

General Requirements for All Dwellinghouses

In all zones, applications for new houses, for the conversion of a building to form a house, or the bringing back into use of an abandoned house, will need to meet all of the following requirements:

- a) the site is not located within an identified local protection area shown on the Proposals Map (see policy LP NE11);
- b) the site is not less than 5 metres above MHWS (mean high water springs) or any water course, except where the application is accompanied by a detailed assessment of flood risk which demonstrates that the risk of flooding is low, or satisfactory flood precautions are incorporated into the development. Where there is doubt the precautionary principle will apply;
- c) in respect of the provision of new housing by new building or by the conversion of existing property, the solum of the house is not less than 5 metres above MHWS, unless it can connect to an existing public sewer;
- d) a suitable and sufficient water supply can be provided;
- e) suitable waste water disposal facilities can be provided. Where more than one dwelling is proposed, a communal septic tank or connection to an existing sewer is required; (pending discussion with SEPA)
- f) if the site lies within the catchment of a drainage scheme (existing or committed), connection to the scheme will be required;
- g) the proposed development is sited to reflect the character, style, pattern and density of the surrounding area;
- h) all new accesses will be assessed on their merits, to ensure that a safe road access can be achieved, taking into account traffic speeds and volume, carriageway width, visibility and the number and proximity of other accesses;
- i) the proposed development is in accordance with the Council's access and car parking guidelines (see Appendices D and E);
- j) the proposed development is in accordance with the Council's principles and guidance on siting, design, amenity space and materials (see Appendix F and "The Shetland House" Guidance for Housing Development in Shetland.);
- k) the proposed development will not have a significant adverse effect on neighbouring uses;
- l) the proposed development should, as appropriate, provide each unit with a

- minimum of 100m². of private amenity space, usually at the rear;
- m) the proposed development will not adversely affect any Listed Buildings or their settings, Conservation Areas, Scheduled Ancient Monuments or sites statutorily notified for their nature conservation or landscape value;
- n) the proposed development will not significantly harm sites of local archaeological, botanical or wildlife importance;
- o) the proposed development will not prejudice future mineral extraction where commercially viable reserves are known to be present;
- p) the proposed development does not conflict with other Structure or Local Plan policies.

See following page for the Zone requirements for single dwellinghouses

Policy LP HOU4 *continued*

Zone Requirements for Single Dwellinghouses

In Zone 1 planning consent for individual new dwellinghouses or for the conversion of a building to form a house, or the bringing back into use of an abandoned house will normally be granted if the proposed development is sited to reflect the character, style, pattern and density of the surrounding area and all the general requirements are met.

In Zone 2 applications for individual dwellinghouses or for the conversion of a building to form a house, or the bringing back into use of an abandoned house will be favourably considered, if the proposed development is sited to reflect the character, style, pattern and density of the surrounding area and in addition to satisfying the general requirements the following criterion is met:

- a) the site is not classed as grade 4.2 or 5.1 agricultural land, if there is poorer quality land in the general area that can reasonably be developed.

In Zone 3 planning consent for individual new dwellinghouses may be granted, if the proposed development is sited to reflect the character, style, pattern and density of the surrounding area and in addition to satisfying the general requirements all of the following criteria are met:

- a) the proposed dwellinghouse is within or adjoining an established building group. For the avoidance of doubt, a building group must include two or more buildings of at least domestic scale;
- b) the proposed dwellinghouse would not extend existing roadside development where this would result in a road safety problem which may require remedial works (e.g. pavements or street lighting), or would sterilise future development opportunities;
- c) the site is not classed as grade 4.2 or 5.1 agricultural land, if there is poorer quality land in the general area that can reasonably be developed.

Alternatively, planning consent may be granted for the restoration and extension of an existing dwelling or other building of domestic scale that has been abandoned, but still has a roof structure, provided that the original building is restored to form part of the development and is of a scale and character compatible with the siting of the existing dwelling and its local environment and that the general requirements for all dwellings are met.

See following page for Zone 4 requirements for single dwellinghouses

Zone Requirements for Single Dwellinghouses *continued Zone 4*

In Zone 4 planning consent for individual dwellinghouses may be granted if in addition to satisfying the general requirements all the following criteria are met.

- a) the proposed dwellinghouse is required by someone who will work the croft or agricultural unit or contribute to the social well-being of the holding;
- b) the proposed dwellinghouse forms a group with existing buildings on the holding or, if there are no buildings (i.e. a bareland croft), the proposed dwellinghouse relates to the existing settlement pattern and qualifies for the CHGS (Croft House Grant Scheme);
- c) the site is not classed as grade 4.2 or 5.1 agricultural land, if there is poorer quality land in the general area, that can reasonably be developed.

Alternatively, planning consent may be granted in Zone 4 for the restoration and extension of an existing dwelling or other building of domestic scale that has been abandoned, but still has a roof structure, provided that the original building is restored to form part of the development and is of a scale and character compatible with the siting of the existing dwelling and its local environment and that the general requirements for all dwellings are met.

Policy LP HOU4 *continued*

Zone Requirements For Proposals For Two Or More Dwellinghouses

In ZONE 1; in addition to fulfilling the general requirements, proposals should reflect the character and density of the surrounding development.

In ZONE 2; in addition to fulfilling the requirements for single dwellinghouses, applications for two or more dwellings will only be considered where they reflect the established traditional settlement pattern.

In ZONE 3; in addition to fulfilling the requirements for single dwellings, proposals should be designed in loose clusters, which sympathetically reflect the pattern and density of the surrounding development.

In ZONE 4; applications for two or more dwellings are unacceptable.

Justification

The housing zones and policies are unique to the Shetland Local Plan. The zone policies and the zone boundaries, which are shown on the area Proposals Maps, have been drawn up and developed in consultation with local communities. The overall aim of the approach is to provide a fair and consistent policy framework for determining planning applications for new houses throughout Shetland. The policy has been formulated with the following objectives in mind.

- to protect Shetland's natural and manmade resources;
- to maintain and enhance the landscape character of Shetland;

- to maintain the vitality and viability of existing settlements;
- to reflect the established settlement pattern;
- to maintain the traditional crofting and agricultural way of life;
- to support the rural population and reduce rural depopulation;
- to reinforce existing development patterns;
- to reduce servicing costs;
- to promote well ordered, sustainable and safe development.

All applications for new houses or flats must meet the General Requirements set out in the policy; then, depending on which zone the site is in, the requirements for that Zone must also be fulfilled. Generally, the lower the zone

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number, the easier it is to obtain planning permission. The zones can be interpreted as follows:

Zone 1 generally includes areas where facilities and services are present. In this zone, new dwellinghouses are encouraged subject to the general requirements for all dwellinghouses being met.

Zone 2 is settled countryside, where communities wish to encourage development or the area is fragile and the population is static or falling. New houses or conversions and refurbishment are favourably considered in this zone. However, proposals to develop on the best agricultural land will be discouraged.

Zone 3 is settled countryside close to existing settlements, where development will be favourably considered where the General Requirements are met and where it strengthens and reinforces existing settlements and building groups. The requirement to build within or adjoining existing building groups is intended to control sporadic housing and to promote the establishment of housing clusters and reduce the number of new individual accesses onto the road network. In rural areas away from Lerwick, Zone 3 will encourage flexibility and enable the controlled expansion of existing rural Zone 1 areas.

Zone 4 is the sparsely populated or generally uninhabited areas where development is strictly controlled. This is open countryside; government policy is to restrict development here. The zone policy permits the building of new houses for agricultural or social support. As the justification is agricultural or social support, the policy requires the new house to form a group with the existing buildings on the holding. Exceptions may be made for new dwellinghouses on new or bareland crofts. Planning permission may also be granted for the restoration and extension of abandoned dwellings.

For applications for two or more houses additional requirements are specified generally to protect the character of the rural areas and promote development within the developed areas.

Advice: Applicants thinking about building a new house are encouraged to read Appendix F of this Plan, the Shetland House guidance booklet and discuss their proposals with planning staff before submitting a planning application or entering any agreement to buy land.

This policy conforms to:

- SPP 3 (Planning for Housing)
- SPP 15 (Planning for Rural Development)
- Structure Plan policies GDS1, GDS3, GDS5, SP NE1, SP NE3, SP NE BE1, SP BE2, SP HOU1, SP HOU2.

This policy supports:

- The Corporate Plan
- Development Plan aims 2, 3 and 4

Background information:

- Distribution of Development Working Paper