

Minute

Local Review Body

Monday, 27 October 2025, 15:30.

Council Chamber, Council Offices, School Place, Kirkwall.



Present

Councillors Owen Tierney, P Lindsay Hall, W Leslie Manson, James R Moar, Jean E Stevenson, Ivan A Taylor and Duncan A Tullock.

Present via remote link (Microsoft Teams)

Councillor Raymond S Peace.

Clerk

- Katy Russell-Duff, Committees Officer.

In Attendance

- Gavin Barr, Planning Advisor.
- Stuart Bevan, Legal Advisor.

Apologies

- Councillor David Dawson.
- Councillor Janette A Park.
- Councillor John A R Scott.

Declaration of Interest

- Councillor Raymond S Peace – Item 1.

Chair

- Councillor Owen Tierney.

1. Planning Application 24/475/PP

Proposed Erection of Two Self-catering Cabins at Muckleston, Bimbister Road, Harray

Councillor Raymond S Peace declared an interest in this item, his connection being that he had a family connection with the applicant. Councillor Raymond S Peace also confirmed that he had not taken part in the unaccompanied site inspection and left the meeting at this point.

After consideration of a report by the Chief Executive, copies of which had been circulated, and after hearing a presentation from the Planning Advisor, the Local Review Body:

Noted:

1.1. That planning permission for the proposed erection of two self-catering cabins at Muckleston, Bimbister Road, Harray, was refused by the Appointed Officer on 17 July 2025, for the following reasons:

01. Proposed development of tourist accommodation in the countryside, including pods, must be both associated with existing built development and avoid areas of open countryside. In this case, the proposed development is in an open parcel of land and therefore would comprise the development of open countryside. The development is contrary to the 'Tourism Accommodation in the Countryside' section of Development Management Guidance 'Business Development Outwith Town Centres' (October 2023). That provides spatial interpretation of National Planning Framework 4 and confirms that the proposed development is contrary to Policy 29 of NPF4. The development is also contrary to Policies 3 and 4 of the Orkney Local Development Plan 2017. Approval would create inconsistency and uncertainty in decision-making. No material planning considerations outweigh the assessment that the proposed development is contrary to relevant policies and guidance.

1.2. That the applicant had submitted a Notice of Review requesting that the decision of the Appointed Officer, referred to at paragraph 1.1 above, be reviewed, a summary of which was provided as part of the presentation from the Planning Advisor.

1.3. That, in accordance with policy, the Local Review Body had undertaken an unaccompanied site inspection to the site at Muckleston, Bimbister Road, Harray, at 14:30 on 27 October 2025, where the following was observed:

- The site area and the existing post and wire boundary fencing.
- The drystone wall, the main boundary to the site.
- The existing passing place on Bimbister Road.
- The existing access to the Muckleston.
- The proposed new access to the pods.
- The plan of the site layout, looking to where the pods and the septic tank arrangement were proposed to be located.
- The elevations and floor plans of the pods, noting the colours.
- The existing house of Muckleston and garden ground.
- The site beyond the garden ground and the appearance of that piece of land.
- Consideration of the definition of curtilage.
- Nearby buildings.
- The view of the site from a locally significant public space which was in front of the Harray Hall, looking back towards the site.

The Local Review Body determined that it had sufficient information to proceed to determination of the Review and that the Review be determined without further procedure.

On the motion of Councillor W Leslie Manson, seconded by Councillor Duncan A Tullock, the Local Review Body, resolved, in terms of delegated powers:

1.5. That the decision of the Appointed Officer, to refuse planning permission for the proposed erection of two self-catering cabins at Muckleston, Bimbister Road, Harray, should be reversed.

1.6. That planning permission be granted in respect of the proposed erection of two self-catering cabins at Muckleston, Bimbister Road, Harray, subject to conditions.

1.7. That the Local Review Body's reasons for granting planning permission for the proposed erection of two self-catering cabins at Muckleston, Bimbister Road, Harray, were that, in the Committee's judgement, the proposed development:

- Would not be located in an area of open countryside as the site proposed was close to the property, the land housed the septic tank associated with the house, hedging and a garden, together with a large shed, which was adjacent to the area under consideration.
- Would not change the character of the land and was sited and designed taking into consideration the location and the wider landscape.
- Was appropriate to the location in terms of density.
- Was not prejudicial to the effective development of, or existing use of, the wider area.
- Would preserve the amenity of the surrounding area and would not result in any unacceptable adverse impacts on the amenity of adjacent and nearby properties/users.
- Would not create an unacceptable burden on existing infrastructure.
- Did not result in an unacceptable level of risk to public health and safety.
- Had a locational requirement in that it would provide holiday accommodation in the Harray area which would contribute to the local economy.
- Was suitably scaled, sited and designed to be in keeping with the character of the area, would contribute towards local living and took into account the transport needs of the development.

And accordingly, the proposed development complied with the following policies:

- National Planning Framework 4:
 - Policy 29(b) – Rural Development.
- Orkney Local Development Plan 2017:
 - Policy 1(i, ii, iii, iv, v, vi) – Criteria for All Development.
 - Policy 4B(ii)– Business, Industry and Employment.

1.8. That powers be delegated to the Chief Executive, in consultation with the Planning Advisor and the Legal Advisor, to determine the necessary conditions and informatives, if appropriate, to attach to the planning permission for the proposed erection of two self-catering cabins at Muckleston, Bimbister Road, Harray, based on the following relevant matters:

- Duration of consent.
- Use limited to short-term letting.
- Limit person/persons occupation days per annum.
- Link management to adjacent house.
- Biodiversity enhancement.
- New or upgraded passing place.
- Management of waste/refuse.
- Foul drainage.
- Surface water drainage.
- Design and materials, including lighting.

2. Conclusion of Meeting

At 16:06 the Chair declared the meeting concluded.

Signed: Owen Tierney.