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|-------------|------------|
| Agenda Item | 6.1        |
| Report No   | PLN/056/24 |

## HIGHLAND COUNCIL

**Committee:** North Planning Applications Committee  
**Date:** 7<sup>th</sup> August 2024  
**Report Title:** 24/01449/FUL: Mr Ashley Cross  
Land 105M NW Of Allwood, 9 Teangue  
**Report By:** Area Planning Manager - North

### Purpose/Executive Summary

**Description:** Erection of house and temporary siting of 2no static caravans (retrospective)  
**Ward:** 10 - Eilean A' Cheò  
**Development category:** Local development  
**Reason referred to Committee:** Objections from more than 5 households

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 erection of a house and the temporary siting of 2 caravans is proposed. This application follows on from application 23/00685/FUL which was refused by the North Planning Applications Committee (NPAC) in March 2024. The previous proposal was for erection of a house, siting of 2 caravans but also included erection of 4 holiday letting pods and an associated shower block. The holiday letting element of the development raised the biggest concerns during the committee meeting and in response the applicant has now omitted this element from the current proposal.

The caravans are already on site and are a retrospective element of the proposal. They provide temporary accommodation for the applicant and his family and are proposed to be retained until the house is ready to be occupied.

- 1.2 The site is served by an existing access track to the Scottish Water Waste Water Treatment Works site which is located to the North West.
- 1.3 Pre Application Consultation: Applicant advised to revise original application to address reasons for refusal
- 1.4 Supporting Information: SEPA's CAR licence for foul drainage for the caravans; Brochure for wastewater treatment system, photographs of the existing caravans.
- 1.5 Variations:
- 10.06.2024 – amended Location and Site Plans to show change in foul drainage arrangements from discharge to a watercourse to discharge to a soakaway.
- 26.06.2024 - amended Location and Site Plans including a footprint of an agricultural shed under construction and a note regarding distance from foul drainage to any adjacent private water systems.

## **2. SITE DESCRIPTION**

- 2.1 The site is located about 40m to the South-East of the Teangue Water Treatment Works site, on the Northern side of the access leading to the site from the end of the Teangue settlement road. The nearest residential properties are located to the East (property called Allwood) and across the track to the South (property called Alumo). The site is part of a croft. Two static caravans have been sited in the Western part of the site since 2021 and have been the subject of a planning enforcement investigation resulting in the calling-in of the previous application 23/00685/FUL, refused by NPAC in March 2024, and consequently this application. The reasons for the refusal mainly focused on the substandard condition of the access road, in particular the increased use of the track due to the erection of 4 holiday letting pods.
- 2.2 The landform rises towards the North with the site located at the bottom of the hillside which is covered by bracken and heather. The bottom part of the site has been cleared to accommodate the caravans and their use as temporary residential accommodation. Small sheds have been erected near the caravans. A metal gate and metal wire fencing run along the Southern boundary by the track. The site benefits from the planning consent

21/03912/PNO for the erection of an agricultural building which is currently under construction.

### 3. PLANNING HISTORY

- |     |            |              |   |  |
|-----|------------|--------------|---|--|
| 3.1 | 11.10.2021 | 21/03912/PNO | Prior Notification for Farm-related Building Works                    | Prior Approval Granted                               |
| 3.2 | 22.12.2021 | 21/00463/ENF |   | No Breach Identified (caravans on site during build) |
| 3.3 | 20.07.2023 | 22/00450/ENF | Unauthorised change of use  | Resolved through negotiation (Planning appliedf)     |
| 3.4 | 11.03.2024 | 23/00685/FUL | Erection of house and 4no holiday pods, siting of 2no static caravans | Application Refused                                  |

### 4. PUBLIC PARTICIPATION

#### 4.1 Advertised: Unknown Neighbour

Date Advertised: 12 July 2024

Representation deadline: 12 June 2024 (neighbour notification) and 26 July 2024 (advertisement missed at Validation stage)

Timeous representations: 7 comments from individual addresses

Late representations: None

#### 4.2 Material considerations raised are summarised as follows:

- a) Development outside Settlement Development Area
- b) Lack of information/clearer and more detailed drawings required to fully understand all elements of the proposal, including relationship between the proposed house and the under-construction agricultural shed
- c) Inaccuracy in blue line landownership boundary – small part of the land immediately to the West of property called Allwood belongs to that property, not the applicant.
- d) Inaccuracy in foul drainage arrangements as the pipe shown as running beneath the track and then property called Alumo does not exist.
- e) Negative impact on amenity caused by a diesel power generator on site and by increased traffic movements on the gravel track
- f) Increased traffic would deteriorate the already poor condition of the public road
- g) Concerns regarding the use of Scottish Water's servitude right of access and the development's impact on the track leading to Waste Water Treatment site
- h) Site not currently actively used for crofting purposes

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](http://www.wam.highland.gov.uk/wam).

## 5. CONSULTATIONS

5.1 **Corporate Address Gazetteer** – no objection but requested the applicant to contact the team in order to create unique property reference number (UPRN). An informative to that effect will be added to decision notice.

5.2 **Crofting Commission** – a template response stating that the following matters should be taken into account:

- 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 the croft;
- the siting of any proposed development avoids using the better quality land on a croft,

consideration should be given to the number of existing developments relating to a croft to ensure that it retains its identity as a crofting unit.

5.3 **Environmental Health** – no objection, but confirmation that the proposed foul drainage system will be a minimum 50m distance away from any private water supply source was requested. The applicant confirmed that there are no other private water supply systems in the vicinity. Informatives regarding installation of a wood burning stove and Animal Boarding Establishment Licensing will be added to decision notice.

5.4 **Planning Enforcement Team** – no response.

5.5 **Transport Planning Team** – no objections raised, and the opinion given that it is not expected that the development will lead to a material increase in traffic movements, on the condition that the existing occupied caravans are removed before the permanent dwelling is brought into use. However, the response stresses the substandard condition of the private access arrangement, particularly that it is serving about 13 properties. There is no information of any maintenance agreement. A condition requesting surfacing the gravel track near the site and for making good any damage to the full length of the shared private access route during construction has been recommended. In addition, the Transport Planning Team considers the area served by this private access to be not suitable for any further development going forward.

An informative bringing the attention of the applicant to private retaining structures along the access route has been suggested and will be added to decision notice.

5.6 **Scottish Water** - No objections however this does not confirm that the proposed development can currently be serviced. There is sufficient water capacity in the Teangue Water Treatment Works. Further investigations may be required once a formal application has been submitted. There is no Scottish Water Waste Water infrastructure within the vicinity of the site therefore, private waste water treatment options are recommended. No surface water connections will be allowed into Scottish Water combined sewage system.

5.7 **SEPA** – has not been consulted on this application. They had not previously objected. The response stated that the application fell below the threshold on which SEPA usually

provides site specific advice. However, to answer the specific question about the licence for foul drainage, SEPA confirmed that Controlled Activities Regulation (CAR) authorisation has been granted for the discharge of sewage from the two static caravans on the site to the nearby burn. The applicant will need to apply to vary their existing CAR authorisation, so it includes discharge from the pods and house as well. Alternatively, they will need to apply for a new authorisation for this element of the development. It is worth highlighting that the erection of holiday letting pods and associated toilet block are not part of the proposal anymore.

## **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

### **6.2 Highland Wide Local Development Plan 2012**

28 - Sustainable Design

29 - Design Quality and Place-making

31 - Developer Contributions

36 - Development in the Wider Countryside

47 - Safeguarding Inbye/Appportioned Croftland

55 - Peat and Soils

65 - Waste Water Treatment

66 - Surface Water Drainage

### **6.3 West Highland and Islands Local Development Plan (2019) (WestPlan)**

Sleat area, in which Teangue is located, is identified as a growing part of Skye. The following are set out in the local plan as the placemaking priorities for Sleat area:

- Protect in bye croft land from larger development proposals.
- Consolidate existing clusters of development and facilities at Armadale and Kilbeg.
- Maximise the cultural heritage and employment opportunities from the continued expansion of Gaelic related education and enterprise at Sabhal Mor Ostaig.
- Support an improved chain of tourist facilities and destinations at Armadale and Teangue.
- Development will need to demonstrate that it will not have an adverse effect on the integrity of the Inner Hebrides and the Minches SAC.
- Protect and enhance local Green Networks.

### **6.4 Highland Council Supplementary Planning Policy Guidance**

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

Developer Contributions (March 2018)

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

## **7. OTHER MATERIAL POLICY CONSIDERATIONS**

7.1 None

## **8. PLANNING APPRAISAL**

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

### **Determining Issues**

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

### **Planning Considerations**

8.3 The key considerations in this case are:

- a) compliance with the development plan and other planning policy
- b) landscape character, visual impact and amenity
- c) drainage arrangements
- d) access and impact on wider road network
- e) impact on croftland

### **Development plan/other planning policy**

8.4 Sections 25(1) and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended), collectively require that this application be determined in accordance with the development plan unless material considerations indicate otherwise. Section 24(1) requires that all planning applications must now be determined in accordance with the provisions of NPF4 and those of any the relevant, extant Local Development Plan unless material considerations provide justification otherwise. Section 24(3) states that in the event of any incompatibility between a provision of the National Planning Framework and a provision of a local development plan, whichever of them is the later in date is to prevail.

8.5 The application site is located within an area designated as a remote rural area which is defined through the Scottish Government's 6 fold Urban Rural Classification 2020, NPF4. Under NPF 4 Policy 17 (b), development proposals for new homes in remote rural areas will be supported where the proposal will:

- contribute towards local living and
- addresses local housing needs, economic considerations and transport needs as appropriate for rural location.

In this case the Development Plan is also comprised of the West Highlands and Islands Local Development Plan and the Highland-Wide Local Development Plan, the relevant policies of which are considered below.

The site lies just outwith Ferrindonald and Teangue Settlement Development Area, and therefore falls to be considered under Policy 36 which states that development proposals in the wider countryside will be assessed on the extent to which they:

- are acceptable in terms of siting and design;
- are sympathetic to existing patterns of development;
- are compatible with landscape character and capacity;
- avoid, where possible, the loss of locally important croft land; and
- would address drainage constraints and can be adequately serviced, particularly in terms of road access, without involving undue public expenditure or infrastructure that would be out of keeping with the rural character of the area.

Development proposals may be supported if they are judged to be not significantly detrimental under the terms of this policy.

- 8.6 In the remote rural area, Policy 29 supports new development which will support local employment, and is considered suitable in terms of location, access, siting, design, and environmental impact.
- 8.7 NPF4 Policy 5 seeks to protect carbon-rich soils and peatland. Similarly, Policy 55 of the HwLDP requires development to demonstrate how they will avoid unnecessary disturbance, degradation or erosion of peat and soils. It is also recognised that the proposed development is intended to support the operations of the croft and as such is consistent with the aims of NPF4 Policy 5 (c) and is not incompatible with Policy 55 of the HwLDP. In addition, the Scotland's National scale land capability for agriculture map distinguishes the site to be Class 6.3 which is described as "Land capable of use as rough grazings with low quality plants". Therefore, it is considered that the application site is not prime agricultural land and as such, the proposed development is considered compatible with Policy 5 of the NPF4.
- 8.8 Policy 47 of the HwLDP sets out that the Council expects development proposals to minimise the loss of in-bye apportioned croftland. The proposed use of the land is recognised by the Crofting Commission as an alternative purposeful use, as such the proposed use will not result in the loss of apportioned croftland. The applicant has applied for erection of agricultural shed on the site (Prior Approval Granted in October 2021 – 21/03912/PNO) which is currently being constructed and which suggests that the site is still to be used for agricultural purposes with the addition of house to occupy the holding. From a planning perspective, the established land-use is agricultural croftland. There will remain other land on the holding that can be used for agricultural activities, and it is assumed the Commission will encourage this as a long-term outcome especially if the holding is occupied residentially also.
- 8.9 Policy 28 requires sensitive siting and high-quality design in keeping with local character and historic and natural environments, and the use of appropriate materials. This Policy also requires proposed developments to be assessed on the extent to which they are

compatible with service provision, as well as their impact on individual and community residential amenity.

- 8.10 As with the previous planning application 23/00685/FUL, the key issues for this application are considered to be what impacts the proposal would have on the visual character and appearance of the area; impacts on adjoining residential amenity; drainage provisions; impacts on road infrastructure and road safety and impacts that the development will have on the ability of the remaining croftland to be properly accessed. For the following reasons it is considered that sufficient information has been submitted with the application to address a number of these key issues and consequently, it is considered that the proposal accords with the development plan.

### **Landscape character, visual impact and neighbouring amenity**

- 8.11 The application is for full planning permission for the erection of a house and the retrospective siting of 2 caravans. Visual and landscape impact is a material planning consideration. Policies which require an assessment of visual and landscape impact and seek good quality design are therefore applicable to such proposals.
- 8.12 Teangue is within the growing settlements area of Sleat with Placemaking Priorities listed in paragraph 6.3 above. It is considered that a 1½ storey house of simple design can be accommodated on the site without detriment to the character of the wider landscape. A house on this plot would be in keeping with the local pattern of dispersed development which is characterised by houses on both sides of the public road known as Teangue Road. Although the house would be immediately outwith the Ferrindonald and Teangue SDA, it would address the local needs for housing and economic growth.
- 8.13 The proposed house would sit nearer the access track and next to the already consented and partially constructed agricultural shed. The 2 existing caravans located near the site entrance are considered as an acceptable, temporary arrangement for the house build period only. Once the house is built, the caravans would be required to be removed from the site. The location of the house raises no concerns and will have no impact on the neighbouring amenity given the generous distance to the nearest properties to the South and East. The house and caravans were part of the previously proposed development and, during the NPAC meeting in March 2024, there was an indication that this element of the development would be seen as acceptable if the holiday letting element of the works was omitted. The applicant has followed that advice - this amended proposal is for the house and temporary siting of 2 caravans only.
- 8.14 Some concerns were raised highlighting noise and odour pollution caused by a diesel power generator on site. It is considered that the generator is not near any houses as it is located nearer the Water Works Treatment site. Therefore, noise emissions are not considered likely to be at unacceptable levels. The applicant has confirmed that the diesel generator is used only occasionally when supporting solar and wind generated power. This is a temporary solution only and a connection to a power grid will be arranged as soon as the development gains planning consent.
- 8.15 A matter of increased vehicle movements passing the Allwood property, at the end of the tarmac section of the private track, has been raised as causing disturbance and impacting amenity of the said property. It is considered that noise levels due to additional vehicle



traffic on the gravel road associated with a single house would be unlikely to be beyond acceptable levels.

### **Drainage arrangements**

- 8.16 Initially, the house and the 2 caravans were proposed to all be connected to a private foul drainage system in the form of a septic tank and coir filter with a discharge pipe connected to an existing pipe leading beneath the road and croft opposite to a burn. The applicant provided evidence supporting the arrangements. SEPA, consulted on the previous application 23/00685/FUL, confirmed that Controlled Activities Regulation (CAR) authorisation has been granted for the discharge of sewage from the two static caravans on the site to the nearby burn using this approach. Due to a number of objections from the neighbouring properties raising concerns about practicality/legality of making connection to the discharge pipe, the foul drainage arrangement has been modified. It is now proposed to instal a septic tank and a coir filter with a discharge to a soakaway located in the South-East corner of the site. The technical details of such arrangement will require to satisfy the Building (Scotland) Regulations.
- 8.17 Scottish Water has confirmed that the development would be fed from the public water supply however they are not able to confirm the capacity of the supply until a pre-application enquiry from the applicant has been submitted.

### **Access and impact on wider road network**

- 8.18 As with the previous development on the site (23/00685/FUL), it is proposed to utilise the existing access to the croft via the access track leading to the Water Treatment Works site. The public road is a tarmac single track ending just before a bend, past a property called Suil Na Mara. The further part of the track is a private access road serving the properties to the North and the water works site. The private track is tarred for another 115m approximately, to a junction near the property called Allwood. There is an unsurfaced and informal turning area here. The remaining part of the private access up to the water works site has a gravel finish.

It is acknowledged that the site is accessed off a private road at the end of the public road. The private road serves 11 properties and the Water Works Treatment site and is in a reasonably good condition with an informal turning area at its end. Going by the average number of daily trips per house being 6 (as per Transport Planning guidance), the anticipated increase in the shared access usage would be about 9%. It is therefore considered that the traffic levels generated by the proposal will not significantly increase. It is important to note that the impact on the private access over the course of a day will not be significant.

It is also noted that the top part of Teangue Road will experience increased traffic with the proposal. However, it is considered that the anticipated volume of traffic will not be unacceptable, and that the road, although narrow in places, can accommodate this small increase in vehicle movements. Improvements were made a few years ago to mitigate the impacts of residential developments at this top end of the settlement.

Again, as already addressed during the previous application for the site, some comments were raised by members of the public stressing that the increased traffic brought by the development will damage the access track leading to the Water Treatment Works. This matter of wear and tear of a private track is a matter to be addressed through any right of

access agreement between the applicant and the owners of the track. It is understood there is a right of access to the croftland. This right should hold for any activity considered by the Commission to be a purposeful use of the croft.

Transport Planning have suggested that a condition requiring the tarmacking of the access track shared with water works site should be considered. However, given that the existing gravel surface seems to have coped well with several years of commercial traffic use and the increase of domestic vehicle movements associated with the proposed development is relatively small, this level of works is not considered proportionate to the likely increase in wear and tear. Such a condition would be onerous and is not proposed.

Visibility splays from the site access point are considered to be adequate and raise no concerns. Provision of a parking area located near the caravans and parking spaces near the house are proposed. This is an acceptable arrangement.

### **Impact on croftland**

- 8.19 The applicant has started construction of an agricultural shed on the site (Prior Approval Granted in October 2021 – 21/03912/PNO) which suggests that the site is still to be used for agricultural purposes with the addition of a house to occupy the holding. As mentioned above, the land is not prime agricultural land and therefore, the proposal is considered as acceptable in respect of Policy 47 on the assumption that the remaining part of the croft can still be maintained for agricultural/crofting purposes.

### **Other material considerations**

- 8.20 None

### **Non-material considerations**

- 8.21 Creation of precedent of siting caravans and operating a business without planning permission has been highlighted by public contributors. This matter has been subject to planning enforcement investigation in the same way as other potential and actual breaches of planning control. It should be added that the applicant has provided a supporting statement in which he states that no commercial repair business is provided from the site.

## **9. CONCLUSION**

- 9.1 The proposal seeks to regularise the existing siting of 2 caravans and includes the erection of a house. The application follows from the committee refused planning application 23/00685/FUL which also included the erection of 4 holiday letting units with associated toilet block. As explained above, the main reason for the refusal was the increased level of traffic associated with the holiday letting pods on the substandard condition of the access road. The applicant decided to omit the holiday letting element of the proposal hence this revised proposal.
- 9.2 The application has aroused considerable local interest a large portion of which was related to the retrospective nature of the works. The site has been subject to an enforcement investigation resulting in this application and its predecessor. Whilst the submitted drawings are of a lower standard than many, they are sufficient to allow for consideration of the proposal in planning terms. A separate Building Warrant will be required which will need to meet more detailed technical

standards. Planning regulations require retrospective cases to be assessed on the same terms as any other application.

- 9.3 The proposed development is considered to meet the relevant planning policy discussed above. Although the site is not within the SDA, it is adjacent to it and, in addition, it can be supported on the basis of meeting the Sleat Placemaking Principles. The visual impact of the whole development is considered as acceptable, and existing residential and community amenity is not expected to change detrimentally due to the proposal. It is recognised that the additional house, although immediately outwith the SDA, will fit with the settlement pattern of upper Teangue consisting of dispersed properties on both sides of the road, especially the small group of houses at the end of the public road. Thus, is it considered that the proposal is acceptable, and, in this revised form, does not justify a reason for refusal.
- 9.4 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 Obligation | N |
| 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. Prior to the first occupation of the development hereby approved, the car parking and access arrangements detailed on approved plan Site Plan ref. 000009 rev. C shall be completed in full and made available for use. Thereafter, all car parking spaces shall be maintained for this use in perpetuity.

**Reason:** In order to ensure that the level of off-street parking is adequate.

2. Planning permission is hereby granted for the caravans referred to in Condition 4 for a temporary period only and shall cease to have effect on 7<sup>th</sup> August 2027. Prior to the cessation date, the application site shall be cleared of all development related to the caravans and approved under the terms of this permission (including any subsequent ancillary works, infrastructure, fixtures, fittings and any temporary developments permitted under Class 14 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended)).

**Reason:** In recognition of the temporary nature of the proposed development, to enable the Planning Authority to reassess the impact of the development after a given period of time and secure removal and restoration.

3. The residential caravans within the application site are permitted solely for the use of the applicant and immediate family for the duration of construction works associated with the development hereby approved. Within one month of the first occupation of the dwellinghouse the caravans shall be removed permanently from the application site, along with all associated fixtures and fittings.

**Reason:** To ensure that the development does not become used for permanent residential occupation in the interest of the area's visual amenity, in recognition of the lack of private amenity space and in accordance with the use applied for.

4. The use of the land as a caravan site, hereby approved, shall not enure other than in respect of the units detailed in the approved drawings.

**Reason:** For the avoidance of doubt and in the interests of visual and landscape amenity.

5. Within one month of the date of this planning permission, full details of the arrangements for potable water and sewerage infrastructure to serve the caravans hereby temporarily approved shall be submitted to the Planning Authority for written approval. Within three months from the date of this written approval, the approved scheme shall be fully implemented and shall be maintained in its approved form until the caravans are removed from the site in accordance with condition 2 above.

**Reason:** In order to ensure that water and sewerage infrastructure is carefully managed and provided timeously, in the interests of public health and environmental protection.

## **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](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](mailto: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>

### **Private access**

The significant difference in level and likely engineering structures on the private access, including retaining structures along the route is brought to the applicant's attention. As the road is not adopted, the council as Roads Authority would not be party to any maintenance agreement in place over the shared access.

### **Animal Boarding Establishment Licensing**

With regard to the Home Boarding of Dogs being undertaken within the site and one of the static caravans, the applicant is advised that this is a licensable activity. In addition, the person undertaking the business is strongly advised to contact Environmental Health urgently to apply for an appropriate licence. **The home boarding of animals requires to cease until the appropriate licence is in place.** Please note that the continuation of home boarding of animals without a licence is an offence and may be reported to the Procurator Fiscal.

### **Wood Burning Stove**

Any solid fuel space heating appliance must have emission levels that meet Eco Design standards or better.

### **Corporate Address Gazetteer**

Each property should have their own unique property reference number. Therefore, please contact CAG team at [CAGRequests@highland.gov.uk](mailto:CAGRequests@highland.gov.uk) to create an address for the caravans and for the house when it is erected.

Signature:

Designation: Area Planning Manager – North

Author: Karolina Slotwinska

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

Relevant Plans:

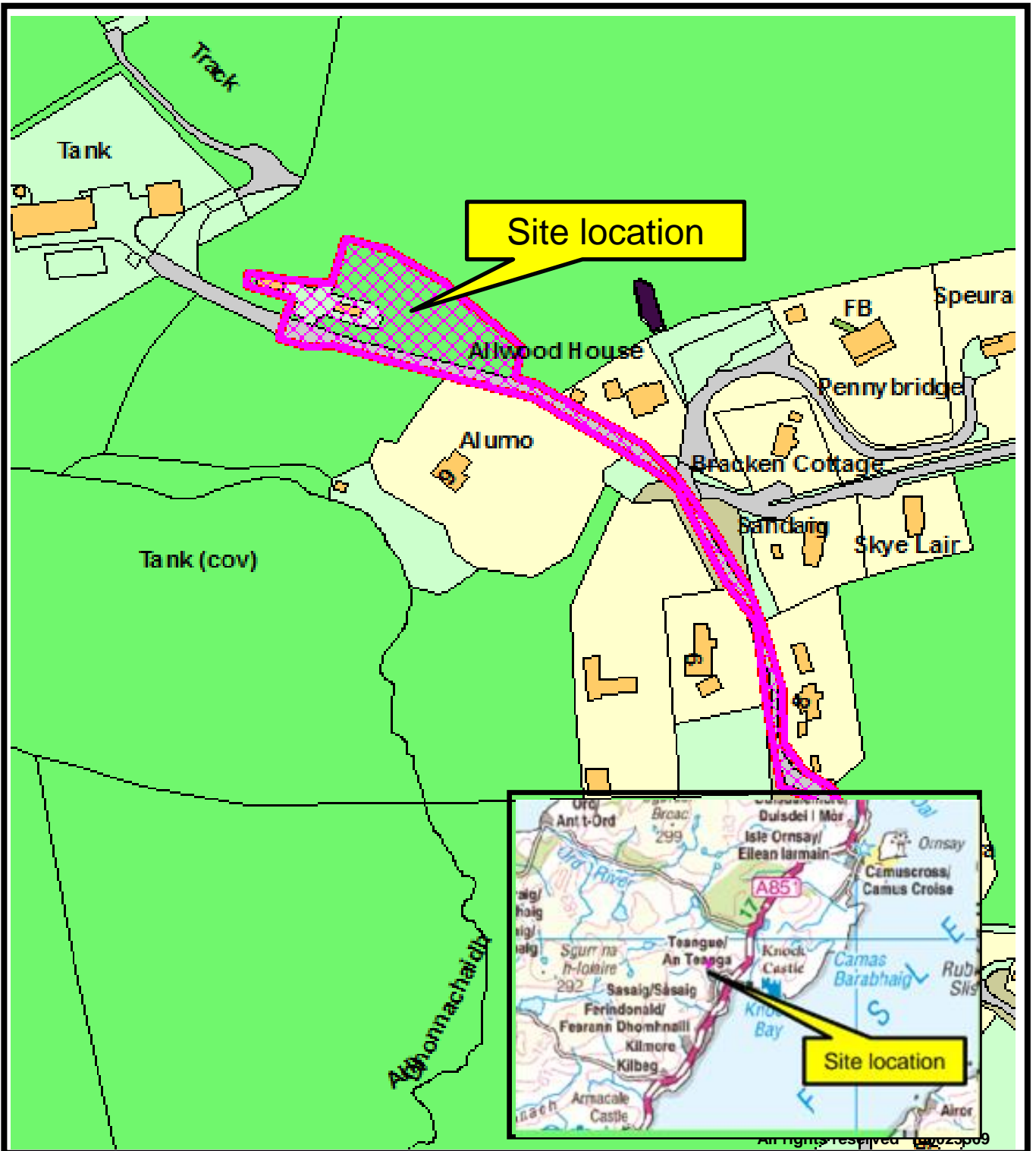
- Plan 1 – Location Plan
- Plan 2 - Location Plan, drawing 000013
- Plan 3 - Site Plan, drawing 000009 rev. C
- Plan 4 - Ground Cut Plan, drawing 000008
- Plan 5 - Ground Floor Plan, drawing 000007
- Plan 6 - First Floor Plan, drawing 000006
- Plan 7 - Front Elevation Plan, drawing 000002
- Plan 8 - Rear Elevation Plan, drawing 000003
- Plan 9 - Gable Elevation Plan, drawing 000004
- Plan 10 - Gable Elevation Plan, drawing 000005

Plan 11 - Roof Plan, drawing 0000010

Plan 12 – Caravan 1

Plan 13 – Caravan 2





The Highland  
Council  
Comhairle na  
Gàidhealtachd

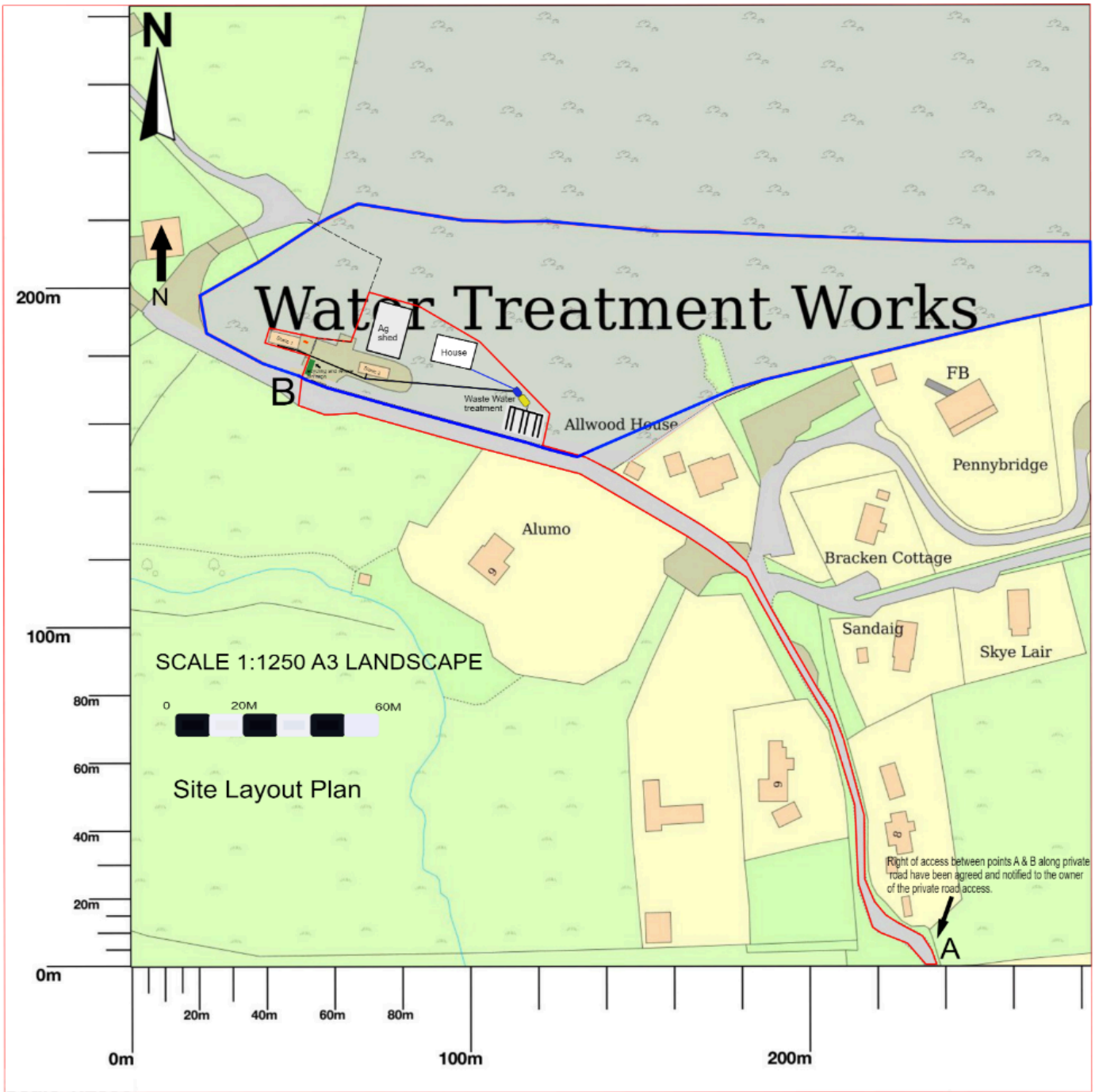
Development & Infrastructure  
Service

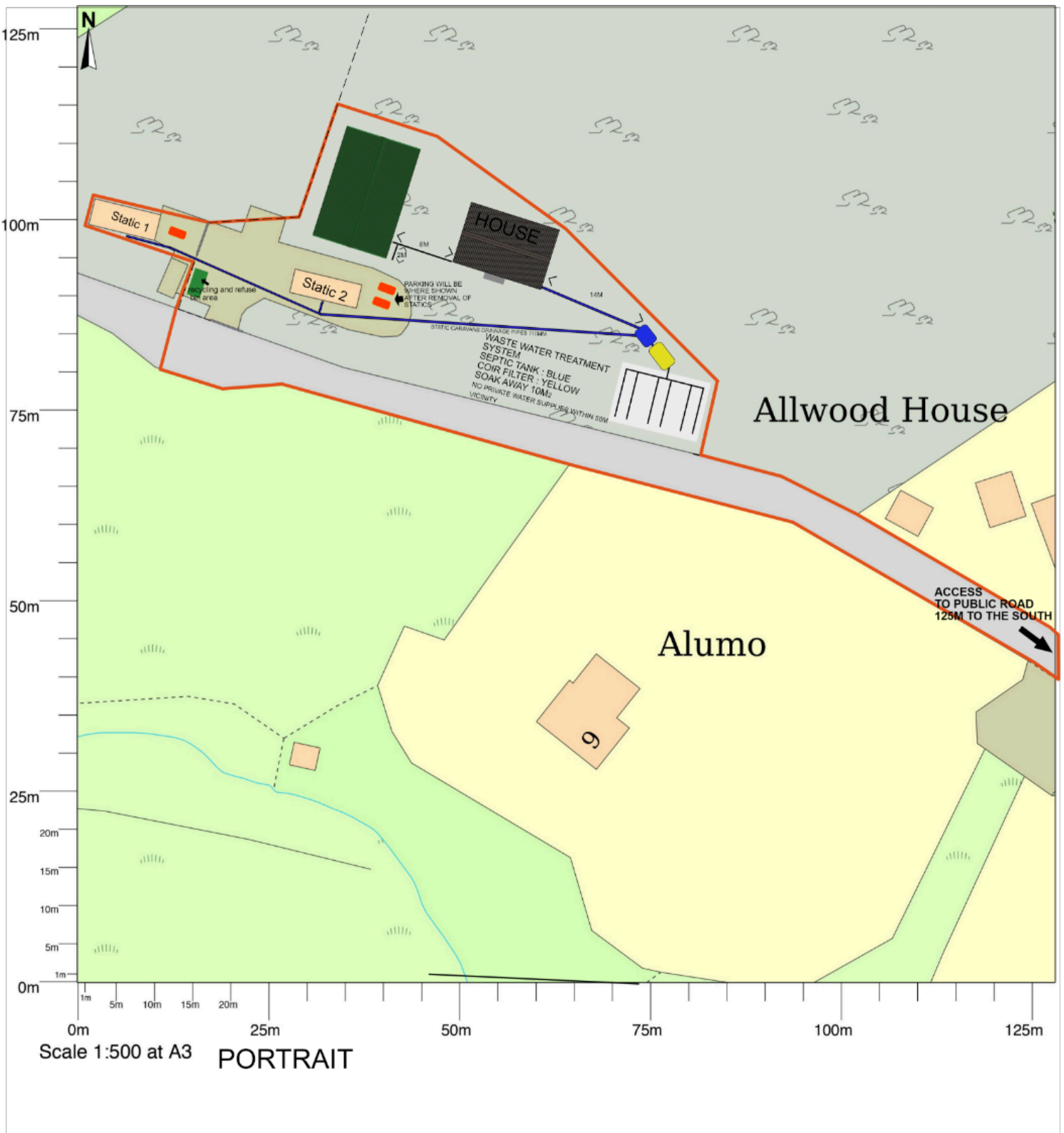
**24/01449/FUL**

**Erection of house and siting of 2no. temporary  
caravans (retrospective)**

**Land 105m NW of Allwood, 9 Teangue**

**August 2024**

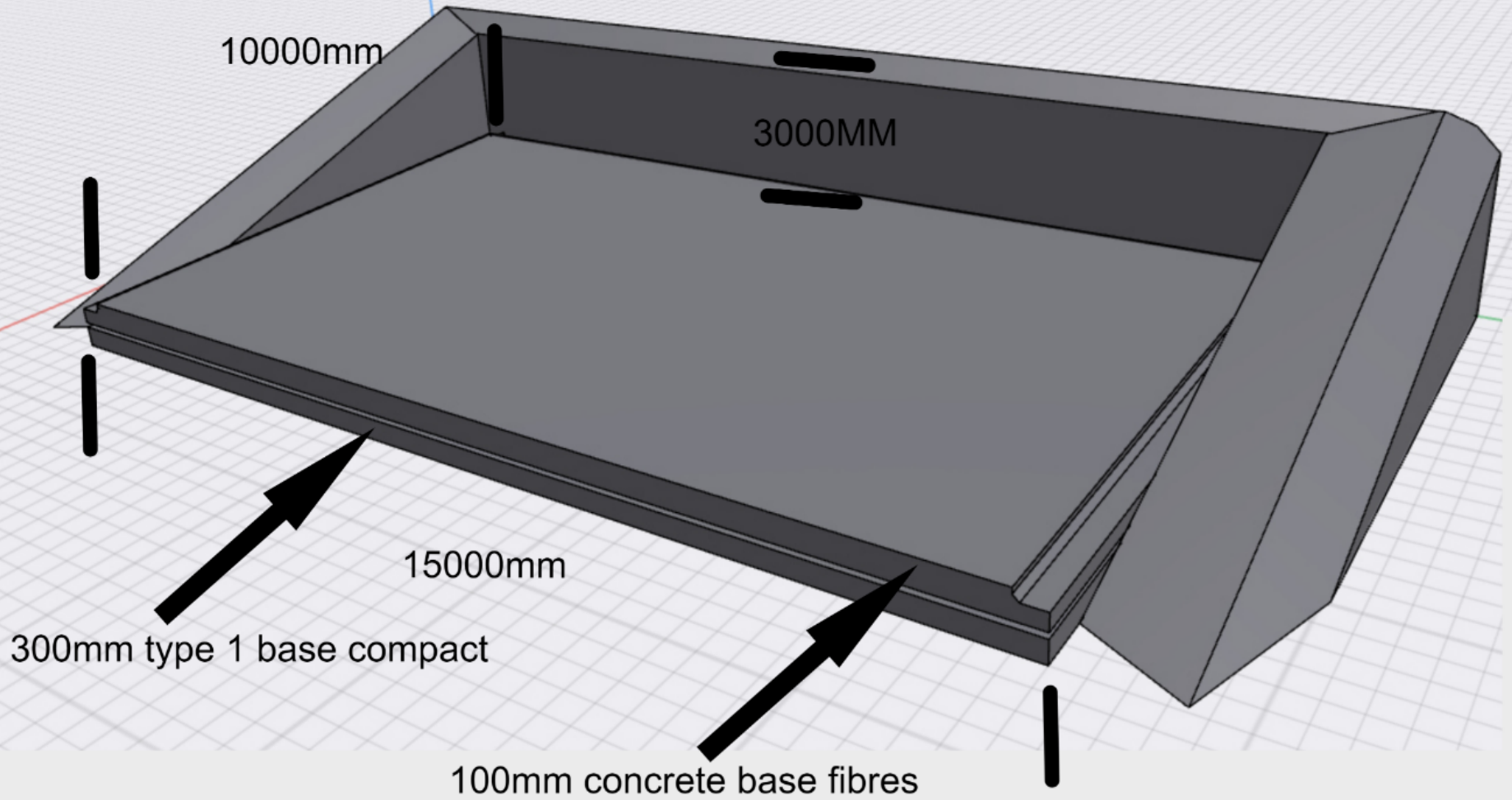


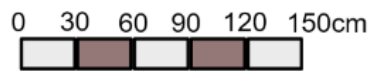
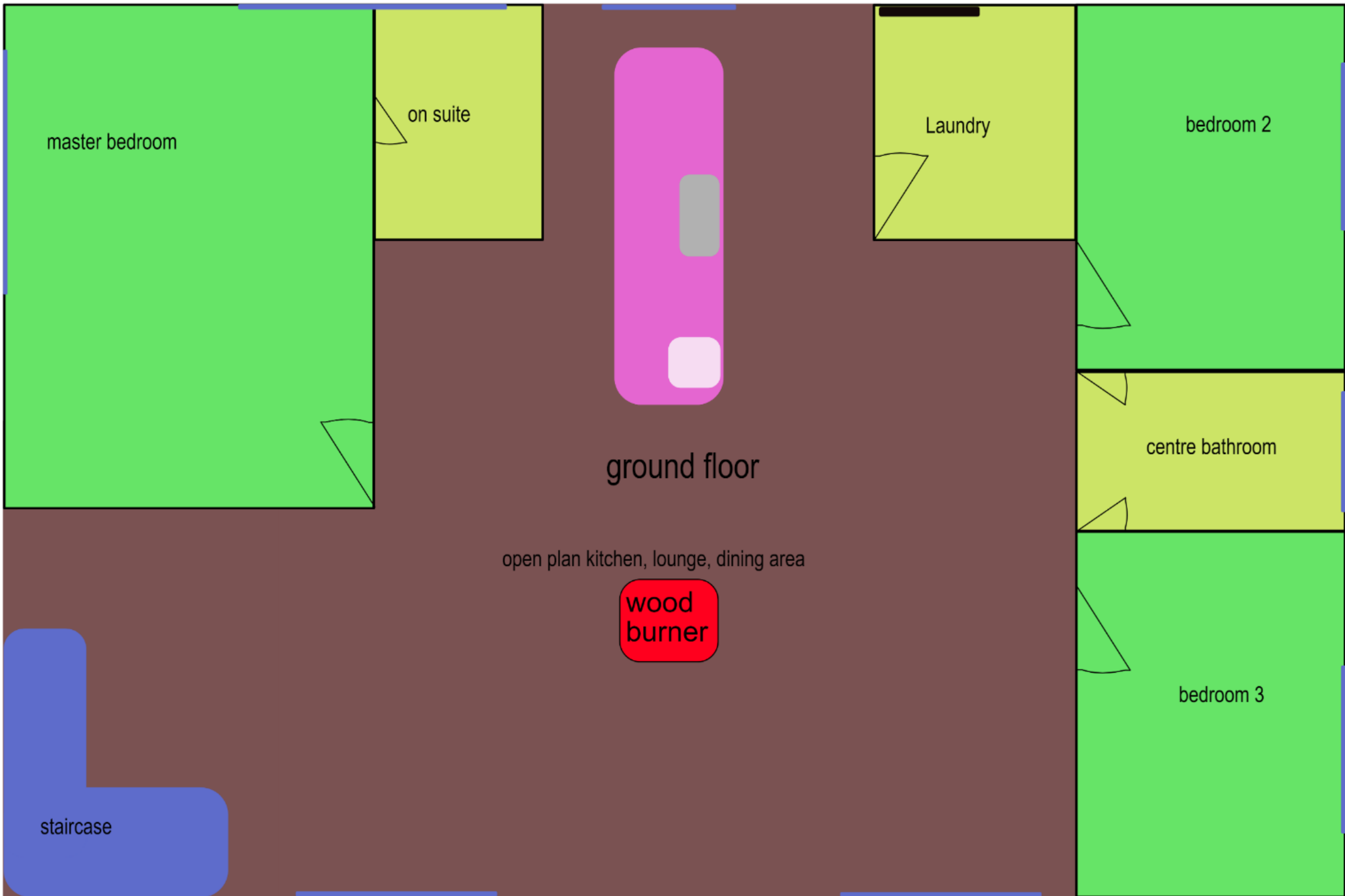


This ground cut describes the foundation plan for the proposed house

ground cut plan for the house

225CUBIC METERS OF SPOIL



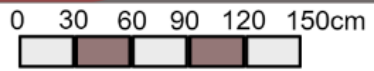


scale 1:30 A3  
Landscape

first floor

staircase

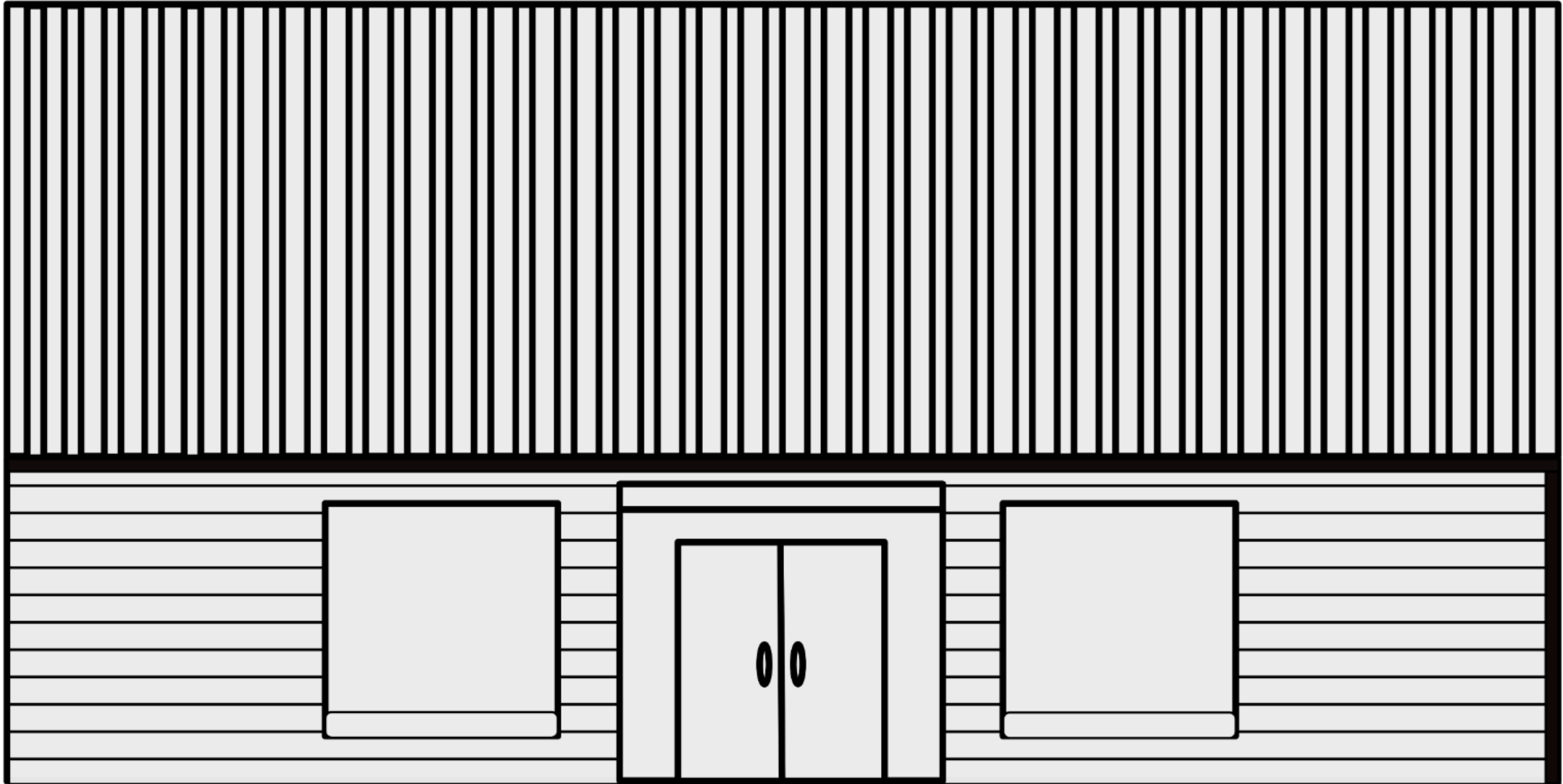
mezzanine balcony



SCALE 1:30 A3 Landscape

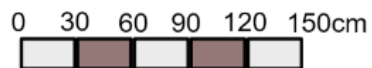
universal beam (galvanised) internal structure  
wooden stringers behind cladding  
insulated to width of beam

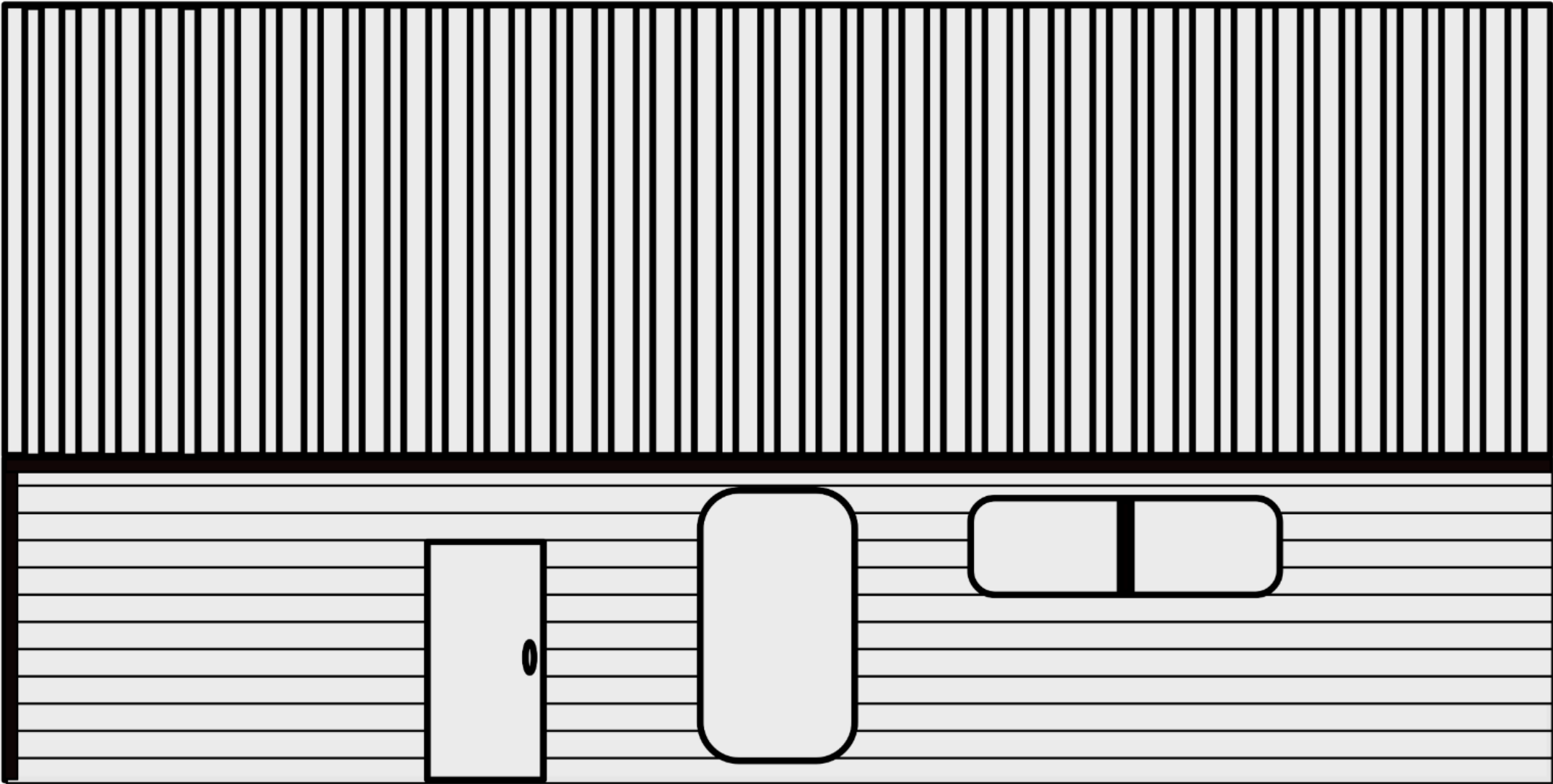
Dark grey box profile roof panels



scale 1:30 A3 Landscape

Exterior fibre cement weather  
boards (slate colour)





0 30 60 90 120 150cm

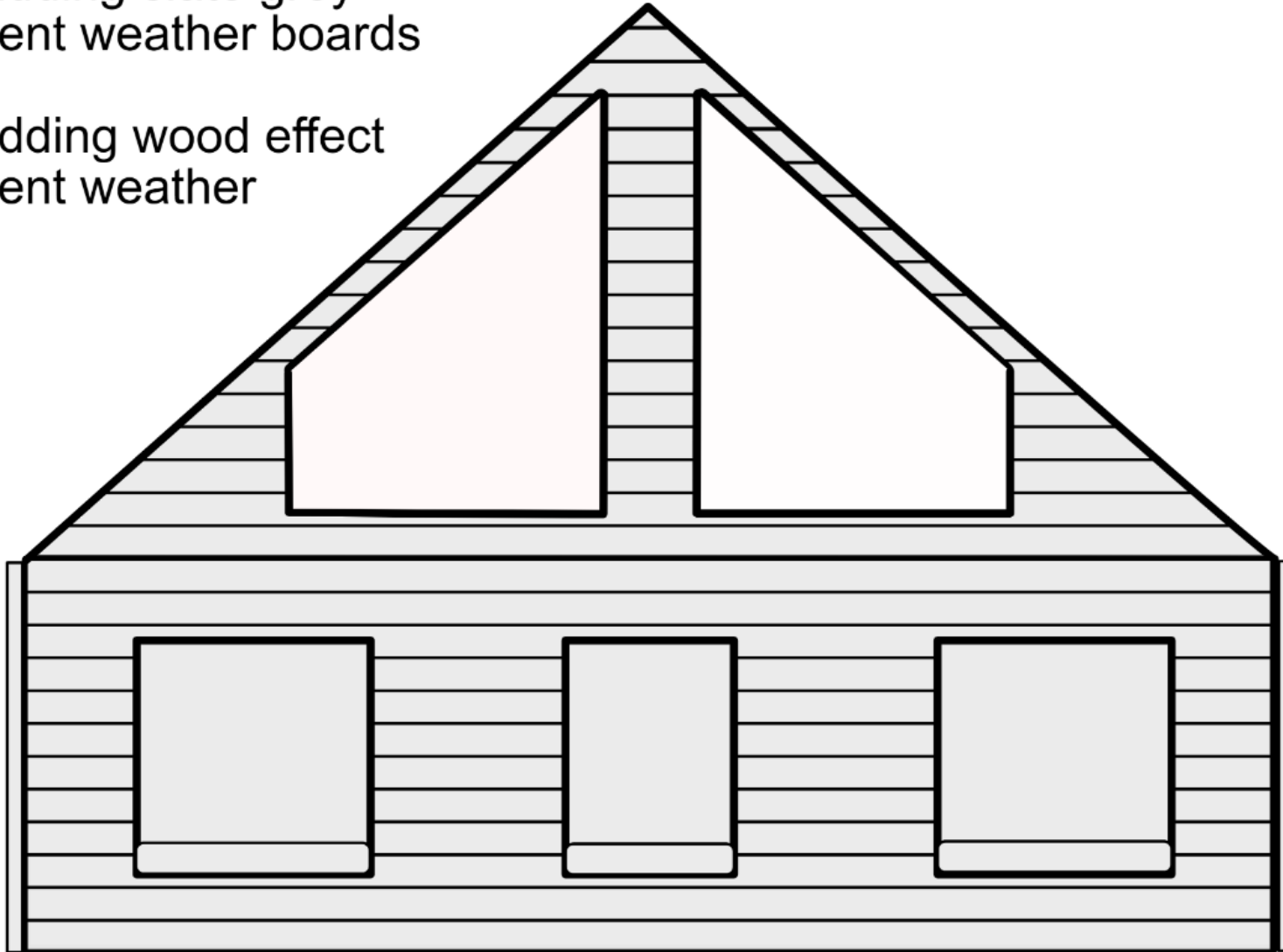


Scale 1:30 A3 Landscape

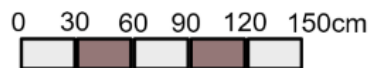


Lower cladding slate grey  
fibre cement weather boards

upper cladding wood effect  
fibre cement weather  
boards

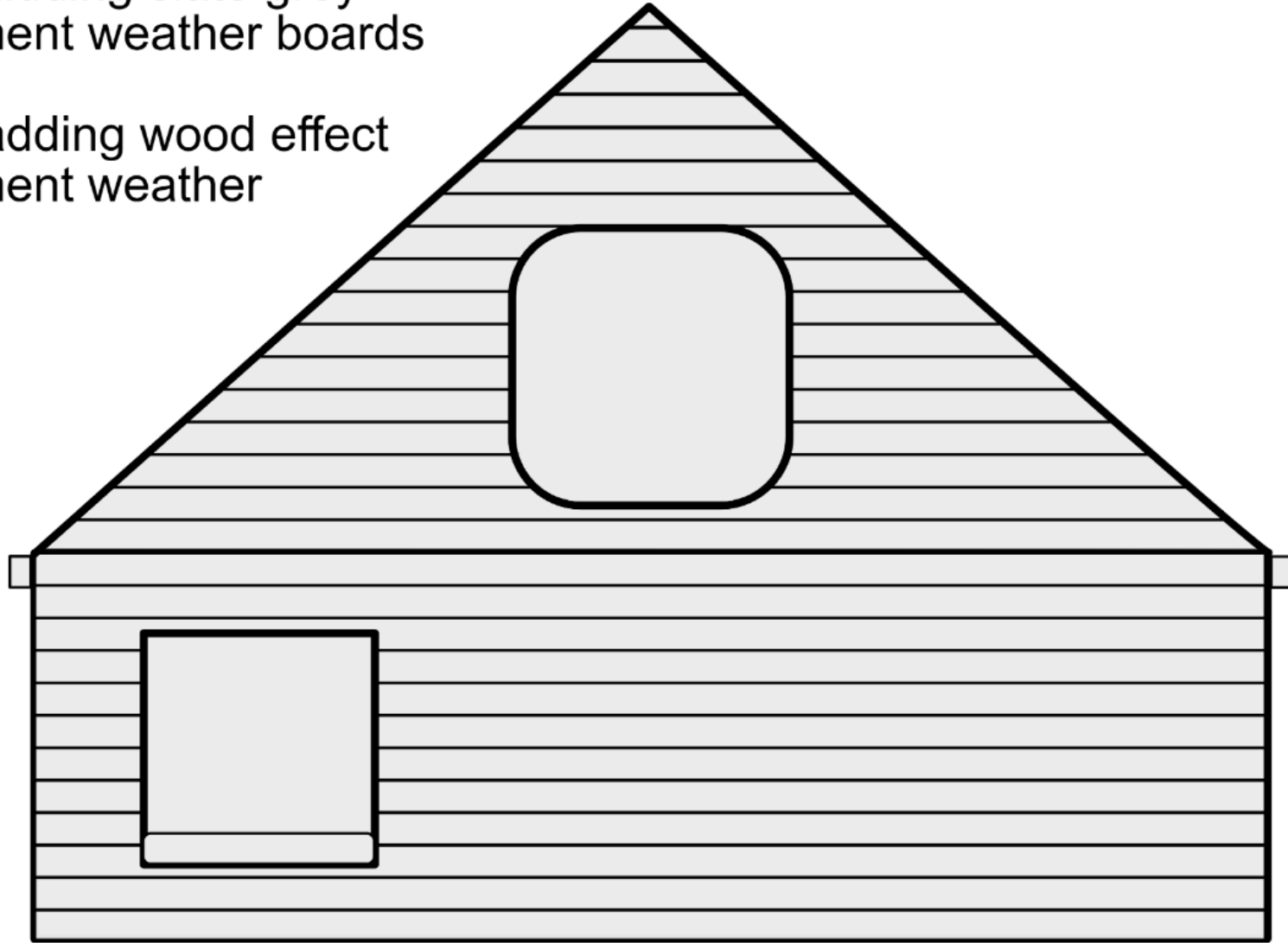


Scale 1:30 A3 Landscape

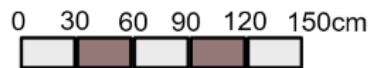


Lower cladding slate grey  
fibre cement weather boards

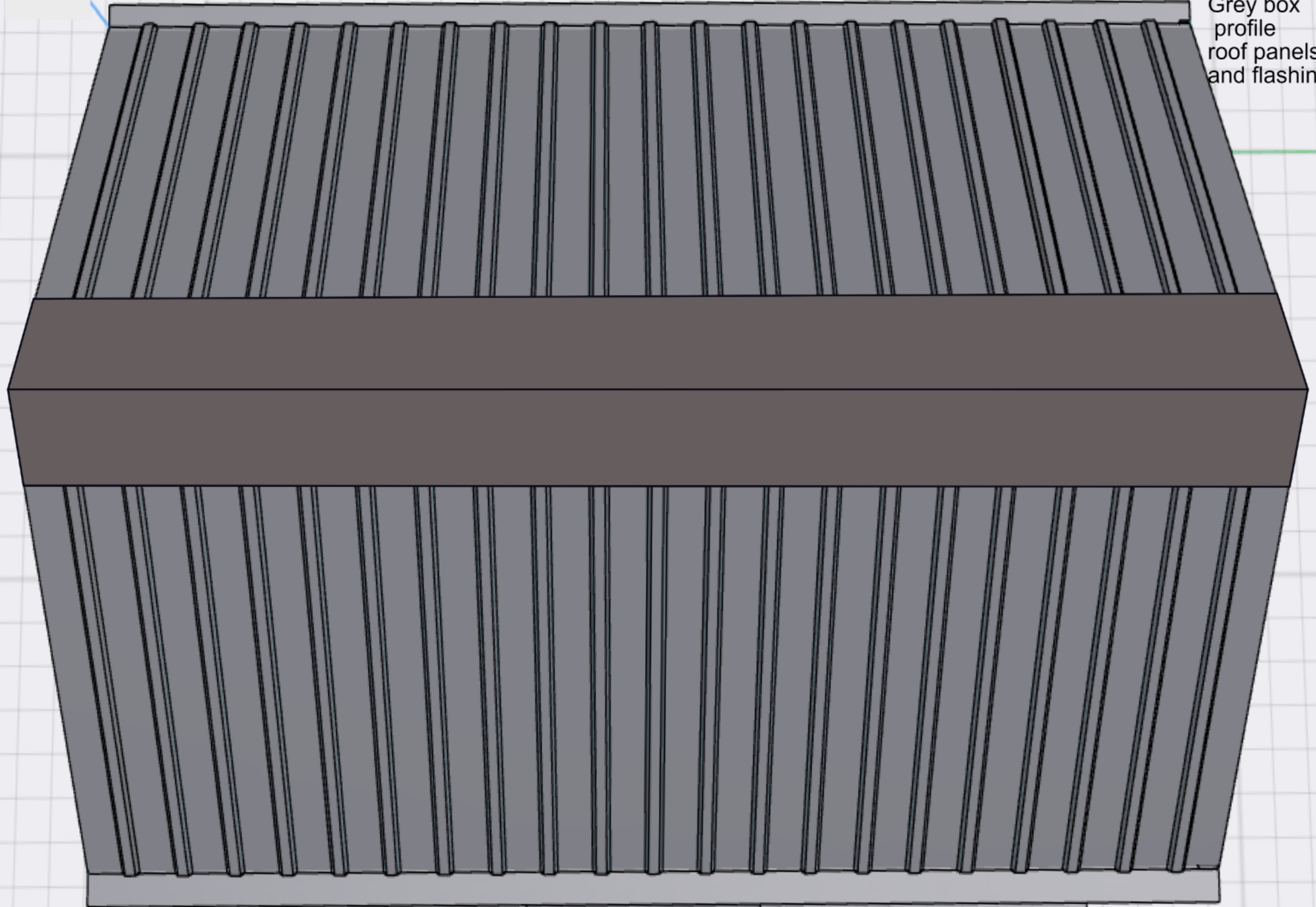
upper cladding wood effect  
fibre cement weather  
boards



Scale 1:30 A3 Landscape



Grey box  
profile  
roof panels  
and flashing



Scale 1:30 A3 Landscape





30ft

10ft

7ft



28ft

12ft

7ft