Directorate for Local Government and Communities Planning and Architecture Division : Planning Decisions



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Breck Designs	

Our ref: NA-ORK-028 18 September 2019

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
THE TOWN AND COUNTRY PLANNING (NOTIFICATION OF APPLICATIONS)
(SCOTLAND) DIRECTION 2009
PROPOSED CONVERSION OF REDUNDANT AGRICULTURAL BUILDING TO HOUSE
AT QUIVALS, OTTERSWICK ROAD, SANDAY

- 1. This letter contains Scottish Ministers' decision on the above application submitted to Orkney Islands Council by Breck Designs on behalf of was called in for Scottish Ministers' determination on 23 May 2019.
- 2. The application was considered by means of written submissions and an unaccompanied site inspection, which took place on 14 August 2019, conducted by a reporter appointed for that purpose. A copy of the reporter's report is enclosed.

## **Consideration by the Reporter**

3. The reporter's conclusions and recommendations are set out in Chapter 3 of the reporter's report. The reporter recommended that planning permission be refused.

## **Scottish Ministers' Decision**

4. Scottish Ministers have carefully considered the report. They agree with the reporter's overall conclusions and recommendation that planning permission should be refused and adopt her reasoning for the purpose of their own decision, which is summarised below.









- 5. Scottish Ministers agree with the reporter and conclude that the proposed development conflicts with Policies 1 (iv) and 13 (ii) of the Orkney Local Development Plan and with the approach on flood risk advised in Scottish Planning Policy. Scottish Ministers also agree with the reporter that although the proposed conversion would ensure that the category B listed building is retained in good repair, and the proposal conforms with some policies of the local development plan, these positives are not sufficient to outweigh the possibility that the building could flood in the future, bearing in mind the very serious consequences were such flooding to occur when the building was in use as a house. Scottish Ministers conclude that the proposed development does not accord with the development plan and no material considerations indicate that it should be approved.
- 6. Accordingly, for the reasons set out in the reporter's report and as summarised above, Scottish Ministers hereby refuse planning permission for the conversion of a redundant building to a house at Quivals, Otterswick Road, Sanday.
- 7. This decision of Scottish Ministers is final, subject to the right conferred by Sections 237 and 239 of the Town and Country Planning (Scotland) Act 1997 of any person aggrieved by the decision to apply to the Court of Session within 6 weeks of the date of this letter. If such an appeal is made, the Court may quash the decision if satisfied that it is not within the powers of the Act, or that the appellant's interests have been substantially prejudiced by a failure to comply with any requirements of the Act, or of the Tribunals and Inquiries Act 1992, or any orders, regulations or rules made under these Acts.
- 8. A copy of this letter and the report has been sent to Orkney Islands Council, the applicant and SEPA.

Yours sincerely







