

Item: 3.1

Local Review Body: 7 March 2018.

Proposed Erection of House with Detached Garage on Land Near Fernbank, Holm (17/444/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 siting of a house with detached garage on land near Fernbank, Holm.

2. Recommendations

The Local Review Body is invited to note:

2.1.

That planning permission for the proposed erection of a house with detached garage on land near Fernbank, Holm, was refused by the Appointed Officer on 28 November 2017, for the reasons outlined in section 4.2 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. Policy Aspects

This report relates to the Council complying with its statutory duties as a Planning Authority and therefore does not relate specifically to progressing the Council's priorities.

4. Background

4.1.

Planning application 17/444/PP relates to the proposed erection of a house with detached garage on land near Fernbank, Holm.

4.2.

The Appointed Officer refused the planning application on 28 November 2017 on the following grounds:

4.2.1.

The proposed development is not sited to take into consideration the rural location, prevalent local density of development and fails to reflect the character of the surrounding rural area. The proposed site is also considered as prejudicial to the effective use and management of the residual agricultural land post development. The development is considered to be contrary to Policy 1 - Criteria for All Development of the Orkney Local Development Plan as adopted, April 2017.

4.2.2.

The relationship and number of existing individual houses does not constitute a housing group, as such the proposal cannot be considered as single house infill development. The proposal is therefore contrary to Policy 5 - Housing, Section E: Single Houses and new Housing Clusters in the Countryside of the Orkney Local Development Plan as adopted, April 2017.

4.2.3.

The proposed development does not accord with Development Criteria (DC) 1 and 3 of the adopted Supplementary Guidance: Housing in the Countryside as the development would not reflect the rural nature and character of the area.

4.3.

The Planning Handling Report, Planning Services file and the Decision Notice, including the reasons for refusal, referred to in section 4.2 above, are attached as Appendices 1, 3 and 4 to this report.

5. Notice of Review

5.1.

A copy of the applicant's Notice of Review and supporting information is attached as Appendix 2 to this report.

5.2.

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.

5.3.

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 the land near Fernbank, Holm, is scheduled to take place at 09:30 on 7 March 2018.

6. Review Procedure

6.1.

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.

6.2.

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).

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 section 6 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

Angela Kingston, Clerk to the Local Review Body, extension 2239, Email angela.kingston@orkney.gov.uk

Katharine McKerrell, Legal Advisor to the Local Review Body, extension 2219, Email katharine.mckerrell@orkney.gov.uk

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

10. Appendices

Appendix 1 – Planning Handling Report (pages 1 – 4)

Appendix 2 – Notice of Review (pages 5 – 24)

Appendix 3 – Planning Services file (pages 25 – 46)

Appendix 4 – Decision Notice and Reasons for refusal (pages 47 – 53)

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

Pages 1 to 55, with the exception of pages 25, 26, 54 and 55, can be viewed at http://www.orkney.gov.uk/Service-Directory/D/application_search_submission.htm and inserting the planning reference “17/444/PP”.

All other documents can be viewed at <http://www.orkney.gov.uk/Council/C/LRC2018.htm> and referring to the relevant meeting date.