

Minute

Local Review Body

Friday, 30 August 2019, 11:00.

Council Chamber, Council Offices, School Place, Kirkwall.



Present

Councillors Robin W Crichton, John A R Scott, Alexander G Cowie, Norman R Craigie, David Dawson, Stephen Sankey, Magnus O Thomson, Owen Tierney, Duncan A Tullock and Kevin F Woodbridge.

Clerk

- Angela Kingston, Committees Officer.

In Attendance

- Roddy Mackay, Planning Advisor.
- Katharine McKerrell, Legal Advisor.

Apology

- Councillor Graham L Sinclair.

Not Present

- Councillor Barbara Foulkes.

Declarations of Interest

- No declarations of interest were intimated.

Chair

- Councillor Robin W Crichton.

1. Planning Application (18/507/PIP)

Proposed Siting of House at Myrtledene, Skiddy Road, Rendall

After consideration of a report by the Chief Executive, copies of which had been circulated, the Local Review Body:

Noted:

1.1. That planning permission in principle for the proposed siting of a house at Myrtledene, Skiddy Road, Rendall, was refused by the Appointed Officer on 15 May 2019, for the reasons outlined in section 3.2 of the report by the Chief Executive.

1.2. That the applicant had submitted a Notice of Review requesting that the decision of the Appointed Officer, referred to at paragraph 1.1 above, be reviewed.

1.3. That, in accordance with policy, the Local Review Body had undertaken an unaccompanied visit to the site, referred to at paragraph 1.1 above, at 10:00 on 30 August 2019.

After hearing a report from the Planning Advisor, the Local Review Body:

Resolved, in terms of delegated powers:

1.4. That the review be determined without further procedure.

Councillor Owen Tierney, seconded by Councillor Duncan A Tullock, moved that planning permission in principle be granted in respect of the proposed siting of a house at Myrtledene, Skiddy Road, Rendall, as, in their opinion, notwithstanding the fact the evidence provided by the applicant did not prove the land had been used as domestic curtilage for an unbroken period of ten years prior to the application being made, sufficient evidence had been provided to prove that the land had been used as domestic curtilage in the past, in the form of:

- A title deed showing that the area of the application site had been separated from the adjacent agricultural land.
- Photographic images from 2009 to 2010 showing a post and rope fence demarcating the boundary of the curtilage.
- Photographic images from 2009 to 2010 and 2019 showing use of the land for vehicle parking and storage.
- Anecdotal evidence that, at some point prior to 2016, the site was largely abandoned with minimal management due to the age of the previous occupants.

And therefore the application complied with Policy 5E (v) Housing – Single Houses and New Housing Clusters in the Countryside, of the Orkney Local Development Plan 2017.

Councillor Robin W Crichton, seconded by Councillor David Dawson, moved an amendment that the decision of the Appointed Officer, to refuse the application for the proposed siting of a house at Myrtledene, Skiddy Road, Rendall, be upheld.

On a vote being taken 2 members voted for the amendment and 7 for the motion, and the Local Review Body:

Resolved, in terms of delegated powers:

1.5. That planning permission in principle be granted in respect of the proposed siting of a house at Myrtledene, Skiddy Road, Rendall, subject to the conditions attached as Appendix 1 to this Minute.

1.6. That the Local Review Body's reason for granting planning permission in principle was that, in the Local Review Body's opinion:

- Notwithstanding the fact the evidence provided by the applicant did not prove the land had been used as domestic curtilage for an unbroken period of ten years prior to the

application being made, sufficient evidence had been provided to prove that the land had been used as domestic curtilage in the past, in the form of:

- A title deed showing that the area of the application site had been separated from the adjacent agricultural land.
- Photographic images from 2009 to 2010 showing a post and rope fence demarcating the boundary of the curtilage.
- Photographic images from 2009 to 2010 and 2019 showing use of the land for vehicle parking and storage.
- Anecdotal evidence that, at some point prior to 2016, the site was largely abandoned with minimal management, due to the age of the previous occupants.

And, accordingly, the proposed development would comply with Policy 5E (v) Housing – Single Houses and New Housing Clusters in the Countryside, of the Orkney Local Development Plan 2017.

2. Conclusion of Meeting

At 11:17 the Chair declared the meeting concluded.

Signed: Rob Crichton.