



24/00280/PPP – PLANNING PERMISSION IN PRINCIPLE TO ERECT HOUSE. CREATE ACCESS. INSTALL PRIVATE DRAINAGE SYSTEM, AT 10 KNEEP, UIG, ISLE OF LEWIS

Report by Chief Planning Officer

PURPOSE

- 1.1 Addendum to Planning Report.

EXECUTIVE SUMMARY

- 2.1 The applicant has submitted late information to support the above application for planning permission. The matters raised by the applicant are addressed in summary below. It is concluded that the matters raised in the submission do not alter the recommendation in the Planning Report.

10/14 - Kneep – Croft boundaries

- 2.2 The boundaries of a croft are not a planning matter. Croft boundaries can be single homogeneous units, comprise a number of disparate field parcels and can be within settlements, outwith settlements or in remote area.
- 2.3 The Comhairle is required to determine planning applications in accordance with the provisions of the statutory Development Plan, comprising the Outer Hebrides Local Development Plan 2018 (OHLDP) and National Planning Framework 4 (NPF4), unless material planning considerations indicate otherwise.
- 2.4 The application site on Croft 10/14 Kneep is classed as ‘outwith settlement’.

Planning - Settlement Strategy

- 2.5 Policy DS1 provides the Settlement Strategy for the Outer Hebrides. It is the key policy of the Development Plan. The Development Strategy sets out the overall spatial strategy to guide development (i.e. where development should and should not be located and the principles behind it) and applies to all development proposals.
- 2.6 The Context to the Development Strategy (Outwith Settlement) provides as follows:
- *These areas act as a separation between settlements which helps to retain distinctiveness. They have some local and strategic resource functions, supporting a diverse range of development activities and largely non-residential uses, which include agriculture, recreation activities, mineral extraction, energy development and storage/waste depots.*
 - *Generally these areas have dispersed development in a more open landscape, encompassing various landscape character types with machair, moorland and some upland.*
 - *Development proposals are likely to be mainly resource or tourism based. There may be capacity for a limited amount of development where siting and design are critical to mitigate impacts on landscape.*
- 2.7 Policy DS1: Development Strategy (Outwith Settlement) provides as follows:

- *...Development proposals for houses must be of a high quality in terms of design, scale, siting and materials to integrate positively with the surrounding landscape and achieve a sympathetic fit...*
- *...All development proposals will be assessed against the capacity of the surrounding landscape to accommodate the development. Development proposals should avoid raised or high level locations to minimise visual impact (supplementary information to support this is likely to be required early in the application process).*

Traigh na Berie - Special Area of Conservation

- 2.8 The advice of NatureScot was sought and it is acknowledged that NatureScot, having assessed the proposal, advised that considered by itself the proposed house would not have an adverse effect on the integrity of the designated site. This advice is presented in the Report and available to members in taking their planning decision.

Precedence and further development

- 2.9 No assessment has been carried out of the wider topography in this area and it cannot be confirmed that there is no other feasible house site in this area. The cost of delivering a development is not a material planning consideration and the potential or otherwise for future development cannot be dismissed on cost grounds.

Single houses extending some island village settlement boundaries

- 2.10 Each planning case requires to be assessed on its own individual merits.

Kneep township/Village

- 2.11 It is acknowledged that the Croft is part of the Crofting Township of Kneep, but it remains the case that from a Planning Policy perspective, it is outwith the established settlement on account of the distance and intervening topography.

Visual Change to site directly and in contained views of the machair

- 2.12 The policy context states that Development proposals [in Outwith settlement locations] are likely to be mainly resource or tourism based.
- 2.13 On account of the growth in tourism there are a number of consented seasonal campsites on machair near beaches throughout the Outer Hebrides where equally the use of land for permanent residential development would not be supported.
- 2.14 In addition, Permitted Development Rights that flow from the 1960s Caravans Act permit up to three caravans on croftland/a croft between April and September in any year subject to compliance with the requirements of The Conservation (Natural Heritage &c.) Regulations 1994 (The Habitats Regulations), regulations 60 to 63. This applies where the proposal is likely to have a significant effect on a European site e.g. a Special Area of Conservation and is not directly connected with or necessary to the management of the site. This would be an approval from the planning authority regarding permitted development under the General Permitted Development Order (GPDO), following consultation with NatureScot.
- 2.15 It is acknowledged that the caravans in Photo 3 exceed the permitted number in breach of planning.
- 2.16 Further it would appear that caravans sited west of the permitted Caravan site/public road and on Sron a Chrip are likely to be within the designated site and in the absence of a favourable assessment in accordance with regulations 60 to 63 of the Habitats Regulations are using this land in Breach of Planning.

- 2.17 It is a condition of the Planning Permission for the Camping and Caravan Site that all caravans require to be removed from the authorised campsite by 30 September in any year to allow the machair to recover over the winter months.
- 2.18 It would appear from the submitted photographs that the designated area of machair within the campsite is being subject to a level of pressure that may be having an adverse effect on site integrity. The duties within the Habitats Regulations extend beyond the Planning system.
- 2.19 Any unauthorised use of land for a caravan site is an enforcement matter and is distinct from and does not lend support to the planning application under consideration.

Discrimination

- 2.20 Planning permission (and the assessment of an application for same) is not personal. Planning Permission pertains to land, which is tradeable and can be sold or transferred to others.
- 2.21 Who the applicant is, their intentions, or their personal circumstances are not material planning considerations except where there are exceptional circumstances such that the matter can be taken into account. e.g. disability.
- 2.22 There has been no discrimination real or unintended in assessing the planning application.

Conclusion

- 2.23 The matters raised in the submission have been considered within the statutory planning framework and it is concluded that they do not alter the recommendation in the Planning Report.

RECOMMENDATION

- 3.1 It is recommended that the planning application be **REFUSED** for the reason set out in Appendix 1 to this Report.

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Appendix 1: Reasons for Refusal

Appendix 2: Location and Site Plan

Appendix 3: Consultation Responses

Background Papers: Report to Planning Applications Board 02 May 2023