



**Item: 4**

**Planning Committee: 26 March 2025.**

**Proposed Extension of House at Scomuir, Holm.**

**Report by Corporate Director for Neighbourhood Services and Infrastructure.**

---

## 1. Overview

- 1.1. This report considers a householder planning application to extend a house, comprising a single storey entrance porch and a separate porch and dining room extension. Consultation bodies have raised no concerns, and no representations have been received. The planning application is made by a member of staff employed within the Planning Service, and in accordance with the Scheme of Delegation, the application must be reported to the Planning Committee for determination. The proposed development complies with the relevant policies of National Planning Framework 4 and the Orkney Local Development Plan 2017.

Application Reference:	24/486/HH.
Application Type:	Householder Planning Permission.
Proposal:	Extend a house.
Location:	Scomuir, Little Hunclett Road, Holm, KW17 2SA.
Applicant:	Richard and Susan Shearer.
Agent:	Colin Begley, HUS Architecture, Braehead Warthill Road, Holm.

- 1.2. All application documents (including plans, consultation responses and valid representations) are available for members to view [here](#) (click on “Accept and Search” to confirm the Disclaimer and Copyright document has been read and understood, and then enter the application number given above).

## 2. Recommendations

- 2.1. It is recommended that members of the Committee:
- i. Approve the application for planning permission in respect of the proposed extension of a house at Scomuir, Holm, subject to the conditions detailed in Appendix 1 to this report.

### 3. Consultations

#### Scottish Water.

3.1. “Scottish Water has no objection to this planning application.”

#### Roads Services.

3.2. “No adverse comment.”

### 4. Representations

4.1. None.

### 5. Relevant Planning History

5.1. Planning applications

Reference	Proposal	Location	Decision	Date
15/021/PN.	Install an air source heat pump.	Scomuir, Holm, KW17 2SA.	No objections.	22.01.2015.

### 6. Relevant Planning Policy and Guidance

6.1. The full text of the Orkney Local Development Plan 2017 and supplementary guidance can be read on the Council website [here](#).

6.2. National Planning Framework 4 can be read on the Scottish Government website [here](#).

6.3. The key policies, supplementary guidance and planning policy advice listed below are relevant to this application:

- National Planning Framework 4:
  - Policy 14. Design, quality and place.
- Orkney Local Development Plan 2017:
  - Policy 1: Criteria for All Development.
  - Policy 2: Design.

## 7. Legislative Position

- 7.1. Section 25 of the Town and Country Planning (Scotland) Act 1997 as amended (the Act) states, “Where, in making any determination under the Planning Acts, regard is to be had to the development plan, the determination is, unless material considerations indicate otherwise...to be made in accordance with that plan...”
- 7.2. Annex A of Planning Circular 3/2013: ‘development management procedures’ provides advice on defining a material consideration, and following a House of Lords’ judgement with regards the legislative requirement for decisions on planning applications to be made in accordance with the development plan, confirms the following interpretation: “If a proposal accords with the development plan and there are no material considerations indicating that it should be refused, permission should be granted. If the proposal does not accord with the development plan, it should be refused unless there are material considerations indicating that it should be granted.”
- 7.3. Annex A continues as follows:
- The House of Lords’ judgement also set out the following approach to deciding an application:
    - Identify any provisions of the development plan which are relevant to the decision.
    - Interpret them carefully, looking at the aims and objectives of the plan as well as detailed wording of policies.
    - Consider whether or not the proposal accords with the development plan.
    - Identify and consider relevant material considerations for and against the proposal.
    - Assess whether these considerations warrant a departure from the development plan.
  - There are two main tests in deciding whether a consideration is material and relevant:
    - It should serve or be related to the purpose of planning. It should therefore relate to the development and use of land.
    - It should relate to the particular application.
  - The decision maker will have to decide what considerations it considers are material to the determination of the application. However, the question of whether or not a consideration is a material consideration is a question of law and so something which is ultimately for the courts to determine. It is for the

decision maker to assess both the weight to be attached to each material consideration and whether individually or together they are sufficient to outweigh the development plan. Where development plan policies are not directly relevant to the development proposal, material considerations will be of particular importance.

- The range of considerations which might be considered material in planning terms is very wide and can only be determined in the context of each case. Examples of possible material considerations include:
  - Scottish Government policy and UK Government policy on reserved matters.
  - The National Planning Framework.
  - Designing Streets.
  - Scottish Government planning advice and circulars.
  - EU policy.
  - A proposed local development plan or proposed supplementary guidance.
  - Community plans.
  - The environmental impact of the proposal.
  - The design of the proposed development and its relationship to its surroundings.
  - Access, provision of infrastructure and planning history of the site.
  - Views of statutory and other consultees.
  - Legitimate public concern or support expressed on relevant planning matters.
- The planning system operates in the long term public interest. It does not exist to protect the interests of one person or business against the activities of another. In distinguishing between public and private interests, the basic question is whether the proposal would unacceptably affect the amenity and existing use of land and buildings which ought to be protected in the public interest, not whether owners or occupiers of neighbouring or other existing properties would experience financial or other loss from a particular development.

7.4. Where a decision to refuse an application is made, the applicant may appeal under section 47 of the Act. Scottish Ministers are empowered to make an award of expenses on appeal where one party's conduct is deemed to be unreasonable. Examples of such unreasonable conduct are given in Circular 6/1990 and include:

- Failing to give complete, precise and relevant reasons for refusal of an application.
- Reaching a decision without reasonable planning grounds for doing so.
- Not taking into account material considerations.
- Refusing an application because of local opposition, where that opposition is not founded upon valid planning grounds.

7.5. An award of expenses may be substantial where an appeal is conducted either by way of written submissions or a local inquiry.

### **Status of the Local Development Plan**

7.6. Although the Orkney Local Development Plan 2017 is “out-of-date” and has been since April 2022, it is still a significant material consideration when considering planning applications. The primacy of the plan should be maintained until a new plan is adopted. However, the weight to be attached to the Plan will be diminished where policies within the plan are subsequently superseded.

### **Status of National Planning Framework 4**

7.7. National Planning Framework 4 (NPF4) was adopted by Scottish Ministers on 13 February 2023, following approval by the Scottish Parliament in January 2023. The statutory development plan for Orkney consists of NPF4 and the Orkney Local Development Plan 2017 and its supplementary guidance. In the event of any incompatibility between a provision of NPF4 and a provision of the Orkney Local Development Plan 2017, NPF4 is to prevail as it was adopted later. It is important to note that NPF4 must be read and applied as a whole, and that the intent of each of the 33 policies is set out in NPF4 and can be used to guide decision-making.

7.8. In the current case, there is not considered to be any incompatibility between the provisions of NPF4 and the provisions of the Orkney Local Development Plan 2017, to merit any detailed assessment in relation to individual NPF4 policies.

## **8. Assessment**

### **Principle**

8.1. As noted above, planning permission is sought for two extensions to a house – a small porch and a separate porch and dining room extension. The existing house is a one-and-three-quarter storey traditional stone house, based on an L-shaped plan, with a grey wet harl render and Welsh slate roof, and a flat roofed garage on the east elevation. There are outbuildings to the north-west and larger farm

buildings to the north-east of the house. Parking is available to the front and side of the house, and the house is separated from the public road by a group of domestic buildings including an annexe, as indicated in the Location and Site Plan attached as Appendix 2 to this report.

### **Design and Appearance**

- 8.2. The extensions are both modern in design in relation to the traditional house, comprising flat roofs and timber cladding, with large, glazed openings. These structures are considered sympathetic due to the scale and proportions and use of materials which include larch cladding (clear treatment) with black windows. This would result in deliberate distinction in design between the modern and original building. The design and materials would comply with Policy 14 of NPF4 and Policy 2 of the Local Development Plan.

### **Residential Amenity**

- 8.3. The house is relatively isolated, and the two extensions would have no impact on the amenity of any other residential properties, in accordance with Policy 1 of the Local Development Plan. Given the small scale of the proposed development and rural location, planning conditions regarding construction are not required.

### **Access**

- 8.4. The existing parking area would not be affected, and Roads Services has no objection to the application.

## **9. Conclusion**

- 9.1. The design of the proposed development would integrate with the existing building and its surroundings, and residential amenity would be protected. It is therefore considered that the development complies with relevant policy provisions of National Planning Framework 4 and the Orkney Local Development Plan 2017. There are no material considerations that would indicate otherwise.

### **For Further Information please contact:**

Margaret Gillon, Senior Planner (Development Management), Email  
[margaret.gillon@orkney.gov.uk](mailto:margaret.gillon@orkney.gov.uk)

## Implications of Report

1. **Financial:** None.
2. **Legal:** Detailed in section 7 above.
3. **Corporate Governance:** In accordance with the Scheme of Administration, determination of this application is delegated to the Planning Committee.
4. **Human Resources:** None.
5. **Equalities:** Not relevant.
6. **Island Communities Impact:** Not relevant.
7. **Links to Council Plan:** Not relevant.
8. **Links to Local Outcomes Improvement Plan:** Not relevant.
9. **Environmental and Climate Risk:** None.
10. **Risk:** If Members are minded to refuse the application, it is imperative that clear reasons for proposing the refusal of planning permission on the basis of the proposal being contrary to the development plan policy and the officer's recommendation be given and minuted. This is in order to provide clarity in the case of a subsequent planning appeal or judicial review against the Planning Committee's decision. Failure to give clear planning reasons for the decision could lead to the decision being overturned or quashed. In addition, an award of costs could be made against the Council. This could be on the basis that it is not possible to mount a reasonable defence of the Council's decision.
11. **Procurement:** None.
12. **Health and Safety:** None.
13. **Property and Assets:** None.
14. **Information Technology:** None.
15. **Cost of Living:** None.

## List of Background Papers

Orkney Local Development Plan 2017, available [here](#).  
National Planning Framework 4, available [here](#).

## Appendices

Appendix 1 – Planning conditions.  
Appendix 2 – Location Plan.

## **Appendix 1.**

01. The development hereby approved to which this planning permission relates must be begun not later than the expiration of three years, beginning with the date on which the permission is granted, which is the date of this decision notice. If development has not commenced within this period, this planning permission shall lapse.

Reason: In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended, which limits the duration of planning permission.

02. Throughout the lifetime of the development hereby approved, surface water shall be managed in accordance with the principles of Sustainable Drainage Systems (SuDS) and the guidance set out in CIRIA's SuDS Manual C753. Requisite surface water drainage measures shall be operational prior to the development being brought into use and shall be maintained as operational thereafter and throughout the lifetime of the development.

All surface water shall be contained within the application site and shall be managed to avoid flow into any adjacent road or other land.

Reason: To ensure appropriate management of surface water drainage, in accordance with Policy 13B 'Sustainable Drainage Systems (SuDS)' of the Orkney Local Development Plan 2017, and Policy 22 'Flood risk and water management' of National Planning Framework 4.

03. Any exterior lighting employed shall be so positioned, angled and controlled to prevent any direct illumination, glare or light spillage outwith the site boundary. The use of automatic cut-out or sensor operated external lighting of limited timed illumination is advocated.

Reason: To ensure that any lighting installed within the application site does not spill beyond the intended target area, does not impact adversely upon the amenity of adjacent properties and does not result in 'sky glow', in accordance with Planning Policy Advice 'Amenity and Minimising Obtrusive Lighting' (2021).



project: **EXTENSION TO SCOMUIR**

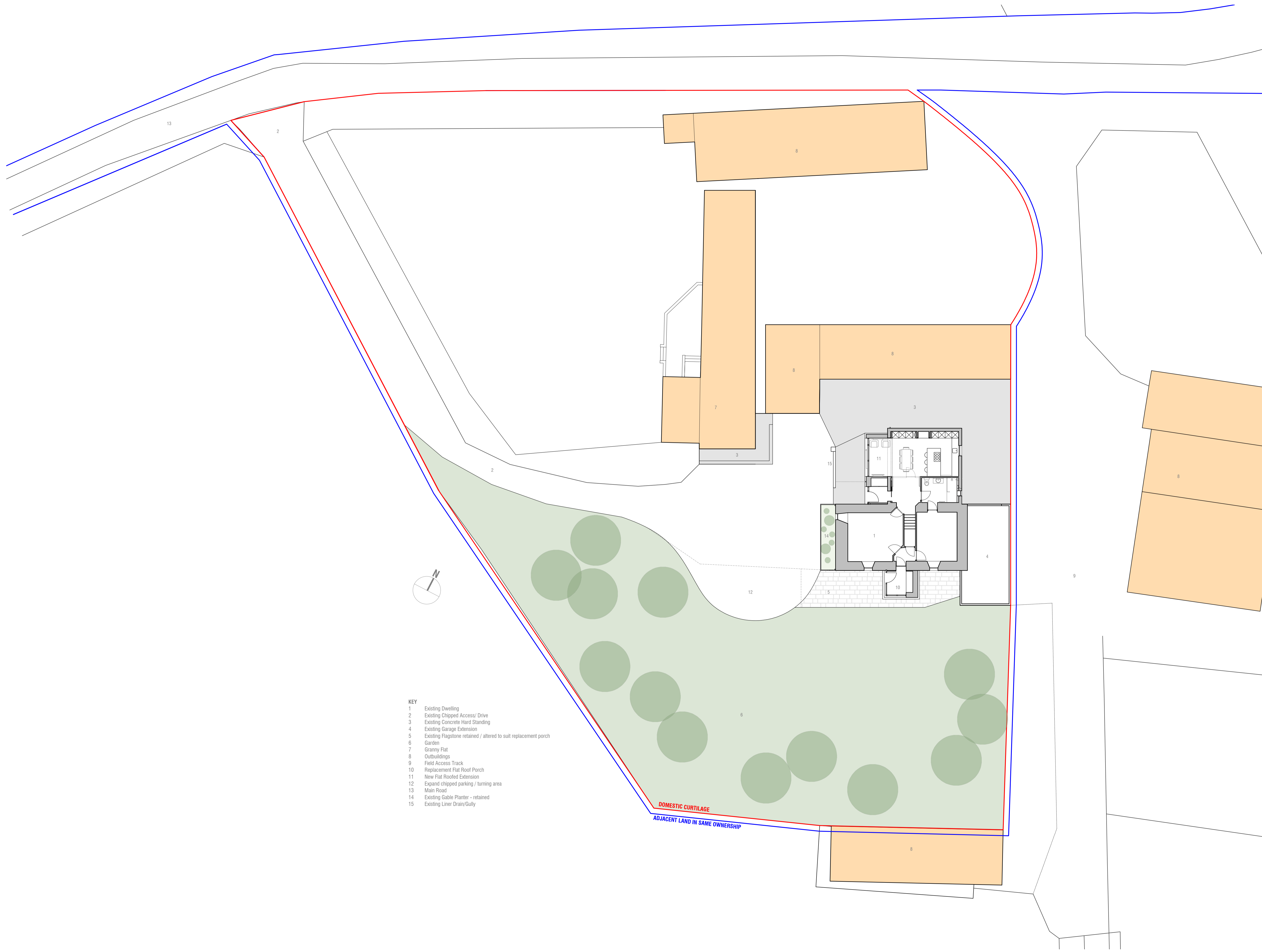
client: R&S Shearer

revision: date

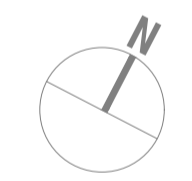
A Client Issue 17/05/23

B Planning Application 15/12/24

notes:



- KEY**
- 1 Existing Dwelling
  - 2 Existing Chipped Access/ Drive
  - 3 Existing Concrete Hard Standing
  - 4 Existing Garage Extension
  - 5 Existing Flagstone retained / altered to suit replacement porch
  - 6 Garden
  - 7 Granny Flat
  - 8 Outbuildings
  - 9 Field Access Track
  - 10 Replacement Flat Roof Porch
  - 11 New Flat Roofed Extension
  - 12 Expand chipped parking / turning area
  - 13 Main Road
  - 14 Existing Gable Planter - retained
  - 15 Existing Liner Drain/Gully



## PROPOSED SITE PLAN

date: July 2019

# 004.B

paper: A1