

## Minute

### Local Review Body

Wednesday, 1 December 2021, 14:30.

Microsoft Teams.



### Present

Councillors Robin W Crichton, John A R Scott, Alexander G Cowie, Norman R Craigie, David Dawson, Barbara Foulkes, Stephen Sankey, Owen Tierney, Duncan A Tullock and Heather N Woodbridge.

### Clerk

- Angela Kingston, Committees Officer.

### In Attendance

- Roddy Mackay, Planning Advisor.
- Katharine McKerrell, Legal Advisor.

### Observing

- Rebecca McAuliffe, Press Officer.

### Not Present

- Councillor Magnus O Thomson.

### Declaration of Interest

- Councillor Stephen Sankey – Item 3.

### Chair

- Councillor Robin W Crichton.

## 1. Suspension of Standing Orders

The Local Review Body **suspended Standing Order 8.11** to enable members to participate in the meeting from a remote location, as the decision to be made was as a result of a quasi-judicial or regulatory hearings process, such as a planning application or an appeal.

## 2. Form of Voting

The Local Review Body resolved that, should a vote be required in respect of the Notice of Review to be considered at this meeting, notwithstanding Standing Order 21.4, the form of voting should be by calling the roll (recorded vote).

### **3. Planning Application 21/046/PP**

#### **Proposed Erection of House for Retiring Farmer at Appietown, Rendall**

Councillor Stephen Sankey declared a non-financial interest in this item, in that he would be submitting a planning application in the near future which might result in similar policy considerations to those relating to determination of application 21/046/PP. Further, as he had not taken part in the site visit, in terms of Standing Order 8.6, Councillor Sankey could not take part in the deliberations of the Local Review Body and left the meeting at this point.

After consideration of a report by the Chief Executive, copies of which had been circulated, the Local Review Body:

Noted:

**3.1.** That planning permission for the proposed erection of a house for a retiring farmer at Appietown, Rendall, was refused by the Appointed Officer on 29 July 2021, for the reasons outlined in section 3.2 of the report by the Chief Executive.

**3.2.** That the applicant had submitted a Notice of Review in respect of the decision of the Appointed Officer to refuse planning permission for the proposed erection of a house for a retiring farmer at Appietown, Rendall.

**3.3.** That, in accordance with policy, the Local Review Body had undertaken an unaccompanied visit to the site at Appietown, Rendall, at 09:30 on 1 December 2021.

After hearing a report from the Planning Advisor, the Local Review Body:

Resolved, in terms of delegated powers:

**3.4.** That the review in respect of the decision of the Appointed Officer to refuse planning permission for the proposed erection of a house for a retiring farmer at Appietown, Rendall, should be determined without further procedure.

Councillor Robin W Crichton, seconded by Councillor John A R Scott, moved that the decision of the Appointed Officer to refuse the application for planning permission for the proposed erection of a house for a retiring farmer at Appietown, Rendall, be upheld but varied by removal of the following ground for refusal, as they did not consider that ground for refusal to be a key material consideration in determination of the application and, in their opinion, the proposed site location would be acceptable and would maintain the character of the scattered, low housing density of the surrounding area:

“The proposed site location does not reflect the local settlement pattern, nor would it reinforce the distinctive identity of Orkney’s rural built environment and is not sympathetic to the character of the local area. The development fails to comply with Policy 2 – Design, points (i) and (ii), of the Orkney Local Development Plan 2017.”.

Councillor Duncan A Tullock, seconded by Councillor Owen Tierney, moved an amendment that planning permission be granted in respect of the proposed erection of a house for a retiring farmer at Appietown, Rendall, as, in their opinion:

(1) The proposed development would provide a dwelling house for a retiring farmer allowing the succession of a viable business to another family member.

(2) Noting (a) the requirement to evaluate the opportunities to provide the required housing through other elements of the Housing in the Countryside policy; and (b) the need for the proposed house to be located adjacent to existing buildings unless an exceptional case could be made for the house to be sited at an alternative location, the location of the wind turbine at Appietown and the requirement for a typical separation distance of 220 metres in order to avoid unacceptable adverse impacts on amenity such as possible problems with shadow flicker, made it impractical to identify a suitable location close to the existing farm buildings at Appietown.

(3) The proposed site location reflected the local settlement pattern, which was of a scattered, low housing density nature, and the scale and design of the house would fit appropriately within the landscape and was sympathetic to the character of the local area.

And, accordingly, the proposed development would comply with Policy 1 – Criteria for All Development, parts (i) to (vi), Policy 2 – Design, parts (ii) to (vi), Policy 5E – Single Houses and New Housing Clusters in the Countryside, part (viii), and Policy 7C – All Renewables and Low Carbon Energy Developments, part (i) of the Orkney Local Development Plan 2017.

The result of a recorded vote was as follows:

For the Amendment:

Councillors Alexander G Cowie, Norman R Craigie, David Dawson, Barbara Foulkes, Owen Tierney, Duncan A Tullock and Heather N Woodbridge (7).

For the Motion:

Councillors Robin W Crichton and John A R Scott (2).

The Amendment was therefore carried.

The Local Review Body thereafter resolved, in terms of delegated powers:

**3.5.** That the decision of the Appointed Officer to refuse planning permission for the proposed erection of a house for a retiring farmer at Appietown, Rendall, should not be upheld.

**3.6.** That planning permission be granted in respect of the proposed erection of a house for a retiring farmer at Appietown, Rendall, subject to the conditions attached as Appendix 1 to this Minute.

**3.7.** That the Local Review Body's reasons for granting planning permission were that, in the Committee's opinion:

- The proposed development would provide a dwelling house for a retiring farmer allowing the succession of a viable business to another family member.

- Noting (a) the requirement to evaluate the opportunities to provide the required housing through other elements of the Housing in the Countryside policy; and (b) the need for the proposed house to be located adjacent to existing buildings unless an exceptional case could be made for the house to be sited at an alternative location, the location of the wind turbine at Appietown and the requirement for a typical separation distance of 220 metres in order to avoid unacceptable adverse impacts on amenity such as possible problems with shadow flicker, made it impractical to identify a suitable location close to the existing farm buildings at Appietown.
- The proposed site location reflected the local settlement pattern, which was of a scattered, low housing density nature, and the scale and design of the house would fit appropriately within the landscape and was sympathetic to the character of the local area.

And, accordingly, the proposed development would comply with the following policies of the Orkney Local Development Plan 2017:

- Policy 1 – Criteria for All Development, parts (i) to (vi).
- Policy 2 – Design, parts (ii) to (vi).
- Policy 5E – Single Houses and New Housing Clusters in the Countryside, part (viii).
- Policy 7C - All Renewables and Low Carbon Energy Developments, part (i)

#### **4. Conclusion of Meeting**

At 15:12 the Chair declared the meeting concluded.

Signed: Rob Crichton.