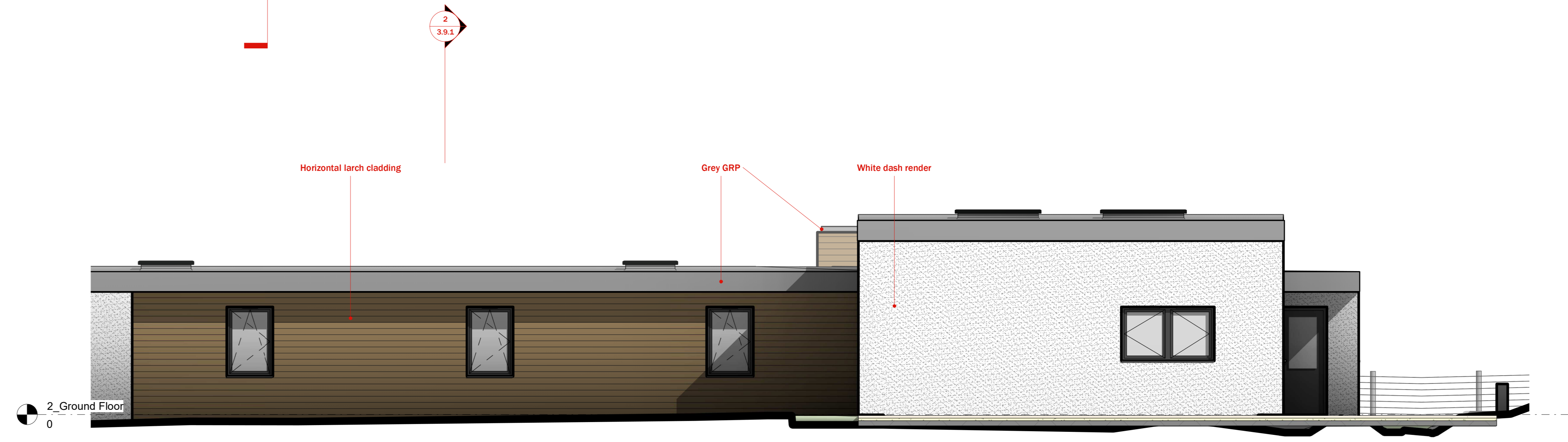


Amendments		
No.	Description	Date
A	Ridge height reduced to less than 7m; roof pitch changed to 40%	15/11/22
B	House redesign	25/09/23

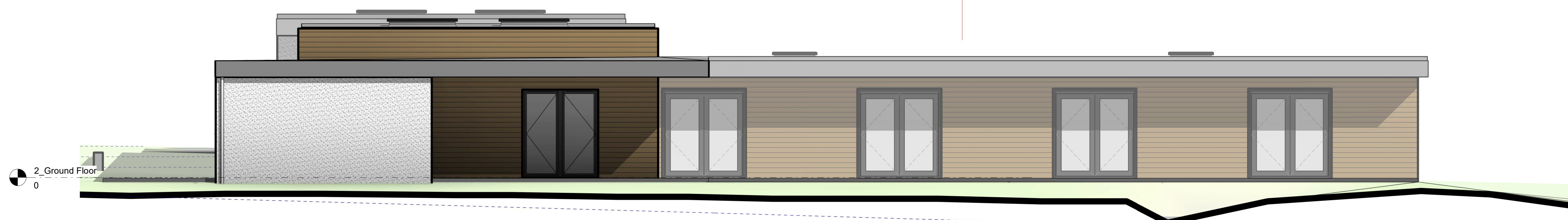
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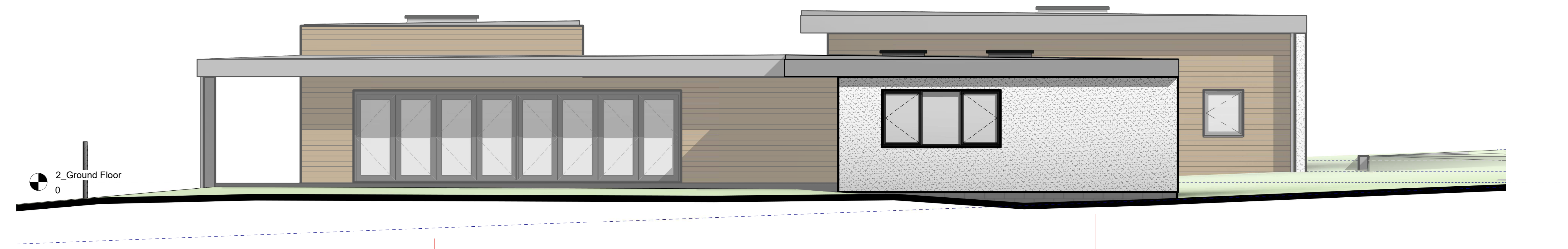
1 West elevation
1:50



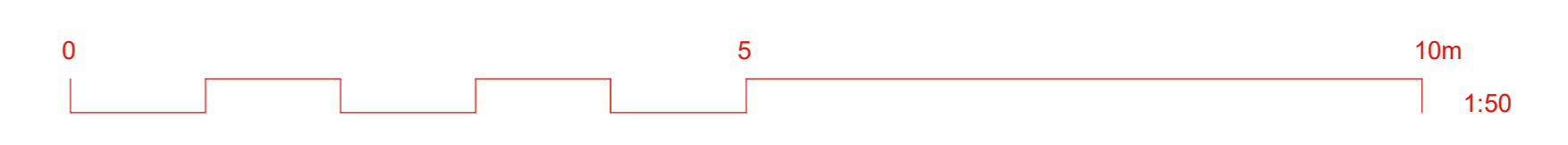
2 North elevation
1:50

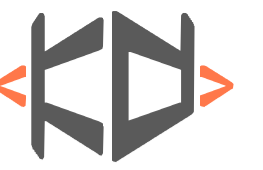


3 South elevation
1:50



4 East elevation
1:50





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Project

0114

D Fraser

New dwelling house
Plot at NH 61855 55712
IV8 8PG

Amendments

Rev	Description	Date
A	House redesign	25/09/23



Notes

It is the responsibility of all persons using this drawing to check dimensions and other details prior to commencement of work. Any discrepancies must be referred to this office for clarification, otherwise no responsibility will be accepted.



South East elevation from site entrance



South East elevation from garden



Roadside



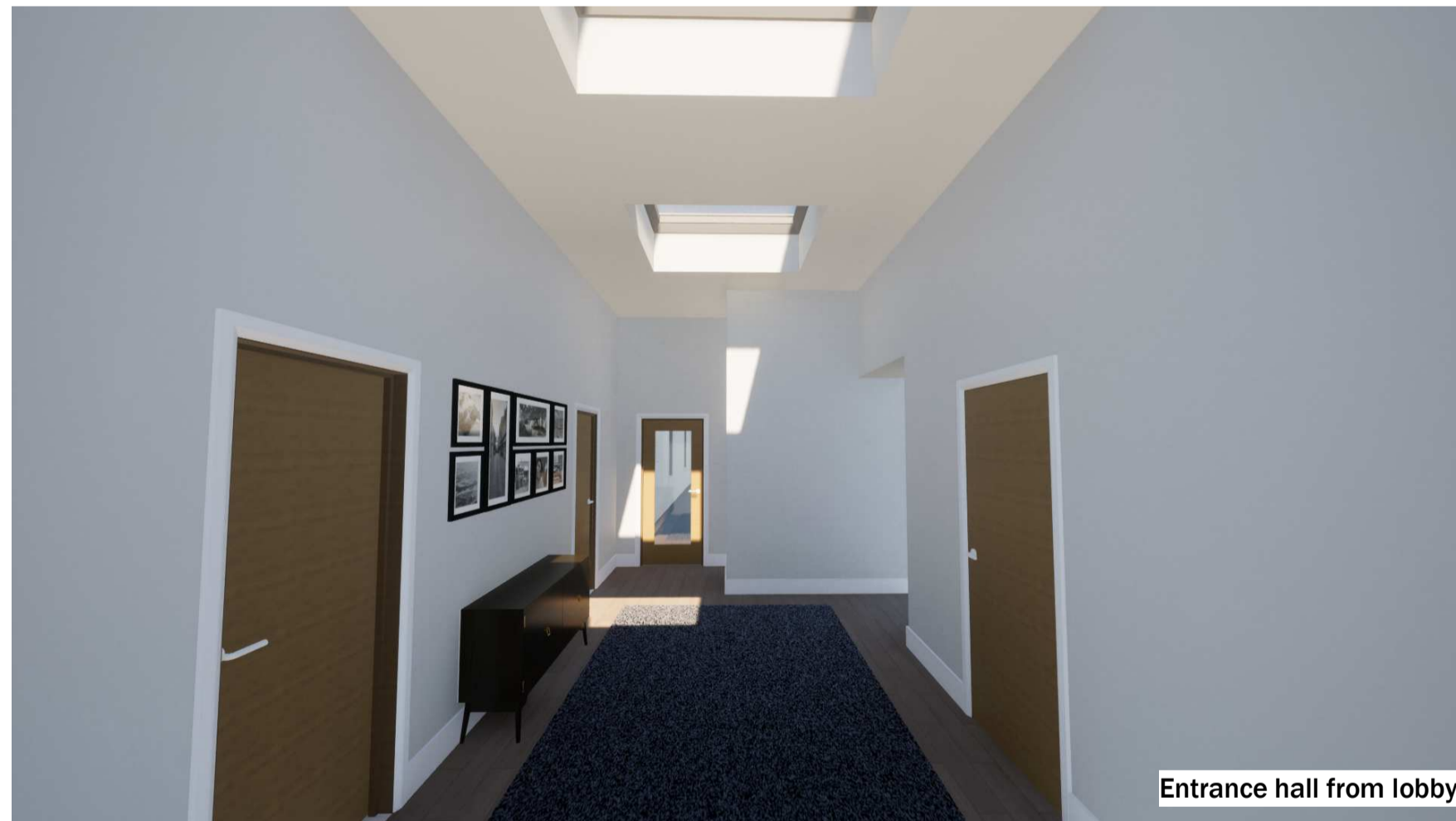
Patio



Aerial from South East



Living room exterior from patio



Entrance hall from lobby



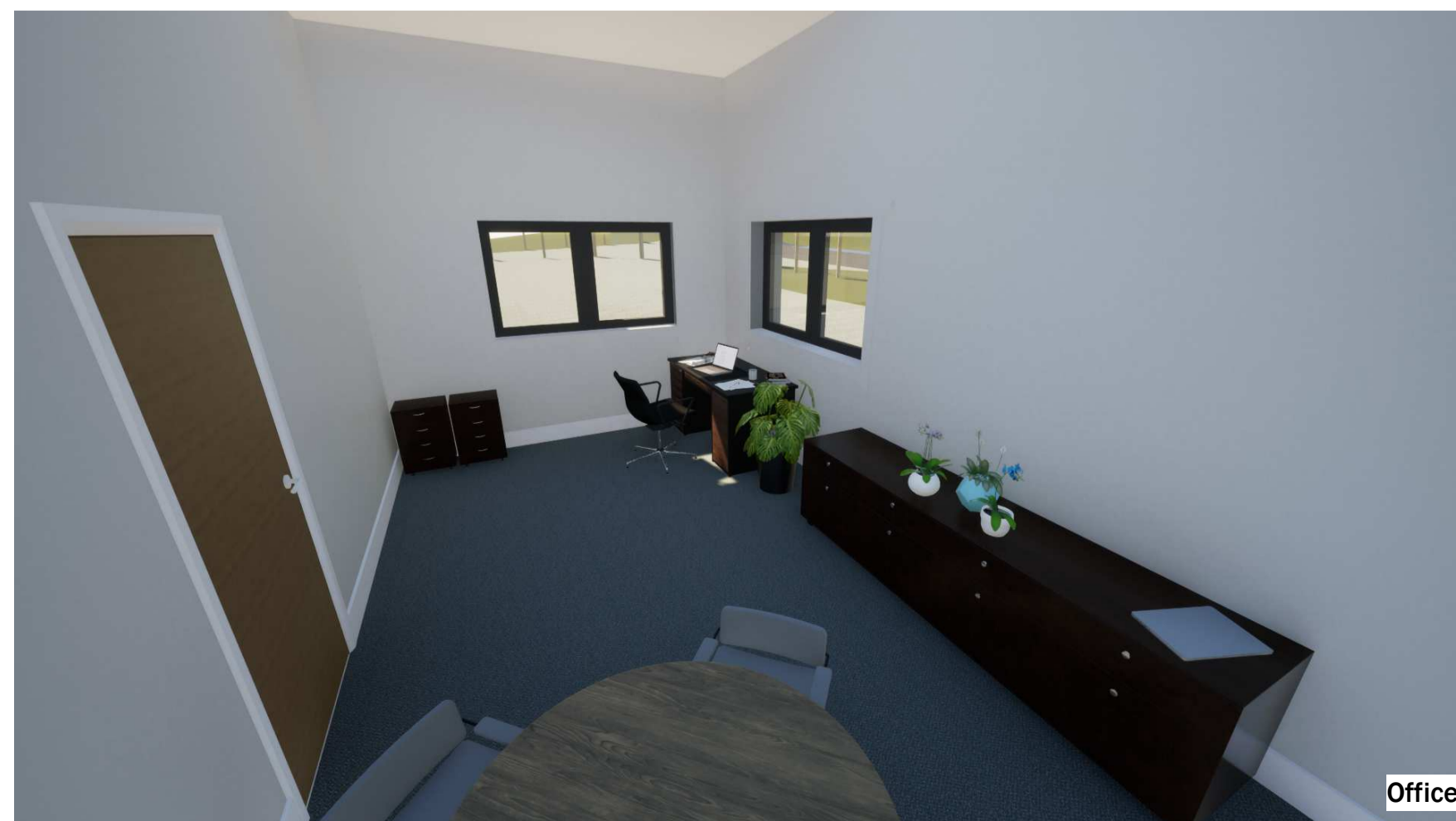
Living room



Living room from kitchen



Living room



Office



Master bedroom

Drawing Stage
3_Planning

Drawing Title
Visualisation

Drawing No. Revision
3.14.1 A

24/06/22 Sheet Size - A1

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