

Minute

Local Review Body

Thursday, 2 April 2026, 11:30.

Council Chamber, Council Offices, School Place, Kirkwall.



Present

Councillors Owen Tierney, David Dawson, P Lindsay Hall, W Leslie Manson, James R Moar, Janette A Park, John A R Scott, Jean E Stevenson, Ivan A Taylor and Duncan A Tullock.

Clerk

- Katy Russell-Duff, Committees Officer.

In Attendance

- Gavin Barr, Planning Advisor.
- Paul Maxton, Legal Advisor.

Apology

- Councillor Raymond S Peace.

Declaration of Interest

- Councillor W Leslie Manson – Item 1.

Chair

- Councillor Owen Tierney.

1. Planning Application 24/439/PP

Proposed Reinstatement of Two Former Dwellings and Extension, Erection of Two Replacement Houses (2 x Two for One), and Installation of Four Air Source Heat Pumps at Former Farmhouse at Stove, Deerness

Councillor W Leslie Manson declared an interest in this item, in that he was a neighbour and friend of the applicant's family. Councillor W Leslie Manson also confirmed that he had not taken part in the unaccompanied site inspection and left the meeting at this point.

Councillor James R Moar advised that, as he did not attend the site visit, in terms of section 21.2, sub-section 5.2 of the Scheme of Administration, he could not take part in the deliberations of the Local Review Body in relation to this review, and left the meeting at this point.

After consideration of a report by the Head of Corporate Governance, copies of which had been circulated, and after hearing a presentation from the Planning Advisor, the Local Review Body:

Noted:

1.1. That planning permission for the proposed reinstatement of two former dwellings and extension, erection of two replacement houses (2 x two for one), and installation of four air source heat pumps at the former farmhouse at Stove, Deerness, was refused by the Appointed Officer on 1 October 2025, for the following reasons:

01. The development is contrary to Development Management Guidance 'Wind Energy: Definitions Associated with Noise Assessments' (2023) as the proposed houses, as 'uses where persons will sleep over night', would be subject to disturbance of excessive noise from a neighbouring user, being the existing wind turbine approved under planning application 12/363/TPP. That turbine would be in breach of its planning conditions if this development was implemented.

02. The development is contrary to Policy 1 'Criteria for All Development' of the Orkney Local Development Plan 2017 as the development could result in an unacceptable level of risk to public health (from nuisance). A Noise Impact Assessment has been submitted which confirms that the development is not acceptable.

03. The development is contrary to Policy 23 'Health and safety' of National Planning Framework 4 which confirms that development which is likely to raise unacceptable noise issues will not be supported. The agent of change principle applies in this case, as included in Policy 23, as the proposed development is 'noise sensitive development'. A Noise Impact Assessment has been submitted which confirms that the development is not acceptable.

04. The development is contrary to Policy 14 'Design, quality and place' and Policy 16 'Quality homes' of National Planning Framework 4, Policy 2 'Design' of the Orkney Local Development Plan 2017, by virtue of the proposed design. The development does not reinforce the distinctive identity of Orkney's built environment and is not sympathetic to the character of its local area.

05. The development is contrary to Supplementary Guidance 'Housing in the Countryside' (2021) on the basis the design, including the extensions to the existing traditional buildings, as development must be "sympathetic to and protect the character of the original house and buildings..." and extensions must be "sympathetic to and not dominate the original house or buildings." The development is considered to dominate, not be sympathetic to, and be detrimental [to] the character of the original historic buildings.

1.2. That the applicant had submitted a Notice of Review requesting that the decision of the Appointed Officer, referred to at paragraph 1.1 above, be reviewed, a summary of which was provided as part of the presentation from the Planning Advisor.

1.3. That, in accordance with policy, the Local Review Body had undertaken an unaccompanied site inspection to the site at Stove, Deerness, at 09:30 on 2 April 2026, where the following was observed:

- The existing former farmhouse, bothy and surrounding site boundaries which were post and wire field boundaries.
- The existing wind turbine located to the north west of the site.
- The farm steadings and working farmyard located to the east of the site.
- The electricity lines crossing part of the site and the electricity substation located to the east of the site.
- The proposed access from the main road to the east of the site, noting that the farm also had a second access point to the west.
- The general character of the surrounding area which was generally open land with a scattered settlement pattern and included a range of age and design of house types.
- The proposed plans, including site plans, elevations access.

The Local Review Body thereafter determined that it had sufficient information to proceed to determination of the Review and that the Review be determined without further procedure.

On the motion of Councillor Duncan A Tullock, seconded by Councillor Ivan A Taylor, the Local Review Body resolved, in terms of delegated powers:

1.4. That the decision of the Appointed Officer, to refuse planning permission for the proposed reinstatement of two former dwellings and extension, erection of two replacement houses (2 x two for one), and installation of four air source heat pumps at the former farmhouse at Stove, Deerness, should be upheld.

1.5. That, accordingly, planning permission for the proposed reinstatement of two former dwellings and extension, erection of two replacement houses (2 x two for one), and installation of four air source heat pumps at the former farmhouse at Stove, Deerness, be refused, for the following reasons:

01. The development is contrary to Development Management Guidance 'Wind Energy: Definitions Associated with Noise Assessments' (2023) as the proposed houses, as 'uses where persons will sleep over night', would be subject to disturbance of excessive noise from a neighbouring user, being the existing wind turbine approved under planning application 12/363/TPP. That turbine would be in breach of its planning conditions if this development was implemented.

02. The development is contrary to Policy 1 'Criteria for All Development' of the Orkney Local Development Plan 2017 as the development could result in an unacceptable level of risk to public health (from nuisance). A Noise Impact Assessment has been submitted which confirms that the development is not acceptable.

03. The development is contrary to Policy 23 'Health and safety' of National Planning Framework 4 which confirms that development which is likely to raise unacceptable noise issues will not be supported. The agent of change principle applies in this case, as included in Policy 23, as the proposed development is 'noise sensitive development'. A Noise Impact Assessment has been submitted which confirms that the development is not acceptable.

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05. The development is contrary to Supplementary Guidance 'Housing in the Countryside' (2021) on the basis the design, including the extensions to the existing traditional buildings, as development must be "sympathetic to and protect the character of the original house and buildings..." and extensions must be "sympathetic to and not dominate the original house or buildings". The development is considered to dominate, not be sympathetic to, and be detrimental [to] the character of the original historic buildings.

2. Conclusion of Meeting

At 12:08 the Chair declared the meeting concluded.

Signed: Owen Tierney.