

## **Item: 11**

**Development and Infrastructure Committee: 2 February 2021.**

**Supplementary Guidance: Housing in the Countryside.**

**Report by Executive Director of Development and Infrastructure.**

### **1. Purpose of Report**

To present a revised version of the Supplementary Guidance: Housing in the Countryside.

### **2. Recommendations**

The Committee is invited to note:

#### **2.1.**

That, on 10 September 2019, the Development and Infrastructure deferred consideration of the Supplementary Guidance: Housing in the Countryside, to enable a seminar to be held, to which all members should be invited.

#### **2.2.**

That, following the seminar referred to above, which was held on 10 December 2019, public consultation has now been undertaken in respect of a revised version of the Supplementary Guidance: Housing in the Countryside.

#### **2.3.**

The Consultation Report, attached as Appendix 1 to this report, which records the comments raised by members of the public and stakeholders and the response by the Executive Director of Development and Infrastructure to those comments.

#### **2.4.**

The revised draft Supplementary Guidance: Housing in the Countryside, attached as Appendix 2 to this report, which has been amended to respond to the material planning matters raised through the consultation process, referred to at paragraphs 2.2 and 2.3 above.

**It is recommended:**

#### **2.5.**

That the Supplementary Guidance: Housing in the Countryside, attached as Appendix 2 to this report, be approved.

## **2.6.**

That, once approved, the Supplementary Guidance, referred to at paragraph 2.5 above, be taken forward as Statutory Supplementary Guidance in relation to the adopted Orkney Local Development Plan.

## **3. Introduction**

At its meeting held on 10 September 2019, the Development and Infrastructure Committee deferred consideration of the Supplementary Guidance: Housing in the Countryside, to enable a seminar to be held, to which all members should be invited. This seminar took place on 10 December 2019.

## **4. Public Consultation**

### **4.1.**

Public consultation in respect of the draft Supplementary Guidance: Housing in the Countryside was undertaken during the period 5 March to 16 April 2020. A full record of comments received, and the Council's response to these, is recorded in the Consultation Report, attached as Appendix 1 to this report.

### **4.2.**

The consultation included public advertisement in the Orcadian, and copies of the draft Supplementary Guidance were placed at the One Stop Shop, Kirkwall, the Kirkwall Library and Mobile Library Van, Warehouse Buildings, Stromness, and on the Council's website. A press release was issued at the beginning of the consultation.

### **4.3.**

Notification of the consultation was sent to key agencies, statutory consultees, Community Councils and Elected Members.

### **4.4.**

In total four comments were made: three by key agencies (Historic Environment Scotland, Scottish Water and NatureScot) and one by an interested group.

#### **4.4.1.**

NatureScot requested that more detail on design for housing in the countryside be placed within the draft Supplementary Guidance. The Executive Director's comments notes that it is not the role of the draft Supplementary Guidance to cover design.

#### **4.4.2.**

The interest group noted the Council's declaration of a Climate Emergency and requested more action within the draft Supplementary Guidance to address this. The Executive Director's comment notes the national role of Building Standards in the consideration of national energy efficiency measures for new development, and the Planning Authority's role in the consideration of the social and historical importance

of buildings of architectural and historical importance and their retention, as well as considering sustainable land use and energy efficiency.

#### **4.5.**

Two amendments are proposed to the draft Supplementary Guidance as follows:

- To note the Council's declaration of a Climate Emergency in 2019.
- To introduce a new Development Criteria, to state "In line with the Council's declaration of a Climate Emergency, all new housing development needs to demonstrate how they are proposing to incorporate low or zero carbon technologies for heating and power; as well as a high standard of insulation for the proposed living accommodation. The applicant also requires to demonstrate how they have incorporated electric vehicle charging within the proposed curtilage or how it could be included within the curtilage, when required."

#### **4.6.**

These amendments have been incorporated in the draft Supplementary Guidance: Housing in the Countryside, attached as Appendix 2 to this report.

### **5. Equalities Impact**

An Equality Impact Assessment has been undertaken and is attached as Appendix 3 to this report.

### **6. Environmental Implications**

The Strategic Environmental Assessment screening report was completed for the consultative draft and submitted to the SEA Gateway for consideration by the consultation authorities. The outcome was that a full assessment was not required.

### **7. Corporate Governance**

The monitoring and publication of an amended version of this Supplementary Guidance is part of the statutory process for preparation and implementation of the Local Development Plan. Accordingly, this report does not directly support and contribute to improved outcomes for communities as outlined in the Council Plan. However, the Local Development Plan and associated Supplementary Guidance are key documents for delivering many of the Council Plan and Local Outcomes Improvements Plan priorities.

### **8. Financial Implications**

The costs associated with the consultation and publication of this Supplementary Guidance were under £1000. This has been met through the existing Development and Marine Planning revenue budgets.

## **9 Legal Aspects**

### **9.1.**

Developing Supplementary Guidance will assist the Council in discharging its statutory duty to prepare a Local Development Plan. The draft Supplementary Guidance, once approved by the Council, will be a material consideration in planning applications.

### **9.2.**

Following approval, the guidance will be notified to Ministers in order that it may be elevated to statutory supplementary guidance. It will thereafter form part of the Local Development Plan, bearing the same weight as the Local Development Plan.

## **10. Contact Officers**

Gavin Barr, Executive Director of Development and Infrastructure, Email [gavin.barr@orkney.gov.uk](mailto:gavin.barr@orkney.gov.uk)

Roddy MacKay, Head of Planning, Development and Regulatory Services, extension 2530, Email [rodny.mackay@orkney.gov.uk](mailto:rodny.mackay@orkney.gov.uk)

Susan Shearer, Planning Manager (Development and Marine Planning), extension 2533, Email [susan.shearer@orkney.gov.uk](mailto:susan.shearer@orkney.gov.uk)

## **11. Appendices**

Appendix 1: Consultation Report.

Appendix 2: Supplementary Guidance: Housing in the Countryside.

Appendix 3: Equality Impact Assessment.

## Development & Marine Planning - Consultation Report

# Supplementary Guidance: Housing in the Countryside

Consultation Period: 5th March to 16th April 2020

Ref	Organisation	Comment Number	Comment	Response	Action
Key Agency	Historic Environment Scotland	1	Thank you for your consultation which we received on 05 March 2020 about the above draft Supplementary Guidance (SG). We understand that the revised draft document has been produced following monitoring of the existing SG and feedback on the first draft of the guidance. It proposes changes to aid the usefulness of the guidance document. We have reviewed the document in relation to our main area of interest for the historic environment.	Noted.	No Action.
Key Agency	Historic Environment Scotland	2	We can confirm that we are content with the revised draft of the SG in relation to our historic environment interests. We welcome that the SG continues to reinforce the provisions within Policy 5, section E of the LDP to protect and enhance Orkney's historical and architectural assets through a 'retention and conversion first' approach to buildings or structures of historic and/or architectural merit. This approach aligns with the policies and principles identified in the Historic Environment Policy for Scotland (HEPS 2019) and the associated guidance in the Use and Adaptation Managing Change Guidance Note.	Noted.	No Action.

Key Agency	Historic Environment Scotland	3	We welcome the consideration given to the historic environment in the example Site Development Statement which demonstrates the importance of both retaining the structures with historic merit within the site and to considering potential impacts on historic environment assets in the surrounding landscape.	Noted.	No Action.
Key Agency	Historic Environment Scotland	4	As noted in our previous response (18 June 2019), while the Use & Adaptation Managing Change Guidance note is based on listed buildings, it provides a useful starting point for thinking about the re-use & adaptation of any building of historic and architectural merit & you may wish to consider whether providing a link to this guidance would be useful. There are also a no. of case studies now available on our website which help to demonstrate the successful re-use & adaptation of historic buildings through a variety of scenarios which applicants may find useful.	Noted.	No Action.
Key Agency	NatureScot	1	In general, we welcome the update to this guidance which is clearly presented, well-structured and features useful illustrations. The guidance also provides a worked example of a Site Development Statement which is really useful for showing the level of detail expected as well as showing an example of good design. However, we consider that the guidance could emphasise the importance of using appropriate materials to ensure that proposals reflect the local character.	Noted.	No Action.

Key Agency	NatureScot	2	Materials - We consider that the use of appropriate materials is fundamental to ensuring proposals reflect the local character as well as contributing to sustainable development. Inappropriate choice of materials can have a negative impact on the surrounding character by failing to reflect the local distinctiveness and character. The guidance lacks reference to materials. Therefore, we recommend that the development criteria places emphasis on using appropriate materials, highlighting the importance of colour and texture. It would also be helpful for the Council to set out typical appropriate materials.		
Key Agency	NatureScot	3	We recommend making reference to Policy 2: Design in the LDP as this ideally this should be read in conjunction with the SG.	Note that all policies of the LDP require to be satisfied to have a successful planning outcome.	No Action.
Key Agency	NatureScot	4	DC1 -The requirement for a Site Development Statement for proposals of more than one house in the countryside is strongly supported and the inclusion of worked examples is really useful for showing the level of detail required as well as highlighting examples of good design which contributes positively to the LDP and Community Plan priorities including placemaking, natural assets (including biodiversity and landscape) and health. Detailed comments on the worked examples is provided below. The requirement for proposals to ensure cohesion of design and layout is supported, however, we recommend that this is amended to include cohesion of character as well to maintain and enhance the local distinctiveness.	Your comment is noted and D&MP would consider that this is covered with this wording. Note that this Supplementary Guidance is not design guidance.	No Action.

Key Agency	NatureScot	5	DC3 - The use of the word "location" here is a bit confusing. We think that character would be more appropriate in this sentence, ensuring that proposals reflect the character of both the existing development and the landscape character. For example, we recommend changing the sentence to: "The proposed development will be in keeping with the surrounding character..."	In planning terms we consider that location is the correct word.	No Action.
Key Agency	NatureScot	6	DC4 - The requirement for proposals to be "rural and not urban in nature" is a bit confusing as rural areas vary in character (as do urban areas) and it is important that development reflects the surrounding character. Therefore, we recommend amending the text as follows: "New housing groups or additions to existing housing groups must be designed and sited in a manner which reflects the surrounding character, where the topography and other existing site features..."	In planning terms it is important to consider rural and urban and not necessarily the local character because unfortunately in a number of rural locations in Orkney there is urban type housing developments.	No Action.



Key Agency	NatureScot	7	<p>DC6 - We welcome the reference made to biodiversity value in relation to vacant &amp; redundant buildings, in particular the consideration of protected species. However, this could be strengthened, particularly in relation to bats, as Policy 5E: Single Houses and New Housing Clusters in the Countryside has the potential to have impacts on bats. It would also be useful to make reference to the requirement for proposals to be in accordance with Policy 9: Natural Heritage &amp; Landscape as well as referring to the Natural Environment Supplementary Guidance. Therefore, we recommend inserting wording such as “Bats, in particular, are likely to inhabit such buildings and are afforded high legal protection as a European Protected Species. Further Details on natural heritage issues can be found in Policy 9: Natural Heritage &amp; Landscape and the associated Natural Environment Supplementary Guidance”.</p>	<p>Note that all policies of the LDP and statutory Supplementary Guidance require to be satisfied to have a successful planning outcome. When drafting planning guidance, we avoid the duplication of other planning guidance. Note that the term protected species covers bats.</p>	No Action.
Key Agency	NatureScot	8	<p>Re-use of Brownfield Land - Brownfield land can be hotspots for high value biodiversity and we think that proposals should take this into consideration. The corresponding section in the 2017 version of Housing in the Countryside Supplementary Guidance covers biodiversity (under paragraph 3.16, bullet point 5). Therefore, we recommend adding the following bullet point: “Any biodiversity value on this site should be assessed fully by the applicant and retained and enhanced in accordance with Policy 9 – Natural Heritage &amp; Landscape”.</p>	<p>Note that all planning applications have to positively consider the development criteria of this Supplementary Guidance where this is covered. When drafting planning document, where possible we avoid duplication.</p>	No Action.

Key Agency	NatureScot	9	Single Housing In-Fill Development within Existing Housing Groups - Bullet point 3 relating to “development density and design” could be clarified and strengthened, also ensuring that infill proposals are cohesive with existing development in terms of scale and character. We recommend amending the bullet point 3 as follows “Be of a scale, density and design which is cohesive with the character of the existing development. Proposals should respect and contribute to local distinctiveness.”	Note that all planning applications have to positively consider the development criteria of this Supplementary Guidance where this is covered. When drafting planning document, where possible we avoid duplication.	No Action.
Key Agency	NatureScot	10	Illustrations and Images - We welcome the additional illustrations in the guidance which clearly provide examples of good design.	Noted.	No Action.
Key Agency	NatureScot	11	Site Development Statement - The inclusion of a worked example is really useful for showing the level of detail required as well as an example of good design. However, it currently lacks detail on landscape and appropriate materials. We recommend detailing the landscape framework on the illustrations and in the text as well as setting out the type of planting. The example could also include detail on the materials used to emphasise the importance of using appropriate materials to reflect the local character.	As noted this Supplementary Guidance is not design guidance. Materials and Landcaping are topics for design.	No Action.

Interest Group	OREF	1	XXXX is concerned, however, that Net Zero is not mentioned in the document at all and should be an underlying principle. XXX notes that the issue of a Climate Emergency was raised in the consultation that led to be categorised as No Action.	D&MP notes the Climate Emergency and positively considers it in all matters in the completion of our statutory planning function. We also have to consider other areas within our planning remit such as providing housing opportunities for our community, safeguarding the historic environment for our community, providing for employment. Our previous comment also noted the role in new development of Building Standards in reducing carbon emissions for new housing. No Action notes that the document in question is not proposed to be changed.	No Action.
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Interest Group	OREF	2	<p>Given the importance of this topic, and that it is generally accepted that all OIC policies need to be overhauled in the light of the need to deliver Nett-Zero, this is a missed opportunity. OREF would point out that OIC was the first signatory to the Climate Change Declaration, but has made limited progress since; progress that OREF believes has been held up in part by inadequate commitment to setting out climate appropriate policies and guidance. This document presents such an opportunity but is disappointed that it is being missed in this document. OREF therefore asks OIC to take the opportunity of the guidance revisions and make a proper commitment to Nett-Zero. <u>Now.</u></p>	<p>Please note the comment above. In planning terms we have to consider the national planning context that is currently provides through National Planning Framework 3 and Scottish Planning Policy. Going forward the Scottish Government will be publishing National Planning Framework 4 in Spring / Summer 2022 (anticipated) and we will also be reviewing the Orkney Local Development Plan 2017 in 2021. The review / change to this Supplementary Guidance can not change the policies of the Orkney Local Development Plan 2017.</p>	No Action.
Interest Group	OREF	3	<p>OREF is also concerns that there is a light risk that innovation will be stifled by the application of the guidance, however it is hoped that the judicious application of sense by the Planning Officers will allow good architecture to emerge.</p>	Noted.	No Action.

Interest Group	OREF	4	OREF believes that an over application of prohibitions of new designs runs the risk of slowing the transition to Nett Zero housing. "Fitting in with existing" must not lead to "repetition of the existing" in the form of shoddy housing. Clearly continuing to do what has been done in Orkney will not lead to the zero carbon or indeed carbon negative housing. Since that must be the County' goal it is important that nothing gets in the way of that outcome.	D&MP does not consider this to be the case. We consider this SG provides options for our community for housing development. Planning has to consider how new development fits into the landscape. It should be noted that all new development, including the conversion of existing buildings has to gain a Building Warrant.	No Action.
Interest Group	OREF	5	OREF would therefore welcome more positive statement as to the expectation that all housing to be built henceforth should be Nett-Zero.	D&MP will include a statement in the introduction to note the climate emergency.	After 1.04 put in a new paragraph to state - In May 2019, Orkney Islands Council declared a Climate Change Emergency. The statutory functions of the Planning Authority along with the statutory functions of Building Standards are committed to reducing carbon levels in Orkney; and contributing to the Council's commitment to a vibrant carbon neutral economy.
Interest Group	OREF	6	OREF particularly welcomes the 2nd bullet point about types of housing that can be replaced: "An existing house that has no historic or environmental merit, which provides a sub-standard level of living accommodation that is unsuitable for renovation to form a modern and enregy efficient house."	Noted.	No Action.

Interest Group	OREF	7	There is a great deal of this sort of housing in the county and overall OREF believes that the wholesale replacement of such properties will make more sense than perpetually tinkering by adding on fixes here and there. The admission that, for example, a blocked in WW2 hut is not suitable to be the core of 21st century living in the countryside and we would be better off to knock things down and start again with a net-zero design is not essential. OREF therefore strongly supports the retention of this point in the guidance.	Noted.	No Action.
Interest Group	OREF	8	Pg14 - Single House In-fill. It is not clear why this is being applied to single houses. There may be occasions where several houses could be built in one small scheme and this should not be prohibited. There are 2 opportunities that this guidance will prevent:	At this point D&MP cannot change the wording of the core policy in the OLDP2017.	No Action.
Interest Group	OREF	9	1 - There is no need to limit some infill sites to a single property. As an example OREF would point to diagram 3.24. The plot shown could support several houses and it is unclear why this would be prohibited. The same applies to 3.30. Indeed it would be more efficient to provide several houses at such a site since the unit cost would be lower through the economies of scale.	At this point D&MP cannot change the wording of the core policy in the OLDP2017.	No Action.
Interest Group	OREF	10	2 - Multiple houses in one structure. There is nothing wrong with flats or terraces if properly constructed to generous proportions in the countryside. OREF does not see the need for a requirement for all property in the countryside to be detached and indeed other forms are more energy efficient.	At this point D&MP cannot change the wording of the core policy in the OLDP2017. In planning we do have to consider how new development would fit into a location. Through the planning application process we consider design and how it has been used to process efficiencies.	No Action.

Interest Group	OREF	11	Whilst OREF recognises the intent to limit building in the countryside, OREF does not support the policy as articulated and urges that more thought be applied.	As noted above D&MP cannot change core policies of the OLDP2017 at this point in time. This is a matter for the review of the OLDP.	No Action.
Interest Group	OREF	12	Page 19 - It is not clear what 3.32 is seeking to achieve. There is reference to here not being 4 houses in the design, but such a minimum is not stated in the bullets points in 3.20. Furthermore OREF also sees no reason for such a minimum qualifying criterion.	At 3.19, the SG notes that an existing housing group is where there are 4 houses or more....From 3.21 to 3.32 these are illustrations have been included to provide guidance to applicants and decision makers.	No Action.
Interest Group	OREF	13	Omissions - EVs - There is no explicit reference to the fact that all houses will need to provide electric vehicle charging on the property as standard. This should be rectified as a global statement in the guidance and be the expected norm henceforth.	Noted. We will introduce a new development criterion to consider this.	After 2.10 introduce a new Development Criterion. "DC10 - In line with the Council's Climate Emergency, all new housing development needs to demonstrate how they are proposing to incorporate low or zero carbon technologies for heating and power; as well as a high standard of insulation for the proposed living accommodation. The applicant also requires to demonstrate how they have incorporated electric vehicle charging within the proposed curtilage or how it could be included within the curtilage, when required.

Interest Group	OREF	14	<p>Appendix 1 - OREF is extremely disappointed that energy efficiency is not mentioned and there is no reference at all to how the properties would be heated or powered. This suggests that this remains a matter that is not within the normal office thinking in the Planning Department and is very worrying. The fixation on just the embodied energy is of limited value. The concept needs to be better explored at looking at the future whole life energy costs of a proposal rather than fall back on what has been done. It is absolutely recognised that the energy invested to date needs to be taken into some account, but it is not clear from the guidance how this will happen. OREF would welcome the opportunity to better explore any tools Officers presently use to ensure the Net Zero outcome is delivered.</p>	<p>As noted, the efficiency of development and therefore their heating and power; isw considered through the Building Standards process. In the administration of statutory processes, duplication of work for both the agency included and applicant should be avoided so as to reduce timescales and financial implications for all. We would welcome an opportunity to discuss this matter with OREF.</p>	No Action.
Interest Group	OREF	15	<p>Finally, if the Department would find it useful then OREF would be willing to expand upon any of the points made. However if this letter is dismissed in the same way as all public comments to the first draft were with no action then OREF foresees that this work will have been a missed opportunity. OREF strongly urges that Officers undertake a proper re-assessment of the contribution they must make to Net Zero.</p>	<p>No comment received through public consultation by D&amp;MP is dismissed. All are considered and provided to the Development and Infrastructure Committee for consideration. After the Committee process is concluded we communicate the outcomes of the consultation to stakeholders who have commented.</p>	No Action.
Interest Group	OREF	16	<p>This consultation did not appear on the list of consultations on the OIC website. It is unclear why this was the case and should also be looked into as to where the failure of process occurred.</p>	<p>Generally D&amp;MP appear on these pages. D&amp;MP will investigate why this did not happen for this consultation.</p>	No Action.



Key Agency	Scottish Water	1	<p>Waste Water Infrastructure - In terms of water and drainage infrastructure, it is often sustainable to locate homes where there is already existing public networks. However SW also understands the need to preserve rural communities and the importance of supporting these types of development. Early engagement with SW is always encouraged so the house builder fully understands where the nearest public water main and sewer is located and whether there is available capacity. This can be found out by submitting a Pre Development Enquiry Form via our online Customer Portal, <a href="http://www.scottishwater.co.uk/portal">www.scottishwater.co.uk/portal</a>, at any time and for free. Housebuilders should be aware that they are responsible for laying water and, if applicable, drainage infrastructure from their property to the public network. This can be a considerable distance in rural areas and may involve pumping. They should be able to demonstrate that they fully understand what works are involved for the specific site in question before commencing construction, to ensure their development is economically viable.</p>		
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Key Agency	Scottish Water	2	<p>Regarding the subdivision of properties covered in paragraph 3.17 please note that a separate water and drainage connection should be put in place to serve the new property to avoid any disputes over ownership in the future. An application for a new water and drainage connect, if applicable, should be made to SW to obtain permission from connecting the new property to the public network. It will also be necessary to submit an application to SW if an existing connection has been out of use for some time. All applications can be submitted through our new online Customer Portal, <a href="http://www.scottishwater.co.uk/portal">www.scottishwater.co.uk/portal</a>. If further support is needed our Development Operations Team can be contacted on 0800 389 0379. Alternatively, they can be emailed at <a href="mailto:developmentoperations@scottishwater.co.uk">developmentoperations@scottishwater.co.uk</a></p>		
Key Agency	Scottish Water	3	<p>SW's Surface Water Policy - Para 2.08 of the document reinforces the need to protect the water environment and provide adequate surface water and foul drainage infrastructure. It would be helpful to highlight that as per SW's Surface Water Policy (found on our website, <a href="http://www.scottishwater.co.uk">www.scottishwater.co.uk</a>, on the Document Hub page), only foul flows will be permitted into the combined sewer and all surface water must be separated.</p>		

Key Agency	Scottish Water	4	<p>In addition to our general comments above, there is some text in appendix 1, which could cause some confusion. In the scenario included in Appendix 1 the drawings and accompanying text refers to combined foul drainage several times, which would normally be used to describe system combining foul and surface water discharge and would usually go on to be vested by SW. Also, as detailed in SW's Surface Water Policy, we currently ask for all surface water to be separated from foul flows to maximise foul capacity and increase the sustainability of our public sewers and Wastewater Treatment Works. While the scenario given might be assuming the site is out with a public sewer catchment and using private treatment it would be useful to have this clarified in the site details to avoid any confusion.</p>		
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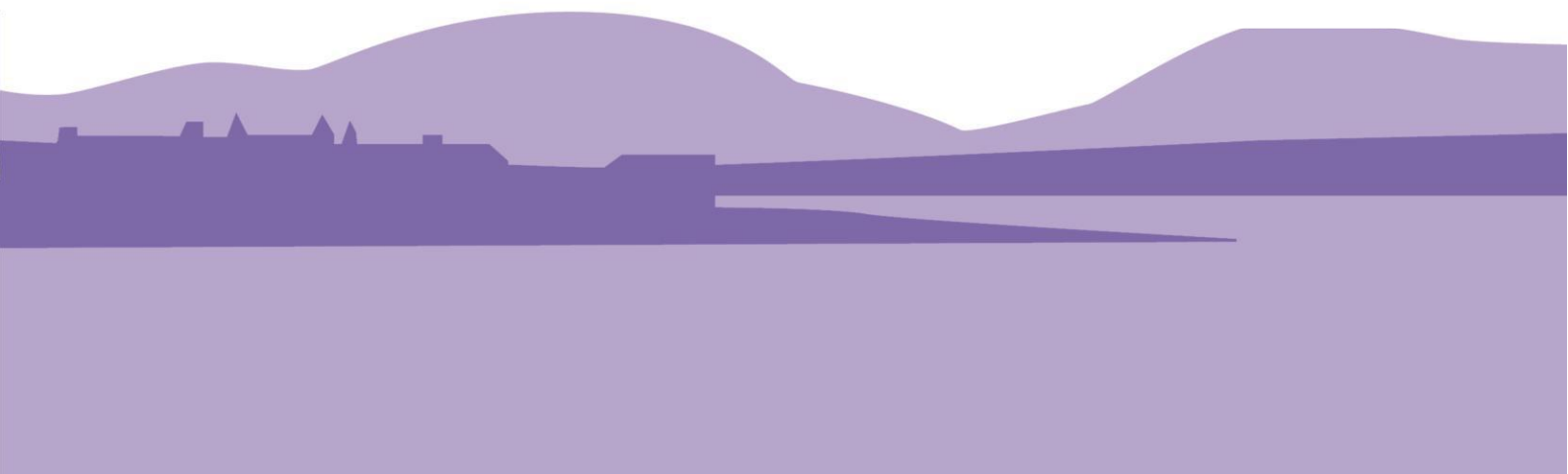
# Supplementary Guidance: Housing in the Countryside



ORKNEY  
ISLANDS COUNCIL



**FEBRUARY 2021**  
**D&I Committee Draft**



# Planning in Orkney

## Status of this Supplementary Guidance

The main planning document in Orkney is the **Orkney Local Development Plan** (the Plan), which provides the policy framework and land allocations for dealing with planning applications efficiently and with certainty. All decisions on planning applications require that an appropriate balance is struck between the relevant development plan policies and other material considerations.

**Supplementary Guidance** is produced for given policy areas and subjects where a specific requirement is highlighted within the plan. It is the purpose of supplementary guidance to provide further information, policy and advice on complex planning matters and seeks to expand upon the core policies or land allocations in the plan. Supplementary guidance is always subject to full public consultation and is submitted to the Scottish Government prior to adoption. Once adopted, supplementary guidance has statutory weight in the determination of planning applications and forms part of the plan.

**Planning Policy Advice** (PPA) is prepared to provide further information and advice on policies and issues where a specific requirement to produce supplementary guidance has not been set out within the plan. Many Development Briefs for land allocations are set at this level, along with the majority of advice and information that is prepared for members of the public and Development Management. PPA is always subject to full public consultation and council approval prior to adoption and publication. Once adopted, PPA is a material planning consideration although it does not bear the same weight as the plan itself.

**Development Management Guidance** (DMG) is produced to provide advice on technical issues and the interpretation of given policies where a need arises. It is the intention of DMG to ensure a consistency of approach and to highlight the original intention/spirit of a policy where there is any ambiguity. DMG is also produced for less-complex land allocations to ensure a co-ordinated approach to development can be achieved - Conservation Area Appraisals and Conservation Statements are also set at this level within Orkney. Whilst DMG is not subject to public consultation, it is approved by Council prior to adoption and publication. As such, DMG is a material consideration in the determination of planning applications, which is considered to be the standing advice of the Local Planning Authority.

## Contacting the Council

Should you wish to discuss any aspect of this Supplementary Guidance, please contact Development Management via telephone 01856873535 or email [planning@orkney.gov.uk](mailto:planning@orkney.gov.uk).

[www.orkney.gov.uk](http://www.orkney.gov.uk)

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# 1. Introduction

- 1.01 This guidance supports and informs the policy provision for housing in the countryside that is set in Policy 5 – Housing, Section (E) – Single Houses and new Housing Clusters in the Countryside, of the Orkney Local Development Plan 2017 (the Plan).
- 1.02 Through the Plan and this guidance, the Council supports sustainable development in Orkney’s rural communities whilst recognising the need to protect Orkney’s landscape and productive farmland.
- 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.
- 1.04 The policy provision for housing in the countryside looks to provide opportunities and minimise potential impacts. Opportunities are based on brownfield sites, rural business’s housing needs and infill development where landscape and visual impacts are greatly reduced.
- 1.05 In May 2019, Orkney Islands Council declared a Climate Emergency. The Statutory functions of the Planning Authority along with the statutory functions of Building Standards are committed to reducing carbon levels in Orkney and contributing to the council’s commitment to a vibrant carbon neutral economy.

## How to Use this Guidance

- 1.06 A successful planning proposal for Housing in the Countryside will have to accord with this guidance, the policies of the Plan and other material considerations.
- 1.07 Within this guidance there are the following sections:
1. Introduction to this guidance with the policy provision noted from the Plan.
  2. Within this section there are 9 Development Criteria that all proposals for housing in the countryside must comply with to be acceptable.
  3. This section provides further information and detail to the policy provision from Policy 5, Section E of the Plan.
  4. Further information is provided in this section on the removal of occupancy conditions from existing planning approvals.
  5. This section is a glossary of the main definitions used in this guidance.
- Appendix 1 – Layout of a Site Development Statement.

### **Policy 5 – Housing, Section E: Single Houses and new Housing Clusters in the Countryside**

Outwith the settlements, on the Mainland and Linked South Isles, developments of single houses and housing clusters will be supported where it involves one of the following:

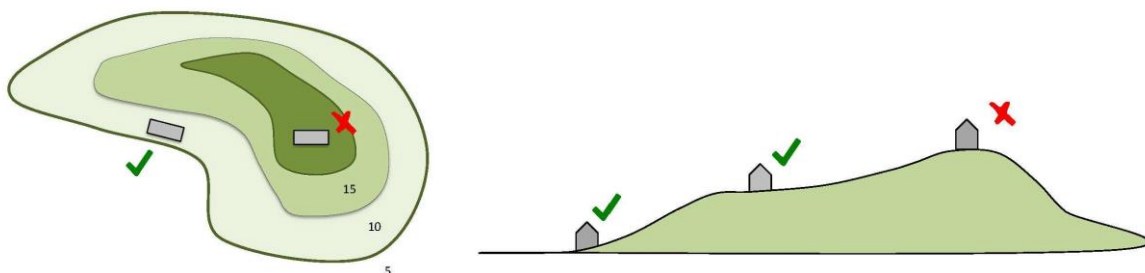
- i. The reinstatement or redevelopment of a former dwelling house.
- ii. The conversion of a redundant building or structure.
- iii. The replacement of an existing building or structure.
- iv. The re-use of brownfield land, where the previous use is evident on site.
- v. The subdivision of a dwelling 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 (including agricultural workers or crofters).
- viii. The provision of a single dwelling house to allow for the retirement succession of a viable holding.

If a building or structure is of architectural and / or historic merit, the consolidation and retention of the building will be required by planning condition through options i), ii), iii) or iv).

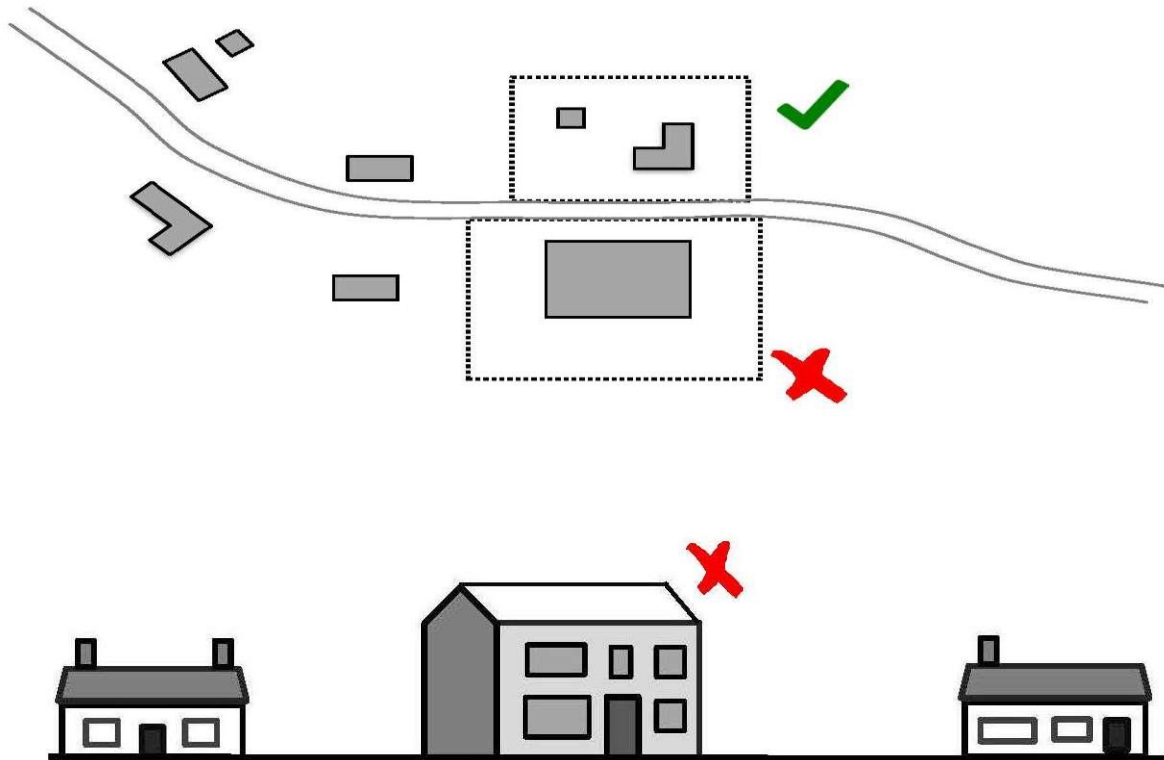


## 2. The Development Criteria

- 2.01 All planning proposals for one or more houses must accord with the 9 Development Criteria noted in this guidance and satisfy one of the policy provisions set out in Policy 5, Section E of the Plan.
- 2.02 DC1 – Where the application site or the wider site has the potential to deliver more than one house through the housing in the countryside policy provisions within this guidance, the overall development will be planned as a whole to ensure cohesion of design and layout. In these cases, there is a requirement for a Site Development Statement for the whole site, including the wider site, where layout, siting and form of the overall proposal will be considered along with the shared access, parking, drainage, open space and other development features. The Site Development Statement must form part of the first planning application submitted and will be a material consideration when considering future planning applications on the wider site. At Appendix 1 to this Supplementary Guidance is an example of the layout and content of a Site Development Statement.
- 2.03 DC2 - It is located and sited to fit into the landscape, minimising the landscape and visual impacts of the development proposal. New development will not occupy locations that are dominant in the landscape.



- 2.04 DC3 – The proposed development will be in keeping with the location; not dominating houses and structures in the surrounding area through scale or form. The scale and form of the overall proposal will be similar to neighbouring buildings and buildings in the vicinity.



- 2.05 DC4 – The proposed pattern of development will not lead to the suburbanisation of the Countryside or add to existing areas of suburban type development in the Countryside. In a number of locations in the Countryside there are areas of suburban type development where housing development from the 1980s to the present day dominates in terms of their design, siting and massing. New housing groups or additions to existing housing groups must be designed and sited in a manner that is rural and not urban in nature where the topography and other existing site features such as stone dykes and buildings are considered positively, echoing a traditional rural building group. New development that is simply lined up to address a road with other recent development in a uniform manner or where it is proposed to carve a field up for new housing development (field filling) will not be allowed.



- 2.06 DC5 - It does not place an unacceptable burden on existing road infrastructure nor does it have a negative effect on road safety interests.
- 2.07 DC6 – Vacant and redundant buildings and land often revert back to a natural state potentially being used by protected species such as breeding birds and bats; and having other biodiversity value. A proposal will retain the valued biodiversity. There may be a requirement for survey work and/or mitigation.
- 2.08 DC7 – It does not have an unacceptable effect on the water environment, ensuring the use of sustainable surface water drainage, and adequate foul drainage, and the avoidance of engineering works in the water environment or detrimental impacts on water dependant habitats. Where possible, foul drainage should be connected to the public sewer; although in rural locations this may not always be possible. New development in the countryside should not lead to the over proliferation of private foul drainage systems.
- 2.09 DC8 – When an existing building has historic and/or architectural merit, they should be retained or converted. Their retention is important to the social history of a location and using them acknowledges their embodied energy. Positive consideration will be given to incorporating existing buildings or structures of architectural and or historic merit in any scheme
- 2.10 DC9 – A proposed house will have its own domestic curtilage with the proposed built form (e.g. a house and detached domestic garage) occupying a maximum of 33% of the overall site. The maximum size of any proposed domestic curtilage that will be supported is 1500 square metres, although in some cases allowance will be made in the proposed curtilage size to ensure foul drainage is accommodated fully.
- 2.11 DC10 – In line with the Council’s Climate Emergency, all new housing development needs to demonstrate how they are proposing to incorporate low or carbon technologies for heating and power as well as a high standard of insulation for the proposed living accommodation. The applicant is also required to demonstrate how they have incorporated electric vehicle charging or how it could be included within the curtilage, when required.

# Housing in the Countryside

## Development Policy Provisions

- 3.01 Within the policy there are 8 policy provisions that allows for housing development in the countryside. A number of provisions look to reuse existing built form of a substantial nature in the landscape whether a former house or an agricultural building; and use them to form new homes for Orkney's countryside.

### The reinstatement of a Former Dwelling House Policy 5E (i)

- 3.02 This policy provision supports the reinstatement of a former house through renovation to form a new house. This policy provision makes a positive contribution to the countryside by preserving rural heritage, providing a housing opportunity and retaining the embodied energy of the original structure.
- 3.03 Planning permission is generally required to bring a former house back into use as a house if it has been vacant for more than 10 years, or has changed its use. The former house will display domestic features such as an external chimney stack, internal fireplace and/or openings of a domestic nature (no double opening doors and more than one window).
- 3.04 A renovation may include an extension and/or the integration of other structures associated with the house such as an old farmsteading. This work must be sympathetic to and protect the character of the original house and buildings; ensuring that any original features and materials are retained, wherever practicable. Any proposed extension must be sympathetic to and not dominate the original house or buildings.
- 3.05 The house may form part of a larger site, such as a redundant farm steading, where there may be opportunities for more than one house. In these cases a Site Development Statement as noted at DC1 in this guidance will be required.

## The Conversion of a Redundant Building or Structure Policy 5E (ii)

- 3.06 This policy provision supports the creation of a house through the conversion of a non-domestic building or structure that is redundant. This provision makes a positive contribution to the countryside by preserving rural heritage, providing a housing opportunity and retaining the embodied energy of the original building or structure. A proposal will have to comply with the following Criteria:
1. The building or structure should be redundant.
  2. The building or structure should be non-domestic.
  3. It is preferable that the proposed conversion is contained within the original building or structure, with 100% of the original building or structure retained within the conversion proposal.
  4. An extension that allows for additional living space is permissible and should not double the size of the original footprint of the building or structure to be converted; nor over dominate the original building or structure.
  5. The proposed house may form part of a larger site such as a redundant farm steading where there may be opportunities for more than one housing development. In these cases a Site Development Statement as noted at DC1 in this guidance will be required.

## The Replacement of an Existing Building or Structure Policy 5E (iii)

3.07 This guidance seeks to protect and enhance Orkney's historical and architectural assets through a retention and conversion first approach to buildings / structures of historic and/or architectural merit.

3.08 Three types of buildings can be replaced under this provision. They are:

- A building or structure that is redundant and complies with the definitions of this Supplementary Guidance.
- An existing house that has no historic or architectural merit, which provides a sub-standard level of living accommodation that is unsuitable for renovation to form a modern and energy efficient house.
- A redundant house or a redundant former house that displays domestic features such as fireplaces, chimney stacks or a domestic pattern of openings (generally seen to be a central doorway and a window opening at either side).

In terms of redundancy, the planning authority may ask for additional evidence to support the redundant nature of the building or structure if it appears suitable for its use. For example, a farm building within or part of a working farm or a commercial building that is in a good state of repair.

3.09 When considering the potential number of buildings that can be redeveloped through replacement within a group of buildings, this policy provision considers how they are viewed in their setting and their external appearance, rather than how the building group may have once functioned. A building or structure to be replaced may be small or large in scale; it will sit on its own site and be detached from other buildings or structures. The presence of internal structural walls or separate external doorways is not relevant.

3.10 There are different considerations and options depending on whether a building or structure has architectural and/or historic merit.

3.11 **No architectural and/or historic merit** – If the building or structure does not have architectural or historical merit, the building may be replaced as a one for one replacement. The original building will be removed from the site with the replacement house being located on the same site. In some exceptional instances the replacement house can be moved where there are demonstrable planning benefits for an alternative location such as landscape and visual impacts, flooding, built heritage, natural heritage or road safety. The original building will be fully removed from the site before the construction of the new house. In some limited cases the original building or structure could be retained if the development proposal demonstrates how it can be utilized as an ancillary domestic building. In these cases, the replacement house will be located next to original building and within the same curtilage.

- 3.12 **Of architectural and/or historic merit** – When the building or structure has merit there are a number of options:
1. The building can be redeveloped or converted as noted within this guidance.
  2. The original building may be retained and utilised as ancillary domestic accommodation to the proposed house. The proposal must contain details of how the original building will be restored and retained in a fully wind and water tight condition to the satisfaction of the planning authority. The proposed replacement house will be erected adjacent to and within the same curtilage as the original building. The replacement house must be sympathetic to the original building in terms of scale and form.
  3. The building can be restored as a dwelling house in its own right and a new dwelling can also be developed on an adjacent site sharing a common boundary. Planning permission will only be granted through this option where an application includes details of how both houses will be delivered. The replacement house must respect the original building in terms of its location, scale and form.
- 3.13 When the building to be replaced is retained/redeveloped, it should be made wind and water tight to the satisfaction of the planning authority, before the erection of the replacement house commences.
- 3.14 The house may form part of a larger site such as a redundant farm steading where there may be opportunities for more than one housing development. In these cases a Site Development Statement as noted at DC1 in this guidance will be required.

## The Re-Use of Brownfield Land Policy 5E (iv)

- 3.15 This policy provision relates to brownfield land that has previously been developed, where the former use remains evident on site. The redevelopment would result in environmental improvements through full remediation of any contamination that is found on site.
- 3.16 A proposal will comply with the following criteria:
1. The defined site of 1500m<sup>2</sup> or less will be meet the definition of a brownfield site that is set within this guidance. The area of ground that requires to be investigated for land contamination could in some cases be larger than the proposed planning site of 1500m<sup>2</sup> and therefore so could the area of ground that requires remediation.
  2. Any structures on the site that have architectural and / or historic merit should be retained as part of the final proposal. In some cases, structures may require to be removed to that the most appropriate form of remediation can take place.
  3. The curtilage of the proposed house must be wholly contained within the defined brownfield site.
  4. If on the site or the wider site, there is potential for more than one house, a Site Development Statement as noted in DC1 in this guidance will be required.
  5. The application will be accompanied by a full Contaminant Report. This report will detail the contaminants found on the site, the methodology used to complete the report and the remediation required to allow the site to be developed as a domestic curtilage. This report should be completed to the satisfaction of the Environmental Health Team at the Council. If planning permission is granted, work for the remediation of the site will require to be carried out in full before work for the erection of the house commences.



## The Subdivision of a Dwelling House or its Residential Curtilage Policy 5E (v)

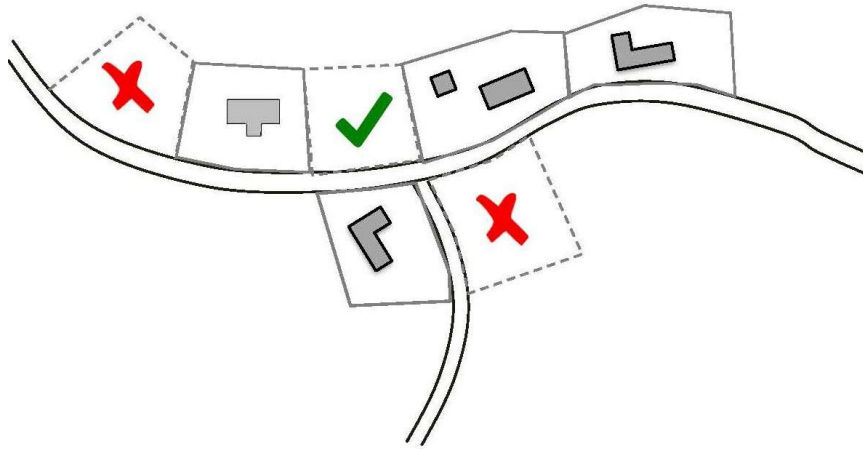
3.17 This policy provision provides for one additional house through the Plan period. Subdivision of a house or residential curtilage is supported where the proposal demonstrates that:

1. The curtilage to be sub-divided complies with the definition of curtilage as noted in the Supplementary Guidance.
2. The curtilage to be sub-divided has served the host house for a period of 10 years or greater. Evidence will be required to support the application, such as planning history or clean documentary/photographic evidence.
3. The subdivision is achievable without the need to extend the existing curtilage, with all proposed development being fully contained within the boundary of the existing curtilage.
4. The proposed house and the host house have adequate parking, access provision and outside amenity space and foul drainage.
5. When the proposal is for the sub-division of a house as well as the curtilage, any built form extension should not dominate the original house in terms of scale and form, and
6. The residential amenity of adjacent properties, including that of the host house must be protected.

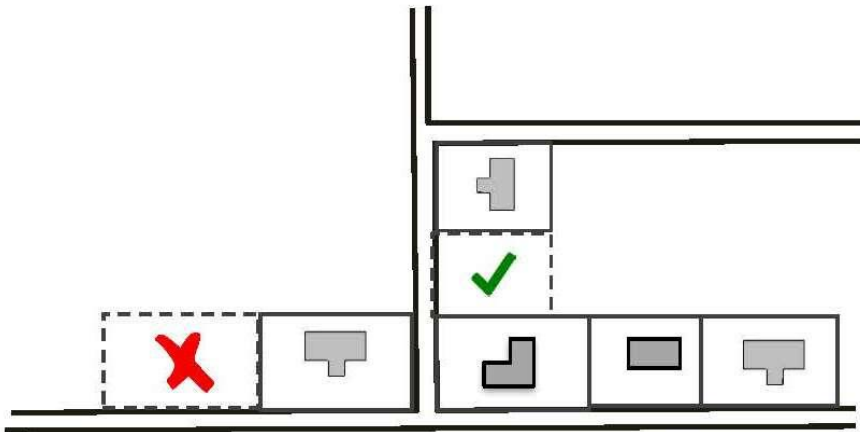
## Single House In-Fill Development within Existing Housing Groups Policy 5E (vi)

- 3.18 This policy provision allows for the creation of one housing plot within an existing housing group during the lifetime of the Orkney Local Development Plan 2017-2022. The housing group once defined through a successful planning application will not be redefined for the purpose of gaining an additional consent. This is to ensure development does not lead to suburbanisation of the countryside.
- 3.19 The definition of an existing housing group is where there are four or more occupied and independent dwelling houses which relate to each other and are viewed as a group, meaning two or more of the houses share domestic curtilage boundaries.
- 3.20 The infill site will:
1. Be within a housing group as defined above.
  2. Be located in between two of the occupied and independent dwelling houses with the infill site sharing boundaries with these two dwelling houses.
  3. Accord with and enhance the housing group, with a similar plot size and shape, development density and design.
  4. Allow for an independent dwelling house and curtilage.

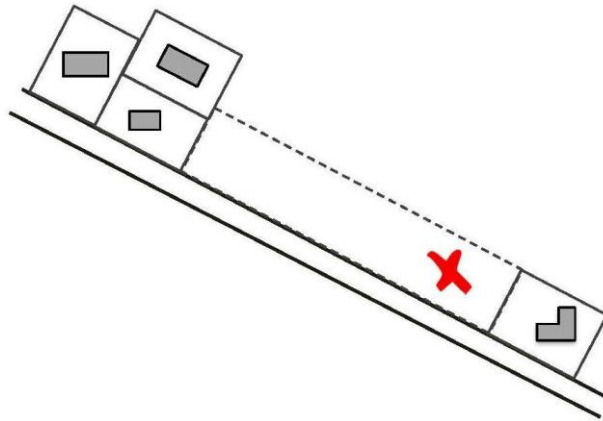
- 3.21 The diagrams below are illustrative examples of housing groups and infill sites as defined through this guidance.



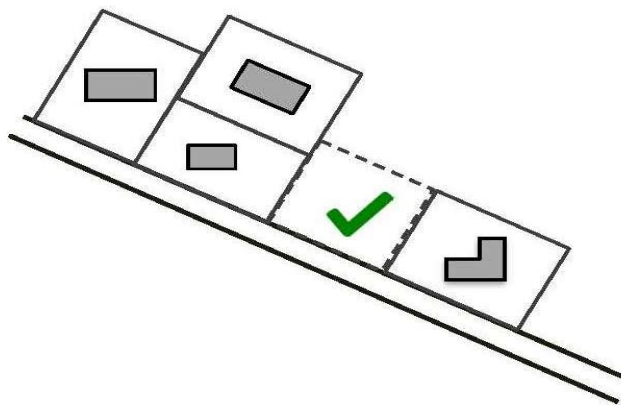
- 3.22 In the above illustration, the 4 houses are viewed as a group with 2 of the houses sharing domestic boundaries. The ticked site is located in between 2 occupied and independent dwelling houses with the other sites (noted with a cross) not being infill sites as they do not sit in between 2 houses.



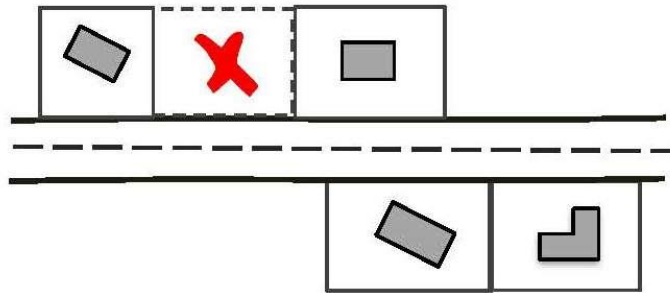
- 3.23 In the above illustration, the 5 houses are viewed as a group with 2 of the houses sharing domestic boundaries. The ticked site is located in between 2 occupied and independent dwelling houses with the other site (noted with a cross) not being an infill site as it is not located in between 2 houses.



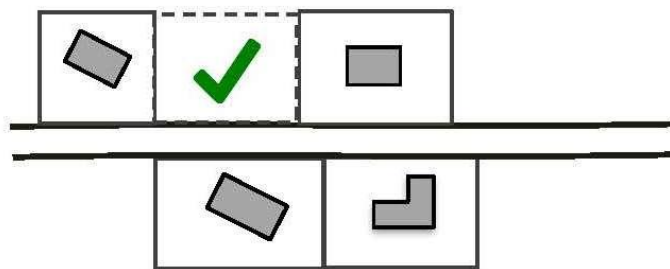
3.24 The above illustration shows how the plot has been contrived to meet the policy requirement of the Supplementary Guidance. The proposed plot is not of a similar shape to the existing plots in this location and will therefore not enhance the grouping or the location.



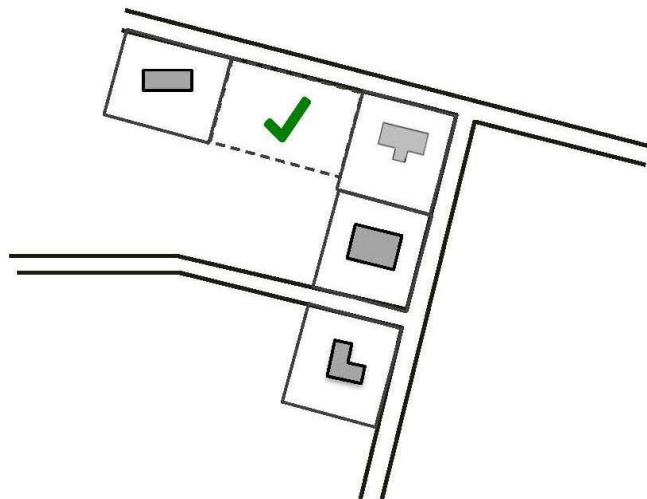
3.25 The above illustration shows that the infill site is located in-between 2 domestic curtilages; sharing their boundaries. The proposed plot is of a similar size to the existing plots.



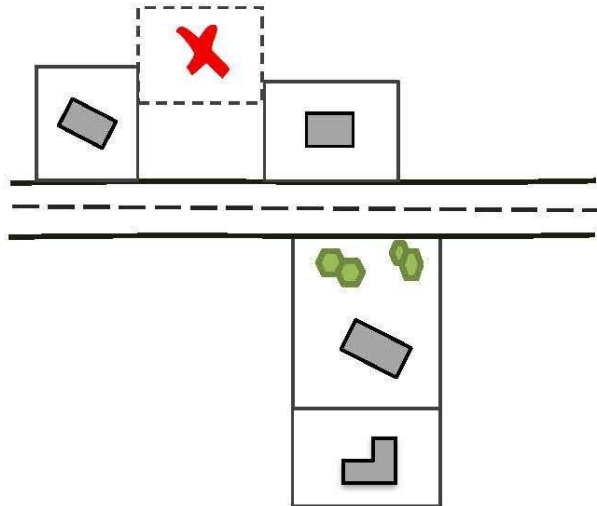
3.26 In the illustration above, the 2-way road forms a strong visual and landscape break and therefore the four houses do not form a group as defined in the Supplementary Guidance.



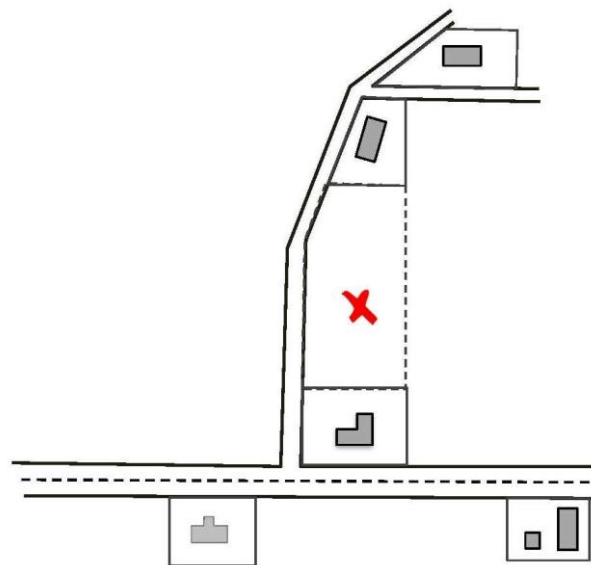
3.27 In the illustration above, the single track road does not form a strong visual or landscape break within this building group and therefore forms a housing group as defined in the Supplementary Guidance. The proposed plot is also a similar size to and shape to the existing plots.



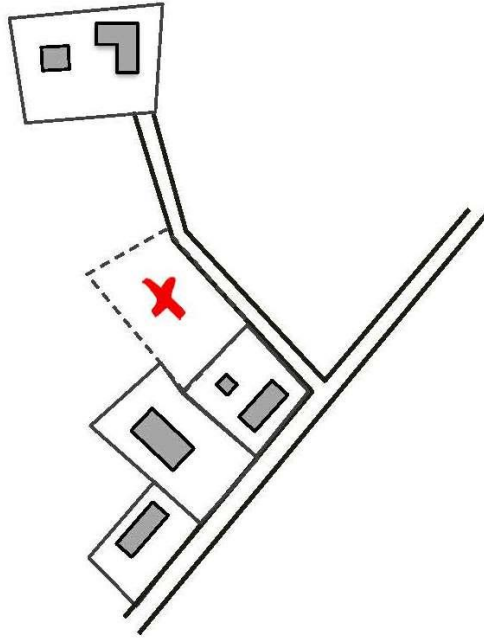
3.28 As in 3.27, the illustration above demonstrated that single track roads do not form strong breaks visually or in landscape terms. The proposed plot is similar in size and shape to the existing plots.



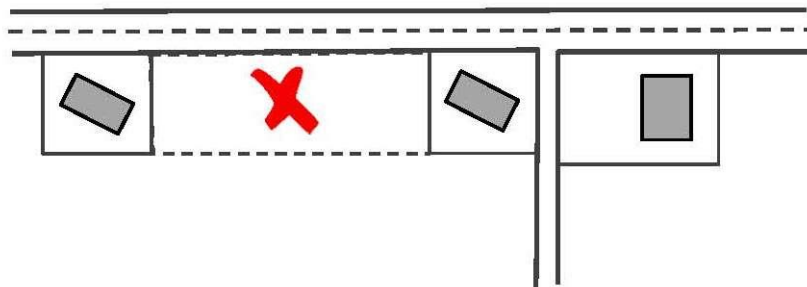
- 3.29 The illustration above shows that the 4 existing houses do not form a group as defined in the Supplementary Guidance. This is because of the 2-way road forms a strong visual and landscape break. Additionally, the proposed infill site does not share curtilage boundaries with 2 of the existing dwellings.



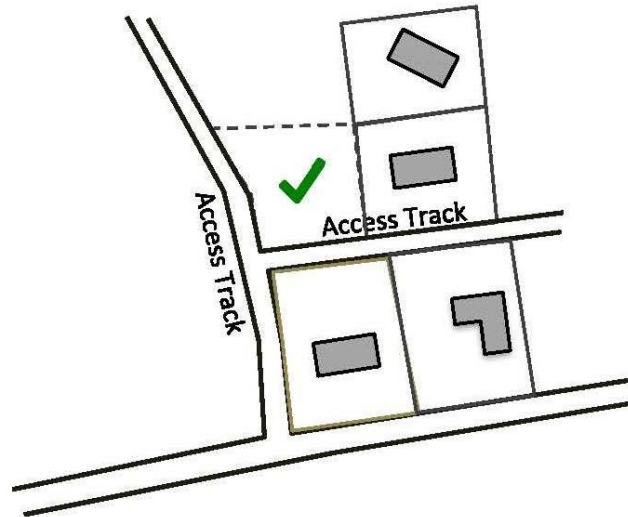
- 3.30 The illustration above demonstrates how this is not a group of 4 houses as the potential 4<sup>th</sup> house is over a 2-way road. A 2-way road forms a strong visual and landscape break. Additionally, the potential infill site is not similar in size or shape to the existing housing plots.



3.31 The illustration above demonstrates how this is not a group of 4 houses as the 4<sup>th</sup> house is remote from the other 3. Additionally, the potential infill site does not share boundaries with 2 other dwelling house curtilages.



3.32 As shown in the above illustration, there are not 4 occupied and independent dwelling houses within the group.



- 3.33 The illustration above shows 4 dwellings and the potential infill site shares boundaries with 2 of them. The infill site is of a similar shape and size to the existing sites.



## The Provision of a Single Dwelling House for a Rural Business Policy 5E (vii)

- 3.34 Farming and other rural businesses contributes to Orkney's economy and sustainable future. The Council wishes to support established rural businesses by providing for additional living accommodation where there is a clear business requirement for 24 hour supervision. It should be noted that the presence of a rural business is not justification in itself.
- 3.35 The applicant must demonstrate that:
1. Any existing houses that form part of the business requires to be assessed, including past planning approvals (the removal of occupancy conditions and extant consents), to establish if any are suitable in operational terms to provide the housing required.
  2. Demonstrate that the need is not a direct consequence of recent severance of housing from the business. Changes in the business will be taken into account.
  3. Evaluate the opportunities to provide the required housing, in a location that is suitable for the business and its operational needs, through the policy provision at Policy 4, section A and Policy 4, section E part i), ii), iii). iv), v) and vi) of the Plan.
  4. The viability, scale, longevity and other relevant details of the business must demonstrate that the business is on a sound financial basis.
  5. The labour requirements of the business, including the requirement for additional 24 hour supervision, will be assessed and established through the application process. 24hour supervision must be essential for a sustained period of the year (for more than 3 months).
  6. Details of the employment status of the business owners and employees; and whether they have other employment (full or part time) that takes them away from the business will be considered.
  7. Provide information on the persons who are to live in the proposed house and whether they own the business or are related to the business owner.
  8. Provide full justification for the location proposed for the house. The proposed house should be located with other buildings associated with the business, forming part of a building group or in a location that has full business justification.

### Viability, Longevity and Business Justification

- 3.36 The majority of applications submitted under this policy provision will relate to agriculture. Justification through the evaluation criteria should be completed by, or with the assistance of, a recognised agricultural assessor. For other rural businesses, justification should be provided by, or with the assistance of a recognised business advisor / accountant.
- 3.37 For the purpose of the policy provision, a rural business must have been operational in its current location for a minimum of 2 years. In some cases the rural business may

not have been established for this period or established for this period in a different location. In these cases, consideration through the evaluation criteria, will be given to the granting of a temporary permission for a non-permanent form of housing, such as a residential caravan, for an initial period of two years.

### **Location of the Proposal**

- 3.38 The proposed house should be located with existing buildings to assist in the provision of 24 hours supervision. In some exceptional cases, there may be other locational requirements for the business that require the proposed house to be sited away from existing structures and buildings. In these cases, full business justification should be provided for these alternative locations. When considering alternative locations, it is essential that new development is designed and sited to fit into the landscape and to minimise landscape and visual impacts. For example, it would not be sufficient for an agricultural business to state that a proposed housing location allows the occupant to look over the land. Justification must be more detailed in terms of the activities which require to be viewed from this location and why from an operational perspective this is a requirement over a location near to the buildings of the business.
- 3.39 There may be planning benefits for alternative locations that reduces impacts on material planning considerations such as flooding, built heritage, natural heritage or road safety. These considerations may be used to justify locations away from the existing structures and buildings of the business.

### **The Use of Occupancy Conditions**

- 3.40 The emphasis through this guidance has been placed on the provision of full justification for a new development rather than supporting an approach of issuing planning permission with conditions that restrict who lives in the house after construction. Conditions restricting occupancy will generally not be imposed.

## The Provision of a Single Dwelling House to allow for Retirement and Succession of a Farm Policy 5E (viii)

- 3.41 This element of the policy allows for a viable farm holding to be passed on to the next generation, allowing for an additional house for the retiring farmer or for a new farmhouse. The retiring farmer under this policy provision could still make a valued contribution to the business on a part time or flexible basis.
- 3.42 The applicant must demonstrate that:
1. They have recently retired, and the business has been or will be sold or transferred to a family member.
  2. Either the applicant or the family member will live in the proposed house. Confirmation is required through the planning application.
  3. Any existing houses that form part of the business including past planning approvals (the removal of occupancy conditions and extant consents) will be assessed to establish if there any are suitable alternatives, in operational terms, to provide the housing required.
  4. Evaluate the opportunities to provide the required housing, in a location that is suitable for the business and its operational needs, through the policy provision at Policy 4, section A and Policy 4, section E part i), ii), iii). iv), v) and vi) of the Plan.
  5. The viability, scale, longevity and other relevant details of the business must demonstrate that the business is viable; and
  6. Provide full justification for the location proposed for the house. The proposed house should be located with buildings of the business, forming part of a building group or in a location that has full business justification and other relevant justification.

### Viability, Longevity and Business Justification

- 3.43 Justifications through the evaluation criteria should be completed by, or with the assistance of, a recognised agricultural assessor. For the purpose of this policy provision, the agricultural business will have been operational in the location of the proposed house for a minimum of 2 years.

### Location of the Proposal

- 3.44 The proposed house should be located adjacent to existing buildings. In some exceptional cases, there may be locational requirements for the business that require the proposed house to be sited away from existing structures and buildings. In these cases, full business justification should be provided for these alternative locations. When considering alternative locations, it is essential that new development is designed and sited to fit into the landscape and to minimise landscape and visual impacts. For example, it would not be sufficient for an agricultural business to state that a proposed housing location allows the occupant to look over the land. Justification must be more detailed in terms of the activities

which require to be viewed from this location and why from an operational perspective this is a requirement over a location near to the buildings of the business.

- 3.45 There may be planning benefits for alternative locations that reduces impacts on material planning considerations such as flooding, built heritage, natural heritage or road safety. These considerations may be used to justify locations away from the existing structures and buildings of the business.

### **The Use of Occupancy Conditions**

- 3.46 The emphasis through this Guidance has been placed on the provision of full justification for a new development rather than supporting an approach of issuing planning permission with conditions that restrict who lives in the house after construction. Conditions restricting occupancy will generally not be imposed.

## 4. The Removal of Residential Occupancy Conditions

- 4.01 A historic grant of planning permission for a house in the countryside for a business, may have included planning conditions that restrict the occupancy of the house. Occupancy conditions are used to restrict occupancy ensuring the availability of the house for the rural business.
- 4.02 In some instances, the owner of the house and business may require to apply for planning consent to remove occupancy conditions.
- 4.03 The outcome of an application to remove an occupancy condition is a material consideration for the planning authority if in the future a new application for another house on the same rural business's submitted.
- 4.04 **Change in planning policy (national or local)**  
Since the original application was approved with occupancy conditions, national or local planning policies may have changed. In these cases a planning application will be supported by a statement detailing these changes and how the proposal is supported by either existing national or local planning policies.
- 4.05 **Change in business circumstances**  
Since the original application was approved, the business may have changed that has in turn has brought about a change in the housing requirements of the business. For the planning authority to fully consider the removal of occupancy conditions, a full statement detailing the change in business circumstance, how these changes are linked to the removal of the occupancy conditions and the consideration of alternative solutions, will be provided with the planning application.

## 5. Definitions

- 5.01 For the purpose of this guidance, the following definitions apply. Please note that a full glossary of planning terms used in Orkney is provided online at <http://www.orkney.gov.uk/Service-Directory/G/Glossary-of-Planning-Terms.htm> .
- 5.02 **Architectural Merit** is when a building or structure displays features of architectural merit or has a specific architectural style. The architectural merit or architectural style of the building or structure is either rare or a good example that is generally intact and not greatly altered.
- 5.03 **Building or structures** are defined as being above ground and having the majority of the original walls to wallhead level of 1.6 metres evident on site and an external floor area of 50 square metres or greater. It should also be proven beyond reasonable doubt that the building or structure either has a roof or had a roof in the past.
- 5.04 **Brownfield Site** is defined as land where contaminants are present or suspected of being present that may represent a potential risk to human health or to the environment. This risk is either through the direct uptake of contaminants into the food chain or ecosystems, direct ingestion or inhalation, contamination of water resources, fire and explosion of combustible contaminants or an attack on building materials and services by corrosive contaminants. Additionally, there should be man-made features on site that are over 2 metres in height and are not necessarily buildings.
- 5.05 **Curtilage** is defined 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. Where an area of land has planning permission to be used as domestic curtilage or has achieved the status lawfully through the passage of time, it will be considered as such unless it has been abandoned for a period of 10 ten years where its use will be deemed to have lapsed.
- 5.06 **Existing Housing Group** is defined as an existing housing group where there are four or more occupied and independent dwelling houses which relate to each other and are viewed as a group, meaning two or more of the houses share domestic curtilage boundaries.

- 5.07 **Historic Merit** – These are buildings that are judged to be socially and culturally important to Orkney. There is interaction between historic merit and architectural merit. There are 3 main categories:
- **Vernacular buildings** utilise locally available materials and respond to functional, social and environmental constraints. Orkney’s domestic vernacular architecture is recognisable in longhouses that are characterised by thick walls, constructed using local stone, flagstone roofs and floors; and adjoining byres that would have originally housed farm animals. They are often orientated to address local climatic conditions and topography. Orkney’s non-domestic vernacular architecture includes mills, stores and agricultural steadings.
  - **Traditional buildings** are usually designed by architects as opposed to being a direct response to local conditions with similar structures constructed across a wider geographical area. Materials would be local with some use of materials from further afield, such as Welsh or Caithness slate. Examples are 19<sup>th</sup> century agricultural housing erected on estates that emulate the earlier longhouses, grand laird’s houses of the 18<sup>th</sup> and 19<sup>th</sup> century, churches, manses, schools and model farmhouses.
  - **Non-Traditional Buildings** are generally built to fulfil a specific purpose; they are often functional in appearance, and not embellished with elaborate features; and may not be constructed from local or natural materials but of concrete and brick. Examples are wartime structures, lighthouse board buildings and structures associated with the Royal National Lifeboat Institution (RNLI).
- 5.08 **Infill Development** is located within a Housing Group. The Infill development site is located in between two of the occupied and independent dwelling houses with the infill site sharing boundaries with these two dwelling houses.
- 5.09 **Non-domestic Building or Structure** is defined as noted at 5.03; with the last use not being that of a house.
- 5.10 **Redundant** is when a building or structure is no longer suitable for its previous use by virtue of its size and location; and the building or structure is empty, unoccupied and not in an active use.
- 5.11 **Suburbanisation** houses may be regimented and aligned to a view rather than responding to climatic and topographic conditions of the location, thereby having greater landscape and visual impacts. There can be a lack of local distinctiveness in suburban areas with the scale, form and massing of buildings more suited to an urban area. Further information on suburbanisation with regards to infill development may be the subject of dedicated Development Management Guidance.

# Appendix 1: Site Development Statement

The aim is not to duplicate information that is already contained within the planning application but to inform the planning authority and other interested stakeholders of the design process undertaken and how the applicant is looking to achieve the potential of a development appropriately. There is no right or wrong content in a Site Development Statement, this is a guide. Note that these statements should be supported by graphics and photographs.

## 1 - Layout

**Introduction** – this section introduces the site and the development. Subsections could be:-

- Description of Development Proposed
- Development Aspirations
- Relevant History
- Pre-planning Advice

**Site and Surrounding Area Appraisal Section** – this section looks at the context, the users, the buildings, the landscape, planting, boundaries etc. Subsections could be:-

- The Location
- The Site
- Existing Connections

**The Development Principles** – the “rules” the development must consider when designing. They could be national or local planning policies or issues such as flooding.

**The Development Concept** – looks at the investigations, analysis and the development principles to show how they have been understood and taken forward or not to the development solutions.

**The Development Solutions** – there may be more than one; and this section potentially discusses and discounts solutions.

**The Development and Supporting Statement** – which development? And why?



## 2 - The Example

This example is fictitious and based on scenarios that are found throughout Orkney. Its an farmhouse and farmstead called Hillquoy, the farm was bought by a neighbouring landowner that wishes to sell houses / housing plots to help finance his business and presently manages his farm from another steading. The application that has been received by Development Management is for the erection of a replacement house, Site C only.

### Introduction

This statement discusses the redevelopment of Hillquoy in New Parish on the Mainland. It comprises of a farmhouse and farmsteading. The house is in use and the farmsteading has not been actively used for a number of years. The land of the farm has been incorporated into a larger neighbouring farm.

Please note that the plans contained within this statement are not to scale and indicative only.

### Description of the Development Proposed

It is proposed to redevelop this under used group of buildings. The applicant wishes to realise the value of this builtform. This document shows how this can be achieved whilst responding to the features of the location, being environmentally acceptable and allowing for independent dwelling houses.

### Development Aspiration

Realise the value of the builtform of Hillquoy and for any proposed development to be environmentally acceptable.

### Relevant History

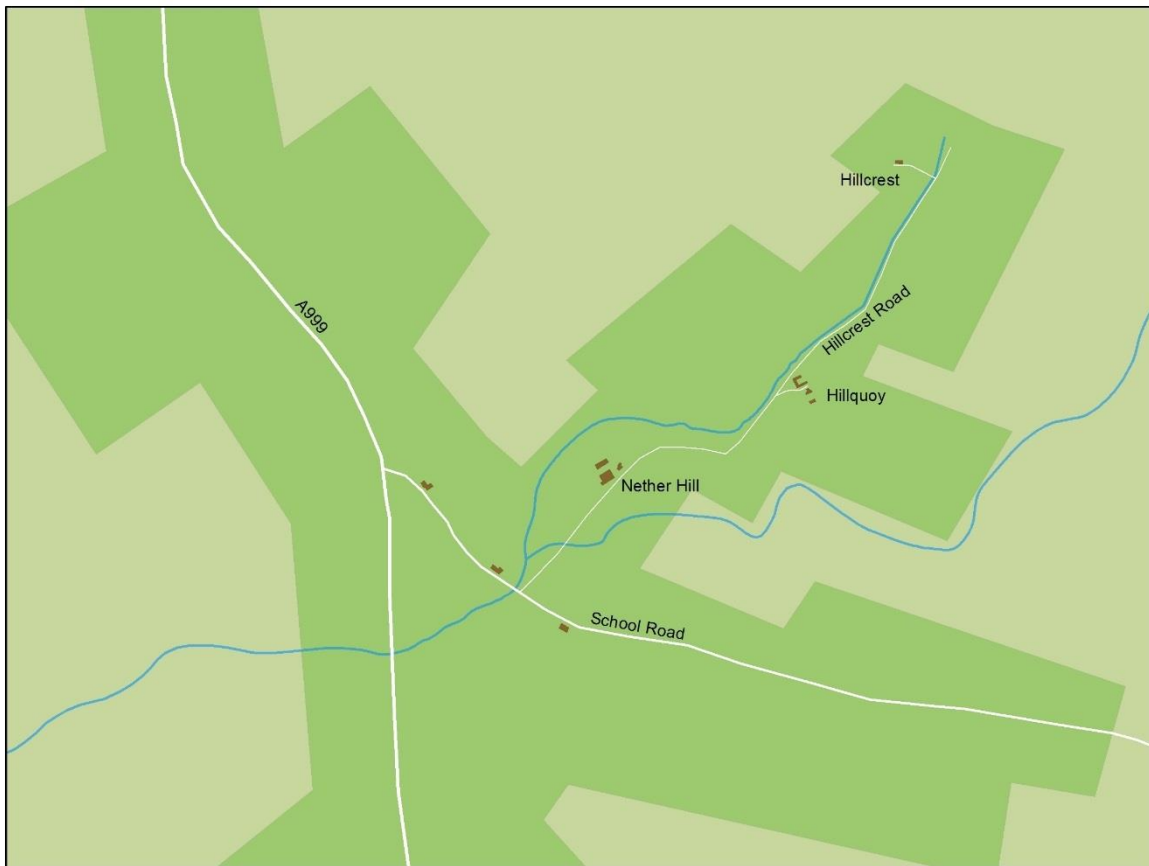
The structures of Hillquoy are appropriately 160 years old, with some structures constructed of stone with welsh state roofs. Newer buildings from the 1960's are block built with corrugated sheet roofing.

### Pre-planning Advice

With Mrs Smith of the Development Management Team in October 2018. Her advice has shaped the final proposed development and other advice has also been gained from Building Standards and SEPA (about foul and surface water drainage arrangements).

## Site and Surrounding Area Appraisal Section

### The Location



**Site Location Plan**

The location is noted in the above plan. Hillquoy lies to the northeast of Nether Hill and the southwest of Hillcrest in a location that is predominantly agricultural in use. In the last 20 years a number of residential properties have been developed to the south east of the Hillquoy off the School Road.

Nether Hill is a house and farm steading that has been greatly altered in the last 30 years. The house, originally a stone built one storey house has been altered and extended to incorporate outbuildings. The farmsteading is dominated by large agricultural shed constructed of poured concrete with wooden slatted sides and a corrugated sheet roof.



**Hillcrest**

Hillcrest which is located on higher ground above Hillquoy is a traditional group of buildings that have not been altered and updated. They are smaller in scale, generally constructed of stone with gable ends.



**Hillhead**

The landscape in the location is predominantly cultivated grass fields with post and wire fencing with Hillquoy located within a landscape that gently slopes from the west to the east. The Burn of Hillquoy runs along the Hillcrest Road.

Within this location there are no landscape designations or historic environment assessments such as listed buildings.



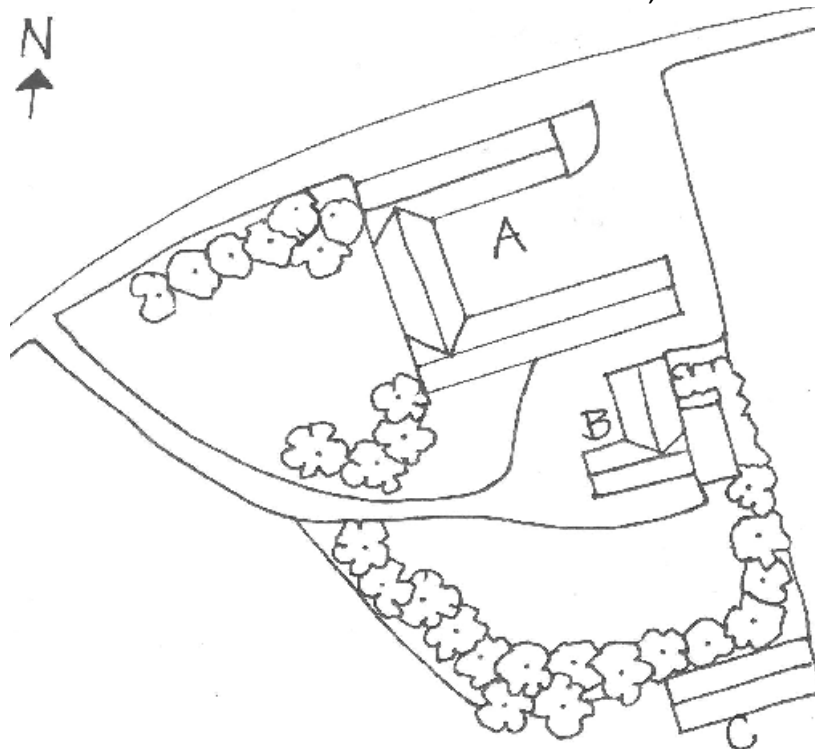
**Photo A - Agricultural Land and Hillhead**



Photo B – Landscape west of the site

## The Site

The Site Plan notes the existing buildings of Hillquoy and labels them A to C. The buildings of Hillquoy sit within the landscape and there are a number of mature sycamore trees in the garden grounds. The site does not have a flood risk from coastal, river or surface water.



Site Plan noting the existing buildings A to C

A – The former farmsteading is in a “Horseshoe” arrangement. The northern and western buildings are constructed of stone and originally had an Orkney slate roof. This slate has recently been removed because of safety concerns and roofed with corrugated sheeting. Part of the northern building has a loft level but the appearance of the buildings is that of single storey. The southern buildings are block built with a corrugated asbestos sheeting on the roof.



All buildings are gable ended and openings in the buildings are agricultural in nature (mainly doors with limited windows). Through pre-planning consultation, Development Management stated that the stone element of the farmsteading had historical merit and should be retained in any redevelopment plans.



**Farmsteading at A**



**Farmsteading at A**



**Farmsteading at A**

B – The house of Hillquoy is in a good state of repair but requires some modernisation. It is mainly of stone construction with a welsh state roof. The house is a storey and a half with 3 bedrooms, a living room, kitchen / dining room, bathroom and entrance porch. Attached is a lean too domestic garage.



**Hillquoy – Farmhouse at B**





**Hillquoy - house at B**

C – This is a single storey block built agricultural building with a corrugated asbestos sheeting roof. Through pre-planning consultation, Development Management stated that this building has no architectural or historic merit.



**Agricultural Buildings at C as viewed from the field**



**Agricultural Buildings at C as viewed from the garden**

## Existing Connections

The Location Plan shows the existing connections in the proximity of the redevelopment site. The public bus service that links this location to the Villages of St Ann's and St David's; and Orkney's main town of Churchwall, runs along the A999. The Hillcrest Road is an unclassified public road which is a single-track.

## The Development Principles

The relevant local policies to be considered are found in the Orkney Local Development Plan 2017 (OLDP2017) <https://www.orkney.gov.uk/Service-Directory/O/Orkney-Local-Development-Plan.htm> (Policy 1, 2 and 5E) and associated Supplementary Guidance of Housing in the Countryside (SG) <https://www.orkney.gov.uk/Service-Directory/D/housing-in-the-countryside-2.htm>

These documents will be considered positively to shape the development proposed so as to gain consent and to be acceptable. For this rural redevelopment and to maximise the potential, the provision set under part iii) – The Replacement of an Existing Building or Structure of Policy 5E requires consider. They are:

- 1 – Is the building considered to be a building or structure under the definition stated in the Supplementary Guidance? It requires to be above ground with the majority of walls to wallhead level of 1.5 metres evident on site and an external floor area of 50 square metres or greater. It should be proven beyond reasonable doubt that the building or structure either has a roof or had a roof in the past.
- 2 - Is the building redundant? It is no longer suitable for its previous use by virtue of its size and location; and the building is empty, unoccupied and not in an active use.
- 3 – Does the building have architectural and / or historical merit? The historic vernacular building definition states that it should utilise locally available materials and respond to functional, social and environmental constraints. Orkney's domestic vernacular architecture is recognisable in longhouses that are characterised by thick walls, constructed using local stone, flagstone roofs and floors; and adjoining byres that would have originally housed farm animals. They are often orientated to address local climatic conditions and topography. Orkney's non domestic vernacular architecture includes mills, stores and agricultural steadings.

## The Development Solutions

Taking into consideration the site investigations, analysis, the relevant development principles and the developer's aspiration; there are a number of solutions that could be considered for this location; and a number of combinations of these solutions as noted below.

The first solution - extend and renovate the existing house at B and do nothing with the farmbuildings at A and C.

The second solution - extend and renovate the existing house at B and convert the farmbuilding at A.

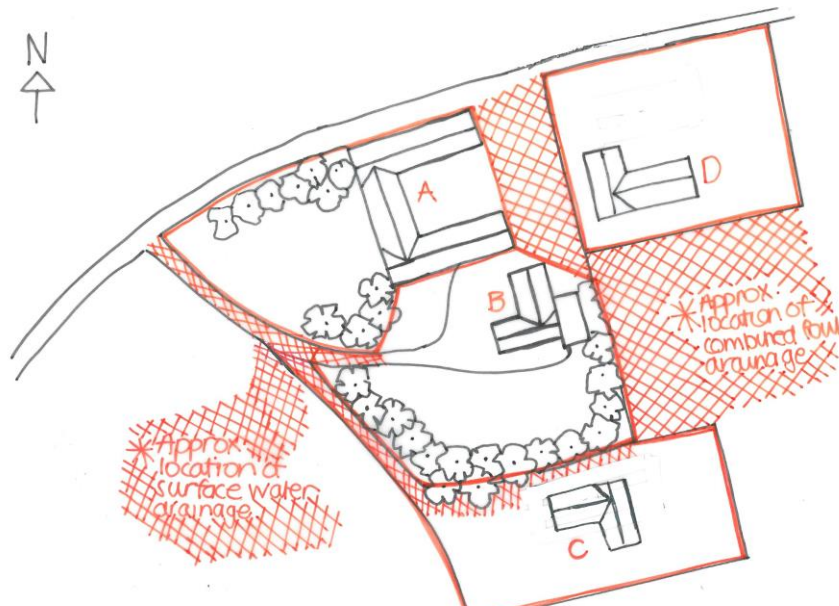


The third solution - extend and renovate the existing house at B, convert the farmbuilding at A and knockdown the farmbuilding at C and erect a new house under the one for one policy.

The fourth solution - extend and renovate the existing house at B, convert the farmbuilding at A and build a replacement house under the two for one policy and knockdown the farmbuilding at C and erect a new house under the one for one policy.

## The Development and Supporting Statement

The fourth solution has been selected as it meets the developer's aspirations, accords with the relevant development principles and the site context.

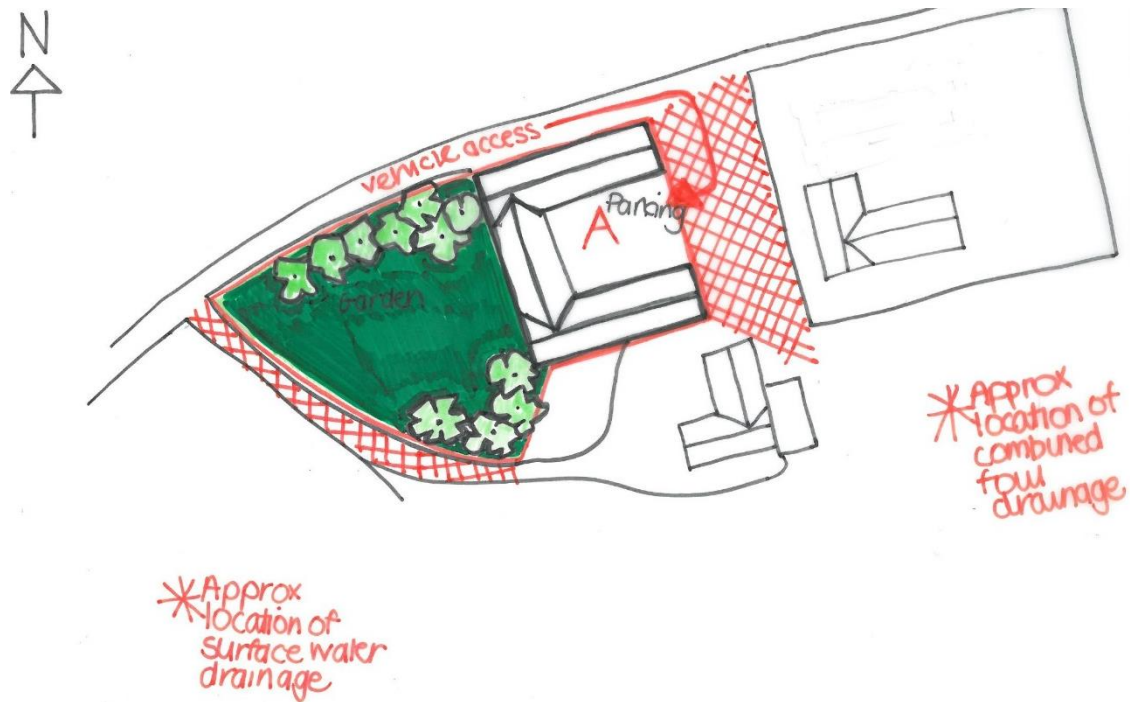


The above plan notes the proposed curtilages and the communal areas to allow for drainage and appropriate access (shown on plan in red hatching).

For All Development there are a number of development and design considerations that are common and that will form part of future planning applications, allowing future development to be environmentally acceptable and accord with the noted development principles.

- After the completion of a tree survey, trees where appropriate and noted within the findings of the tree survey; will be retained to maintain privacy, general amenity, shelter and biodiversity. New planting will be proposed that will add to this provision.
- For the foul and surface water drainage to be combined. For their onward access and maintenance to be covered by a deed condition.
- For all proposed development, the amenity and privacy of all residents must be protected.
- Colours and materials to be used should positively consider the colours and materials of the location.

## Building A



## Building A

- The building accords with the definitions in the Supplementary Guidance of a building or structure, it is considered redundant and has historic merit.
- For the stone element of this building to be retained because of the historic significance.
- For vehicle access to be taken off the Hillcrest Road to the east of the buildings.
- For the area coloured green to be maintained as the private garden ground for this dwellinghouse and boundary treatments to be no more than 1 metre in height.

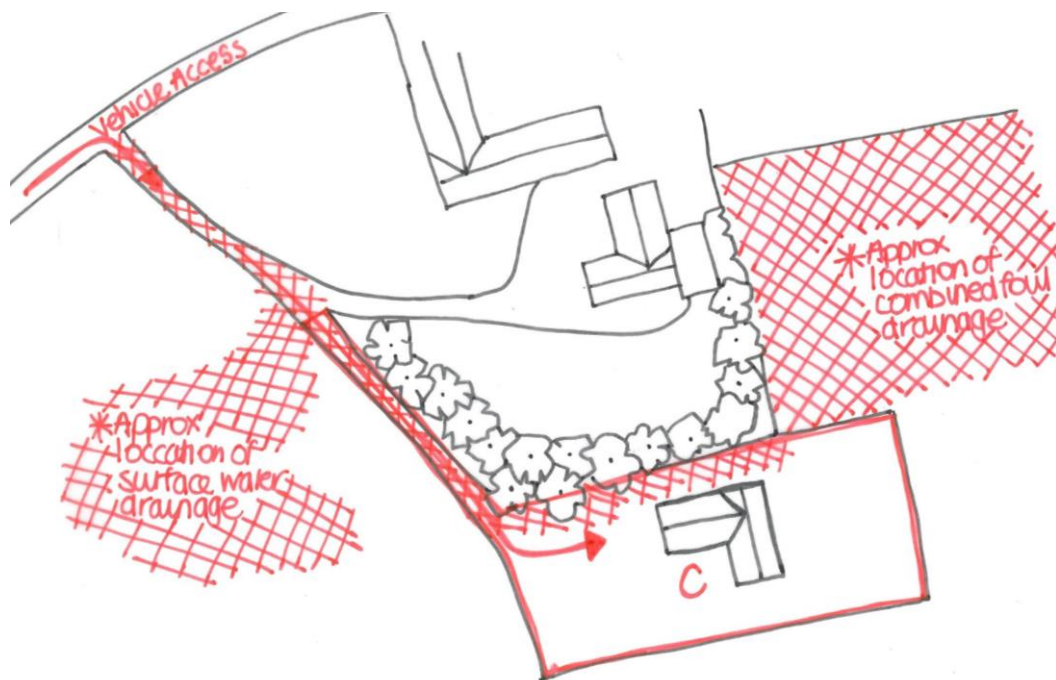
## Building B



Building B

- For the area coloured green to be maintained as the private garden ground for this dwellinghouse and boundary treatments to be no more than 1 metre in height.

## Building C

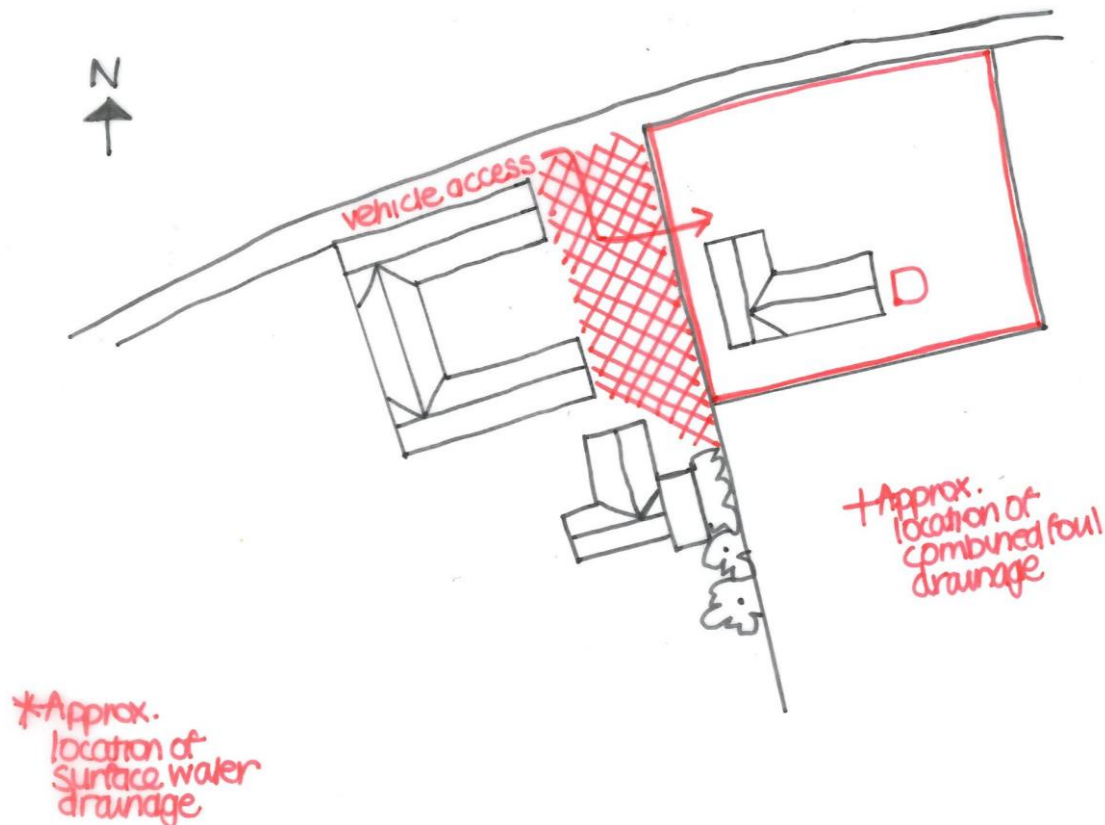


Building C

- The building accords with the definitions in the Supplementary Guidance of a building or structure, it is considered redundant and does not have either historic or architectural merit.
- For the original building to be removed from the site.

- The house footprint noted on the drawing indicates how the plot may function with the trees of the original house maintaining privacy and amenity between the 2 dwellinghouses.
- New planting should be proposed to provide for privacy, general amenity, shelter and biodiversity.
- For the ridge height of this new house not to be higher than either the overall height of the original house or the farmbuildings to be retained, taking into consideration ground levels.

### Building D



Building D

- The house footprint noted on the drawing indicates how the plot may function.
- For the ridge height of this new house not to be higher than either the overall height of the original house or the farmbuildings to be retained, taking into consideration ground levels.
- New planting should be proposed to provide for privacy, general amenity, shelter and biodiversity.

### Supporting Statement

The redevelopment of this building group is appropriate to the site and its context. The buildings of merit are to be retained and redeveloped (the original house and the stone farm buildings), new development will be located to sit with the existing building group and will positively consider this agricultural landscape setting by siting one new build house in

the location of an un-used agricultural building and the other in close proximity to form a grouping.

The overall building heights of the new build elements will not be higher than the historic builtform that has been part of this landscape for over 160 years. Combining drainage elements, covering onwards maintained through title deed provision and retaining and adding to the mature trees will protect amenity and reduce environmental impacts.

The redevelopment accords with the policies of the Orkney Local Development Plan 2017 and associated Supplementary Guidance: Housing in the Countryside.



## Equality Impact Assessment

The purpose of an Equality Impact Assessment (EqIA) is to improve the work of Orkney Islands Council by making sure it promotes equality and does not discriminate. This assessment records the likely impact of any changes to a function, policy or plan by anticipating the consequences, and making sure that any negative impacts are eliminated or minimised and positive impacts are maximised.

<b>1. Identification of Function, Policy or Plan</b>	
Name of function / policy / plan to be assessed.	Supplementary Guidance: Housing in the Countryside
Service / service area responsible.	Development and Marine Planning
Name of person carrying out the assessment and contact details.	Susan Shearer, <a href="mailto:susan.shearer@orkney.gov.uk">susan.shearer@orkney.gov.uk</a> Tel: 01856 873535 Ext. 2533
Date of assessment.	17 <sup>th</sup> December 2020
Is the function / policy / plan new or existing? (Please indicate also if the service is to be deleted, reduced or changed significantly).	The Supplementary Guidance: Housing in the Countryside is a revised version of Supplementary Guidance: Housing in the Countryside, April 2017. The review and redrafting of this Supplementary Guidance is part of the Orkney Local Development Plan 2017. The production of the Plan is a statutory function of the Council.

<b>2. Initial Screening</b>	
What are the intended outcomes of the function / policy / plan?	To make this Supplementary Guidance up to date and to take account of monitoring outcomes. Main outcome is to allow for appropriate housing development in the countryside.
Is the function / policy / plan strategically important?	Yes
State who is, or may be affected by this function / policy / plan, and how.	Planning Stakeholders such as the general public, agencies such as Scottish Water, Scottish Natural Heritage and other interest groups such as Voluntary Action Orkney.



<p>How have stakeholders been involved in the development of this function / policy / plan?</p>	<p>Yes, planning stakeholders are involved through the Local Development Plan consultations that have been completed and will be completed in the future. Note that after this draft has taken into consideration comments made by the public and planning stakeholders through a consultation period in spring 2019 and spring 2020.</p>
<p>Is there any existing data and / or research relating to equalities issues in this policy area? Please summarise. E.g. consultations, national surveys, performance data, complaints, service user feedback, academic / consultants' reports, benchmarking (see equalities resources on OIC information portal).</p>	<p>Not directly. Note that the Equality Act 2010 requires that no-one be disadvantaged in receiving services from public agencies as a result of the undernoted equality strands.</p>
<p>Is there any existing evidence relating to socio-economic disadvantage and inequalities of outcome in this policy area? Please summarise. E.g. For people living in poverty or for people of low income. See <a href="#">The Fairer Scotland Duty Interim Guidance for Public Bodies</a> for further information.</p>	<p>Not directly.</p>
<p>Could the function / policy have a differential impact on any of the following equality areas?</p>	<p>(Please provide any evidence – positive impacts / benefits, negative impacts and reasons).</p>
<p>1. Race: this includes ethnic or national groups, colour and nationality.</p>	<p>No impact</p>
<p>2. Sex: a man or a woman.</p>	<p>No impact</p>
<p>3. Sexual Orientation: whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.</p>	<p>No impact</p>
<p>4. Gender Reassignment: the process of transitioning from one gender to another.</p>	<p>No impact</p>
<p>5. Pregnancy and maternity.</p>	<p>No impact</p>
<p>6. Age: people of different</p>	<p>No impact</p>



ages.	
7. Religion or beliefs or none (atheists).	No impact
8. Caring responsibilities.	No impact
9. Care experienced.	No impact
10. Marriage and Civil Partnerships.	No impact
11. Disability: people with disabilities (whether registered or not).	(Includes physical impairment, sensory impairment, cognitive impairment, mental health) No impact
12. Socio-economic disadvantage.	No impact
13. Isles-proofing.	No impact

### 3. Impact Assessment

Does the analysis above identify any differential impacts which need to be addressed?	No differential impacts to be addressed.
How could you minimise or remove any potential negative impacts?	No negative impact identified.
Do you have enough information to make a judgement? If no, what information do you require?	Yes.

### 4. Conclusions and Planned Action

Is further work required?	Yes, as it is part of the statutory planning function of the Council.
What action is to be taken?	This document is kept under review and will be amended as required to ensure that it is up to date and accords with the requirements of current planning legislation.
Who will undertake it?	Development and Marine Planning
When will it be done?	2021 onwards
How will it be monitored? (e.g. through service plans).	Through the monitoring processes of the Orkney Local Development Plan

Date: 17<sup>th</sup> December 2020

Signature:



Name: SUSAN SHEARER

Please sign and date this form, keep one copy and send a copy to HR and Performance. A Word version should also be emailed to HR and Performance at [hrsupport@orkney.gov.uk](mailto:hrsupport@orkney.gov.uk)