

Item: 3.1

Local Review Body: 22 January 2020.

Proposed Erection of House for Rural Business with Integral Garage and Air Source Heat Pump at land near Farewell, St Margaret's Hope (19/094/PP).

Report by Chief Executive.

1. Purpose of Report

To determine a review of the decision of the Appointed Officer to refuse planning permission for the proposed erection of a house for a rural business, with an integral garage and an air source heat pump, at land near Farewell, St Margaret's Hope.

2. Recommendations

The Local Review Body is invited to note:

2.1.

That planning permission for the proposed erection of a house for a rural business, with an integral garage and an air source heat pump, at land near Farewell, St Margaret's Hope, was refused by the Appointed Officer on 4 September 2019, for the reasons outlined in section 3.2 of this report.

2.2.

That the applicant has submitted a Notice of Review requesting that the decision of the Appointed Officer, referred to at paragraph 2.1 above, be reviewed.

It is recommended:

2.3.

That the Local Review Body determines whether it has sufficient information to proceed to determination of the review, and if so:

- Whether to uphold, reverse or vary the decision of the Appointed Officer.
- In the event that the decision is reversed or varied, the reasons and the detailed conditions to be attached to the decision notice.

2.4.

That, in the event the Local Review Body agrees that further information is required to determine the review, what further information is required, which parties are to be requested to provide the information, and whether to obtain further information by one or more of the following methods:

- By means of written submissions; and/or.
- By the holding of one or more hearing.

3. Background

3.1.

Planning application 19/094/PP relates to the proposed erection of a house for a rural business, with an integral garage and an air source heat pump, on land near Farewell, St Margaret's Hope.

3.2.

The Appointed Officer refused the planning application on 4 September 2019 on the following grounds:

3.2.1.

The application is considered to be contrary to the requirements of Development Criterion 1 of Supplementary Guidance: Housing in the Countryside, which requires all proposed development to be "located and sited to fit into the landscape, minimising the landscape and visual impacts of the development proposal". The house would be divorced from existing groups of buildings at the farms and separate from residential properties at the edge of the village, and as such create a greater and unnecessary landscape impact.

3.2.2.

The proposed house and site would not reflect the local settlement pattern, nor would it reinforcement the distinctive identity of Orkney's rural built environment and is not sympathetic to the character of the local area. The development is therefore contrary to Policy 2 Design, sections (i) and (ii), of the Orkney Local Development Plan 2017.

3.2.3.

The application failed to demonstrate that a house for a rural business in the proposed location is justified, on the basis it would not be located adjacent to or with other buildings associated with the farm business. The development is therefore contrary to Policy 5E (vii) Housing – Single Houses and New Housing Clusters in the Countryside and The Provision of a Single Dwelling House for a Rural Business, of the Orkney Local Development Plan 2017 and Supplementary Guidance: Housing in the Countryside.

3.2.4.

The proposed house site is not situated to minimise negative impacts on the local landscape. The development would result in an isolated large house and given the location of the development and its prominence within the local landscape, the proposal is considered contrary to Policy 9 Natural Heritage and Landscape, sections G (i) and (ii).

3.2.5.

The upgrading of the access would not achieve the minimum visibility requirements set by Roads Services to protect the safety of road users. As such, the development is contrary to Policy 14 of the Orkney Local Development Plan 2017.

3.3.

In terms of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013, the applicant has submitted a Notice of Review and supporting information, which is attached as Appendix 1 to this report.

3.4.

The Planning Handling Report, Planning Services file and the Decision Notice, including the reason for refusal, referred to in section 3.2 above, are attached as Appendices 2, 3 and 4 to this report.

4. Review Procedure

4.1.

In response to a Notice of Review “interested parties” are permitted to make a representation to the Local Review Body. “Interested parties” include any party who has made, and not withdrawn, a representation in connection with the application. No further representations were received.

4.2.

In accordance with the Council’s policy to undertake site inspections of all planning applications subject to a local review, prior to the meeting to consider the review, a site visit to Farewell, St Margaret’s Hope, was undertaken at 14:30 on 21 January 2020.

4.3.

The Local Review Body may uphold, reverse or vary the decision of the Appointed Officer. In the event that the decision is reversed, draft planning conditions are attached at Appendix 5 for consideration.

4.4.

If the Local Review Body decides that further procedure is required, it may decide to hold a pre-examination meeting to consider what procedures to follow in the review, or to obtain further information by one or more of the following methods:

- By means of written submissions; and/or.
- By the holding of one or more hearing(s).

5. Relevant Planning Policy and Guidance

5.1.

Section 25 of the Town and Country Planning (Scotland) Act 1997 as amended states, “Where, in making any determination under the Planning Acts, regard is to be had to the development plan, the determination is, unless material considerations indicate otherwise....to be made in accordance with that plan...”

5.2.

The full text of the Orkney Local Development Plan 2017 (OLDP 2017) and other supplementary planning advice and guidance can be read on the Council website at:

<https://www.orkney.gov.uk/Service-Directory/D/Planning-Policies-and-Guidance.htm>

The policies and supplementary guidance listed below are relevant to this application:

- Orkney Local Development Plan 2017:
 - Policy 1 – Criteria for All Development.
 - Policy 2 – Design.
 - Policy 5 – Housing.
 - Policy 9G – Landscape.
 - Policy 13B – Sustainable Drainage Systems (SuDS).
 - Policy 13C – Waste Water Drainage.
 - Policy 14C – Road Network Infrastructure.
- Supplementary Guidance: Housing in the Countryside.

6. Corporate Governance

This report relates to the Council complying with its statutory duties as a Planning Authority and therefore does not directly support and contribute to improved outcomes for communities as outlined in the Council Plan and the Local Outcomes Improvement Plan.

7. Financial Implications

All resources associated with supporting the review procedure, mainly in the form of staff time, are contained within existing Planning Service revenue budgets.

8. Legal Aspects

8.1.

Under the Planning etc (Scotland) Act 2006 and the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013

where an application for planning permission for local development has been determined by the Appointed Officer in accordance with the Council's Planning Scheme of Delegation, the applicant is entitled to seek a review of that decision by the Local Review Body.

8.2.

The procedures to be followed in respect of the review are as detailed in sections 4.3 and 4.4 above.

8.3.

A letter from the Chief Planner, Scottish Government, in July 2011 confirmed that a review by a Local Review Body should be conducted by means of a full consideration of the application afresh.

9. Contact Officers

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Roddy MacKay, Planning Advisor to the Local Review Body, extension 2530, Email rodny.mackay@orkney.gov.uk

Katharine McKerrell, Legal Advisor to the Local Review Body, extension 2246, Email katharine.mckerrell@orkney.gov.uk

10. Appendices

Appendix 1 – Notice of Review (pages 1 – 8)

Appendix 2 – Planning Handling Report (pages 9 – 17)

Appendix 3 – Planning Services File (pages 18 – 44)

Appendix 4 – Decision Notice and Reasons for Refusal (pages 45 – 53)

Appendix 5 – Draft Planning Conditions (pages 54 – 55)

Pages 1 to 55, with the exception of pages 54 and 55, can be viewed at https://www.orkney.gov.uk/Service-Directory/D/application_search_submission.htm and inserting the planning reference "19/094/PP".

All other documents can be viewed at <https://www.orkney.gov.uk/Council/C/LRC2020.htm> and referring to the relevant meeting date.