

Item: 7

Development and Infrastructure Committee: 2 April 2019.

Supplementary Guidance: Housing in the Countryside.

Report by Executive Director of Development and Infrastructure.

1. Purpose of Report

To present a revised draft Supplementary Guidance: Housing in the Countryside, following a period of performance monitoring.

2. Recommendations

The Committee is invited to note:

2.1.

That, in March 2017, the Council agreed to monitor performance of the approved Supplementary Guidance: Housing in the Countryside and present the findings of the monitoring exercise to the Development and Infrastructure Committee in early 2019.

2.2.

The Monitoring Report, attached as Appendix 1 to this report, which records the monitoring process and its findings.

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 monitoring process.

It is recommended:

2.4.

That the revised draft Supplementary Guidance: Housing in the Countryside, referred to at paragraph 2.3 above, be approved for consultation.

2.5.

That the Executive Director of Development and Infrastructure should submit a report, to the meeting of the Committee to be held on 10 September 2019, detailing the outcome of the consultation exercise, referred to at paragraph 2.4 above, and presenting a final version of Supplementary Guidance: Housing in the Countryside, for adoption by the Council.

3. Background

Monitoring of the Orkney Local Development Plan 2017 and associated Supplementary Guidance is ongoing. However, in 2017, when the Supplementary Guidance: Housing in the Countryside, was approved, it was agreed to monitor its performance and report the findings of the monitoring exercise to the Committee in early 2019.

4. Monitoring Findings

4.1.

Monitoring of the Supplementary Guidance: Housing in the Countryside has now been completed and the findings are detailed in the Monitoring Report, attached as Appendix 1 to this report. Three areas have been monitored:

- Development Management.
- Elected Members.
- Planning Application Statistics.

4.2.

Development Management have noted a number of areas where minor changes would improve the usability of the document by adding clarity. The proposed changes are considered as not being significant in policy provision or definition terms, however, three areas of concern are judged to be more significant, as follows:

4.2.1.

Size of domestic curtilage – to be flexible to ensure that the full drainage system for any proposed house is located within it. Current guidance from Heads of Planning Scotland states that drainage should be fully contained within the proposed curtilage.

4.2.2.

Definition of building or structure – to incorporate a definition for a former house or for the square meterage size of a building or structure to decrease. The definition needs to state if the square meterage is internal or external. It should also ensure that structures that do not have walls, such as dutch barns, are not included.

4.2.3.

Definition of curtilage and for sub-division of a curtilage – to consider changes to the definition to ensure that the curtilage is in the ownership and/or control of the host house and to fully consider the legitimacy of the domestic nature of the curtilage.

4.3.

In November 2018, a questionnaire was sent to Elected Members, to seek opinions on the size of curtilage and the definition of a building or structure, and generally whether any other changes should be made to the Supplementary Guidance. No firm conclusions were gained through the questionnaire responses. Additional

guidance on infill development has been requested by members of the Planning Committee.

4.4.

Planning application statistics from 1 May 2017 to 30 September 2018 have been analysed. For the Mainland and Linked South Isles, 89 new homes in the countryside have been facilitated with 5 applications refused. The replacement policy provision has provided for 57 new homes.

4.5.

Monitoring of the Supplementary Guidance has shown its success at facilitating new homes in the countryside. A number of changes to the document would assist in providing clarification, together with the three areas referred to above where more significant amendments are proposed.

5. Amendments

5.1.

Following on from the monitoring exercise, a list of changes to the Supplementary Guidance are proposed, in response to the material planning matters raised through the monitoring process. These changes are attached as Appendix 3 to this report and more significant changes are detailed in section 4.2 of this report.

5.2.

For flexibility in terms of the size of a proposed domestic curtilage, it is proposed to include in the Development Criteria Section that “the maximum size of a 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 the foul drainage is accommodated fully.”

5.3.

It is proposed for the definition of building or structure to state that “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.”

5.4.

It is proposed for the definition of curtilage to state “curtilage is defined as the extent of the land associated with the 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 that 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 is abandoned for a period of ten years, where its use will be deemed to have lapsed.”

5.5.

For the policy provision for sub-division, it is proposed to use a time period that accords with planning case law, which is 10 years for a change of use of land. Within the criteria, it is proposed to add “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 clear documentary/photographic evidence.”

5.6.

Within the policy provision for In-fill development, ten more annotated illustrations are proposed to provide all stakeholders with additional guidance.

6. Consultation

6.1.

It is proposed to carry out a period of public consultation on the revised draft Supplementary Guidance: Housing in the Countryside during a six week period between 9 May and 20 June 2019.

6.2.

This will be advertised in the local media, on the Council website and through social media. Copies of the revised draft Supplementary Guidance will be available at the Kirkwall Library, the Warehouse Building, Stromness, the mobile library van and the One Stop Shop.

6.3.

The consultation will use focused questions asking stakeholders about the areas judged to be more significant in terms of change to the Supplementary Guidance.

7. Equalities Impact

An Equality Impact Assessment has been undertaken and is attached as Appendix 4 to this report.

8. 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 and the Local Outcomes Improvement Plan. However, the Local Development Plan and associated Supplementary Guidance are key documents for delivering many of the Council Plan and Local Outcomes Improvement Plan priorities.

9. Financial Implications

The costs associated with publication of this Supplementary Guidance are estimated to be £1,000. This will be met through the existing Development and Marine Planning revenue budgets.

10. Legal Aspects

10.1.

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

10.2.

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.

11. Contact Officers

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Roddy MacKay, Head of Planning, Development and Regulatory Services, extension 2530, Email roddy.mackay@orkney.gov.uk

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12. Appendices

Appendix 1: Monitoring Report.

Appendix 2: Revised Draft Supplementary Guidance: Housing in the Countryside.

Appendix 3: Proposed Changes.

Appendix 4: Equality Impact Assessment.

Appendix 1

Monitoring Report

Supplementary Guidance: Housing in the Countryside

Introduction

Monitoring of the Plan and associated documents such as this Supplementary Guidance (SG) is ongoing, with close working with Development Management providing support and assistance with planning applications. When this SG was approved in March 2017, it was decided by the Development and Infrastructure Committee that the SG's performance would be monitored and report on the findings of this work would be brought back to the Development and Infrastructure Committee in early 2019.

This monitoring has now been completed and is detailed below.

Development Management Monitoring

Development and Marine Planning regularly advise and assist Development Management with planning applications either formally and informally. In addition, Development and Marine Planning had a half day meeting with Development Management to discuss the SG, potential minor changes that could be made to improve the "usability" of the SG and if there were any other issues.

Development Management have asked for a number of changes / additions to the SG that would add clarity and not be significant in terms of the policy provisions and associated definitions.

Three areas of concern that are judged as more significant are:

Proposed Curtilage Size - Development Management asked for flexibility so that an applicant would be able to fit into their proposed curtilage the full drainage system required. In some cases, drainage will be located next to the site but not included. The latest guidance from Heads of Planning Scotland states that the drainage for a house should be contained within in the proposed curtilage.

Building or Structure Definition - Should this definition incorporate a definition for a former dwelling? Should the square meterage change? What about structures that have no walls like a dutch barn? Development Management also asked that the 50 square metre to be made as an external measurement.

Curtilage Definition and sub-division of a Curtilage – Should there be changes to ensure the curtilage is in the ownership and / or control of the host house? And to ensure that the curtilage has legitimacy in terms of planning consent or through the passage of time; in accordance with planning case law (10 years)? Discussions on this area of concern commenced after the Planning and Regulatory Services Consultative Group Meeting on the 9th November 2018.

For sections on the provision of a single dwelling house for a rural business, the provision of a single dwelling house to allow for retirement and succession of a farm and the removal of residential occupancy conditions; Development Management had no comments to make.

Elected Member Monitoring

Members of the Planning Committee asked for additional guidance for the infill policy provision in the form of annotated drawings

Meeting of the Planning and Regulatory Services Consultative Group

On the 9th November 2018, monitoring of the SG was discussed with members of this Group. The 2 areas of concern were discussed (proposed curtilage size and changes to building and / or structure definition), and it was decided to ask Elected Member opinions through a questionnaire. A questionnaire was sent out on the 29th November and asked about flexibility to increase the size of a curtilage so that to ensure foul drainage was incorporated, should the definition of a building and structure include reference to redundant houses or if there should be any other changes.

The Chair stated that at this point in the Local Development Plan process, changes to the SG should be small to avoid confusion with all stakeholders and members of the public.

In total 3 Elected Members out of 21 provided a response.

Proposed Curtilage – 2 Elected Members answered this question, one stating that 1500 square metres is large enough and the other stated that it was reasonable but there should be some caveat about the extra.

Building or Structure Definition – All 3 provided a response here. One stated how this would work for housing in the isles compared to the mainland where some areas could be considered as reached their capacity. Another stated that the current definition is fine. The last comment states that they would like to see definitions change to include the old houses of whatever size so as to allow for more housing in the countryside.

Additionally, at the Planning and Regulatory Services Consultative Group it was decided that as well as delivering a monitoring report to the Development and Infrastructure Committee, an amended version of the SG should be presented that includes the amendments discussed with Development Management, additional drawings and advice on infill development; for approval as a consultative draft.

Planning Application Statistics

Planning applications from the 1st May 2017 until the 30th September 2018 (a period of 17 months) have been analysed. The results below are for housing in the countryside opportunities created on the Mainland and linked South Isles only through the SG, therefore applications that amend previous applications or applications for matters specified in condition have not been counted.

There have been 88 applications, 83 of these applications were approved and 5 were refused. In total these applications have facilitated 89 new homes in the countryside.

In terms of the applications refused 4 of them were for replacement houses and 1 was for an infill house. The number of houses approved under the different policy provisions are noted below.

Policy Provision	Housing Opportunities	Percentage
Reinstatement	7	9.8%
Conversion	14	15.2%
Replacement	57	62%
Brownfield	0	0%
Subdivision	6	6.5%
Single Infill	1	2.2%
For a Business	4	4.3%
For Retirement	0	0%

Monitoring Conclusions

Housing in the Countryside through the present policy of the Plan and this SG have provided for 89 new homes over an 17month period with only 5 applications refused. The policy and SG can therefore be considered as being successful.

Minor changes to the SG will aid its use by all stakeholders. In terms of the larger changes discussed (Proposed Curtilage and definition of Buildings or Structures) no consensus has been gained from Elected Members and the Planning Authority as to a direction forward. Changes will be made and through the public consultation specific questions will be asked on the potential for larger changes, with 3 opinions in terms of the building or structure definition put forward.

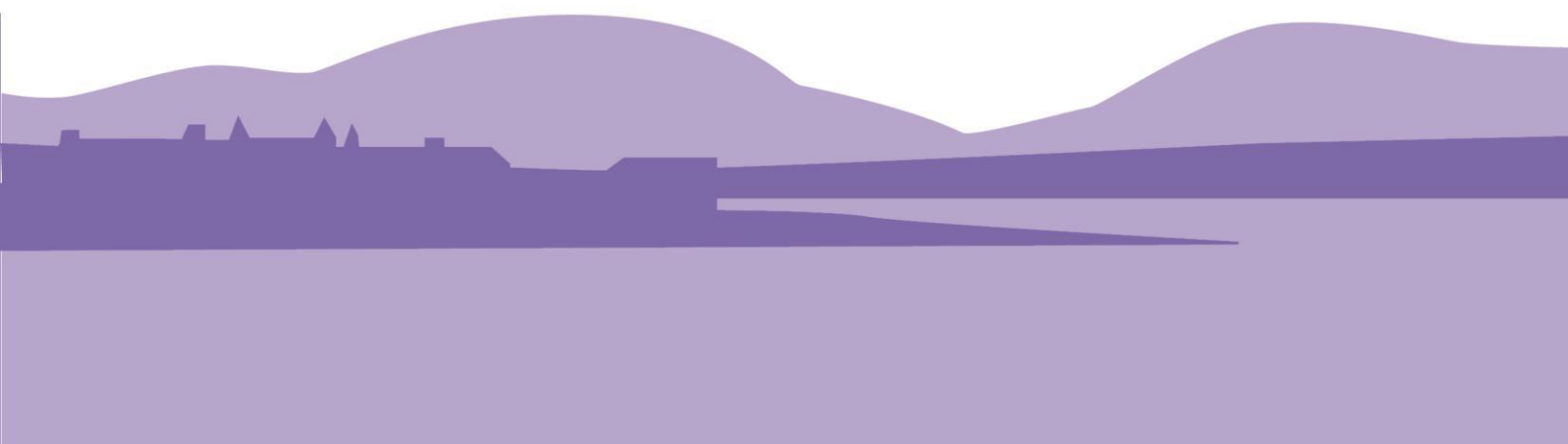
Supplementary Guidance: Housing in the Countryside



ORKNEY
ISLANDS COUNCIL



**CONSUTLATIVE DRAFT
APRIL 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 01865873535 or email planning@orkney.gov.uk.

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

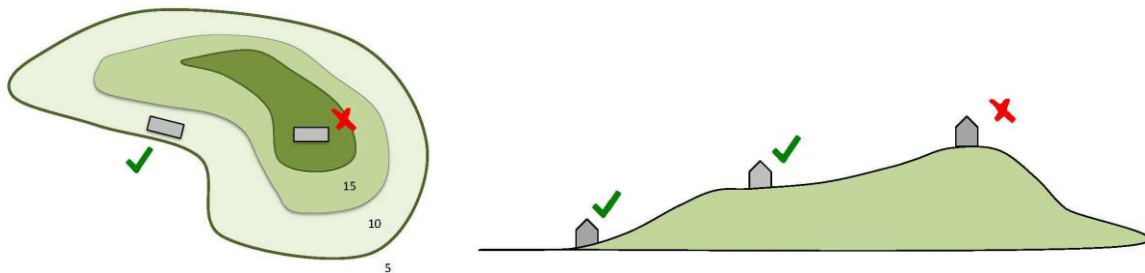
Outwith the settlements, on the Mainland and Linked South Isles, developments of single houses and housing clusters will be supported where it involves one of the following:

- 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.

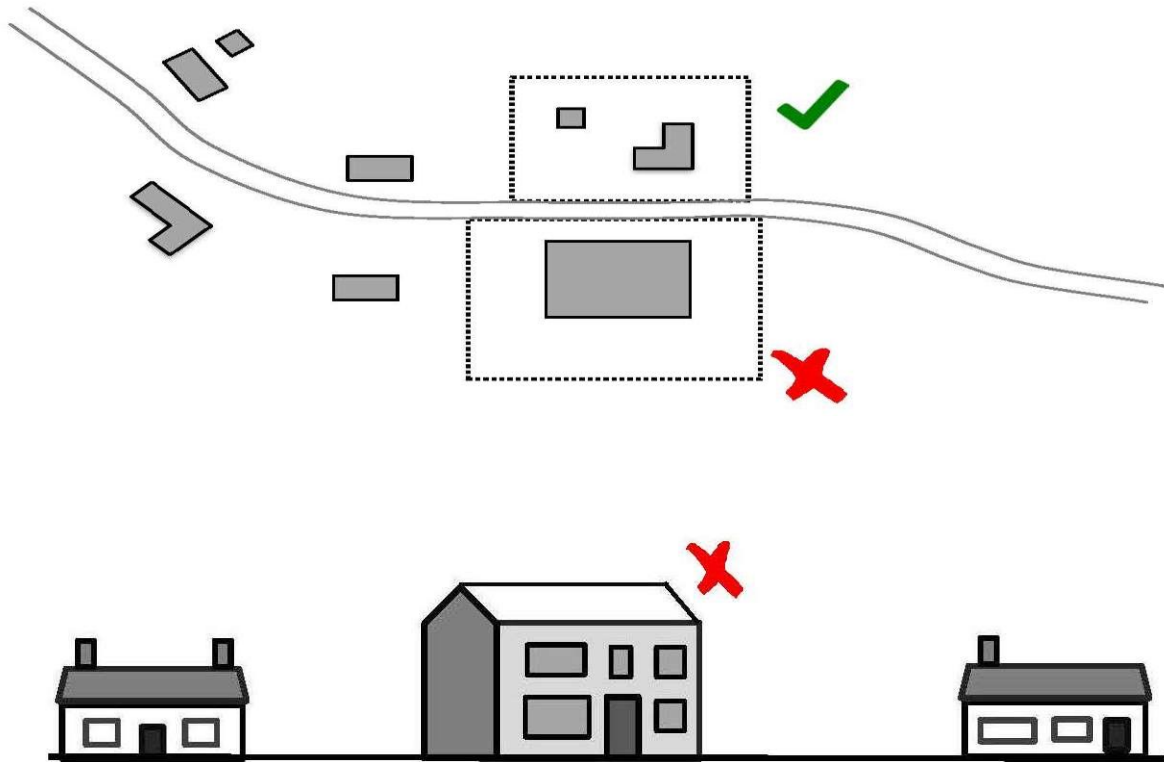
If a building or structure is of architectural and / or historic merit, the consolidation and retention of the building will be required by planning condition through options i), ii), iii) or iv).

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 1500m² or less will be meet the definition of a brownfield site that is set within this guidance.
 2. Any structures on the site that have architectural and / or historic merit will be retained as part of the final proposal.
 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)

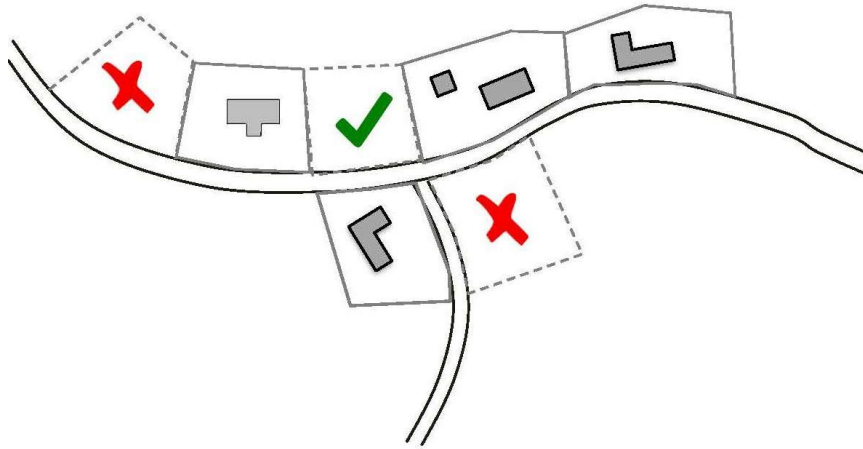
3.17 This policy provision provides for one additional house through the Plan period. Subdivision of a house or residential curtilage is supported where the proposal demonstrates that:

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.

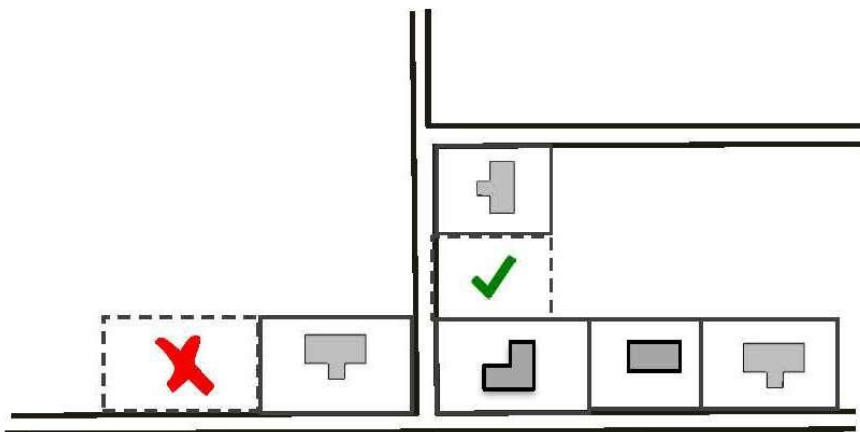
Single House In-Fill Development within Existing Housing Groups Policy 5E (vi)

- 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.

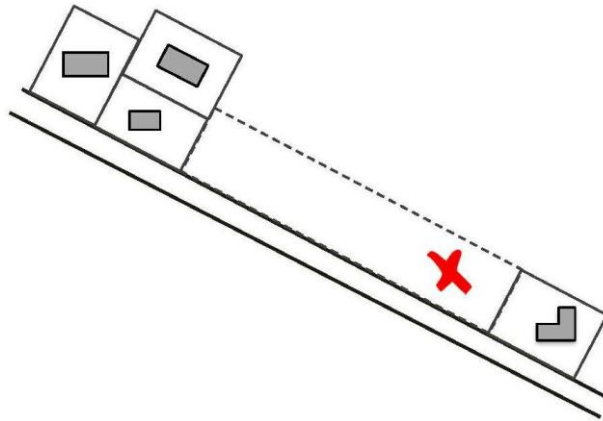
- 3.21 The diagrams below are illustrative examples of housing groups and infill sites as defined through this guidance.



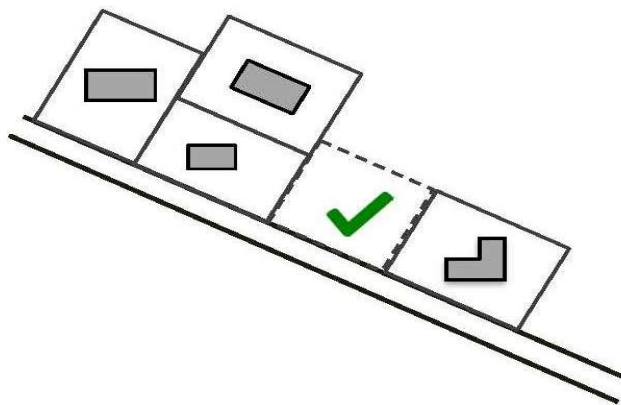
- 3.22 In the above illustration, the 4 houses are viewed as a group with 2 of the houses sharing domestic boundaries. The ticked site is located in between 2 occupied and independent dwelling houses with the other sites (noted with a cross) not being infill sites as they do not sit in between 2 houses.



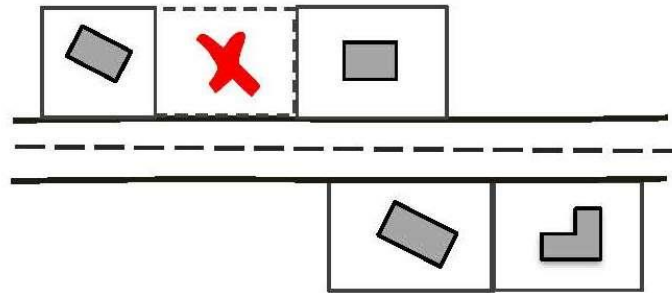
- 3.23 In the above illustration, the 5 houses are viewed as a group with 2 of the houses sharing domestic boundaries. The ticked site is located in between 2 occupied and independent dwelling houses with the other site (noted with a cross) not being an infill site as it is not located in between 2 houses.



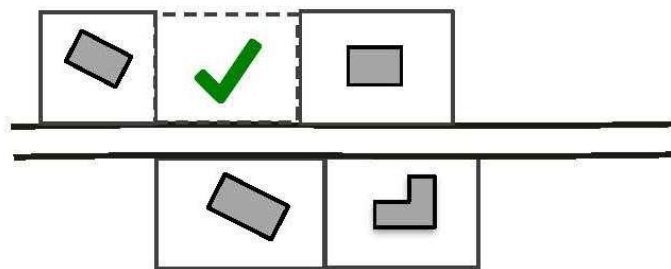
3.24 The above illustration shows how the plot has been contrived to meet the policy requirement of the Supplementary Guidance. The proposed plot is not of a similar shape to the existing plots in this location and will therefore not enhance the grouping or the location.



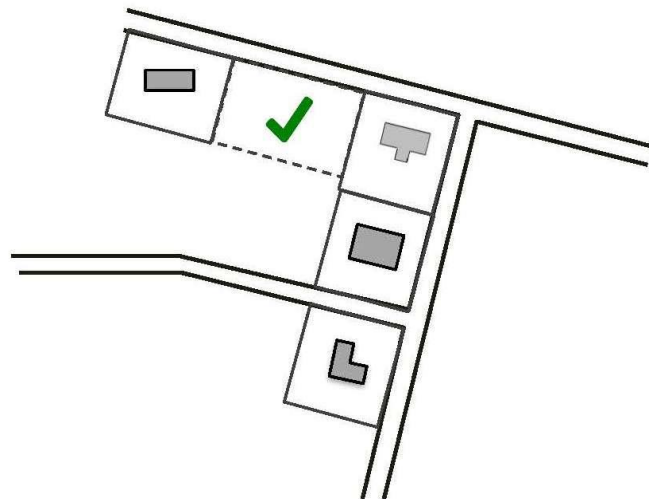
3.25 The above illustration shows that the infill site is located in-between 2 domestic curtilages; sharing their boundaries. The proposed plot is of a similar size to the existing plots.



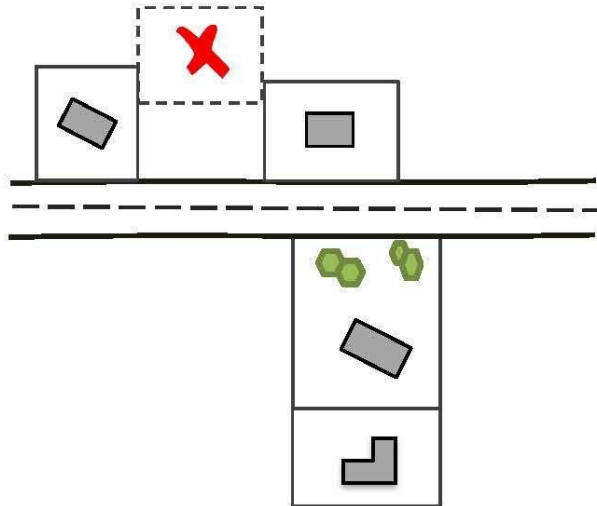
- 3.26 In the illustration above, the 2-way road forms a strong visual and landscape break and therefore the four houses do not form a group as defined in the Supplementary Guidance.



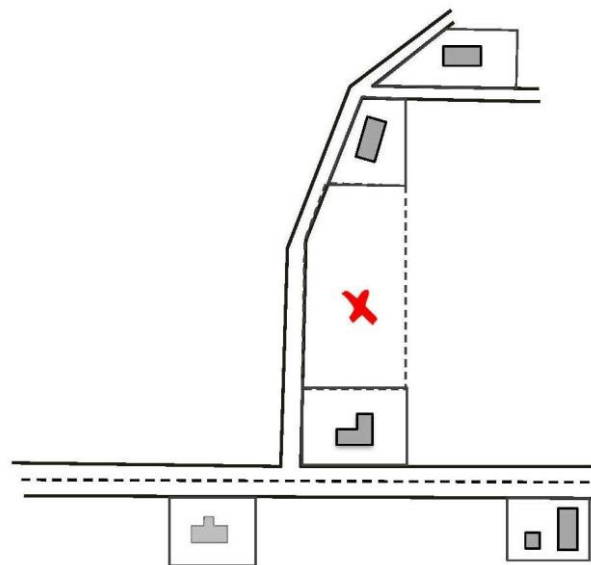
- 3.27 In the illustration above, the single track road does not form a strong visual or landscape break within this building group and therefore forms a housing group as defined in the Supplementary Guidance. The proposed plot is also a similar size to and shape to the existing plots.



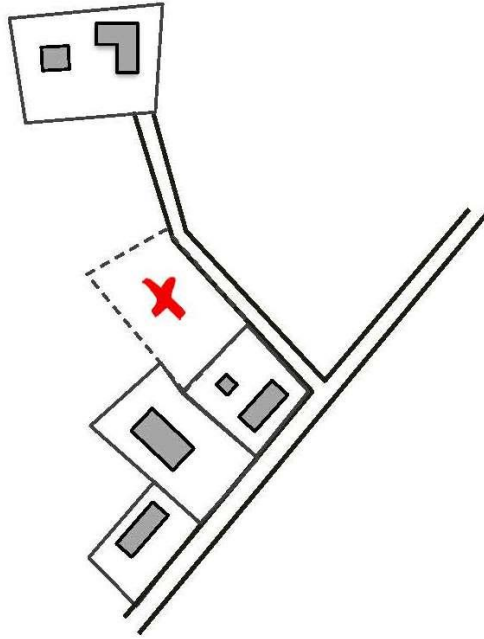
- 3.28 As in 3.27, the illustration above demonstrated that single track roads do not form strong breaks visually or in landscape terms. The proposed plot is similar in size and shape to the existing plots.



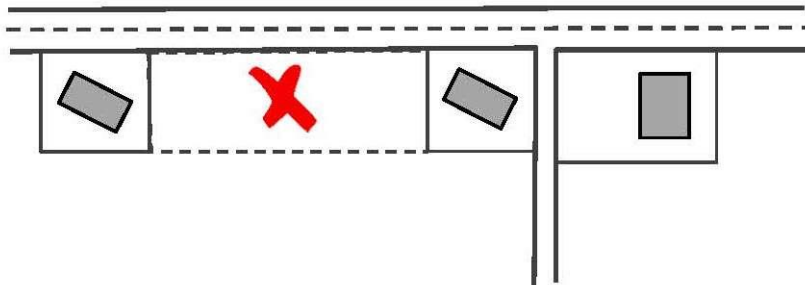
- 3.29 The illustration above shows that the 4 existing houses do not form a group as defined in the Supplementary Guidance. This is because of the 2-way road forms a strong visual and landscape break. Additionally, the proposed infill site does not share curtilage boundaries with 2 of the existing dwellings.



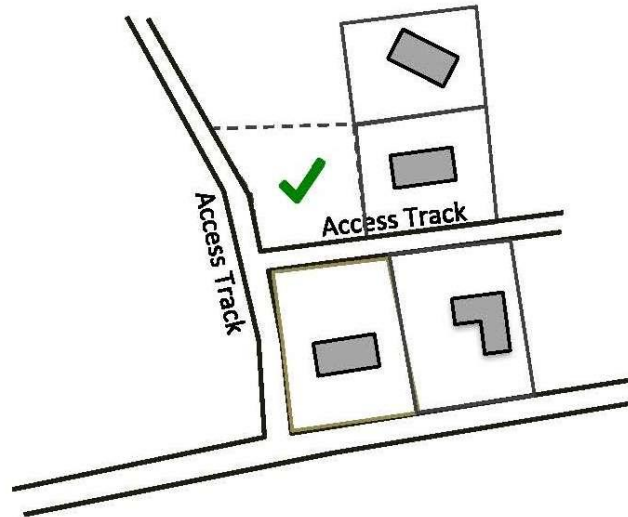
- 3.30 The illustration above demonstrates how this is not a group of 4 houses as the potential 4th house is over a 2-way road. A 2-way road forms a strong visual and landscape break. Additionally, the potential infill site is not similar in size or shape to the existing housing plots.



3.31 The illustration above demonstrates how this is not a group of 4 houses as the 4th 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 19th century agricultural housing erected on estates that emulate the earlier longhouses, grand laird’s houses of the 18th and 19th 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

Below is a layout for a Site Development Statement. This is to assist applicants on their completion for development sites that will deliver more than one new house. 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.

Layout of a Site Development Statement

Introduction Section

This Section introduces the site and the development that is proposed. Elements may need to be needed depending on the development type. Sub-sections are: -

- Description of the Development Proposed.
- Development Aim.
- Location of the Development.
- Any Relevant History.
- Any Relevant Planning History.
- Any Pre-Planning Advice.

Site and Surrounding Area Appraisal Section

This Section is looking at the context for the new proposed development, the uses, the buildings (design, layout, massing, materials, colours), the landscape (hard and soft including tree and shrub planting), boundary treatments. Sub-section are:-

- Local Area Description.
- Site Description.
- Existing Connections (pedestrian, vehicles, public transport routes).

The Design Principles

This Section looks at the design “rules” that the proposed development must consider when designing their proposed development. These could potentially be national and local

policies and will be dependent on designations / issues in the location such as World Heritage Site, National Scenic Area or Flooding.

The Design Concept

This Section combines the outcomes of the site investigations, design principles and analysis. This will show how the applicant has understood, embraced and interpreted the context, in the light of relevant planning policies.

The Design Solutions

This Section looks at what are the design solutions. There is maybe more than one solution or variations that can be discussed and discounted in this section.

The Design and Supporting Statement

This Section states why this design proposed is the most suitable; how the design suits the site and the wider location.

Supplementary Guidance: Housing in the Countryside - Proposed Changes Detailed

NOTE: All Changes have been fully considered by the planning authority and are seen to be appropriate as they add clarity and will make the SG easier to use.

Location in SG (April 17)	Source	Action for the redrafted version
Page 3 - Introduction	Development and Marine Planning Monitoring	At 1.06, change 10 dev criteria to 9 and note at the end of sections appendix 1 - Layout and content of a Site Development Statement.
Page 6 - Dev Criteria	Development and Marine Planning Monitoring	Change ten to nine.
Page 6 - DC1	Development Management Monitoring	Add a new sentence at the end of DC1 to state "New development will not occupy locations that are dominant in the landscape."
Page 6 - DC2	Development Management Monitoring	Add a new diagram to show appropriate building scales.

Page 7 - DC3	Development Management Monitoring	Redrafted DC3 - 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.
Page 7 - DC5	Development Management Monitoring	Add to the end of DC5 "There may be a requirement for survey work and mitigation measures."
Page 7 - DC6	Development Management Monitoring	DC6 - the second sentence onward of this DC to be redrafted. Redraft – "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 individual private foul drainage systems."
Page 7 - DC7	Development Management Monitoring	DC redrafted to state "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 reusing them acknowledges their embodied energy."

Page 7 - DC8	Development Management Monitoring	Change to the last sentence to state now "The maximum size of a 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 the foul drainage is accommodated fully."
Page 7 - DC9	Development Management Monitoring	Change DC2 to add a new sentence at the end of "The scale and form of the overall proposal will be similar to neighbouring buildings and buildings in the vicinity."
Page 7 - DC9	Development and Marine Planning Monitoring	Add to the end of DC7 "Positive consideration will be given to incorporating existing buildings or structures of architectural and / or historical merit in any scheme." Thereafter remove this from DC9.
Page 8 - DC10	Development Management Monitoring	As noted above. Remove last sentence and add "An example of the layout and content of a Site Development Statement." Note therefore that this will be added to the redrafted SG.
Page 6,7 & 9 - The DCs	Development Management Monitoring - to put the Design and Siting DCs together.	New order for the DCs DC10, DC1, DC2, DC3, DC4, DC5, DC6, DC7, DC8. Thereafter re-number them and throughout the SG.
Page 10 & 11 - Flowchart	Development Management Monitoring	Remove the flowchart and re-word 3.01 to state "3.01 – Within the policy there are 8 policy provisions that allow for housing development throughout in the countryside. A number of the 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 in Orkney's Countryside."
Page 12 - Reinstatement	Development Management Monitoring	To be added at the end of 3.03 "The former house will display domestic features such as an external chimney stack, internal chimney place and / or external openings of a domestic nature (no double opening doors and more than one window opening).

Page 14 - Replacement	Development Management Monitoring	Add to 3.08 "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 to be suitable for its use. For example a farm building located within a working farmstead or a modern commercial building that is in a good state of repair."
Page 14 & 15 - Replacement	Development Management Monitoring	At 3.12 (2) and 3.13 add at the end of the sentence "to the satisfaction of the planning authority."
Page 16 - Brownfield	Development Management Monitoring	Change 2nd sentence at 3.15 to be "The redevelopment would result in environmental improvements through full remediation of any contamination that is found on site."
Page 16 - Brownfield	Development Management Monitoring	<p>New wording for 3.16 - "A proposal will comply with the following criteria:</p> <ol style="list-style-type: none"> 1. The defined site of 1500m² or less will be meet the definition of a brownfield site that is set within this guidance. 2. Any structures on the site that have architectural and / or historic merit will be retained as part of the final proposal. 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 DC10 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."

Page 17 - Sub-division of curtilage	Development Management Monitoring	At 3.17 change 1st paragraph to read "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:"
Page 17 - Sub-division of curtilage	Development Management Monitoring	New number 1 "The curtilage to be sub-divided complies with the definition of curtilage as noted in the Supplementary Guidance."
Page 17 - Sub-division of curtilage	Development Management Monitoring	New number 2 "The curtilage to be sub-divided has served the host house for a 10 years or greater. Evidence will be required to support the application, such as planning history or clear documentary / photographic evidence."
Page 17 - Sub-division of curtilage	Development Management Monitoring	Number 1 to become number 3
Page 17 - Sub-division of curtilage	Development Management Monitoring	Number 2 to become number 4 and to add at the end of the sentence "and foul drainage."
Page 17 - Sub-division of curtilage	Development Management Monitoring	Number 3 to become number 5 and to add at the end ", and"
Page 17 - Sub-division of curtilage	Development Management Monitoring	Number 4 to become number 6.
Page 17 - Sub-division of curtilage	Development Management Monitoring	Number 5 to become number 2. For it now to read "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 clear documentary / photographic evidence."
Page 18 / 19 - Infill	Development Management and Elected Member Monitoring	10 additional drawings with annotation will be added into the SG for extra clarification.
Page 18 - Infill	Development & Marine Planning Monitoring	At 3.20 part 3) add "and shape," after plot .
Page 18 - Infill	Development & Marine Planning Monitoring	In the title add "in" so the title reads "Single House in-Fill Development within Existing Housing Groups"

Page 19 - Infill	Development & Marine Planning Monitoring	At 3.21 change to "The diagrams below are illustrative examples of housing groups..."
Page 26 - Building or structure definition	Development Management Monitoring	5.03 redrafted - Building or structures are defined as being above ground and having the majority of the original walls to a wall head level of at least 1.6 metres evident on site and an external floor area of 50 square metres or greater. It should also be evident on site that the building or structure either has a roof or had a roof.
Page 26 - Curtilage definition	Development Management Monitoring	Change wording to state "Curtilage is defined as the extent of land associated with the 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 outbuilding which are ancillary to the property such as sheds, stores or garages. A field or piece of ground that 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 is abandoned for a period of ten years, where its use will be deemed to have lapsed."



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.

1. Identification of Function, Policy or Plan	
Name of function / policy / plan to be assessed.	Draft 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, susan.shearer@orkney.gov.uk Tel: 01856 873535 Ext. 2533
Date of assessment.	8 January 2019
Is the function / policy / plan new or existing? (Please indicate also if the service is to be deleted, reduced or changed significantly).	The draft 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.

2. Initial Screening	
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. This is a consultative draft that will be consulted on to make stakeholders aware of changes and a chance to comment. 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	Planning Stakeholders such as the general public,

affected by this function / policy / plan, and how.	agencies such as Scottish Water, Scottish Natural Heritage and other interest groups such as Voluntary Action Orkney.
How have stakeholders been involved in the development of this function / policy / plan?	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 consultative draft document will be approved by the Council, it is published and available to members of the public to view and comment on.
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).	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.
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 The Fairer Scotland Duty Interim Guidance for Public Bodies for further information.	Not directly.
Could the function / policy have a differential impact on any of the following equality areas?	(Please provide any evidence – positive impacts / benefits, negative impacts and reasons).
1. Race: this includes ethnic or national groups, colour and nationality.	No impact
2. Sex: a man or a woman.	No impact
3. Sexual Orientation: whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.	No impact
4. Gender Reassignment: the process of transitioning from	No impact

one gender to another.	
5. Pregnancy and maternity.	No impact
6. Age: people of different ages.	No impact
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 the monitoring processes of the Orkney

through service plans).

Local Development Plan

Date: 8 JANUARY 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