

Minute

Local Review Body

Wednesday, 28 April 2021, 10:30.

Microsoft Teams.



Present

Councillors Robin W Crichton, John A R Scott, Alexander G Cowie, Norman R Craigie, David Dawson, Stephen Sankey, Magnus O Thomson, 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.

Apology

- Councillor Barbara Foulkes.

Declarations of Interest

- No declarations of interest were intimated.

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 or recorded vote.

3. Planning Application (20/370/PP)

Proposed Change of Use from Self-Catering Accommodation to House at Brecklands, Rendall

As Councillors Alexander G Cowie and Duncan A Tullock had not taken part in the site visit nor the initial deliberations of the Local Review Body at its meeting held on 11 March 2021, in terms of Standing Order 8.6, they could not take part in the further 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 change of use from self-catering accommodation to a house at Brecklands, Rendall, was refused by the Appointed Officer on 19 January 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 requesting that the decision of the Appointed Officer, referred to at paragraph 3.1 above, be reviewed.

3.3. That, in accordance with policy, the Local Review Body had undertaken an unaccompanied visit to the site, referred to at paragraph 3.1 above, at 10:00 on 11 March 2021.

3.4. That, on 11 March 2021, the Local Review Body resolved that the review should not be determined without further procedure, and noting the definition of “redundant” provided in the Supplementary Guidance on Housing in the Countryside and referred to in the reason for refusing the planning application, the further procedure should comprise further written information from the Legal Advisor, in respect of case law to establish the definition of “redundant” with regard to redundant buildings.

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

Resolved, in terms of delegated powers:

3.5. That the review should be determined without further procedure.

3.6. That, in considering the Notice of Review in respect of planning permission for the proposed change of use from self-catering accommodation to a house at Brecklands, Rendall, cognisance had been taken of Supplementary Guidance: Housing in the Countryside (2021).

On the motion of Councillor Robin W Crichton, seconded by Councillor Norman R Craigie, the Local Review Body resolved, in terms of delegated powers:

3.7. That the decision of the Appointed Officer, to refuse the application for the proposed change of use from self-catering accommodation to a house at Brecklands, Rendall, be upheld, for the reasons outlined in Appendix 1 to this Minute.

4. Conclusion of Meeting

At 11:10 the Chair declared the meeting concluded.

Signed: Rob Crichton.

Appendix 1.

Proposed Change of Use from Self-Catering Accommodation to House at Brecklands, Rendall (20/370/PP)

Refuse for the following reasons:

01. Proposed housing in the countryside is considered in relation to Policy 5E, and the only relevant provision under which the development could be considered is Policy 5E (ii) for the conversion of a redundant building or structure.

02. The property was approved as self-catering tourist accommodation under a business policy. The property is not redundant, by the definition in Supplementary Guidance: Housing in the Countryside (2021): "Redundant is when a building or structure is no longer suitable for its previous use by virtue of its size and location; and the building or structure is empty, unoccupied and not in an active use...". The building remains suitable for its current use, irrespective of current occupation.

03. COVID-19 has impacted tourist accommodation businesses during 2020, however, this does not affect the core policy provision. The applicant declined a temporary change of use of the building, for a period exceeding two years to allow for continued effects of COVID-19.

04. The proposed change of use of the purpose built self-catering holiday accommodation to a permanent dwelling would not comply with Orkney Local Development Plan 2017 Policy 5E (ii) – Housing in the Countryside, for conversion of a redundant building or structure, and Supplementary Guidance: Housing in the Countryside (2021).