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| Reference no: | 19/05645/PREAPP | Date of Issue: | 16.03.2020 |
| Proposal: | Erection of 4 Croft Houses | Address: | Land 250MNW Of Ardochy Gatehouse Ardochy Invergarry |
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| Case Officer Designation: | Team Leader | Reviewed by: | |

Description of Proposal and Summary of Key Points

Based on the information submitted there is policy support for the creation of woodland crofts and any proposals for housing associated with the crofts would be assessed in terms of Policy 48 of the Highland-wide Local Development Plan (and other related subject policies). The site proposed for four croft houses could be supported if the underpinning justification is demonstrated and the points raised within the response are adequately addressed.

You are advised that the following consent(s) will be required for the proposed development:

Planning Permission

Building Warrant

Planning History

| Reference | Description | Date of Decision | Outcome |
|-----------|-------------|------------------|---------|
| None | | | |

Planning Policy

Highland-wide Local Development Plan (2012)

Policy 28 - Sustainable Design

Policy 29 - Design Quality & Place-making

Policy 31 - Developer Contributions

Policy 32 - Affordable Housing

Policy 36 - Development in the Wider Countryside

Policy 48 – New/Extended Crofting Townships

Policy 49 - Coastal Development

Policy 51 - Trees and Development

Policy 52 - Principle of Development in Woodland

Policy 56 - Travel

Policy 57 - Natural, Built & Cultural Heritage

Policy 58 - Protected Species

Policy 64 - Flood Risk

Policy 65 - Waste Water Treatment

Policy 66 - Surface Water Drainage

West Highland and Islands Local Development Plan (2019) (WestPlan)

No specific policies

Highland Council Supplementary Guidance

Affordable Housing

Access to Single Houses and Small Housing Developments (May 2011)

Developer Contributions (November 2018)

Flood Risk & Drainage Impact Assessment (Jan 2013)

Highland's Statutorily Protected Species (March 2013)

Housing in the Countryside and Siting and Design (March 2013)

Managing Waste in New Developments (March 2013)

Roads and Transport Guidelines for New Developments (May 2013)

Sustainable Design Guide (Jan 2013)

Trees, Woodlands and Development (Jan 2013)

Scottish Planning Policy and Guidance

Scottish Planning Policy (June 2014)

Assessment

Planning Appraisal

It is proposed to erect four houses associated with the creation of new woodland crofts on an area of forestry land at Ardochy. The area for the woodland crofts comprises a roadside strip of forestry land on the northern side of the public road to Tomdoun, along the Loch Garry. The forestry land extends from the junction with the A87 in a westerly direction for approximately 4km. To the north the land for the woodland crofts bounds with the overhead powerline.

The immediate area is not a traditional crofting area and proposals would present as the creation of a new crofting township.

The creation of woodland crofts is supported under crofting law and in themselves do not require planning permission. Under crofting law there is a right to a house on a croft, however this automatic right to a house is not shared under Planning Legislation or Highland Council planning policy.

The Council recognises that there is a genuine need to promote and support crofting communities and activities. However, we must also ensure that crofting-related development does not conflict with the Council's other policies and objectives and in particular the Housing in the Countryside policy, or result in unsympathetic development in our rural areas. A careful and considered balance must therefore be struck.

It is understood the woodland crofts are to be community owned crofts, facilitated by the Highland Small Communities Housing Trust. The mechanisms for how this is to be managed would require to be explained as part of the information supporting a planning application as this may affect developer contributions and potential legal agreements.

Policy 48 of the Highland wide Local Development Plan supports the creation of new crofting townships and significant extensions to existing ones (with associated housing) where circumstances allow. In the wider countryside (which this site is) proposals will be assessed in terms of:

- Compatibility with landscape character, including landform and landscape pattern, having regard to existing crofting settlements;

- Impact on natural, built and cultural heritage features, including the avoidance of negative impacts on designated sites;
- Compatibility with existing servicing infrastructure, or where existing infrastructure is not available or has insufficient capacity to serve the proposals, acceptable arrangements for the provision of new servicing infrastructure;
- The economic viability of service delivery;
- Evidence that the development proposals will secure good land management (the Crofting Commission will confirm the bona fides for crofting proposals);
- Where a proposal is located within a sensitive area, such as a National Scenic Area, a planning obligation under section 75 of the Town and County Planning (Scotland) Act 1997, as amended, or a similar mechanism, may be used to tie the new development to its associated land holding.

In support of planning application for new crofting townships the following information will be required:

- A business plan (albeit there is no expectation of a full time income from a croft)
- For woodland crofts, a management plan must be submitted which meets the UK Forestry Standard;
- Where deforestation of an area is required, or the proposal involves the large scale restructuring of agricultural land or use of uncultivated/semi-natural areas for intensive purposes, then an Environmental Impact Assessment may be required;
- A masterplan for the entire development area, focussing on issues such as the preferred density, siting, design and layout of buildings (with reference to the Council's Housing in the Countryside and Siting and Design Supplementary Guidance) and associated infrastructure and services.

The information submitted in support of this enquiry shows the overall woodland croft proposal. This shows an area of 53.1ha split into four distinct areas. The description of the proposed woodland croft areas indicates potential for 2-3 crofts per area with associated croft houses. The current enquiry relates to four houses sites and the potential for support in terms of planning policy and guidance. It is important to note that there is no right to a house to serve a croft under planning policy and any support provided for the current proposal will not automatically apply to the wider aspirations.

The site for the four houses currently proposed lies between Ardochy Lodge to the east and the Mowi fish farm land base to the west. The proposed site is a parcel of clearfelled woodland awaiting restock. The indicative details show a row of four plots approx. 0.15ha (each) in size, set slightly back from the public road. The proposed development will occupy approximately half of the land between the two existing properties. Existing development along this stretch of the Tomdoun Road is largely linear development which follows the line of the public road, at varying set-back distances, and maintaining reasonable separation distances between properties. The current proposal will increase density of development and will reduce the spacing between properties, however as a contained development, the site is within a developed stretch of road and the development will maintain an acceptable distance from Ardochy Lodge in settlement pattern terms. Careful consideration should be given to the planting around the site to help screen and soften the development to prevent a hard linear, more urban form of development. To this end, consideration should be given to spacing out the plots a little more, whilst still retaining a good separation from Ardochy Lodge, and incorporating structural planting between the plots.

Subject to the comments above, the proposal could be considered acceptable in terms of settlement pattern/landscape character.

There are no landscape or heritage designation affecting this site, with the exception of the Ancient Woodland designation which is discussed in 'Trees and Woodland' below.

A habitat survey for protected species survey is recommended in advance of any planning submission.
<https://www.nature.scot/professional-advice/safeguarding-protected-areas-and-species/licensing/species->

[protection-plan](#). It should also be noted that Loch Garry is a Special Protection Area and Site of Special Scientific Interest both classified for Black throated diver and Common scoter. The proposal will require to be carefully considered in terms of their impact on both species and their habitats.

In terms of service delivery, the site is some 6 miles (as the crow flies) from Invergarry, where there is a primary school and community facilities. Although the site is detached from Invergarry, there is a small existing community around Ardochy/Inchlaggan/Tomdoun which is currently serviced.

Support for this type of proposal will be dependent on the woodland croft justification and evidence of the formation of the crofts, support from the Crofting Commission and a woodland management plan to UK Forestry Standard.

Housing in the Countryside

Where it is demonstrated that the principle of siting can be supported, consideration requires to be given to the design. Policy 28 (Sustainable Design) of the adopted HwLDP states that proposals must demonstrate sensitive siting and high quality design which is in keeping with local character and historic and natural environment and in making use of appropriate materials. Design which is generally supported as highlighted within the Housing in the Countryside and Siting and Design Supplementary Guidance includes the following traditional features:

- Houses which are single or 1 and ½ storey with dormer windows.
- Predominantly rectangular in shape with square gable ends.
- Walls finished with wet dash render or stone work which may incorporate timber cladding and be sympathetic to the existing properties in the area.
- Buildings should incorporate a roof pitch of 40 to 45 degrees and be covered by natural slate.
- All windows should have a strong vertical emphasis.

Contemporary designs are also generally acceptable and will be assessed on their own merits.

Transport and Access

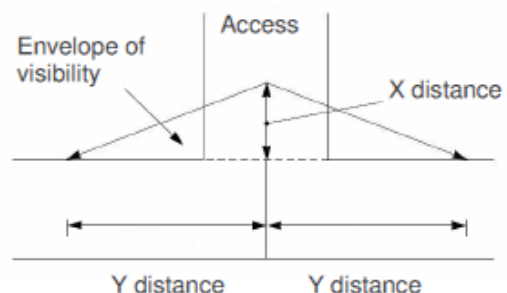
Proposals for houses are expected to provide vehicular access in line with current standards - Highland Council’s Guidance: Access to Single Houses and Small Housing Developments (2011) https://www.highland.gov.uk/downloads/file/2346/access_to_single_houses_and_small_housing_developments and Highland Council Roads and Transport Guidelines for New Developments https://www.highland.gov.uk/info/20005/roads_and_pavements/99/roads_information/2. A completed Private Access Private Checklist requires to be submitted with a planning application (p.27-29 of the Access to Single Houses and Small Housing Developments Guidance).

Proposals are required to show details of off-street parking within the curtilage of a house for at least two spaces per 1-3 bedrooms/three spaces per 4-5 bedrooms and where appropriate sufficient provision for vehicles to turn and exit the site in a forward gear.

Visibility splays require to be provided at the junction of a private access with the public road, appropriate to the assessed traffic speed according to the table below.

| | | | | |
|------------------------|-----|-----|-----|-----|
| SPEED MPH | 30 | 40 | 50 | 60 |
| 'Y' Distance in metres | 90 | 120 | 160 | 215 |
| 'X' Distance in metres | 2.4 | | | |

Table 4.3.1



Sketch 4.3.1

The rule of thumb is a driver's eye at a height of 1.05m positioned 2.4m back from the public road should see an object at a height of 0.60m at a distance of the stated splay distance. Visibility splays must be capable of being maintained on site in perpetuity.

The access junction with the public road must have a service bay of Council Standard SDB1 or SDB2 incorporated in to it. This must also have adequate bin storage facilities, be appropriately surfaced, kerbed and have adequate drainage to ensure that rainwater does not runoff on to the public road.

The application site red line boundary must include the access up to the junction with the public road. Parking and turning provision, visibility splays and service bay details require to be annotated on a site layout plan, as part of the planning application.

Any core paths within the vicinity of the application site should remain accessible during and after construction.

Drainage and Water

It is prudent for the developer to confirm with Scottish Water, prior to submitting a planning application, that there are no issues with connecting to the public mains water system and that there is sufficient capacity to accommodate the proposed development. If it is proposed to supply fresh water from a local borehole, the borehole must be clearly marked on the plans, with details of abstraction provided as part of the planning application.

New developments are expected to connect to the public sewer system unless it can be demonstrated that there are technical or economic constraints to connection. It is noted that single septic tanks are proposed for each plot. A communal system for foul drainage should be explored.

Pursuant to Policy 66 of the HwLDP, the surface water of all proposed development must be drained by Sustainable Urban Drainage Systems (SuDS) designed in accordance with The SuDS Manual (CIRIA C753) and, where appropriate, the Sewers for Scotland Manual 4th Edition. All drainage arrangements must be included with the application red line site boundary.

Flood Risk

The site lies adjacent to an area identified as being at risk of flooding. A planning application must include a flood risk assessment or a plan with site levels (a topographical survey). Failure to provide this will result in an automatic objection from SEPA and a delay in processing of the application.

It is also noted that a small watercourse runs down the western side of the site, and it is proposed to divert a watercourse as part of the proposals. You are strongly advised to discuss this, and the adjacent flood risk area, with SEPA and the Council's Flood Team in advance of finalising any proposals.

Trees and Woodland

The site lies within an area identified as Long Established Ancient Woodland (of plantation origin). Policy 52 of the Highland wide Local Development Plan maintains a strong presumption in favour of protecting woodland resources and development proposals will only be supported where they offer clear and significant public benefit. Where this involves woodland removal, compensatory planting will usually be required. Under the Scottish Government's Control of Woodland Policy there is allowance for woodland removal (with a need for compensatory planting) where the proposals can enhance sustainable economic growth or rural/community activity for proposals. As the proposal is not for individual private housing, but part of a package of woodland croft creation and community/affordable housing, there is support for this type of development, subject to minimisation of woodland removal, compensatory planting and being supported by a woodland management plan to UK Forestry Standard. This ties back to the requirements in Policy 48 discussed above. Please also see the Council's Supplementary Guidance on Trees, Woodland and Development.

Developer Contributions

The Council's [Developer Contributions Supplementary Guidance](#) will be used in the determination of planning applications and requires all development, including single house developments, make proportionate financial developer contributions towards meeting service and infrastructure needs in areas of Highland where clear deficiencies are identified.

For the proposed development, the anticipated developer contribution requirements are outlined below.

Affordable Housing - 25% affordable housing provision. This will depend on how the croft houses will be delivered, i.e. will they meet the definition of 'affordable housing' in their own right. If not, contribution will be required.

Schools – No capacity issues identified at present within the catchment areas.

Community Facilities – Site is within the Lochaber Secondary School catchment area where there are identified deficiencies. Contribution required towards indoor facilities of £1060.79 (standard community facility rate) per home.

Transport – none identified at this stage. Formal consultation with the Council's Transport Planning Team at application stage may provide further detail on this point.

Please note that requirements can change over time and the exact amount payable will be confirmed at the point that a planning application is determined.

Consultees For Any Future Application

The following will likely be consulted on any planning application submitted. On occasion it may be necessary to involve consultees who are not listed below as an application progresses.

Highland Council Consultees

Transport Planning Team

Flood Risk Management Team

Forestry Officer

External Consultees

Community Council

SEPA (flood risk)

Forestry and Land Scotland

SNH (protected species)

Transport Scotland

Crofting Commission

Scottish Water

Additional Information Required For Any Future Application

Based on the information provided, you are advised to submit the following additional information with any future application for formal permission. If you choose not to follow our advice and do not submit one or more of the documents, then you should provide a clear justification for doing so.

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| Business Plan (Policy 48) |
| Woodland Management Plan (UK Forest Standard) (Policy 48) |
| Masterplan (Policy 48) |
| Ecological/Species Survey |
| Flood Risk Assessment/Drainage Impact Assessment |
| Landscaping/Planting/Maintenance Plan |
| Private Access Checklist https://www.highland.gov.uk/info/20005/roads_and_pavements/101/permits_for_working_on_public_road_s/4 |

Making a Formal Application

Online application forms and guidance are available at:
<https://www.eplanning.scot/ePlanningClient/default.aspx>

Disclaimer

This advice is based on the information submitted and is given without prejudice to the future consideration of and decision on any application received by The Highland Council.
Pre-application case files are not publicly available but can be the subject of Freedom of Information requests.

Appendix – Useful Weblinks

The Highland Council Development Plans

https://www.highland.gov.uk/info/178/local_and_statutory_development_plans

Highland Council Supplementary and Development Guidance Listed by Category

https://www.highland.gov.uk/directory/52/development_guidance

Roads/Access and Transport

More information on access and parking standards (incl. small housing developments) can be found at:

https://www.highland.gov.uk/info/20005/roads_and_pavements/101/permits_for_working_on_public_roads/4

Access Panel

The Council encourages applicants at pre-application stage to engage with the local Disability Access Panel to consider accessibility improvements for physically disabled and sensory impaired people. The Highland Council has published a [Planning Protocol for Effective Engagement with Access Panels](#), which you should take into consideration

Scottish Water

Contact Scottish Water for guidance on connections to the public water/drainage network:

<https://www.scottishwater.co.uk/en/Business-and-Developers/Connecting-to-Our-Network/Pre-Development-Information/Planning-Your-Development>

SEPA

Advice for Developers

<https://www.sepa.org.uk/environment/land/planning/advice-for-developers/>

Historic Environment

The Highland Historic Environment Record (HER) contains detailed information about listed buildings, conservation areas and archaeological sites in the Highland area:

<http://her.highland.gov.uk>

General advice on development affecting historic designations can be found at:

<https://www.historicenvironment.scot/advice-and-support/>

Protected Species - SNH

More information on Scotland's protected species and areas can be found at:

<https://www.nature.scot/professional-advice/safeguarding-protected-areas-and-species/protected-species>

<https://www.nature.scot/professional-advice/planning-and-development/natural-heritage-advice-planners-and-developers/planning-and-development-protected-areas>

Trees and Woodland

The Scottish Government's woodland strategy and associated policies can be found here:

<https://forestry.gov.scot/support-regulations/control-of-woodland-removal>

The Council's guidance on tree/woodland issues can be found here:

http://www.highland.gov.uk/info/1225/countryside_farming_and_wildlife/63/trees_and_forestry/