



Case reference	NA-DAG-030
Application details	Change of use of garden room to form holiday let accommodation and formation of raised deck area
Site address	Burnbank, Gelston, Castle Douglas
Applicant Determining Authority Local Authority Area	Rory Warwick Dumfries & Galloway Council
Reason(s) for notification	Category 2 (Objection by Government Agency) (SEPA)
Representations	NIL
Date notified to Ministers Date of recommendation	3 March 2020 20 March 2020
Decision / recommendation	Clear

### Description of Proposal and Site:

- Planning permission is sought from Dumfries and Galloway Council for the change of use of a garden room within the rear curtilage of a house, to holiday accommodation.
- The garden room is a timber cabin building which was permitted in 2009 and originally designed to contain a studio, shower room, kitchen and office, all incidental to the use of the house itself. The 2009 permission also allowed for the temporary use of the building as residential accommodation whilst the house was being extended and until February 2011 at the latest.
- The current planning application proposes that the building would contain a bedroom, shower-room, kitchen and lounge, and proposes the addition of decking and a ramp.
- The site lies within the village of Gelston, approximately 3.5 kilometres to the south of Castle Douglas. The Gelston Burn passes alongside the northeastern (side) boundary of the site, after passing under the B727 road.
- The application was reported to the council's Planning Applications Committee on 26 February 2020, with a recommendation to approve it subject to conditions. The Committee agreed to this recommendation, and the council has now notified Ministers as Scottish Environment Protection Agency (SEPA) objects to the application on flood risk grounds.

### **EIA Development:**

- The proposal can be regarded as an 'urban development project' in terms of the relevant EIA Regulations, but is below the screening threshold of 0.5ha. The site is not located within a sensitive area. Therefore the proposal does not need to be the subject of an EIA screening opinion.

### **Consultations and Representations:**

- SEPA object to the proposed development on flood risk grounds. In their first response, they advised that the site (or parts thereof) lies within the medium likelihood (0.5% annual probability or 1 in 200 year return period) fluvial flood extent of the SEPA Flood Map and may therefore be at medium to high risk of flooding. They noted that a number of small watercourses flow in the vicinity and may pose an additional source of flood risk. They objected until a flood risk assessment or other appropriate information (potentially including ground and floor levels, photographs and historical flood levels) is provided.
- SEPA subsequently reviewed photographs and spot height details provided by the agent, but advised that insufficient information had been provided to demonstrate the relationship between on-site ground levels and the Gelston Burn. They noted that most of the photographs related to a small watercourse/drain to the northwest of the site, and considered that it was unlikely that this feature alone poses a risk to the site. They further noted that another photograph showed signs of erosion in the Gelston Burn channel, perhaps indicating high energy flows within the Gelston Burn, enforcing the need for a robust assessment of flood risk.
- SEPA concluded that insufficient information had been provided to allow them to fully assess flood risk at the site, and reiterated the need for a flood risk assessment. They also advised that based on the SEPA Flood Maps, the site may be an 'island of development' and become surrounded by flood waters.
- The Scottish Government Flood Risk Management Team does not recommend call-in of this application as in their view it does not raise issues of national importance.

### **Assessment:**

1. As SEPA objects to the proposed development on flood risk grounds, this application has been notified to Scottish Ministers to ascertain whether there are any issues of national importance to warrant them calling in the application for their own determination.
2. The Council's own Flood Risk Management Team advised that the SEPA flood maps suggest the proposed development may be inundated to a depth of up to 1 metre during flooding events, which based on a spot level on the site would indicate the site may be flooded to 99.6 metres. The team originally objected to the application, but following receipt of the additional information, removed its objection and recommended the finished floor level be set at 100.2 metres AOD minimum.
3. In the report to committee, the planning officer concluded that:

- the proposed development would remain ancillary to the host dwellinghouse;
  - the minimal external alterations would not adversely affect the visual or residential amenity of the surrounding area;
  - the tourist nature of the proposal would represent a degree of economic benefit;
  - and the proposed use is unlikely to result in a significantly higher risk to human life or safety than at present such that it is contrary to the requirements of Scottish Planning Policy or the Local Development Plan.
4. Whilst noting the SEPA objection the planning officer considered that the balance was in favour of supporting the development and accordingly recommended approval of the application. This recommendation was agreed by the council's Planning Applications Committee.
  5. The Scottish Government Flood Risk Management (FRM) Team have considered the details of the case. They advise that the levels details provided show that the existing garden room building is raised a minimum of approx. 0.79m above surrounding ground. It is on average 1.5m higher than the base of the agricultural drainage ditch running across the northwest boundary of the site, and 2.63m higher than the base of the meander in the burn to the north east of the site. Based on this information, and the flood mechanisms assumed from SEPA's flood maps, the FRM team consider that any flood water from outwith the site is likely to route around the garden room building, and access and egress would be by higher ground to the south. The team concludes that it is not in the national interest to call in this application.
  6. PAD notes that one of the conditions the council intends to impose would prohibit the use of the unit as a sole/main residence. The FRM Team considers that a full flood risk assessment, looking at all sources of flooding, should be required if permission to use the building as a main residence (rather than holiday accommodation) is subsequently sought.
  7. In the light of the above information including the advice of the FRM Team, the fact that the council's flood risk team has considered SEPA's objection but is content with the proposal, and the council's intended conditions, it is considered that this application does not raise any issues of national importance to warrant intervention by Scottish Ministers.

**Decision/Recommendation:**

- It is recommended that this application is cleared back to Dumfries and Galloway Council.

## Annex



Location plan (from council committee report)

