



Item: 2

Planning Committee: 24 March 2026.

Proposed Extension of House at Bigbreck Cottage, Birsay.

Report by Director of Infrastructure and Organisational Development.

1. Overview

- 1.1. A householder planning application is submitted to erect a single storey extension to a house. Consultation bodies have raised no concerns, and no representations have been received. The application is made on behalf of the Head of Planning and Regulatory Services and, in accordance with the Scheme of Administration, the application must be reported to Committee for determination. The development complies with relevant policies of National Planning Framework 4 and the Local Development Plan.

Application Reference:	25/423/HH.
Application Type:	Householder Planning Permission.
Proposal:	Extend a house.
Applicant:	Mr and Mrs Gavin Barr.
Agent:	R. Clouston Limited, 10 Grainshore Drive, Hatston Industrial Estate, KW15 1GG.

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

2. Recommendation

- 2.1. It is recommended that members of the Committee:
- i. Approve the application for householder planning permission in respect of the extension of a house at Bigbreck Cottage, Birsay, subject to the condition detailed in Appendix 1 to this report.

3. Consultations

Scottish Water

- 3.1. Scottish Water has confirmed no objection.

Islands Archaeologist

- 3.2. “The proposed development lies close proximity to a series of prehistoric barrows, including a number designated as a Scheduled Ancient Monument...

I do not consider that the proposal will adversely affecting the setting of the Scheduled Monument...

If the ground works for the foundations of the proposed extension are no deeper than those for the garage that is to be replaced and the area of ground to be disturbed is no larger than and does not extend out with the area already disturbed, then it is highly unlikely that archaeological features surviving and no conditions need to be recommended. However, if the ground works for the proposed extension or deeper and/or more extensive than this, then I recommend that the following condition is applied...”

Roads Services

- 3.3. Roads Services has confirmed no objection, subject to an informative.

Historic Environment Scotland

- 3.4. 'We have considered the information received, and it would appear that no such designated features would be adversely affected by the proposed scheme. We therefore have no comments to make on the proposals. An amended scheme may require further consultation with us.'

4. Representation

- 4.1. None.

5. Relevant Planning History

Reference	Proposal	Location	Decision	Date
16/489/PP.	Extend a house and change of use of land from agricultural to domestic.	Bigbreck Cottage, Birsay.	Approved subject to conditions.	24.01.17.

6. Relevant Planning Policy and Guidance

- 6.1. The full text of the Orkney Local Development Plan 2017 and supplementary guidance can be read on the Council website [here](#).
- 6.2. National Planning Framework 4 can be read on the Scottish Government website [here](#).
- 6.3. The key policies, supplementary guidance and planning policy advice listed below are relevant to this application:
 - National Planning Framework 4 (NPF4):
 - Policy 16 - Quality homes.
 - Orkney Local Development Plan 2017 (OLDP):
 - Policy 1 - Criteria for All Development.
 - Policy 2 - Design.

7. Legislative Position

- 7.1. Section 25 of the Town and Country Planning (Scotland) Act 1997 as amended (the Act) states, “Where, in making any determination under the Planning Acts, regard is to be had to the development plan, the determination is, unless material considerations indicate otherwise...to be made in accordance with that plan...”
- 7.2. Annex A of Planning Circular 3/2013: ‘development management procedures’ provides advice on defining a material consideration, and following a House of Lords’ judgement with regards the legislative requirement for decisions on planning applications to be made in accordance with the development plan, confirms the following interpretation: “If a proposal accords with the development plan and there are no material considerations indicating that it should be refused, permission should be granted. If the proposal does not accord with the

development plan, it should be refused unless there are material considerations indicating that it should be granted.”

7.3. Annex A continues as follows:

- The House of Lords’ judgement also sets out the following approach to deciding an application:
 - Identify any provisions of the development plan which are relevant to the decision.
 - Interpret them carefully, looking at the aims and objectives of the plan as well as detailed wording of policies.
 - Consider whether or not the proposal accords with the development plan.
 - Identify and consider relevant material considerations for and against the proposal.
 - Assess whether these considerations warrant a departure from the development plan.
- There are two main tests in deciding whether a consideration is material and relevant:
 - It should serve or be related to the purpose of planning. It should therefore relate to the development and use of land.
 - It should relate to the particular application.
- The decision maker will have to decide what considerations it considers are material to the determination of the application. However, the question of whether or not a consideration is a material consideration is a question of law and so something which is ultimately for the courts to determine. It is for the decision maker to assess both the weight to be attached to each material consideration and whether individually or together they are sufficient to outweigh the development plan. Where development plan policies are not directly relevant to the development proposal, material considerations will be of particular importance.
- The range of considerations which might be considered material in planning terms is very wide and can only be determined in the context of each case. Examples of possible material considerations include:
 - Scottish Government policy and UK Government policy on reserved matters.
 - The National Planning Framework.
 - Designing Streets.
 - Scottish Government planning advice and circulars.

- EU policy.
 - A proposed local development plan or proposed supplementary guidance.
 - Community plans.
 - The environmental impact of the proposal.
 - The design of the proposed development and its relationship to its surroundings.
 - Access, provision of infrastructure and planning history of the site.
 - Views of statutory and other consultees.
 - Legitimate public concern or support expressed on relevant planning matters.
- The planning system operates in the long term public interest. It does not exist to protect the interests of one person or business against the activities of another. In distinguishing between public and private interests, the basic question is whether the proposal would unacceptably affect the amenity and existing use of land and buildings which ought to be protected in the public interest, not whether owners or occupiers of neighbouring or other existing properties would experience financial or other loss from a particular development.

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

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

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

Status of the Local Development Plan

7.6. Although the Orkney Local Development Plan 2017 is "out-of-date" and has been since April 2022, it is still a significant material consideration when considering planning applications. The primacy of the plan should be maintained until a new

plan is adopted. However, the weight to be attached to the Plan will be diminished where policies within the plan are subsequently superseded.

Status of National Planning Framework 4

- 7.7. National Planning Framework 4 (NPF4) was adopted by Scottish Ministers on 13 February 2023, following approval by the Scottish Parliament in January 2023. The statutory development plan for Orkney consists of NPF4 and the Orkney Local Development Plan 2017 and its supplementary guidance. In the event of any incompatibility between a provision of NPF4 and a provision of the Orkney Local Development Plan 2017, NPF4 is to prevail as it was adopted later. It is important to note that NPF4 must be read and applied as a whole, and that the intent of each of the 33 policies is set out in NPF4 and can be used to guide decision-making.
- 7.8. In the current case, there is not considered to be any incompatibility between the provisions of NPF4 and the provisions of the Orkney Local Development Plan 2017, to merit any detailed assessment in relation to individual NPF4 policies.

8. Assessment

Background and Proposal

- 8.1. The site is in a rural location in Birsay, as indicated on the Site Plan attached as Appendix 2 to this report. The house is located immediately adjacent to the main public road.
- 8.2. The existing house is one and a half storeys in height, with mainly rendered walls, with some timber cladding, and a flat tiled roof. It is proposed to erect a single-storey extension on the south elevation, to the side of the house as viewed from the road.
- 8.3. The proposed development is a simple flat roof design based on a rectangular plan form, and walls clad with black corrugated metal, with matching black windows and doors, including garage door.

Principle, Design and Appearance

- 8.4. The extension of an existing house is supported, provided the development would not have a detrimental impact on the character or environmental quality of the surrounding area, as specified in Policy 16 'Quality homes' of NPF4.

- 8.5. Policy 1 ‘Criteria for All Development’ of the Local Development Plan requires development to be designed to take in consideration the location and wider landscape and preserve the amenity of the surrounding area, and Policy 2 ‘Design’ requires that proposals to reinforce the distinctive identity of Orkney’s built environment and be sympathetic to the character of the local area.
- 8.6. Given the relatively small scale and simple form of the proposed development proposed as a deliberate modern contrast to the existing house, the resultant replacement of an existing poorer quality outbuilding, and use of contemporary high-quality materials, the design is considered sympathetic to the existing building and the local area, and to accord with Policy 16 of NPF4 and Policies 1 and 2 of the Local Development Plan.

Archaeology

- 8.7. Neither the Islands Archaeologist nor Historic Environment Scotland has raised concerns with regards the setting of the nearby scheduled monument.
- 8.8. In terms of the potential for underlying archaeology, and in terms of the advice provided by the Islands Archaeologist, it is relevant that the footprint of the proposed development generally follows that of existing domestic outbuildings, and a standard foundation is proposed. Based on the design, scale and immediate adjacency to the house within a previously worked part of the curtilage, no archaeological planning condition is required in this case.

Access and Parking

- 8.9. Roads Services has confirmed no objection subject to an informative regarding the condition of the public road. The existing access junction and the parking area at the house would not be affected, with the integral garage replacing an existing freestanding garage, and the development would not result in any intensity of use of the access junction to the public road.

Residential Amenity

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

9. Conclusion and Recommendation

- 9.1. The design, including scale and materials, of the proposed development would integrate with the existing building and its surroundings, and residential amenity would be protected. The proposed development would accord with Policy 16 of National Planning Framework 4 and Policies 1 and 2 of the Orkney Local Development Plan 2017. The application is therefore recommended for approval, subject to the condition detailed in Appendix 1 to this report.

For Further Information please contact:

Jamie Macvie, Service Manager (Development Management), Email
jamie.macvie@orkney.gov.uk

Implications of Report

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

List of Background Papers

Orkney Local Development Plan 2017, available [here](#).

National Planning Framework 4, available [here](#).

Appendices

Appendix 1 – Planning Condition.

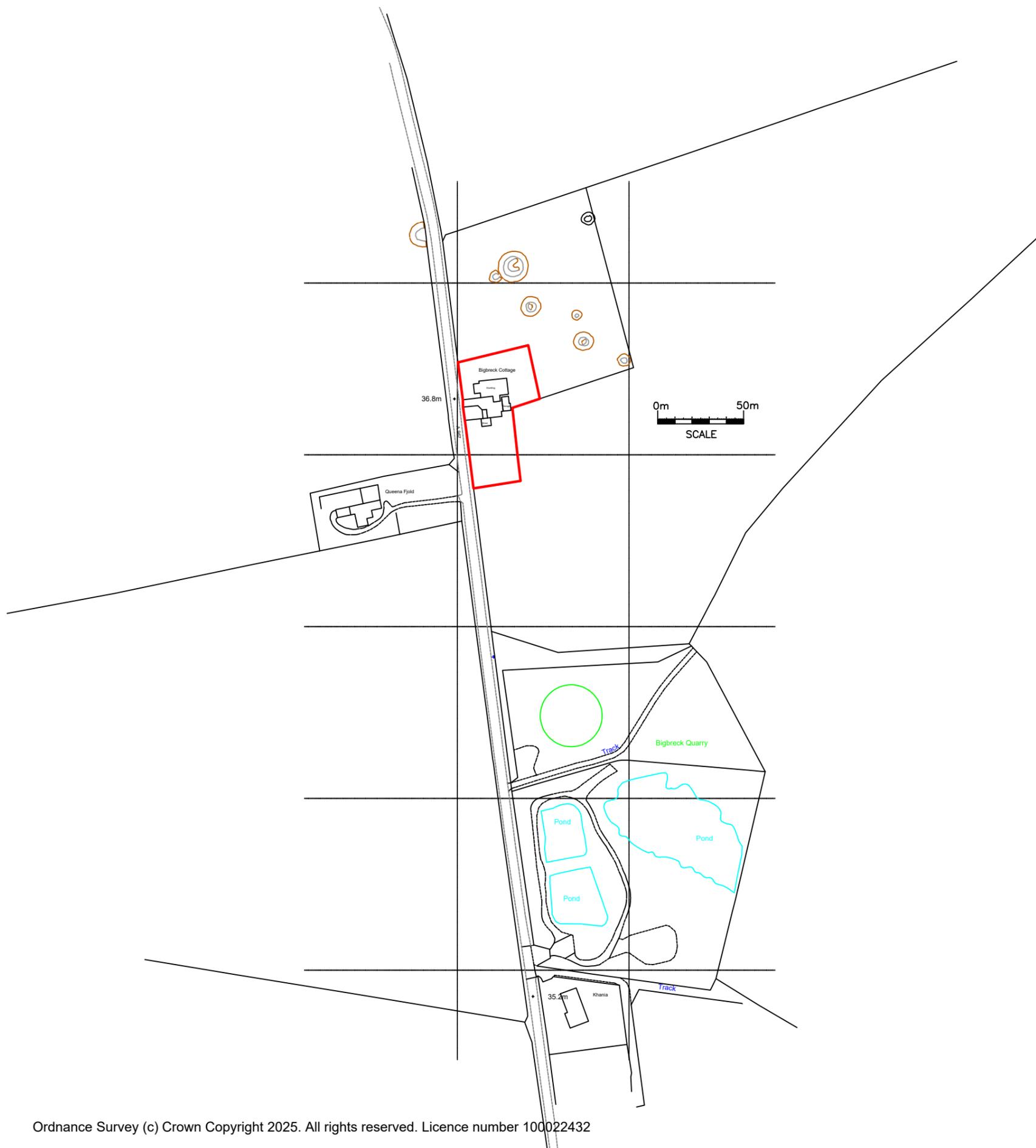
Appendix 2 – Location Plan.

Appendix 1.

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

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

This drawing is copyright of R. Clouston Ltd and may not be reproduced without permission. To be read in conjunction with specification and all relevant drawings. Contractor to check dimension on site. Do not scale from drawing.



Amendments:

		CLIENT: MR & MRS GAVIN BARR			
		PROJECT: PROPOSED GARAGE BIG BRECK COTTAGE BIRSAY, ORKNEY, KW17 2LZ			
R Clouston Ltd 10 Grainshore Drive Hatston Industrial Estate Kirkwall Orkney KW15 1GG Tel : 01856 877914 Fax: 01856 877014 Email: enquiries@r-clouston.co.uk Web: www.r-clouston.co.uk		DRAWING: LOCATION PLAN			
		SCALE : 1:2500		A3	
Ref:	Date:	Drawing No:	Amd:		
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