

Item: 2**Planning Committee: 7 October 2026.****Proposed Siting of Replacement House and Conversion of Redundant Building to House (Two for One) near Drury, Ocklester Road, Holm.****Report by Director of Infrastructure and Organisational Development.**

1. Overview

- 1.1. This report considers the siting of a replacement house and conversion of a redundant building to a house (two for one) near Drury, Ocklester Road, Holm. One objection has been received, stating that the development would create road safety issues and disturb the neighbour's parking. Concerns regarding roads matters were also raised by Holm Community Council, with a request for consideration of a passing place or place(s) and ensuring all works relating to roads matters were addressed in accordance with Orkney Islands Council's standards. A traffic survey has been conducted by Roads Services to inform the consideration of road safety. Subject to appropriate conditions, Roads Services has no objection to the proposed development. On balance, the development complies with relevant policies, and the objection and other material considerations do not merit refusal of the application.

Application Reference:	25/367/PIP.
Application Type:	Planning in Principle.
Proposal:	Siting of a replacement house and convert a redundant building to a house (two for one).
Location:	Near Drury, Ocklester Road, Holm.
Applicant:	Mr David Tait.
Agent:	N/A.

- 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 planning in principle in respect of the proposed siting of a replacement house and conversion of a redundant building to a house (two for one) on land near Drury, Ocklester Road, Holm, subject to the conditions detailed in Appendix 1 to this report.

3. Consultations

Roads Services

3.1. Roads Services initially objected to this development due to the lack of forward visibility from the proposed access in a southerly direction. At the request of the applicant, Roads Services conducted a traffic survey and, based on the results, during reconsultation, Road Services confirmed no objection, subject to planning conditions relating to surface water management, access improvement, maintaining the recommended visibility splay and introduction of a passing place at an agreed place on Ocklester Road.

Scottish Water

3.2. Scottish Water has confirmed no objection.

Holm Community Council

3.3. No objection. Concerns were however raised in relation to roads matters including the lack of visibility, increase of traffic flow and inadequate number of passing places along the public road.

Development and Marine Planning – Environmental Planner

3.4. Development and Marine Planning has assessed the proposed biodiversity enhancement measures without internal consultation response.

4. Representation

4.1. One valid representation (objection) has been received from:

- Mr James Henry, Drury, Holm, Orkney, KW17 2SD.

4.2. The representation is on the following grounds:

- Road safety, due to additional traffic joining the single-track public road (Ocklester Road) which has 60mph designated speed limit.
- Limited passing places along the public road.
- Disturbance for neighbour parking and manoeuvring due to the increase of traffic along shared access road.

5. Relevant Planning History

5.1. Planning applications

Reference	Proposal	Location	Decision	Date
05/448/PPF.	Erection of a replacement house.	Drury (Land Near), Holm.	Grant Subject to Conditions.	13.10.2005.
10/462/VR.	Vary condition 1 of planning permission 05/448/PPF to extend consent for the erection of a replacement house.	Drury (Land Near), Holm, Orkney.	Grant Subject to Conditions.	05.11.2010.

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's website [here](#).
- 6.2. National Planning Framework 4 (NPF4) can be read on the Scottish Government website [here](#).
- 6.3. NPF4 forms part of the statutory development plan and must be considered as a whole in the determination of planning applications. This proposal has been assessed against all relevant policies of the Development Plan. The policies, supplementary guidance and planning policy advice listed below are the principal policies relevant to this application:

- National Planning Framework 4 (NPF4):
 - o Policy 3 - Biodiversity.
 - o Policy 9 - Brownfield, vacant and derelict land and empty buildings.
 - o Policy 17 - Rural homes.
- Orkney Local Development Plan 2017 (OLDP):
 - o Policy 1 - Criteria for All Development.
 - o Policy 5 - Housing.
 - o Policy 13 - Flood Risk, SuDS & Waste Water Drainage
- Supplementary Guidance:
 - o Housing in the Countryside (2021).

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:
 - o Identify any provisions of the development plan which are relevant to the decision.
 - o Interpret them carefully, looking at the aims and objectives of the plan as well as detailed wording of policies.
 - o Consider whether or not the proposal accords with the development plan.
 - o Identify and consider relevant material considerations for and against the proposal.

- o 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:
 - o It should serve or be related to the purpose of planning. It should therefore relate to the development and use of land.
 - o 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:
 - o Scottish Government policy and UK Government policy on reserved matters.
 - o The National Planning Framework.
 - o Designing Streets.
 - o Scottish Government planning advice and circulars.
 - o EU policy.
 - o A proposed local development plan or proposed supplementary guidance.
 - o Community plans.
 - o The environmental impact of the proposal.
 - o The design of the proposed development and its relationship to its surroundings.
 - o Access, provision of infrastructure and planning history of the site.
 - o Views of statutory and other consultees.
 - o 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 property is located near Drury, Ocklester Road, Holm, as set out on the Location Plan attached as Appendix 2 to this report. The site is within the countryside being outwith any defined settlement boundary.
- 8.2. The site includes a historic stone-built building which is currently in a dilapidated condition and is unused. This building provides the planning basis for the application as presented. The original stone slated roof of the building has been replaced at some point in the past with a corrugated metal roof. The original stone slates from the original roof are being retained on site. The building is otherwise substantially complete and is considered to address the definition and tests in relation to the replacement of an existing building or structure in accordance with Policy 5E (iii) of the Orkney Local Development Plan.
- 8.3. Planning permission in principle is sought for the siting of a replacement house and conversion of a redundant building to a house, as a 'two for one' development. The two housing sites would be laid out in a way to deliver and accommodate the servicing needs of both the redevelopment of the historic building to a house and the proposed new house. The new house is to be located in the adjacent field to the west of the existing disused historic building.

Principle

- 8.4. In accordance with Policy 1 of the Orkney Local Development Plan, planning applications are assessed against all policies in the Plan. 'Development Management Guidance (2024)' – 'Housing in the Countryside' accounts for NPF4 provisions allowing a tailored approach to rural housing (including small-scale housing). NPF4 Policy 17; 'Rural Homes' is recognised as compatible with the Policy 5E of OLDP in relation to opportunities for house development in the countryside of Mainland and the linked Isles and as considered further by Supplementary Guidance: Housing in the Countryside (March 2021).
- 8.5. The existing old building has been vacant for several years and has become dilapidated due to lack of maintenance. The planning history is recognised with further appraisal taking into consideration the current local and national planning

policies, recognising the importance of retaining the old buildings which have architectural or historic merits. The existing building on the site is considered to merit retention as being of architectural and historic merit in accordance with the definition of such matters stated within Supplementary Guidance: Housing in the Countryside. On that basis, the application has been assessed in relation to Policy 5E(iii) of the OLDP and is in accordance with the Supplementary Guidance 'Housing in the Countryside' (2021).

- 8.6. The development would use a vacant and derelict property in the countryside to reinstate the residential use complying with Policy 9(d) of NPF4.

Design

- 8.7. The application is for planning permission in principle only, so no detailed designs have been submitted at this stage and would be subject to consideration under any subsequent applications.

Access and Parking

- 8.8. The proposed two housing sites would be serviced by a shared access. This access would also serve a field access and the neighbour's property, Drury, with a junction to the unclassified single track public road mapped as 'Ocklester Road'.
- 8.9. Through consultation with both Holm Community Council and Roads Services, road safety matters were raised. Road Services initially objected to the application on grounds of insufficient forward visibility from the proposed access in a southerly direction. It is also noted that the nature of the road is an unclassified single-track road with passing places at the national speed limit of 60mph. A traffic survey was undertaken on behalf of the applicant. Matters as raised are substantially addressed by the traffic survey, which concludes that the realistic average speed is considerably lower (31mph) which equates to a lower forward visibility distance of 45 metres towards the south direction that would be achievable as demonstrated in the Location Plan. This survey further informed Roads Services to assess both the volume of vehicles and road speeds by direction to their satisfaction, resulting in removal of the original objection, subject to appropriate condition(s) and informative.
- 8.10. The objection to the application highlights several roads, site access, manoeuvring and parking issues both in respect of the public road and in direct relation to the objector's property at Drury, mindful that the access to the proposed development is shared with Drury. It is acknowledged that concerns may arise with the nature and use of a shared access, however such matters are typically civil in nature

between interested parties. As such, considerations in respect of the shared access are not a material consideration. In terms of addressing such matters directly, the development would be required to ensure that the access junction with the public road is appropriately formed which would result in the access junction being widened and visibility splays would require to be maintained in accordance with Road Services' requirements. Such matters can be secured by appropriate condition.

- 8.11. Consideration of the limited nature of existing passing places along the public road have been considered mindful of the increase in traffic which would accrue as a consequence of development. Roads Services recommend construction of a new passing place in an agreed location prior to any other works, this can be secured by planning condition.

Water Supply and Drainage

- 8.12. Given the nature and extent of the site, both surface and waste water management should be achievable on site subject to further detail and consideration in any subsequent planning application and can be addressed by appropriate condition. It is expected that the development would be supplied by the public water supply.

Biodiversity Enhancement

- 8.13. As a planning in principle application biodiversity has been considered as indicative. The proposal to introduce Balfour willow hedging along the east and west boundaries of each site may be subject to further consideration in any subsequent planning application.

Residential Amenity and Design

- 8.14. The extent and indicative layout provide confidence that both houses can be delivered through appropriate placement and design within the site limiting any adverse impacts to residential amenity between the two sites. Opportunity arises with the retained roof slates for integration into any proposed development of the site. Any subsequent applications would be subject to consideration of both residential amenity and design.

9. Conclusion and Recommendation

- 9.1. The proposal of siting a replacement house and conversion of a redundant building to a house (two for one) complies with relevant policies of National Planning Framework 4 and the Orkney Local Development Plan 2017. The traffic survey and

recommended standards by the Roads Services have substantially addressed concerns raised with no outstanding objection from the Roads Authority subject to appropriate conditions and informative. Accordingly, there are no material considerations including those raised in the objection that warrant refusal. The application is therefore recommended for approval, subject to the conditions attached as Appendix 1 to this report.

For Further Information please contact:

Shankha Weerasekara, Planning Officer (Development Management), Email
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Implications of Report

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

List of Background Papers

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

Appendices

Appendix 1 – Planning Conditions.

Appendix 2 – Location Plan.

Appendix 1.

01. The development hereby approved to which this planning permission in principle relates must be begun not later than the expiration of five years, beginning with the date on which the permission in principle is granted, which is the date of this decision notice. If development has not begun at the expiration of this period, the planning permission in principle lapses.

Reason: In accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended.

02. No development shall commence until all matters specified below have been approved on application to the Planning Authority:
- i. A detailed layout of the site of the proposed development.
 - ii. Site levels as existing and proposed, based on a fixed datum point.
 - iii. The design and external appearance of the proposed development (all buildings and structures).
 - iv. The design and external appearance (including the use of traditional building materials and finishes) of the retained building.
 - v. All hard and soft landscaping proposals for the site of the proposed development (including boundary treatments).
 - vi. Details of access and parking arrangements.
 - vii. Details of hours of work.
 - viii. Details of the proposed water supply arrangements.
 - ix. Details of the foul drainage disposal.
 - x. Details of the management of surface water.
 - xi. Details of all external lighting.
 - xii. Details of refuse and recycling bin storage, including for collection.
 - xiii. Details of biodiversity enhancement measures, in pursuance of the requirements of the Policy 3 of National Planning Framework 4.

Reason: Planning permission is granted in principle only and these specified matters must be approved prior to commencement of development.

03. In accordance with condition 02 (iv), the retained building, shall be made wind and watertight prior to the development of the new house. Upon further development of the retained building, the design, form and material finishes of the retained building shall be safeguarded. The roof shall be of natural slate. The use of traditional materials and finishes shall be employed where practicable to safeguard the architectural and historic character of the existing building.

Reason: To protect the appearance of the area, and in accordance with the terms of Supplementary Guidance 'Housing Development in the Orkney Countryside'.

04. In accordance with conditions 02 and 03, a Design Statement shall be submitted with the first application for Approval of Matters Specified in Conditions, setting out how the scale, form, massing and proportions, and external finishing materials, relate to the existing building to be retained. The whole development, including new buildings and structures, and any extension to the existing building, shall be designed in accordance with this Design Statement.

Reason: To protect the appearance of the area, and in accordance with the terms of Supplementary Guidance 'Housing Development in the Orkney Countryside'.

05. No other development shall commence until the existing access with the public road has been upgraded to the Council's Roads Services standard drawing 'SD-01 Typical Access for Single Development (2-4 houses)', attached to and forming part of this decision notice, including dimensions, road construction, any pipe required, verge or footway. Thereafter, the access shall be retained in accordance with these details throughout the lifetime of the development.

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

Reason: In the interests of road safety.

06. A forward visibility splay of not less than 45 metres in a southerly direction and 200 metres in a northerly direction from the hereby approved access, measured from a central point of the access at a distance of 2.4 metres back from the edge of the carriageway of the Ocklester Road, Holm, shall be kept clear of any obstruction and or vegetation in excess 1.0 metres at all times, throughout the lifetime of the hereby approved development.

Reason: In the interests of road safety.

07. No other development shall commence until a new passing place has been constructed at a location to be determined by the Planning Authority, in consultation with Roads Services, on the Ocklester Road, Holm. The passing place shall then be constructed in accordance with the Council's details for a passing place prior to commencement of any works within the hereby approved development site.

Reason: In the interest of road safety.

08. No other development shall commence until the details of how surface water drainage from the hereby approved access track and access with the public road shall be prevented from flowing onto the public road has been submitted for approval by the Planning Authority, in conjunction with Roads Services. The approved drainage measures shall thereafter be installed in conjunction with the approved access detail, prior to any other works commencing on site.

Thereafter the approved drainage measures shall be maintained in a fully operational condition throughout the lifetime of the development.

Reason: In the interest of road safety.

09. In accordance with condition 02 (x), surface water drainage provision within the application site (both plots) shall accord with the principles of Sustainable Drainage Systems (SuDS) and shall be designed to the standards outlined in Sewers for Scotland Fourth Edition (or any superseding guidance prevailing at the time) prior to the first occupation of any part of the development hereby approved in principle, and no part of the development shall be occupied until the development is connected to an approved and fully constructed and operational surface water drainage system.

Reason: To ensure that surface water drainage is provided timeously and complies with the principles of SUDS; in order to protect the water environment.

10. In accordance with condition 02 (ix), prior to the first occupation of any part of the development hereby approved in principle, the development shall be connected to an approved and fully constructed and operational foul drainage system.

Reason: In the interests of environmental protection and to accord with Policy 13C: Waste Water Drainage) of Orkney Local Development Plan 2017.

11. All stone resulting from demolition works shall be stored within the application site and re-used either for the repair of the building to be retained or for construction of new buildings or boundaries within the development, unless otherwise agreed, in writing, by the Planning Authority.

Reason: To protect the appearance of the area by ensuring the re-use on local natural materials.

Informatives

Roads

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

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

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

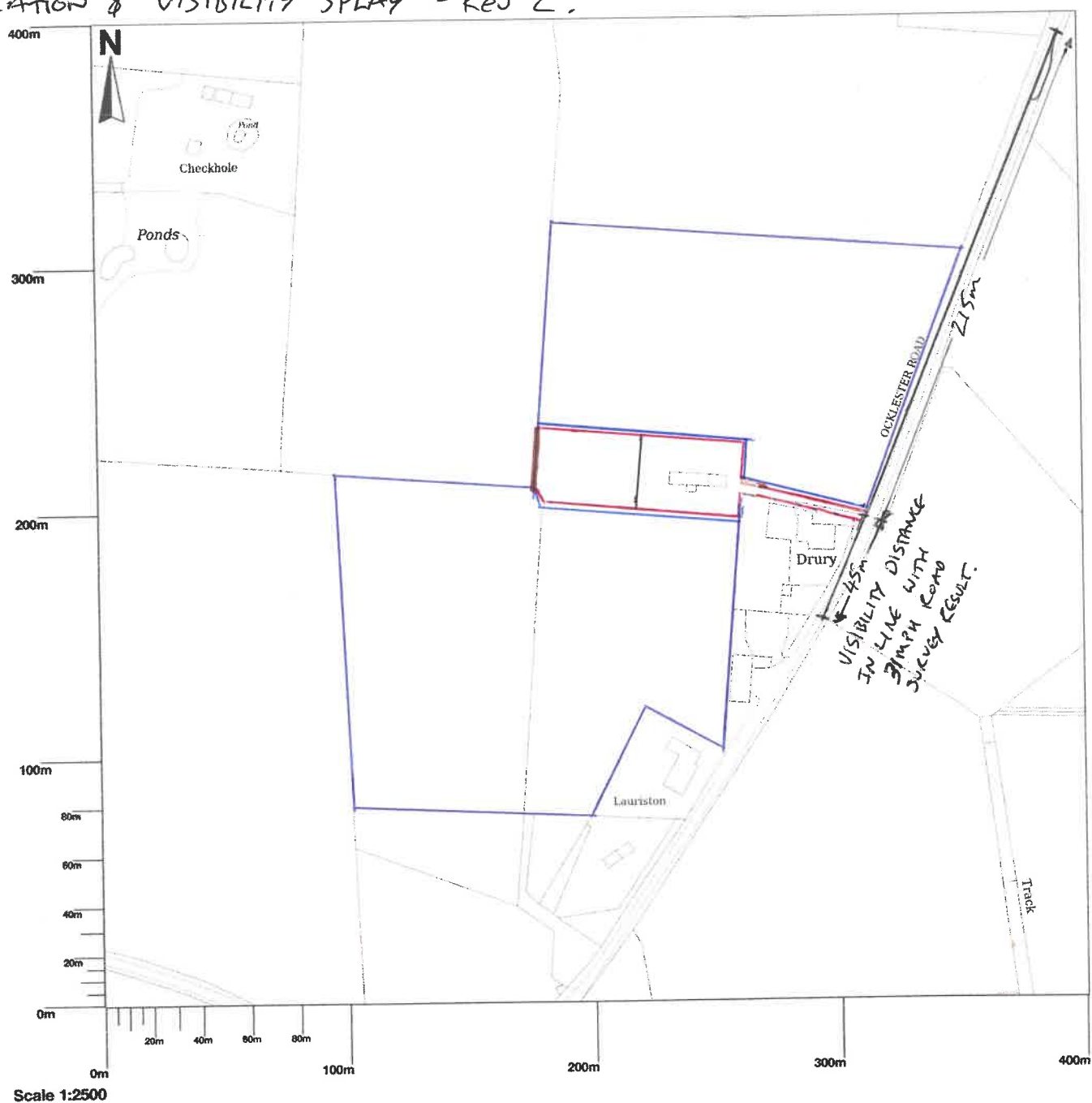
Protected Species - Nesting Birds

02. Construction/demolition works have the potential to disturb nesting birds or damage their nest sites, and as such, checks for ground nesting or birds nesting within the existing building on site, should be made prior to the commencement of development if this coincides with the main bird breeding season (April - July inclusive). All wild bird nests are protected from damage, destruction, interference and obstruction under the Wildlife and Countryside Act 1981 (as amended). Some birds (listed on schedule 1 of the Wildlife and Countryside Act) have heightened protection where it is also an offence to disturb these birds while they are in or around the nest.



Drury, Holm, Orkney, KW17 2SD

LOCATION & VISIBILITY SPLAY - Rev 2.



Scale 1:2500
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