

Item: 1

Local Review Body: 18 June 2026.

**Proposed Erection of House and Creation of Access at Hillbanks,
Littlequoy Road, Burray.**

Report by Head of Corporate Governance.

1. Overview

- 1.1. Planning application 25/344/PP in respect of the proposed erection of a house and creation of an access at Hillbanks, Littlequoy Road, Burray, was refused by the Appointed Officer on 1 March 2026.
- 1.2. Under the Town and Country Planning (Scotland) Act 1997 (the Act) and the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013 (the Regulations), where an application for planning permission for local development has been determined by the Appointed Officer in accordance with the Council's Planning Scheme of Delegation, the applicant is entitled to seek a review of that decision by the Local Review Body.
- 1.3. The applicant has submitted a Notice of Review (see Appendix 1) requesting that the decision of the Appointed Officer, referred to at paragraph 1.1 above, be reviewed. The applicant has indicated that the review can be determined without any further procedure.
- 1.4. A letter from the Chief Planner, Scottish Government, issued in July 2011, confirmed that a review by a Local Review Body should be conducted by means of a full consideration of the application afresh.
- 1.5. Section 21 of the Scheme of Administration states that the Local Review Body will undertake unaccompanied site inspections for all planning applications subject to a review, prior to the meeting to consider the review. The purpose of the site inspection together with the procedure to be adopted, are set out in section 21.2 of the Scheme of Administration. The applicant and interested parties have been advised that an unaccompanied site inspection to Hillbanks, Littlequoy Road, Burray, is due to be undertaken on 18 June 2026 at 14:30.
- 1.6. The review procedure is set out in section 4 below.

2. Recommendations

- 2.1. The Local Review Body is required to:
 - i. Determine whether it has sufficient information to proceed to determination of the review, and if so whether to uphold, reverse or vary the decision of the Appointed Officer.
- 2.2. Should the Local Review Body determine that the decision is reversed or varied, it is required to:
 - i. Determine the reasons, and, if applicable, the relevant matters in respect of potential conditions and informatives, if appropriate, to be attached to the decision notice.
- 2.3. Should the Local Review Body determine that the decision is reversed or varied, it is recommended that members of the Local Review Body:
 - i. Delegate powers to the Head of Corporate Governance, in consultation with the Planning Advisor and the Legal Advisor, to determine the necessary conditions and informatives, if appropriate, to attach to the Decision Notice.
- 2.4. Should the Local Review Body determine that it does not have sufficient information to proceed to determination of the review, it is required to:
 - i. Determine what further information is required, which parties are to be requested to provide the information, and whether to obtain further information by one or more of the following methods:
 - By means of written submissions under the procedure set out in Regulation 15 of the Regulations; and/or
 - By the holding of one or more hearing under the Hearing Session Rules set out in Schedule 1 of the Regulations.

3. Planning Authority Decision

- 3.1. The Planning Handling Report, Planning Services file and the Decision Notice are attached as Appendices 2, 3 and 4 to this report.
- 3.2. On 1 March 2026, the Appointed Officer refused planning application 25/344/PP on the following grounds:
 - 01. The application site is in the countryside. The development meets none of the criteria to justify housing development in the countryside as set out in

Supplementary Guidance: Housing in the Countryside (2021), as the spatial strategy for implementation of Policy 5 of the Orkney Local Development Plan 2017, and Policy 17 of National Planning Framework 4, and Supplementary Guidance: Housing in the Countryside (2021). No policy or other material considerations merit approval of the development.

4. Local Review Procedure

- 4.1. In response to a Notice of Review, “interested parties” are permitted to make a representation to the Local Review Body. “Interested parties” include any party who has made, and not withdrawn, a representation in connection with the application. A representation was received from Development Management and is attached as Appendix 5.
- 4.2. In instances where a representation is received from an “interested party”, the applicant is afforded the opportunity to make comments on any representation received. Comments from the applicant on the further representation received are attached as Appendix 6 to this report.
- 4.3. The Local Review Body may uphold, reverse or vary the decision of the Appointed Officer. In the event that the decision is reversed, an indication of relevant matters, in respect of potential planning conditions and informatives, are as follows:
 - Conditions:
 - Duration of consent.
 - Hours of work.
 - Access matters to accord with Roads Authority consultation response.
 - SuDS.
 - Foul drainage.
 - Biodiversity.
 - Landscaping.
 - External Lighting.
 - Informatives:
 - Compliance with Sections 56 and 95 of the Roads (Scotland) Act 1984.
- 4.4. All conditions should be in accordance with Planning Circular 4/1998 regarding the use of conditions in planning permissions.
- 4.5. If the decision is reversed and the development is approved, it is proposed that powers are delegated to the Head of Corporate Governance, in consultation with

the Planning Advisor and the Legal Advisor, to determine the necessary conditions, and informatives, if appropriate, based on the relevant matters, agreed in terms of section 4.3 above.

- 4.6. If the Local Review Body decides that further procedure is required, it may decide to hold a pre-examination meeting to consider what procedures to follow in the review, or to obtain further information by one or more of the following methods:
- By means of written submissions under the procedure set out in Regulation 15 of the Regulations; and/or.
 - By the holding of one or more hearing under the Hearing Session Rules set out in Schedule 1 of the Regulations.

5. Relevant Planning Policy and Guidance

- 5.1. Section 25 of the Act as amended 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...”
- 5.2. The full text of the Orkney Local Development Plan 2017 (OLDP 2017) and other supplementary planning advice and guidance can be read on the Council website [here](#). Although the Orkney Local Development Plan 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.
- 5.3. National Planning Framework 4 was approved by Parliament on 11 January 2023 and formally adopted by Scottish Ministers on 13 February 2023. The statutory development plan for Orkney consists of the National Planning Framework and the Orkney Local Development Plan 2017 and its supplementary guidance. In the event of any incompatibility between a provision of National Planning Framework 4 and a provision of the Orkney Local Development Plan 2017, National Planning Framework 4 is to prevail as it was adopted later. It is important to note that National Planning Framework 4 must be read and applied as a whole, and that the intent of each of the 33 policies is set out in National Planning Framework 4 and can be used to guide decision-making.
- 5.4. It is for the Local Review Body to determine which policies are relevant to this application; however the policies listed below were referred to by the Appointed Officer in the Planning Handling Report:

- National Planning Framework 4:
 - Policy 3 – Biodiversity.
 - Policy 9 – Brownfield, vacant and derelict land and empty building.
 - Policy 17 – Rural Homes.
- Orkney Local Development Plan 2017:
 - The Spatial Strategy.
 - Policy 1 – Criteria for All Development.
 - Policy 2 – Design.
 - Policy 5 – Housing.
 - Policy 14 – Transport, Travel and Road Network Infrastructure.
- Supplementary Guidance:
 - Housing in the Countryside (March 2021).

For Further Information please contact:

Lesley Tierney, Planning Advisor to the Local Review Body, Email: lt@kellas-legal.com.

Implications of Report

1. **Financial:** All resources associated with supporting the review procedure, mainly in the form of staff time, are contained within existing revenue budgets.
2. **Legal:** The legal implications are set out in the body of the report.
3. **Corporate Governance:** In accordance with the Scheme of Administration, determination of Notices of Review is delegated to the Local Review Body.
4. **Human Resources:** None.
5. **Equalities:** None.
6. **Island Communities Impact:** None.
7. **Links to Council Plan:** The proposals in this report support and contribute to improved outcomes for communities as outlined in the following Council Plan strategic priorities:
 - Growing our economy.
 - Strengthening our Communities.
 - Developing our Infrastructure.
 - Transforming our Council.
8. **Links to Local Outcomes Improvement Plan:** The proposals in this report support and contribute to improved outcomes for communities as outlined in the following Local Outcomes Improvement Plan priorities:
 - Cost of Living.
 - Sustainable Development.
 - Local Equality.
 - Improving Population Health.

- 9. Environmental and Climate Risk:** None.
- 10. Risk:** None.
- 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](#).

Planning Circular 4/1998, available [here](#).

Appendices

Appendix 1 – Notice of Review (pages 1 – 18).

Appendix 2 – Planning Handling Report (pages 19 – 27).

Appendix 3 – Planning Services File (pages 28 – 86).

Appendix 4 – Decision Notice and Reasons for Refusal (pages 87 – 90).

Appendix 5 – Representation from interested party (Development Management) (pages 91 – 92).

Appendix 6 – Representation from Applicant (page 93).

Pages 1 to 90 can be viewed [here](#), clicking on “Accept and Search” and inserting the planning reference”24/344/PP”.



Council Offices School Place Kirkwall KW15 1NY Tel: 01856 873 535 (ex 2504) Email: planning@orkney.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100748868-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Other"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text" value="Dr"/>	Building Name:	<input type="text" value="Hillbanks"/>
First Name: *	<input type="text" value="Sue"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Struthers"/>	Address 1 (Street): *	<input type="text" value="Burray"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text" value="REDACTED"/>	Town/City: *	<input type="text" value="ORKNEY"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text" value="REDACTED"/>	Postcode: *	<input type="text" value="KW17 2SX"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="REDACTED"/>		

Site Address Details

Planning Authority:

Orkney Islands Council

Full postal address of the site (including postcode where available):

Address 1:

HILLBANKS

Address 2:

LITTLEQUOY ROAD

Address 3:

BURRAY

Address 4:

Address 5:

Town/City/Settlement:

ORKNEY

Post Code:

KW17 2SX

Please identify/describe the location of the site or sites

Northing

996969

Easting

346723

Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

To build a small, eco-friendly, 2-bedroom bungalow at the top of the Hillbanks field to allow the owner to downsize but stay within the community. This build will fit into the existing ribbon development along the road, is similar to neighbour builds, and the site location was previously acceptable to OIC planners. The build plot is less incongruous at the top of the field amongst similar builds and plots, than at the bottom, intruding on 3 evenly spaced 1840 crofts.

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *	
<input checked="" type="checkbox"/> Refusal Notice. <input type="checkbox"/> Grant of permission with Conditions imposed. <input type="checkbox"/> No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.	
Statement of reasons for seeking review	
<p>You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)</p> <p>Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.</p> <p>You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.</p>	
<div style="border: 1px solid black; padding: 5px;"> <p>The Refusal Notice does not explain why Littlequoy Road, previously considered suitable for housing development, is no longer allowed for a new build. The OLDP 2004 allowed housing development along the road as a Local Housing Area. There is no rationale for changing this in the current 2017 OLDP as nothing about the landscape or the character of the area has changed; precedent has already been set for 'approved' ribbon development along the road; and the intended LHA capacity was not filled.</p> </div>	
Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)	
<div style="border: 1px solid black; width: 100%; height: 100%;"></div>	
Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)	
<div style="border: 1px solid black; padding: 5px;"> <p>All supporting documents for the original application are still available in the OIC Planning records. The only additional documents to be submitted for this local review: 1 Local Review Planning Appeal Statement; and 2 Response to Refusal document</p> </div>	
Application Details	
Please provide the application reference no. given to you by your planning authority for your previous application.	100728352-001
What date was the application submitted to the planning authority? *	13/11/2025
What date was the decision issued by the planning authority? *	02/03/2026

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

Yes No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

Yes No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Dr Sue Struthers

Declaration Date: 25/03/2026

Payment Details

Online payment: 491100

Payment date: 25/03/2026 14:40:11

Created: 25/03/2026 14:40

LOCAL REVIEW PLANNING APPEAL

The argument in support of this Planning Appeal against the Refusal Notice issued by Orkney Island Council Planning Department is based on the current Orkney Local Development Plan (2017) rescinding the previous OLDP (2004) that allowed housing development along the Littlequoy Road as a Local Housing Area, when nothing about the landscape or the character of the area has changed; precedent has already been set for 'approved' ribbon development along the road; and the intended LHA capacity along the Littlequoy Road was not filled.

This is my story.....

[REDACTED]

Over the last 28 years I have established close friendships and social networks and the Littlequoy Road is home. However, approaching 70 years old, I now rattle around in a large 5 bedroom/3 bathroom house, [REDACTED]

[REDACTED]

I am desperate to downsize to a more suitable home but stay in the area that is so familiar. There is a very small housing stock in Orkney and properties for sale are few and far between with multiple potential buyers. Hillbanks has a large 6 acre plot composed of the house, outbuildings and garden at the bottom of the hill by the shore, and 2 fields stretching up the hill to the Littlequoy Road, both of which I have been re-wilding over the last 10 years. I would like to build at the top of one of these fields.

The previous Orkney Local Development Plan (2004) actively encouraged housing development along the Littlequoy Road as one of the 'Local Housing Areas' (LHA):

- The next-door neighbour at Standingstones sold a building plot at the top of their field, now established as the Mayfield property;
- The neighbour above Hillbanks sold a field to accommodate the property of Dunromin; and
- Planning in principle was approved for a house to be built on a plot at the top of the other next-door neighbour at Lower House (but was never built).

The current planning application (subject of this appeal) is to build a small bungalow at the top of the Hillbanks field that would allow the owner to downsize but stay in the setting, releasing the family home to the market and providing a more suitable home for an older person living on their own.

The previous LHA extended from the main A961 road turnoff, along the Littlequoy Road. Eight new houses were built at the eastern end of the road, close to the main road junction, but only two houses, Mayfield and Dunromin, were built to the west end of the

road. The approved Planning in Principle for building of a house at Lower House, next door to the applicant, quoted as a reason for approval:

“Although there have been a significant number of new dwellings granted planning permission in this LHA, the Interim Planning Guidance States that there is capacity to the north west of the LHA. The proposed site is located in the north west of Hillside and would comply with this.”

The current proposal at Hillbanks would thus have complied. And:

“The site would have a similar relationship to the road and to the existing buildings at Lowerhouse as the proposed dwelling plot (which was subsequently developed as the property Mayfield) granted planning permission at Standingstones, some 240m to the east has to the road and dwelling and buildings at Standingstones. Therefore, its positioning would be considered similar to others in the area.”

This demonstrates that the Planning Department in 2012 was content that new builds alongside the Littlequoy road, far from being ‘incongruous’, were like existing developments and therefore acceptable.

The main contention of this appeal is that the precedent has already be set for ‘approved’ ribbon development along this road, and it unclear why the current OLDP (2017) has not continued to allow limited housing development within this LHA, at least up to intended capacity.

As stated in the application, there are many positive considerations for this proposal:

- Release of a good, and much needed, family home to the Orkney housing market;
- Addition of a modern, eco-build bungalow to the Orkney housing stock;
- Provision of a high spec, environmentally sensitive home with renewable energies (taking advantage of the higher elevation site);
- Accommodation suitable for an older person, that allows her to stay within her community and with easy access to public transport;
- Is in keeping with the existing ribbon development along the Littlequoy Road;
- Does not exceed any existing housing densities along the road; and
- Is compatible with many of the National Planning Framework 4 objectives (as shown in the Planning Application ‘Design and Access Statement’).

The Planning Refusal Notice being appealed states that *‘No material considerations (ie: the positive advantages listed above) outweigh policy consideration that the development cannot be supported.’*

The ‘policy consideration’ that does not support the application refers to the Supplementary Guidance: Housing in the Countryside (2021), as the spatial strategy for implementation of Policy 5 of the Orkney LDP (2017). However, this Supplementary Guidance document is for housing development in the countryside *outside of allowed settlements* (or Local Housing Areas). The contention of this appeal is that the Littlequoy Road was previously an LHA ‘allowed settlement’ in the OLDP (2004) and

there is no justification or rationale for rescinding that LHA or ‘allowed settlement’ status in the current OLDP (2017).

However, even within the Supplementary Guidance: Housing in the Countryside (2021), the Introduction of this document states in 1.03 – “This policy provision is intentionally generous to allow for housing in the countryside to acknowledge the change in demographics which has resulted in an increased need for housing in remote rural areas to care for our aging population”.

The Refusal Notice also refers to Policy 17 of National Planning Framework 4. The Policy 17 Intent is “To encourage, promote and facilitate the delivery of more high quality, affordable and sustainable rural homes in the right locations”. This planning application is for exactly that – a high quality, affordable and sustainable rural home, on a site that was previously considered a ‘right location’.

National Planning Framework 4 - Policy 17

a) Development proposals for new homes in rural areas will be supported where the development is suitably scaled, sited and designed to be in keeping with the character of the area and the development:

1. is on a site allocated for housing within the LDP.

The site was within the LHA described in the Orkney LDP (2004) and the OIC Planning Department does not explain why the Littlequoy Road is no longer seen as a ‘right location’. The road was clearly considered a suitable location for housing development previously and there has not been any significant changes along the road. It also does not explain why the building of a small modern bungalow on the roadside, neighbouring similar new builds in similarly positioned- and sized- roadside plots, and alongside a previously approved PIP plot for a modern build, is ‘incongruous’.

The Orkney Planning department initially suggested that they may be amenable to a new build alongside the existing Hillbanks house, at the bottom of the hillside plot – either as a like-for-like replacement for an existing outbuilding; or as a subdivision of the Hillbanks curtilage.

However, this was never an option as it defeated many of the positive advantages of a build location at the top of the hill to improve the quality of life for an older person, principally for ease of access to the Littlequoy road and proximity to public transport and neighbours, but also better drainage; space for renewable energy sources; and higher elevation for solar panels (on a north-facing hillside).

It was also never the contention in the PP application to use these exemption clauses to build in the ‘countryside’, and any reference to sub-division of the Hillbanks property – was simple to describe how the plot would be released for the build, not to describe an application based on sub-division of curtilage.

A new build at the bottom of the plot would be completely out of character within the evenly-spaced, existing shore-side cluster of 1840's croft houses; would require considerable extra infrastructure and legal disentanglement to provide access and services; and would reduce privacy to the remaining Hillbanks property.

This would be far more 'incongruous' than a new build at the top roadside plot.

The planning history along Littlequoy Road is the strongest part of this Planning Appeal:

- Modern houses already exist along the road.
- The area was previously designated as a Local Housing Area.
- The fact that Littlequoy Road was identified as a Local Housing Area suggests that planners previously considered it a suitable place for housing. Nothing about the landscape or the character of the area has changed, raising the fair question as to why it is now treated differently.
- The Littlequoy Road can reasonably be seen as a dispersed settlement rather than empty countryside, thus applying the strict "housing in the countryside" guidance does not reflect the actual character of the area.
- The proposed house is not an "isolated countryside development".
- The proposed house would slot easily into the existing pattern of ribbon development and integrates comfortably into the surrounding landscape and built form.

RESPONSES TO REFUSAL NOTICE

Planning Handling Report.

Erect a house and create an access at Hillbanks, Littlequoy Road, Burray, Orkney, KW17 2SX

Determination under delegated powers: 21 January 2025

1. Summary

Application Number:	25/344/PP
Application Type:	Planning Permission
Applicant:	Dr Sue Struthers, Hillbanks, Burray, Orkney, United Kingdom. KW17 2SX
Agent:	N/A

1.2.

All application documents (including plans, consultation responses and representations) are available for members to view at the following website address:

https://www.orkney.gov.uk/Service-Directory/D/application_search_submission.htm (then enter the application number given above).

2. Consultations

2.1. Scottish Water

No Objection.

“Water Capacity Assessment

This proposed development is within the Kirbister Water Treatment Works catchment. Single house developments: unless utilizing private water sources, are required to submit a Water Connection Application via our Customer Portal to allow us to fully appraise the proposals. We recommend that this is done at the earliest opportunity to allow for network appraisal to be carried out ahead of development proceedings.

Will happily comply.

Waste Water Capacity Assessment

According to our records there is no public wastewater infrastructure within the vicinity of this proposed development therefore we would advise applicant to investigate private treatment options.”

The proposal includes provision of a new septic tank and soakaway for waste water.

2.2. Roads Services

No Objection.

Good

2.3. Environmental Health

No Objection.

“Having reviewed the documentation provided by the applicant, specifically the noise impact assessment, Environmental Health are satisfied with the conclusions in this report and therefore offer no adverse comments.”

Good

2.3. Development & Marine Planning - Environment

2.3.1.

In this case, the same Biodiversity proposal which had been submitted for the most recent planning application (Ref. No. 24/250/PIP) in the same property has been resubmitted under this planning application. Considering the similarity of the physical features of the above development, and unchanged nature of the policy provisions, the response from the environmental planner for the previous application is considered to be still valid for this application.

2.3.2.

No Objection. Good

“Unfortunately as an OIC Biodiversity form has not been used and the OIC guidance on Considering and including biodiversity in development does not appear to have been referred to when preparing the submitted information, there are a number of issues with the information provided. For example, reference is made to several invasive non-native plant species (*Rosa rugosa*, pampas grass), measures likely to be ineffective in Orkney (nest boxes, wood piles) and/or for species that are not known to be present in Orkney (swifts). However as no firm commitments to specific measures are made, it is not possible to work out what biodiversity measures are being proposed as part of the proposed development, compared to what already exists within the proposed development site and wider land holding.

Measures also appear to be proposed in areas of the future garden ground that would impede on its use should future owner/occupiers wish to change the garden layout, for example to create a play area for children. Biodiversity measures are secured by planning condition to be retained for the lifetime of the development, so thought needs to be given to where the measures are located as well as the ease of maintenance for future owner/occupiers.

Noted. After developing the property of Hillbanks for 28 years, planting thousands of trees and shrubs, the applicant is very familiar with the existing biodiversity at the location. It is acknowledged that *Rosa rugosa* and pampas grass are invasive and non-native plants, but equally, they are well adapted to Orkney conditions, grow well and provide excellent ecosystem value – with sparrows loving the pampas, and the hips of the *rosa rugosa* providing food to many birds and animals. Nest boxes put up around Hillbanks have been effective and well used, and existing wood piles are always occupied by hedgehogs. Swifts are rare but have been in the Hillbanks property and there is nothing wrong in wishful thinking to try an encourage them to stay – like the swallows.

The measures proposed would not impede on its use for future owner/occupiers, or for changes to the garden layout, and there is already a grass area proposed, suitable for creating a play area for children (like the applicant's visiting grandchildren).

However, based on the plan (figure 1) embedded within the submitted biodiversity plan document (version published 4 November 2024), it appears that boundary hedging may be proposed. Boundary hedging would be proportionate to the nature and scale of the development. Provided suitable species are used, hedging would be an appropriate biodiversity enhancement measure for this particular site and development.

Hedging is already in place (as part of the re-wilding) and includes a variety of species that are biodiversity enhancing as per the Woodland Trust, from which they were purchased.

Therefore, it is possible to deal with the issues identified above by way of a planning condition to ensure that appropriate plant species are used for boundary hedging and therefore contributes to meeting the requirements of National Planning Framework 4 (NPF4) policy 3 on biodiversity.”

Happy to comply – if it isn't already.

2.4. Development & Marine Planning – Policy

Confirmed contrary to policy.

“The Development Planning Team have viewed the proposals and associated supporting information. Under Policy 5E of the Local Development Plan 2017 and its associated Supplementary Guidance, specific criteria determine when housing in the countryside will be supported. **The current proposal does not meet any of the criteria outlined in Policy 5E.**

The application was not making any argument based on these criteria – apart from that the location should be regarded as a ‘right location’,

We note the applicant in the supporting statement highlights the subdivision of its residential curtilage. **The Application does NOT suggest ‘sub-division of curtilage’ as a reason for the submission. It does refer to sub-division of the Hillbanks plot – just to provide context to the site for this proposal.** For clarity the Supplementary Guidance defines curtilage as: ‘The extent of the land associated with the building (house) which is used and maintained as domestic space and is in the ownership and/or control of the host house. The curtilage is often demarked by a boundary wall or fence and contains a lawn or garden, drying area, vegetable patch and any outbuildings which are ancillary to the property such as sheds, stores or garages. A field or piece of ground which is near to or associated with the house is not necessarily curtilage.’ This proposal does not meet this definition.

In addition, we note the supporting information highlights NPF4 and its policies. Whilst NPF4 is now part of the Development Plan the Council prepared Development Management Guidance on an Interim Spatial Strategy which sets out how the Council will interpret NPF4 policies alongside the Spatial Strategy of the local development plan. This proposal is also not supported by the DMG interim Spatial Strategy.”

3. Representations

No representations noted.

4. Relevant Planning History

4.1. Planning applications

Reference.	Proposal.	Location.	Decision.	Date.
90/150/PPF	Alteration to a house	Hillbanks, Burray.	Grant Subject to Conditions	12.04.1990
99/232/PPF	Erection of a dormer and house extension	Hillbanks Burray	Grant Subject to Conditions	05.08.1999
24/250/PIP	Siting of a replacement house (one for one) and create an access	Hillbanks, Littlequoy Road, Burray	Application Re-fused	29.11.2024

4.2.

The formally recorded planning history has not recognised the proposed site as a part of the residential curtilage of Hillbanks. **The application does NOT suggest this, nor seek to use ‘Sub-division of curtilage’ as a reason for justifying the build.**

5. Pre-application Advice

5.1.

No pre-application advice was sought by the applicant in advance of this planning application.

5.2.

With regards previous planning application (24/250/PIP), pre application advice was sought for a residential development in the same site. The planning authority replied that the submitted information was not apparent to justify that any of the relevant policy provisions could be addressed. On that basis, it was responded that such development at the site would unlikely be supportive by planning policies.

The advice did suggest that an application for build at the bottom of the Hillbanks plot would be viewed more appropriate.

6. Relevant Planning Policy and Guidance

The full text of the Orkney Local Development Plan 2017 (OLDP 2017) and supplementary guidance can be read on the Council website at:

<https://www.orkney.gov.uk/Service-Directory/D/Planning-Policies-and-Guidance.htm>

The policies listed below are relevant to this application:

National Planning Framework 4 (NPF4):

- Policy 3. Biodiversity.
- Policy 9. Brownfield, vacant and derelict land and empty building.
- Policy 17. Rural homes.

Orkney Local Development Plan 2017 (OLDP 2017):

- The Spatial Strategy
- Policy 1 – Criteria for All Development.
- Policy 2 – Design
- Policy 5 – Housing
- Policy 14 – Transport, Travel & Road Network Infrastructure

Supplementary Guidance:

- Housing in the Countryside (March 2021).

As included in the application

7. Legal Aspects

7.1.

Section 25 of the Town and Country Planning (Scotland Act 1997 (“the Act) states that in making determinations under the Planning Acts the determination should be in accordance with the development plan unless material considerations determine otherwise.

7.2. Status of the Local Development Plan

Although the Orkney Local Development Plan 2017 is “out-of-date” and has been since April 2022, it is still 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 Plan will be diminished where policies within the plan are subsequently superseded.

The 2004 OLDP was also “out-of-date” but ‘*Interim Planning Guidance*’ still allowed approval of the PIP for the proposed building in 2012, on the neighbouring Lower House field.

8. Assessment

8.1. Background

Planning permission is sought to erect a single-storey house and create an access at Hillbanks, Littlequoy Road, Burray. The site is out with the Burray Village settlement boundary and considered as countryside.

It is contended that the ribbon development allowed along the Littlequoy Road is more characteristic of a dispersed settlement rather than ‘countryside’.

8.2. Principle

8.2.1.

Policy 17 of NPF4 and Policy 5E of OLDP 2017 are the key policies in this assessment. Additionally, Supplementary Guidance: Housing in the Countryside (2021) provide the necessary details advice on housing in the countryside and how the above policies are applied in terms of spatial strategy.

8.2.2.

The supporting statement submitted with the application includes extensive reference to the 2004 Orkney Local Plan and its housing allocations. These were superseded by the 2014 Local Development Plan, and further by the 2017 Local Development Plan. **References to 2004 in a policy principle context are therefore not relevant** and not a material consideration as part of this assessment.

It is contended that reference to the previous 2004 policy principle is very relevant, given that there is no rationale for the withdrawal of an incomplete LHA in a subsequent OLDP, when there have been no material changes to the character or nature of the area.

8.2.3.

The site is in the countryside, not any settlement boundary. To comply with Policy 5E of the Local Development Plan, **housing development in countryside must meet at least one of the following eight criteria.**

- i. The reinstatement or redevelopment of a former dwelling house;
- ii. The conversion of a redundant building or structure;
- iii. The replacement of an existing building or structure;
- iv. The re-use of brownfield land, where the previous use is evident on site;
- v. The subdivision of a dwelling house or its residential curtilage;
- vi. Single house infill development within existing housing groups;
- vii. The provision of a single dwelling house for a rural business where 24 hour supervision is an operational requirement; or
- viii. The provision of a single dwelling house to allow for the retirement succession of a viable farm holding.

The application does not claim any of these criteria as justification. It contends that the proposal is within a 'right location' as per National Planning Framework 4 – Policy 17, based on previous OIC planning opinion.

8.2.4.

As stated in the application form, the development is submitted as the subdivision of the existing property, Hillbanks, focusing on criteria v of Policy 5E. The criterion 'v' provide for the subdivision of a house or its lawful residential curtilage only, in this case the residential curtilage of Hillbanks, not adjacent or neighboring non-domestic land simply based on ownership.

The application states: "The proposed development involves subdividing the existing Hillbanks plot into two separate parcels." This is NOT using criteria v of Policy 5E – subdivision of curtilage – it simply describes how the proposed site is made available.

8.2.5.

In terms of history, the approved Location Plan under the application reference 90/150/PPF shows the clear boundary and extent of the Hillbanks residential curtilage, separate from other land within which the current application site area is located. No application has been received

in the intervening years to amend the residential curtilage boundary or change the use of the proposed site. As indicated in the supporting information, historically and recently, the proposed site is open space, previously for agricultural activities and more recently kept as a wild green area. Irrespective of specific management practices on the land, and irrespective of whether subject to specific agricultural or other activities, the site area is not part of the residential curtilage of the house and it is therefore contrary to criteria v of Policy 5E of OLDP 2017.

The application does NOT claim to be a replacement of an existing building – or a sub-division of curtilage:

“The rationale for positioning the proposed new build at the top of the field, rather than on the footprint of the existing nissen hut at the bottom of the land parcel, or as a subdivision of the Hillbanks garden curtilage, is that there are “demonstrable planning benefits for an alternative location such as landscape and visual impacts, flooding, built heritage, natural heritage or road safety” (Ref. OIC Policy 5E Housing in the Countryside, 3.10).”

The contention of the application is ONLY that this LHA was acceptable previously, and indeed the PIP for an exact replica of this application was approved in 2012 – so what has changed in the meantime – apart from the removal of the Littlequoy road as an LHA in the current OLDP.

8.2.6.

Policy 17a (vii) of NPF4 relates to subdivision of an existing residential dwelling keeping the scale and character of the area. The 2024 Development Management Guidance provides the spatial strategy for implementation of Policy 17 of NPF4, matching the specific requirements of the 2017 Local Development Plan. The proposal is not subdivision of existing Hillbanks dwelling or its curtilage. As such, it does not comply with the policy provision of NPF4.

Exactly – the proposal is NOT for subdivision of existing Hillbanks dwelling or its curtilage

8.2.7.

Supporting information states a position that the development would achieve the vision statements of OLDP 2017. In planning decision-making practice, the ‘vision’ of a local development plan should be achieved by adhering to the spatial strategy and associated planning policies. When the development is not compliant with the policies, it is unlikely to comply with the vision.

8.2.8.

The proposed development site is not identified as infill, since it is not within an existing housing group and nor does the site meet definition of a housing group as stated within the Supplementary Guidance: Housing in the Countryside.

The proposal does NOT claim to be ‘infill’. But the proposed development IS compatible with the existing pattern of ribbon development that was previously endorsed, and is in keeping with the neighbouring builds.

8.2.9.

Through the Housing Needs and Demand Assessment (HNDA) and the Local Housing Strategy (LHS), the Council has an up-to-date understanding of Orkney demographics and future population change. These documents are considered separately the Non-Connected, and the

Mainland and Linked South Islands. The Mainland and Linked South Islands face a projected population increase. The Non-linked Islands are a separate housing market area in HNDA, and not material to the current case.

Then you should know that there are NOT enough houses available. There are many people trying to get the very few and far between houses that come up for sale or rent, especially in the Linked South Islands.

8.2.10.

The 'planning benefits' indicated in the supporting statements, related to the positioning of the house adjacent to the public road and distant from the existing property are the applicant's interpretation of favourable detail. However, such details normally follow after the principle of the site is established, and specific detailing should not outweigh a planning policy consideration that clearly confirms the development is contrary to policy and cannot be supported. Detail does not lead or outweigh the basic consideration of whether the development can be supported on that site.

These 'planning benefits' were included to demonstrate that the suggestion that the applicant should submit a proposal for building at the bottom of the plot was not favourable in planning terms.

8.2.11.

The supporting statement provided interpretation of one of the spatial strategies of NPF4 'Rural revitalisation' as provision to erect houses in the countryside to address a shortage of housing. Under this strategy, sustainable development in rural areas is encouraged by recognising the need to grow and support urban and rural communities together. Whilst Policy 17 of NPF4 includes provision for the delivery of more high quality, affordable and sustainable rural homes, this is with a caveat that these homes must be in "the right locations" which in turn is driven by the spatial strategy, and the policy guidance set out above. Therefore, a new house within the lawful Hillbanks residential curtilage boundary may have been acceptable subject to application, sharing existing infrastructure, on existing domestic land, part of a building group, and not on open land, in this case the same proposed new development in a new, isolated, green field site is not acceptable.

The proposed site at the top of the field was considered a "right location" previously – and nothing has materially changed to support that the site is no longer a "right location" – it is just that the OLDP has taken this area off the list of LHAs.

A new house within the lawful Hillbanks residential curtilage boundary may have been acceptable subject to application but actually should NOT be allowed. Sharing existing infrastructure would be legally and technically very problematic; a new build might be on existing domestic land, but would be within 21m of the existing Hillbanks property – which is not allowed; would be completely incongruous as part of the existing building group – which is a cluster of evenly-spaced, similar structured, 1840's crofts – into which a modern bungalow would be completely out of place. The proposed new development site is on open land, but it is not isolated, it is part of an existing pattern of ribbon development that was previously perfectly acceptable – with a replica application in the neighbouring field actually approved and which could have been built (without huge adverse effect on the neighbourhood).

8.2.12.

The supporting statement states that there are other policies of NPF4 that may be relevant to the principle of the proposed development. Policy 17 of NPF4 and Policy 5E of OLDP 2017 and the key policies in terms of principle. Whilst other policies may be material, in failing to establish the principle, no other policy considerations outweigh the key conclusion that the development is not acceptable.

8.3. Design and Appearance

The house is proposed parallel to the Littlequoy Road, the simple design including a pitched roof and low eaves to respond to the climate. The walls would be clad with locally sourced stones, with proposed seam metal roofing with solar panels, and dark grey aluminum windows. In a situation whereby the principle was acceptable, the house design would raise policy concerns.

Why? Anyway- it is stated in the application that the final wall and roofing is still to be decided – in discussion with the planning department. The applicant is amenable to discussion on such design concerns.

8.4. Natural Heritage

8.4.1.

The intent of Policy 9 of NPF4 is to encourage, promote and facilitate the reuse of brownfield, vacant and derelict land and empty buildings, and to help reduce the need for greenfield development. The proposal would be on a greenfield which has been neither allocated for development by OLDP 2017 nor supported by planning policies. Accordingly, the development would not comply with Policy 9 of NPF4.

Can the Planning department explain what has changed that means that housing along the Littlequoy road WAS acceptable before – but is no longer? It is NOT that enough houses were already built in the old LHA, because the previously approved neighbouring PIP states that there IS capacity in this area of the road.

8.4.2.

The site has notable biodiversity value including native vegetation. Trees and mixed shrubs are proposed along the boundary of the site. The proposed biodiversity enhancement is considered proportionate, in relation to Policy 3 of NPF4.

Good

8.5. Access

New access from Littlequoy Road and gravel finished driveway are proposed at the east end of the plot along with parking provisions. Roads Services has recommended a pre commencement planning condition related to the road standards.

Happy to comply

8.6. Amenity

The proposed site is within the buffer zone of existing turbine 15/498/TPP. To demonstrate that the proposed house would not be affected by the noise, a Noise Assessment was conducted for the previous planning application in 2024, and the same assessment report has been submitted for this application. Environmental Health has no adverse comments with the conclusion of the

report which confirms that the site would unlikely be affected by noise from the wind turbine nearby.

Good

9. Conclusion

The principle of development is contrary to Policy 5 of the Orkney Local Development Plan 2017, Policy 17 of National Planning Framework 4, and Supplementary Guidance: Housing in the Countryside (2021). No material considerations outweigh policy consideration that the development cannot be supported.

10. Reason for Refusal

01. The application site is in the countryside. The development meets none of the criteria to justify housing development in the countryside as set out in Supplementary Guidance: Housing in the Countryside (2021), as the spatial strategy for implementation of Policy 5 of the Orkney Local Development Plan 2017, and Policy 17 of National Planning Framework 4, and Supplementary Guidance: Housing in the Countryside (2021). No policy or other material considerations merit approval of the development.

Again – please can the Planning Department give reasons as to why housing along the Littlequoy road is no longer acceptable when it was previously encouraged?

11. Contact Officer

Shankha Weerasekara. Graduate Planner

Date: 20 February 2026

Planning Handling Report.

Erect a house and create an access at Hillbanks, Littlequoy Road, Burray, Orkney, KW17 2SX

Determination under delegated powers: 21 January 2025

1. Summary

Application Number:	25/344/PP
Application Type:	Planning Permission
Applicant:	Dr Sue Struthers, Hillbanks, Burray, Orkney, United Kingdom. KW17 2SX
Agent:	N/A

1.2.

All application documents (including plans, consultation responses and representations) are available for members to view at the following website address: https://www.orkney.gov.uk/Service-Directory/D/application_search_submission.htm (then enter the application number given above).

2. Consultations

2.1. Scottish Water

No Objection.

“Water Capacity Assessment

This proposed development is within the Kirbister Water Treatment Works catchment. Single house developments: unless utilizing private water sources, are required to submit a Water Connection Application via our Customer Portal to allow us to fully appraise the proposals. We recommend that this is done at the earliest opportunity to allow for network appraisal to be carried out ahead of development proceedings.

Waste Water Capacity Assessment

According to our records there is no public wastewater infrastructure within the vicinity of this proposed development therefore we would advise applicant to investigate private treatment options.”

2.2. Roads Services

No Objection.

2.3. Environmental Health

No Objection.

“Having reviewed the documentation provided by the applicant, specifically the noise impact assessment, Environmental Health are satisfied with the conclusions in this report and therefore offer no adverse comments.”

2.3. Development & Marine Planning - Environment

2.3.1.

In this case, the same Biodiversity proposal which had been submitted for the most recent planning application (Ref. No. 24/250/PIP) in the same property has been resubmitted under this planning application. Considering the similarity of the physical features of the above development, and unchanged nature of the policy provisions, the response from the environmental planner for the previous application is considered to be still valid for this application.

2.3.2.

No Objection.

“Unfortunately as an OIC Biodiversity form has not been used and the OIC guidance on Considering and including biodiversity in development does not appear to have been referred to when preparing the submitted information, there are a number of issues with the information provided. For example, reference is made to several invasive non-native plant species (Rosa rugosa, pampas grass), measures likely to be ineffective in Orkney (nest boxes, wood piles) and/or for species that are not known to be present in Orkney (swifts). However as no firm commitments to specific measures are made, it is not possible to work out what biodiversity measures are being proposed as part of the proposed development, compared to what already exists within the proposed development site and wider land holding.

Measures also appear to be proposed in areas of the future garden ground that would impede on its use should future owner/occupiers wish to change the garden layout, for example to create a play area for children. Biodiversity measures are secured by planning condition to be retained for the lifetime of the development, so thought needs to be given to where the measures are located as well as the ease of maintenance for future owner/occupiers.

However, based on the plan (figure 1) embedded within the submitted biodiversity plan document (version published 4 November 2024), it appears that boundary hedging may be proposed. Boundary hedging would be proportionate to the nature and scale of the development. Provided suitable species are used, hedging would be an appropriate biodiversity enhancement measure for this particular site and development.

Therefore, it is possible to deal with the issues identified above by way of a planning condition to ensure that appropriate plant species are used for boundary hedging and therefore contributes to meeting the requirements of National Planning Framework 4 (NPF4) policy 3 on biodiversity.”

2.4. Development & Marine Planning – Policy

Confirmed contrary to policy.

“The Development Planning Team have viewed the proposals and associated supporting information. Under Policy 5E of the Local Development Plan 2017 and its associated Supplementary Guidance, specific criteria determine when housing in the countryside will be supported. The current proposal does not meet any of the criteria outlined in Policy 5E.

We note the applicant in the supporting statement highlights the subdivision of its residential curtilage. For clarity the Supplementary Guidance defines curtilage as: ‘The extent of the land associated with the building (house) which is used and maintained as domestic space and is in the ownership and/or control of the host house. The curtilage is often demarked by a boundary wall or fence and contains a lawn or garden, drying area, vegetable patch and any outbuildings which are ancillary to the property such as sheds, stores or garages. A field or piece of ground which is near to or associated with the house is not necessarily curtilage.’ This proposal does not meet this definition.

In addition, we note the supporting information highlights NPF4 and its policies. Whilst NPF4 is now part of the Development Plan the Council prepared Development Management Guidance on an Interim Spatial Strategy which sets out how the Council will interpret NPF4 policies alongside the Spatial Strategy of the local development plan. This proposal is also not supported by the DMG interim Spatial Strategy.”

3. Representations

No representations noted.

4. Relevant Planning History

4.1. Planning applications

Reference.	Proposal.	Location.	Decision.	Date.
90/150/PPF	Alteration to a house	Hillbanks, Burray.	Grant Subject to Conditions	12.04.1990
99/232/PPF	Erection of a dormer and house extension	Hillbanks Burray	Grant Subject to Conditions	05.08.1999
24/250/PIP	Siting of a replacement house (one for one) and create an access	Hillbanks, Littlequoy Road, Burray	Application Re-fused	29.11.2024

4.2.

The formally recorded planning history has not recognised the proposed site as a part of the residential curtilage of Hillbanks.

5. Pre-application Advice

5.1.

No pre-application advice was sought by the applicant in advance of this planning application.

5.2.

With regards previous planning application (24/250/PIP), pre application advice was sought for a residential development in the same site. The planning authority replied that the submitted information was not apparent to justify that any of the relevant policy provisions could be addressed. On that basis, it was responded that such development at the site would unlikely be supportive by planning policies.

6. Relevant Planning Policy and Guidance

The full text of the Orkney Local Development Plan 2017 (OLDP 2017) and supplementary guidance can be read on the Council website at:

<https://www.orkney.gov.uk/Service-Directory/D/Planning-Policies-and-Guidance.htm>

The policies listed below are relevant to this application:

- National Planning Framework 4 (NPF4)
 - Policy 3. Biodiversity.
 - Policy 9. Brownfield, vacant and derelict land and empty building.
 - Policy 17. Rural homes.
- Orkney Local Development Plan 2017 (OLDP 2017):
 - The Spatial Strategy
 - Policy 1 – Criteria for All Development.
 - Policy 2 – Design
 - Policy 5 – Housing
 - Policy 14 – Transport, Travel & Road Network Infrastructure
- Supplementary Guidance:
 - Housing in the Countryside (March 2021).

7. Legal Aspects

7.1.

Section 25 of the Town and Country Planning (Scotland Act 1997 (“the Act) states that in making determinations under the Planning Acts the determination should be in accordance with the development plan unless material considerations determine otherwise.

7.2. Status of the Local Development Plan

Although the Orkney Local Development Plan 2017 is “out-of-date” and has been since April 2022, it is still 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 Plan will be diminished where policies within the plan are subsequently superseded.

7.3. Status of National Planning Framework 4

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 the National Planning Framework 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.

8. Assessment

8.1. Background

Planning permission is sought to erect a single-storey house and create an access at Hillbanks, Littlequoy Road, Burray. The site is out with the Burray Village settlement boundary and considered as countryside.

8.2. Principle

8.2.1.

Policy 17 of NPF4 and Policy 5E of OLDP 2017 are the key policies in this assessment. Additionally, Supplementary Guidance: Housing in the Countryside (2021) provide the necessary details advice on housing in the countryside and how the above policies are applied in terms of spatial strategy.

8.2.2.

The supporting statement submitted with the application includes extensive reference to the 2004 Orkney Local Plan and its housing allocations. These were superseded by the 2014 Local Development Plan, and further by the 2017 Local Development Plan. References to 2004 in a policy principle context are therefore not relevant and not a material consideration as part of this assessment.

8.2.3.

The site is in the countryside, not any settlement boundary. To comply with Policy 5E of the Local Development Plan, housing development in countryside must meet at least one of the following eight criteria.

- i. The reinstatement or redevelopment of a former dwelling house;
- ii. The conversion of a redundant building or structure;
- iii. The replacement of an existing building or structure;
- iv. The re-use of brownfield land, where the previous use is evident on site;
- v. The subdivision of a dwelling house or its residential curtilage;
- vi. Single house infill development within existing housing groups;
- vii. The provision of a single dwelling house for a rural business where 24 hour supervision is an operational requirement; or
- viii. The provision of a single dwelling house to allow for the retirement succession of a viable farm holding.

8.2.4.

As stated in the application form, the development is submitted as the subdivision of the existing property, Hillbanks, focusing on criteria v of Policy 5E. The criterion 'v' provide for the subdivision of a house or its lawful residential curtilage only, in this case the residential curtilage of Hillbanks, not adjacent or neighboring non-domestic land simply based on ownership.

8.2.5.

In terms of history, the approved Location Plan under the application reference 90/150/PPF shows the clear boundary and extent of the Hillbanks residential curtilage, separate from other land within which the current application site area is located. No application has been received in the intervening years to amend the residential curtilage boundary or change the use of the proposed site. As indicated in the supporting information, historically and recently, the proposed site is open space, previously for agricultural activities and more recently kept as a wild green area. Irrespective of specific management practices on the land, and irrespective of whether subject to specific agricultural or other activities, the site area is not part of the residential curtilage of the house and it is therefore contrary to criteria v of Policy 5E of OLDP 2017.

8.2.6.

Policy 17a (vii) of NPF4 relates to subdivision of an existing residential dwelling keeping the scale and character of the area. The 2024 Development Management Guidance provides the spatial strategy for implementation of Policy 17 of NPF4, matching the specific requirements of the 2017 Local Development Plan. The proposal is not subdivision of existing Hillbanks dwelling or its curtilage. As such, it does not comply with the policy provision of NPF4.

8.2.7.

Supporting information states a position that the development would achieve the vision statements of OLDP 2017. In planning decision-making practice, the 'vision' of a local development plan should be achieved by adhering to the spatial strategy and

associated planning policies. When the development is not compliant with the policies, it is unlikely to comply with the vision.

8.2.8.

The proposed development site is not identified as infill, since it is not within an existing housing group and nor does the site meet definition of a housing group as stated within the Supplementary Guidance: Housing in the Countryside.

8.2.9.

Through the Housing Needs and Demand Assessment (HNDA) and the Local Housing Strategy (LHS), the Council has an up-to-date understanding of Orkney demographics and future population change. These documents are considered separately the Non-Connected, and the Mainland and Linked South Islands. The Mainland and Linked South Islands face a projected population increase. The Non-linked Islands are a separate housing market area in HNDA, and not material to the current case.

8.2.10.

The 'planning benefits' indicated in the supporting statements, related to the positioning of the house adjacent to the public road and distant from the existing property are the applicant's interpretation of favourable detail. However, such details normally follow after the principle of the site is established, and specific detailing should not outweigh a planning policy consideration that clearly confirms the development is contrary to policy and cannot be supported. Detail does not lead or outweigh the basic consideration of whether the development can be supported on that site.

8.2.11.

The supporting statement provided interpretation of one of the spatial strategies of NPF4 'Rural revitalisation' as provision to erect houses in the countryside to address a shortage of housing. Under this strategy, sustainable development in rural areas is encouraged by recognising the need to grow and support urban and rural communities together. Whilst Policy 17 of NPF4 includes provision for the delivery of more high quality, affordable and sustainable rural homes, this is with a caveat that these homes must be in "the right locations" which in turn is driven by the spatial strategy, and the policy guidance set out above. Therefore, a new house within the lawful Hillbanks residential curtilage boundary may have been acceptable subject to application, sharing existing infrastructure, on existing domestic land, part of a building group, and not on open land, in this case the same proposed new development in a new, isolated, green field site is not acceptable.

8.2.12.

The supporting statement states that there are other policies of NPF4 that may be relevant to the principle of the proposed development. Policy 17 of NPF4 and Policy 5E of OLDP 2017 and the key policies in terms of principle. Whilst other policies may be material, in failing to establish the principle, no other policy considerations outweigh the key conclusion that the development is not acceptable.

8.3. Design and Appearance

The house is proposed parallel to the Littlequoy Road, the simple design including a pitched roof and low eaves to respond to the climate. The walls would be clad with locally sourced stones, with proposed seam metal roofing with solar panels, and dark grey aluminum windows. In a situation whereby the principal was acceptable, the house design would raise policy concerns.

8.4. Natural Heritage

8.4.1.

The intent of Policy 9 of NPF4 is to encourage, promote and facilitate the reuse of brownfield, vacant and derelict land and empty buildings, and to help reduce the need for greenfield development. The proposal would be on a greenfield which has been neither allocated for development by OLDP 2017 nor supported by planning policies. Accordingly, the development would not comply with Policy 9 of NPF4.

8.4.2.

The site has notable biodiversity value including native vegetation. Trees and mixed shrubs are proposed along the boundary of the site. The proposed biodiversity enhancement is considered proportionate, in relation to Policy 3 of NPF4.

8.5. Access

New access from Littlequoy Road and gravel finished driveway are proposed at the east end of the plot along with parking provisions. Roads Services has recommended a pre commencement planning condition related to the road standards.

8.6. Amenity

The proposed site is within the buffer zone of existing turbine 15/498/TPP. To demonstrate that the proposed house would not be affected by the noise, a Noise Assessment was conducted for the previous planning application in 2024, and the same assessment report has been submitted for this application. Environmental Health has no adverse comments with the conclusion of the report which confirms that the site would unlikely be affected by noise from the wind turbine nearby.

9. Conclusion

The principle of development is contrary to Policy 5 of the Orkney Local Development Plan 2017, Policy 17 of National Planning Framework 4, and Supplementary Guidance: Housing in the Countryside (2021). No material considerations outweigh policy consideration that the development cannot be supported.

10. Reason for Refusal

01. The application site is in the countryside. The development meets none of the criteria to justify housing development in the countryside as set out in Supplementary Guidance: Housing in the Countryside (2021), as the spatial strategy for implementation of Policy 5 of the Orkney Local Development Plan 2017, and Policy

17 of National Planning Framework 4, and Supplementary Guidance: Housing in the Countryside (2021). No policy or other material considerations merit approval of the development.

11. Contact Officer

Shankha Weerasekara. Graduate Planner
Date: 20 February 2026



Council Offices School Place Kirkwall KW15 1NY Tel: 01856 873 535 (ex 2504) Email: planning@orkney.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100728352-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Type of Application

What is this application for? Please select one of the following: *

- Application for planning permission (including changes of use and surface mineral working).
- Application for planning permission in principle.
- Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions.

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

Proposal is to subdivide the existing property Hillbanks and construct a new, single storey, 2 bed residential property with maximum insulation, high energy efficiency and low-maintenance. The build site is within Hillbanks land but allows the owner to downsize from the large family house to a more suitable, future-proofed home, while staying within familiar area, close community and with easy access to public transport. The proposed location and design are in keeping with existing builds.

Is this a temporary permission? * Yes No

If a change of use is to be included in the proposal has it already taken place?
(Answer 'No' if there is no change of use.) * Yes No

Has the work already been started and/or completed? *

No Yes – Started Yes - Completed

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Other"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text" value="Dr"/>	Building Name:	<input type="text" value="Hillbanks"/>
First Name: *	<input type="text" value="Sue"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Struthers"/>	Address 1 (Street): *	<input type="text" value="Burray"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text" value="[REDACTED]"/>	Town/City: *	<input type="text" value="ORKNEY"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text" value="[REDACTED]"/>	Postcode: *	<input type="text" value="KW17 2SX"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="[REDACTED]"/>		

Site Address Details

Planning Authority:	<input type="text" value="Orkney Islands Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="HILLBANKS"/>
Address 2:	<input type="text" value="LITTLEQUOY ROAD"/>
Address 3:	<input type="text" value="BURRAY"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="ORKNEY"/>
Post Code:	<input type="text" value="KW17 2SX"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="996969"/>	Easting	<input type="text" value="346723"/>
----------	-------------------------------------	---------	-------------------------------------

Pre-Application Discussion	
Have you discussed your proposal with the planning authority? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Site Area	
Please state the site area:	<input style="width: 150px;" type="text" value="0.20"/>
Please state the measurement type used:	<input checked="" type="checkbox"/> Hectares (ha) <input type="checkbox"/> Square Metres (sq.m)
Existing Use	
Please describe the current or most recent use: * (Max 500 characters)	
<p>The proposed site area is within a Hillbanks field but this has not been used for agriculture for many years; it has been deregistered as agricultural land; and the owner has been planting trees and shrubs as a 're-wilding' project for over 10 years, maintaining mowed paths and lawn areas; and growing fruit and vegetables in some areas.</p>	
Access and Parking	
Are you proposing a new altered vehicle access to or from a public road? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.	
Are you proposing any change to public paths, public rights of way or affecting any public right of access? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.	
How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?	<input style="width: 150px;" type="text" value="0"/>
How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *	<input style="width: 150px;" type="text" value="2"/>
Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).	
Water Supply and Drainage Arrangements	
Will your proposal require new or altered water supply or drainage arrangements? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *	
<input type="checkbox"/> Yes – connecting to public drainage network <input checked="" type="checkbox"/> No – proposing to make private drainage arrangements <input type="checkbox"/> Not Applicable – only arrangements for water supply required	
As you have indicated that you are proposing to make private drainage arrangements, please provide further details.	
What private arrangements are you proposing? *	
<input checked="" type="checkbox"/> New/Altered septic tank. <input type="checkbox"/> Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage treatment such as a reed bed). <input type="checkbox"/> Other private drainage arrangement (such as chemical toilets or composting toilets).	

What private arrangements are you proposing for the New/Altered septic tank? *

- Discharge to land via soakaway.
 Discharge to watercourse(s) (including partial soakaway).
 Discharge to coastal waters.

Please explain your private drainage arrangements briefly here and show more details on your plans and supporting information: *

All sewage and waste water will report to a buried septic tank with a down-slope soak away to ground. There will be a land drain constructed around the new build to divert surface water away from the house. The development is at the top of a sloping field so natural drainage takes all water down slope towards the shore but most is absorbed to soil and vegetation.

Do your proposals make provision for sustainable drainage of surface water?? *
(e.g. SUDS arrangements) *

Yes No

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? *

- Yes
 No, using a private water supply
 No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

Assessment of Flood Risk

Is the site within an area of known risk of flooding? *

Yes No Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? *

Yes No Don't Know

Trees

Are there any trees on or adjacent to the application site? *

Yes No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? *

Yes No

If Yes or No, please provide further details: * (Max 500 characters)

To be fully decided in the final planning design, but the proposed house design includes a utility room that will have space for storage of normal domestic waste and recycling prior to putting out for regular OIC roadside collection.

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? *

Yes No

How many units do you propose in total? *

1

Please provide full details of the number and types of units on the plans. Additional information may be provided in a supporting statement.

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? *

Yes No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013? *

Yes No Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

Yes No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? *

Yes No

Is any of the land part of an agricultural holding? *

Yes No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Dr Sue Struthers

On behalf of:

Date: 14/10/2025

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

Yes No Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? *

Yes No Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

Yes No Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

Yes No Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

Yes No Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

- Site Layout Plan or Block plan.
- Elevations.
- Floor plans.
- Cross sections.
- Roof plan.
- Master Plan/Framework Plan.
- Landscape plan.
- Photographs and/or photomontages.
- Other.

If Other, please specify: * (Max 500 characters)

Provide copies of the following documents if applicable:

- | | | |
|--|---|---|
| A copy of an Environmental Statement. * | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> N/A |
| A Design Statement or Design and Access Statement. * | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> N/A |
| A Flood Risk Assessment. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Drainage/SUDS layout. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Transport Assessment or Travel Plan | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Contaminated Land Assessment. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Habitat Survey. * | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> N/A |
| A Processing Agreement. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |

Other Statements (please specify). (Max 500 characters)

Noise Assessment Report; Soil Report

Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Dr Sue Struthers

Declaration Date: 14/10/2025

Payment Details

Online payment: 059400

Payment date: 14/10/2025 10:34:08

Created: 14/10/2025 10:34

SOIL REPORT

Soil Report submitted in support of Application 24/250/PIP for a proposed new build at Hillbanks, Burray, Orkney, KW17 2SX.

Soil/Land-Use History

It is known that the fields at Hillbanks have been under agriculture for at least 100 years, and likely continuously since the cottage was built as a farm steading in the 1840's. If this area had originally been a peat heathland, any peat that may or may not have existed in this part of Burray would have long since been taken for fuel and the land subsequently used for food production. The two fields that make up the Hillbanks property beyond the garden curtilage have previously been ploughed and seeded for hay and grain; and used for grazing sheep and ponies, with occasional cutting for silage.

Since 1998, (current owner), the following activities have been undertaken on the fields:

1998 – 2003 – left fallow and rough grazing

2003 – 2004 – one field seeded and harvested with long-stemmed barley

2003 – 2007 – grazing for ponies

2007 – 2021 – grass annually baled and taken for silage and/or cattle shelter, latterly by Mr Magnus Spence (Farmer). During this time, trees were planted every year along the field boundary fences.

Since 2021, the grass has been allowed to grow wild with no cutting apart for pathways and some veggie patch and recreational clearings close to the house at the bottom of the fields.

At the same time, hundreds of tree and shrub cuttings- and hundreds of bare-rooted saplings (from the Woodland Trust) have been planted in both fields as part of a 're-wilding' project.

Following the years of agricultural activity the soil of these fields has developed a thick, reworked topsoil A Horizon through ploughing, seeding and harvesting.

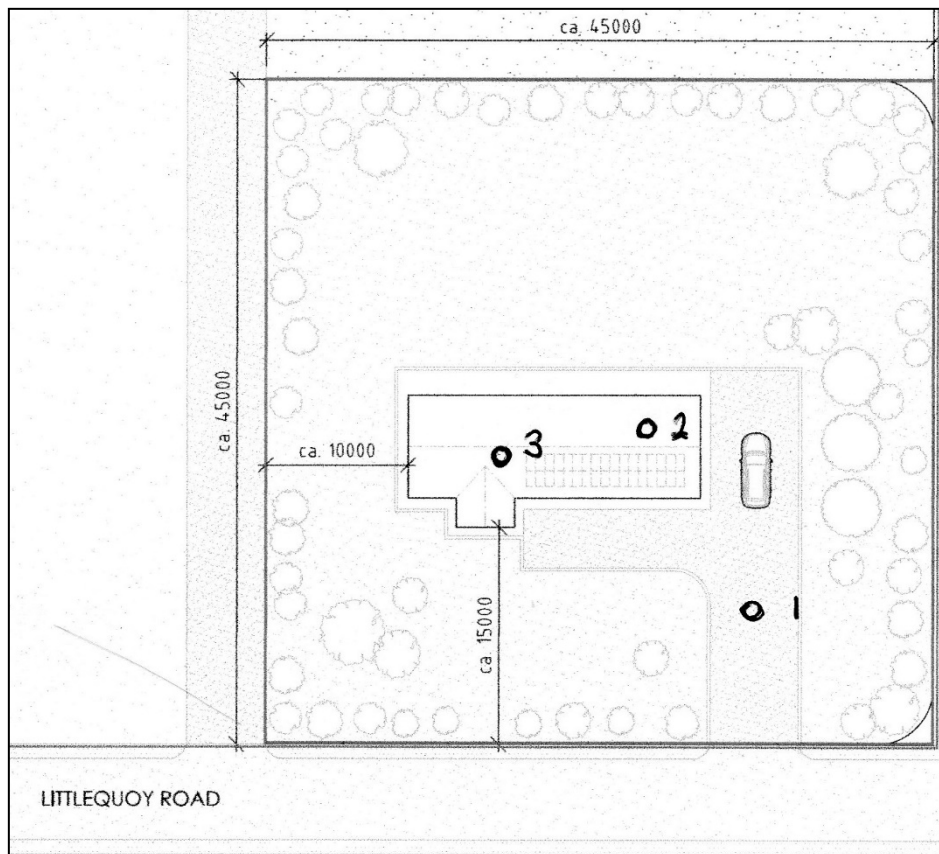
There is no sphagnum moss or heather growing at Hillbanks.

Soil Description

There is therefore NO peat in either of the fields – and specifically, in the proposed building plot area. Having dug down to plant many trees, and to make the pond, the soil profile is well known and understood. The area has black loamy soil between 30 to 50cm deep, over red sandstone.

Three soil pits have been opened across the proposed plot, the first within the area for drive access from the main road, with the remaining 2 within the footprint of the proposed house. Locations are shown on the plan below.

Figure 1 Location of soil pits within the proposed building plot



As can be seen from the photos, all these show the same uniform black loam before hitting red sandstone.

Each pit shows a very thin O (organic) horizon, made up of dead grass and grass roots; a thick (30 - 50cms) rich, black topsoil, or A horizon, with fine roots, worms and soil fauna/insects; and the C horizon, of decomposed sandstone that is hard and requires heavy breaking to dig.

There is no E horizon of eluviation (loss of minerals) and no B subsoil horizon, which is usually lighter in colour than the topsoil A horizon, collecting the leached minerals from the E horizon.

Figure 2 Photo looking to the east, showing relative location of the three soil pits, with Pit 3 in the foreground; Pit 2 marked with a rake to the left; and Pit 1 marked with a spade to the right.



Figure 3 Pit 1 – Located in the proposed drive access road



Figure 4 Pit 2 - Located within the footprint of the proposed house to the east side

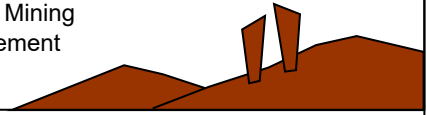


Figure 5 Pit 3 - Located within the footprint of the proposed house to the west side



SKAPA MINING SERVICES

Consultants in Sustainable Mining
and Environmental Management



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Wind Turbine Generator Noise Assessment Desktop Calculation Report

**Submitted in support of Application for Planning Permission in
Principle for proposed new build house (one-for-one) at
Hillbanks, Littlequoy Road, Burray, Orkney.**

24/250/PIP

5th September 2024

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Glossary

Sound Pressure – Deviation of pressure from local ambient atmospheric pressure caused by sound. Depends on variable factors such as distance to source, reflective surfaces, etc.

Sound Pressure Level – 20 times the base 10 logarithm of the ratio of Sound Pressure to a Reference Pressure of 20×10^{-6} Pa.

Sound Power – The rate at which sound energy is emitted from a source per unit time. Sound Power is a property of a sound source independent of where the sound source is placed.

Sound Power Level – 10 times the base 10 logarithm of the ratio of Sound Power to a Reference Power of 10-12 W.

A-weighted – Weighting applied to Sound Pressure Level to account for the dependence of loudness perceived by humans on frequency. Humans are less sensitive to low and high frequencies, so those frequencies are reduced. A-weighted Sound Pressure Level or Sound Power Level is given in 'dB(A)'.

F-weighted – Weighting applied to Sound Pressure Level to account for the dependence of loudness perceived by humans on intermittency of sound. Humans are less sensitive to instantaneous changes in sound pressure level, so 'smoothing' is applied to reduce the impact of sudden changes in sound pressure level.

LAeq,T - Equivalent Continuous A-weighted Sound Pressure Level – The A-weighted Sound Pressure Level of continuous sound that has the equivalent A-weighted Sound Pressure level of a sound that varies in time, T.

LAF90,T - A-weighted, F-weighted, Sound Pressure Level Exceeded 90% of the time – The A-weighted, F-weighted Sound pressure level which is exceeded for 90% of a given measurement period, T.

Summary

The sound level L90 dB(A) from the KW6 wind turbine generator (WTG) at Hilltoft, Littlequoy Road, Burray, KW17 2SX has been calculated at a distance of 15 m from the 'Noise Sensitive Receptor', the proposed development of a replacement one-for-one house, at Hillbanks, Burray Orkney, KW17 2SX. The calculated level is L90 24.33 dB(A) at wind speed 10 m/s at 10 m from ground level. The Noise Sensitive Receptor height is assumed to be 1.5 m.

The planning condition for the wind turbine states that a level of L90 35 dB(A) under the same conditions should not be exceeded. The calculated level is well under the limit level and therefore meets the planning condition.

Calculations were undertaken based on the guidance provided in the following documents:

- Renewables UK (Previously British Wind Energy Association) Small Wind Turbine Performance and Safety Standard 29 Feb 2008 [1].
- IOA Good Practice Guide to the application of ETSU-R-97 for the assessment and rating of wind turbine noise [2].

1 Introduction

A Kingspan-Wind KW6 Wind Turbine Generator (WTG) is installed at the property of Hilltoft, Littlequoy Road, Burray, KW17 2SX.

Planning permission for the WTG was approved by Orkney Islands Council on 18th January 2016, see planning application reference: 15/498/TPP .

The proposed development (24/250/PIP) is to erect a one-for-one replacement single-story home approximately 215m north of the turbine, at the top (southern end) of the eastern field of the Hillbanks property, Burray, Orkney. It is required that a noise assessment is undertaken for any wind turbines within 250m from the proposed development - to determine the compliance of the proposed development with the existing wind turbine's planning conditions.

The existing wind turbine is just short of 200m from the closest point within the curtilage of the proposed site land and approximately 215m from the proposed new building. The wind turbine hub is in direct line of sight from the site, but behind the host property at Hilltoft.



Figure 1 Google map image Distance to closest point of the proposed house development

Note: There is another wind turbine in vicinity, located on the property of Lower House, Littlequoy Road, Burray, Orkney, KW17 2SX, to the northwest of the proposed development, but this has been measured at greater than 250m distance.

2 Context

The PIP application submitted for this new build requires a desk-based wind turbine generator noise assessment for any turbines located within 250m of the proposed build site, as per the following instructions (OIC Planning Department Email of 19th August, 2024, re 24/250/PIP), which gives the wind turbine noise level that should be not exceeded:

Noise Impact Assessment

A wind turbine (and/or wind turbine approval) is located within 250 metres of the application site area. As proposed development for a noise sensitive use it must be confirmed that this wind turbine (and/or approval) would not cause any unacceptable amenity impacts to the occupants of the proposed development. Submit a desk-based Noise Impact Assessment to evidence that noise emissions from the wind turbine (including the application of any tonal penalty) would not exceed a sound pressure level of 35dB LA90, 10 mins, within the curtilage of the proposed development, at wind speeds up to an including 10m/s, standardised/measured to a height of 10m or as otherwise specified within the noise emission conditions within the relevant permission. Noise emissions should be calculated having regard to BWEA/Renewable UK guidelines and that the assessment undertaken should be carried out independent of manufacturer's specifications by an appropriately qualified person and detailed in full. Note the requirements provided within Development Management Guidance 'Wind Energy: Definitions Associated with Noise Assessments' (2023) available here: <https://www.orkney.gov.uk/media/4i4de2yh/wind-energy-noise-assessment-definitions.pdf>

3 Scope

Skapa Mining Services Ltd has used the following information/standards to predict the noise from the WTG at Hilltoft to the planned development (24/250/PIP) as the Noise Sensitive Receptor.

- Renewables UK (previously British Wind Energy Association) Small Wind Turbine Performance and Safety Standard 29 Feb 2008 [1].
- IOA Good Practice Guide to the application of ETSU-R-97 for the assessment and rating of wind turbine noise [2].
- KW6 Planning Support Document, Certification Number TUV 0008, Kingspan Wind. [3].
- KW6 product specifications (in KW6 Planning Support Document) [3].
- Renewable Energy Hub - Kingspan KW6 Specifications: https://www.renewableenergyhub.co.uk/uploads/products/11313/product_brochures/Kingspan-KW6.pdf [4]
- Earthmill - Kingspan KW6 Wind Turbine: <https://www.earthmill.co.uk/wind-turbines-for-sale/small-wind-turbines/kingspan-kw6-6kw-wind-turbine/> [5]

- Dimensions of installed turbine approved by Orkney Islands Council [6].
- Distance between development and wind turbine measured on Google Maps.

4 Methodology

The noise level due to the wind turbine in unit dB(A) L90, at 10 metres from the curtilage of the proposed new build (NSR), at a wind speed of 10 m/s at a measured/standardised height of 10 m, is required to be calculated. The planning condition is that this measure shall not exceed L90 35 dB(A).

4.1 Given Data

- Turbine: Kingspan Wind KW6
- Hub Height: 15 meters
- Turbine Grid reference location: N996584/E346565
- Distance to Receptor: 196.25 meters
- Sound Power LWd,8m/s: 88.3 dB(A)
- Sound Power Level at 8 m/s: 56 dB(A) at 60 meters
- Noise Slope: 1.62 dB/m/s
- Noise Penalty: 0 dB
- Roughness Length (z): 0.05 meters

4.2 Sound Power Level

The sound emission of the KW6 6kW WTG is stated to be 56 dB(A) at 60 meters slant distance at a wind speed of 8 m/s [4], so we can calculate the Sound Power Level at the hub height of the turbine, which is 15 m:

The Noise Slope of the KW6 WTG is 1.62 dB/m/s [3].

$$SdB = 1.62 \text{ dB/m/s}$$

The Noise Penalty of the KW6 wind turbine is 0 [3].

$$P = 0$$

The Sound Pressure Level of noise due to the WTG alone at wind speed V at height H is as follows, extrapolated from [1]. U is the wind speed at height H at which the Sound Power Level is stated.

Equation 1

$$Lp,(Vms@Hm) = LWd,(Wms@Hm) + SdB*(V-U) + P - 8 - 20*\log_{10}(X)$$

Re-arranging Equation 1, the Sound Power Level of the KW6 WTG at a wind speed of 8 m/s at the hub height of the turbine is calculated using:

$$LWd,8m/s = 88.3 \text{ dB(A)}$$

$$LWd,8m/s@15m = 76 \text{ dB(A)}$$

The noise level of the wind turbine at the NSR is required to be calculated for a wind speed of 10 m/s at a height of 10 m, so it must be determined what the wind speed at a height of 10 m would be for the stated Sound Power Level of the WTG. This is done using Equation 2, taken from [2]:

Equation 2

$$U_1 = U_2 \cdot \ln(H_1/z) / \ln(H_2/z)$$

Where U_1 is the wind speed to be calculated, U_2 is the measured wind speed, H_1 is the height of the wind speed to be calculated, H_2 is the height of the measured wind speed, and z is the roughness length, which is taken as 0.05 m [2].

Using Equation 2 to find the equivalent wind speed at 10 meters:

$$\text{Wind Speed at 10m } (U_1) = 7.42 \text{ m/s}$$

Therefore, using Equation 2, the equivalent wind speed at a height of 10 m is 7.42 m/s, so:

$$L_{Wd, 7.42 \text{ m/s@10m}} = 76 \text{ dB(A)}$$

4.3 Geometry

The slant distance, X , of the NSR to the turbine has been determined. The horizontal distance from the wind turbine is 196.25 m, the receptor height is assumed to be 1.5 m (i.e. head height), the hub height is 15 m and the sound pressure level at the NSR is required. $X = \sqrt{(196.25)^2 + (15 - 1.5)^2}$:

$$X = 196.71 \text{ m}$$

4.4 Sound Pressure Level at Receptor

Using Equation 1 to calculate the level of noise due to the WTG alone at wind speed V (10 m/s) at height H (10 m) at slant distance X (196.71 m) due to the WTG with Sound Power Level L_{Wd} at wind speed U (7.42 m/s) at height H (10 m), the following result is found:

$$L_{P, 10\text{m/s@10m}, 196.71\text{m}} = 26.33 \text{ dB(A)}$$

$$\text{Sound Pressure Level at Receptor} = 26.33 \text{ dB(A)}$$

4.5 Adjusting dB(A)_{eq} for LA90

In order to approximate the difference between the equivalent A-weighted sound pressure level given by Equation 1 and the A-weighted sound pressure level which is exceeded 90% of the time, which is a statistical measure, a correction of -2 dB is applied to the calculated sound pressure level, according to [2], so that the calculated level and the planning condition may be compared.

$$L_{P, 10\text{m/s@10m}, 196.71\text{m}} = 26.33 - 2 = 24.33 \text{ L90 dB(A)}$$

$$\text{Sound Pressure Level at Receptor} = 24.33 \text{ L90 dB(A)}$$

5. Results

It is calculated that at a wind speed of 10 m/s at 10 m above ground level, at a distance of 196.25 m from the turbine to the closest point to curtilage of the proposed new build (NSR) at a height of 1.5m, the noise emission of the turbine is calculated as:

L90 24.33 dB(A)

As the planning condition is not to exceed L90 35 dB(A) at a wind speed of 10 m/s at 10 m above ground level at the proposed site, the predicted sound level from the WTG meets the planning condition.

6 Conclusion

The sound level L90 dB(A) from the KW6 wind turbine generator (WTG) at Hilltoft, Littlequoy Road, Burry, KW17 2SX has been calculated for the closest point of the curtilage of the proposed build at land near Hillbanks, Littlequoy Road, Burray, Orkney, at a distance of 196.25m from the turbine and approximately 15 m from the proposed building (approximately 211m from the turbine). The calculated level is L90 24.33 dB(A) at wind speed 10 m/s at 10 m from ground level. The Noise Sensitive Receptor height is assumed to be 1.5 m.

As the planning condition for the wind turbine states that a level of L90 35 dB(A) under the same conditions should not be exceeded, the predicted level meets the planning condition.

Calculations were undertaken following guidance in:

- Renewables UK (previously British Wind Energy Association) Small Wind Turbine Performance and Safety Standard 29 Feb 2008 [1].
- IOA Good Practice Guide to the application of ETSU-R-97 for the assessment and rating of wind turbine noise [2].

Dr S M Struthers

Skapa Mining Services

September 2024

Appendix A

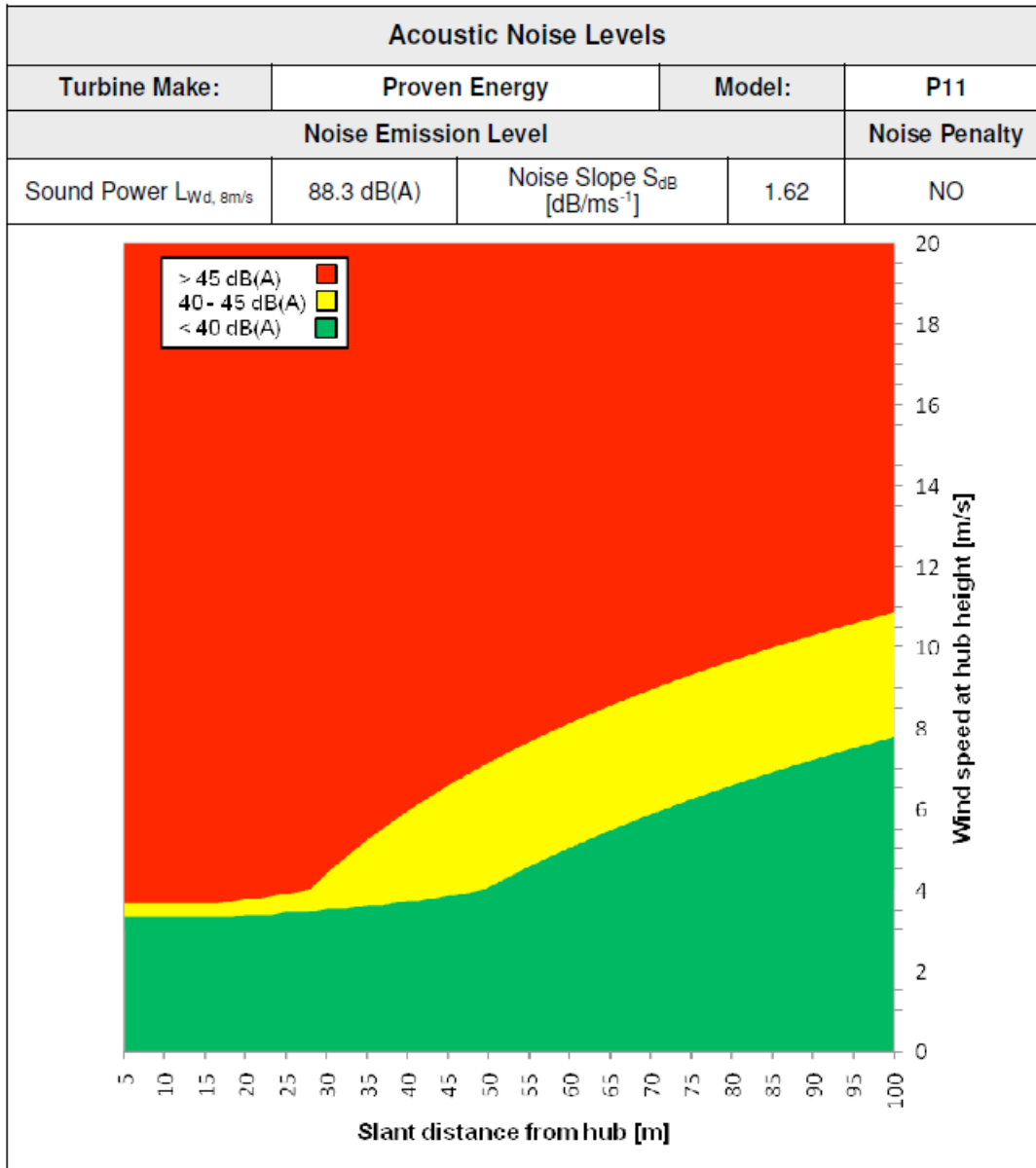
Contributing personnel: Dr Sue Struthers (with input from various specialists)

Qualifications: PhD Environmental Engineering

Experience: 27 years environmental engineering consultancy, including noise assessments for multiple ESIA's.

Appendix B

Noise Emission Map for KW6 turbine



Appendix C

Product Specifications:

Rotor

Type: Downwind, 360 degrees free yawing

Speed control: Self-regulating

Blades: 3 blades, passive coning and pitch control

Rotor diameter: 5.6m

Rated speed: 11m/s

Rotor thrust: 10kN

Generator

Type: Brushless permanent magnet, direct drive

Output: Grid connect, battery charging (48V)

Tower

Type: Self-supporting monopole

Hub height: 15m (hinged or hydraulic tower)

Pad foundation

3.80m x 3.80m x 1.00m (max.)

Root option also available

Weights

Wind turbine: 600kg

Performance

Cut-in wind speed: 3.5m/s

Max wind speed (survival): Designed to Class 1 (70m/s), Tested to Class 2 (59.5m/s)

Rated Power: 5.2kW (at 11m/s measured at hub height)

Peak Power: 6.1kW

RAE: 8,949kWh as certified by TUV NEL (at 5m/s measured at hub height)

Build materials and colours

Frame: Galvanised steel, grey (not visible)

Blades: Glass thermoplastic composite, black or white

Covers: Plastic. Black (RAL 9005) or White (RAL 9003)

Towers: Galvanised steel, grey

BIODIVERSITY PLAN

The following Biodiversity Plan is submitted in support of the planning application 24/250/PIP, for a one-for-one new build, at Hillbanks, Burray, Orkney, KW17 2SX.

History

The two fields that make up the Hillbanks property beyond the garden curtilage have previously been used for sheep and ponies, with occasional cutting for silage.

Since 1998, (under the current ownership), the following activities have been undertaken on the fields:

1998 – 2003 – left fallow and rough grazing

2003 – 2004 – one field seeded and harvested with long-stemmed barley

2003 – 2007 – grazing for ponies

2007 – 2021 – grass annually baled and taken for silage and/or cattle shelter, latterly by Magnus Spence (Farmer) During this time, willow trees were planted every year along the field boundary fences, initially in a single line, but widening out progressively. Final grass cut by Mr Spence was limited and complicated by the amount of tree coverage extending out into the fields.

Since 2021, the grass has been allowed to grow wild with no cutting apart for pathways and some veggie patch and recreational clearings close to the house at the bottom of the fields.

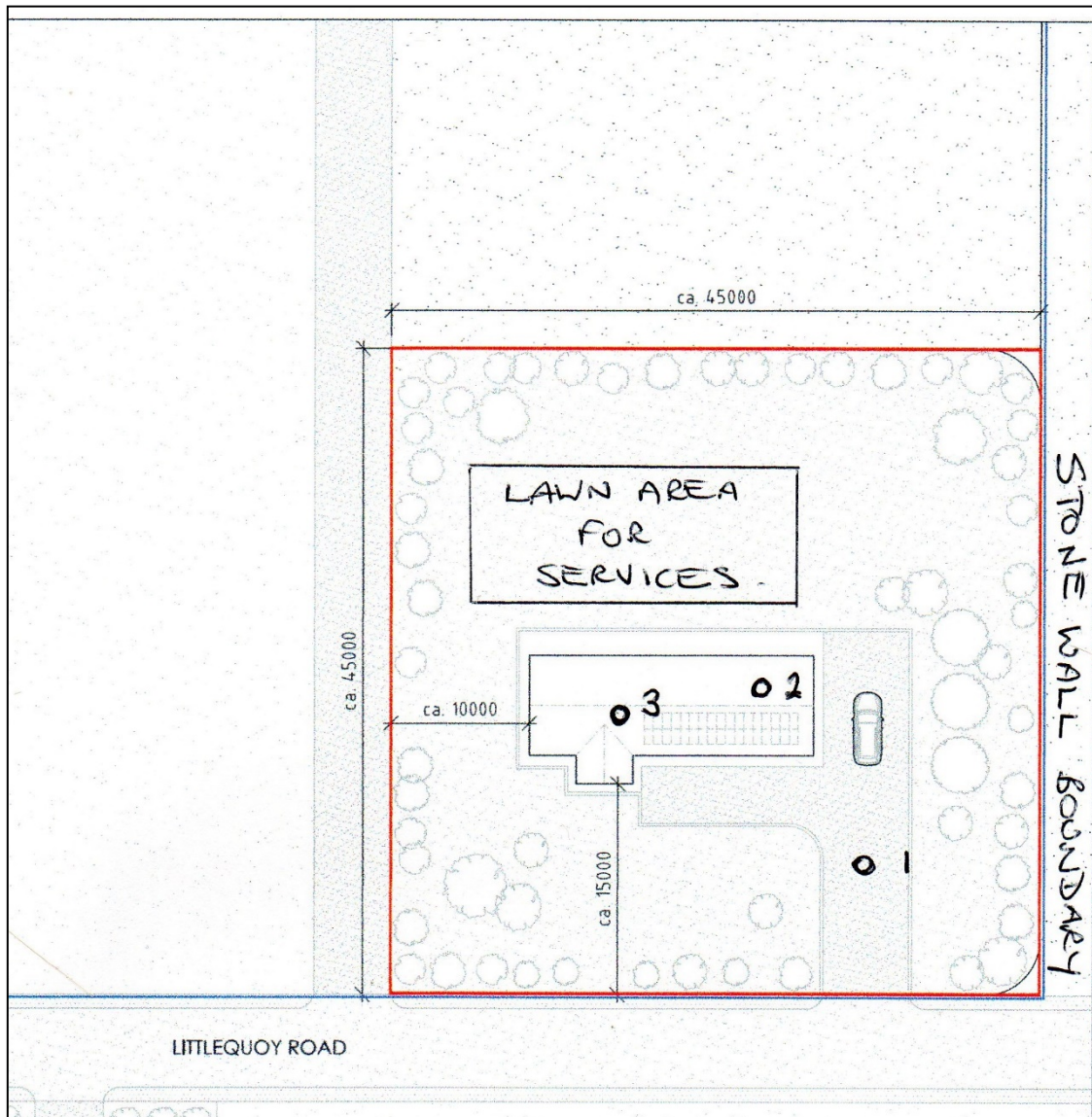
At the same time, hundreds of tree and shrub cuttings- and hundreds of bare-rooted saplings (from the Woodland Trust) have been planted in both fields as part of a 're-wilding' project.

Many of these small trees are now well established across the fields.

From this starting point, the proposed new house plot will already have a good amount of tree cover, along the top roadside fence line and down the boundary fence line to the neighbouring property of Standingstone to the east. Note that this boundary has an old stone wall that also provides habitat and safe refuge for rabbits and other small mammals. A large pond has been established halfway down the field as part of the re-wilding, but this is beyond the proposed plot.

The intention for the proposed new house plot is to continue developing tree and shrub cover around the perimeter, including down the proposed western boundary against the current Hillbanks driveway road access, with some area to lawn to accommodate the proposed ground-source heat pump groundworks (which must be clear of tree root risk); the proposed septic tank and downslope soak-away; and a drying area with clothes-line. These have not yet been firmly located within the plot, but will be close to the house, to the western side and mostly downslope. A rough and initial proposed plan is given below.

Figure 1 Plan showing trees and lawn area for services as described above



Species

The trees that have been planted to-date have been specifically chosen as either Orkney natives and/or for attraction of birds and other wildlife. These include:

- Willow – grey-stemmed native, Balfour willow and goat willow
- Hazel
- Oak
- Wild cherry
- Downy birch
- Silver birch
- Blackthorn

- Rowan
- Elder
- White beam
- Hawthorn
- Crab apple
- Dogwood
- Larch
- Juniper
- Various pine trees (Ex- Christmas trees)
- Pre-existing *Rosa rugosa*, bramble and honeysuckle

Other species planted include pampas grass, hebe, escallonia, fuschia, ferns,

In the grass area there are a wide number of grasses and wild meadow flower species, including couch grass, cocksfoot, yorkshire fog, meadow foxtail and Timothy grasses, with daisy, dandelion, buttercup, clovers, yellow rattle, plantain, jacob's ladder as well as Orkney orchids.

The thick and varied ground cover has attracted many small mammals including Orkney voles, mice and hedgehogs which in turn support a hen harrier and an owl, both of which constantly patrol the fields.

There are wrens, sparrows, blackbirds and starlings already in the fields as well as chaffinch and occasional greenfinch and goldfinch.

All of these species, and new ones, will be further encouraged when the house plot is developed. Swift boxes will be put up on the roof eaves, and once big enough, nesting boxes in the trees. Insect hotels will also be put amongst the trees and there will also be some wood piles for insects and hedgehogs.

The following photos show the current existing tree and grass cover in the proposed building plot.

(a)

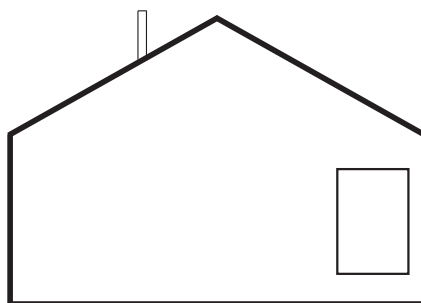
(b)



Figure 3 Existing trees on boundary with neighbour, showing new pond and stone wall



Design & Access Statement Proposed New Dwelling



2025-08-24

Hillbanks
Burray
Orkney

Contents

Introduction

1.0 Site Context and Proposed Development

2.0 Design Principles and Architectural Language

3.0 Planning Policy Context and Justification

3.1 Compliance with Planning Policy

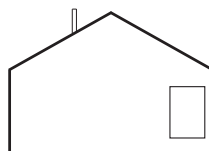
3.2 Precedent and Pattern of Development Along Littlequoy Road

3.3 Addressing Orkney's Housing Shortage

3.4 Demonstrable Planning Benefits of the Proposed Location

4.0 Access Statement

5.0 Conclusion



Introduction

This Design and Access Statement supports the full planning permission application for a new single-story dwelling at Hillbanks, Littlequoy Road, Burray, Orkney. The proposal aims to create a highly energy-efficient, two-bedroom home, allowing the current owner to downsize and remain within the local community, while also releasing a larger family home to the market.



Sketch visualisation of proposed new house

1.0 Site Context and Proposed Development

The proposed site is located approximately 15 meters from Littlequoy Road and 10 meters from the new western plot boundary, within a larger landholding currently associated with Hillbanks property. The site is situated in an area previously identified as a Local Housing Area (LHA) under the 2004 Development Plan, which permitted a number of dwellings along Littlequoy Road. The proposed development involves subdividing the existing Hillbanks plot into two separate parcels.

The new house is designed as an understated, single-story, pitched-roof volume with a total footprint of approximately 130m². The form and scale have been deliberately developed to complement the local vernacular and architectural language of Orkney, and specifically of Burray. This approach ensures the development is "suitably scaled, sited and designed to be in keeping with the character of the area," a key objective encouraged by NPF4 Policy 17 and consistent with the principles of the 2004 Local Development Plan. The proposed dwelling is a contemporary adaptation of these traditional forms, allowing for an integration with the surrounding rural aesthetic while meeting modern living standards.

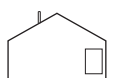
A new access and driveway from Littlequoy Road is planned towards the east end of the new plot. The current driveway will continue to serve Hillbanks.

Design & Access Statement Proposed New Dwelling

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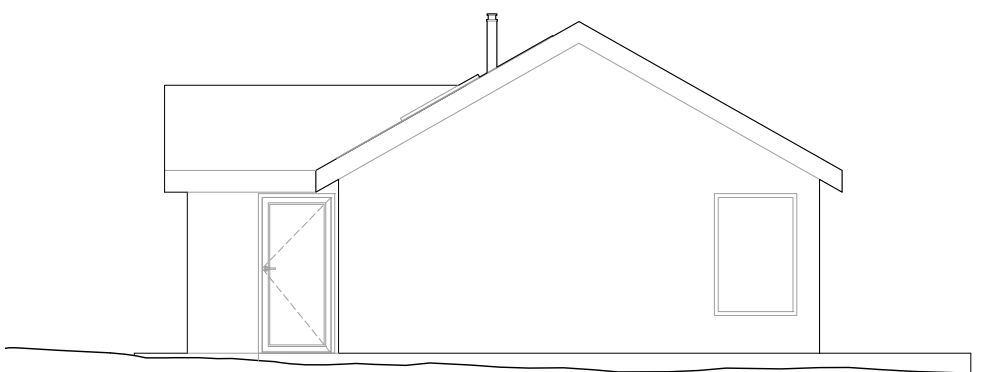
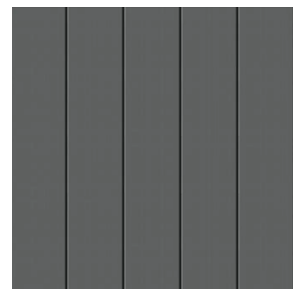
2.0 Design Principles and Architectural Language

The architectural design of the proposed dwelling is rooted in the desire to blend discreetly into the site and to reflect the agricultural heritage and local built environment and vernacular of Orkney. The building's form is inspired by traditional barn and croft typologies prevalent in the area. These are characteristically utilitarian, featuring robust construction, simple pitched roofs, and low eaves, designed to be functional and resilient within the challenging Orkney landscape. This design choice ensures the house sits harmoniously within the landscape, rather than appearing incongruous or intrusive. The orientation of the house, parallel to both the shoreline and Littlequoy Road, further enhances its contextual fit, mirroring the pragmatic siting of traditional agricultural buildings.

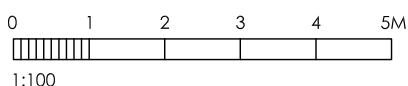
Materials currently under consideration for the external walls include stone cladding or white lime harling, with either a dark grey standing-seam metal or a Welsh slate roof. Photovoltaic panels are planned for the south-facing slope to optimise solar energy capture. This material palette is part of an ongoing design process. The use of expressed stone facades is particularly relevant, drawing inspiration from nearby barns and crofts, which frequently utilize local stone. Significantly, both neighbouring properties, Lowerhouse and Standingstones, are also stone-clad. This option would ensure the proposed dwelling aligns with the existing character and established development patterns of Littlequoy Road.

The intention is that the house sits downslope from the road and be surrounded with trees and shrubs, helping it to blend into the 're-wilding environment' of the Hillbanks fields, and minimizing visual impact. This aligns with the objective to "fit into the landscape" and reduce any "landscape and visual impacts".

High energy efficiency is a core design principle. The construction will incorporate maximum insulation, integrated solar roof panels, and a ground-source heat pump water system, with the potential for a free-standing micro wind turbine. Furthermore, the robust outer walls, potentially constructed from stone cladding or masonry, will provide significant thermal benefits. The inherent mass of these materials offers excellent thermal inertia, helping to regulate internal temperatures by absorbing heat during the day and releasing it slowly at night, while retaining warmth in colder conditions. This 'thermal flywheel' effect reduces reliance on active heating and cooling systems, contributing to a stable and comfortable indoor environment and further enhancing the dwelling's overall energy performance.



ELEVATION : EAST

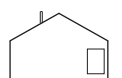


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3.0 Planning Policy Context and Justification

This application demonstrates full compliance with relevant planning policies and offers compelling justifications for the proposed development.

3.1 Compliance with Planning Policy

The proposed development aligns with contemporary planning policies that encourage new builds in rural areas where they are suitably scaled, sited, and designed to be in keeping with the character of the area, especially on sites previously allocated for housing. The Orkney Local Development Plan vision includes supporting 'positive aging' by tailoring environments for individuals to retain independence and quality of life as they age. This proposal directly contributes to this outcome by providing a suitable, accessible, and high-quality home for an older person, while also offering a property that could attract young families in the future.



Bird's-eye perspective of Hillbanks and proposed site of new dwelling.

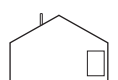
The new building is conceived to blend in, sit well within the landscape and to limit its visual impact. The materiality, form and proposed placement and the way the new house volume sits within the existing sloping field that is already well below the road, integrates with the already established pattern of single houses along the road. It is also the intention that the landscaped garden with existing trees and shrubs will fit in well with the "re-wilding environment" of the Hillbanks fields. Littlequoy Road, while rural, is not strictly agricultural, with many residential properties already containing gardens and tree plantings. The proposal provides an appropriate and useful housing addition within what was previously a Local Housing Area. The proposal offers "demonstrable planning benefits for an alternative location" as outlined in relevant guidance, such as OIC Policy 5E Housing in the Countryside.

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3.2 Precedent and Pattern of Development Along Littlequoy Road

Crucially, the proposal is situated in an area previously designated as a Local Housing Area under the 2004 Development Plan, which allowed residential development along Littlequoy Road, Hillside. This policy led to the construction of ten “new” properties over the last 20 years, establishing a clear pattern and rhythm of development along the road. (See map below)



This includes the properties of Mayfield and Dunromin, both new builds situated immediately adjacent to the proposed build site along Littlequoy Road. Furthermore, and significantly, a Planning Permission in Principle application (12/454/PIP) for an almost identical proposed build at the top of the field in the neighbouring property of Lowerhouse was granted in 2012, demonstrating previous acceptability of such development in this specific area.

The Planning Handling Report for this 2012 PIP application stated as part of the ‘Reasons for Approval’ that:

“Although there have been a significant number of new dwellings granted planning permission in this LHA, the Interim Planning Guidance States that there is capacity to the north west of the LHA. The proposed site is located in the north west of Hillside and would comply with this.”

Being next door, the current proposal at Hillbanks would thus have also complied.

“The site would have a similar relationship to the road and to the existing buildings at Lowerhouse as the proposed dwelling plot (which was subsequently developed as the property Mayfield) granted planning permission at Standingstones, some 240m to the east has to the road and dwelling and buildings at Standingstones. Therefore, it’s positioning would be considered similar to others in the area.”

This demonstrates that such position relative to the road and other dwellings is compatible with existing builds.

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While current policy may have evolved regarding development along the road, the existing pattern and precedent established by earlier policies cannot be ignored. The proposed development acknowledges this established rhythm and seeks to continue it in a sensitive and appropriate manner.

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3.3 Addressing Orkney's Housing Shortage

Beyond the specific site context, this proposal offers a valuable contribution to addressing Orkney's recognized housing shortage. By enabling the applicant to downsize, the proposal directly frees up a large 5-bedroom family home for the Orkney housing market. Ultimately, it will also add a new, high-quality, environmentally sound bungalow to the housing stock, suitable for elderly, disabled, or young family residents. This dual benefit is particularly relevant in the context of Orkney's housing needs, providing a family home and a smaller, more accessible dwelling.

The 2017 LDP Visions for Orkney (VS.3) support 'positive aging' by tailoring environments to allow individuals to retain independence and quality of life as they grow older, and also emphasize attracting and retaining young families by creating high-quality settlements and vibrant communities. The proposed build allows the applicant to retain independence and quality of life; and will ultimately offer a high-quality property suitable for a young family within a vibrant community.

3.4 Demonstrable Planning Benefits of the Proposed Location

The chosen location at the top of the field, adjacent to Littlequoy Road, offers significant demonstrable planning benefits as per OIC Policy 5E Housing in the Countryside, Section 3.10. This location:

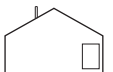
- Avoids use of the existing long, steep driveway, which can be inaccessible in adverse weather conditions.
- Eliminates the need to construct a new driveway down the field, thus preventing unnecessary loss of land.
- Allows for easy access to all service lines (electricity, water, phone/IT) directly from the main road, avoiding the need to spur off or run new service routes down the field from Hillbanks.
- Provides improved drainage and space for a proposed septic tank and soakaway downslope to the north.
- Enhances the efficiency of roof solar panels by positioning them further up the north-facing slope.
- Ensures compatibility with existing housing development already present along Littlequoy Road.
- Offers suitable relocation appealing to aesthetics, surroundings, biodiversity, and environment.
- Avoids close neighbouring development with reduced privacy for the remaining Hillbanks property.

The new house would sit ca. 160m from the current Hillbanks house. The main ambition of the proposed new build is to provide a future-proofed residence with easy access to the road and thus to public transport on the main A961 road to Kirkwall or to St Margaret's Hope, without the long, steep driveway from the current Hillbanks property (which is difficult in adverse weather conditions).

The rationale for positioning the proposed new build at the top of the field, rather than on the footprint of the existing nissen hut at the bottom of the land parcel, or as a subdivision of the Hillbanks garden curtilage, is that there are "demonstrable planning benefits for an alternative location such as landscape and visual impacts, flooding, built heritage, natural heritage or road safety" (Ref. OIC Policy 5E Housing in the Countryside, 3.10).

The proposed new house would be positioned towards the top of the new plot, approximately 15m from Littlequoy Road, and 10m from the new plot boundary to the west. The current driveway would continue to serve as the access for the existing residence, Hillbanks.

The fence line adjacent to the driveway would establish the western boundary for the new plot, and a new access/driveway from Littlequoy Road is planned towards the east end of the new plot.

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The proposed site location is in keeping with the character of the surrounding rural area and, far from being incongruous and intrusive, will blend in and sit naturally in the landscape. Only four properties along Littlequoy road are actively 'farming' their land between the A691 and Greenvale. Most properties have gardens and there is already a lot of tree planting. The proposed development is below the road and will be dug into the slope. As a single-story build and surrounded by trees and shrubs, it will not be 'prominent' in the landscape.

National Planning Framework 4 (NPF4)

In addition to the policies in the 2017-2022 Development Plan, it is understood that development of single housing in rural settings will be supported by the new NPF4, to be implemented in 2025. NPF4 aims to address the shortage of housing by allowing building in rural settings where it is designed to blend into existing neighbourhood landscapes, aligning with the "Rural Revitalisation" Spatial Principle.

Relevant NPF4 policies from the "Sustainable Places" section include:

Policy 2: Climate Mitigation and Adaption (supports the construction of an eco-build bungalow).

Policy 3: Biodiversity (the build is set within an existing re-wilding project).

Policy 6: Trees (the plot already has multiple tree plantings).

Policy 11: Energy (the proposal includes maximum insulation and renewable energy sources).

Relevant NPF4 policies from the "Liveable Places" section include:

Policy 14: Design, quality and place (the sympathetic architectural design is considered and compatible).

Policy 15: Local living and 20-minute neighbourhoods (the site is 10 minutes from a bus route and a 20 minute walk to Burray village).

Policy 16: Quality homes (the architectural eco-design promotes easy living and high specifications).

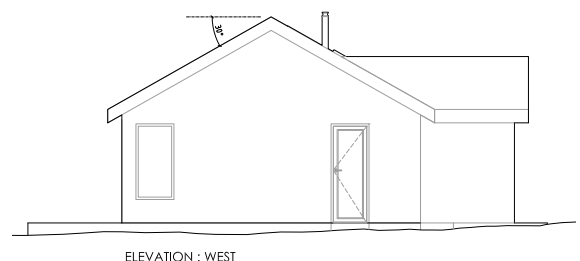
Policy 17: Rural homes (the proposal is suitably scaled, sited, and designed to be in keeping with the character of the area and is on a site previously allocated for housing within the 2004 LDP).

4.0 Access Statement

The proposed new access and driveway from Littlequoy Road towards the east end of the new plot will provide short, easy, and all-year access for the residents. The site provides ample parking with two dedicated spaces. The location also offers easy access to public transport routes on the main A961 road to Kirkwall or St Margaret's Hope. The proposed site is set down from the road ensuring good visibility from the new access point.

5.0 Conclusion

This application presents a well-considered and sensitively designed single-story dwelling that aligns with the established character and development patterns of Littlequoy Road. The proposed house incorporates high energy efficiency standards and provides significant planning benefits, including addressing Orkney's housing shortage by freeing up a large family home and adding a new, accessible dwelling to the housing stock. The design responds directly to the local vernacular and effectively mitigates any potential landscape or visual impacts through its form, siting, and integration with existing and proposed planting.

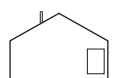


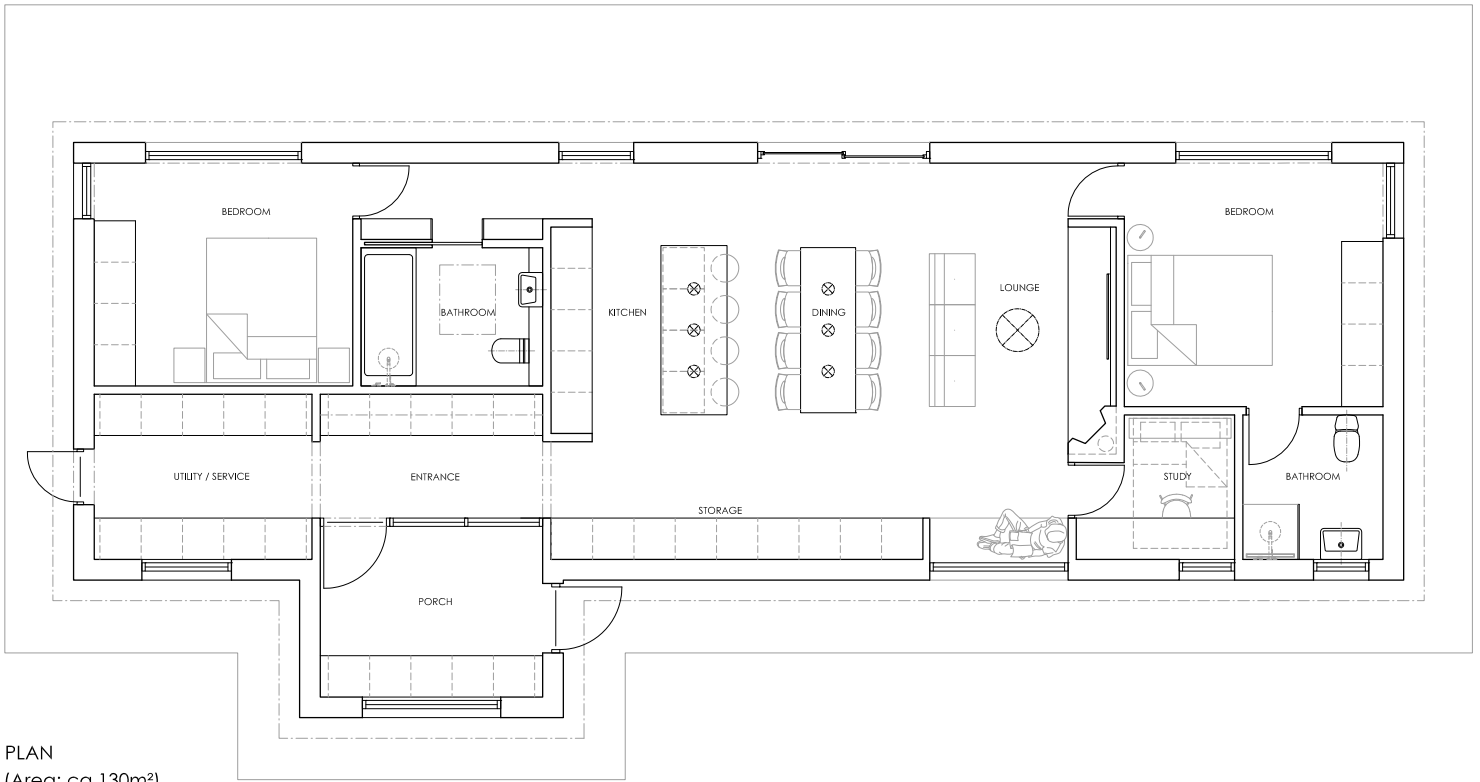
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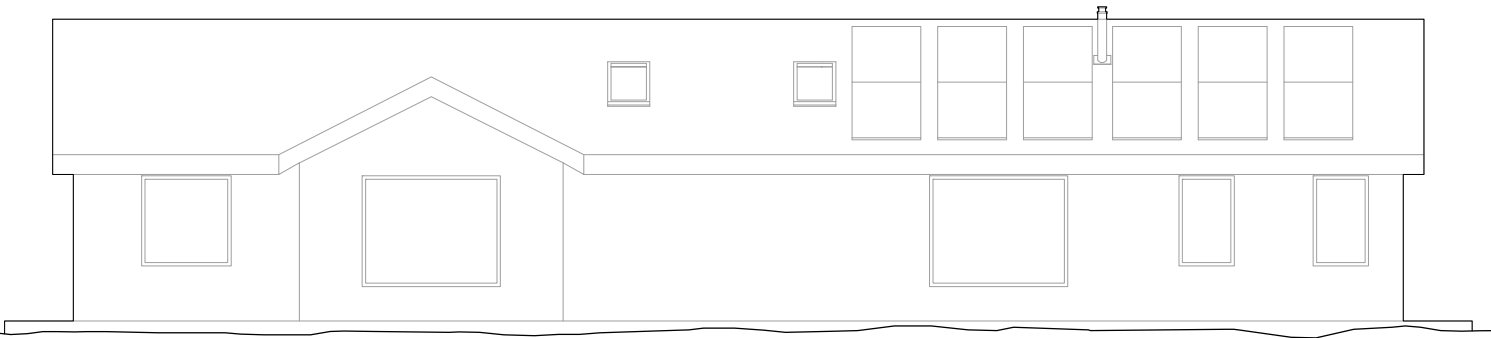
Address
Hillbanks,
Burray,
Orkney,
KW172SX

Applicant
Sue Struthers





PLAN
(Area: ca.130m²)



ELEVATION : SOUTH



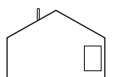
ELEVATION : NORTH

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Applicant
Sue Struthers

Address
Hillbanks,
Burray,
Orkney,
KW172SX



INFRASTRUCTURE AND ORGANISATIONAL DEVELOPMENT

Corporate Director: Hayley Green, MBA (Public Service)
Council Offices, Kirkwall, Orkney, KW15 1NY

Tel: 01856 873535 Website: www.orkney.gov.uk
Email: planning@orkney.gov.uk



24th October 2025

Dr Sue Struthers
Hillbanks
Burray
ORKNEY
United Kingdom
KW17 2SX

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997, as amended DEVELOPMENT MANAGEMENT PROCEDURE (SCOTLAND) REGULATIONS 2013 INVALID APPLICATION

Dear Dr Sue Struthers

Ref No: 25/344/PP
Type: Planning Permission
Location: Hillbanks, Littlequoy Road, Burray, Orkney KW17 2SX
Proposal: Erect a house and create an access

Invalid application

Your recent application has been assessed on 24th October 2025 and we are writing to confirm that your submission is not sufficient to legally validate the application.

An invalid application is one where the form and/or the content of information submitted has not met the requirements of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013.

An application must be accompanied by all relevant plans and drawings as are considered necessary by the planning authority to describe the development to which the application relates (Regulation 9(3)) and other matters, including the correct forms, certificates and appropriate fee.

In this case, the application was assessed as invalid in the following matters:

- 01. Location Plan**
Blue line to immediately buffer (but not enclose) red application site area (i.e. to match the site plan)
- 02. Site Plan**
Detail all hard and soft landscaping, including access, parking, paths, boundaries, planting
- 03. Floor Plan and Elevations**
Include external dimensions (length, breadth, eave and ridge heights)

Please note that the application cannot be made valid until all the above listed information is provided in accordance with statutory requirements.

To avoid further delay, all required information should be submitted as soon as possible. If the information is not submitted **within 28 days** of this correspondence, the application and all associated documents (and fee) will be returned to you and the application will not be processed.

Should you have any queries about the information required above please contact Development Management by email at planning@orkney.gov.uk or by telephone at the below number, using the extension provided.

Validation checks and issuing any requests for further information are carried out by different staff on different days. As such, there is no requirement to contact any particular member of staff in response to this invalid letter, and any queries can be answered by a technician on any given day.

Should you contact Development Management, simply confirm the application reference and that your contact is in relation to an invalid application.

Yours sincerely

Development Management
Planning and Regulatory Services
Infrastructure and Operational Development
Council Offices, School Place, Kirkwall, Orkney, KW15 1NY

Tel: 01856 873535 ext. 2504

Email: planning@orkney.gov.uk

Neighbour Notification List

From the 3rd August 2009 the responsibility for Neighbour Notification transferred from the applicant to Orkney Islands Council. The Council will send out Notices to those having an interest in land coterminous with or within 20 metres of the boundary of the land for which development is proposed. Where there are no premises on this land and where the Council is unable to identify a relevant address to which notification can be sent, it will advertise this in the local press.

Below is a list of the properties notified for this application.

Application Number 25/344/PP

- Dunromin, Littlequoy Road, Burray, Orkney Islands, KW17 2SX

Number of neighbours notified: 1

Neighbour Notification List

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Application Number 25/344/PP

- Dunromin, Littlequoy Road, Burray, Orkney Islands, KW17 2SX

Number of neighbours notified: 1

Wednesday, 03 December 2025



Local Planner
Development Management, Development and Infrastructure
Orkney Islands Council
Kirkwall
KW15 1NY

Development Operations
The Bridge
Buchanan Gate Business Park
Cumbernauld Road
Stepps
Glasgow
G33 6FB

Development Operations
Freephone Number - 0800 3890379
E-Mail - DevelopmentOperations@scottishwater.co.uk
www.scottishwater.co.uk



Dear Customer,

Hillbanks, Littlequoy Road Burray, Orkney, KW17 2SX
Planning Ref: 25/344/PP
Our Ref: DSCAS-0145460-6MB
Proposal: Erect a house and create an access.

Please quote our reference in all future correspondence

Scottish Water has no objection to this planning application. The applicant should be aware that this does not confirm that the proposed development can currently be serviced.

Please read the following carefully as there may be further action required. Scottish Water would advise the following:

Water Capacity Assessment

- This proposed development is within the Kirbister Water Treatment Works catchment. Single house developments; unless utilising private water sources, are required to submit a Water Connection Application via our Customer Portal to allow us to fully appraise the proposals. We recommend that this is done at the earliest opportunity to allow for network appraisal to be carried out ahead of development proceeding.

Waste Water Capacity Assessment

- According to our records there is no public waste water infrastructure within the vicinity of this proposed development therefore we would advise applicant to investigate private treatment options.

Please Note

The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works. When planning permission has been granted and a formal connection application has been submitted, we will review the availability of capacity at that time and advise the applicant accordingly.

Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should refer to our guides which can be found at <https://www.scottishwater.co.uk/Help-and-Resources/Document-Hub/Business-and-Developers/Connecting-to-Our-Network> which detail our policy and processes to support the application process, evidence to support the intended drainage plan should be submitted at the technical application stage where we will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

Next Steps:

Single house developments; unless utilising private water or drainage sources, are required to submit a Water Connection Application and Waste Water Application via our Customer Portal to allow us to fully appraise the proposals. Please note that Single House developments are not required to submit a Pre-Development Enquiry form (PDE) however local network capacity will be assessed on receipt of application forms.

Further information on our application and connection process for Single Household development can be found on our website <https://www.scottishwater.co.uk/Business-and-Developers/NEW-Connecting-to-Our-Network/Single-Household-Customers>

I trust the above is acceptable however if you require any further information regarding this matter, please contact me on **0800 389 0379** or via the e-mail address below or at planningconsultations@scottishwater.co.uk.

Yours sincerely,

Ruth Kerr

Development Services Analyst

PlanningConsultations@scottishwater.co.uk

Scottish Water Disclaimer:

"It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."

Supplementary Guidance

- Scottish Water asset plans can be obtained from our appointed asset plan providers:
 - Site Investigation Services (UK) Ltd
 - Tel: 0333 123 1223
 - Email: sw@sisplan.co.uk
 - www.sisplan.co.uk
- Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area, then they should write to the Development Operations department at the above address.
- If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
- Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.
- The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or a Sustainable Drainage System (SUDS) proposed to vest in Scottish Water is constructed.
- Please find information on how to submit application to Scottish Water at our Customer Portal

INTERNAL MEMORANDUM TO: Development & Marine Planning - Policy

Date of Consultation	28th November 2025
Response required by	19th December 2025
Planning Authority Reference	25/344/PP
Nature of Proposal (Description)	Erect a house and create an access
Site	Hillbanks, Littlequoy Road, Burray, Orkney KW17 2SX
Proposal Location Easting	346723
Proposal Location Northing	996969
Area of application site (Metres)	2107
Supporting Documentation URL	http://planningandwarrant.orkney.gov.uk/online-applications/ Please enter - 25/344/PP
PA Office	Development Management
Case Officer	Shankha Weerasekara
Case Officer Phone number	
Case Officer email address	shankha.weerasekara@orkney.gov.uk
PA Response To	planningconsultation@orkney.gov.uk

Comments:

The Development Planning Team have viewed the proposals and associated supporting information. Under Policy 5E of the Local Development Plan 2017 and its associated Supplementary Guidance, specific criteria determine when housing in the countryside will be supported. The current proposal does not meet any of the criteria outlined in Policy 5E.

We note the applicant in the supporting statement highlights the subdivision of its residential curtilage. For clarity the Supplementary Guidance defines curtilage as:

'The extent of the land associated with the building (house) which is used and maintained as domestic space and is in the ownership and/or control of the host house. The curtilage is often demarked by a boundary wall or fence and contains a lawn or garden, drying area, vegetable patch and any outbuildings which are ancillary to the property such as sheds, stores or garages. A field or piece of ground which is near to or associated with the house is not necessarily curtilage.'

This proposal does not meet this definition.

In addition, we note the supporting information highlights NPF4 and its policies. Whilst NPF4 is now part of the Development Plan the Council prepared Development Management Guidance on an Interim Spatial Strategy which sets out how the Council will interpret NPF4 policies alongside the Spatial Strategy of the local development plan. This proposal is also not supported by the DMG interim Spatial Strategy.

From: Sam Walker <Sam.Walker@orkney.gov.uk>
Sent: Tuesday, January 6, 2026 2:22 PM
To: planningconsultation <planningconsultation@orkney.gov.uk>
Subject: 25/344/PP

Classification: OFFICIAL

**25/344/PP Erect a house and create an access
Hillbanks, Littlequoy Raod, Burray KW17 2SX**

Having reviewed the documentation provided by the applicant, specifically the noise impact assessment, Environmental Health are satisfied with the conclusions in this report and therefore offer no adverse comments.

Regards

Sam Walker
Environmental Health Officer
Environmental Health | Planning and Regulatory Services
Infrastructure and Organisational Development,
Orkney Islands Council, School Place, Kirkwall, KW15 1NY
Tel: 01856 873535 ext 2802

INTERNAL MEMORANDUM TO: Roads Services

Date of Consultation	28th November 2025
Response required by	19th December 2025
Planning Authority Reference	25/344/PP
Nature of Proposal (Description)	Erect a house and create an access
Site	Hillbanks, Littlequoy Road, Burray, Orkney KW17 2SX
Proposal Location Easting	346723
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Area of application site (Metres)	2107
Supporting Documentation URL	http://planningandwarrant.orkney.gov.uk/online-applications/ Please enter - 25/344/PP
PA Office	Development Management
Case Officer	Shankha Weerasekara
Case Officer Phone number	
Case Officer email address	shankha.weerasekara@orkney.gov.uk
PA Response To	planningconsultation@orkney.gov.uk

Comments:

CONDITION

The access hereby approved with the public road shall be constructed to the Council's Roads Services standard drawing 'SD-05 (Typical Access Over Verge With Service Bay)', attached to and forming part of this decision notice, including dimensions, road construction, any pipe required, and verge or footway. The access shall be constructed and completed wholly in accordance with these details prior to any other works commencing on of the development hereby approved, and thereafter shall be retained in accordance with these details throughout the lifetime of the development, unless otherwise agreed in writing by the Planning Authority.

Any damage caused to the existing road infrastructure during construction of the development shall be repaired prior to first occupation of the development, to the satisfaction of the Planning Authority, in conjunction with Roads Services.

Reason: In the interests of road safety.

INFORMATIVE

It is an offence under Section 56 of the Roads (Scotland) Act 1984 to carry out any excavations within the boundary of the public road without written permission of the roads authority. Therefore, one or more separate consents will be required from the Council's Roads Services to carry out any works within the road boundary, prior to any works commencing. These consents may require additional work and/or introduce additional specifications. You are therefore advised to contact Roads Services for further advice as early as possible.

Any damage caused to the existing road infrastructure during construction of the development shall be repaired prior to the development being brought into use, to the satisfaction of the Planning Authority, in conjunction with Roads Services. 79

It is an offence under Section 95 of the Roads (Scotland) Act 1984 to allow mud or any other material to be deposited, and thereafter remain beyond the working day, on a public road from any vehicle or development site.

D.W.















REFUSE PLANNING PERMISSION
DELEGATED DECISION

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT, 1997 (as amended) ("The Act")
DEVELOPMENT MANAGEMENT PROCEDURE (SCOTLAND) REGULATIONS 2013

Ref: 25/344/PP

Dr Sue Struthers
Hillbanks
Burray
ORKNEY
United Kingdom
KW17 2SX

With reference to your application registered on 13th November 2025 for planning permission for the following development:-

PROPOSAL: Erect a house and create an access

LOCATION: Hillbanks, Littlequoy Road, Burray, Orkney KW17 2SX

Orkney Islands Council in exercise of its powers under the above Act and Regulations, hereby **REFUSE Planning Permission for the reason(s) outlined on the next page.**

The plans to which this decision relates are those identified in Schedule 1 attached.

The Council's reasoning for this decision is: The principle of development is contrary to Policy 5 of the Orkney Local Development Plan 2017, Policy 17 of National Planning Framework 4, and Supplementary Guidance: Housing in the Countryside (2021). No material considerations outweigh policy consideration that the development cannot be supported.

(For further detail you may view the Planning Handling Report for this case by following the Application Search and Submission link on the Council's web page and entering the reference number for this application).

Decision date: 1st March 2026

Jamie Macvie MRTPI, Service Manager, Development Management, Orkney Islands Council, Council Offices, Kirkwall, Orkney, KW15 1NY

Ref: 25/344/PP

REASONS FOR REFUSAL

01. The application site is in the countryside. The development meets none of the criteria to justify housing development in the countryside as set out in Supplementary Guidance: Housing in the Countryside (2021), as the spatial strategy for implementation of Policy 5 of the Orkney Local Development Plan 2017, and Policy 17 of National Planning Framework 4, and Supplementary Guidance: Housing in the Countryside (2021). No policy or other material considerations merit approval of the development.

Ref: 25/344/PP

SCHEDULE 1 – PLANS, VARIATIONS AND ANY OBLIGATION**1. Plans and Drawings**

The plans and drawings to which this decision relates are those identified below:

Location Plan	OIC-01	1
Site Plan	OIC-02	1
Floor & Elevation Plans	OIC-03	1

2. Variations

If there have been any variations made to the application in accordance with section 32A of the Act these are specified below:

Date of Amendment:

Reasons

RIGHT TO SEEK A REVIEW

If you are unhappy with the terms of this decision you have a right to ask for a review of your planning decision by following the procedure specified below.

PROCEDURE FOR REQUESTING A REVIEW BY THE LOCAL REVIEW BODY

1. If the applicant is aggrieved by the decision of the Appointed Officer to:
 - a. Refuse any application, or
 - b. Grant permission subject to conditions.

In accordance with the Town and Country Planning (Scheme of Delegation and Local Review Procedure) (Scotland) Regulations, the applicant may apply to the Local Review Body within three months from the date of this notice for a review of that decision.

Forms to request a review are available from either address below, or from [Appeal a Decision](#)

2. Completed forms to request a review should be submitted to the address below:

Committee Services
Orkney Islands Council
Council Offices
School Place
KIRKWALL
Orkney
KW15 1NY

and at the same time a copy of the notice for a review should be sent to:

Service Manager (Development Management)
Orkney Islands Council
Council Offices
School Place
KIRKWALL
Orkney
KW15 1NY

Email: planning@orkney.gov.uk

3. If permission to develop land is refused or granted subject to conditions, whether by the planning authority or by the Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Act.

INFRASTRUCTURE AND ORGANISATIONAL DEVELOPMENT



ORKNEY
ISLANDS COUNCIL

Director: Lorna Richardson
Council Offices, Kirkwall, Orkney, KW15 1NY

Tel: (01856) 873535 extension 2504
Email: planning@orkney.gov.uk

Website: www.orkney.gov.uk

Planning Application: 25/344/PP
Proposal: Erect a house and create an access
Location: Hillbanks, Littlequoy Road, Burray, Orkney, KW17 2SX

Notice of Review

The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013

Regulation 10 – Representation as an Interested Party

The appeal statement accompanying the Notice of Review does not introduce new information and therefore the Development Management response will follow in suit, and simply confirm points previously made in the planning handling report.

The appeal statement includes extensive reference to the 2004 Orkney Local Plan and its housing allocations and questions the validity of that information. These were superseded by the 2014 Local Development Plan, and further by the 2017 Local Development Plan. References to 2004 in a policy principle context are therefore not relevant and not a material consideration as part of the assessment. As such the currently applicable Orkney Local Development Plan 2017 (OLDP), Supplementary Guidance: Housing in the Countryside - March 2021 (SG) and National Planning Framework 4 (NPF4) has been used to assess the application.

The principle of a new single house development at this location (ref. no. 24/250/PIP) was refused by the planning authority in 2024 due to non-compatibility with any of the criteria of the housing in countryside planning policies explained in Policy 5E of OLDP and SG. The subsequently submitted review was similarly dismissed by Local Review Body (LRB) in early 2025, case reference LRB25/02, as the development was contrary to planning policies. This application aligns with the previously refused application in principle albeit as a detailed planning application.

The review statement submitted highlights the Supplementary Guidance: Housing in the Countryside which explains the intentional generosity of policy provision in the countryside of Mainland and the Linked South Isles and is relevant to the application as presented. This refers specifically to the eight policy provisions as stated by Policy 5E. To be supported a development requires to meet at least one of these policy provisions, which the proposed development does not. This is in common with the previously refused application in principle and subsequent dismissal at LRB in 2025.

Further, the appeal statement argues that the development is proposed in right location as expected by the Policy 17 of NPF4 citing identified housing allocation under previous local development plans. The extant Orkney Local Development Plan as adopted April 2017 and associated Supplementary Guidance and Development Management Guidance are the documents of relevance. Furthermore, the OIC Development Management Guidance: Housing in the Countryside clarifies the alignment with NPF4 Policy 17 and Orkney Local Development Plan 2017.

The Supplementary Guidance: Settlement Statements is not relevant to this proposal as it is a site within the countryside and not within a defined settlement. Reference and comparison to other, historic development, along Littlequoy Road is not relevant as each application is considered on its own merit in relation to extant policy and guidance.

Development Management appreciates the positive design elements of the proposed house however this does not address the fundamental matter of the absence of policy position supportive of the proposed location. Consideration of the opportunity for subdivision of the residential curtilage in accordance with the definition of curtilage as stated within the Supplementary Guidance: Housing in the Countryside was available to the applicant in both previous and current application. This was not pursued by the applicant.

The planning balance is that the proposed development is contrary to Policy 5E, it does not therefore accord with the Plan and there no material considerations that outweigh this conclusion, as such this development cannot be supported.

Development Management
27 April 2026

Planning App 25/344/PP**Applicant: Sue Struthers****Proposed Erection of House and Creation of Access****Notice of Review****Comment on the representation as an Interested Party from Development Management.**

This representation from Development Management is the same as was put forward as a rationale for the planning application refusal.

Likewise, this responding comment is the same as is put forward in the Appeal Statement and the Document 'Response to Refusal' submitted for the appeal review.

It is understood that the site, that is the subject of the planning application and the subsequent request for review of the refusal decision, is NOT in a designated area for housing development in the current OLDP.

It is also understood that the OLDP and contained policies are the 'guide rails' and 'road map' for the planning department to come to decisions about individual planning applications.

What is not clear is how this absolute 'computer says no' response with no room for flexibility appears to over-ride any applicant argument, logic or commonsense.

Yes, the original application and the following appeal statement does extensively reference the 2004 Orkney Local Plan and its housing allocations.

This is because there does not seem to be any logical reason for the reversal of a previous planning stance, when nothing has changed in the Littlequoy Road setting, the capacity of the earlier LHA has not been reached, and the pattern of linear road-side development is already well established along the road.

The proposed build of a small bungalow as a continuation of this road-side development not only does **no planning harm** – but significantly has only **positive housing outcomes** for Burray and Orkney.

If the issue is the potential for setting a precedent for the overturning of OLDP policies, with allowing a build in an area not designated for development – this can be countered with the fact that the previous LHA was not filled; and that permission was granted for an identical build in the neighbouring field in 2012 - but not taken forward.

This appeal is to the Local Review Body of elected councillors on the Planning Committee. It is hoped that this response to the representation from Development Management shows that there is a valid argument against the rigid application of current policy barriers to this self-build contribution to the Orkney housing stock, where previously such development was supported and actively encouraged.

Sue Struthers

18th May 2026