

## **Item: 17**

**Development and Infrastructure Committee: 10 September 2019.**

**Supplementary Guidance: Housing in the Countryside.**

**Report by Executive Director of Development and Infrastructure.**

### **1. Purpose of Report**

To present a revised version of the Supplementary Guidance: Housing in the Countryside.

### **2. Recommendations**

The Committee is invited to note:

#### **2.1.**

That public consultation has been undertaken in respect of the Supplementary Guidance: Housing in the Countryside.

#### **2.2.**

The Consultation Report, attached as Appendix 1 to this report, which records the comments raised by members of the public and stakeholders and the response by the Executive Director of Development and Infrastructure to those comments.

#### **2.3.**

The revised draft Supplementary Guidance: Housing in the Countryside, attached as Appendix 2 to this report, which has been amended to respond to the material planning matters raised through the consultation process, referred to at paragraphs 2.1 and 2.2 above.

**It is recommended:**

#### **2.4.**

That the Supplementary Guidance: Housing in the Countryside, attached as Appendix 2 to this report, be approved.

#### **2.5.**

That, once approved, the Supplementary Guidance, referred to at paragraph 2.5 above, be taken forward as Statutory Supplementary Guidance in relation to the adopted Orkney Local Development Plan.

## **3. Public Consultation**

### **3.1.**

Public consultation in respect of the draft Supplementary Guidance: Housing in the Countryside was undertaken during the period 9 May to 20 June 2019. A full record of comments received, and the Council's response to these, is recorded in the Consultation Report, attached as Appendix 1 to this report.

### **3.2.**

The consultation included public advertisement in the Orcadian, and copies of the draft Supplementary Guidance were placed at the One Stop Shop, Kirkwall, the Kirkwall Library and Mobile Library Van, Warehouse Buildings, Stromness, and on the Council's website. A press release was issued at the beginning of the consultation, including to all Council staff. The consultation was also promoted on social media.

### **3.3.**

Notification of the consultation was sent to key agencies, statutory consultees, Community Councils and Elected Members.

### **3.4.**

Issues raised through the consultation included the following:

#### **3.4.1.**

Provide clarification in respect of the re-use of brownfield land policy provision, with a general agreement that having a worked up example of a site development statement, provided as an appendix within the Supplementary Guidance, would be useful to planning stakeholders.

#### **3.4.2.**

Review of the Orkney Local Development Plan and the core policy for Housing in the Countryside (Policy 5E):

- Housing location should consider the public and school transport.
- Housing in the countryside policies should be more flexible.

#### **3.4.3.**

These amendments have been incorporated in the draft Supplementary Guidance.

## **4. Equalities Impact**

An Equality Impact Assessment has been undertaken and is attached as Appendix 3 to this report.

## **5. Environmental Implications**

The Strategic Environmental Assessment screening report was completed for the consultative draft and submitted to the SEA Gateway for consideration by the consultation authorities. The outcome was that a full assessment was not required.

## **6. Corporate Governance**

The monitoring and publication of an amended version of this Supplementary Guidance is part of the statutory process for preparation and implementation of the Local Development Plan. Accordingly, this report does not directly support and contribute to improved outcomes for communities as outlined in the Council Plan. However, the Local Development Plan and associated Supplementary Guidance are key documents for delivering many of the Council Plan and Local Outcomes Improvements Plan priorities.

## **7. Financial Implications**

The costs associated with the consultation and publication of this Supplementary Guidance were under £1000. This has been met through the existing Development and Marine Planning revenue budgets.

## **8. Legal Aspects**

### **8.1.**

Developing Supplementary Guidance will assist the Council in discharging its statutory duty to prepare a Local Development Plan. The draft Supplementary Guidance, once approved by the Council, will be a material consideration in planning applications.

### **8.2.**

Following approval, the guidance will be notified to Ministers in order that it may be elevated to statutory supplementary guidance. It will thereafter form part of the Local Development Plan, bearing the same weight as the Local Development Plan.

## **9. Contact Officers**

Gavin Barr, Executive Director of Development and Infrastructure, extension 2331, [gavin.barr@orkney.gov.uk](mailto:gavin.barr@orkney.gov.uk)

Roddy MacKay, Heading of Planning, Development and Regulatory Services, extension 2530, Email [rodny.mackay@orkney.gov.uk](mailto:rodny.mackay@orkney.gov.uk)

Stuart West, Planning Manager (Development and Marine Planning), extension 2816, Email [stuart.west@orkney.gov.uk](mailto:stuart.west@orkney.gov.uk)

Susan Shearer, Senior Planner (Development and Marine Planning), extension 2533, Email [susan.shearer@orkney.gov.uk](mailto:susan.shearer@orkney.gov.uk)

## **10. Appendices**

Appendix 1: Consultation Report.

Appendix 2: Supplementary Guidance: Housing in the Countryside.

Appendix 3: Equality Impact Assessment.

Consultation Report for Supplementary Guidance: Housing in the Countryside				
Consultee Name	Q	Comment	Planning Authority Response	Action
Member of the Public	1	Properties should all aim eventually to be on mains sewerage because of the cost to homeowner and environmental impact.	Noted - Environmentally a private treatment facility in the open countryside is acceptable. In planning terms we have to consider proportionality in what is required based on the type and size of a development.	No Action.
Member of the Public	2	no	Noted - no further changes noted to the amended definition for building and / or structure.	No Action.
Member of the Public	3	yes	Noted - agreement with the amendments to the curtilage definition.	No Action.
Member of the Public	4	3.17 6. contradicts with 3.18. Also, 3.18 reduces amenity space for housing groups.	3.17.6 and 3.18 are discussing separate policy provisions for the delivering of housing in the countryside. 3.17.6 is for the sub-division of a dwelling house or residential curtilage and 3.18 is for the infill development. With all the policy provisions an acceptable level of outside amenity space is required to be acceptable. Note 3.20.3 and 3.20.4 as well as Development Criteria DC9 that all applications have to satisfy to be successful.	No Action.
Member of the Public	5	yes	A worked up example of a site development statement would be useful.	No Action.

Member of the Public	5	<p>OIC having declared a "climate crisis" surely the Site Development Statement should explicitly address carbon emissions from the production and usage of proposed building materials and the carbon footprint of the dwelling and vehicle for residents over the long term - 20 years.</p>	<p>Noted and this one aspect of the Site Development Statement as well as building orientation for passive heating and day lighting and / or the retention of existing buildings to realize their embodied energy. Additionally it should be noted the environmental consideration with the Scottish Building Standards system in terms of the efficiency of new builds as well as standards used to consider the carbon footprint of building materials.</p>	No Action.
Member of the Public		<p>The new definition of Curtilage: Curtilage is defined as the extent of the land associated with the building (house) which is used and maintained as domestic space and is in the ownership and/or control of the host house. The curtilage is often demarked by a boundary wall or fence and contains a lawn or garden, drying area, vegetable patch and any outbuildings which are ancillary to the property such as sheds, stores or garages. A field or piece of ground which is near to or associated with the house is not necessarily curtilage. <b>Where an area of land has planning permission to be used as domestic curtilage or has achieved the status lawfully through the passage of time, it will be considered as such unless it has been abandoned for a period of 10 years where its use will be deemed to have lapsed.</b> Delete bold sentence as purpose is unclear and would seem to be at odds with 3.17.2</p>	<p>This sentence considers the planning status of the site to ensure there is an original planning consent or the relevant passage of time. Through planning case law, the passage of time is 10 years. Note this is a planning document so the planning status is relevant.</p>	No Action.
Member of the Public		<p>At 3.17. 3 Change to state "The subdivision is achievable without the need to extend the existing domestic boundary."</p>	<p>Curtilage is the relevant planning term when referring to a domestic outside area and will therefore be retained throughout this document. The later part of the sentence "with all proposed development being fully contained within the boundary of the existing curtilage." provides clarification to all planning stakeholders and will therefore be retained.</p>	No Action

Member of the Public	At 3.17.6 Change to state "The residential amenity of adjacent properties, including that of the host house should be maintained."	The sentence as it is with "must be retained." is seen to be more rigorous in terms of a planning decision than "should be maintained."	No Action.
Member of the Public	At 3.19 Change to state "The definition of an existing housing group is where there are four or more occupied and independent dwelling houses which relate to each other and are viewed as a group, meaning two or more of the houses share domestic boundaries."	Curtilage is the relevant planning term when referring to a domestic outside area and will therefore be retained throughout this document.	No Action.
Member of the Public	At 3.29 change to state "the illustration above that the 4 existing houses do not form a group as defined in the Supplementary Guidance. This is because of the 2 way road forms a strong visual and landscape break. Additionally, the proposed infill site does not share domestic boundaries with 2 of the existing dwelling."	Curtilage is the relevant planning term when referring to a domestic outside area and will therefore be retained throughout this document.	No Action.
OIC Official/Elected Member	Reword at 3.15 to state "This policy provision relates to brownfield land where the former use remains evident on site." rather than "This policy provision relates to brownfield land that has previously been developed, where the former use remains evident on site."	Noted and will reword.	Action as of the contributors comment.
OIC Official/Elected Member	3.16. A proposal will comply with the following criteria: 1. The defined site of 1500m <sup>2</sup> or less will be meet the definition of a brownfield site that is set within this guidance. Comment - It should be noted and therefore clarified in the SG that the area required to be investigated could be significantly greater than the defined site limit of 1500m <sup>2</sup> given above. Furthermore, if remedial action is required this could also mean the remediation / improvement of an area far greater than the site area of the proposal is required.	Noted and clarification will be added to this policy provision.	Add a new sentence at the end of 3.16, point 1 to states "The area of ground that requires to be investigated for land contamination could in some cases be larger than the proposed planning site of 1500m <sup>2</sup> and therefore so could the area of ground that requires remediation."

<p>OIC Official/Elected Member</p>	<p>3.16.2 Any structure on the site that have architectural and / or historic merit will be retained as part of the final proposal. Comment - "Will" should be replaced with "...may be required to .." The reason for this, is that depending on environmetnal improvements / remediation requirements if may not be possible to retain the buildings on site and this alternative wording allows flexibility for the Planning Officer when assessing all considerationd as part of their determination and prevents the possibility of the developer being unable to undertake what could be the most appropriate form of improvement / remediation.</p>	<p>Noted and propose to change "will" to "should"</p>	<p>At 3.16.2 change "will" to "should" and add an extra sentence to state "In some cases, structures may required removal so that the most appropriate form of remediation can take place."</p>
<p>Blowfield for OIC Environmental Heath</p>	<p>5. The application will be accompanied by a full Contaminant Report. This report will detail the contaminants found on the site, the methodology used to complete the report and the remediation required to allow the site to be development as a domestic curtuilage. This report should be completed to the satisfaction of the Environmental Health Team at the Council. If planning permission is granted, work for the remediation of the site will require to be carried out in full before work for the erection of the house commences. Comment - this should not detail what is expected in a report, espeicailly given that this statement details the requirement to address remediation for the site. This element may be not be necessary if the investigative report was to conclude that any contaminates found on site were at levels acceptable to the proposed use of the site. This would then better reflect your current definition of brownfield as land where contaminants are present or suspected of being present. Previous site uses may lead to suspicion but ultimately on investigation potential contaminants are not present. This should not result in a refusal of an application on this basis as is implied.</p>	<p>The policy provision is about brownfield land where the previous use remains evident on site. At point 5 the elements of a report are noted to provide stakeholders with clarification and do not provide too much detail. For remediation it does state remediation required, therefore if no remediation is required this should be stated in the Contamination Report. It does state that this report is to Environmental Health's satisfaction so if required additional information can be required or the level of information can also be reduced.</p>	<p>No Action.</p>
<p>OIC Official/Elected Member</p>	<p>5.04 - Brownfield site is defined as land where contaminants are present or suspected of being present that mat represent a potential risk to human health or to the environment. This risk is either through the direct uptake of contaminants into the food chain or ecosystems, direct ingestion or inhalation, contamination of water resources, fire and explosion of combustibile contaminants or an attack on building materials and services by corrosive contaminants. Additionally, there should be man made features on site that are over 2 metres in height and are not necessarily buildings. comment - In order to keep consistency with the wording of the policy is would be best if it referred to Brownfield Land rather than site.</p>	<p>In planning terms land and site has different definitions. Site is generally seen to refer to a piece of land that has planning permission or is going through the planning process. Where land is more of a general term. This is why there are difference references in the SG.</p>	<p>No Action.</p>



OIC Official/Elected Member		The definition provided for Brownfield Site does not appear to be consistent with national guidance. Although it is acknowledged there is not a solitary definition for brownfield land with various wording used, the definition provided in the supplementary guidance appears to have tried to align itself more with a definition of contaminated land. Brownfield land is not necessarily contaminated, although often it is due to previous uses and this should be made clear. I therefore believe the definition should be changed to better reflect what brownfield land is. I have provided an example of such wording that may be used: Brownfield land' is an area of land or premises that has been previously used, but has subsequently become vacant, derelict or contaminated or any combination thereof. It excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; and land that was previously developed but where the remains of structures have blended into the landscape.	We note in your comments that there is no solitary definition of a brownfield site. At this point in the process this definition is considered to be a major change that would require additional consultation on; meaning it would significantly change this policy provision. The definition used considers the definition noted and is modified to consider planning policy and Orkney context.	
Evie & Rendall CC	1	Yes	Noted - the contributor agrees that there should be flexibility in the curtilage size to accommodate all proposed drainage systems.	No Action.
Community Council	2	No	Noted - the contributor does not wish to see any other change to the revised definition of building or structure.	No Action.
Community Council	3	No - The changes seem to restrict developing.	Noted - the contributor does not agree with the proposed changes to the definition of curtilage stating that it is too restrictive. At this point in the Local Development Plan process, the policy provision for Housing in the Countryside can not be changed and will be reviewed with the Plan in the near future.	No Action.
Community Council	4	Members did not understand the question asked.	Noted.	No Action.
Community Council	5	Yes - An example would be helpful	Noted - the contributor has stated a worked up example of a site development statement would be useful.	No Action.

Community Council	The changes are making it very difficult for individuals wishing to building on a single site only. The plot system does not work and is only useful for developers of multiple properties. Members also noted that Evie seems to be the only parish where no housing provision has been made even though land has been allocated for building. Members do not wish to see clusters in the countryside but instead individual sites for non developers or building companies.	Your comment is noted. The present policy does allow for single house development in the countryside as well as groupings. At this point in the Local Development Plan process, the policy provision for Housing in the Countryside can not be changed and will be reviewed with the Plan in the near future.	No Action.
Key Agency	We have no detailed comments to provide in response to the first four specific consultation questions submitted with the draft guidance document.	Noted.	No Action.
Key Agency	Regarding question 5, we would agree that a worked-up example of a Site Development Statement Layout is likely to be useful to applicants who are preparing such statements to accompany planning applications. It may be worth considering whether the section at 'Design Principles' could usefully include more examples or wider more general examples such as the historic environment, rather than focusing on one element such as the World Heritage Site. This might help applicants to consider the wider variety of considerations, both designated and undesignated, which may be relevant in this section.	Noted - the contributor has stated a worked up example of a site development statement would be useful. The Council wish to develop separate design guidance for the countryside.	No Action.
Key Agency	We can confirm that we are content with the SG in relation to our historic environment interests. We welcome that the Supplementary Guidance continues to reinforce the provisions within Policy 5, section E of the LDP to protect and enhance Orkney's historical and architectural assets through a 'retention and conversion first' approach to buildings or structures of historic and/or architectural merit. This approach aligns with the policies and principles identified in the Historic Environment Policy for Scotland (HEPS 2019) and the associated guidance in the Use and Adaptation Managing Change Guidance Note.	Noted.	No Action.
Key Agency	Although the Use and Adaptation note is based on listed buildings, it provides a useful starting point for thinking about the re-use and adaptation of any building of historic and architectural merit and you may wish to consider whether providing a link to this guidance would be useful. There are also a number of case studies now available on our website which help to demonstrate the successful re-use and adaptation of historic buildings through a variety of scenarios which applicants may find useful.	Noted.	No Action.

Member of the Public	1	There should be no minimum or maximum size of curtilage in the countryside. This is only being introduced to restrict future subdivision applications. It is completely unfair to homeowners who would like to be surrounded by a large garden areas.	Noted. The size of a proposed curtilage in the guidance is considered appropriate for a rural home. In planning terms a domestic garden is seen to be a change of use and will allow for domestic garages and outbuildings, fencing and garden cultivation often through permitted development (what can be done without planning permission). The policies for rural housing in the next plan period have not been considered.	No Action.
Member of the Public	2	Evidence that a building or structure existed should be enough to quality. Irrelevant as to how much of it remains.	Noted. If this was the definition we would have to consider what evidence would be appropriate and the age of the evidence. The current policy provision is about replacing one sizable building in the landscape with another whilst limited landscape change.	No Action.
Member of the Public	3	No - It should never have become necessary to use subdivision as a criteria for new development in the countryside. This has been brought about by the lack of available individual plots. There is no requirement to impose timescales and each application should be judged on its own merits.	At present this SG review has to consider the policy provisions that are set in the adopted (present) Local Development Plan and cannot look at new provisions.	No Action.
Member of the Public	5	No - based on anecdotal evidence, a large majority of Orkney's country residents dislike development in the countryside.	No to including a Site Development Statement example in the finalised version of this SG.	No Action.
Member of the Public	6	The restrictions to develop in the Orkney countryside have become too legislative. It is essential to revisit the whole housing in the countryside development plan and return to building zone/areas rather than housing allocation zones. The plan should be used for guidance and not set as policy. A flexible approach to building in the countryside needs to be encouraged.	At present this SG review has to consider the policy provisions that are set in the adopted (present) Local Development Plan and cannot look at new provisions.	No Action.

Member of the Public	6	Criteria for the current allocation zones state a minimum number of properties have to be built. Residents choosing to live in the countryside want space around them, the example at Tingwall (TW-2) is ludicrous. The allocation specifies there is capacity for 14 houses. This would require 14 properties to be built facing each other, with small gardens. It is unlikely any private developer would take on such a large-scale project, requiring major investment for a lack of return. Evidence suggests that country developments are not wanted by residents. Souley in Orphir received approval for 10 houses in 2013 and only 3 plots have been developed. There are many more examples around the county where extensive investment is demanded to allow for 1 or 2 houses to be built.	The current housing allocations within the Orkney Local Development Plan 2017 are designated under a different element of Policy 5 - Housing (Section A - Housing in Settlements). This is a matter for the review of the Plan and not for this consultation.	No Action.
Member of the Public	6	The plan has resulted in housing land prices being at a premium, with only a few farmers able to take advantage of an additional income. Residents choosing to live in the countryside do not wish to be on a street, with neighbours either side using a shared tarmacked access and communal play areas! Everyone could live in the town for that style of accommodation.	The price of housing is not a material consideration. The Plan provides for housing opportunities in towns, villages, rural settlements and the open countryside; and actively works with Orkney's social housing providers to assist in the delivery of homes for all.	No Action.
Member of the Public	6	To ensure the population in the rural parishes can grow, the social and economic factors should be carefully considered before it is too late. The schools will close, and the communities will suffer if adequate sites are not made available for individual self build properties. Piecemeal development must be considered as a matter of urgency.	Through the monitoring of the housing in the countryside SG for a 17 month period 89 new homes have been provided for throughout the Mainland and the Linked Isles. When reviewing the Plan we consider socio economic and environmental change in Orkney and fully consider Orkney sustainable future with our colleagues in other OIC Teams, for example Education where we consider birth rates and school role projections.	No Action.
Key Agency	1	No comment	Noted	No Action.
Key Agency	2	No comment	Noted	No Action.
Key Agency	3	No comment	Noted	No Action.
Key Agency	4	No comment	Noted	No Action.

Key Agency	5	It would be helpful to provide an example, to show the level of detail required. A worked example would also be an opportunity to showcase an example of good development design that contributes positively to Community Plan priorities and Council duties around nature (biodiversity) and associated health and wellbeing benefits, placemaking, etc.	Noted - the contributor has stated a worked up example of a site development statement would be useful.	No Action.
Key Agency	6	While we have no comments to make on most of the changes themselves, we welcome the clarification of the supplementary guidance that the changes provide, as this should help with placemaking objectives.	Noted.	No Action.
Community Council	1	Yes, Members wish to advise that they view that any flexibility on curtilage size is common sense and welcomed by them.	Noted - the contributor agrees that there should be flexibility in the curtilage size to accommodate all proposed drainage systems.	No Action.
Community Council	2	Yes - Members question why there are any restriction with the replacement of any existing building or structure. In their opinion, as long as the building or structure is in a reaonsable location then any replacement building or structure should be based on its own merits.	Noted - the contributor wishes the main consideration to be whether the building or structure is in a reasonable location. To use this for planning decisions we would have to look at defining what is a reaonsable location. The existing policy is about replacing a large structure or building in the landscape that is under used or not used with a new home; having minimal landscape change. The changes proposed by the contributor should be considered when the Local Development Plan is reviewed.	No Action.
Community Council	3	No - No change necessary. The wording of section 3 has made this difficult for member to form an opinion.	Noted - the contributor wishes no changes to the curtilage definition.	To read through to see if wording can be made easier to aid understanding taking into consideration nature of this planning document.
Community Council	4	We require further clarification in order to understand this question.	Noted.	Investigate and consider how to provide further clarification.

Community Council	5	Yes - Some worked examples would be beneficial	Noted - the contributor has stated a worked up example of a site development statement would be useful.	No Action.
OIC Official/Elected Member		In respect to DC5 at 2.06. I welcome that the supplementary guidance recognises the potential burden on existing road infrastructure or in respect to road safety. I would ask that this item or the guidance more generally also considers the relationship with transport, so new housing does not create any new burdens in respect to access or contributes to future rural isolation. Planning should consider both public transport, school transport and, for example, travel to day centres etc. This could be achieved by favouring housing in locations which are within walking distance of existing facilities, such as rural schools, or which are within 400m of an existing local bus service of school transport route, and which can be easily accessible by Dial-A-Bus or day centre transport.	Noted - This matter is for the review of the Plan and its spatial strategy; and at this point in the planning process content can not be changed to consider this.	No Action.
OIC Official/Elected Member	1	Yes - 1500 square metres seems fairly generous but uctting some slack in case it isnt enough seems reasonsable.	Noted	No Action.
OIC Official/Elected Member	2	Yes - But why? I've always struggled with this one. If a building, or remains of a building, is to be used as a replacement site then the old structure should be demolished / removed. If the structure is of 'architectural merit' then it shouldn't be able to be used as a 'one for one'. By making developers keep the original structure and make it wind and water tight could add an unrealistic financial burden to the 'new build'.	Noted - There is another option here that of the original structure of either historical or architectural merit becoming another house so the developer has another option that could improve the finances of the development.	No Action.
OIC Official/Elected Member	3	Yes - The subdivision of a residential curtilage to create a building site is a policy I'm very comfortable with and have never had an issue with what, I thought, was curtilage. The new definition is more helpful and my only comment would be that agricultural ground could have been treated as curtilage by a home owner without the realisation that there should have been an application for a change of use. If this came to light in pre application discussion the applicant should be permitted to include a retrospective application for a change of use.	Noted - How a retrospective application is considered is a matter for Development Management.	No Action.
OIC Official/Elected Member	4	The 10 year period (3.17.2) is too long. 5 years would be more appropriate. I appreciate that we don't want potential developers jumping on sit on mowers to make the field next to the hostg property a garden but requiring the area of ground to have a domestic use for 10 years (and to prove it) is too restrictive.	Noted - The 10 year period relates to the presedent set by planning case law.	No Action.

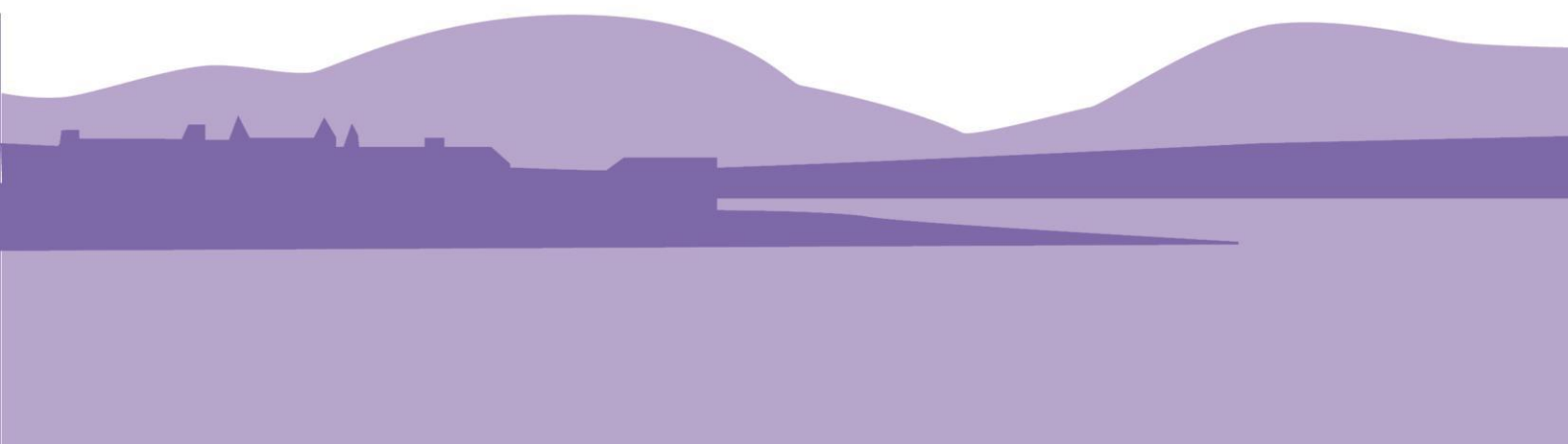
# Supplementary Guidance: Housing in the Countryside



ORKNEY  
ISLANDS COUNCIL



**SEPTEMBER 2019**



# Planning in Orkney

## Status of this Supplementary Guidance

The main planning document in Orkney is the **Orkney Local Development Plan** (the Plan), which provides the policy framework and land allocations for dealing with planning applications efficiently and with certainty. All decisions on planning applications require that an appropriate balance is struck between the relevant development plan policies and other material considerations.

**Supplementary Guidance** is produced for given policy areas and subjects where a specific requirement is highlighted within the plan. It is the purpose of supplementary guidance to provide further information, policy and advice on complex planning matters and seeks to expand upon the core policies or land allocations in the plan. Supplementary guidance is always subject to full public consultation and is submitted to the Scottish Government prior to adoption. Once adopted, supplementary guidance has statutory weight in the determination of planning applications and forms part of the plan.

**Planning Policy Advice** (PPA) is prepared to provide further information and advice on policies and issues where a specific requirement to produce supplementary guidance has not been set out within the plan. Many Development Briefs for land allocations are set at this level, along with the majority of advice and information that is prepared for members of the public and Development Management. PPA is always subject to full public consultation and council approval prior to adoption and publication. Once adopted, PPA is a material planning consideration although it does not bear the same weight as the plan itself.

**Development Management Guidance** (DMG) is produced to provide advice on technical issues and the interpretation of given policies where a need arises. It is the intention of DMG to ensure a consistency of approach and to highlight the original intention/spirit of a policy where there is any ambiguity. DMG is also produced for less-complex land allocations to ensure a co-ordinated approach to development can be achieved - Conservation Area Appraisals and Conservation Statements are also set at this level within Orkney. Whilst DMG is not subject to public consultation, it is approved by Council prior to adoption and publication. As such, DMG is a material consideration in the determination of planning applications, which is considered to be the standing advice of the Local Planning Authority.

## Contacting the Council

Should you wish to discuss any aspect of this Supplementary Guidance, please contact Development Management via telephone 01856873535 or email [planning@orkney.gov.uk](mailto:planning@orkney.gov.uk).

[www.orkney.gov.uk](http://www.orkney.gov.uk)

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**Front and back page graphic:** View to Hoy Hills from Copland's Dock, Stromness. Graphic © iDesign from original photograph courtesy of Anne Flint.



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# 1. Introduction

- 1.01 This guidance supports and informs the policy provision for housing in the countryside that is set in Policy 5 – Housing, Section (E) – Single Houses and new Housing Clusters in the Countryside, of the Orkney Local Development Plan 2017 (the Plan).
- 1.02 Through the Plan and this guidance, the Council supports sustainable development in Orkney’s rural communities whilst recognising the need to protect Orkney’s landscape and productive farmland.
- 1.03 This policy provision is intentionally generous to allow for housing in the countryside to acknowledge the change in demographics which has resulted in an increased need for housing in remote rural areas to care for our aging population.
- 1.04 The policy provision for housing in the countryside looks to provide opportunities and minimise potential impacts. Opportunities are based on brownfield sites, rural business’s housing needs and infill development where landscape and visual impacts are greatly reduced.

## How to Use this Guidance

- 1.05 A successful planning proposal for Housing in the Countryside will have to accord with this guidance, the policies of the Plan and other material considerations.
- 1.06 Within this guidance there are the following sections:
1. Introduction to this guidance with the policy provision noted from the Plan.
  2. Within this section there are 9 Development Criteria that all proposals for housing in the countryside must comply with to be acceptable.
  3. This section provides further information and detail to the policy provision from Policy 5, Section E of the Plan.
  4. Further information is provided in this section on the removal of occupancy conditions from existing planning approvals.
  5. This section is a glossary of the main definitions used in this guidance.
- Appendix 1 – Layout of a Site Development Statement.

### **Policy 5 – Housing, Section E: Single Houses and new Housing Clusters in the Countryside**

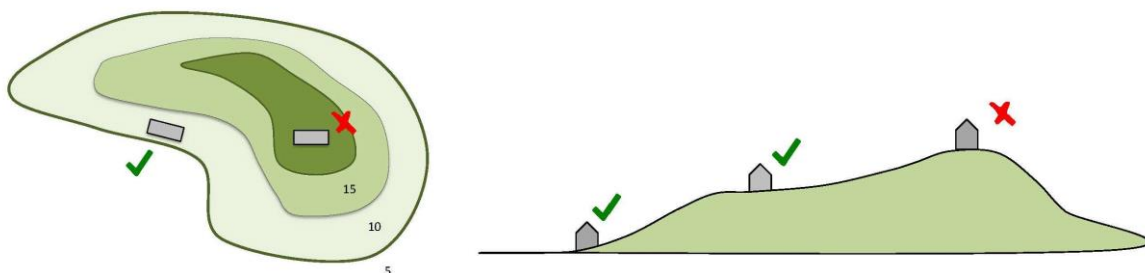
Outwith the settlements, on the Mainland and Linked South Isles, developments of single houses and housing clusters will be supported where it involves one of the following:

- i. The reinstatement or redevelopment of a former dwelling house.
- ii. The conversion of a redundant building or structure.
- iii. The replacement of an existing building or structure.
- iv. The re-use of brownfield land, where the previous use is evident on site.
- v. The subdivision of a dwelling house or its residential curtilage.
- vi. Single house infill development within existing housing groups.
- vii. The provision of a single dwelling house for a rural business where 24 hour supervision is an operational requirement (including agricultural workers or crofters).
- viii. The provision of a single dwelling house to allow for the retirement succession of a viable holding.

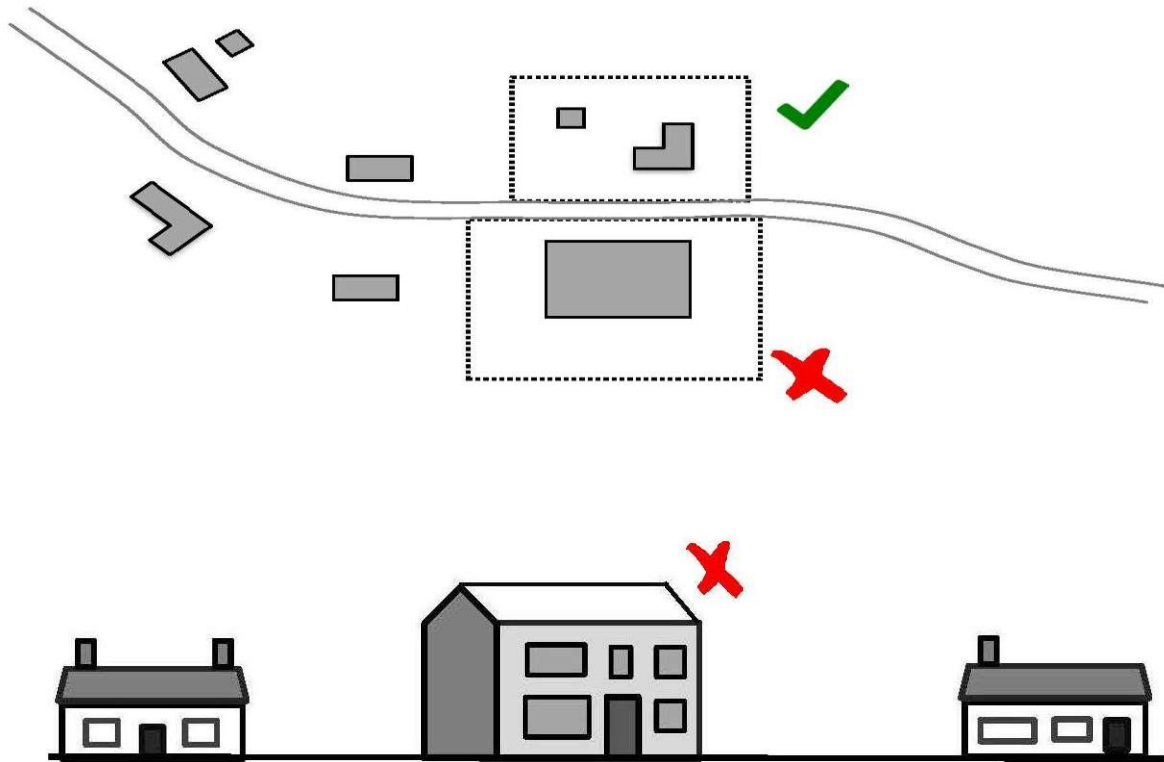
If a building or structure is of architectural and / or historic merit, the consolidation and retention of the building will be required by planning condition through options i), ii), iii) or iv).

## 2. The Development Criteria

- 2.01 All planning proposals for one or more houses must accord with the 9 Development Criteria noted in this guidance and satisfy one of the policy provisions set out in Policy 5, Section E of the Plan.
- 2.02 DC1 – Where the application site or the wider site has the potential to deliver more than one house through the housing in the countryside policy provisions within this guidance, the overall development will be planned as a whole to ensure cohesion of design and layout. In these cases, there is a requirement for a Site Development Statement for the whole site, including the wider site, where layout, siting and form of the overall proposal will be considered along with the shared access, parking, drainage, open space and other development features. The Site Development Statement must form part of the first planning application submitted and will be a material consideration when considering future planning applications on the wider site. At Appendix 1 to this Supplementary Guidance is an example of the layout and content of a Site Development Statement.
- 2.03 DC2 - It is located and sited to fit into the landscape, minimising the landscape and visual impacts of the development proposal. New development will not occupy locations that are dominant in the landscape.



2.04 DC3 – The proposed development will be in keeping with the location; not dominating houses and structures in the surrounding area through scale or form. The scale and form of the overall proposal will be similar to neighbouring buildings and buildings in the vicinity.



2.05 DC4 – The proposed pattern of development will not lead to the suburbanisation of the Countryside or add to existing areas of suburban type development in the Countryside. In a number of locations in the Countryside there are areas of suburban type development where housing development from the 1980s to the present day dominates in terms of their design, siting and massing. New housing groups or additions to existing housing groups must be designed and sited in a manner that is rural and not urban in nature where the topography and other existing site features such as stone dykes and buildings are considered positively, echoing a traditional rural building group. New development that is simply lined up to address a road with other recent development in a uniform manner or where it is proposed to carve a field up for new housing development (field filling) will not be allowed.



- 2.06 DC5 - It does not place an unacceptable burden on existing road infrastructure nor does it have a negative effect on road safety interests.
- 2.07 DC6 – Vacant and redundant buildings and land often revert back to a natural state potentially being used by protected species such as breeding birds and bats; and having other biodiversity value. A proposal will retain the valued biodiversity. There may be a requirement for survey work and/or mitigation.
- 2.08 DC7 – It does not have an unacceptable effect on the water environment, ensuring the use of sustainable surface water drainage, and adequate foul drainage, and the avoidance of engineering works in the water environment or detrimental impacts on water dependant habitats. Where possible, foul drainage should be connected to the public sewer; although in rural locations this may not always be possible. New development in the countryside should not lead to the over proliferation of private foul drainage systems.
- 2.09 DC8 – When an existing building has historic and/or architectural merit, they should be retained or converted. Their retention is important to the social history of a location and using them acknowledges their embodied energy. Positive consideration will be given to incorporating existing buildings or structures of architectural and or historic merit in any scheme
- 2.10 DC9 – A proposed house will have its own domestic curtilage with the proposed built form (e.g. a house and detached domestic garage) occupying a maximum of 33% of the overall site. The maximum size of any proposed domestic curtilage that will be supported is 1500 square metres, although in some cases allowance will be made in the proposed curtilage size to ensure foul drainage is accommodated fully.

# Housing in the Countryside

## Development Policy Provisions

- 3.01 Within the policy there are 8 policy provisions that allows for housing development in the countryside. A number of provisions look to reuse existing built form of a substantial nature in the landscape whether a former house or an agricultural building; and use them to form new homes for Orkney's countryside.

### The reinstatement of a Former Dwelling House Policy 5E (i)

- 3.02 This policy provision supports the reinstatement of a former house through renovation to form a new house. This policy provision makes a positive contribution to the countryside by preserving rural heritage, providing a housing opportunity and retaining the embodied energy of the original structure.
- 3.03 Planning permission is generally required to bring a former house back into use as a house if it has been vacant for more than 10 years, or has changed its use. The former house will display domestic features such as an external chimney stack, internal fireplace and/or openings of a domestic nature (no double opening doors and more than one window).
- 3.04 A renovation may include an extension and/or the integration of other structures associated with the house such as an old farmsteading. This work must be sympathetic to and protect the character of the original house and buildings; ensuring that any original features and materials are retained, wherever practicable. Any proposed extension must be sympathetic to and not dominate the original house or buildings.
- 3.05 The house may form part of a larger site, such as a redundant farm steading, where there may be opportunities for more than one house. In these cases a Site Development Statement as noted at DC1 in this guidance will be required.

## The Conversion of a Redundant Building or Structure Policy 5E (ii)

- 3.06 This policy provision supports the creation of a house through the conversion of a non-domestic building or structure that is redundant. This provision makes a positive contribution to the countryside by preserving rural heritage, providing a housing opportunity and retaining the embodied energy of the original building or structure. A proposal will have to comply with the following Criteria:
1. The building or structure should be redundant.
  2. The building or structure should be non-domestic.
  3. It is preferable that the proposed conversion is contained within the original building or structure, with 100% of the original building or structure retained within the conversion proposal.
  4. An extension that allows for additional living space is permissible and should not double the size of the original footprint of the building or structure to be converted; nor over dominate the original building or structure.
  5. The proposed house may form part of a larger site such as a redundant farm steading where there may be opportunities for more than one housing development. In these cases a Site Development Statement as noted at DC1 in this guidance will be required.



## The Replacement of an Existing Building or Structure Policy 5E (iii)

- 3.07 This guidance seeks to protect and enhance Orkney's historical and architectural assets through a retention and conversion first approach to buildings / structures of historic and/or architectural merit.
- 3.08 Buildings or structures to be replaced should either be redundant or be an existing house, that is not of historic or architectural merit, which provides a sub-standard level of living accommodation that is unsuitable for renovation to form a modern and energy efficient house. In terms of redundancy, the planning authority may ask for additional evidence to support the redundant nature of the building or structure if it appears suitable for its use. For example a farm building within or part of a working farm or a commercial building that is in a good state of repair.
- 3.09 When considering the potential number of buildings that can be redeveloped through replacement within a group of buildings, this policy provision considers how they are viewed in their setting and their external appearance, rather than how the building group may have once functioned. A building or structure to be replaced may be small or large in scale; it will sit on its own site and be detached from other buildings or structures. The presence of internal structural walls or separate external doorways is not relevant.
- 3.10 There are different considerations and options depending on whether a building or structure has architectural and/or historic merit.
- 3.11 **No architectural and/or historic merit** – If the building or structure does not have architectural or historical merit, the building may be replaced as a one for one replacement. The original building will be removed from the site with the replacement house being located on the same site. In some exceptional instances the replacement house can be moved where there are demonstrable planning benefits for an alternative location such as landscape and visual impacts, flooding, built heritage, natural heritage or road safety. The original building will be fully removed from the site before the construction of the new house. In some limited cases the original building or structure could be retained if the development proposal demonstrates how it can be utilized as an ancillary domestic building. In these cases, the replacement house will be located next to original building and within the same curtilage.
- 3.12 **Of architectural and/or historic merit** – When the building or structure has merit there are a number of options:
1. The building can be redeveloped or converted as noted within this guidance.
  2. The original building may be retained and utilised as ancillary domestic accommodation to the proposed house. The proposal must contain details of how the original building will be restored and retained in a fully wind and water tight condition to the satisfaction of the planning authority. The proposed replacement house will be erected adjacent to and within the same curtilage as

the original building. The replacement house must be sympathetic to the original building in terms of scale and form.

3. The building can be restored as a dwelling house in its own right and a new dwelling can also be developed on an adjacent site sharing a common boundary. Planning permission will only be granted through this option where an application includes details of how both houses will be delivered. The replacement house must respect the original building in terms of its location, scale and form.
- 3.13 When the building to be replaced is retained/redeveloped, it should be made wind and water tight to the satisfaction of the planning authority, before the erection of the replacement house commences.
- 3.14 The house may form part of a larger site such as a redundant farm steading where there may be opportunities for more than one housing development. In these cases a Site Development Statement as noted at DC1 in this guidance will be required.

## The Re-Use of Brownfield Land Policy 5E (iv)

- 3.15 This policy provision relates to brownfield land that has previously been developed, where the former use remains evident on site. The redevelopment would result in environmental improvements through full remediation of any contamination that is found on site.
- 3.16 A proposal will comply with the following criteria:
1. The defined site of 1500m<sup>2</sup> or less will be meet the definition of a brownfield site that is set within this guidance. The area of ground that requires to be investigated for land contamination could in some cases be larger than the proposed planning site of 1500m<sup>2</sup> and therefore so could the area of ground that requires remediation.
  2. Any structures on the site that have architectural and / or historic merit should be retained as part of the final proposal. In some cases, structures may require to be removed to that the most appropriate form of remediation can take place.
  3. The curtilage of the proposed house must be wholly contained within the defined brownfield site.
  4. If on the site or the wider site, there is potential for more than one house, a Site Development Statement as noted in DC1 in this guidance will be required.
  5. The application will be accompanied by a full Contaminant Report. This report will detail the contaminants found on the site, the methodology used to complete the report and the remediation required to allow the site to be developed as a domestic curtilage. This report should be completed to the satisfaction of the Environmental Health Team at the Council. If planning permission is granted, work for the remediation of the site will require to be carried out in full before work for the erection of the house commences.

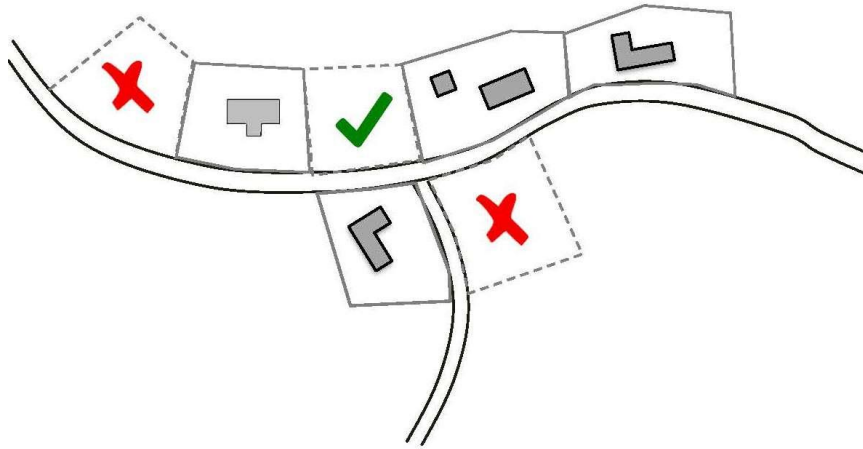
## The Subdivision of a Dwelling House or its Residential Curtilage Policy 5E (v)

- 3.17 This policy provision provides for one additional house through the Plan period. Subdivision of a house or residential curtilage is supported where the proposal demonstrates that:
1. The curtilage to be sub-divided complies with the definition of curtilage as noted in the Supplementary Guidance.
  2. The curtilage to be sub-divided has served the host house for a period of 10 years or greater. Evidence will be required to support the application, such as planning history or clean documentary/photographic evidence.
  3. The subdivision is achievable without the need to extend the existing curtilage, with all proposed development being fully contained within the boundary of the existing curtilage.
  4. The proposed house and the host house have adequate parking, access provision and outside amenity space and foul drainage.
  5. When the proposal is for the sub-division of a house as well as the curtilage, any built form extension should not dominate the original house in terms of scale and form, and
  6. The residential amenity of adjacent properties, including that of the host house must be protected.

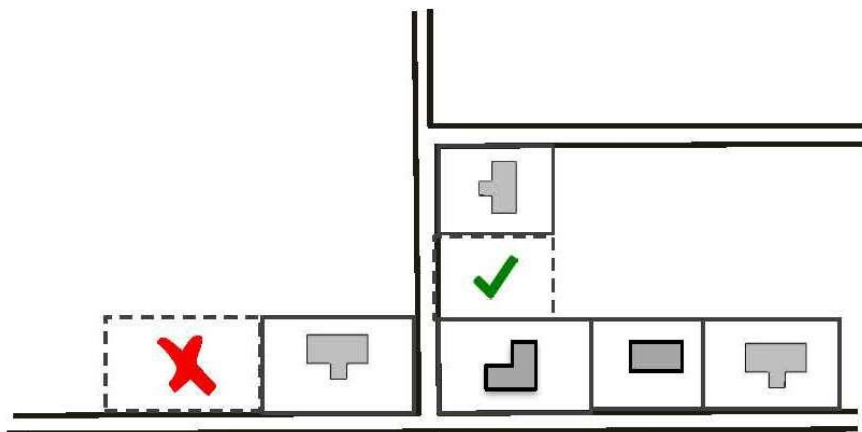
## Single House In-Fill Development within Existing Housing Groups Policy 5E (vi)

- 3.18 This policy provision allows for the creation of one housing plot within an existing housing group during the lifetime of the Orkney Local Development Plan 2017-2022. The housing group once defined through a successful planning application will not be redefined for the purpose of gaining an additional consent. This is to ensure development does not lead to suburbanisation of the countryside.
- 3.19 The definition of an existing housing group is where there are four or more occupied and independent dwelling houses which relate to each other and are viewed as a group, meaning two or more of the houses share domestic curtilage boundaries.
- 3.20 The infill site will:
1. Be within a housing group as defined above.
  2. Be located in between two of the occupied and independent dwelling houses with the infill site sharing boundaries with these two dwelling houses.
  3. Accord with and enhance the housing group, with a similar plot size and shape, development density and design.
  4. Allow for an independent dwelling house and curtilage.

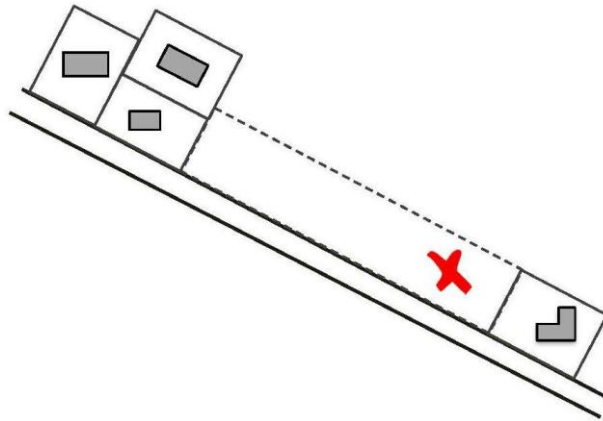
- 3.21 The diagrams below are illustrative examples of housing groups and infill sites as defined through this guidance.



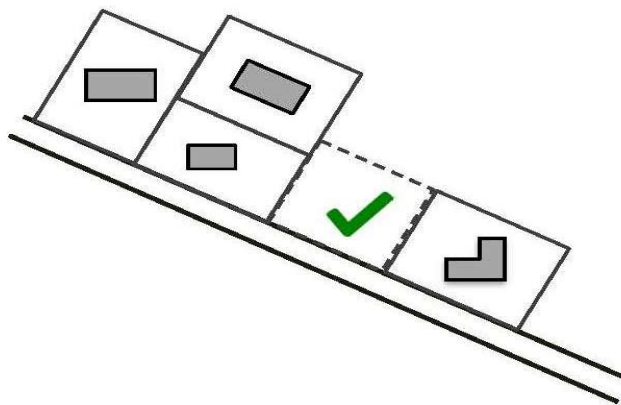
- 3.22 In the above illustration, the 4 houses are viewed as a group with 2 of the houses sharing domestic boundaries. The ticked site is located in between 2 occupied and independent dwelling houses with the other sites (noted with a cross) not being infill sites as they do not sit in between 2 houses.



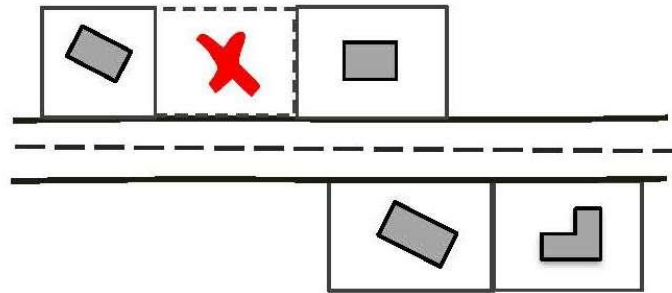
- 3.23 In the above illustration, the 5 houses are viewed as a group with 2 of the houses sharing domestic boundaries. The ticked site is located in between 2 occupied and independent dwelling houses with the other site (noted with a cross) not being an infill site as it is not located in between 2 houses.



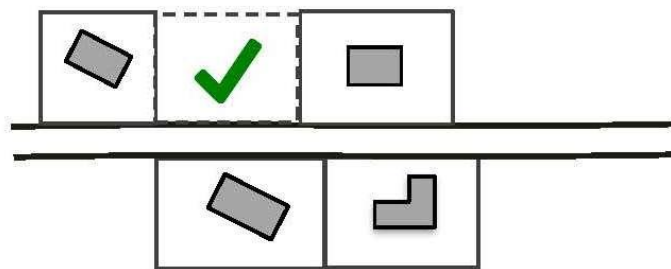
3.24 The above illustration shows how the plot has been contrived to meet the policy requirement of the Supplementary Guidance. The proposed plot is not of a similar shape to the existing plots in this location and will therefore not enhance the grouping or the location.



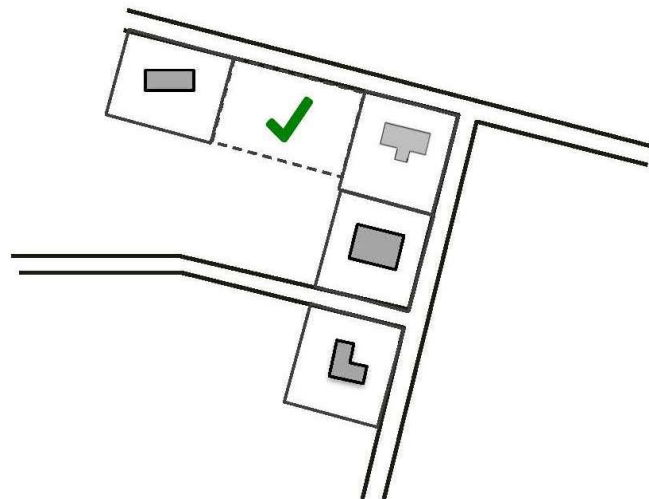
3.25 The above illustration shows that the infill site is located in-between 2 domestic curtilages; sharing their boundaries. The proposed plot is of a similar size to the existing plots.



- 3.26 In the illustration above, the 2-way road forms a strong visual and landscape break and therefore the four houses do not form a group as defined in the Supplementary Guidance.

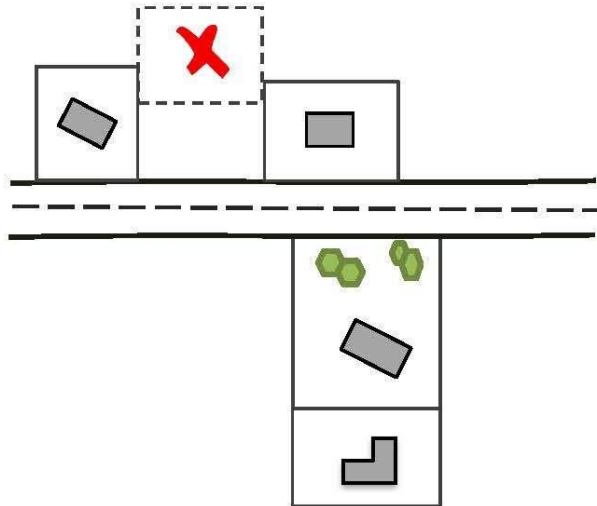


- 3.27 In the illustration above, the single track road does not form a strong visual or landscape break within this building group and therefore forms a housing group as defined in the Supplementary Guidance. The proposed plot is also a similar size to and shape to the existing plots.

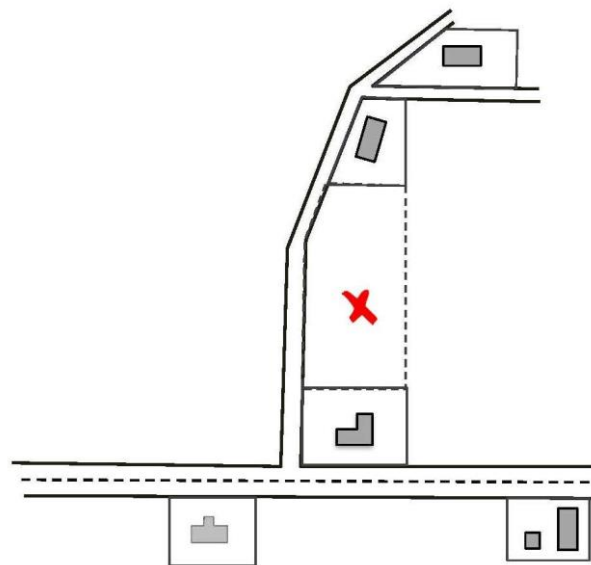


- 3.28 As in 3.27, the illustration above demonstrated that single track roads do not form strong breaks visually or in landscape terms. The proposed plot is similar in size and shape to the existing plots.

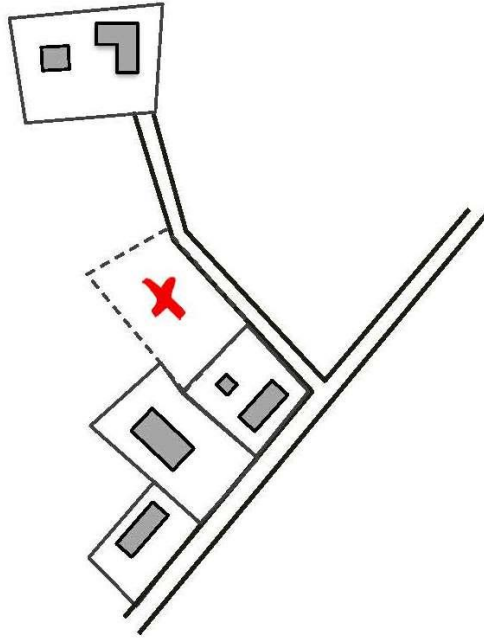




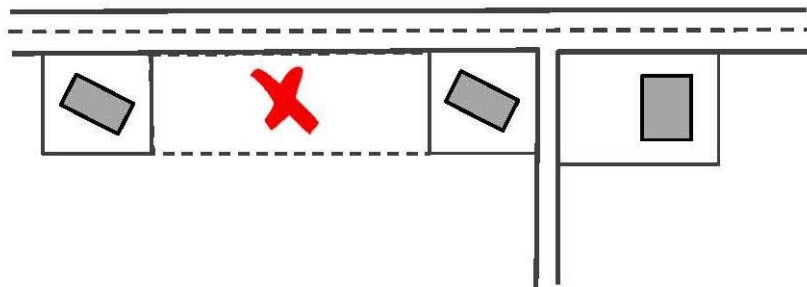
- 3.29 The illustration above shows that the 4 existing houses do not form a group as defined in the Supplementary Guidance. This is because of the 2-way road forms a strong visual and landscape break. Additionally, the proposed infill site does not share curtilage boundaries with 2 of the existing dwellings.



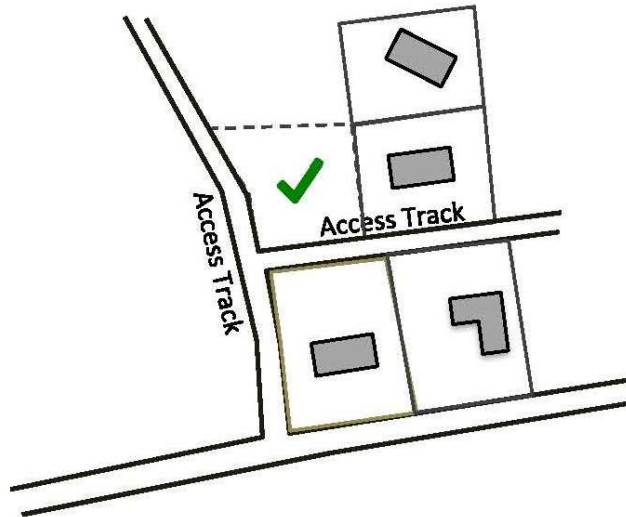
- 3.30 The illustration above demonstrates how this is not a group of 4 houses as the potential 4<sup>th</sup> house is over a 2-way road. A 2-way road forms a strong visual and landscape break. Additionally, the potential infill site is not similar in size or shape to the existing housing plots.



3.31 The illustration above demonstrates how this is not a group of 4 houses as the 4<sup>th</sup> house is remote from the other 3. Additionally, the potential infill site does not share boundaries with 2 other dwelling house curtilages.



3.32 As shown in the above illustration, there are not 4 occupied and independent dwelling houses within the group.



- 3.33 The illustration above shows 4 dwellings and the potential infill site shares boundaries with 2 of them. The infill site is of a similar shape and size to the existing sites.

## The Provision of a Single Dwelling House for a Rural Business Policy 5E (vii)

- 3.34 Farming and other rural businesses contributes to Orkney's economy and sustainable future. The Council wishes to support established rural businesses by providing for additional living accommodation where there is a clear business requirement for 24 hour supervision. It should be noted that the presence of a rural business is not justification in itself.
- 3.35 The applicant must demonstrate that:
1. Any existing houses that form part of the business requires to be assessed, including past planning approvals (the removal of occupancy conditions and extant consents), to establish if any are suitable in operational terms to provide the housing required.
  2. Demonstrate that the need is not a direct consequence of recent severance of housing from the business. Changes in the business will be taken into account.
  3. Evaluate the opportunities to provide the required housing, in a location that is suitable for the business and its operational needs, through the policy provision at Policy 4, section A and Policy 4, section E part i), ii), iii). Iv), v) and vi) of the Plan.
  4. The viability, scale, longevity and other relevant details of the business must demonstrate that the business is on a sound financial basis.
  5. The labour requirements of the business, including the requirement for additional 24 hour supervision, will be assessed and established through the application process. 24hour supervision must be essential for a sustained period of the year (for more than 3 months).
  6. Details of the employment status of the business owners and employees; and whether they have other employment (full or part time) that takes them away from the business will be considered.
  7. Provide information on the persons who are to live in the proposed house and whether they own the business or are related to the business owner.
  8. Provide full justification for the location proposed for the house. The proposed house should be located with other buildings associated with the business, forming part of a building group or in a location that has full business justification.

### Viability, Longevity and Business Justification

- 3.36 The majority of applications submitted under this policy provision will relate to agriculture. Justification through the evaluation criteria should be completed by, or with the assistance of, a recognised agricultural assessor. For other rural businesses, justification should be provided by, or with the assistance of a recognised business advisor / accountant.
- 3.37 For the purpose of the policy provision, a rural business must have been operational in its current location for a minimum of 2 years. In some cases the rural business may

not have been established for this period or established for this period in a different location. In these cases consideration, through the evaluation criteria, will be given to the granting of a temporary permission for a non-permanent form of housing, such as a residential caravan, for an initial period of two years.

### **Location of the Proposal**

- 3.38 The proposed house should be located with existing buildings to assist in the provision of 24 hours supervision. In some exceptional cases, there may be other locational requirements for the business that require the proposed house to be sited away from existing structures and buildings. In these cases, full business justification should be provided for these alternative locations. When considering alternative locations, it is essential that new development is designed and sited to fit into the landscape and to minimise landscape and visual impacts. For example, it would not be sufficient for an agricultural business to state that a proposed housing location allows the occupant to look over the land. Justification must be more detailed in terms of the activities which require to be viewed from this location and why from an operational perspective this is a requirement over a location near to the buildings of the business.
- 3.39 There may be planning benefits for alternative locations that reduces impacts on material planning considerations such as flooding, built heritage, natural heritage or road safety. These considerations may be used to justify locations away from the existing structures and buildings of the business.

### **The Use of Occupancy Conditions**

- 3.40 The emphasis through this guidance has been placed on the provision of full justification for a new development rather than supporting an approach of issuing planning permission with conditions that restrict who lives in the house after construction. Conditions restricting occupancy will generally not be imposed.

## The Provision of a Single Dwelling House to allow for Retirement and Succession of a Farm Policy 5E (viii)

- 3.41 This element of the policy allows for a viable farm holding to be passed on to the next generation, allowing for an additional house for the retiring farmer or for a new farmhouse. The retiring farmer under this policy provision could still make a valued contribution to the business on a part time or flexible basis.
- 3.42 The applicant must demonstrate that:
1. They have recently retired, and the business has been or will be sold or transferred to a family member.
  2. Either the applicant or the family member will live in the proposed house. Confirmation is required through the planning application.
  3. Any existing houses that form part of the business including past planning approvals (the removal of occupancy conditions and extant consents) will be assessed to establish if there any are suitable alternatives, in operational terms, to provide the housing required.
  4. Evaluate the opportunities to provide the required housing, in a location that is suitable for the business and its operational needs, through the policy provision at Policy 4, section A and Policy 4, section E part i), ii), iii). iv), v) and vi) of the Plan.
  5. The viability, scale, longevity and other relevant details of the business must demonstrate that the business is viable; and
  6. Provide full justification for the location proposed for the house. The proposed house should be located with buildings of the business, forming part of a building group or in a location that has full business justification and other relevant justification.

### Viability, Longevity and Business Justification

- 3.43 Justifications through the evaluation criteria should be completed by, or with the assistance of, a recognised agricultural assessor. For the purpose of this policy provision, the agricultural business will have been operational in the location of the proposed house for a minimum of 2 years.

### Location of the Proposal

- 3.44 The proposed house should be located adjacent to existing buildings. In some exceptional cases, there may be locational requirements for the business that require the proposed house to be sited away from existing structures and buildings. In these cases, full business justification should be provided for these alternative locations. When considering alternative locations, it is essential that new development is designed and sited to fit into the landscape and to minimise landscape and visual impacts. For example, it would not be sufficient for an agricultural business to state that a proposed housing location allows the occupant to look over the land. Justification must be more detailed in terms of the activities

which require to be viewed from this location and why from an operational perspective this is a requirement over a location near to the buildings of the business.

- 3.45 There may be planning benefits for alternative locations that reduces impacts on material planning considerations such as flooding, built heritage, natural heritage or road safety. These considerations may be used to justify locations away from the existing structures and buildings of the business.

### **The Use of Occupancy Conditions**

- 3.46 The emphasis through this Guidance has been placed on the provision of full justification for a new development rather than supporting an approach of issuing planning permission with conditions that restrict who lives in the house after construction. Conditions restricting occupancy will generally not be imposed.

## 4. The Removal of Residential Occupancy Conditions

- 4.01 A historic grant of planning permission for a house in the countryside for a business, may have included planning conditions that restrict the occupancy of the house. Occupancy conditions are used to restrict occupancy ensuring the availability of the house for the rural business.
- 4.02 In some instances, the owner of the house and business may require to apply for planning consent to remove occupancy conditions.
- 4.03 The outcome of an application to remove an occupancy condition is a material consideration for the planning authority if in the future a new application for another house on the same rural business's submitted.
- 4.04 **Change in planning policy (national or local)**  
Since the original application was approved with occupancy conditions, national or local planning policies may have changed. In these cases a planning application will be supported by a statement detailing these changes and how the proposal is supported by either existing national or local planning policies.
- 4.05 **Change in business circumstances**  
Since the original application was approved, the business may have changed that has in turn has brought about a change in the housing requirements of the business. For the planning authority to fully consider the removal of occupancy conditions, a full statement detailing the change in business circumstance, how these changes are linked to the removal of the occupancy conditions and the consideration of alternative solutions, will be provided with the planning application.



## 5. Definitions

- 5.01 For the purpose of this guidance, the following definitions apply. Please note that a full glossary of planning terms used in Orkney is provided online at <http://www.orkney.gov.uk/Service-Directory/G/Glossary-of-Planning-Terms.htm> .
- 5.02 **Architectural Merit** is when a building or structure displays features of architectural merit or has a specific architectural style. The architectural merit or architectural style of the building or structure is either rare or a good example that is generally intact and not greatly altered.
- 5.03 **Building or structures** are defined as being above ground and having the majority of the original walls to wallhead level of 1.6 metres evident on site and an external floor area of 50 square metres or greater. It should also be proven beyond reasonable doubt that the building or structure either has a roof or had a roof in the past.
- 5.04 **Brownfield Site** is defined as land where contaminants are present or suspected of being present that may represent a potential risk to human health or to the environment. This risk is either through the direct uptake of contaminants into the food chain or ecosystems, direct ingestion or inhalation, contamination of water resources, fire and explosion of combustible contaminants or an attack on building materials and services by corrosive contaminants. Additionally, there should be man-made features on site that are over 2 metres in height and are not necessarily buildings.
- 5.05 **Curtilage** is defined as the extent of the land associated with the building (house) which is used and maintained as domestic space and is in the ownership and/or control of the host house. The curtilage is often demarked by a boundary wall or fence and contains a lawn or garden, drying area, vegetable patch and any outbuildings which are ancillary to the property such as sheds, stores or garages. A field or piece of ground which is near to or associated with the house is not necessarily curtilage. Where an area of land has planning permission to be used as domestic curtilage or has achieved the status lawfully through the passage of time, it will be considered as such unless it has been abandoned for a period of 10 ten years where its use will be deemed to have lapsed.
- 5.06 **Existing Housing Group** is defined as an existing housing group where there are four or more occupied and independent dwelling houses which relate to each other and are viewed as a group, meaning two or more of the houses share domestic curtilage boundaries.

- 5.07 **Historic Merit** – These are buildings that are judged to be socially and culturally important to Orkney. There is interaction between historic merit and architectural merit. There are 3 main categories:
- **Vernacular buildings** utilise locally available materials and respond to functional, social and environmental constraints. Orkney’s domestic vernacular architecture is recognisable in longhouses that are characterised by thick walls, constructed using local stone, flagstone roofs and floors; and adjoining byres that would have originally housed farm animals. They are often orientated to address local climatic conditions and topography. Orkney’s non-domestic vernacular architecture includes mills, stores and agricultural steadings.
  - **Traditional buildings** are usually designed by architects as opposed to being a direct response to local conditions with similar structures constructed across a wider geographical area. Materials would be local with some use of materials from further afield, such as Welsh or Caithness slate. Examples are 19<sup>th</sup> century agricultural housing erected on estates that emulate the earlier longhouses, grand laird’s houses of the 18<sup>th</sup> and 19<sup>th</sup> century, churches, manses, schools and model farmhouses.
  - **Non-Traditional Buildings** are generally built to fulfil a specific purpose; they are often functional in appearance, and not embellished with elaborate features; and may not be constructed from local or natural materials but of concrete and brick. Examples are wartime structures, lighthouse board buildings and structures associated with the Royal National Lifeboat Institution (RNLI).
- 5.08 **Infill Development** is located within a Housing Group. The Infill development site is located in between two of the occupied and independent dwelling houses with the infill site sharing boundaries with these two dwelling houses.
- 5.09 **Non-domestic Building or Structure** is defined as noted at 5.03; with the last use not being that of a house.
- 5.10 **Redundant** is when a building or structure is no longer suitable for its previous use by virtue of its size and location; and the building or structure is empty, unoccupied and not in an active use.
- 5.11 **Suburbanisation** houses may be regimented and aligned to a view rather than responding to climatic and topographic conditions of the location, thereby having greater landscape and visual impacts. There can be a lack of local distinctiveness in suburban areas with the scale, form and massing of buildings more suited to an urban area. Further information on suburbanisation with regards to infill development may be the subject of dedicated Development Management Guidance.

# Appendix 1: Site Development Statement

The aim is not to duplicate information that is already contained within the planning application but to inform the planning authority and other interested stakeholders of the design process undertaken and how the applicant is looking to achieve the potential of a development appropriately. There is no right or wrong content in a Site Development Statement, this is a guide. Note that these statements should be supported by graphics and photographs.

## 1 - Layout

**Introduction** – this section introduces the site and the development. Subsections could be:-

- Description of Development Proposed
- Development Aspirations
- Relevant History
- Pre-planning Advice

**Site and Surrounding Area Appraisal Section** – this section looks at the context, the users, the buildings, the landscape, planting, boundaries etc. Subsections could be:-

- The Location
- The Site
- Existing Connections

**The Development Principles** – the “rules” the development must consider when designing. They could be national or local planning policies or issues such as flooding.

**The Development Concept** – looks at the investigations, analysis and the development principles to show how they have been understood and taken forward or not to the development solutions.

**The Development Solutions** – there may be more than one; and this section potentially discusses and discounts solutions.

**The Development and Supporting Statement** – which development? And why?

## 2 - The Example

This example is fictitious and based on scenarios that are found throughout Orkney. Its an farmhouse and farmstead called Hillquoy, the farm was bought by a neighbouring landowner that wishes to sell houses / housing plots to help finance his business and presently manages his farm from another steading. The application that has been received by Development Management is for the erection of a replacement house, Site C only.

### Introduction

This statement discusses the redevelopment of Hillquoy in New Parish on the Mainland. It comprises of a farmhouse and farmsteading. The house is in use and the farmsteading has not been actively used for a number of years. The land of the farm has been incorporated into a larger neighbouring farm.

Please note that the plans contained within this statement are not to scale and indicative only.

### Description of the Development Proposed

It is proposed to redevelop this under used group of buildings. The applicant wishes to realise the value of this builtform. This document shows how this can be achieved whilst responding to the features of the location, being environmentally acceptable and allowing for independent dwelling houses.

### Development Aspiration

Realise the value of the builtform of Hillquoy and for any proposed development to be environmentally acceptable.

### Relevant History

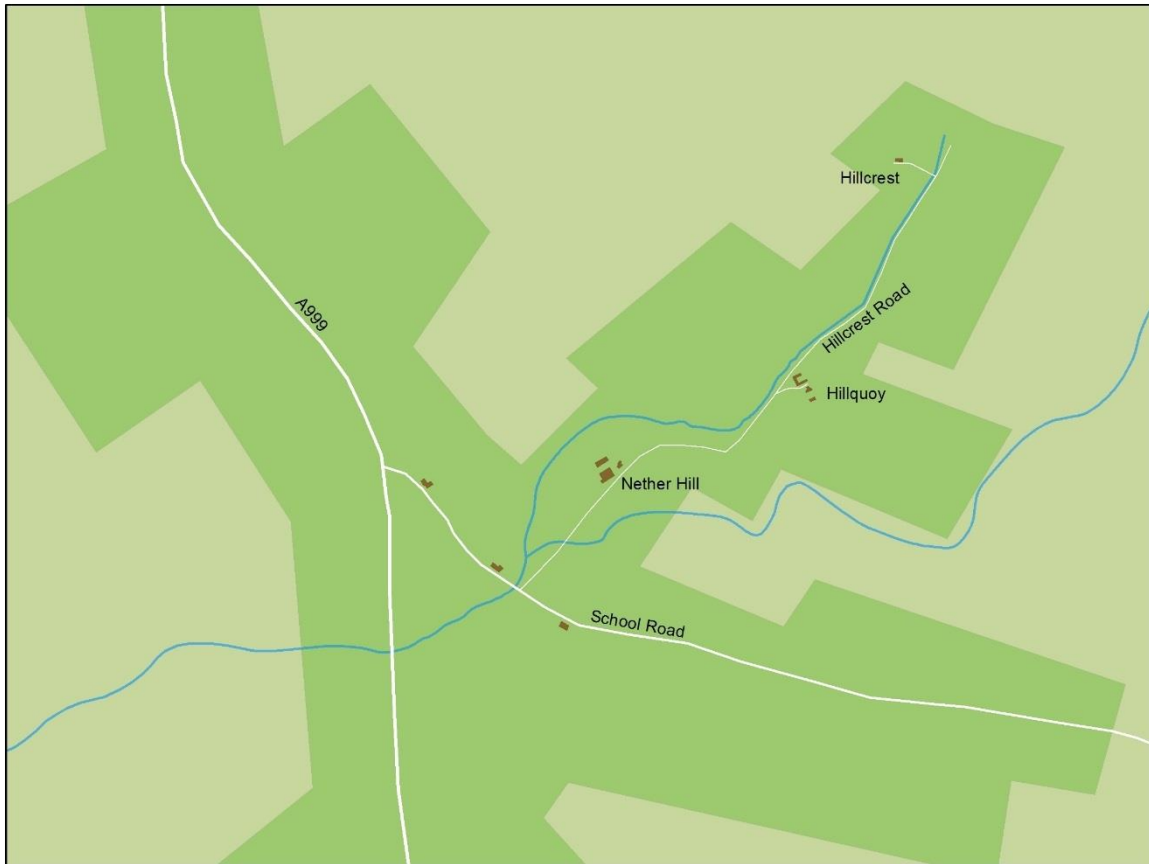
The structures of Hillquoy are appropriately 160 years old, with some structures constructed of stone with welsh state roofs. Newer buildings from the 1960's are block built with corrugated sheet roofing.

### Pre-planning Advice

With Mrs Smith of the Development Management Team in October 2018. Her advice has shaped the final proposed development and other advice has also been gained from Building Standards and SEPA (about foul and surface water drainage arrangements).

## Site and Surrounding Area Appraisal Section

### The Location



**Site Location Plan**

The location is noted in the above plan. Hillquoy lies to the northeast of Nether Hill and the southwest of Hillcrest in a location that is predominantly agricultural in use. In the last 20 years a number of residential properties have been developed to the south east of the Hillquoy off the School Road.

Nether Hill is a house and farm steading that has been greatly altered in the last 30 years. The house, originally a stone built one storey house has been altered and extended to incorporate outbuildings. The farmsteading is dominated by large agricultural shed constructed of poured concrete with wooden slatted sides and a corrugated sheet roof.



**Hillcrest**

Hillcrest which is located on higher ground above Hillquoy is a traditional group of buildings that have not been altered and updated. They are smaller in scale, generally constructed of stone with gable ends.



**Hillhead**

The landscape in the location is predominantly cultivated grass fields with post and wire fencing with Hillquoy located within a landscape that gently slopes from the west to the east. The Burn of Hillquoy runs along the Hillcrest Road.

Within this location there are no landscape designations or historic environment assessments such as listed buildings.



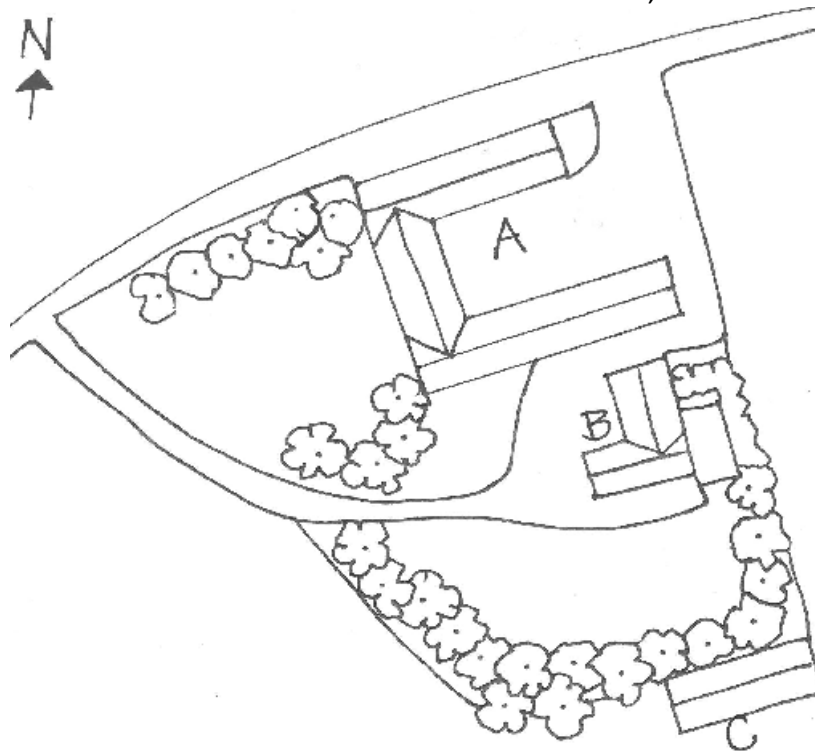
**Photo A - Agricultural Land and Hillhead**



Photo B – Landscape west of the site

## The Site

The Site Plan notes the existing buildings of Hillquoy and labels them A to C. The buildings of Hillquoy sit within the landscape and there are a number of mature sycamore trees in the garden grounds. The site does not have a flood risk from coastal, river or surface water.



Site Plan noting the existing buildings A to C

A – The former farmsteading is in a “Horseshoe” arrangement. The northern and western buildings are constructed of stone and originally had an Orkney slate roof. This slate has recently been removed because of safety concerns and roofed with corrugated sheeting. Part of the northern building has a loft level but the appearance of the buildings is that of single storey. The southern buildings are block built with a corrugated asbestos sheeting on the roof.

All buildings are gable ended and openings in the buildings are agricultural in nature (mainly doors with limited windows). Through pre-planning consultation, Development Management stated that the stone element of the farmsteading had historical merit and should be retained in any redevelopment plans.



**Farmsteading at A**



**Farmsteading at A**





**Farmsteading at A**

B – The house of Hillquoy is in a good state of repair but requires some modernisation. It is mainly of stone construction with a welsh state roof. The house is a storey and a half with 3 bedrooms, a living room, kitchen / dining room, bathroom and entrance porch. Attached is a lean too domestic garage.



**Hillquoy – Farmhouse at B**



**Hillquoy - Farmsteading at B**

C – This is a single storey block built agricultural building with a corrugated asbestos sheeting roof. Through pre-planning consultation, Development Management stated that this building has no architectural or historic merit.



**Agricultural Buildings at C as viewed from the field**



**Agricultural Buildings at C as viewed from the garden**

## Existing Connections

The Location Plan shows the existing connections in the proximity of the redevelopment site. The public bus service that links this location to the Villages of St Ann's and St David's; and Orkney's main town of Churchwall, runs along the A999. The Hillcrest Road is an unclassified public road which is a single-track.

## The Development Principles

The relevant local policies to be considered are found in the Orkney Local Development Plan 2017 (OLDP2017) <https://www.orkney.gov.uk/Service-Directory/O/Orkney-Local-Development-Plan.htm> (Policy 1, 2 and 5E) and associated Supplementary Guidance of Housing in the Countryside (SG) <https://www.orkney.gov.uk/Service-Directory/D/housing-in-the-countryside-2.htm>

These documents will be considered positively to shape the development proposed so as to gain consent and to be acceptable. For this rural redevelopment and to maximise the potential, the provision set under part iii) – The Replacement of an Existing Building or Structure of Policy 5E requires consider. They are:

1 – Is the building considered to be a building or structure under the definition stated in the Supplementary Guidance? It requires to be above ground with the majority of walls to wallhead level of 1.5 metres evident on site and an external floor area of 50 square metres or greater. It should be proven beyond reasonable doubt that the building or structure either has a roof or had a roof in the past.

2 - Is the building redundant? It is no longer suitable for its previous use by virtue of its size and location; and the building is empty, unoccupied and not in an active use.

3 – Does the building have architectural and / or historical merit? The historic vernacular building definition states that it should utilise locally available materials and respond to functional, social and environmental constraints. Orkney's domestic vernacular architecture is recognisable in longhouses that are characterised by thick walls, constructed using local stone, flagstone roofs and floors; and adjoining byres that would have originally housed farm animals. They are often orientated to address local climatic conditions and topography. Orkney's non domestic vernacular architecture includes mills, stores and agricultural steadings.

## The Development Solutions

Taking into consideration the site investigations, analysis, the relevant development principles and the developer's aspiration; there are a number of solutions that could be considered for this location; and a number of combinations of these solutions as noted below.

The first solution - extend and renovate the existing house at B and do nothing with the farmbuildings at A and C.

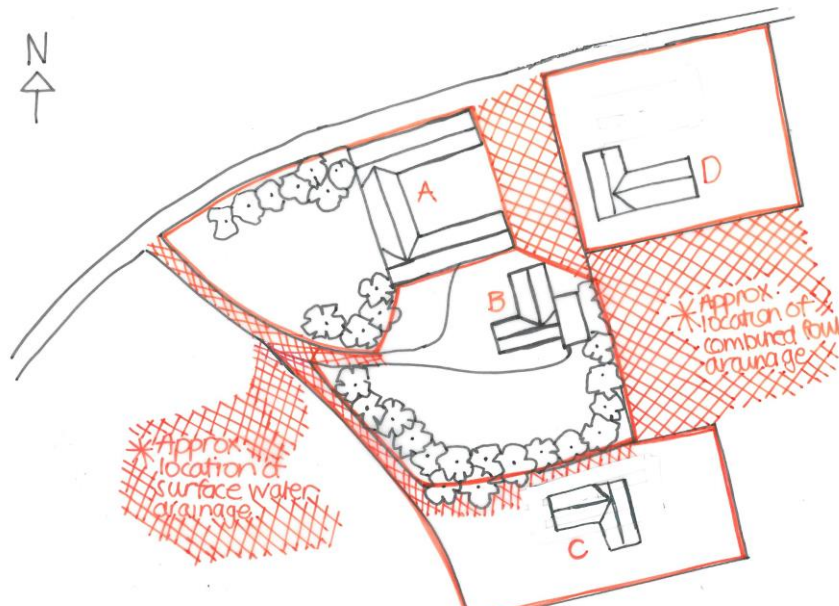
The second solution - extend and renovate the existing house at B and convert the farmbuilding at A.

The third solution - extend and renovate the existing house at B, convert the farmbuilding at A and knockdown the farmbuilding at C and erect a new house under the one for one policy.

The fourth solution - extend and renovate the existing house at B, convert the farmbuilding at A and build a replacement house under the two for one policy and knockdown the farmbuilding at C and erect a new house under the one for one policy.

## The Development and Supporting Statement

The fourth solution has been selected as it meets the developer's aspirations, accords with the relevant development principles and the site context.

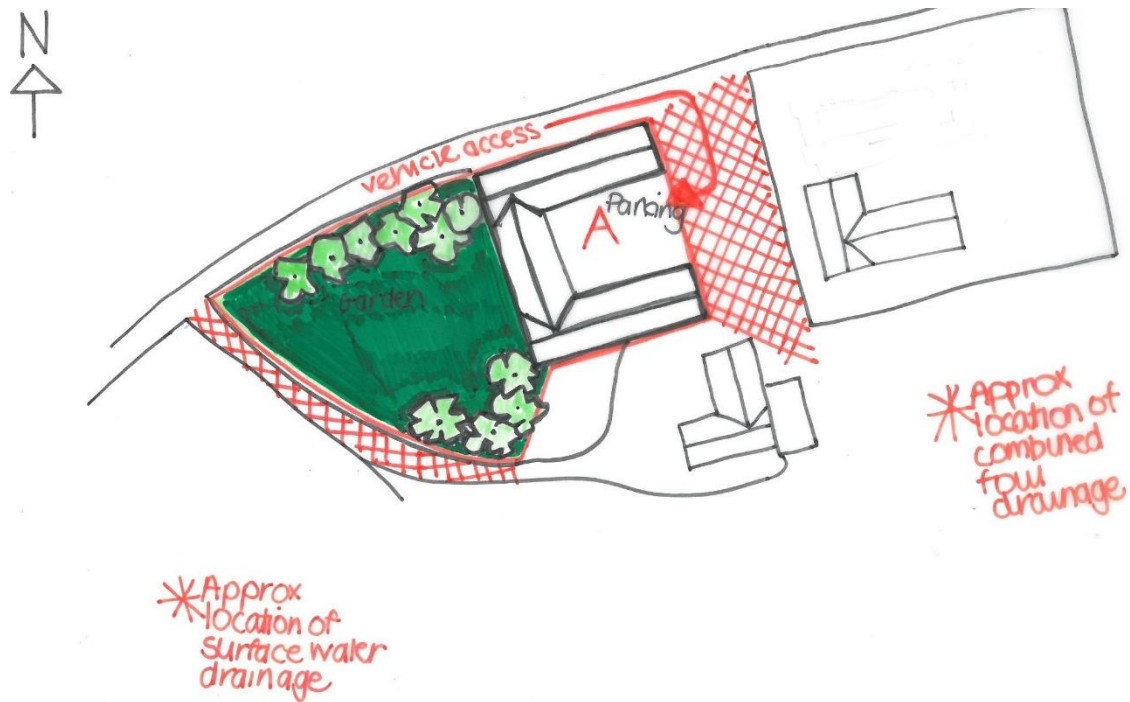


The above plan notes the proposed curtilages and the communal areas to allow for drainage and appropriate access (shown on plan in red hatching).

For All Development there are a number of development and design considerations that are common and that will form part of future planning applications, allowing future development to be environmentally acceptable and accord with the noted development principles.

- After the completion of a tree survey, trees where appropriate and noted within the findings of the tree survey; will be retained to maintain privacy, general amenity, shelter and biodiversity. New planting will be proposed that will add to this provision.
- For the foul and surface water drainage to be combined. For their onward access and maintenance to be covered by a deed condition.
- For all proposed development, the amenity and privacy of all residents must be protected.
- Colours and materials to be used should positively consider the colours and materials of the location.

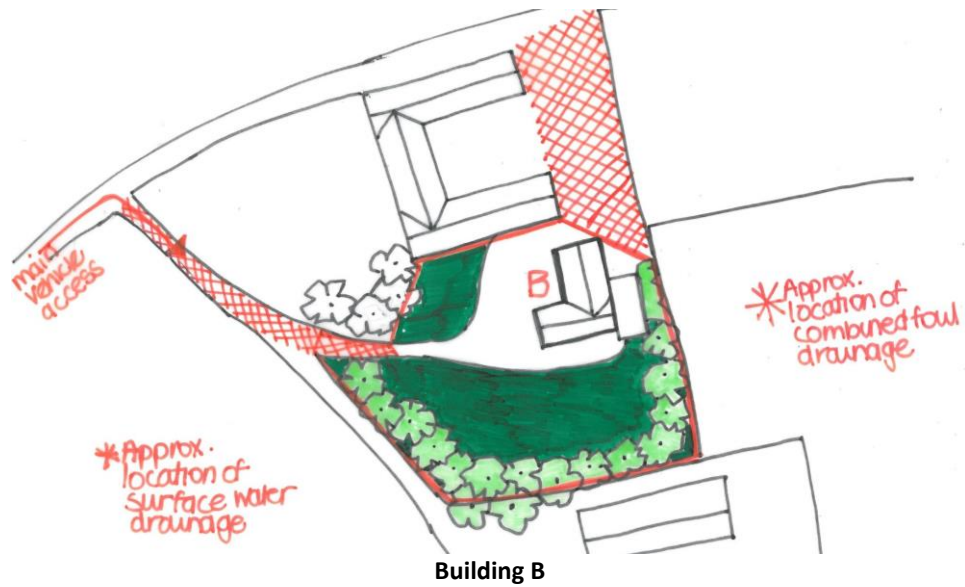
## Building A



## Building A

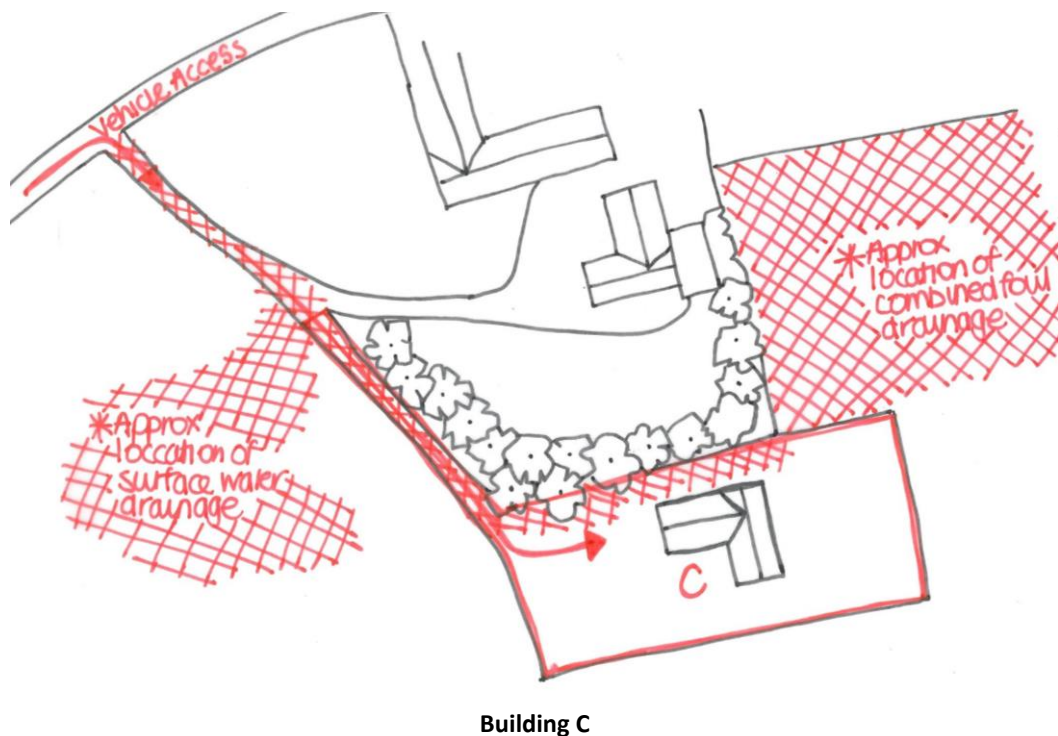
- The building accords with the definitions in the Supplementary Guidance of a building or structure, it is considered redundant and has historic merit.
- For the stone element of this building to be retained because of the historic significance.
- For vehicle access to be taken off the Hillcrest Road to the east of the buildings.
- For the area coloured green to be maintained as the private garden ground for this dwellinghouse and boundary treatments to be no more than 1 metre in height.

## Building B



- For the area coloured green to be maintained as the private garden ground for this dwellinghouse and boundary treatments to be no more than 1 metre in height.

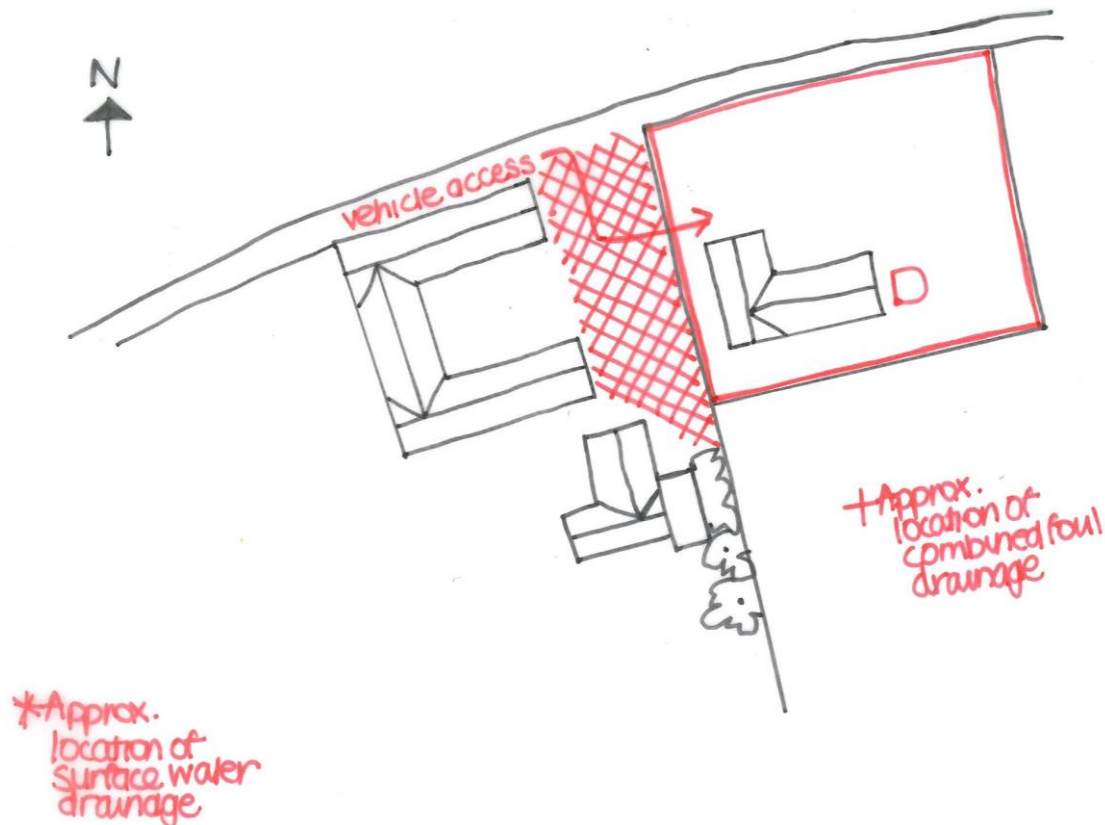
## Building C



- The building accords with the definitions in the Supplementary Guidance of a building or structure, it is considered redundant and does not have either historic or architectural merit.
- For the original building to be removed from the site.

- The house footprint noted on the drawing indicates how the plot may function with the trees of the original house maintaining privacy and amenity between the 2 dwellinghouses.
- New planting should be proposed to provide for privacy, general amenity, shelter and biodiversity.
- For the ridge height of this new house not to be higher than either the overall height of the original house or the farmbuildings to be retained, taking into consideration ground levels.

### Building D



Building D

- The house footprint noted on the drawing indicates how the plot may function.
- For the ridge height of this new house not to be higher than either the overall height of the original house or the farmbuildings to be retained, taking into consideration ground levels.
- New planting should be proposed to provide for privacy, general amenity, shelter and biodiversity.

### Supporting Statement

The redevelopment of this building group is appropriate to the site and its context. The buildings of merit are to be retained and redeveloped (the original house and the stone farm buildings), new development will be located to sit with the existing building group and will positively consider this agricultural landscape setting by siting one new build house in



the location of an un-used agricultural building and the other in close proximity to form a grouping.

The overall building heights of the new build elements will not be higher than the historic builtform that has been part of this landscape for over 160 years. Combining drainage elements, covering onwards maintained through title deed provision and retaining and adding to the mature trees will protect amenity and reduce environmental impacts.

The redevelopment accords with the policies of the Orkney Local Development Plan 2017 and associated Supplementary Guidance: Housing in the Countryside.



# Equality Impact Assessment

The purpose of an Equality Impact Assessment (EqIA) is to improve the work of Orkney Islands Council by making sure it promotes equality and does not discriminate. This assessment records the likely impact of any changes to a function, policy or plan by anticipating the consequences, and making sure that any negative impacts are eliminated or minimised and positive impacts are maximised.

<b>1. Identification of Function, Policy or Plan</b>	
Name of function / policy / plan to be assessed.	Supplementary Guidance: Housing in the Countryside
Service / service area responsible.	Development and Marine Planning
Name of person carrying out the assessment and contact details.	Susan Shearer, <a href="mailto:susan.shearer@orkney.gov.uk">susan.shearer@orkney.gov.uk</a> Tel: 01856 873535 Ext. 2533
Date of assessment.	3 <sup>rd</sup> June 2019
Is the function / policy / plan new or existing? (Please indicate also if the service is to be deleted, reduced or changed significantly).	The Supplementary Guidance: Housing in the Countryside is a revised version of Supplementary Guidance: Housing in the Countryside, April 2017. The review and redrafting of this Supplementary Guidance is part of the Orkney Local Development Plan 2017. The production of the Plan is a statutory function of the Council.

<b>2. Initial Screening</b>	
What are the intended outcomes of the function / policy / plan?	To make this Supplementary Guidance up to date and to take account of monitoring outcomes. Main outcome is to allow for appropriate housing development in the countryside.
Is the function / policy / plan strategically important?	Yes
State who is, or may be affected by this function / policy / plan, and how.	Planning Stakeholders such as the general public, agencies such as Scottish Water, Scottish Natural Heritage and other interest groups such as Voluntary Action Orkney.

<p>How have stakeholders been involved in the development of this function / policy / plan?</p>	<p>Yes, planning stakeholders are involved through the Local Development Plan consultations that have been completed and will be completed in the future. Note that after this draft has taken into consideration comments made by the public and planning stakeholders through a consultation period in spring 2019.</p>
<p>Is there any existing data and / or research relating to equalities issues in this policy area? Please summarise. E.g. consultations, national surveys, performance data, complaints, service user feedback, academic / consultants' reports, benchmarking (see equalities resources on OIC information portal).</p>	<p>Not directly. Note that the Equality Act 2010 requires that no-one be disadvantaged in receiving services from public agencies as a result of the undernoted equality strands.</p>
<p>Is there any existing evidence relating to socio-economic disadvantage and inequalities of outcome in this policy area? Please summarise. E.g. For people living in poverty or for people of low income. See <a href="#">The Fairer Scotland Duty Interim Guidance for Public Bodies</a> for further information.</p>	<p>Not directly.</p>
<p>Could the function / policy have a differential impact on any of the following equality areas?</p>	<p>(Please provide any evidence – positive impacts / benefits, negative impacts and reasons).</p>
<p>1. Race: this includes ethnic or national groups, colour and nationality.</p>	<p>No impact</p>
<p>2. Sex: a man or a woman.</p>	<p>No impact</p>
<p>3. Sexual Orientation: whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.</p>	<p>No impact</p>
<p>4. Gender Reassignment: the process of transitioning from one gender to another.</p>	<p>No impact</p>
<p>5. Pregnancy and maternity.</p>	<p>No impact</p>
<p>6. Age: people of different</p>	<p>No impact</p>

ages.	
7. Religion or beliefs or none (atheists).	No impact
8. Caring responsibilities.	No impact
9. Care experienced.	No impact
10. Marriage and Civil Partnerships.	No impact
11. Disability: people with disabilities (whether registered or not).	(Includes physical impairment, sensory impairment, cognitive impairment, mental health) No impact
12. Socio-economic disadvantage.	No impact
13. Isles-proofing.	No impact

### 3. Impact Assessment

Does the analysis above identify any differential impacts which need to be addressed?	No differential impacts to be addressed.
How could you minimise or remove any potential negative impacts?	No negative impact identified.
Do you have enough information to make a judgement? If no, what information do you require?	Yes.

### 4. Conclusions and Planned Action

Is further work required?	Yes, as it is part of the statutory planning function of the Council.
What action is to be taken?	This document is kept under review and will be amended as required to ensure that it is up to date and accords with the requirements of current planning legislation.
Who will undertake it?	Development and Marine Planning
When will it be done?	2019 onwards
How will it be monitored? (e.g. through service plans).	Through the monitoring processes of the Orkney Local Development Plan

Date: 3<sup>rd</sup> JUNE 2019

Signature:



Name: SUSAN SHEARER

Please sign and date this form, keep one copy and send a copy to HR and Performance. A Word version should also be emailed to HR and Performance at [hrsupport@orkney.gov.uk](mailto:hrsupport@orkney.gov.uk)