

**Argyll and Bute Council  
Development & Economic Growth**

**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**

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**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

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**DECISION ROUTE**

Committee - Local Government Scotland Act 1973

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**(A) THE APPLICATION**

**(i) Development Requiring Express Planning Permission**

- Conversion and extension of barn to form dwellinghouse
- Installation of private drainage system
- Formation of vehicular access
- Connection to private water supply

**(ii) Other specified operations**

- None
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**(B) RECOMMENDATION:**

Having due regard to the Development Plan and all other material considerations, it is recommended that planning permission be granted subject to the conditions and reasons appended to this report.

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**(C) CONSULTATIONS:**

Argyll and Bute Council – Roads Authority

Report dated 14.03.2023 advising of no objections to the application subject to conditions relating to the formation of the access at the junction with the public road, the clearance and maintenance of visibility splays, the provision of a system of surface water drainage, and the provision of a parking and turning area. The report further advises that the required sightlines are achievable within the public road corridor.

Scottish Water

Letter dated 14.03.2023 advising of no objections to the application.

NatureScot

Letter dated 04.04.2023 advising that the proposed development lies within the Lagganulva Woodland Site of Special Scientific Interest and within the Loch na Keal National Scenic Area. The letter advises that the proposed development is unlikely to have a significant effect on the qualifying interests of these sites either directly or indirectly. The letter further advises that European Protected Species, such as bats and otters, may be present on the site.

Argyll and Bute Council – Environmental Health Service

Report dated 27.03.2023 advising that the application appears to be proposing the redevelopment of land where there is an indication of previous use which may be contaminative. The response recommends the inclusion of a planning condition relating to a site investigation and risk assessment.

Local Biodiversity Officer

Email dated 19.04.2023 advising of agreement with the submitted Preliminary Ecological Appraisal and requesting further surveys to identify the presence of otters, bats and nesting birds, and requesting the provision of a Tree Protection and Management Plan. Upon the submission of an Otter and Bat Survey Report, the Local Biodiversity Officer was re-consulted and, in an email dated 26.06.2023, advised that works should be carried out in accordance with the submitted Report.

The above represents a summary of the issues raised. Full details of the consultation responses are available to view via the [Public Access](#) section of the Council's website.

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**(D) HISTORY:**

24/00259/PNAGRI

Erection of agricultural shed

Prior Approval Not Required and permission therefore granted – Decision Issued 10.04.2024

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**(E) PUBLICITY:**

The proposal has been advertised in terms of Regulation 20 and Neighbour Notification procedures, overall closing date 18.04.2023.

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**(F) REPRESENTATIONS:**

**(i) Representations received from:**

**22 objections have been received to the application.**

**OBJECTIONS**

Mr Daniel Brooks, Sapling Cottage, Ulva Ferry, Isle of Mull, PA73 6LY (14.04.2023)

Mr Rhuri Munro, Ferry House, Ulva, Isle of Mull, PA73 6LZ (17.04.2023)

Christine Leach (15.04.2023 and 17.04.2023)

Celia Royce, Kellan Old Farm, Aros, Isle of Mull, PA72 6JY – by email only (17.04.2023)

Kirsty Leitch – by email only (17.04.2023)  
Miss Hilary Sutton, The Bothy, Tigh-Na-Caora, B8073 North of Ulva Ferry, from Grouse Cottage to C44 Ulva Ferry Road, Ulva Ferry, Isle of Mull, PA73 6LT (18.04.2023)  
Ms Irene Anderson, Burnedge, Bridge of Eam, Perth, PH2 9BP (18.04.2023)  
Ms Elizabeth Wood, 9 Lochmill Holding, Milton of Campsie, Glasgow, G66 8AG (18.04.2023)  
Mr Michael Hogan, 29 Coltpark Woods, Hamsterley Colliery, Newcastle Upon Tyne, NE17 7SP (18.04.2023)  
Mr Kieran Murray, Craighead Cottage, Braco, Dunblane, FK15 9LP (18.04.2023)  
E Wood – by email only (17.04.2023)  
Nick Mawhinney (14.04.2023)  
Sarah Mawhinney – by email only (17.04.2023)  
Dr Robert Stewart, Killiemore Garden Caravan, Killiechronan, Isle of Mull, PA72 6JZ (18.04.2023)  
Ms Helen Stace, Scoor Cottage, Ulva Ferry, Isle of Mull, PA73 6LX (four representations dated 18.04.2023)  
Tim Dixon, Scoor Cottage, Croft 3, Fanmore (18.04.2023)  
North West Mull Community Woodland Company Ltd, Penmore Mill, Dervaig, Isle of Mull, PA75 6QS (17.04.2023)  
Lauren Worrell, NFU Scotland, Rural Centre – West Mains, Ingliston, Newbridge, Midlothian, EH28 8LT (18.03.2024)

Representations are published in full on the planning application file and are available to view via the [Public Access](#) section of the Council's website.

**(ii) Summary of issues raised:**

**OBJECTION**

Conversion of existing barn

- The existing barn is of historic and visual interest.
- The tenant farmers still use the barn and have done so for a long time. The existing building remains in use for agricultural purposes. The building is not redundant and is part of a local enterprise. A replacement building would be required and is unlikely to be of a similarly traditional appearance.
- If the existing barn building were to be removed from its current use, a replacement building would be required. The replacement building would not be in keeping with the setting.
- Steading buildings that are maintained and in use on Mull are rare.

**Officer 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. The agent has advised that the existing barn, on the opposite side of the public road to the established farm steading, is unsuitable in terms of its siting, scale and form, and is not suitable for current agricultural use or machinery storage and does not provide an efficient space for such uses. The barn as existing is unable to accommodate agricultural machinery, meaning that machinery is kept outside. 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 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.*

### **Biodiversity**

- The existing barn and the wider application site hosts bats, birds and otters.
- Otters, bats and barn owls are present on and around the application site.
- The submitted information does not demonstrate how the development would benefit biodiversity.

**Officer Comment:** *The application has been submitted with a Preliminary Ecological Appraisal and an Otter and Bat Survey Report. The Council's Biodiversity Officer was consulted on the application and confirmed agreement with the submitted information, stating that a pre-commencement survey is required to identify bird nests within the application site. The Council's Biodiversity Officer confirmed agreement with the proposed mitigation measures in relation to the impact of the proposed development upon otters, bats and nesting birds. Suitable conditions are required to ensure that the proposed development is carried out in accordance with the mitigation measures outlined within the submitted Preliminary Ecological Appraisal and the Otter and Bat Survey Report, and to secure the provision of a pre-commencement nesting bird survey to ensure that no bird species are compromised.*

*NPF4 Policy 3(c) requires development proposals to include appropriate measures to conserve, restore and enhance biodiversity. The information submitted with the*

*application has demonstrated that the development proposal would conserve biodiversity. With regard to biodiversity enhancement, adequate and proportionate measures for biodiversity enhancement and protection can be delivered by planning condition, to be secured prior to the commencement of development. The condition will secure the provision of biodiversity enhancement measures prior to the occupation of the development.*

#### Landscape and visual impact

- The installation of windows into the existing barn would have a detrimental impact upon the character and appearance of the National Scenic Area, increasing the prominence of the building. The existing development at Lagganulva is a focal point and the existing house and steadings are important local landmarks. The proposed extension would be harmful to the location which is highly valuable in terms of scenic beauty.
- The development would be sited within the Loch na Keal National Scenic Area. The Landscape Capacity Study specifically identifies the existing Lagganulva setting for special consideration.
- The nearest electricity supply is on the opposite side of the road. No information has been provided as to whether the connecting cable would run underground or result in additional unsightly poles and lines.
- No information has been provided regarding landscaping and boundary treatments.

**Officer Comment:** *The proposed windows are considered to be suitable to the scale of the existing barn and would have a negligible impact upon the appearance of the existing building. The application proposes to retain the scale and form of the existing barn, to include the repair of the existing stone walls and slate roof, and in this regard the development would retain the character and appearance of the existing barn without any material harm to the character and appearance of the National Scenic Area.*

*The proposed extension would be modest in scale, occupying a total external footprint of 56 square metres. The proposed extension would have a simple and traditional narrow, linear form and a single storey dual-pitched roof, ensuring that it would not appear as unduly prominent. The proposed timber finishing materials would assist in providing the proposed extension with a simple appearance, ensuring that it would integrate with the appearance of the rural surroundings. The extension would be sited sensitively on land between the existing barn and the public road, ensuring that it would not encroach into more open and undeveloped areas of the site.*

*The application proposes to retain the existing development at the site through the repair and conversion of the existing stone barn. In this regard, the site would remain a focal point within the landscape. Given the small scale and appropriate form, design and appearance of the proposed extension, the visual composition of the site would not be adversely impacted and the proposal would not therefore disrupt the visual focus.*

*A scheme for boundary treatment, surface treatment and landscaping is to be secured via planning condition, to include the submission of details any proposed walls, fences and gates; surface treatment; and hard and soft landscaping works.*

#### Proposed use

- The area does not need short term holiday letting properties; the area instead requires long term affordable accommodation.
- Granting planning permission for a development of this nature would set a precedent for the use of agricultural buildings as short-term holiday letting accommodation where agricultural buildings are already in scarce supply.

**Officer 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. This is by no means an unusual type of development. 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.*

#### Water supply and drainage

- The application indicates a connection to the public water supply, however no such supply is available and no details have been submitted regarding the private water supply.
- All existing water supplies are barely adequate and demand from another development could not be sustained.
- The proposed arrangement for sewage disposal is not satisfactory; the discharge would be to Laggan Bay which is within a designated Shellfish Waters Protected Area and that must be safeguarded.
- The application has not been submitted with a technical report for foul water drainage. This is relevant as the building is adjacent to a watercourse and the proposed soakaway would be adjacent to a well and on an area of ground which is waterlogged all year round.

**Officer Comment:** *The agent has confirmed that the proposed development would be served by a private water supply. A suitable pre-commencement condition is required to secure an appraisal of the wholesomeness and sufficiency of the intended private water supply and the system required to serve the development 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.*

*The application proposes the installation of a private drainage system and a soakaway. The Council's Building Standards Service will apply sufficient control over the treatment plant arrangements at Building Warrant stage. The proposed drainage system would be regulated under the building standards to ensure that it is capable of being provided to a safe, effective and appropriate technical standard. Any discharge to the water environment would be regulated by SEPA under the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended). It is the responsibility of the installer and owner to ensure that the drainage system is installed and maintained correctly. Pollution enforcement is the responsibility of SEPA and as the proposed development is not located within a Waste Water Drainage Consultation Area there is no reason to assume that a safe and effective private wastewater system cannot be utilised.*

*Additionally, the area of the marine environment within the vicinity of the proposed development site is not within either a Marine Protected Area or a Marine Consultation Area.*

### Trees

- No works should occur within the root protection area or tree protection zone. The site features veteran trees and the application describes felling, limbing, crown reduction and pollarding, which would significantly impact upon the appearance of the area.
- The submitted tree report fails to recognise the age and significance of the trees and fails to take into account elder trees on the roadside boundary.
- The clearance of visibility splays for the access may result in the loss of roadside trees and walls.
- The trees provide a food source for insects.

**Officer 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.*

*The proposed development would not harm the Lagganulva Wood Site of Special Scientific Interest.*

### Suitability of the site

- The application has been submitted with insufficient information with regard to biodiversity, landscape impact, sustainability, water supply, the proposed use of the site, and the impact upon the Site of Special Scientific Interest designation.

- The steading proposed for conversion is part of a working farmyard with characteristic noises created by animals and machinery. This may create conflict between neighbours.
- The Torloisk Estate already has properties which have been moved into the self-catering market.
- A house in this location is invasive of privacy. The location and design of the proposed development would negatively impact upon the residents of Lagganulva Farm and the surrounding landscape.
- The barn is not a suitable site for the development proposed.
- Protection is required for agricultural land which is good quality and locally important. The field associated with the steading is valuable in this location.

**Officer Comment:** *The information submitted with the application, in the form of the Preliminary Ecological Appraisal, photomontages, Tree Report, Otter and Bat Report, Design Statement, and 'Six Qualities of Successful Places' Statement have satisfactorily demonstrated that, in this instance, the proposed development site would represent an appropriate opportunity for development with a sensitively sited extension which would be of an acceptable scale, design and finish that would integrate with the application site and its wider setting within the landscape.*

*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.*

*The development proposed by the current application seeks to develop a rough area of ground adjacent to the existing barn. In terms of the land capability for agriculture, the application site falls within Class 5.2 where the land is capable of use as improved grassland, where pasture establishment may be difficult to maintain. The proposed development would be of a small scale and would not impact upon prime agricultural land, or land of lesser quality that is culturally or locally important for primary use, with due consideration to the extent of the wider agricultural landholding.*

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## **(G) SUPPORTING INFORMATION**

**Has the application been the subject of:**

**(i) Environmental Impact Assessment Report:**       Yes  No



**(ii) An Appropriate Assessment under the Conservation (Natural Habitats) Regulations 1994:** Yes No

**(iii) A Design or Design/Access statement:** Yes No

A Design Statement has been submitted with the application.

**(iv) A Sustainability Checklist (with reference to the requirements of LDP2 Policy 04)** Yes No

The application was submitted prior to the adoption of the LDP2 and has been submitted with a Preliminary Ecological Appraisal, photomontages, a Tree Report, an Otter and Bat Report, a detailed Design Statement, and a 'Six Qualities of Successful Places' Statement, which together with the site visits undertaken, has demonstrated that there would be no significant adverse effect on landscape and visual amenity resulting from the development of the site with the conversion of, and extension to, the existing barn and therefore, in this instance, it is not considered that any further landscape/visual information is required to allow a decision on the proposal to be made.

**(v) A report on the impact of the proposed development eg. Retail impact, transport impact, noise impact, flood risk, drainage impact etc:** Yes No

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**(H) PLANNING OBLIGATIONS**

**Is a Section 75 agreement required:** Yes No

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- (I) **Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32:** Yes No
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- (J) **Section 25 of the Act; Development Plan and any other material considerations over and above those listed above which have been taken into account in the assessment of the application**

- (i) **List of all Development Plan Policy considerations taken into account in assessment of the application.**

**[National Planning Framework 4 \(Adopted 13<sup>th</sup> February 2023\)](#)**

**Part 2 – National Planning Policy**

**Sustainable Places**

NPF4 Policy 1 – Tackling the Climate and Nature Crises

NPF4 Policy 2 – Climate Mitigation and Adaption

NPF4 Policy 3 – Biodiversity

NPF4 Policy 4 – Natural Places

NPF4 Policy 5 – Soils

NPF4 Policy 6 – Forestry, Woodland and Trees

NPF4 Policy 9 – Brownfield, Vacant and Derelict Land and Empty Buildings (*includes provisions relevant to Greenfield Sites*)

NPF4 Policy 12 – Zero Waste

NPF4 Policy 13 – Sustainable Transport

**Liveable Places**

NPF4 Policy 14 – Design, Quality and Place

NPF4 Policy 15 – Local Living and 20 Minute Neighbourhoods

NPF4 Policy 16 – Quality Homes

NPF4 Policy 17 – Rural Homes

NPF4 Policy 18 – Infrastructure First

NPF4 Policy 22 – Flood Risk and Water Management

**[Argyll and Bute Local Development Plan 2 \(Adopted 2024\)](#)**

**Spatial and Settlement Strategy**

Policy 02 – Outwith Settlement Areas

Policy 04 – Sustainable Development

**High Quality Places**

Policy 05 – Design and Placemaking

Policy 08 – Sustainable Siting

Policy 09 – Sustainable Design

Policy 10 – Design – All Development

Policy 11 – Design – Conversions and Change of Use

Policy 14 – Bad Neighbour Development

**Connected Places**

- Policy 34 – Electric Vehicle Charging
- Policy 35 – Design of New and Existing, Public Roads and Private Access Regimes
- Policy 37 – Development Utilising an Existing Private Access or Existing Private Road
- Policy 39 – Construction Standards for Private Accesses
- Policy 40 – Vehicle Parking Provision

### **Sustainable Communities**

- Policy 58 – Private Water Supplies and Water Conservation
- Policy 60 – Private Sewage Treatment Plants and Wastewater Drainage Systems
- Policy 61 – Sustainable Urban Drainage Systems (SUDS)
- Policy 63 – Waste Related Development and Waste Management

### **Homes for People**

- Policy 67 – Provision of Housing to Meet Local Needs Including Affordable Housing

### **High Quality Environment**

- Policy 70 – Development Impact on National Scenic Areas (NSA's)
- Policy 73 – Development Impact on Habitats, Species and Biodiversity
- Policy 75 – Development Impact of Sites of Special Scientific Interest (SSSIs)
- Policy 77 – Forestry, Woodland and Trees
- Policy 79 – Protection of Soil and Peat Resources
- Policy 82 – Contaminated Land
- Policy 83 – Safeguarding Agricultural and Croft Land

**(ii) List of all other material planning considerations taken into account in the assessment of the application, having due regard to Annex A of Circular 3/2013.**

- Third Party Representations
- Consultation Responses
- Planning History
- [ABC Technical Note – Biodiversity \(Feb 2017\)](#)
- [ABC draft Technical Note – Argyll and Bute Windows \(April 2018\)](#)
  
- [ABC Landscape Studies](#)
- [ABC Housing Needs and Demand Assessment](#)
- [ABC Housing Emergency Statement](#)

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**(K) Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment: Yes No**

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**(L) Has the application been the subject of statutory pre-application consultation (PAC): Yes No**

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**(M) Does the Council have an interest in the site:** Yes No

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**(N) Requirement for a pre-determination hearing:** Yes No

Whilst there has been considerable objection raised, it is noted that only approximately half of those objections are from the local area. In addition, the representations relate largely to the conversion of the existing barn to form a dwellinghouse and the resultant loss of its existing use for agricultural purposes. 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 insistence of the planning authority, addressed this concern through the provision of a replacement agricultural building, as detailed within application reference 24/00259/PNAGRI. With regard to objections raised in terms of biodiversity, landscape, servicing, infrastructure and access, the Officer's recommendation is aligned with the consultation responses received on the application and as such it is not considered that a pre-determination hearing would add value to the decision making process.

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**(O)(i) Key Constraints/Designations Affected by the Development:**

- Loch na Keal National Scenic Area
- Lagganulva Wood Site of Special Scientific Interest

**(O)(ii) Soils**

Agricultural Land Classification:

Built Up Area

Peatland/Carbon Rich Soils Classification:

- Class 1  
Class 2  
Class 3  
Class 5  
N/A

Peat Depth Classification:

1 metre

Does the development relate to croft land?

Yes No

Would the development restrict access to croft or better quality agricultural land?

Yes No N/A

Would the development result in fragmentation of croft / better quality agricultural land?

Yes No N/A

The application site falls within Class 5.2 where the land is capable of use as improved grassland, where pasture establishment may be difficult to maintain. The proposed development would be of a small scale such that it is considered that the proposed development would not impact upon prime agricultural land, or land of lesser quality that is culturally or locally important for primary use, with due consideration to the extent of the wider agricultural landholding.

**(O)(iii) Woodland**

Will the proposal result in loss of trees/woodland?  Yes  
 No

Does the proposal include any replacement or compensatory planting?  Yes  
 No details to be secured by condition  
 N/A

**(O)(iv) Land Status / LDP Settlement Strategy**

Status of Land within the Application  Brownfield  
 Brownfield Reclaimed by Nature  
 Greenfield

**ABC LDP2 Settlement Strategy**

- Settlement Area
- Countryside Area
- Remote Countryside Area
- Helensburgh & Lomond Greenbelt

**ABC LDP2 Allocations/PDAs/AFAs etc:**

N/A

**(P) Summary assessment and summary of determining issues and material considerations**

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, and the installation of a septic tank and the formation of a vehicular access.

In terms of the adopted LDP2 the site is defined as 'Outwith Settlement Areas' within an area identified as 'Countryside Area' where Policy 02 of LDP2 gives a presumption in favour of sustainable development where it is of an appropriate scale, design, siting and use for its countryside location, as set out in the relevant sustainable siting and design policies of LDP2.

Policy 02 further states that certain development will be supported, generally without the need for detailed environmental assessments, with these comprising, infill, redevelopment opportunities of clusters; or previously developed sites. In Countryside Areas, where there are nature conservation or landscape designations in place, Policy 02 details that development proposals will have to demonstrate that they are compatible with the designation interests.

The application site comprises an irregular plot of land located on the northern edge of Laggan Bay, immediately to the west of the B8073 public road. To the northeast of the application site, to the east of the public road, there is a farmhouse and associated outbuildings. The application site features an existing 'L' shaped stone barn with a hipped slate roof, set within the southeast corner of the plot. There are a number of mature trees within the site boundary.

This application is seeking to secure planning permission for the conversion of, and extension to, the existing stone barn at the site to form a dwellinghouse, and the installation of a septic tank and the formation of a vehicular access. The existing stone walls of the barn would be repaired and repointed as necessary, and the slate roof would be retained. The proposed extension to the barn would be sited upon the

eastern elevation and would take a linear form, orientated parallel to the public road, with a dual-pitched roof and gable ends.

The application proposes the upgrade of an existing vehicular access to serve the proposed development, with the formation of a turning area and parking provision for two vehicles. The water supply would be via connection to a private supply and the foul drainage would be by way of a private system comprising a septic tank and soakaway due to the lack of public infrastructure within the vicinity of the application site.

The proposal has elicited 22 objections.

The main considerations relate to whether or not the conversion of, and extension to, the existing stone barn at the application site to form a dwellinghouse is appropriate in terms of scale, design, siting and use for its countryside location; whether the servicing, infrastructure and access arrangements are suitable; whether the proposal is acceptable in terms of biodiversity and landscape impacts; and whether it is consistent with the provisions of adopted National and Local Planning Policy.

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**(Q) Is the proposal consistent with the Development Plan:** Yes No

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**(R) Reasons why Planning Permission or Planning Permission in Principle Should be Granted:**

The proposal is considered to be consistent with the relevant provisions of the Development Plan and National Planning Framework 4 and there are no other material considerations of sufficient significance, including issues raised by third parties, to indicate that it would be appropriate to withhold planning permission having regard to Section 25 of the Act.

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**(S) Reasoned justification for a departure to the provisions of the Development Plan**

N/A

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**(T) Need for notification to Scottish Ministers or Historic Environment Scotland:**  
Yes No

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**Author of Report:** Emma Shaw

**Date:** 08.05.2024

**Reviewing Officer:** Tim Williams

**Date:** 08.05.2024

**Fergus Murray**  
**Head of Development & Economic Growth**

**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 4<sup>th</sup> 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](http://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).

#### 10. **Electric Vehicle Charging**

Notwithstanding Condition 1, Prior to the commencement of development, details of the provision of supply cabling suitable for electric vehicle charge points shall first be submitted and approved in writing by the Local Planning Authority. Thereafter the electric vehicle charge points must be available for use in the development hereby approved.

**Reason:** *In order to ensure compliance with LDP2 Policy 34.*

#### 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**

Notwithstanding the provisions of Condition 1, prior to the commencement of any development on site, the associated replacement agricultural building, as granted under application 24/00259/PNAGRI, shall be erected and available for use.

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.

<b>COMMITTEE REPORT</b>	
<b>APPENDIX A – RELATIVE TO APPLICATION NUMBER:</b>	<b>23/00185/PP</b>
<b>PLANNING LAND USE AND POLICY ASSESSMENT</b>	

## 1. Introduction

1.1. The proposal the subject of this application is seeking to secure planning permission for the conversion of, and extension to, an existing stone barn to form a dwellinghouse, the installation of a private drainage system and the formation of a vehicular access.

## 2. Location of Proposed Development

2.1. The application site comprises an irregular plot of land located on the northern edge of Laggan Bay, immediately to the west of the B8073 public road.

2.2. To the northeast of the application site, to the east of the public road, there is a farmhouse and associated outbuildings. The application site features an existing 'L' shaped stone barn with a hipped slate roof, set within the southeast corner of the plot. There are a number of mature trees within the site boundary.

## 3. Settlement Strategy

3.1. In terms of the Settlement Strategy set out in the adopted LDP2, the application site is situated 'Outwith Settlements' in the designated 'Countryside Area' where Policy 02 of LDP2 gives a presumption in favour of sustainable development where it is of an appropriate scale, design, siting and use for its countryside location, as set out in the relevant sustainable siting and design policies of LDP2. Policy 02 further states that certain development will be supported, generally without the need for detailed environmental assessments, with these comprising, infill, redevelopment opportunities of clusters; or previously developed sites. In Countryside Areas, where there are nature conservation or landscape designations in place, Policy 02 details that development proposals will have to demonstrate that they are compatible with the designation interests.

In order to address the determining issues, the key considerations in this application are:

- 3.1.1. Compliance with the Development Plan and other relevant planning policy.
- 3.1.2. Whether the conversion of, and extension to, the existing stone barn at the application site to form a dwellinghouse is appropriate in terms of scale, design, siting and use for its countryside location.
- 3.1.3. The suitability of the proposed servicing, access and infrastructure arrangements.
- 3.1.4. Any other material considerations.

## 4. Proposal

4.1. The proposal is seeking to secure planning permission for the conversion of, and extension to, the existing stone barn to form a dwellinghouse, and the installation of a private drainage system and the formation of a vehicular access.

4.2. The proposal relates to the refurbishment of and extension to an existing stone barn to form a dwellinghouse. The existing barn, which has an 'L' shaped footprint covering an area of approximately 89 square metres, is constructed of stone walls with a hipped slate

roof. The proposal would involve repairing and repointing the existing stone walls. The proposed extension would adjoin the east elevation of the existing barn and would take a narrow linear form with a small linking corridor, occupying a total footprint of 56 square metres. The extension would have a dual-pitched roof set at a height of 4.7 metres with an eaves height of 2.5 metres. The linking corridor set between the existing barn and the proposed extension, would have a flat roof at a height of 2.4 metres, set below the eaves height of the existing barn. The proposed extension would feature large single windows within the south, north and west elevations, and there would be two rooflights within the east elevation roof slope. Windows would be inserted within each elevation of the existing barn. An appropriate condition is required to secure the exact details of the proposed facing and roofing materials so as to ensure that the proposed development integrates into its surroundings.

- 4.3. The existing vehicular access into the site, positioned to the north of the existing barn, would be upgraded and a parking and turning area would be formed. The application includes the installation of a private drainage system and connection to a private water supply.

## **5. Compliance with National Policy**

### **5.1. NPF4 Policy 1 – Tackling the Climate and Nature Crises**

NPF4 Policy 1 seeks to prioritise the climate and nature crises in all decisions; it requires to be applied together with other policies in NPF4.

Guidance from the Scottish Government advises that it is for the decision maker to determine whether the significant weight to be applied tips the balance in favour for, or against a proposal on the basis of its positive or negative contribution to climate and nature crises.

### **5.2. NPF4 Policy 2 – Climate, Mitigation and Adaption**

NPF4 Policy 2 seeks to ensure that new development proposals will be sited to minimise lifecycle greenhouse gas emissions as far as possible, and that proposals will be sited and designed to adapt to current and future risks from climate change.

Guidance from the Scottish Government confirms that at present there is no single accepted methodology for calculating and / or minimising emissions. The emphasis is on minimising emissions as far as possible, rather than eliminating emissions. The Spatial Settlement Strategy set out within LDP2 seeks to deliver sustainable levels of growth by steering the majority of development to our existing settlements as these are where the most of our current infrastructure, services, employment opportunities, housing and community facilities are to be found, however LDP2 recognises that there are instances where a different approach to significant development has to be taken particularly where existing infrastructure or services are at capacity and where a more sustainable option would be to provide new facilities elsewhere.

### **5.3. NPF4 Policy 3 – Biodiversity**

NPF4 Policy 3 seeks to protect biodiversity, reverse biodiversity loss and deliver positive effects from development and strengthen nature networks.

The application has been submitted with a Preliminary Ecological Appraisal, which sought to establish the potential for the application site to support protected species known to inhabit the area, namely otters, nesting birds, bats, reptiles, and butterflies/day flying

moths and bats. The Preliminary Ecological Appraisal also sought to map the habitats within the site boundary to identify the presence of any priority habitats or flora. The existing barn was classed as having 'Moderate' bat roost potential and four trees within the application site boundary were found to have the potential to support bats, classed as 'Low' potential. No notable or rare plant species or habitats were identified on the site. No evidence was discovered to suggest the presence of otters within the application site.

The Council's Biodiversity Officer has been consulted on the application and confirmed agreement that additional surveys were required with regard to the impact of the proposed development upon otters and bats. The consultation response from the Council's Biodiversity Officer confirmed agreement that a pre-commencement survey is required to identify bird nests within the application site and a Tree Protection and Management Plan is provided so as to protect the existing trees within the application site during the clearance and construction phases of the proposed development.

An Otter and Bat Survey Report was subsequently submitted following the findings and recommendations of the Preliminary Ecological Appraisal. The Report stated that an otter survey undertaken concluded that it is unlikely that there is an otter holt close enough to the development site as to be at risk of disturbance and therefore no European Protected Species Licence need be sought in respect of otters. However, at least one otter utilises the burn adjacent to the site and therefore mitigation measures should be adhered to. The two trees adjacent to the existing barn were subject to activity surveys however were not found to contain bat roosts and therefore no further survey work would be required. The Report states that the proposed development of the existing barn would result in the destruction of two summer roosting non-maternity Soprano pipistrelle roosts impacting on up to three Soprano pipistrelle bats and one summer roosting Brown Long-eared roost impacting on up to five Brown Long-eared bats. A European Protected Species Licence for bats would be required and mitigation measures adhered to. The Report further states that due to the nature of the habitat present and the identification of several nests within the site boundary and within the barn itself, should the development be planned to take place during the breeding bird season, pre-construction checks for nests would be required. Following the submission of the Otter and Bat Survey Report, the Council's Biodiversity Officer was re-consulted and confirmed agreement with the proposed mitigation measures in relation to the impact of the proposed development upon otters, bats and nesting birds. Subject to relevant conditions to ensure that the proposed development is carried out in accordance with the mitigation measures outlined within the submitted Preliminary Ecological Appraisal and the Otter and Bat Survey Report and to secure the provision of a pre-commencement nesting bird survey to ensure that no bird species are compromised, the proposal would adhere to the requirements of NPF4 Policy 3(d).

Whilst no specific proposals for biodiversity improvements have been submitted it is considered that adequate and proportionate measures for biodiversity enhancement and protection can be delivered by planning condition. Such a condition will be attached to this permission. With a condition to secure adequate and proportionate biodiversity enhancement and protection measures within the development, the proposal aligns with the broad aims of NPF4 Policy 3 and is consistent with the requirements of LDP2 Policy 73, Development Impact on Habitats, Species and Biodiversity.

#### **5.4. NPF4 Policy 4 – Natural Places**

NPF4 Policy 4 seeks to protect, restore and enhance natural assets making best use of nature-based solutions.



NPF4 Policy 4(a) states that development proposals which by virtue of type, location or scale will have an unacceptable impact on the natural environment, will not be supported. In this instance, the proposed development relates to the addition of a small scale extension to an existing building to facilitate the conversion of the building to form a dwellinghouse. The proposal would make use of an existing building and its setting, and the proposed extension would be of a small scale such that there would be no adverse impact upon the surrounding environment.

The application site lies within the Loch na Keal National Scenic Area, designated for its coastal scenery, expansive seascape and interior mountain peaks. The application site lies within the Outer Loch na Keal Area, which comprises relatively level terrain and alluvial deposits. The development would be set against the backdrop of rugged steeper slopes and would make use of an existing building to ensure that the development would not encroach upon undeveloped sites or impact upon key views. The consultation response received from NatureScot advised that the proposed development would be sited within the Loch na Keal National Scenic Area, however given the size and scale of the proposed development and with regard to previous developments within the application site, the integrity of the National Scenic Area or the qualities for which it has been designated, would not be adversely affected. It is therefore the considered opinion of the Planning Authority that the proposal would not result in any significant adverse effects on the integrity of the area.

The proposed development is sited within the Lagganulva Wood Site of Special Scientific Interest, designated for its geological interest and upland oak woodland habitat. The proposed development would have no ecological connectivity to the site's qualifying interests and would not therefore undermine the conservation of the qualifying interests. In line with the consultee response received from NatureScot, the proposal would not have a significant effect on the natural heritage interests of national importance due to the proposed development being sited away from the features for which the site has been designated. In this regard, the proposal would be compliant with NPF4 Policy 4 and LDP2 Policies 70 and 75.

Notwithstanding the above, the proposed development is not within any designated European site of natural environment conservation or protection, it is not located within a National Park, a RAMSAR site, or a National Nature Reserve. Neither is it located within a site designated as a local nature conservation site or landscape area or within an area identified as wild land.

## **5.5. NPF4 Policy 5 – Soils**

NPF4 Policy 5 seeks to protect carbon-rich soils, to restore peatlands and to minimise disturbance to soils from development.

The development proposed by the current application seeks to develop a rough area of ground adjacent to the existing barn. In terms of the land capability for agriculture, the application site falls within Class 5.2 where the land is capable of use as improved grassland, where pasture establishment may be difficult to maintain. The proposed development would be of a small scale such that the proposed development would not impact upon prime agricultural land, or land of lesser quality that is culturally or locally important for primary use, with due consideration to the extent of the wider agricultural landholding.

The application site is located within an area designated as Class 5 Carbon and Peatland, where no peatland habitat has been recorded. The proposed development would not therefore adversely impact upon peatland, carbon-rich soils or priority peatland habitat.

The development proposed is therefore considered to be in accordance with NPF4 Policy 5 and Policies 79 and 83 of LDP2.

## **5.6. NPF4 Policy 6 – Forestry, Woodland and Trees**

NPF4 Policy 6 seeks to protect and expand forests, woodland and trees.

The application site features a number of large Sycamore trees which are long-established and are exposed to the prevailing south westerly wind. The application has been submitted with a Tree Report detailing a general description of the trees present at the application site, the dimensions and details of the individual trees, and options for their management. The information submitted with the application indicates that there is a small overlap of the tree protection zone in the location where the existing barn is sited. The information submitted with the application advises that any excavation inside the existing barn in this location would be limited and carried out by hand. The submitted information further advises that any excavation works in the area adjacent to the tree protection zone would be excavated by hand. 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.

Given the presence of establish 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 on any proposed tree works and a programme of measures for the protection of trees during construction works. The proposed development would not adversely impact ancient woodland, veteran trees or native woodland and the proposed development would not lead to the fragmentation of woodland habitats. Subject to a suitable condition to secure appropriate tree protection measures, the proposed development would adhere to the requirements of NPF4 Policy 6 and the provisions of LDP2 Policy 77.

## **5.7. NPF4 Policy 9 – Brownfield, Vacant and Derelict Land and Empty Buildings**

NPF4 Policy 9 seeks to encourage, promote and facilitate the reuse of brownfield, vacant and derelict land and empty buildings, and to help reduce the need for greenfield development.

NPF4 Policy 9(d) provides support for development proposals for the reuse of existing buildings, taking into account their suitability for conversion to other uses. Given the need to conserve embodied energy, demolition will be regarded as the least preferred option. The development the subject of this current application proposes to convert and extend the existing stone barn at the application site to form a dwellinghouse. The development proposal would retain the existing stone barn, with repairs to the existing stone walls undertaken as necessary. It is considered that the conversion of the existing stone barn would constitute an appropriate redevelopment opportunity whereby the character and appearance of the existing barn would be retained without the need for significant alterations.

The proposed extension would be sited immediately adjacent to the existing barn and in this regard is considered to be brownfield site and accordingly the use of the land for the proposed extension is considered to represent the sustainable reuse of brownfield land which is afforded direct support under NPF4 Policy 9(a).

The application site lies 'Outwith Settlement Areas' in the designated 'Countryside Area'. LDP2 Policy 02, Outwith Settlement Areas, seeks to promote a more flexible approach to development in areas identified as Countryside Area, with Part A of Policy 02 giving a

presumption in favour of sustainable development where it is of an appropriate scale, design, siting and use for its countryside location, as detailed in the relevant sustainable siting and design policies. In this instance, the proposal involves the conversion of an existing barn and the addition of an appropriately scaled and designed extension to form a dwellinghouse. The scale of the proposed development would be appropriate to the size of the wider application site and its setting within the landscape. The proposed design would be of a simple form, respecting local architectural styles and the siting would be such that it would not appear as obtrusive within the landscape, making use of the existing built development at the site.

In this instance, the site is considered to represent an appropriate opportunity for the conversion, redevelopment and extension to the existing barn to form a dwellinghouse within the Countryside Area which has been specifically designed with due regard to the context of the site in terms of its character and appearance and in this regard would be consistent with NPF4 Policy 9 which does not conflict with the spatial and settlement strategy set out in LDP2 Policy 02.

The Council's Environmental Health Service have been consulted on the application with regard to previous, potentially contaminative, uses of the site. NPF4 Policy 9(c) states that where land is known or suspected to be unstable or contaminated, development proposals will demonstrate that the land is, or can be made, safe and suitable for the proposed new use. An appropriate planning condition is required to ensure that, prior to the commencement of development, a phased site investigation and risk assessment is carried out to identify and assess potential contamination on site. Subject to such a condition, the proposed development would adhere to the requirements of NPF4 Policy 9(c) and LDP2 Policy 82.

## **5.8. NPF4 Policy 12 – Zero Waste**

NPF4 Policy 12 seeks to encourage, promote and facilitate development that is consistent with the waste hierarchy as defined within the policy document.

The development the subject of this planning application seeks to secure permission for the conversion of an extension to an existing building to form a new single dwellinghouse. Whilst this is a development likely to generate waste when operational, it would benefit from regular waste uplifts by the Council and would be expected to comply with our adopted and enforced recycling and reuse strategy. In this regard, the proposed development is considered to be in compliance with NPF4 Policy 12 and does not conflict with the requirements of LDP2 Policy 63, Waste Related Development and Waste Management, which seek to ensure that effective provision for waste and recycling are provided within developments.

## **5.9. NPF4 Policy 13 – Sustainable Transport**

This application is seeking to secure permission for a single dwellinghouse which is not considered to be a significant travel generating use or a proposal where it is considered important to monitor travel patterns resulting from the development.

The application site as existing features a vehicular access from the B8073 public road. It is proposed within this application to upgrade the existing vehicular access into the site and provide a parking and turning area within the application site, to be sited immediately to the north of the existing barn.

The Council's Area Roads Authority have been consulted on the application and have raised no objections subject to conditions relating to the construction of the access at the

junction with the public road, the clearance and maintenance of visibility splays, the provision of a system of surface water drainage, and the provision of a parking and turning area for two vehicles.

Subject to the required conditions, the proposed development is consistent with the broad aims of NPF4 Policy 13 and is consistent with the requirements of LDP2 Policies 35, 37, 39 and 40 which collectively seek to ensure that proposed developments are served by a suitable and safe access regime and provide appropriate parking provision commensurate with the scale of the development proposed.

## 5.10. NPF4 Policy 14 – Design, Quality and Place

NPF4 Policy 14 seeks to encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach and applying the ‘Place Principle’.

The proposed conversion of the existing barn would be undertaken with minimal works to the existing external appearance of the barn, with works limited to repairs to the existing stone walls and slate roof, and the installation of windows. It is considered that the siting of the proposed extension in the existing vacant area between the existing barn and the public road would ensure that the proposal would not encroach into more undeveloped areas of the site, thereby reducing its visual impact upon the landscape. New built development at the site would be limited to the proposed extension, which would have a modest footprint and an appropriately simple form and appearance. The narrow linear form would respect local architectural styles and would readily integrate into the application site. The proposed finishing materials would comprise natural timber cladding, which would contrast appropriately with the stone walls of the existing barn, giving the proposed extension a suitably subservient appearance that would read clearly as a later addition. The use of natural timber cladding would assist in integrating the proposed extension into the landscape. The proposed extension would be a contemporary addition that would have a different character to the existing barn, however it would be of a sympathetic design and appropriately sited such that it would respect the application site and its wider rural context.

The siting of the access to the north of the existing building ensures that it would be screened from view when approaching the application site from the south. The proposed parking and turning area would be facilitated within the courtyard that would result from the ‘U’ shaped built development at the site. A condition is proposed to remove permitted development rights normally associated with residential properties in order to protect the setting of the proposed dwellinghouse from inappropriate development.

The proposed development is considered to be designed to an appropriate standard to ensure compliance with the six qualities of successful places set out in NPF4 Policy 14 as follows. **Healthy:** being situated within a quiet rural setting but within proximity to an existing community; **Pleasant:** being an attractively designed and finished development that would contribute to the character of the area; **Connected:** situated immediately adjacent to the public road, connecting the development to larger settlements; **Distinctive:** the design of the development would be of a distinct, high quality design which would respond to its unique setting whilst respecting the surrounding natural landscape; **Sustainable:** the dwelling would utilise appropriately proportioned and designed fenestration which would maximise potential for natural light; **Adaptable:** the development would be of a high quality design that would be capable of adaption for accessibility and for alternative future uses.

NPF4 Policy 14(c) states that development proposals that are detrimental to the amenity of the area will not be supported. ‘Bad neighbour uses’ are uses that can result in a

negative impact upon neighbouring amenity and proposals for development can also introduce the reverse situation by proposing a sensitive receptor, including housing, in close proximity to existing operations or land uses where the introduction of sensitive receptors into these situations could compromise the existing operations. In this instance, the proposed conversion of and extension to the existing barn to form a dwellinghouse is not considered to be a 'bad neighbour' development given that the application site is sited at a sufficient distance from the established farm, on the opposite side of the public road. The proposed development would be well contained within the application site and would be adequately separate from the farm both physically and visually. 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 that may result from the use of the nearby land for agricultural activity.

The development the subject of this planning application is considered to be in accordance with the broad aims of NPF4 Policy 14 and does not conflict with the sustainable siting and design policies of LDP2 namely Policy 5, Design and Placemaking, Policy 08, Sustainable Siting, Policy 09, Sustainable Design and Policy 10, Design: all policies which, in summary, collectively seek to ensure that developments are compatible with surrounding land uses, are sited sensitively within the landscape making use of existing infrastructure, are of an appropriate scale, sustainable design and finishes for their site, and ensure that no adverse visual or amenity impacts arise.

#### **5.11. NPF4 Policy 15 – Local Living and 20 Minute Neighbourhoods**

NPF4 Policy 15 seeks to encourage, promote and facilitate the application of the 'Place Principle' and create connected and compact neighbourhoods where people can meet the majority of their daily needs within a reasonable distance of their home, preferably by walking, wheeling or cycling or using sustainable transport options.

In terms of our adopted settlement strategy, the site of the proposed dwellinghouse is in an area identified as being Outwith Settlement Areas where LDP2 Policy 02 seeks to promote a more flexible approach to development in areas identified as Countryside Area, within which the site is situated, with Part A of Policy 02 giving a presumption in favour of sustainable development where it is of an appropriate scale, design, siting and use for its countryside location, as detailed in the relevant sustainable siting and design policies.

In this instance, it is considered that the small scale of the proposed development, and its rural location, would reasonably comply with Policy 15 of NPF4 given the existing dispersed geographical scale of the environment within which the development is to be located, and given its compliance with the existing settlement pattern and the level and quality of interconnectivity of the proposed development with the surrounding area where people can reasonably meet the majority of their daily needs within a reasonable distance of their home.

The proposed development aligns with NPF4 and there is no conflict with LDP2 Policy 02.

#### **5.12. NPF4 Policy 16 – Quality Homes**

NPF4 Policy 16 seeks to encourage, promote and facilitate the delivery of more high quality, affordable and sustainable homes in the right locations and providing choice of tenure to meet diverse housing needs.

Policy 16(c) supports development proposals for new homes that improve affordability and choice by being adaptable to changing and diverse needs, and which address identified

gaps in provision, including 'self-provided homes' of which the proposed development represents.

With regards to Part (f) of Policy 16(i) an agreed timescale for build-out will be covered through the use of a planning condition; 16(ii), whilst the development proposed by this planning application is not on land actively allocated for housing in the LDP2, it would wholly accord with the adopted settlement strategy and would accord with the principles of 'local living' and '20 minute neighbourhoods'; 16(iii) the proposal is consistent with NPF4 Policy 17, Rural Homes, being a suitable site which is in keeping with the landscape character of the area.

The proposed development is deemed to be consistent with NPF4 Policy 16 and there is no conflict with LDP 2 Policy 02, Outwith Settlement due to the proposed development being of an appropriate scale, design and use for its countryside location.

### **5.13. NPF4 Policy 17 – Rural Homes**

NPF4 Policy 17 seeks to encourage, promote and facilitate the delivery of more high quality, affordable and sustainable rural homes in the right locations.

Policy 17(a) supports development proposals for new homes in rural areas where the development is suitably scaled, sited and designed to be in keeping with the character of the area. It has been demonstrated at NPF4 Policies 9 and 14 above that the proposed dwellinghouse is of a suitable scale and design for its countryside location.

Policy 17(b) requires proposals for new homes in rural areas to consider how the development will contribute towards local living and take into account identified local housing needs. It has already been seen at NPF4 Policy 15 above that the proposed development is consistent with our adopted settlement strategy policies and that it would have no materially harmful access or environmental impact. The proposed development seeks the introduction of a single dwellinghouse through the conversion of and extension to an existing barn, which would accord with the Council's key planning policies aims of supporting and sustaining fragile rural communities by contributing to actions to reverse our falling rural populations and supporting the local economy.

Policy 17(c) offers support to new homes in remote rural areas where such proposals (i) support and sustain existing fragile communities; (ii) support identified local housing outcomes; and (iii) are suitable in terms of location, access and environmental impact.

The development proposed accords with the broad aims of NPF4 Policy 17 and does not conflict with LDP2 Policy 09, Sustainable Development, Policy 10, Design all Development, and Policy 67, Provision of Housing to Meet Local Needs.

### **5.14. NPF4 Policy 18 – Infrastructure First**

NPF4 Policy 18 seeks to encourage, promote and facilitate an infrastructure first approach to land use, which puts infrastructure considerations at the heart of placemaking.

Due to the lack of public water or drainage infrastructure within the vicinity of the site, as was confirmed within the consultation response from Scottish Water, the application proposes private arrangements comprising a private water supply and a private drainage system. A condition is required to secure a report on the proposed private water supply to ensure that it is sufficient to serve the proposed development and does not impact on existing users of the same supply or adjacent supplies. The Council's Building Standards

Service will apply sufficient control over the septic tank arrangements at Building Warrant stage.

With a condition to secure a report on the proposed private water supply, the proposed development aligns with NPF4 Policy 18 and is in accordance with LDP2 Policy 04, Sustainable Development, Policy 58, Private Water Supplies and Water Conservation and Policy 60, Private Sewage Treatment Plants and Wastewater Drainage Systems which seek to ensure that suitable infrastructure is available to serve proposed developments and give support to private water supply and drainage arrangements where connection to the public systems is not available.

## **5.15. NPF4 Policy 22 – Flood Risk and Water Management**

NPF4 Policy 22 seeks to strengthen resilience to flood risk and to ensure that water resources are used efficiently and sustainably.

As detailed at NPF4 Policy 18 above, the development the subject of this planning application proposes a private water supply, the details of which will be sought by planning condition.

With regards to the management of rain and surface water at the site, this will be controlled through a condition imposed on the grant of permission to secure a suitable sustainable drainage system for the site. The proposal aligns with NPF4 Policy 22 and LDP2 Policy 61, Sustainable Drainage Systems.

## **6. Other Considerations**

### **6.1. Public Representation**

The application has been subject to 22 objections.

The determining factor in the assessment of this application is whether the conversion of and extension to the existing stone barn to form a dwellinghouse at the site the subject of this application is consistent with the Development Plan which comprise National Planning Framework 4 and Local Development Plan 2 and whether the issues raised by third parties raise material considerations of sufficient significance to withhold planning permission.

In this instance, as detailed above, the proposed development would represent a suitable opportunity for the conversion of, and extension to, an existing barn to form a dwellinghouse where the development would be of an appropriate scale and design for its setting. The proposed development would involve the sustainable reuse of the existing built development at the site, with an appropriately scaled, sited and designed extension, to form a dwellinghouse. The applicant has addressed the needs of the tenant farmer through the provision of a replacement agricultural building, as detailed within application 24/00259/PNAGRI, where the replacement agricultural building is of a scale that is commensurate with the need and its setting within the landscape, is related physically and functionally to existing buildings associated with the agricultural business, and is sensitively sited. The information submitted with the application has satisfactorily demonstrated that, subject to appropriate conditions, there would be no adverse impacts on biodiversity, nature networks or the natural environment. No objections have been received from consultees with regards to the proposed infrastructure to serve the proposed development.

## **7. Conclusion**

7.1. The detailed information submitted with the application, in the form of the Preliminary Ecological Appraisal, photomontages, Tree Report, Otter and Bat Report, Design Statement, and 'Six Qualities of Successful Places' Statement have satisfactorily demonstrated that, in this instance, the proposed development site would represent an appropriate opportunity for the conversion of and extension to the existing stone barn to form a sensitively sited and designed dwellinghouse that would be of an acceptable scale, design and finish that would integrate with the application site and its wider setting within the landscape. The above assessment has concluded that appropriate servicing and infrastructure arrangements can be provided to serve a dwellinghouse on the site. Accordingly, the application is recommended for approval subject to conditions.