



24/00178/PPD – PLANNING PERMISSION FOR ERECTION OF DWELLING WITH ASSOCIATED ACCESS, DRAINAGE AND SERVICES AT 3 TRUMISGARRY, CLACHAN SANDS, ISLE OF NORTH UIST

Report by Chief Planning Officer

PURPOSE

- 1.1 Since the planning application has received more than six representations, which are considered by the Appointed Officer to be valid and raising material planning considerations, the application cannot be determined under delegation and is presented to Planning Applications Board for decision.

EXECUTIVE SUMMARY

- 2.1 This Report relates to a planning application to erect a one-and-a-half storey four-bedroom dwelling, with two floors of living accommodation at a site at 3 Trumisgarry, Clachan Sands, Isle of North Uist. The application site extends to approximately 0.13ha and is subject to an extant conditional planning permission for a modest single storey dwellinghouse (granted 08 February 2022 Reference 21/00562/PPD – Erect dwelling, form associated access, parking and drainage). The principle of development of the site, for one dwellinghouse, is therefore established.
- 2.2 The location is characterised as ‘Machair’ in NatureScot’s Landscape Character Assessment. The site is gently sloping grassland situated on the lower edge of a rocky outcrop, forming part of a croft, formerly Glebe land. The croft is mainly good quality grazing land with some rocky outcrops with the wider surrounding croftland comprised mainly of worked arable/good quality grassland. There are expansive views from the application site in most directions on account of the open and expansive landform, falling to a largely sandy shoreline with dispersed pockets of buildings.
- 2.3 To the south of the site beyond the rocky outcrop stands the Category B listed Trumisgarry Former Church (a Thomas Telford former parliamentary church) and Category C listed Thomas Telford former parliamentary manse both built circa 1828. Given their relationship they are also Category B listed as a group. A single storey dwelling and outbuildings with a domestic scale wind turbine are located to the east of the site and a modest timber holiday chalet with a turf roof, lies to the southwest.
- 2.4 The dwelling proposed by this application would be Faroese in style, one and half storey in height, walls clad with dark stained larch cladding, under a turf roof. The northern and western elevations would have larger windows in a darker colour, whilst the southern and eastern elevations would be with contrasting white windows within the dark timber cladding.
- 2.5 The Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 imposes a legal duty on planning authorities to have special regard to the desirability of preserving a listed building and its setting or any features of special architectural or historic interest which it possesses. This legal duty is reflected in national and local planning policy.
- 2.6 The Comhairle is required to determine planning applications in accordance with the provisions of the statutory Development Plan, comprising the Outer Hebrides Local Development Plan 2018 (OHLDP) and National Planning Framework 4 (NPF4), unless material planning considerations indicate otherwise.
- 2.7 In this case, the assessment has found both harm and modest benefits and therefore it is considered that the merits of the proposed development are finely balanced.

- 2.8 The assessment against the Development Plan has concluded that the proposed development would not detract from neighbouring amenity or the natural environment, including biodiversity. Adequate space can be provided within the site for drainage and for the parking and turning of vehicles and the means of access is considered appropriate. Further, that the development would make a small but positive contribution towards the provision of local housing stock, which would result in some social and economic benefits to the area.
- 2.9 However, due to its scale, mass and dominant appearance, it is considered that the design of the proposed dwelling would have a harmful effect on the landscape character of the area and an adverse effect on the setting of the Category B Listed church and the Category B grouping arising from its relationship with the Category C Listed former manse. That additional harm could have been minimised or negated by a design that was more sensitive to its context. Regrettably, the application has failed to acknowledge the value of these heritage assets, contends the development does not result in harm to their setting and declined to consider any changes to the proposed design.
- 2.10 It is acknowledged that existing developments have already caused some harm to the setting of these heritage assets and that the extent of additional harm as a consequence of the proposed development is assessed as likely to be relatively limited. However, on account of the legal duty related to the need to protect the setting of listed buildings, significant weight must be given to the limited extent of likely additional harm and modest weight given to the harm to the character and appearance of the area.
- 2.11 Consideration has then been given to positive modest contribution made by the addition of one house to the local housing stock, at a time when the availability of housing in the area is very limited and a housing crisis declared (Scottish Government, May 2024). The applicant, their agent and representations cite the applicant and their personal circumstances as key points in support of the application. However, planning permission is not personal, it pertains to land, is tradeable and can be sold or transferred to others. Who the applicant is, and their personal circumstances are generally not material planning considerations and, on that basis, do not carry weight in this planning decision.
- 2.12 The competing planning factors have been weighed in a planning balance. While the officer conclusion is that the significant weight given to the limited harm can marginally be outweighed by the considerable weight given to the contribution the proposed development would make to the local housing stock, it is acknowledged that this weighting is finely balanced and different weight could be applied by the decision maker.
- 2.13 Therefore, it is concluded that the development, would sufficiently accord with the Development Plan taken as a whole and in particular with NPF Policies 1, 2, 3, 4, 7, 14, 17, 29, and OHLDP Policies DS1, PD1, PD2, PD3, PD4, NBH1, NBH4, EI1, EI2, EI4. Material considerations have not been found, which would justify a decision other than in accordance with the Development Plan.

RECOMMENDATION

- 3.1 It is recommended that the planning application be **APPROVED** subject to the conditions set out in Appendix 1 to this Report.

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Appendix 1:	Schedule of Proposed Conditions
Appendix 2:	Plans
Appendix 3:	Representations
Appendix 4:	Consultations
Background Papers:	None

IMPLICATIONS

- 4.1 The following implications are applicable in terms of the Report.

Resource Implications	Implications/None
Financial	None
Legal	None
Staffing	None
Assets and Property	None
Strategic Implications	Implications/None
Risk	None
Equalities	None
Corporate Strategy	None
Environmental Impact	None
Consultation	None

BACKGROUND

Application

- 5.1 Pre-application discussion took place in relation to this application prior to its submission of the application. This raised concerns about the overall design of the building, in particular the significant massing of the building and its scale when viewed from key points identified as relevant to the setting of nearby listed buildings. Concerns were also raised that the Faroese design proposed, particularly the choice of dark timber cladding, in that it would reinforce the visual scale and massing of the building and add to its impact in the landscape.
- 5.2 In line with planning policy requirements, the pre-application advice identified a need for a comprehensive Heritage Impact Assessment, which is required to first identify the cultural significance and special interest of the neighbouring Listed Buildings, and their setting, and assess how these heritage assets are likely to be affected by the proposals. It was confirmed that any potential harm in these respects should be avoided.
- 5.3 In accordance with planning regulations, the advice also confirmed that a Design Statement would also be required, to explain how the design of the building has evolved in response to its context and setting, given its location within a National Scenic Area.
- 5.4 The current planning application was registered as valid on 06 May 2024.

SITE CONTEXT AND PROPOSAL

Description of site and its context

- 6.1 The application site extends to approximately 0.13ha. The application site is currently open and undeveloped, largely grassland, with some rocky outcrops. The site is on croft land, which is a mixture of rocky and arable land, and was historically part of the glebe land to Trumisgarry church and manse.
- 6.2 The application site is set back some distance from the road and is situated on the lower edge of a rocky outcrop that forms part of a larger, but relatively modest, area of croftland. The site is notably lower than the largely rocky land to the south adjacent to the road. The land to the north, which comprises the remaining part of the croft, slopes down towards the coast and appears more suited to an active agricultural use.

- 6.3 There are expansive views from the site to most directions. The Category B listed Trumisgarry Former Church and Category C Listed former manse (Group Category B) are to the south of the site, to the other side of a large turning area and road. A more modern dwelling and outbuildings exist to the east of the site, as well as a timber clad unit, with a turf roof, to the south west. Planning permission was granted in March 2021 (Ref 20/00470/PPD) for the siting and use of this cabin as holiday accommodation for a fixed period of years.
- 6.4 The site is located at the end of the township road, which runs east-west off the B893 road, a short distance from its junction with the main A865. The site is situated close to where the road becomes a private drive, serving housing and agricultural development some distance to the west of the site.
- 6.5 The site lies within an area identified as within the Machair landscape character type in the NatureScot Landscape Character Assessment 2019. The identified key characteristics of this landscape type include sweeping curves of coastal beaches, dune systems, expansive machair grasslands, extensive multi-period settlement mounds, frequent expansive views often extending far out to sea, and sporadic and dispersed settlement pattern.
- 6.6 The site is also located within the South Lewis, Harris and North Uist National Scenic Area (NSA). The special qualities of this area have been identified as including: a rich variety of exceptional scenery; a great diversity of seascapes; intervisibility; the close interplay of the natural world, settlement and culture; the indivisible linkage of landscape and history; the very edge of Europe; and the dominance of the weather. Those qualities particular to North Uist include: a watery maze of lochs, lochans, bays and fjards; the low, expansive north machair coast; and the dynamic, shifting land.
- 6.7 The site is outwith any designated environmental sites. The West Coast of the Outer Hebrides Special Protection Area (SPA), the North Uist Machair and Islands Ramsar site and SPA, the North Uist Special Area of Conservation (SAC), and the Machairs Robach and Newton Geological Conservation Review sites and Site of Special Scientific Interest (SSSI) are located to the north.
- 6.8 The site is outside an area identified as at risk of flooding on the SEPA Flood Maps.

Description of development

- 6.9 The application proposes the erection of a one-and-a-half storey dwelling, with two floors of living accommodation, which would provide four bedrooms, a bathroom, utility room, wet room, open plan kitchen and dining room, with a separate living room.
- 6.10 The external materials would be dark stained Scot or Siberian larch cladding with a turf or sod roof behind larch verge boards with lead eaves and aluminium gutters. The northern and western elevations would have larger windows in a darker colour, double height or taller internal spaces, and a sheltered external area. The southern and eastern elevations would be Faroese in style, with contrasting white windows within the dark timber cladding, and stone walls to the base of the building and as a retaining wall. An air source heat pump is also proposed.
- 6.11 The dwelling would be served by an access drive from the existing point of access, located off the turning area adjacent to the church, at the end of the public road. Within the site, an area of hardstanding would be provided for parking for a minimum of two cars, with a separate turning area to the south of the dwelling. In addition, a septic tank and infiltration field is proposed to serve the development.
- 6.12 The topographic details indicate that the site varies from roughly 11.3m AOD at the site access to the south, to some 8.0m AOD to the northern boundary. The area for the proposed dwelling is situated at approximately 9.2m AOD, although an element of excavation is also proposed, to create a level build platform, with retaining walls to the south, adjacent to the turning area.

- 6.13 Due to the changes in land levels, both existing and proposed, the north elevation of the proposed dwelling would be some 7m above ground level and the south elevation would be some 5.9-6.3m above ground level. The proposed dwelling would be T-shape in form, with the longest elevation (east) being some 14.6m, the northern gable some 6.8m, and the projecting element (to the west) being around 6.7m x 6.8m. The maximum width of the proposed dwelling would be approximately 14m (measured east to west).
- 6.14 The application was accompanied by a number of plans and drawings (attached as Appendix 2 to this Report).

LEGISLATIVE CONTEXT

- 7.1 The Town and Country Planning (Scotland) Act 1997 (the Act) is the principal legislation. Sections 25 and 37(2) of the Act require that planning decisions be made in accordance with the Development Plan unless material considerations indicate otherwise. The weight to be attached to any relevant material consideration is for the judgment of the decision-maker. Two main tests are used when deciding whether a consideration is material and relevant:
- It should serve or be related to the purpose of planning. This means it should relate to the development and use of land.
 - It should fairly and reasonably relate to the particular application being determined.
- 7.2 This Report sets out an assessment against the policies and provisions of the Development Plan and has regard to all relevant material planning considerations, to inform a conclusion and recommendation as to the determination.
- 7.3 In terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, the class and scale of development is such that it falls within the classification of a 'Local Development'.

PLANNING HISTORY

- 8.1 There has been one recent planning application on the site:
- 21/00562/PPD – Erect dwelling, form associated access, parking and drainage – Conditional permission granted, dated 08 February 2022
- 8.2 Within proximity of the site, there have been a number of recent applications, including:
- 1 Trumisgarry
- 11/00609/PPD – Erect wind turbine, hub height 12m; height to blade tip 14.5m – Conditional permission granted, 05 March 2012.
- The Glebe
- 19/00365/LBC – Removal of existing failed render, replacement with new harling. Replacement of windows and doors to main elevations. Insertion of new windows on side gables. Re-slating of roof with natural slate. Replacement of rainwater goods with cast iron, etc. – Conditional consent granted, 21 October 2019.
 - 21/00182/PPD – Installation of new air source heat pump to property as new primary heating and hot water system – Permission granted, 03 June 2021.
 - 24/00265/LBC – Revisions to previously consented scheme: omission of previously proposed windows to gables, stone lesenes, air source heat pump, internal doorway; and revised insulation and flooring details – awaiting determination.

Trumisgarry

- 20/00470/PPD – Change of use of land, site mobile self-contained structure for holiday letting purposes. Installation of septic tank and soakaway – Conditional permission granted, 01 March 2021.

- 8.3 The application is within a 'sensitive area' as defined in the Environmental Impact Assessment (Scotland) Regulations 2017 (the EIA Regulations). Whilst the development of housing sites has been found to be covered by Paragraph 10: Infrastructure Projects (b) Urban development projects, it is considered that the development of a single detached dwelling within a predominantly rural environment would not meet this description, or any of the other descriptions of development in Column 1 of Schedule 2 of the EIA Regulations. It was therefore not necessary for the development to be screened under Regulation 11 of those Regulations.

CONSULTATION ADVICE

- 9.1 Statutory consultation was undertaken as required by Regulations. The detailed responses of statutory and other consultation bodies are summarised as follows:

- **Scottish Water**

No objection. Advice provided on water and waste water availability and capacity, asset impact assessment, and surface water drainage.

- **Building Standards**

A Building Warrant will be required. Advice provided on access for emergency and servicing vehicles and drainage requirements.

- **Roads and Streetlighting**

None to date.

- **Archaeology**

Advice provided on significance and setting of neighbouring listed buildings. Content that the principle for a new house on this site has been accepted. However, does not consider that the proposed design is suitable. The previously consented application was for a lower profile building, with a degree of masking by the existing topography to the south. The Heritage Impact Assessment (HIA) has not considered the wider historic environment that surrounds the proposed site, and the visualisations have not been presented to an appropriate standard. Additionally, the final finish of the house is proposed as dark stained larch cladding; have concerns that this would potentially standout and dominate the other structures already extant on the hill. Recommends that the height of the proposed building is lowered, the final finish colour is reconsidered with reference to the surrounding environment. Finally, that an HIA (including visual impact data) is produced to an appropriate standard. If these points are not possible, the Archaeology Service recommends that this proposed application is refused.

PUBLIC PARTICIPATION

- 10.1 The planning application was advertised for public comment in the public notices section of the Stornoway Gazette dated 16 May 2024. A site notice was posted adjacent to the site on 07 May 2024, advertising the application as affecting the setting of a listed building.
- 10.2 There are two notifiable neighbours in relation to this planning application, who received individual notification in relation to the proposal.
- 10.3 Several representations were received in relation to the application. At the time of writing this Report, six individuals have submitted comments, all of which supported the proposal.

10.4 The main issues raised by those commenting can be summarised as follows:

- Project will add value to the community and meet essential housing needs, in an area with a shortage of affordable housing.
- Proposal caters to the demographic trends of the region; such developments are essential for sustaining our local population and ensuring our community remains vibrant and diverse.
- Proposed design is complementary to the landscape and its surroundings; it would represent a successful use of natural materials for a modern building and environmentally conscious styling, which will help the new development blend seamlessly with its surroundings; makes effective use of the space available.
- No negative impact on the past cultural and historic role of the nearby Telford church; proposal would not impact on people's appreciation of the church and its surroundings; proposal would preserve cultural heritage and breathe life into this cluster of historic buildings.
- Approval will send a positive message of support to this young couple and others in a similar position; the applicants are valued and committed members of the local community and granting approval would promote their retention; preserving local heritage should not outweigh the importance of providing a home for a young family.

10.5 These issues will be considered in the assessment below, along with the applicant's response to the concerns raised.

POLICY CONTEXT

The Development Plan

11.1 In Scotland, the planning system is 'plan-led' and sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (the Act) require that planning decisions be made in accordance with the Development Plan unless material considerations indicate otherwise.

11.2 Following the enactment of a provision of the Planning (Scotland) Act 2019 on 13 February 2023, the statutory Development Plan for the administrative area of Comhairle nan Eilean Siar is comprised of National Planning Framework 4 (NPF4) (2023) and the Outer Hebrides Local Development Plan (LDP) 2018 and its Supplementary Guidance (SG).

11.3 NPF4 comprises the 'National Spatial Strategy for Scotland' up to 2045 and also provides the Scottish Government's updated statement of National Planning Policy. The OHLDP sets out the strategic land use policy and provides the local framework to develop and sustain the communities of the Outer Hebrides. Section 24(3) of the Act provides that in the event of any incompatibility between a provision of NPF4 and a provision of the LDP that whichever of them is the later in date, is to prevail.

11.4 The Development Plan policies with particular relevance to the application are:

NPF4:

- Policy 1 - Tackling the climate and nature crises
- Policy 2 - Climate mitigation and adaptation
- Policy 3 - Biodiversity
- Policy 4 - Natural places
- Policy 7 - Historic assets and places
- Policy 14 - Design, quality and place
- Policy 17 - Rural homes
- Policy 29 - Rural development

OHLDP:

- Policy DS1 - Development Strategy – Rural Settlement
- Policy PD3 - Housing

- Policy NBH1 - Landscape
- Policy PD1 - Placemaking and Design
- Policy NBH2 - Natural Heritage
- Policy NBH4 - Built Heritage
- Policy PD2 – Car Parking and Roads Layout
- Policy EI2 - Water and Waste Water
- Policy EI3 – Water Environment
- Policy EI4 - Waste Management

Supplementary Guidance:

- HES – Managing Change: Setting

PLANNING ASSESSMENT

Main issues

Principle of development

- 12.1 The application site is located within an established rural settlement. Policy DS1 indicates the principal objective for these areas is to accommodate development to meet sustainable growth for local needs, particularly residential, amongst other identified uses. The siting and design should be appropriate to the established rural character and settlement pattern of the area. Residential proposals should respect the character of the individual settlement.
- 12.2 In addition, Policy DS1 requires developments on ‘croft land’ not to adversely affect the operational use and sustainability of the croft. Proposal sites should be sited to use the least amount of productive croft land where practical and should not fragment the croft in such a way that affects its potential to be used for cultivation or other ‘purposeful use’. Proposals should ensure access to the croft is maintained and of a suitable width for agricultural machinery to access. At a minimum this should be 4 metres in width.
- 12.3 NPF4 Policy 17 supports the development of new homes in defined remote rural areas (which applies to North Uist and most of the Western Isles, with the exception of Stornoway), where the proposal would support and sustain existing fragile communities, support identified local housing outcomes, and is suitable in terms of location, access and environmental impact. OHLDP Policy PD3 permits housing development where it is of a small scale (not more than four dwellings) at an appropriate density.
- 12.4 Subject to the consideration of potential impacts, in particular in relation to design, the character of the area and the impacts on cultural heritage, which are assessed below, the principle of the development of a single dwelling in this location is considered acceptable in principle and would not have an adverse effect on croft land. Indeed, permission for a dwelling on the site has previously been granted in 2022.
- 12.5 The erection of a new dwelling within this rural settlement is considered likely to have local social and economic benefits. Given the scale of the development, the extent of these benefits can reasonably be considered as likely to be relatively modest. Nonetheless, the erection of a new dwelling would make a positive, if small, contribution to the provision of housing within the local area, which is a matter that weighs in favour of the proposal. Given the declared housing crisis (Scottish Government, May 2024), it is considered that this should be given considerable weight.

Placemaking and design

- 12.6 OHLDP Policy PD1 requires all development proposals to demonstrate a satisfactory quality of place-making, siting, scale and design that respect and reflect positive local characteristics and will complement or enhance the surrounding built and natural environment, whilst taking account of the

guidance contained within the Outer Hebrides Design Guide. Further, development proposals for new buildings are required to meet the specified criteria in relation to siting, design, amenity space, topography and neighbour amenity.

- 12.7 NPF4 Policy 14 requires development proposals to be designed to improve the quality of an area, including in rural locations, regardless of scale. In addition, it states that development proposals that are poorly designed, detrimental to the amenity of the surrounding area, or inconsistent with the six qualities of successful places will not be supported. The six qualities are: healthy, pleasant, connected, distinctive, sustainable and adaptable. In relation to distinctive, the policy supports attention to detail of local architectural styles and natural landscapes that are interpreted, literally or creatively, into designs to reinforce identity.
- 12.8 The wider area around the application site is predominantly agricultural in character. Existing development mainly consists of individual dwellings and agricultural buildings set within parcels of croftland and largely undeveloped grazing land. From the site, there are expansive views to the north and east, and towards the coast to the west. The existing pattern of development within the area is very loose knit, with widely spaced dwellings clustered linearly around the public roads. Given the siting and design proposed for the new dwelling, and the separation distances involved to existing properties, it is considered that the proposal would have no material impact on the amenity of neighbouring occupiers.
- 12.9 Long views of the application site are possible from the north and east, when approaching on the main road and from the township road. It currently forms part of an open field that slopes down to the coast, with the backdrop of the roofless former church and the manse higher up, to the south. From the south and west, views of the site are more limited, although glimpsed views of the dwelling will be possible.
- 12.10 There is a wide variety of age and design of dwellings within the locality. There are a number of traditional buildings nearby, including the two-storey manse to the south and two listed single-storey thatched cottages to the north. In addition, whilst many of the buildings nearby comprise more modern single-storey dwellings, there are also older traditional one-and-a-half storey houses, such as Trumisgarry Farm, to the west, and Ruchdi, closer to the main road, to the east. Within the wider local area, there are also examples of more contemporary design approaches, such as 8A and Clachan Lodge, to the north of the site, which are both timber clad, as is the holiday accommodation to the north-west, which also has a turf roof.
- 12.11 Whilst the more modern single-storey dwellings tend to have a wider plan form, with shallow pitched roofs, by and large, the older properties are rectangular in form, with proportionally narrow gables and steeply pitched roofs. Whilst very different in their overall form and appearance, the two taller contemporary properties referred to above have followed a similar approach. As a result, the proportions of the ruined church, with its T-shape form and wide gables, as well as its height, result in it being distinctively different to the remainder of the built form in the locality.
- 12.12 The plan form and wide gables of the proposed dwelling, coupled with its height, would be notably different to the design of other contemporary dwellings nearby. The application dwelling would have a plan form similar to the ruined church, also with wide gables, and would be one-and-a-half storeys tall. Consequently, whilst the proposed dwelling would be shorter than the church and located on land lower than the listed building, it would nonetheless be similar to it in its over visual scale and mass.
- 12.13 In addition, the appearance of the dwelling would also be notably different to others in the locality, being of a Faroese design, with dark stained timber, contrasting white windows to two elevations, and a turf roof. The use of dark stained timber has become more common locally but unlike the use of natural larch, which weathers over time, it tends to remain visually dominant within a machair setting. The use of contrasting windows would exacerbate this impact. Further, whilst it has been suggested within the submitted Design Statement that the turf roof would help the dwelling blend in with the

surrounding landscape, given the height of the proposal, it is considered very likely that the roof would be seen against the sky from some viewpoints, which would be a clearly noticeable juxtaposition.

- 12.14 Consequently, overall, and for these reasons, the design of the dwelling is not considered sensitive to its context and is likely to be visually obtrusive. This is not fully reflected in the visualisations submitted in support of the proposal. The two additional visualisations include reference details, unlike the original submissions. However, it has not been confirmed that any of the visualisations have been prepared in accordance with recognised standards (such as GLVIA3 and the Landscape Institute's TGN 06/19, for example). As such, it is considered that reliance on the accuracy of these images should only be limited.
- 12.15 Attempts have been made to negotiate amendments to the design of the dwelling, to reduce its perceived likely visual impact, including by reducing its height, altering its plan form, and amending the colour of the cladding. However, the applicants have confirmed that they are unwilling to alter the submitted details and are of the view that the design and appearance of the proposed dwelling would be acceptable.
- 12.16 Whilst recognising that the design approach followed would be distinctive, it is considered that within the open machair context of the application site, it would not reinforce the identity of the local machair landscape character but would represent an incongruous addition.
- 12.17 However, given the variety of designs existing within the local area, it is considered that the extent of harm in this respect would be limited, including in relation to the NSA. Nonetheless, this is a matter that counts against the proposal.

Cultural heritage

- 12.18 The application site is not within a Conservation Area and there are no Scheduled Monuments within the immediate area. There are a number of listed buildings within the vicinity of the site, including two thatched cottages to the north and the former 'Parliamentary' Church of Scotland church and manse to the south.
- 12.19 The HES description of the Category B listed former church states:
- Thomas Telford former parliamentary church now a roofless though virtually entire shell. Building completed 1828. Stock design; T-plan, 2 inner windows and outer doors on long east wall, depressed arched openings, windows with simple iron tracery. Rubble-built, with ashlar dressings. Enclosed by rubble-built walls, square gate piers with pyramidal caps.
 - No longer in ecclesiastical use. (closed 1941). B group with former manse.
- 12.20 The HES description of the Category C listed former manse states:
- Thomas Telford former parliamentary manse. Built circa 1828. One of 2 stock designs; 2 storeys, 3 bays, recessed porch to either gable, roof now swept down at rear to single storey. Pebble-dashed. South front modern 2-pane glazing; end stacks; plastic tile roof to imitate slate. Garden enclosed by rubble-built walls, square gate piers with pyramidal caps.
 - Manse sold by Church of Scotland trustees 1943. B group with former church.
- 12.21 The church and manse are also described in The Western Seaboard (Mary Miers, 2008) as 'William Thomson and Joseph Mitchell, 1829 Standard Parliamentary church and two-storey manse, the church – of unharled granite and now roofless – having doubled as a school (closed in 1941).'
- 12.22 The Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 imposes a legal duty on the planning authority to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.

- 12.23 NPF4 Policy 7 requires development proposals with a potentially significant impact on historic assets to be accompanied by an assessment which is based on an understanding of the cultural significance of the historic asset. The assessment should identify the likely visual or physical impact of any proposals for change, including cumulative effects and provide a sound basis for managing the impacts of change. Proposals should also be informed by national policy and guidance on managing change in the historic environment. Development proposals affecting the setting of a listed building should preserve its character, and its special architectural or historic interest.
- 12.24 The OHLDP Policy NBH4 seeks to ensure that development would preserve or enhance the architectural, artistic, commemorative, or historic significance of built heritage assets, to avoid substantial adverse impact on this significance unless appropriately mitigated, and that any residual loss of significance is outweighed by the social, economic, environmental or safety benefits of the development.
- 12.25 The Historic Environment Policy for Scotland (HEPS) Policy HEP4 states that changes to specific assets and their context should be managed in a way that protects the historic environment. [...] If detrimental impact on the historic environment is unavoidable, it should be minimised. Steps should be taken to demonstrate that alternatives have been explored, and mitigation measures should be put in place.
- 12.26 The HES Managing Change: Setting guidance states: Setting can be important to the way in which historic structures or places are understood, appreciated and experienced. It can often be integral to a historic asset's cultural significance. Where development is proposed it is important to identify the historic assets that might be affected, define the setting of each historic asset, assess the impact of any new development on this. Setting often extends beyond the property boundary or 'curtilage' of an individual historic asset into a broader landscape context. Both tangible and less tangible elements can be important in understanding the setting. Less tangible elements may include function, sensory perceptions or the historical, artistic, literary and scenic associations of places or landscapes. Finalised development proposals should seek to avoid or mitigate detrimental impacts on the settings of historic assets.
- 12.27 In this case, whilst the proposal is likely to have some impact on the setting of the listed thatched roof cottages to the north, the effect of this is likely to be minimal, due to the separation distances involved and the existing development within the area. However, the proposal is considered likely to have a material effect on the setting of the listed former church and manse to the south.
- 12.28 Unfortunately, the Historic Impact Assessment submitted with the application is of limited assistance in exploring these matters.
- 12.29 While the Planning Authority could take a view that the information submitted was inadequate to undertake the required policy assessment, and determined to refuse the application on that basis, it has instead taken the time to research the heritage details using publicly available resources, including the listing descriptions to enable an understanding of the cultural significance of the Historic Assets.
- 12.30 It is considered that the cultural significance and special interest of the listed church and manse mainly derive from their historic age, form, fabric, and architectural features, as well as their original purpose and the approach taken to their development.
- 12.31 Whilst now roofless, all the stone walls remain standing defining the distinctive plan form of a Telford Parliamentary Church with large fenestration openings and two entrance doors. The current condition of the church reflects the evolution in its use from its construction completion in 1828 and decline over time, which in part relates to the Disruption of 1843 when a schism resulted in the formation of the Free Church of Scotland and a decline in the congregation numbers in the Church of Scotland.

- 12.32 The Trumisgarry Church (with a Manse) was one of only three Parliamentary Churches built in the Outer Hebrides, Knock on the Eye Peninsula is understood to have been demolished, while that on the Isle of Berneray, (also formerly roofless and in similar condition to Trumisgarry) was sensitively converted into a private house approximately 10 years ago.
- 12.33 These heritage assets have a strong association with Thomas Telford and are directly related to the wider development of roads and bridges within the highlands and islands at this time (the 1820s). Funded by the UK government, following a similar but larger scheme in England, some 32 churches were constructed for the Church of Scotland in areas where the provision of churches no longer matched the requirements of the population, mainly due to the distances involved in getting to church, including for people who had been cleared from the land. There was also perceived to be a need to provide an Established Church in areas where other denominations, such as the Catholic church, were active.
- 12.34 To access the funding available, the heritor (landowner) was required to apply to the Commissioners for Building Highland Roads and Bridges, whose Chief Surveyor was Thomas Telford, and to identify a site that would be made available. Following inspection and assessment, if the church and manse were constructed, the heritor would be liable for the upkeep of the church, whereas the minister and Church of Scotland would be responsible for the manse and glebe land. Each was built to a standard design, with an option for a single-storey or two-storey manse. A standardised window design was used so that they could be supplied ready made by a firm in Aberdeen.
- 12.35 The church was designed to accommodate some 300 people without galleries, and about 500 people with galleries. They were designed to be 'solid buildings with an inoffensive exterior, affording the greatest possible accommodation at the least possible expense' (Telford's Highland Churches; Allan Maclean; Society of the West Highland and Island Historical Research; 1989). The Trumisgarry church was opened in 1829 and was built at the same time, and by the same engineers, as the church in Berneray. It became a Quoad sacra parish in 1833, meaning that it was a full parish in the ecclesiastical sense, but was not a separate civil parish.
- 12.36 Unfortunately, in the time available, it has not been possible to establish why this particular piece of land was made available to the church. It seems likely that the population in this part of North Uist was growing and in the 1820s, the distance to the parish church in Lochmaddy would have made attendance there difficult and would have prevented the minister from visiting regularly.
- 12.37 The former Church and Manse, their relationship to one another and their setting contributes to our understanding of local history and its place within the local community. Whilst the current condition of the Church is not ideal, it is not considered to have diminished in cultural significance, remaining a Category B Listed heritage asset.
- 12.38 Sympathetic renovation of the manse is currently taking place, which will positively contribute to securing its residential use and preservation of this heritage asset in the longer-term.
- 12.39 The site itself is on a slightly raised plateau with expansive views to the north and east, from where it can be seen from some distance. Much of the land is also rocky and, from the 1st and 2nd edition Ordnance Survey maps, the original glebe land appears to lie between the manse and the loch, to the south. The area to the north of the application site, which is closer to the shore and is suitable for more productive agricultural use, did not appear to form part of the original glebe land. Given these factors, it seems very likely that the site was chosen, at least in part, for its elevated position and visual prominence within the landscape.
- 12.40 Consequently, for all the reasons set out above, it is considered reasonable to conclude that the setting of the church and manse makes a considerable contribution to their cultural and historic significance as heritage assets. The setting of the listed buildings has altered considerably since 1829, including by

the introduction of elements such as metalled roads and electricity lines and poles. In addition, there are a number of more recent additions that have changed, and arguably diminished, the landscape setting of the church and manse. These include the adjacent dwelling to the east (Trumisgarry Cottage) and its associated wind turbine and, while a temporary permission, the more recent small holiday accommodation chalet to the north-west.

- 12.41 The church is T-shape in form, with the longest elevation (east) measuring some 16m, the northern gable being some 9.4m and the projecting element (to the west) being some 4m x 9.4m. Its maximum width (measured east to west) would therefore be some 20m. The highest point of the gable wall of the listed church is indicated to be some 8.7m above ground level.
- 12.42 Due to changes in topography, the section details provided indicate that the proposed dwelling would have a finished ridge height of some 4.1m below that of the listed church. However, the proposed dwelling would have a very similar form and whilst slightly smaller overall, would also be similar in scale and mass. Furthermore, due to its siting within the sloping field to the north of the church, and for the reasons set out in the design section above, the proposed dwelling would be an obtrusive element within the landscape that would be clearly visible in views, including longer views, towards the listed buildings from the north and east.
- 12.43 Accordingly, overall, it is considered that the proposal would have an adverse effect on the setting of the listed buildings and their visual relationship with the surrounding landscape, due to the likely visual impact of the siting, scale and appearance of the proposed dwelling. Given the nature and extent of existing modern interventions within the landscape that also impact on the immediate setting of the heritage assets, the extent of the additional harm likely to result from the proposal is considered likely to be relatively limited. Nonetheless, it is a matter that weighs against the proposal which, given the planning policy context, is considered should be given significant weight.

Natural heritage

- 12.44 The site is outwith any designated environmental sites. The West Coast of the Outer Hebrides Special Protection Area (SPA), the North Uist Machair and Islands Ramsar site and SPA, the North Uist Special Area of Conservation (SAC), and the Machairs Robach and Newton Geological Conservation Review sites and Site of Special Scientific Interest (SSSI) are located to the north.
- 12.45 Advice given by NatureScot to the applicant indicated a potential for connectivity from the site to the designated SPAs for corncrake. However, the application site is separated from the SPA by undesignated intervening land. As a result of this separation and the scale and nature of the proposal, it is considered that the development would have no likely significant effect on these designated areas, including the SPAs, or their qualifying or natural features.
- 12.46 Given the scale and nature of the proposal, it is considered that it would not conflict with national and international aims in relation to the global climate and nature crises. The need to enhance biodiversity can be highlighted by the use of an informative. Furthermore, whilst the use would be likely to result in some additional use of energy, the extent of this would be relatively limited. Consequently, the impact of the proposal on greenhouse gas emissions is not considered unacceptable in this instance.

Roads

- 12.47 The application would be served by an existing public road. The amount of traffic reasonably likely to be generated by one dwelling would be relatively limited. Space would be provided within the site for the turning of vehicles and for parking. Having regard to the parking requirements set out in the SG, these details are considered appropriate to serve a development of this nature in this location. As such, it is considered that the proposal would be unlikely to result in unacceptable inconvenience to other road users and that road safety would be unlikely to be materially affected by the development.

Water, waste water, waste management and renewable energy

- 12.48 The dwelling would be connected to the public water supply and a new septic tank is proposed to serve the development, the details of which would be a matter for the Building Warrant application process. The consultation comments received from Scottish Water indicate alive infrastructure within the boundary of the site. Should permission be granted for the proposal, this is a matter that could be drawn to the attention of the developer by way of an informative note added to the decision. Sufficient space exists within the site for the provision of refuse and recycling storage facilities.
- 12.49 Detailed information relating to Zero or Low Carbon Buildings has not been provided. However, the Building Standards requirements will be sufficient to ensure that the provision would meet the criteria of Policy PD4 of the Development Plan.

Other matters

- 12.50 The representations received, and the applicants themselves, have cited strong personal circumstances as providing a justification for the proposal. There is no doubt that the applicants are highly regarded, much valued and well-liked members of the local community, who have contributed significantly to that community since moving there some seven years ago. It is also acknowledged that there are several good reasons that the applicants wish to remain within that community, including for work and personal reasons, and the limited supply and high demand for housing locally makes this challenging.
- 12.51 Whilst not doubting the applicants' intentions, or the commitment shown to them by the local community, personal circumstances can change over time. In contrast, most development, once built, can reasonably be expected to last several decades. Consequently, it is considered that the applicants' particular circumstances do not carry weight in support of the proposal.

REASONED CONCLUSION

- 13.1 Planning Authorities are required to determine planning applications in accordance with the Development Plan unless material planning considerations indicate otherwise. An assessment has been carried out against the provisions of the OHLDP and the relevant policies of NPF4 and consideration has been given to all relevant material planning considerations.
- 13.2 It is considered that the development would make a small but positive contribution towards the provision of housing, which would result in social and economic benefits. For the reasons set out above, it is considered that these modest benefits should carry considerable weight in favour of the proposal. In addition, the proposed dwelling would not detract from neighbouring amenity or the natural environment, including biodiversity. Adequate space can be provided within the site for drainage and for the parking and turning of vehicles and the means of access is considered appropriate.
- 13.3 For the reasons set out in the assessment above, it is considered that the design of the proposed dwelling would have a harmful effect on the landscape character and appearance of the area and, due to its siting, scale, mass and appearance, would have an adverse effect on the setting of the adjacent listed church and manse. Whilst the extent of harm in both these respects is considered likely to be relatively limited, it is considered that, overall, this harm should be given significant weight.
- 13.4 The amount of weight to be given to the benefits and harm likely to result from a proposal is a matter for the decision maker. In this case, it is considered that the merits of the proposed development are finely balanced. For the reasons given, it is concluded that the relatively limited extent of additional harm likely to result to the setting of the heritage assets and the character and appearance of the area would be outweighed by the modest contribution made by the proposal to the local housing stock.

- 13.5 As a result, overall and on balance, it is concluded that the development would be acceptable, including in relation to the South Lewis, Harris and North Uist National Scenic Area, and would accord with the National Planning Framework 4 and Outer Hebrides Local Development Plan 2018 as a whole and, in particular, with Policies 1, 2, 3, 4, 7, 14, 17, 29, DS1, PD1, PD2, PD3, PD4, NBH1, NBH4, EI1, EI2, EI4. No material considerations exist which would justify a decision other than in accordance with the Development Plan.

RECOMMENDATION

- 14.1 It is recommended that the planning application be approved subject to the conditions set out in Appendix 1 to this Report.