

Agenda Item	6.10
Report No	PLN/019/25

## HIGHLAND COUNCIL

**Committee:** North Planning Applications Committee

**Date:** 12<sup>th</sup> March 2025

**Report Title:** 24/03303/FUL: Mr George Henderson  
Land 165M NE Of Northwood  
Urquhart  
Alcaig  
Conon Bridge

**Report By:** Area Planning Manager - North

### Purpose/Executive Summary

**Description:** Erection of house

**Ward:** 09 - Black Isle

**Development category:** Local

**Reason referred to Committee:** Community Council and 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 4 bedroomed, one- and three-quarter storey dwellinghouse with attached garage. The proposal is of similar siting and design to a preceding application 22/00875/FUL which was refused by the North Planning Applications Committee (NPAC) in July 2022. The reasons for refusal were that the development failed to demonstrate sensitive siting due to its isolated and prominent location within an area of pressurised countryside when there was another site within the applicants control which would satisfy an exemption listed within Policy 35 of the Highland-wide Local Development Plan. This application seeks to address the reasons for refusal given previously. The house has a 'T' shaped footprint designed with two, 2 storey mainly glazed gables on the principal elevation. A series of roof lights and windows that break the eaves provide light and ventilation to the upper floor on the other elevations. A palette of materials consisting of smooth white render and vertical larch cladding, with a section of natural stone cladding, are proposed for the exterior of the house and garage. Unlike the previous application, the roof continues across to connect to the garage roof. This will be finished in black sinusoidal sheeting. The ridge height of each arm of the house ranges between 5.5m and 7.5m. The outbuilding has a ridge height of less than 5.5m.
- 1.2 An access serving the site from the public road has commenced but is unfinished and remains unsurfaced and presents a negative visual impact within the surrounding landscape. Ground works which have been undertaken on the site form a platform for three agricultural sheds which benefit from previous assessments – see section 3 below. The ground works have resulted in the formation of a large step in the field, which is approximately 50 meters wide at its widest point, and in places over 2 metres lower than the original ground level. The topsoil which has been removed forms a large bund along the south of the sheds.
- 1.3 The current proposal seeks to upgrade the current unfinished access to SDB2 standards and intends for the access to serve the proposed house and the three agricultural buildings by accommodating HGVs and agricultural machinery.
- 1.5 A private foul drainage system will be required as there is no public infrastructure on the site. The house is proposed to be served by a private drainage system consisting of a treatment plant with soakaway from which the treated effluent will combine with surface water to an outfall pipe all within land that the applicant owns which will ultimately discharge to coastal waters of the Cromarty Firth. The proposal includes the same details of the boundary treatments and landscaping as specified within the preceding application, which will consist of post and wire fencing and beech hedging with specimen trees
- 1.6 Another previous application (20/02674/PIP) was submitted by the applicant to the South of the current site, seeking permission in principle for the erection of a house. This application was granted and was considered to be the most suitable site within the applicant's landholding for a single house development. The plot for which this permission was granted is no longer within the applicant's landholding.
- 1.3 Pre Application Consultation: No formal pre-application advice was sought.

1.4 Supporting Information: Design Statement, Product Information, Operational Needs Assessment

1.5 Variations: None.

## 2. SITE DESCRIPTION

2.1 The application site extends to 0.33 hectares or thereby and consists of part of an agricultural field. It has a road frontage of 54m to the B9163. The site lies to the east of semi mature woodland which forms part of the extended curtilage of the property known as Northwood. The property Northwood lies 165m, or thereby to the east of the site. To the south of the site a significant amount of ground works have been carried out within the field by the applicant in the area of the proposed agricultural buildings (ref 20/02989/FUL) and the approval (20/00508/PNO) including the initial formation of the access track which would also serve the proposed house. To the east and north, on the opposite side of the B9164, of the site is agricultural land.

## 3. PLANNING HISTORY

02.09.2021	20/02677/FUL Erection of House	Permission Refused
19.07.2022	22/00875/FUL Erection of House	Permission Refused
16.09.2021	20/02674/PIP Erection of House	Permission Granted
17.09.2021	20/02989/FUL Erection of two agricultural buildings and formation of hardstanding	Permission Granted
29.01.2021	20/02676/FUL Siting of residential caravan	Withdrawn
07.04.2020	20/00508/PNO Erection of agricultural building	Prior Approval Granted
10.08.2020	20/02675/FUL Erection of two storage buildings	Withdrawn
26.06.2019	19/01714/PIP Erection of house	Withdrawn

## 4. PUBLIC PARTICIPATION

4.1 Advertised: Ross-shire Journal 'Unknown Neighbour' – 14 days  
Date Advertised: 28.08.2024

Representation deadline: 06.09.2024

Timeous representations: 5 (5 households) + Community Council

Late representations: 3 (0 new households)

4.2 Material considerations raised are summarised as follows:

- a) Previously approved development site under 20/02674/PIP, within the applicant's landholding, was not undertaken.
- b) Loss of agricultural land
- c) Previously refused dwelling on the application site.  
The proposal would contribute towards ribbon development of Urquhart
- d) The dwelling is proposed for a prominent location, with the size and massing of the development being considered as out of keeping with surrounding houses.
- e) Concerns regarding the probability of farm works proposed within the ONA being undertaken following development of the dwelling.
- f) No evidence to support the claim that theft, vandalism and poaching is likely to occur without there being a permanent presence on the land as set out in the Operational Needs Assessment.
- g) Road traffic safety due to the increase in traffic that will be generated by the development.

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 **Ferintosh Community Council 05.09.2024 – Object:**

FCC Objects to the above Application on the same Grounds as the previous Two Refusals on 19<sup>th</sup> July 2022 and 8<sup>th</sup> September 2021 where the Applications were found to contravene Planning Policies 35 and 28.

The above Application is on the same land as these two Refusals.

The Applicant did obtain Planning Permission for a house on his Farm but elected to sell the Land for the House on the Open Market therefore it can be assumed that this house was not required for 'operational' purposes.

The Application Design Statement refers to NPF4 and while this proposal may meet some of the Design Specification requirements of NPF4 it is certainly not in the Category of being 'affordable'.

The 'Operational Needs' assessment with the opinion that a house is required to manage this approx. 70-acre farm is not correct. The previous Farmer did not live on the site and two adjacent Farmers do not live on site.

Ferintosh Community Council request Highland Council to Refuse this Application.

The Proposal would not only be a serious breach of the Hinterland but would create a precedent for future breaches of the well-established Hinterland Policy.

**Ferintosh Community Council 13.01.2025 – Further Comments:**

New details were submitted on 9<sup>th</sup> December 2024 and FCC requests Clarification as follows:

1. The new Operational Needs Assessment (ONA) is so extensively redacted that it is virtually meaningless, but it seems to conclude that a 'stockman' is required. The house applied for is very large and expensive for a 'stockman'. The Applicant claims that THC Planning confirmed that the plot granted consent on Urquhart Farm and subsequently sold to a third party was not suitable for a stockman. FCC request THC Planning confirm that the house on this plot, 30m South of Dalshian, was not suitable for a 'stockman'.

2. Agricultural Buildings have been erected and completed for some time. Could THC clarify please how these buildings, installed to house a high density of stock, are to be brought up to the Standards required to house such stock with particular regard to ventilation and effluent management and disposal.

## 5.2 **Agricultural Consultant 18.11.2024 – in response to submitted ONA:**

1. From the information provided in the ONS, the holding is capable of being utilised an active agricultural unit, and incorporating the activities currently being undertaken, along with those proposed, shows an operational requirement of 1.2 labour units.

2. The agricultural activities proposed to be undertaken on the land holding, are of a level that can be successfully attained, assuming those involved display a reasonable level of stock and land management skills, which are held by the persons appointed to undertake the operations management.

3. The proposed activities, as described, can be undertaken, in a manner of economic viability, within the boundaries of the holding if it is properly equipped and managed.

4. Considering the above, the details given in the ONA do meet the stated policy requirement in terms of labour units required for the efficient holding operations as currently undertaken and proposed.

**Flood Risk Management Team 26.2.25** no objections – reiterated comments previously provided – requested a condition requiring details of final drainage design to the submitted prior to the commencement of development.

**Transport Planning 27.2.25** no objections subject to conditions to secure: implementation of an upgraded access to SDB2 standards; submission of a Construction Traffic Management Plan; and informatives about drainage.

## 6. **DEVELOPMENT PLAN POLICY**

The following policies are relevant to the assessment of the application

### 6.1 **National Planning Framework 4 (2023) (NPF4)**

Policy 1 - Tackling the Climate and Nature Crises

Policy 2 - Climate Mitigation and Adaptation

Policy 3 - Biodiversity

Policy 5 - Soils

Policy 14 - Design Quality and Place

Policy 15 - Local Living and 20 Minute Neighbourhoods

Policy 16 - Quality Homes

Policy 17 - Rural Homes  
Policy 22 - Flood Risk and Water Management  
Policy 29 - Rural Development

## 6.2 **Highland Wide Local Development Plan 2012 (HwLDP)**

28 - Sustainable Design  
29 - Design Quality and Place-making  
31 - Developer Contributions  
35 - Housing in the Countryside (Hinterland Areas)  
47 - Safeguarding Inbye/Appportioned Croftland  
55 - Peat and Soils  
64 - Flood Risk  
65 - Waste Water Treatment  
66 - Surface Water Drainage

## 6.3 **Inner Moray Firth Local Development Plan 2 (2024) (IMFLDP2)**

No specific policies apply.

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

Access to Single Houses and Small Housing Developments (May 2011)  
Developer Contributions (March 2018)  
Flood Risk and Drainage Impact Assessment (Jan 2013)  
Housing in the Countryside and Siting and Design (March 2013)  
Sustainable Design Guide (Jan 2013)

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

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

Access to Single Houses and Small Housing Developments (May 2011)  
Developer Contributions (March 2013)  
Flood Risk & Drainage Impact Assessment (Jan 2013)  
Housing in the Countryside and Siting and Design (March 2013)  
Rural Housing (December 2021)  
Sustainable Design Guide (Jan 2013)  
Trees, Woodlands and Development (Jan 2013)

## 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) principle of housing development
  - b) siting, design and landscape impact
  - c) Impact on neighbouring amenity
  - d) access and parking
  - e) water and drainage
  - f) climate and nature crises
  - g) trees and biodiversity

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

- 8.4 The site is located within the designated hinterland as defined in the Inner Moray Firth Local Development Plan (IMFLDP) and the Highland-wide Local Development Plan (HwLDP). The principal determining planning policies relative to this case is therefore Policy 17 of the National Planning Framework 4 (NPF4) and Policy 35 (Housing in the Countryside - Hinterland Areas) of the Highland-wide Local Development Plan.
- 8.5 Policy 17 of NPF4 – Rural Homes – intends to encourage, promote and facilitate the delivery of more high quality, affordable and sustainable rural homes in the right locations. The application site is considered to be in an Accessible Rural Area, in accordance with the Scottish Government Urban Rural Classification 2020. Policy 17(a) lists circumstances where a proposal for housing is supported, including when a housing development:
- is on a site allocated for housing within the LDP; or
  - reuses brownfield land where a return to a natural state has not or will not happen without intervention; or
  - reuses a redundant or unused building; or
  - is an appropriate use of a historic environment asset or is appropriate enabling development to secure the future of historic environment assets; or
  - 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 to live permanently at or near their place of work; or
  - is for a single home for the retirement succession of a viable farm holding; or
  - is for the subdivision of an existing residential dwelling; the scale of which is in keeping with the character and infrastructure provision in the area; or
  - reinstates a former dwelling house or is a one-for-one replacement of an existing permanent house.
- 8.6 The hinterland is defined in the Inner Moray Firth Local Development Plan. Within the hinterland around towns there is a presumption against new single house development subject to certain exceptions. These exceptions are listed in the policy and further detailed within the Rural Housing Supplementary Guidance as follows:

- A house is essential for land management or family purposes related to the management of the land;
- The dwelling is for a retiring farmer and their spouses; or for a person retiring from other rural businesses on land managed by them for at least the previous ten years, where their previous accommodation is required for the new main operator of the farm, or rural business;
- Affordable housing is required to meet a demonstrable local affordable housing need;
- Housing is essential in association with an existing or new rural business;
- The house proposed is a replacement of an existing dwelling which does not meet the requirements for modern living and where the costs of upgrading are not justified on economic or environmental grounds (subject to the existing dwellings being demolished);
- The proposal involves conversion or reuse of traditional buildings or the redevelopment of derelict land; development of "brownfield" sites will be supported where a return to a natural state is not readily achievable and where a wider environmental benefit can be achieved through development;
- The proposal meets the Council's criteria for acceptable expansion of a housing group or development within garden ground (as detailed in the relevant supplementary guidance);
- The potential for new housing related to crofting is restricted; wider public benefit must be clearly demonstrated and meet the criteria set out in New/Extended Crofting Township Policy 48. Single house proposals on crofts must comply with the criteria in the Housing in the Countryside and Siting and Design Supplementary Guidance and/or Policy 47: Safeguarding Inbye/ Apportioned Croftland.

8.7 The application is supported by an Operational Needs Assessment (ONA). The ONA identifies the current planning application in relation to further developments lodged by the same applicant and which relate to the wider agricultural holding owned by the applicant at Urquhart. These are set out under section 3 above. The ONA makes a similar case to the preceding application 22/00875/FUL, namely that a full-time presence is required on site in order that the applicant, who purchased the holding in March 2019, can fulfil the agricultural needs of his proposed farming business. The holding extends to 32.09 ha in total. According to the ONA, the labour assessment is based on the cattle plus an arable rotation including winter cereals and spring barley with a small area of ware potatoes which would balance the three crop requirements but could be marketed as local produce to the existing firewood customer base. 100 wintering sheep will be run over the grass in the winter for additional income and ragwort control.

8.8 The review of the ONA by the Council's independent agricultural advisor concluded that it has been demonstrated that there is a requirement for a full labour unit provision on site to support the proposed farming business. They advise that the ONA proposals when, measured against the industry standard, the SAC farm business handbook tables, it identifies that the labour undertaking for the activities proposed in the ONA equates to 1.2 labour units. This conclusion is consistent with the one reached for the ONA submitted as part of the preceding applications 20/02677/FUL and 22/00875/FUL.



- 8.9 With confirmation from the agricultural advisor that it has been demonstrated that there is the requirement for a full labour unit given the ONA submitted, the proposal is considered to meet both Policy 17 of NPF4 and Policy 35 of the HwLDP.
- 8.10 Third party objections received in relation to the application have raised the point that the applicant had previously justified a dwelling using an exemption to the above policies and had opted not to keep this within their ownership, instead choosing to sell the plot with permission and propose a dwelling in a new location using the same policy exemption (20/02674/PIP). The applicant had previously looked to justify this within a supporting statement, which stated that the plot was not an appropriate site from which to manage the farm due to the way in which farm management operates, although no further details of this were provided.
- 8.11 The applicant previously received permission in principle (ref 20/02674/PIP) for a house on land 400m approximately to the south-west of the current application site, within their wider land holding. This application (ref 20/02674/PIP) was recommended for approval and was subsequently approved at committee as it represented a suitable opportunity for infill development, to consolidate the housing group at Urquhart. The applicant had indicated that the purpose of securing planning permission (ref 20/02674/PIP) was to secure funds to allow investment into his proposed rural business at the current application site. The application site to which this extant permission relates to is no longer within the ownership of the applicant.
- 8.12 The previous application for a single dwelling on this site, 22/00875/FUL, was refused, with the following reasons for refusal given:
- The proposal is considered to be contrary to policy 28 (Sustainable Design) of the Highland- wide Local Development Plan as it fails to demonstrate sensitive siting due to its isolated and prominent location within an area of pressurised countryside when there is at least one other site available within the applicants control which satisfies the housing group exception as defined in the adopted supplementary guidance Rural Housing.,
  - The proposal is considered to be contrary to policy 35 - Housing in the Countryside (Hinterland Areas) - of the Highland-wide Local Development Plan as it fails to meet the Council's criteria for a house required for land management purposes as the proposals fail to take into account that there is at least one other site within the applicants control available which satisfies the housing group exception as defined in the adopted supplementary guidance Rural Housing.
- 8.13 The assessment of the current proposal differs as the plot of land which made up part of the assessment of the previous application is no longer within the control of the applicant. Therefore, the above points which were used to refuse the previous application are no longer applicable. The proposal is considered to meet the requirements of key determining policies Policy 17 of NPF4 and Policy 35 of HwLDP, and as such the principle of a single dwelling on the landholding is supported.

## **Siting, Design and External appearance**

- 8.14 The adopted supplementary guidance at paragraph 3.28 requires applicants who seek permission for land management reasons to adopt a site selection sequential approach, which amongst other matters takes into consideration any land on the holding that is identified within an existing settlement or housing group. Such opportunities are considered preferable to single isolated development in the countryside such as the one proposed in the current application.
- 8.15 22/00875/FUL proposed a dwelling of similar design and on the same site as this current application undergoing assessment, and was refused as it was considered that there was a more suitable site, with permission in principle, within the applicants landholding. Since the determination of that application, this plot has been removed from the landholding of the applicant, which in turn removes this site from being considered during the site selection assessment. The Planning Authority have conducted a site selection assessment using the submitted full landholding drawing, which determined that the proposed location is the most suitable site within the applicant's landholding for a single house development.
- 8.16 The site forms part of a large field immediately adjacent to the public road. The surrounding land is open farmland, as such the proposal has the potential to appear as isolated development within the open countryside. However, there are a number of farm complexes and houses along the B9163 from the junction with the A9 in the east to Alcaig in the west, many of which are similarly isolated developments in the open countryside with road frontages, which does encourage support for the development.
- 8.17 The application site covers an area of 0.34ha of agricultural land. Concern has been raised via public comment that the proposed development, if undertaken, would result in the loss of agricultural land. However, due to works that have previously been undertaken in association with the agricultural business, namely the groundworks and formation of access, it is considered that much of the area which the proposed dwelling occupies would not be able to be effectively used as agricultural ground.
- 8.18 The proposed house is largely similar to that proposed within the preceding applications 20/02677/FUL and 22/00875/FUL, but with the dwelling and garage now being connected with the extension of the dwellings lowest roof across to meet the garage roof. This leaves a sheltered area between the two sections of the development. Other design alterations from what was previously proposed include the addition of natural stone cladding section to the north and south elevations, and a refiguration of windows on the eastern elevation. Whilst concerns were raised, both in previous assessments and by public comment, regarding the mass and scaling of the proposed dwelling, it is considered that the existing and proposed screening minimises the visual impact of the dwelling. The use of natural materials throughout the design is supported within the Rural Housing Supplementary Guidance.
- 8.19 The landscaping arrangements remain close to that previously proposed, namely as specimen trees, post and wire fencing and hedging fully enclosing the dwelling, though with a break on the western boundary to allow access into the site. Specimen

trees are to be planted along the northern boundary, a mixture of Rowan, Wild Cherry, Birch and Aspen, screening views between the dwelling and properties to the north. It is considered that the proposed landscaping will be effective in screening views of the dwelling from the passing B1963, helping to settle the development into the site. The existing sheds constructed within the applicant's landholding will be visible from these areas also, reducing the overall impact which the proposed dwelling will have, and they will be viewed together as opposed to separate developments.

### **Access and Parking**

- 8.20 The proposal seeks the upgrading of an existing unfinished access, which was consented as per 20/02989/FUL in relation to the two agricultural buildings. Transport Planning advised at the time of the preceding application 20/02677/FUL that visibility splays of 4.5m x 80m to the Northeast and 4.5m x 90m to the Southwest were sufficient and achievable. The volume of traffic that would be generated by this house alone is not considered to represent a road safety hazard. The proposal also seeks to remove an existing field access to the South of the one approved and commenced under 20/02989/FUL. The works to ensure that this is fully implemented and completed to an acceptable standard are secured by condition.
- 8.21 The proposed development includes the formation of 3 parking spaces, with sufficient turning area, with a further space for parking within the proposed garage. The proposed parking and turning area provision is considered to be acceptable, in line with the Access to Single Houses and Small Housing Developments Supplementary Guidance.

### **Water and Drainage**

- 8.21 The information provided by the applicant in relation to foul and surface water drainage remains as proposed within 20/02677/FUL and covers the proposed house and outbuilding and also the proposed development of the agricultural buildings and hardstanding (ref 20/02989/FUL) as well as the agricultural building (ref 20/00508/PNO). With respect to the house, the site remains of sufficient size and the applicant has control over other land to allow a private drainage system to be installed. It remains the intention that the access driveway (other than the first 6m) to the house and the parking area will be free draining granular construction with the drainage pipes connecting with the treated foul water into a single pipe which will discharge to the Firth via an existing field drain on land that the applicant controls. The technical details of the drainage system for the house will require a Building Warrant and permission from the Roads Authority to take a new outfall pipe underneath the public road will be required.

### **Impact on Neighbouring Amenity**

- 8.22 The application has received six objections from neighbouring properties which have raised points regarding the increase in traffic generation in addition to the visual prominence of the proposed house which would appear as isolated development within the countryside. As stated above, it is not considered that the traffic generated from this single house would be significant, nor is it considered that the house poses any risk to the road safety of the area. The separation distances between the

proposed house and properties within the vicinity result in no discernible impact on overlooking of private amenity spaces. The concerns raised regarding the principle of the development within the Hinterland have also been addressed previously within this report.

### **Other material considerations**

- 8.23 There are no other material considerations.

### **Non-material considerations**

- 8.24 None

### **Developer Contributions**

- 8.25 Policy 31 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. No developer contributions towards secondary education at Fortrose Academy or primary education at Culbokie Primary are required, as there is sufficient capacity at present. The single house proposed does not trigger the requirement for affordable housing contribution or community facilities contribution as outlined in the Developer Contributions Supplementary Guidance August 2018.

## **9. CONCLUSION**

- 9.1 The assessment of the current proposal differs to that of the previous, as the plot of land which made up part of the assessment of the previous application is no longer within the control of the applicant. Therefore, the reason for which the previous application was refused are no longer applicable. It is clearly very disappointing that the previously approved house site is no longer available to be built on, however the Planning Authority is required to consider the application as submitted having regard to all material planning considerations including these revised changes in circumstances. The submitted ONA demonstrates activity which equates to over one labour unit and as such, the proposal is considered to meet the requirements of key determining policies Policy 17 of NPF4 and Policy 35 of HwLDP. There are no other suitable sites within this landholding.
- 9.2 22/00875/FUL proposed a dwelling of similar design and on the same site as this current application undergoing assessment, and was refused as it was considered that there was a more suitable site, with extant permission in principle, within the applicants landholding. Since the determination of that previous application, this plot has been removed from the landholding of the applicant, which in turn removes this site from being considered during the site selection assessment. The Planning Authority have conducted a site selection assessment using the submitted full landholding drawing, which determined that the proposed location is the most suitable site within the applicant's landholding for a single house development. With the requirement for a dwelling having been sufficiently demonstrated, the siting of the dwelling can be supported as the most suitable within the applicant's landholding.

- 9.3 Concerns were raised through public comment regarding the proposed design, namely the size and massing of the dwelling. Although it is acknowledged that the dwelling is large in size, the proposed external finishes are typical of supportable highland dwelling design, and the level of screening which has been proposed does go some way in obscuring views of the dwelling from the public road and surrounding areas. The design of the dwelling is therefore supported on balance.
- 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

<b>Action required before decision issued</b>	N
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. 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. Prior to the commencement of development, the final drainage design shall be submitted in writing to and approved by, the Planning Authority in consultation with the Flood Team. This shall include full network simulations demonstrating that the surface water drainage network will manage a 1 in 200

year plus climate change return period storm event without flooding. This must also include details of pipe condition, and if necessary, a scheme of upgrading any piping. Thereafter the drainage shall be completed and maintained in accordance with the approved details.

**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.

3. No other development shall commence until the site access has been constructed and The Highland Council's Access to Single Houses and Small Housing Developments with:
  - i. The existing access upgraded to form a standard SDB2 service bay in accordance with approved drawing 2019 013-003 Rev D, which shall also serve as a passing place
  - ii. Visibility splays of 4.5m x 120m to the right and 4.5m x 120m to the south (the X dimension and Y dimension respectively) in each direction formed from the centre line of the junction, in accordance with approved drawing CTCH-33851-005 Rev B. Within the stated visibility splays, at no time shall anything obscure visibility between a driver's eye height of 1.05m positioned at the X dimension and an object height of 0.60m anywhere along the Y dimension.

**Reason:** In the interests of road safety.

4. No development shall commence on site until a construction phase Traffic Management Plan (including a routing plan for construction vehicles) has been submitted to, and approved in writing by, the Planning Authority. The approved traffic management plan shall be implemented prior to development commencing and remain in place until the development is complete. This shall include:
  - Clarification of the potential for abnormal loads
  - Predicted volume and type of construction traffic
  - Proposals for traffic management
  - Proposals for consultation with anyone affected by construction traffic
  - Construction traffic hours of operation
  - Length of construction period
  - Measures to protect the public road from mud and debris
  - Measures to ensure the safety of the public

**Reason:** In the interests of road safety.

5. Prior to first occupation of the house, the parking and turning areas shall be provided in accordance with approved drawing 2019 013-003 and maintained in perpetuity.

**Reason:** In the interests of road safety.

6. All landscaping works shall be carried out in accordance with the scheme and plans approved as part of this permission. All planting, seeding or turfing as

may be comprised in the approved scheme and plans shall be carried out in the first planting and seeding seasons following the commencement of the 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 and biodiversity enhancement.

## **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**

### **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.

### **Drainage**

The proposed drainage system to serve the development will remain private, and the applicant will be responsible for the maintenance of all the elements of the drainage system in perpetuity, including the proposed two road gullies to be located in the service bay. Full details of the design of the culvert crossing under the B9163 road will require to be submitted for approval of the Roads Authority when applying for a Road Opening Permit.

### **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)

### **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).

### **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>

Signature:

Designation: Area Planning Manager – North

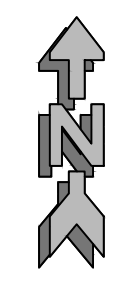
Author: Ruairidh Strachan – Graduate Planner

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

Relevant Plans:

- Plan 1 - 2019 013 - 012 REV D Elevations
- Plan 2 - 2019 013 - 003 REV D Location Plan
- Plan 3 - 2019 013 - 010 REV C Ground Floor Plan
- Plan 4 - 2019 013 - 011 REV C FIRST FLOOR PLAN
- Plan 5 - CTCH-J3851-002 REV B Drainage Layout Plan





- NOTES:-**
1. Refer to Caintech Ltd. drawing J3851-002 & 003 for Drainage Layout Plan - sheets 1 & 2.
  2. Refer to Caintech Ltd. drawing J3851-006 for sections through the site access visibility splays.
  3. Refer to Caintech drawing J3851-007/008 for vehicle swept path analysis.
  4. Position of any existing services must be accurately located on site prior to construction work commencing.

- LEGEND:-**
- Denotes area of asphalt road construction
  - Denotes area of granular road construction
  - Approximate extents of development boundary
  - Approximate extent of land ownership

**NOTE:**  
Good line of site in this direction (regardless of land ownership) as observed during site visit March 2021.

**NOTE:**  
Good line of site in this direction (regardless of land ownership) as observed during site visit March 2021.

B	13/05/21	Latest layout changes to address planning comments received from Highland Council.	CM	KGT
A	30/03/21	Swale slopes altered to 1:1. Settling ponds added. Note added on visibility following site visit.	CM	KGT

Site Layout:  
**New House & Agricultural Sheds at Urquhart Farm, Alcaig**  
Site Access Visibility Splay Plan

**Caintech**

LAND & BUILDING SURVEYING  
SETTING OUT ENGINEERS  
CIVIL ENGINEERING DESIGN  
LASER SCANNING SERVICES

HYDROGRAPHIC SURVEYING  
VOLUMETRIC SURVEYING  
DIMENSIONAL CONTROL SURVEYING  
AUTOCAD DRAUGHTING SERVICES

TORE OFFICE: FOINAVEN TORE, ROSS SHIRE, IV6 7SD, Tel: 01463 811400

INVERNESS OFFICE: FIRST FLOOR, 388 LONGMAN DRIVE, INVERNESS, IV1 1SU, Tel: 01463 545000

ADDITIONAL CONTACT INFO: E-mail: client@caitechtd.com, Mob: 07749 685009, WEBSITE: http://www.caintechtd.com

Client: **Mr G. Henderson**

Drawn By:	Checked By:	Surveyed By:	Surveyed Date:
CM	KGT	ZC	10/02/2021

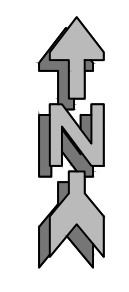
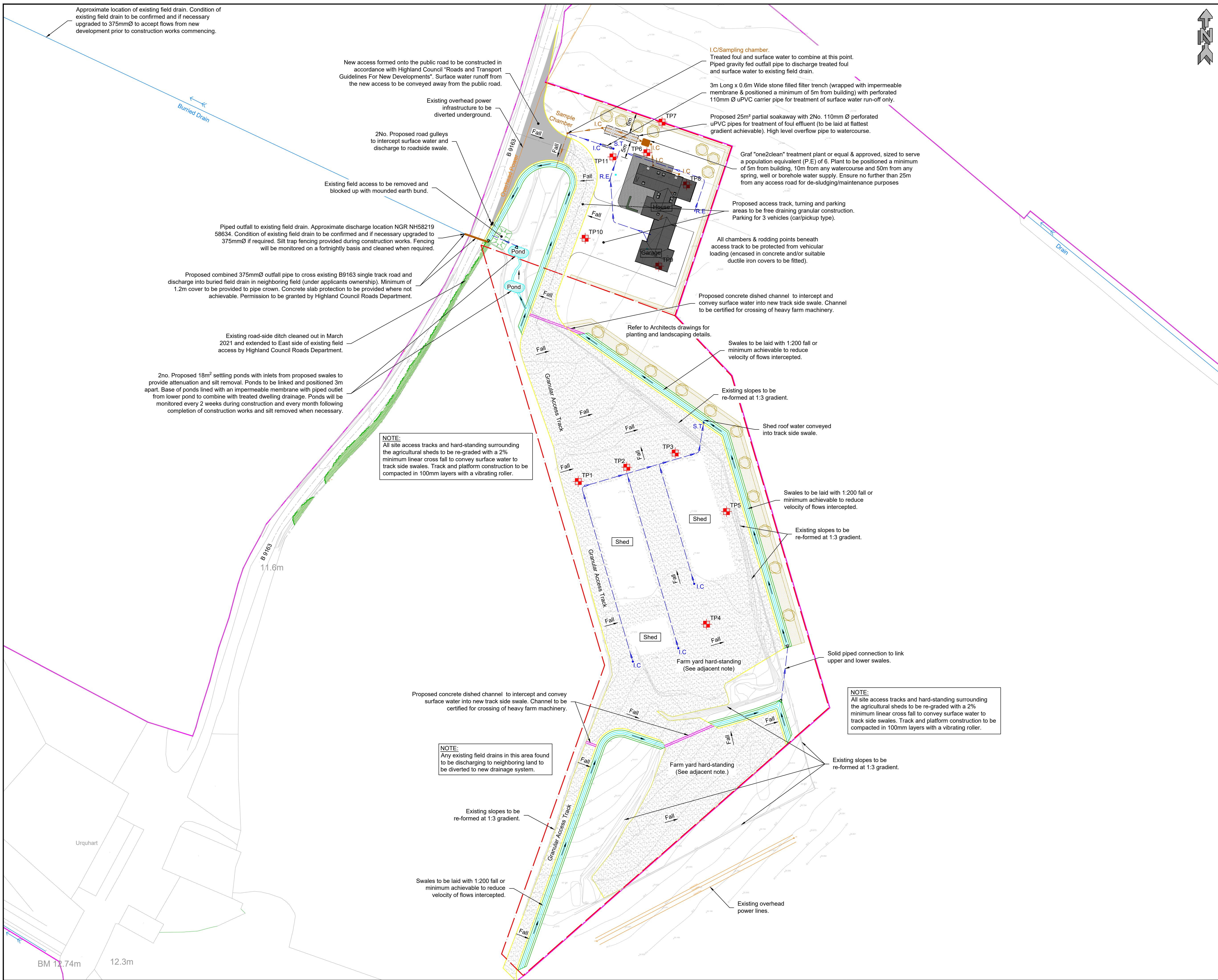
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<input type="checkbox"/> FOR APPROVAL	Drawing Scale:
<input type="checkbox"/> WARRANT	1:500 @ A1
<input type="checkbox"/> CONSTRUCTION	Drawing No:
	<b>CTCH-J3851-005</b>

• Levels are in metres and are to Ordnance Datum.	Our Job Ref:	Rev:
• Co-ordinates are to National Grid. (GPS Network)	J3851	B

**80m Site Access Visibility Splay North and South**  
(Scale 1:500)

**120m Site Access Visibility Splay North and South**  
(Scale 1:500)





- NOTES:-**
1. Refer to Caintech drawing no. CTCH-J3851-003 for sheet 2 of 2.
  2. Refer to Caintech drawing no. CTCH-J3851-004 for construction details.
  3. Refer to Caintech drawing no. CTCH-J3851-005 for site access and visibility splay layout.
  4. Drainage to be constructed, installed & tested in accordance with the recommendations in BS EN 752:2017, BS EN 1610:2015, CIRIA C753, SEPA Regulatory Method WAT-RM-03/04 and SEPA GBR10.
  5. A minimum of 600mm cover to be provided to all pipework within garden/landscaped areas, a minimum of 900mm below any parking area and a minimum of 1200mm below any road. Concrete slab protection to be provided where minimum cover below road is not achievable.
  6. The functionality of any gravity drainage shown is dependant on achieving the minimum allowable gradients. A level survey of the entire route should be carried out prior to construction work commencing on site to confirm this is feasible.
  7. Refer to the Architect's drawings for the position of the roof water downpipes and internal foul drainage outlets.
  8. Foul drainage discharge shown is subject to final approval from SEPA.
  9. Road crossings subject to permission from Highland Council Roads department.

- LEGEND:-**
- New 110mmØ uPVC foul sewer (arrowhead denotes direction of flow)
  - New 150/225mmØ uPVC SWS (arrowhead denotes direction of flow)
  - New 375mm uPVC combined treated water outfall pipe
  - New rodding point terminal
  - New 450mm Ø uPVC inspection chamber (maximum depth 1.2m)
  - New 500mm Ø polypropylene silt trap manhole with 450mm sump (by Wavin or equal & approved)
  - New open grassed swale 0.5m wide x 0.5m deep with 1:1 side slopes and 0.5m verges
  - Approximate extents of development boundary
  - Approximate extent of land ownership
  - TP1 Indicates approximate position of trial pit/percolation test (carried out 17/02/2021)

B	13/05/21	Proposed site access layout amended as per THC comments. Outfall pipe increased to 375mm.	CM	KGT
A	30/03/21	Swale slopes altered to 1:1. Chambers removed where possible. Settling ponds added.	CM	KGT

Site Layout:  
**New House & Agricultural Sheds at Urquhart Farm, Alcaig**  
 Drainage Layout Plan - Sheet 1 of 2

LAND & BUILDING SURVEYING  
 SETTING OUT ENGINEERS  
 CIVIL ENGINEERING DESIGN  
 LASER SCANNING SERVICES

HYDROGRAPHIC SURVEYING  
 VOLUMETRIC SURVEYING  
 DIMENSIONAL CONTROL SURVEYING  
 AUTOCAD DRAUGHTING SERVICES

TORE OFFICE: FOINAVEN TOWN, MUIR OF ORD ROSS SHIRE IV6 7SD Tel: 01463 811400

INVERNESS OFFICE: FIRST FLOOR, 388 LONGMAN DRIVE, INVERNESS IV1 1SU Tel: 01463 545000

ADDITIONAL CONTACT INFO: E-mail: client@caintechtd.com, Mob: 07749 685009, WEBSITE: http://www.caintechtd.com

Client: **Mr G. Henderson**

Drawn By:	Checked By:	Surveyed By:	Surveyed Date:
CM	KGT	ZC	10/02/2021
Drawing Status:			Drawing Date:
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<input type="checkbox"/> CONSTRUCTION			Drawing No:
			CTCH-J3851-002
Levels are in metres and are to Ordnance Datum.			Our Job Ref:
Co-ordinates are to National Grid. (GPS Network)			J3851
			Rev:
			B





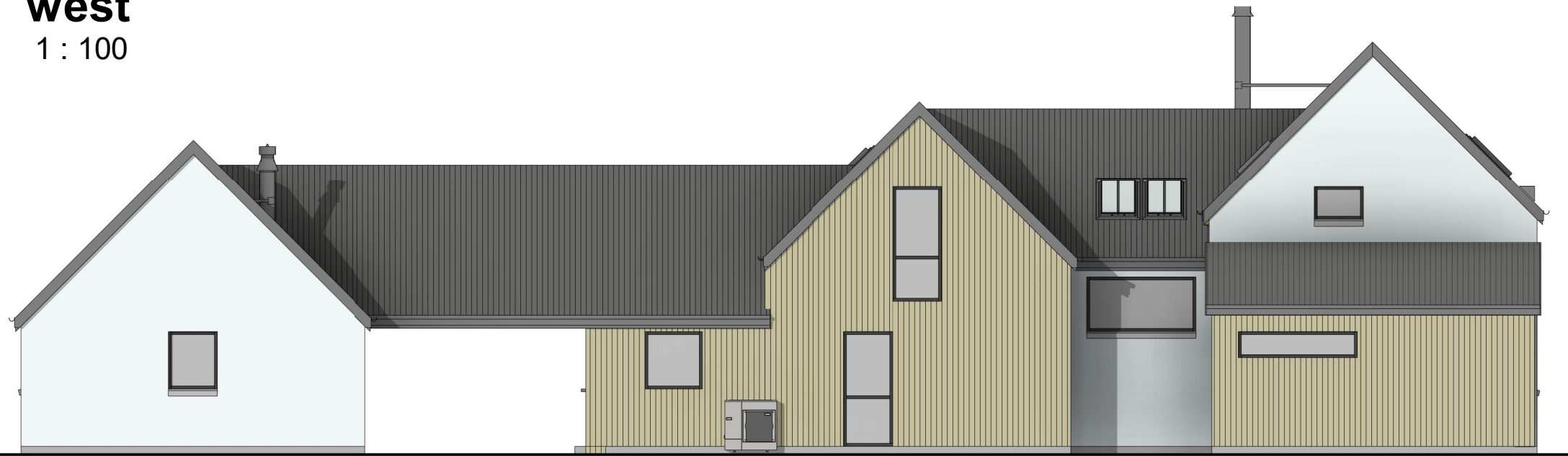
**south**  
1 : 100



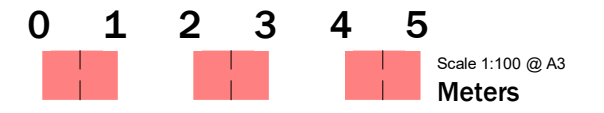
**north**  
1 : 100



**west**  
1 : 100



**east**  
1 : 100



Planning issue

Rev	Description	Date
A	Alterations per planners comments	12.01.21
B	Design alterations / planning response	25.10.21
C	Scale bar added	04.03.22
D	Update	30.07.24

George Henderson

New Farm House, Urquhart Farm, Culbokie

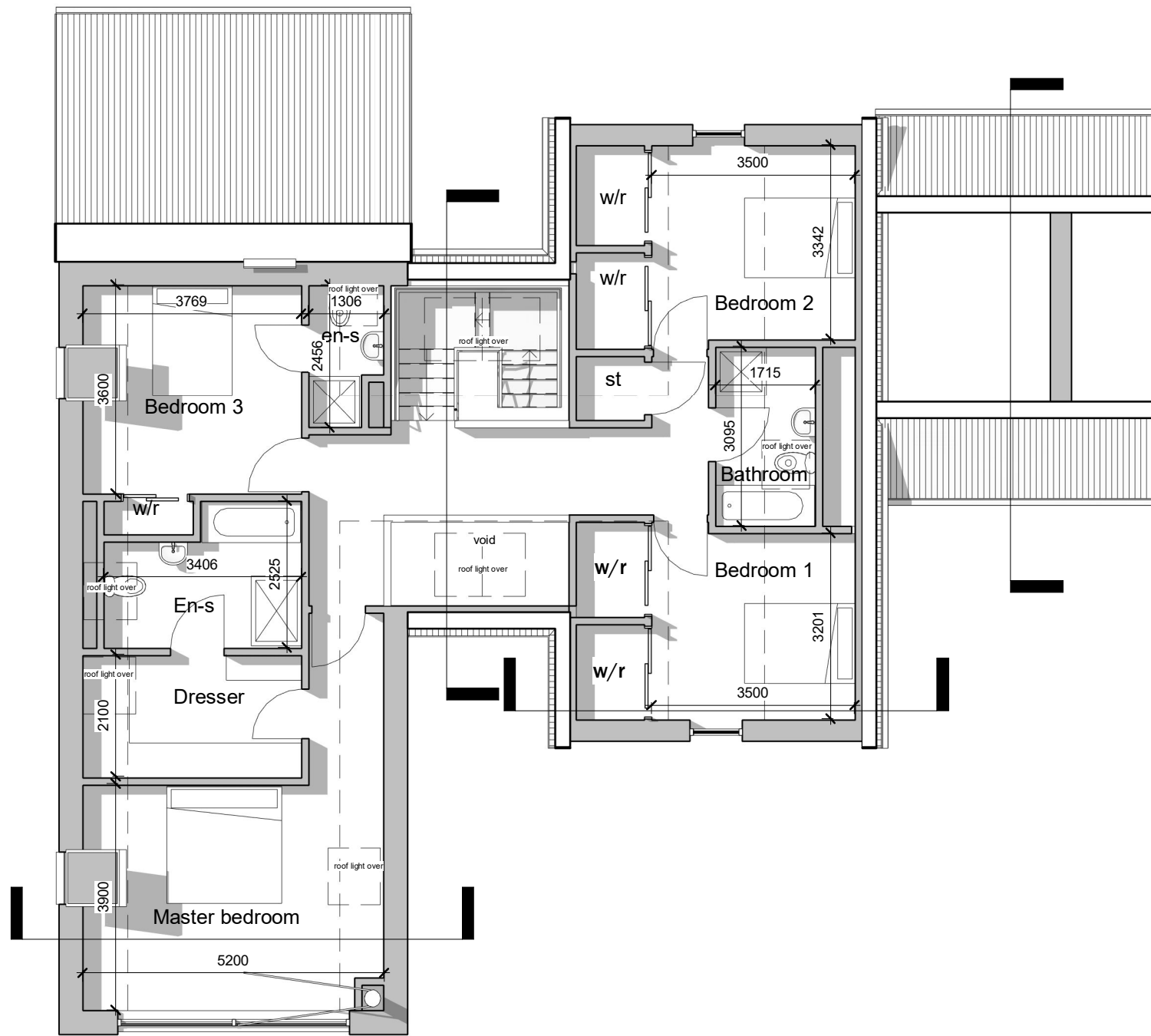
Elevations

Date	18.02.22
Drawn by	GIR
Scale	1 : 100

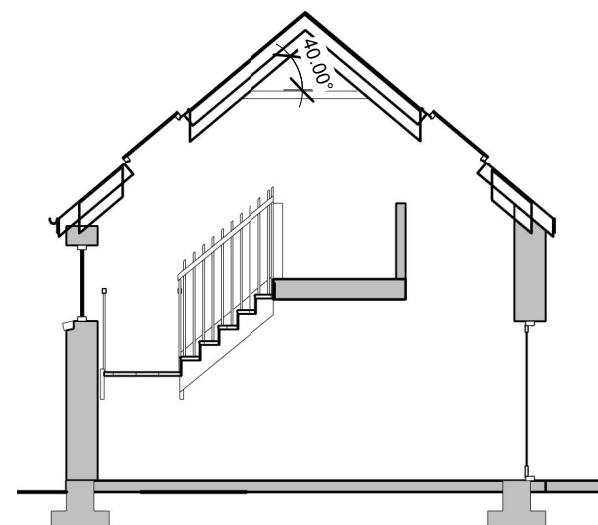
2019 013 - 012

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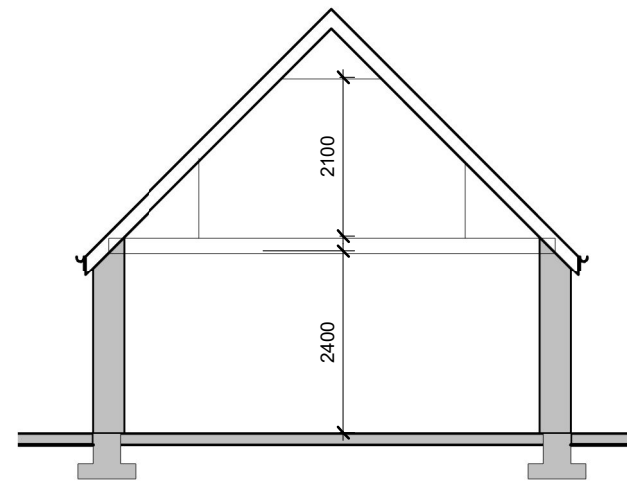




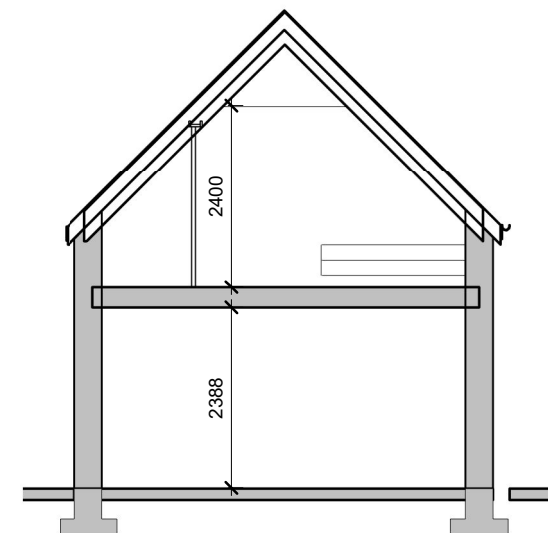
**First floor**  
1 : 100 Area= 118msq



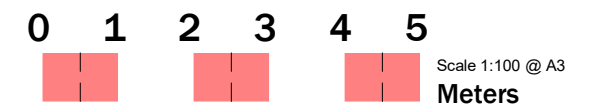
**Section thru entrance**  
1 : 100



**Section thru garage**  
1 : 100



**Section thru playroom**  
1 : 100



Planning issue

Rev	Description	Date
A	Alterations per planners comments	12.01.21
B	Design alterations / planning response	25.10.21
C	Update	30.07.24

George Henderson

New Farm House, Urquhart Farm, Culbokie

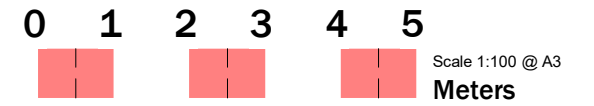
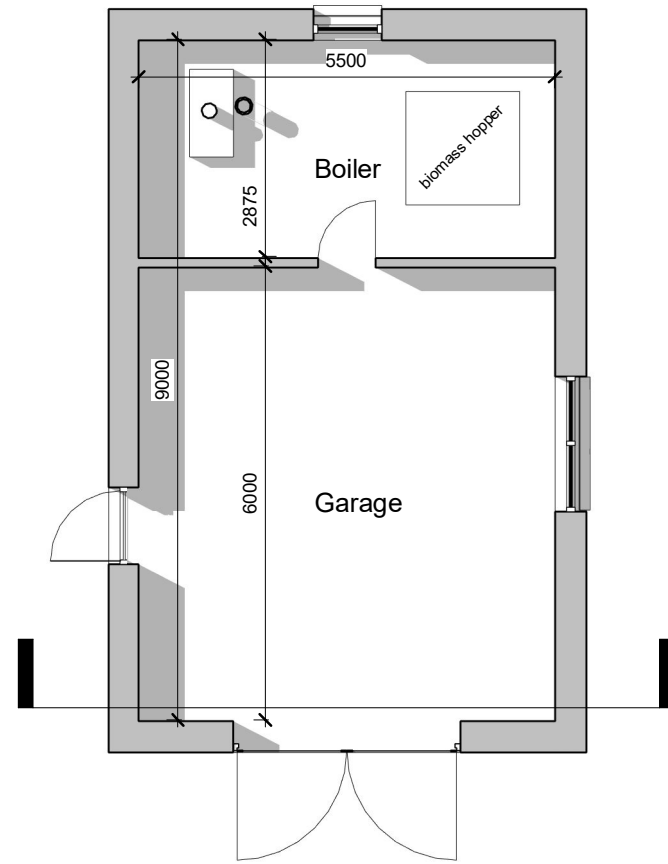
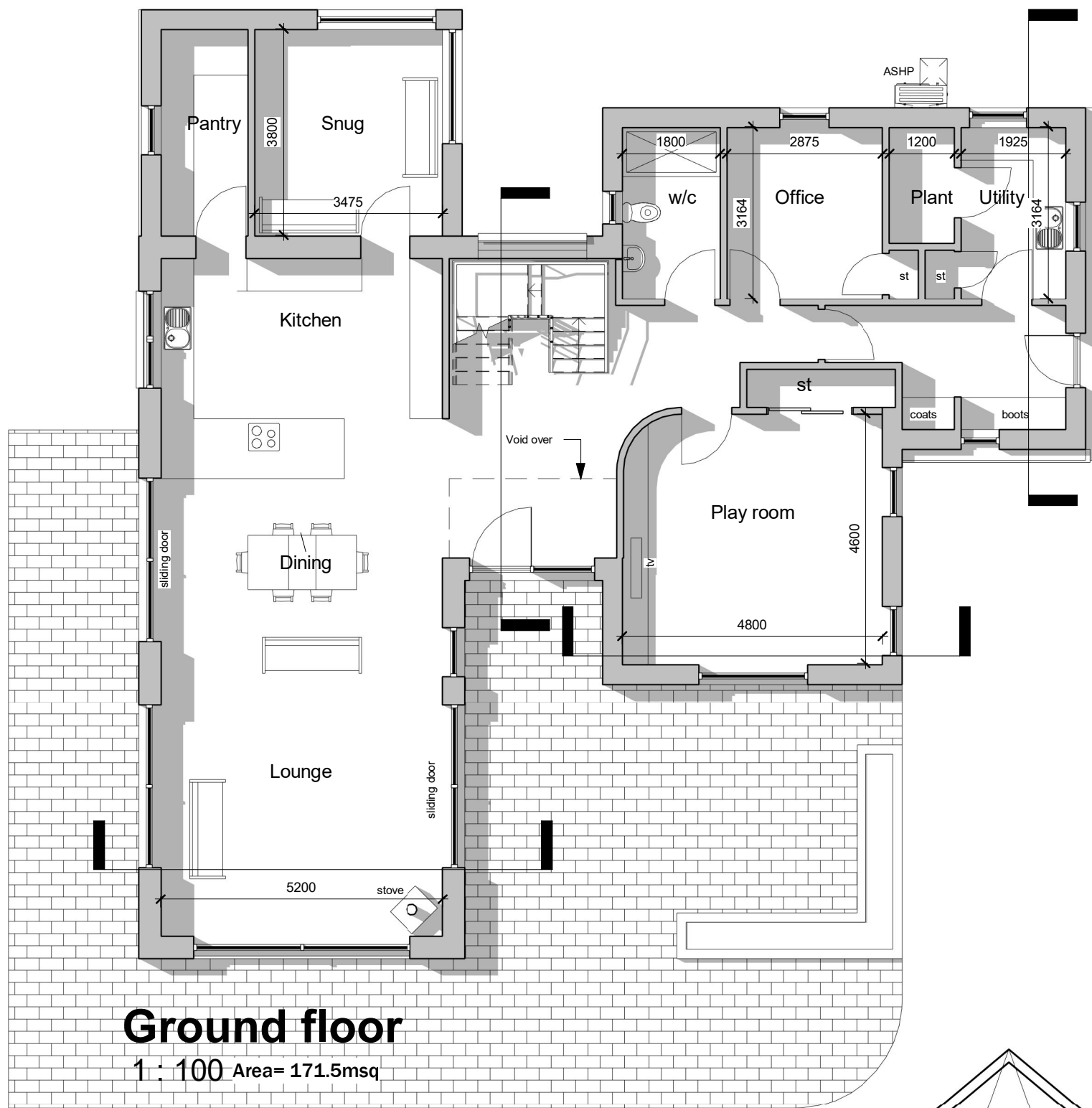
First floor plan

Date	18.02.22
Drawn by	GIR
Scale	1 : 100

2019 013 - 011

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Planning issue		
Rev	Description	Date
A	Alterations per planners comments	12.01.21
B	Design alterations / planning response	25.10.21
C	Update	30.07.24

George Henderson

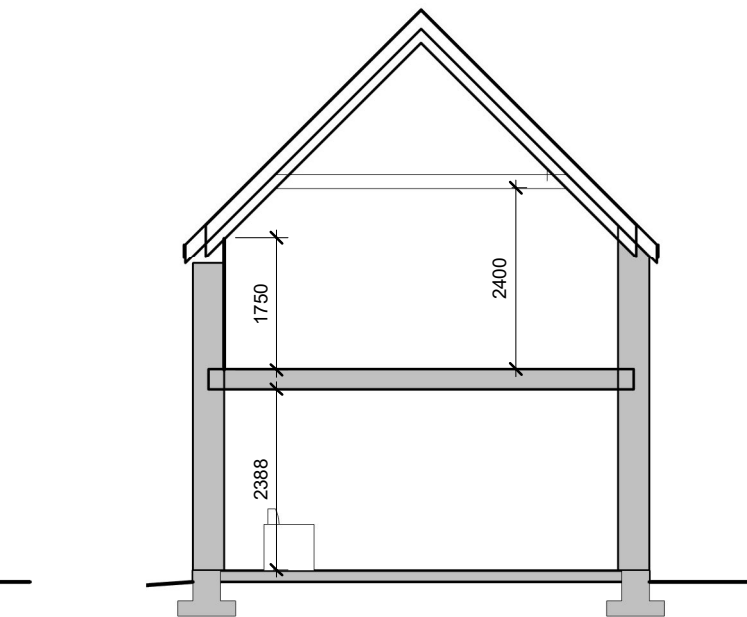
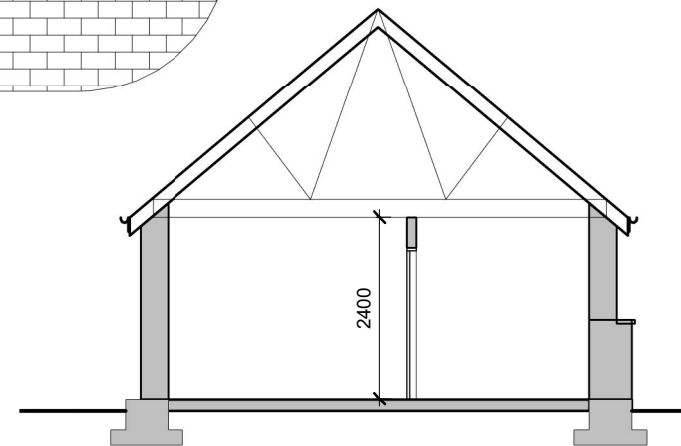
New Farm House, Urquhart Farm, Culbokie

Ground floor plan

Date	18.02.22
Drawn by	GIR
Scale	1 : 100

2019 013 - 010

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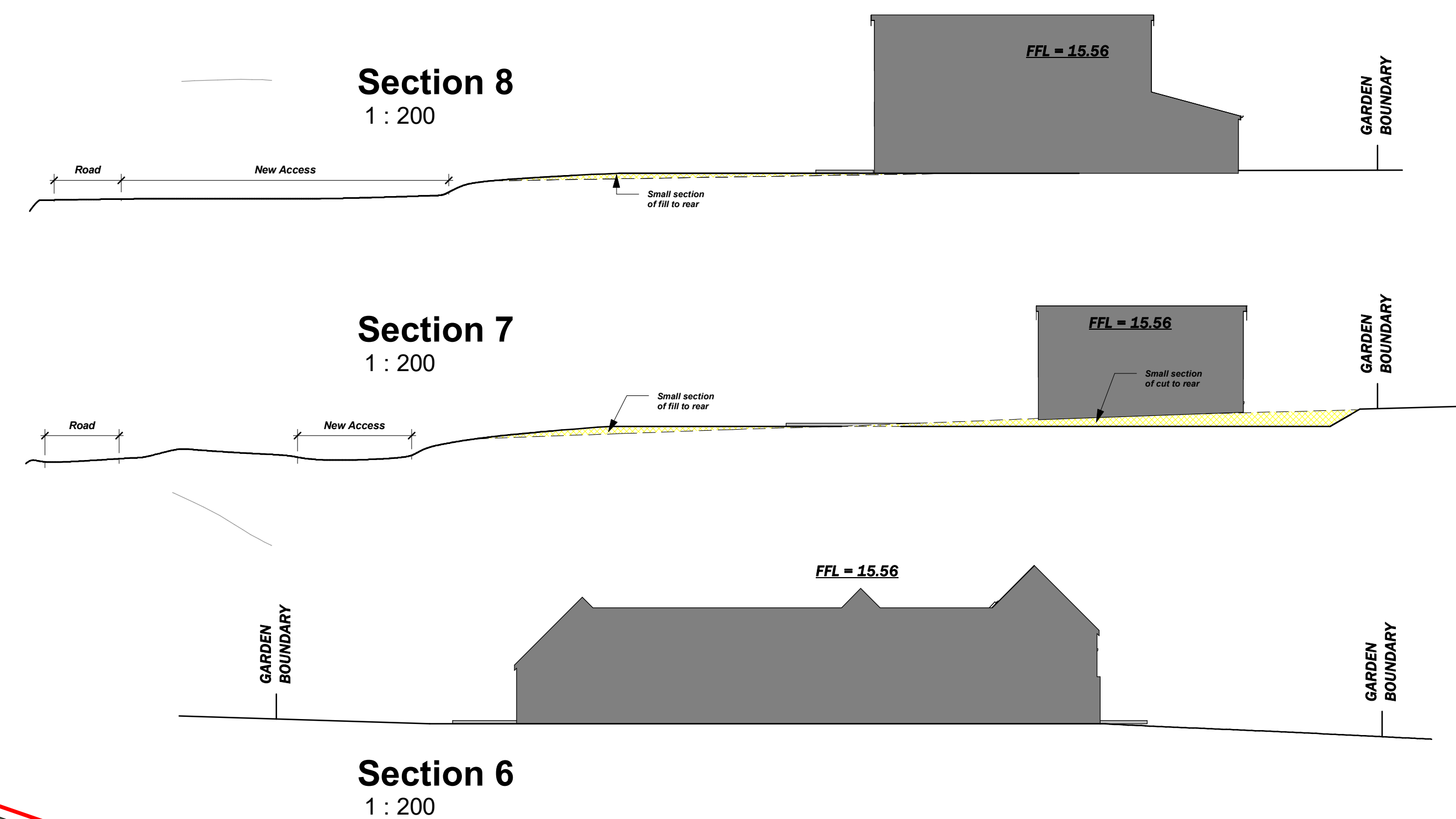
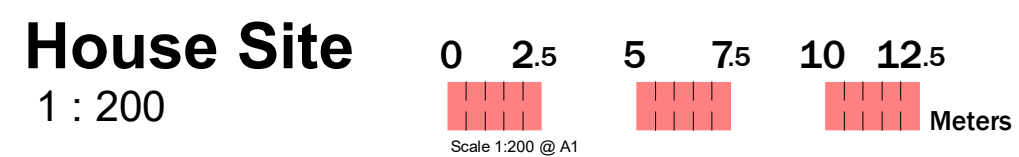
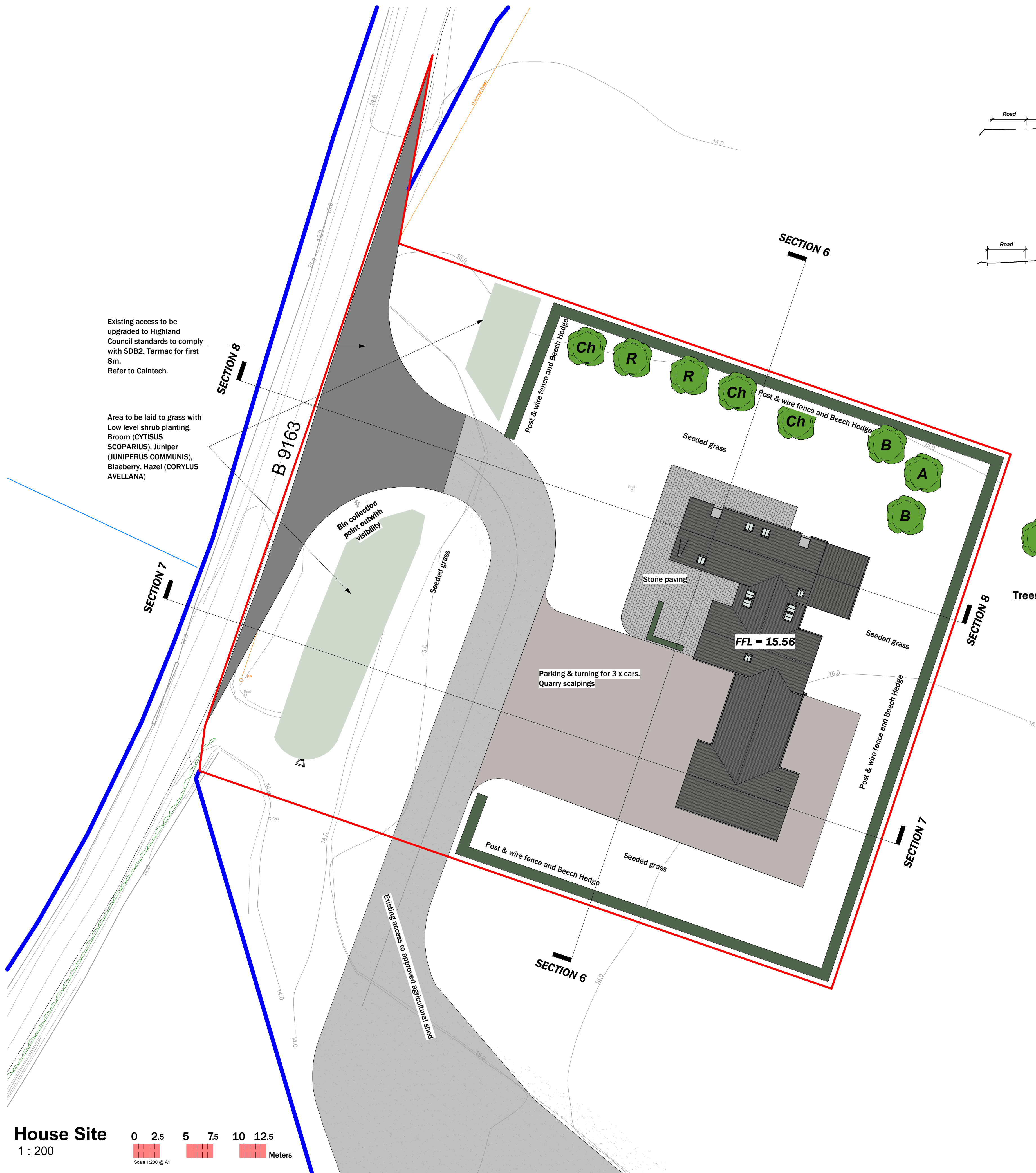


**Section thru utility**  
1 : 100

**Section thru lounge**  
1 : 100

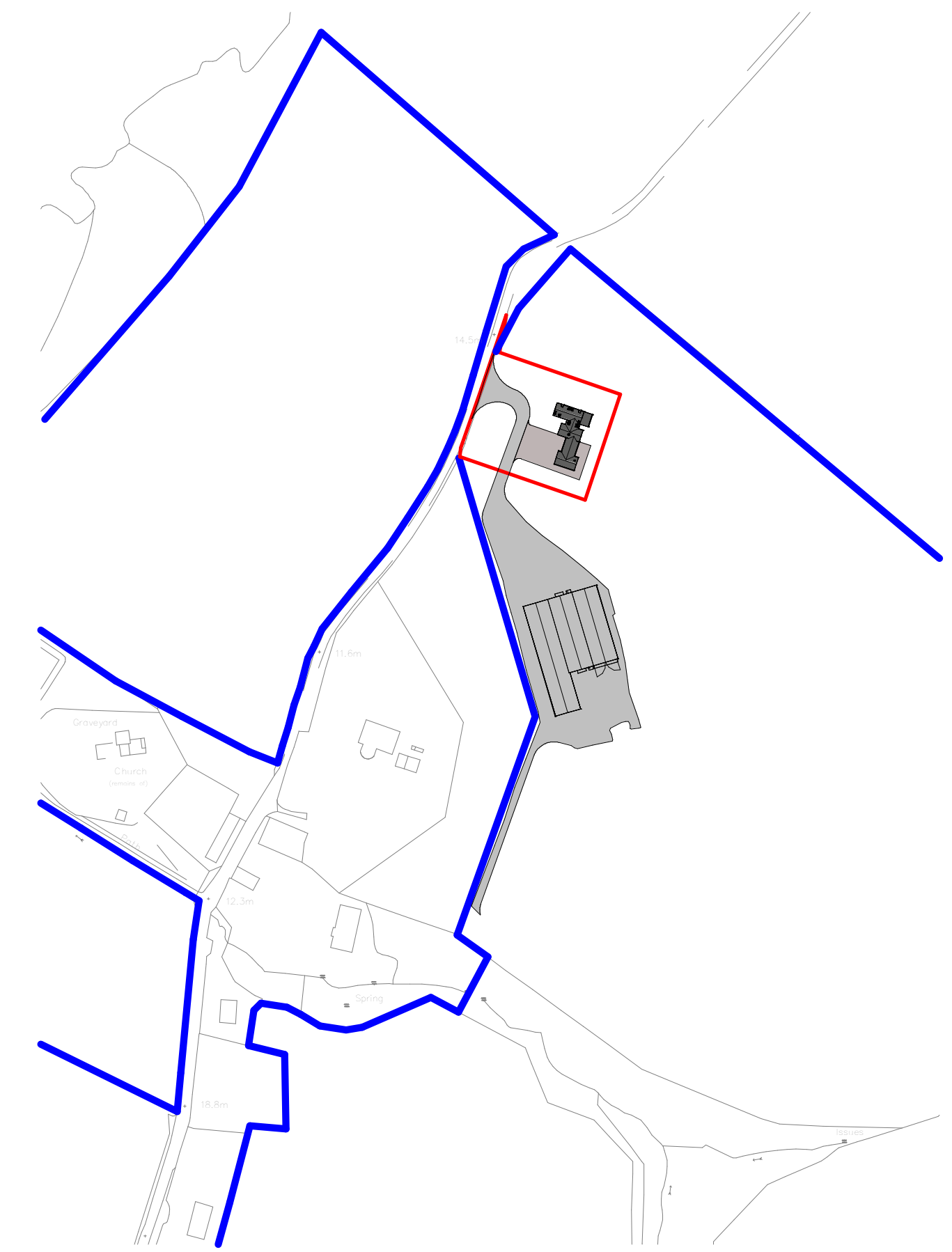
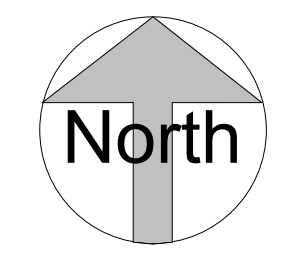






- Specimen tree:**  
 R - Rowan  
 Ch - Wild Cherry  
 B - Birch  
 A - Aspen

**Trees to range in size from 1.5m to 3m standards**



Planning issue		
No.	Description	Date
A	Ownership line at burn crossing point altered	21.08.20
B	Planning Comments	12.01.21
C	Landscaping notes	25.01.21
D	Access altered	18.02.22

George Henderson	
Urquhart Farm	
House site/location	
Date	10.11.22
Drawn by	GIR
2019 013 - 003	
Scale	As indicated

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