

Argyll and Bute Council
Development & Economic Growth

Delegated or Committee Planning Application Report and Report of handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 23/00185/PP
Planning Hierarchy: Local Development
Applicant: Torloisk Estate
Proposal: Conversion and extension of stone barn to form dwellinghouse, installation of septic tank and formation of vehicular access
Site Address: Land West Of Lagganulva Farm, Ulva Ferry, Isle of Mull

SUPPLEMENTARY REPORT NO. 5

(A) INTRODUCTION

This application was presented to the Planning, Protective Services and Licensing (PPSL) Committee on 22 May 2024, where the Committee agreed to continue consideration of the application to the meeting of the PPSL Committee on 19 June 2024. Supplementary Reports were presented to the Planning, Protective Services and Licensing (PPSL) Committee on 19 June 2024, 21 August 2024 and 18 September.

The purpose of this current Supplementary Report is to bring Member's attention to late representations received regarding the proposed development and to update Members on the submission of the further information requested in relation to Policy 83 of Local Development Plan 2, as addressed in Section B below.

(B) REPRESENTATIONS

Late Representations

Three late objections and two late representations have been received to the application.

Objections have been received from:

Mr Tim McDowell, Corkamull Cottage, Ulva Ferry, Isle of Mull, PA73 6LY (12.06.2024)
Christopher Nicholson of Scottish Tenant Farmers Association, Kidsdale Farm, Whithorn, Wigtownshire, DG8 8JU (18.06.2024)
Mrs Philippa Lanteri, Langamull, Calgary, Isle of Mull, PA75 6QY (24.06.2024)

Representations have been received from:

Moray Finch of Mull and Iona Community Trust, An Roth Community Enterprise Centre, Craignure, Isle of Mull, PA65 6AY (18.06.2024)

John Maughan of Mull Community Council, The Shieling, Croggan, Isle of Mull, PA63 6AH (20.08.2024)

Summary of Issues Raised

- The existing barn and adjacent land is strategically important to the operation of the farm due to its use as an isolation unit for bio-security purposes for stock. The land and buildings are separated from the main farm buildings and are therefore suited to use as an isolation unit. Farming operations would be negatively impacted by the loss of strategically important land and buildings. The existing barn is in good repair and is being used for its original purpose. The land adjacent to the barn is better quality land and as there is very limited amounts of better land, it should be protected for agriculture. The farm steading is an example of 19th Century architecture remaining in its original use. This is a rare and irreplaceable asset and is historically important.

Comment: The barn the subject of this planning application is not listed or protected in any way. Neither is it located within a conservation area. It could, therefore, be demolished at any time without reference to the planning authority. In addition, none of the land surrounding the building and proposed to be included within its curtilage is classed as 'prime agricultural land'. The ceasing of the agricultural use of the existing barn does not form a material planning consideration, however, the applicant submitted a prior notification application to erect a building as 'agricultural permitted development' on land to the north of Lagganulva Farm (our reference 24/00259/PNAGRI). The application was determined as permitted development in terms of Class 18 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 as amended. Given the limited scale of the proposed development and as it would not impact upon prime agricultural land as defined within National Planning Policy, and with due consideration to the significant extent of the wider agricultural landholding, the proposed development is, subject to a condition to secure the exact details of a reduced residential curtilage, considered to adhere to stipulations of NPF4 Policy 5 and LDP2 Policy 83.

- The proposed development should be assessed against LDP2 Policy 11.

Comment: The existing barn would be retained as part of the development proposal. It is proposed to repair and repoint the existing stone walls of the barn and make use of the existing tiled roof. The alterations to the existing barn would be limited to repairs to the walls and roof, the installation of windows and doors, and downtakings to facilitate the adjoining of the proposed extension. In this way, the proposed development would largely preserve the existing building, thereby retaining its character and appearance in accordance with the provisions of Policy 32.

- Mature oak trees will come under development pressure during the proposed build and during the operational phase of the development. These trees are rare and a Tree Preservation Order is a reasonable and minimum mitigation to prevent their loss.

Comment: The proposed extension to the existing barn would be sited towards the southeast corner of the application site, away from the mature trees which

are sited adjacent to the northwest of the existing barn. The submitted information advises that any excavation works in the area adjacent to the tree protection zone would be excavated by hand. The application does not propose any works to the trees on site. However, given the presence of established mature trees at the site, a suitable condition is required to secure the provision of a scheme for the retention and safeguarding of trees during construction work, to include detail of any proposed tree works and a programme of measures for the protection of trees during construction works.

- Given the proximity to a working farmyard, the proposed development has the potential to cause conflict due to the noise and workings of a farmyard. The proposed development may undermine the viability of an existing business and limit the ability of the business to diversify in future.

Comment: The application site is located southwest of the existing farm. Whilst the application site and the proposed development would be located in proximity to the agricultural business, the proposed development would be sited at a sufficient distance to ensure that there would be no impact upon neighbour amenity with regard to overlooking, visual intrusion or shading. In terms of 'bad neighbour' development, the application site would be physically separate from the established farm, which is sited on the opposite side of the public road. The proposed development would be well contained within the application site and would not share access with the farm, nor would the application site be functionally associated with the agricultural business. The proposed development would be sufficiently distinct from the farm and its associated activity such that it is not considered that there would be any adverse impacts upon the sensitive receptor of the dwellinghouse with regard to noise disturbance, odour pollution or light pollution. Any future applications for diversification of the farm business will be assessed on their own merits.

- The agricultural tenant is the interested party most affected by the proposed development. The tenant should be allowed to represent themselves to the Planning Committee.

Comment: Both the applicant and the tenant farmer have had opportunity to submit information to address the impact of the proposed development in relation to LDP2 Policy 83. The loss of the agricultural use of the existing barn is not, in itself, a material planning consideration as it is a privately owned building that is not afforded any protection status. Whilst officers have every sympathy with the tenant farmer, the applicant has, at the request of the planning authority, addressed this concern through the provision of a replacement agricultural building, as detailed within application reference 24/00259/PNAGRI. The applicant has also agreed to reduce the amount of the surrounding land to be given over to residential curtilage. Appropriate conditions will secure the provision of a replacement barn and will secure the exact details of a reduced curtilage to be associated with the proposed dwellinghouse.

- The development would become a holiday home or holiday rental. The building would be renovated for use as a short term let rather than much needed affordable housing. A Rural Housing Burden should be imposed.

Comment: The proposal the subject of this planning application is seeking to secure planning permission for the conversion of and extension to the existing

stone barn to form a dwellinghouse. The Planning Authority is satisfied that the existing barn, and the application site, is able to successfully accommodate a suitably sited, scaled and designed extension which would facilitate the conversion of the existing stone barn to form a dwellinghouse which would relate to the established appearance of the surrounding area. The application relates to the provision of a dwellinghouse and does not relate to short term let accommodation. Whilst it is acknowledged that the future occupancy or tenure of the dwellinghouse is unknown, the Council currently has no planning policies that could control this and, in that regard, this is not considered a planning issue of any overriding material significance.

- A modern replacement farm building would have a landscape impact upon the scenic setting.

Comment: The applicant submitted a prior notification application to erect a building as 'agricultural permitted development' on land to the north of Lagganulva Farm (our reference 24/00259/PNAGRI). The application was determined as permitted development in terms of Class 18 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 as amended. The report accompanying application 24/00259/PNAGRI considered that the erection of an agricultural building within the holding would have no materially negative visual impact on the environment or the wider landscape including the National Scenic Area. The replacement agricultural building is to be sensitively sited within the existing farm complex where it would be largely screened from the public realm by existing built development. The replacement agricultural building would instead relate both visually and functionally to existing buildings associated with the agricultural business and the scale of the replacement agricultural building would be commensurate with the functional need for the building and its setting in the landscape.

(C) REQUESTED INFORMATION

The proposal the subject of this planning application is seeking to secure planning permission for the conversion of, and extension to, an existing barn to form a dwellinghouse, along with associated access and infrastructure works.

Further information has been requested from both the applicant and the tenant farmer in relation to the impact of the proposed development with regards to the provisions of LDP2 Policy 83 – Safeguarding Agricultural and Croft Land.

LDP2 Policy 83 relates to Safeguarding Agricultural and Croft Land and requires the applicant to demonstrate that new development proposals minimise the loss of agricultural land including in-bye land and croft land. The Policy states that new development proposals will not be supported where this would result in:

- a) the loss of agricultural land where it weakens the viability of the agricultural/croft unit;
- b) the fragmentation of field systems and the integrity of the farm unit;
- c) the loss of access to field systems.

The Policy further states that if development proposals involve any of the foregoing, they will only be deemed acceptable where the applicant can adequately demonstrate that:

- d) there exists a proven and justified significant economic, environmental or social wider community interest to allow the development to proceed; and
- e) there is no alternative viable land outwith the agricultural or croft land concerned for the development to proceed.

The development proposed by the current application seeks to develop a rough area of ground adjacent to the existing barn. The total extent of the red line site boundary comprises approximately 0.4 hectares, and the wider farm extent extends to approximately 1190 hectares.

A specialist Agricultural Report has been submitted on behalf of the applicant to assess the potential impact of the development on the ongoing viability of the tenant's farming business. The information within the submitted Agricultural Report is summarised as follows:

- The land at the farm contains land classifications ranging from '5.2 – *Land capable as use as improved grassland. Few problems with pasture establishment but may be difficult to maintain*' to '6.3 *Land capable of use as rough grazing with low quality plants*'.
- The land is managed for grazing with some of the lower-ground fields being of better quality, improved grasslands. The remainder of the farm is formed by rough hill grazings with some native woodlands.
- The existing barn is used as an isolation unit for animals brought onto the farm, required for biosecurity and animal health purposes. The farm includes other buildings on the same side of the road as the farmhouse which could be used for the same purpose if required.
- The applicant proposes to provide a new, larger replacement building for the tenant; the proposed building would be of a scale that could accommodate an isolation pen. The new building would be sited on the same side of the road as the existing farmhouse and other associated buildings, and would be more suited to modern agriculture.
- The area of land forming part of the proposal to facilitate the development extends to approximately 1 acre. Whilst the land comprises in-bye land, the area does not have a field boundary and is open to the foreshore and road. The ground conditions comprise bracken and other long, dense vegetation offering limited, if any, grazing of any quality. The proposed curtilage area would represent 0.04% of the entire farm area. The proposed replacement agricultural building, as approved as 'agricultural permitted development', would offer the farming business the potential for time savings, more efficient handling of stock and therefore the potential to enhance farm viability.
- Given the above, the Report concludes that the proposed development does minimise the loss of agricultural land as required by Policy 83 and would not weaken the viability of the agricultural unit. The site does not form part of a field unit and is sited separately from the main farmstead such that the proposal would not fragment the integrity of the unit. There would be no loss of access to field systems as the majority of the site does not form an enclosure.

A Farm Impact Report has been submitted on behalf of the tenant farmer, an objector to the development. The report provides an assessment of the impact of the proposed

development on farm economics and operations with reference to relevant planning policy. The information within the submitted Farm Impact Report is summarised as follows:

- The proposed development would introduce a sensitive receptor which would prevent the adjacent land being used for current forms of production and constrain future opportunities such that it is considered to amount to the loss of agricultural land and the weakening of the viability of the agricultural unit.
- The siting of the proposed development in proximity to the existing agricultural activity would have an adverse impact upon neighbour amenity where the presence of a new dwelling would compromise existing and constrain future operations.
- The proposed replacement agricultural building is unsuitable in terms of scale and location.
- The boundary of the curtilage of the proposed dwelling should be of a solid construction to form a visual barrier to reduce the likelihood of activity within the curtilage of the proposed dwelling from disturbing livestock.
- The information submitted by the applicant discusses an area of land which does not form part of the current application. The loss of this area may present a different set of operational considerations.
- The farm has 22 hectares of improved in-bye land.
- The tenant has not agreed to the replacement agricultural building and the remainder of the steading is currently in use such that they could not be used to replace the barn the subject of this current planning application.
- The farm struggles to maintain stock due to the low quality of its unimproved land and any reduction in improved land would be detrimental to farm output. Topography and tree cover provide the field with more shelter than the farms other in-bye land. A public road isolates the field and barn from the rest of the steading; these characteristics make the field economically important and uniquely suited to uses where separation is advantageous or essential. This facility improves farm business efficiency and flexibility.
- The loss of the field would require flock size to be reduced and as a result the tenant would lose associated support payments and would suffer reduced productivity.
- The proximity of the proposed dwelling to the field would not allow for the field to remain in full agricultural production or allow it to be used without constraint as livestock management practices would impact the sensitive receptor of the proposed dwellinghouse. This would effectively amount to a loss of land.
- There are alternative locations where poorer quality land could be developed. There are also a number of unused buildings falling into disrepair that could be converted.
- The existing building is a key asset in the operation of the farm and is suitable for the purposes for which it is used.

- The location proposed by the applicant for the replacement barn is currently in use and a building would displace existing vehicle parking and impinge on manoeuvring space for vehicles. The proposed replacement shed would not be sufficient to fulfil the purpose of providing replacement livestock housing along with machinery and feed storage.
- The presence of a dwellinghouse in proximity to the existing farm could hinder future diversification development. Pig and poultry enterprises could be constrained by a near neighbour.
- The proposed dwelling would be located adjacent to a farmyard with machinery, workshop, livestock accommodation kennelled dogs and a poultry flock. Noise disturbance arising from the farm and livestock activity would adversely impact upon the amenity of the occupants of the proposed dwelling. Livestock and farm activities would occur immediately adjacent to the proposed dwelling and this would present the tenant with health and safety management concerns.
- The economic viability of the farm could be affected by a close neighbour constraining current use and future diversifications of the farm.

The supporting information of Local Development Plan 2 Policy 83 advises that Argyll and Bute has a significant area of agricultural land which is predominantly rough and hill grazing, with a very limited amount of good quality land. The national scale land capability for agriculture map provides information on the types of crops that may be grown in different areas dependent on environmental and soil characteristics. In this instance, the development proposed by the application seeks to develop an existing barn and a rough area of adjacent ground where the application site falls within Class 5.2. The land within this Class is defined as being capable of use as improved grassland, where pasture establishment may be difficult to maintain. For planning purposes, National Planning Framework 4 Policy 5 sets out 'Prime Agricultural Land' as being Class 1, 2 or 3.1 in the land capability classification for agriculture. Given that the application site falls within Class 5.2, the proposed development would not therefore impact upon prime agricultural land as set out within National Planning Policy.

Notwithstanding the above and given the concerns raised by the tenant farmer, it is proposed to include a condition to secure the exact details of a reduced residential curtilage for the proposed dwellinghouse, to be submitted to and approved by the Planning Authority prior to the commencement of development.

Local Development Plan Policy 83 expects applicants to demonstrate that new development proposals minimise the loss of agricultural land including in-bye land and croft land. In this instance, subject to the inclusion of the aforementioned condition, it is considered that sufficient measures have been taken to minimise the loss of agricultural land. The proposed development relates to the change of use, and extension to, an existing barn. LDP2 Policy 83 does not relate to buildings and instead seeks to safeguard agricultural and croft land. The consideration of the conversion of the existing barn would not therefore fall within the scope of NPF4 Policy 5 or LDP2 Policy 83. Sufficient and commensurate provision has been made to address the terms of LDP2 Policy 83 through the inclusion of a planning condition to define the exact extent of a reduced residential curtilage. Given the limited scale of the proposed

development and as it would not impact upon prime agricultural land as defined within National Planning Policy, and with due consideration to the significant extent of the wider agricultural landholding, the proposed development is, subject to appropriate conditions, considered to adhere to stipulations of NPF4 Policy 5 and LDP2 Policy 83.

The ceasing of the agricultural use of the existing barn does not form a material planning consideration, however, the applicant submitted a prior notification application to erect a building as 'agricultural permitted development' on land to the north of Lagganulva Farm (our reference 24/00259/PNAGRI). The application was determined as permitted development in terms of Class 18 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 as amended. The report accompanying application 24/00259/PNAGRI considered that the erection of an agricultural building within the holding would have no materially negative visual impact on the environment or the wider landscape including the National Scenic Area. The replacement agricultural building is to be sensitively sited within the existing farm complex where it would be largely screened from the public realm by existing built development. The replacement agricultural building would instead relate both visually and functionally to existing buildings associated with the agricultural business and the scale of the replacement agricultural building would be commensurate with the functional need for the building and its setting in the landscape.

Provision has therefore been made for an alternative building for use by the tenant farmer on land within the farm steading and closer to the existing buildings than the barn the subject of this application. The provision of the alternative agricultural building can be secured through the use of a suitable planning condition which would require it to be available for use by the tenant farmer before any works on the conversion of the existing barn commence. The terms of Condition 15 – Phasing of Development, relative to the application have been amended to allow for increased flexibility for an alternative scheme for the provision of the replacement barn.

The full list of conditions, to include the amendment to the terms of Condition 15 and the inclusion of a condition to secure the exact details of the residential curtilage, is appended to this report.

(D) RECOMMENDATION

That Members note the content of this report which provides a further detailed assessment of the proposed development in relation to NPF4 Policy 5 and LDP2 Policy 83.

The recommendation of the Planning Authority remains that planning permission be granted subject to the conditions and reasons appended to Supplementary Report No. 5.

Author of Report: Emma Shaw **Date:** 03.10.2024

Reviewing Officer: Tim Williams **Date:** 03.10.2024

Fergus Murray
Head of Development and Economic Growth

APPENDIX A – CONDITIONS AND REASONS RELATIVE TO APPLICATION NO. 23/00185/PP.

CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 23/00185/PP

Standard Time Limit Condition (as defined by Regulation)

Standard Condition on Soil Management During Construction

Additional Conditions

1. PP - Approved Details & Standard Notes – Non EIA Development

The development shall be implemented in accordance with the details specified on the application form dated 01.02.2023, supporting information and, the approved drawings listed in the table below unless the prior written approval of the planning authority is obtained for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

Plan Title.	Plan Ref. No.	Version	Date Received
Existing Drawings 1 (downtakings in red)	PL_003		02.02.2023
Existing Drawings 2 (downtakings in red)	PL_004		02.02.2023
Proposed Elevations	PL_008		02.02.2023
Proposed Plan	PL_006		02.02.2023
Proposed Section A-A South Elevation and Section B-B	PL_007		02.02.2023
Proposed Renders	PL_009		02.02.2023
Proposed Interior Renders	PL_010		02.02.2023
Existing Site Plan	PL_002		27.02.2023
Proposed Site Plan	PL_005		27.02.2023
Proposed Plan	PL_006		27.02.2023
Location Plan	PL_001		27.02.2023

Reason: For the purpose of clarity, to ensure that the development is implemented in accordance with the approved details.

2. Timescale to be Agreed for Completion

No development shall commence until details of the proposed timescale for completion of the approved development have been submitted to and approved by the Planning Authority. Thereafter, the development shall be implemented in accordance with the duly approved timescale for completion unless an alternative timescale for completion is otherwise agreed in writing with the Planning Authority.

Reason: In order to comply with the requirements of NPF4 Policy 16F.

3. Sustainable Drainage System

Notwithstanding the effect of Condition 1, the development shall incorporate a surface water drainage system which is consistent with the principles of Sustainable urban Drainage Systems (SuDS) compliant with the guidance set out in CIRIA's SuDS Manual C753 and Sewers for Scotland 4th Edition. The requisite surface water drainage shall be operational prior to the development being brought into use and shall be maintained as such thereafter.

Reason: To ensure the provision of an adequate surface water drainage system and to prevent flooding.

Note to Applicant:

- Further advice on SuDS can be found in SEPA's Standing Advice for Small Scale Development – www.sepa.org.uk .

4. Landscaping and Biodiversity Enhancement

No development shall commence until a scheme of biodiversity protection and enhancement, boundary treatment, surface treatment and landscaping has been submitted to and approved by the Planning Authority. The scheme shall include details of:

- i) Location, design and materials of proposed walls, fences and gates;
- ii) Surface treatment of proposed means of access and hardstanding areas;
- iii) Any proposed re-contouring of the site by means of existing and proposed ground levels;
- iv) Proposed hard and soft landscape works; and
- v) A biodiversity statement demonstrating how the proposal will contribute to conservation/restoration/enhancement of biodiversity, and how these benefits will be maintained for the lifetime of the development.

The development shall not be occupied until such time as the physical biodiversity enhancement measures (bird nesting boxes, 'swift bricks', wildlife ponds, bat and insect boxes, hedgehog homes etc), the boundary treatment, surface treatment and any re-contouring works have been completed in accordance with the duly approved scheme.

All biodiversity enhancement measures consisting of new or enhanced planting shall be undertaken either in accordance with the approved scheme of implementation or within the next available planting season following the development first being brought into use.

All of the hard and soft landscaping works shall be carried out in accordance with the approved scheme during the first planting season following the commencement of the development, unless otherwise agreed in writing by the Planning Authority.

The biodiversity statement should refer to [Developing with Nature guidance | NatureScot](#) as appropriate.

Reason: To assist with the integration of the proposal with its surroundings in the interest of amenity.

5. **Junction with Public Road**

Notwithstanding the provisions of Condition 1, the proposed access shall be formed in accordance with the Council's Roads Standard Detail Drawing SD08/004a and shall include visibility splays of 2.4 metres to point X by 75 metres to point Y from the centre line of the proposed access. The access shall be surfaced with a bound material in accordance with the stated Standard Detail Drawing. Prior to work starting on site the access hereby approved shall be formed to at least base course standard and the visibility splays shall be cleared of all obstructions such that nothing shall disrupt visibility from a point 1.05 metres above the access at point X to a point 0.6 metres above the public road carriageway at point Y. The final wearing surface on the access shall be completed prior to the development first being brought into use and the visibility splays shall be maintained clear of all obstructions thereafter.

Reason: In the interests of road safety.

Note to Applicant:

- A Road Opening Permit under the Roads (Scotland) Act 1984 must be obtained from the Council's Roads Engineers prior to the formation/alteration of a junction with the public road.
- The access shall be constructed and drained to ensure that no surface water is discharged onto the public road.

6. **Parking and Turning As Shown**

The parking and turning area shall be laid out and surfaced in accordance with the details shown on the approved plans prior to the development first being occupied and shall thereafter be maintained clear of obstruction for the parking and manoeuvring of vehicles.

Reason: In the interest of road safety.

7. **Private Water Supply**

No development shall commence until an appraisal of the wholesomeness and sufficiency of the intended private water supply and the system required to serve the development has been submitted to and approved in writing by the Planning Authority.

The appraisal shall be carried out by a qualified hydrologist and shall include a risk assessment having regard to the requirements of Schedule 4 of the Private Water Supplies (Scotland) Regulations 2006 which shall inform the design of the system by which a wholesome and sufficient water supply shall be provided and maintained. The appraisal shall also demonstrate that the wholesomeness and sufficiency of any other supply in the vicinity of the development, or any other person utilising the same source or supply, shall not be compromised by the proposed development.

The development shall not be brought into use or occupied until the required water supply system has been installed in accordance with the agreed specification and is operational.

Reason: In the interests of public health and in order to ensure that an adequate private water supply in terms of both wholesomeness and sufficiency can be provided to meet the requirements of the proposed development and without compromising the interests of other users of the same or nearby private water supplies.

Note to Applicant:

- Regulatory requirements for private water supplies should be discussed with the Council's Environmental Health Officers in the first instance.

8. **Submission of Details of Materials**

Notwithstanding the effect of Condition 1, no development shall commence until written details of the type and colour of materials to be used in the construction of the roof coverings and external walls have been submitted to and approved in writing by the Planning Authority. The development shall thereafter be completed using the approved materials or such alternatives as may be agreed in writing with the Planning Authority.

Reason: In order to integrate the development into its surroundings.

9. **PP - Removal of PD Rights – Dwellinghouse**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended), (or any Order revoking and re-enacting that Order(s) with or without modifications), nothing in Article 2(4) of or the Schedule to that Order, shall operate so as to permit, within the area subject of this permission, any development referred to in Part 1 and Classes 1A, 1B, 1D, 2B, 3A, 3B, 3C, 3D and 3E of the aforementioned Schedule, as summarised below:

PART 1: DEVELOPMENT WITHIN THE CURTILAGE OF A DWELLINGHOUSE

Class 1A: Any enlargement of a dwellinghouse by way of a single storey ground floor extension, including any alteration to the roof required for the purpose of the enlargement.

Class 1B: Any enlargement of a dwellinghouse by way of a ground floor extension consisting of more than one storey, including any alteration to the roof required for the purpose of the enlargement.

Class 1D: Any enlargement of a dwellinghouse by way of an addition or alteration to its roof.

Class 2B: Any improvement, addition or other alteration to the external appearance of a dwellinghouse that is not an enlargement.

Class 3A: The provision within the curtilage of a dwellinghouse of a building for any purpose incidental to the enjoyment of that dwellinghouse or the alteration, maintenance or improvement of such a building.

Class 3B: The carrying out of any building, engineering, installation or other operation within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse.

Class 3C: The provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of that dwellinghouse or the replacement in whole or in part of such a surface.

Class 3D: The erection, construction, maintenance, improvement or alteration of any deck or other raised platform within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of that dwellinghouse.

Class 3E: The erection, construction, maintenance, improvement or alteration of any gate, fence, wall or other means of enclosure any part of which would be within or would bound the curtilage of a dwellinghouse.

No such development shall be carried out at any time within this Part and these Classes without the express grant of planning permission.

Reason: To maintain the integrity and architectural value of this bespoke dwellinghouse and to protect it and its immediate setting against inharmonious additions and accretions and to protect the sensitive area and the setting of the proposed dwellinghouse in the interest of visual amenity and public health, from unsympathetic siting and design of developments normally carried out without planning permission; these normally being permitted under Article 2(4) of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended).

11. **Pre-commencement Survey**

No development or other work shall be carried out on the site until a pre-commencement survey for the presence of nesting birds has been carried out by an appropriately qualified person and has been submitted for the written approval of the Planning Authority. In circumstances where species of interest are identified as being present, or at risk from construction works, the survey shall further provide suggested avoidance and or mitigation measures, including timing constraints, to address such presence or risk. The development shall be implemented in accordance with the measures identified in the duly approved scheme.

Reason: In order to establish that the circumstances of the site have not changed significantly between approval and implementation of the development for the purpose of protecting natural heritage assets in the interest of nature conservation.

12. **Implement/Operate Development in Accordance with Identified Mitigation Measures**

Notwithstanding the provisions of Condition 1, the development shall be undertaken in accordance with the mitigation measures set out in the documents titled 'Preliminary Ecological Appraisal' dated August 2022 and 'Otter & Bat Surveys Report' dated September 2022.

Reason: In order to protect natural heritage assets in the interest of nature conservation.

13. **Contaminated Land**

Unless otherwise agreed in writing and in advance by the Planning Authority, prior to any development commencing on site, a scheme will be submitted by the Developer (at their expense) to identify and assess potential contamination on site. No

construction work shall commence until the scheme has been submitted to, and approved, by the Planning Authority, and is thereafter implemented in accordance with the scheme so approved.

The scheme shall be undertaken by a competent person or persons in accordance with relevant authoritative guidance including PAN 33 (2000) and BS10175:2011 or, in the event of these being superseded or supplemented, the most up-to-date version(s) of any subsequent revision(s) of, and/or supplement(s) to, these documents. This scheme should contain details of proposals to investigate and remediate potential contamination to the satisfaction of the Planning Authority, and must include:-

- a) A desk study and development of a conceptual site model including (where necessary) a detailed site investigation strategy. The desk study and the scope and method of recommended further investigations shall be agreed with the Council prior to addressing parts b, c, and d of this condition.

Should the desk study show the need for further assessment this will be undertaken in the following sequence:

- b) A detailed investigation of the nature and extent of contamination on site, and assessment of the risks such contamination presents.
- c) Development and agreement of a remedial strategy (if required) to treat/remove contamination ensuring the site is made suitable for its proposed use (this shall include a method statement, programme of works, and proposed verification plan).
- d) Submission of a verification report for any agreed remedial actions detailing and evidencing the completion of these works.

Written confirmation from the Planning Authority, that the scheme has been implemented and completed shall be required by the Developer before any development hereby approved commences. Where remedial measures are required as part of the development construction detail, commencement must be agreed in writing with the Planning Authority.

Reason: To ensure that the potential risks to human health, the water environment, property, and, ecological systems arising from any identified land contamination have been adequately addressed.

14. **Tree Retention and Protection**

No development shall commence until a scheme for the retention and safeguarding of trees during construction has been submitted to and approved by the Planning Authority. The scheme shall comprise:

- i) Details of all trees to be removed and the location and canopy spread of trees to be retained as part of the development;
- ii) A programme of measures for the protection of trees during construction works which shall include fencing at least one metre beyond the canopy spread of each tree in accordance with BS 5837:2005 "Trees in Relation to Construction".

Tree protection measures shall be implemented for the full duration of construction works in accordance with the duly approved scheme. No trees shall be lopped, topped or felled other than in accordance with the details of the approved scheme unless otherwise approved in writing by the Planning Authority.

Reason: In order to retain trees as part of the development in the interests of amenity and nature conservation.

15. Phasing of Development

No development shall commence until such time as the associated replacement agricultural building (either as granted under prior notification ref. 24/00259/PNAGRI; or subsequently renewed/amended, or an alternative scheme for the provision of a replacement building that has been acknowledged as such in writing by the planning authority) has been erected and made available for agricultural use in the management of Lagganulva Farm.

Reason: In order to ensure that the development of the existing barn the subject of this current planning permission is delivered in accordance with the stated management and development of the remainder of the agricultural holding.

16. Restricted Curtilage

No development shall commence until details of a reduced residential curtilage for the proposed dwellinghouse has been submitted to and approved by the Planning Authority. The development shall thereafter be completed in strict accordance with such details as are approved.

Reason: To assist with the integration of the proposal and to safeguard agricultural land.