

THE HIGHLAND COUNCIL

ROSS & CROMARTY EAST LOCAL PLAN INQUIRY

**STATEMENT OF OBSERVATIONS by the
DIRECTOR OF PLANNING and DEVELOPMENT**

ISSUE 14: Small Housing Groups in the Countryside

1. Introduction

- 1.1 The Highland Council (THC) has undertaken to hold a Public Local Inquiry to consider objections lodged by Ferintosh Community Council [CD30/78] and Brahan Estate [CD30/42] in respect of Chapter 6: Landward para. 36 and Appendix III of the Deposit Draft of the above Local Plan, with regard to the identification of housing groups in the countryside of the Hinterland areas. All parties wish to appear at the Inquiry.
- 1.2 Objections lodged by Alasdair Sharp [CD30/38] and Mrs JA MacKinnon [CD30/90], seeking the identification of areas at Artafallie near North Kessock, and at Dunmore near Muir of Ord, respectively, as groups with further development potential, are the subject of further written submissions.
- 1.3 Objections were also lodged by SEPA [CD30/170], Donald Ross [CD30/126], Mr & Mrs D Gray [CD30/20], Mr G Shaw [CD30/14] and Mr R Dick [CD30/84], but these have been conditionally withdrawn.
- 1.4 In respect of an objection lodged by Harbro Ltd. [CD30/99] seeking the inclusion of the former camp at South Sutor by Cromarty as a housing group it is assumed that the objectors have either rested on their original submissions to the Deposit Draft Local Plan or not withdrawn. The Council's response is contained in the 25 January 2005 Area Planning Committee report on Objections and Representations on the Deposit Draft Local Plan [CD27].
- 1.5 The Deposit Draft with proposed Modifications to Local Plan was advertised by the Council on 4 February 2005 with a closing date for further objections to be heard at this Inquiry of 18 March 2005. The proposal to delete the group at Mid Alcaig on the Black Isle drew objections from Reynolds Architecture Ltd. on behalf of Mr & Mrs I MacDonald [CD31/460].
- 1.6 THC will call Alan Ogilvie as the planning witness.
- 1.7 THC wishes to submit the productions listed below. References to productions are shown in the text as follows, [CD 1]. Quotes from productions are shown as follows, "extract".
[CD1] The Highland Structure Plan: Approved Plan: The Highland Council: March 2001
[CD3] Mid Ross Local Plan: Adopted Plan: Highland Regional Council: October 1990

- [CD5] Black Isle Local Plan: Alteration No.2: Housing: Highland Regional Council: September 1996
- [CD6] Development Plan Policy Guidelines: The Highland Council: October 2003
- [CD8] Ross & Cromarty East Local Plan: Consultative Draft: The Highland Council: May 2002
- [CD9] Ross & Cromarty East Local Plan: Deposit Draft: The Highland Council: October 2003
- [CD10] Ross & Cromarty East Local Plan: Statement of Publicity, Consultation and Representations: The Highland Council: October 2003
- [CD11] Ross & Cromarty East Local Plan: Proposed Modifications to the Deposit Draft (Prior to Public Local Inquiry): The Highland Council: February 2005
- [CD17] SPP15: Rural Development: Scottish Executive: February 2005
- [CD25] Ross & Cromarty Area Planning Committee Item: Representations on the Consultative Draft Local Plan: The Highland Council: 15 September 2003
- [CD27] Ross & Cromarty Area Planning Committee Item: Objections and Representations on the Deposit Draft Local Plan: The Highland Council: 25 January 2005
- [CD30] Letters of Objection and Representation to the Deposit Draft Local Plan
- [CD31] Objections to the Proposed Changes to the Deposit Draft Local Plan
- [THC14/1] Letter from SEPA to Alasdair Sharp: 23 February 2005
- [THC14/2] Letter from Alasdair Sharp to Jim Farquhar, Ross and Cromarty Area Planning and Building Control Manager; 4 March 2003
- [THC14/3] Letter from the Director of Planning and Development to Alasdair Sharp: The Highland Council: 12 March 2003
- [THC14/4] Extract from Minute of Special Meeting of the Ross & Cromarty Area Planning Committee to consider Objections and Representations to the Ross & Cromarty East Local Plan Deposit Draft: The Highland Council: 25 January 2005
- [THC14/5] Ordnance Survey extract map for Artafallie: The Highland Council: April 2005
- [THC14/6] Extract from Inverness Local Plan Deposit Draft with Modifications: The Highland Council: April 2003
- [THC14/7] Report to Ross and Cromarty Area Planning Committee on Planning Application for Erection of House (Outline) at Dunmore, Muir of Ord: ref. RC/1997/607: The Highland Council: 4 November 1997
- [THC14/8] Report to Ross and Cromarty Area Planning Committee on Planning Application for Erection of House (Outline) (Resubmission) at Dunmore, Muir of Ord: ref RC/1998/670: The Highland Council: October 1998
- [THC14/9] Notification of Appeal and Appeal Decision on Planning Application for Erection of House at Dunmore, ref RC/1998/670, in Reports to Ross and Cromarty Area Planning Committee: The Highland Council: June & July 1999
- [THC14/10] Map of permissions for single houses in the Beauly – Dunmore - Muir of Ord area 1998 to mid 2002
- [THC14/11] Extract from Report on Inverness Local Plan Inquiry: The Scottish Executive Inquiry Reporters Unit: March 2005
- [THC14/12] Ordnance Survey extract map for Dunmore: The Highland Council: April 2005
- [THC14/13] Correspondence between Ross & Cromarty Area Planning & Building Control Manager and Director of Planning & Development: The Highland Council:

November & December 2005

[THC14/14] Memorandum from Ross & Cromarty Area Planning & Building Control Manager to Director of Planning & Development: The Highland Council: 2 February 2005

2. Background

National Planning Guidance/Advice

- 2.1 Scottish Planning Policy 15: Planning for Rural Development [CD17], was published in February 2005 following an earlier consultation draft and supersedes NPPG15. The following paragraphs are relevant: -

18. This states that SPP 3 remains the first point of reference on the general policy for housing; and that *“This SPP advances policy in respect of small scale rural housing developments including clusters and groups in close proximity to settlements,..... The overall message is that there is considerable scope for allowing more housing developments of this nature and that this should be expressed in development plans, either as part of general settlement policy or as a separate sub-set on rural housing policy.”*

21. This states that the amount and location of housing that can be developed in rural areas is determined by a number of factors, including proximity to services e.g. schools, shops (ideally within walking or cycling distance); ease of access; and drainage or sewerage capacity; and that fit in the landscape will be an important consideration.

22. This states that planning authorities should set out criteria where houses on land not identified in development plans, outwith main settlements, will be acceptable, and that clusters and groups of dwellings could be feasible in helping to meet previously unsatisfied demand. Overall SPP15 urges planning authorities to adopt a much more positive approach to housing development in the countryside, even within areas of relatively high demand, provided there is no net detriment to the environment. This is consistent with the approach taken by successive planning authorities covering Highland.

Highland Structure Plan

- 2.2 The Highland Structure Plan [CD1] was approved in March 2001. Paragraph 1.7.1 refers to the emergence from the sustainability objectives and the strategic themes the development of a number of general policies demonstrating the expectations of The Council with regard to any proposal for development. They cover a range of issues relating to sustainable development and are considered vital to the implementation of the Plan's strategic themes. More specifically, Policy G2 Design for sustainability indicates that *“Proposed developments will be assessed on the extent to which they:*
- are compatible with service provision (water and sewerage, drainage, roads, schools, electricity);*
 - impact on individual and community residential amenity;.....*

- *impact on the following resources, including pollution and discharges, particularly within designated areas: habitats, freshwater systems,landscape, cultural heritage, scenery.....;*
- *demonstrate sensitive siting and high quality design in keeping with local character and historic and natural environment and in making use of appropriate materials;.....”*

- 2.3 Policy H3 Housing in the countryside states that *“housing development will generally be within existing and planned new settlements.”*

Development Plan Policy Guidelines

- 2.4 In October 2003, following previous consultation on a draft published in May 2002, THC published Supplementary Development Plan Policy Guidelines (DPPG) on Housing in the Countryside and Affordable Housing [CD6]. DPPG1 contains a more detailed interpretation of Structure Plan Policy H3 on Housing in the Countryside. This was drafted after discussions with Scottish Executive Planning officials.
- 2.5 On page 4 of the Guideline there is a section on *“Defining the hinterland of towns in the pressurised countryside areas of”* Inverness and the Inner Moray Firth (i.e. Nairn, Dingwall, Alness, Invergordon and Tain). The Guideline goes on to indicate on the rest of page 4 and over on to page 5 that the *“Policy application within the hinterland of towns”* requires a planned approach to new housing development opportunities either within existing or planned new settlements. The Guideline also defines “existing settlements” as:
- (a) those identified through the Structure Plan and local plan settlement hierarchies (based on the provision of services);
 - (b) groups of houses which have one or more of the following facilities: mains drainage or a scheme in Scottish Water’s 3-year plan; a public septic tank; street lighting; a 30 mph speed limit; a school, a doctor’s surgery, a shop, a post office, a petrol filling station, a public hall, or a pub;
 - (c) established groups which comprise cluster, linear, or other recognisable forms of building without such a facility, but which are contained within a clear visual envelope; or
 - (d) dispersed grouping with a crofting settlement pattern.
- 2.6 DPPG1 makes clear that such settlements are only to be defined where there are opportunities to make use of spare capacity to accommodate new housing, and where this would be consistent with, or enhance, the cohesiveness and visual appearance of the group. Generally, this will be within the existing boundary of the group, although there may be opportunities for some limited extension where the development will help to enhance the appearance of the group as a whole.

Adopted Local Plans

- 2.7 The Black Isle Local Plan Alteration No. 2: Housing [CD5] was adopted in September 1996. In the Policy Summary section of the document, under the heading Housing

Groups, the former (1990) Structure Plan General Policy 1.4.2 is indicated. This policy, now superseded by the 2001 Structure Plan [CD1] and DPPG1 [CD6], “*maintained a strong a presumption against the development of further ad hoc clusters of houses in the countryside.*” It went on to state that “*in exceptional cases there may be limited opportunities to consolidate of round off certain existing housing groups*”, subject to meeting specific criteria. The latter part of the policy applied to a list of 78 groups of three or more houses (when surveyed in 1992) in the open countryside of the Black Isle. These included the groups at Woodend by Artafallie (para. 1.5.10, page 13), Balnabeen (5.5.4, p.37), Duncanston (5.5.5, p.37), Wester Alcaig (5.5.7, p.39), Drummondreach (5.5.8, p.39), Mid Alcaig (5.5.17, p.39) and Sutors Road (7.5.9, p.49). The detailed potential for each group was given in a series of tables, with specific references in brackets.

2.8 The Mid Ross Local Plan [CD3] was adopted in October 1990. The following provisions are relevant: -

Policy 2.5 applies a presumption in favour of housing in the countryside “*where they:*

- *occupy sites of negligible agricultural value;*
- *are not visually prominent;*
- *do not require inordinate public expenditure; and*
- *help strengthen the fabric of rural areas.*”

This policy was superseded by the provisions of Structure Plan Policy H3 [CD1], which generally presumes against such development.

Paragraph 4.11 refers to Housing in the Corry of Ardnagrask area, “*a small community of scattered crofts and farmhouses occupying higher ground to the south west of Muir of Ord.*” This includes Dunmore and reference is made to drainage problems and the sub-standard road network, exacerbated by continued housing development. A limited number of housing development opportunities remained at the time subject to their careful siting and satisfactory servicing requirements.

Paragraph 5.13 refers to the poor condition of the single track road network in the area and the scarcity of resources for improvements. There is a recommendation to improve visibility and provide passing places on the Loch Ussie road, “*subject to future capital allocations and overall priorities*” (5.13(i)).

Paragraph 5.22 makes specific reference to the need for a Framework Plan to address housing development and visitor pressures around the loch, a designated Site of Special Scientific Interest. Reference is also made to development being constrained by the inadequate road network, the difficulty of soakaway drainage for septic tanks and the scenic value of the area. Restricted areas are defined on the Framework Plan on page 42 and covered by relevant policies on page 41. This includes a presumption against development in the areas of “*prime agricultural land*”, where the Larches and Keithtown areas referred to by Brahan Estate are located.

Consultative Draft Plan

2.9 The Consultative Draft [CD8] of the Ross and Cromarty East Local Plan was published in May 2002. The following provisions of Chapter 6: Landward are relevant:

Policy 36 and **Appendix III** provided a detailed interpretation of Structure Plan Policy H3 and the emerging DPPG I respect of the identification of small groups or clusters with potential for further development.

Policy 37 presumes against housing development elsewhere in the open countryside, i.e. in the Hinterland around the towns, the Black Isle and other sensitive or constrained areas defined under General Background Policies BP3 and 4. The policy also lists exceptions and relevant proposals being subject to adequate servicing, siting and design. The policy also applies to a number of small countryside settlements including Dunmore and Knockfarrel.

Policy 64 safeguarded a number of *locally important areas or features* from unsympathetic development, including land around Loch Ussie and encouraged appropriate management measures in association with landowners, tenants, community groups and other interested parties.

Appendix I comprises the Policy Definitions for Background and Settlement Policies. In respect of **BP3**, the policy states: “*The Council will only permit development where there would be no significant adverse effects to heritage, amenity, public health and safety.*” Under this the criteria for Infrastructure includes a safeguarding feature for land “*within 150m of trunk / major road corridors*”.

2.10 The representations made are summarised as follows: -

The **RSPB [CD25/242]** welcomed the presumption against housing development outwith the existing settlements and recommended expansion of the policy to include the four bullet points of the preceding policy on development in the Natural Heritage Area.

SNH [CD25/59] sought clarification and amplification of the requirement to ‘provide suitable landscaping’.

SEPA [CD25/157] advised of its potential objections to the groups. Many are generally unsuitable in terms of foul drainage and development would lead to a proliferation of private foul drainage schemes in the countryside in areas where problems exist. The lack of clarity about the scale of these designations makes it impossible to state what infrastructure requirements would be necessary. Several groups may already be dealt with in the small rural settlements.

Ferintosh CC [CD25/172] were unclear about what limited opportunities for additional development to round off the groups meant, particularly at Balnabeen, Duncanston, Wester Alcaig, Drummondreach and Mid Alcaig. The last named has some 8 or so houses at the site of the former knackerie, which to us already seem relatively “rounded off”. Development in any of the above is restricted by the total lack of public drainage, contrary to the statement about infrastructure capacity. Developing one or two infill plots does not make a settlement.

Brahan Estate [CD25/58] suggest inclusion in Appendix III of additional ‘groups’ at

The Larches, Meikle Ussie Wood, Keithtown and Easter Moy Farm as they would be enhanced by the addition of a small number of houses within the confines of each “existing group”.

Derek Hannan [CD25/64] requested that an area to the north east of Dunvournie Farm, by Culbokie be identified as a named housing group where additional potential would meet the criteria.

- 2.11 In addition, on 2 June 2003, the Ross and Cromarty Area Planning Committee considered an application for one house in consolidation of a ‘group’ of three at Balmeanach, Culbokie. The application was recommended for refusal because the group was not identified in either the Adopted or Draft Local Plan. The Committee agreed to DEFER the application pending publication of the Deposit Draft of the Local Plan that autumn, which included the site as part of a housing group.
- 2.12 THC’s response and reasoning in respect of each of these comments is set out in **CD10** and **CD25**. Changes were agreed as follows: -
- Chapter 5: General Policies – add new policy GSP on Waste Water Treatment
 - Chapter 6: Landward, para. 36 (changed to 35)
 - In the second sentence, CHANGE to read “*In exceptional cases and subject to adequate drainage (GSP2), there may be opportunities to consolidate or round off certain existing groups with suitably designed new houses. These groups are*”
 - DELETE the last sentence and INSERT “*Development proposals should indicate the relationship of the new buildings to the group as a whole, arrangements for planting to screen or enhance the group’s amenity and appearance, and measures to remedy infrastructure problems.*”
 - In Appendix III, add groups at *Dunvournie* and *Balmeanach*, Culbokie.

Deposit Draft Local Plan

- 2.13 The Deposit Draft [**CD9**] of the Local Plan was published in November 2003. Chapter 6: Landward, at paragraph 35 and Appendix III continues to indicate the potential for additions to certain small groups of existing houses. Paragraph 73 continues to safeguard land around Loch Ussie.
- 2.14 The following were submitted: -
- Ferintosh CC [**CD30/170**] object to Chapter 6: Landward, paragraph 35 and the Appendix III, with specific reference to a number of groups in their area.
 - Brahan Estate [**CD30/42**] seeks the identification of additional groups in the Loch Ussie area.
 - Alasdair Sharp [**CD30/38**] seeks the inclusion of the former ‘group’ at Woodend, Artafallie (Black Isle LP Housing Alteration) so that his adjoining land can be used to add 3 or 4 new houses.
 - Mrs. JA MacKinnon [**CD30/90**] seeks the inclusion of a ‘group’ of houses at Dunmore, Muir of Ord in order to build a house.
 - SEPA [**CD30/170**] objected to Chapter 6: Landward, paragraph 35 and the Appendix III on drainage grounds.

- Donald Ross [CD30/126] sought the inclusion of the existing farm ‘group’ at Rhynie by Fearn in order to add a few more houses - now withdrawn.
- Mr & Mrs D Gray [CD30/20] sought the inclusion of a ‘group’ at Poyntzfield Mill in the Black Isle in order to build a house- now withdrawn.
- Mr G Shaw [CD30/14] sought the inclusion of a ‘group’ at Broomhill by Tore in the Black Isle in order to build a house- now withdrawn.
- Mr R Dick [CD30/84] sought the inclusion of a ‘group’ at Cuillich, Ardross in order to build a house- now withdrawn.

THC’s response and reasoning in respect of each of these comments is set out in **CD27**.

Deposit Draft with Modifications (Proposed Changes)

- 2.15 Proposed changes to the Deposit Draft [CD11] were approved in January 2005. Those made largely in response to objections and comments indicated at paras. 3.1 to 4.2 below are as follows: -

Modify Chapter 5 Policy General Supporting Policy (GSP) 2 to read as follows: -

"..... Development seeking to use individual septic tanks should be very limited in scale, located where satisfactory foul drainage can be demonstrated and located in areas where there are no existing foul drainage problems. Proliferation of septic tanks should be avoided..... [W11]." See also Issue 4 on GSP2.

In response to more general objections from SEPA on housing groups, THC agreed that Policy 35 (34) in Chapter 6 should be Modified to include reference to the detailed criteria used to define the small tightly-knit groups or clusters in the Hinterland area. It is now proposed that the policy reads as follows: -

"34. In the open countryside of the Hinterland area the Council will presume against housing development that creates new ad hoc clusters of housing or adds to existing small tightly-knit groups of housing comprising 3 or more dwellings sited less than 50 metres apart. In exceptional cases and subject to adequate drainage (GSP2), there may be opportunities to consolidate or round off certain existing groups with 1 or 2 suitably designed new houses. These groups are identified on the Proposals Map and listed in Appendix III. Development proposals should indicate the relationship of the new buildings to the group as a whole, arrangements for planting to screen or enhance the group’s amenity and appearance, and measures to remedy infrastructure problems [H3]."

At Balmeanach and Mid Alcaig the development potential has been taken up. DELETE the groups from Appendix III.

At Dunvornie, once consent is granted and building commences DELETE the group from Appendix III.

It is proposed that the designation for the land around Loch Ussie changes to a Local Recreation Management Area.

- 2.16 Further objections were lodged by Reynolds Architecture Ltd. on behalf of Mr & Mrs I MacDonald [CD31/460] in respect of the proposal to delete the group at Mid Alcaig.

3. The Council's Observations

The Objections

- 3.1 The objections on the Deposit Draft Local Plan are as follows: -

Ferintosh CC [CD30/78]

We note that Dunvournie and Balmeanach have been added to this list of "small housing groups in the countryside with further development potential since the Consultative Draft. We note following our comments at that stage that these so-called "groups" of houses are NOT considered to be "settlements". We do, however, still find the whole development of housing in these small housing groups extremely confusing. The possible area for development is not indicated nor are the possible potential (maximum) numbers of houses. We also believe that the development of further housing in these areas could well create further drainage problems as these do not benefit from any form of public drainage system and are therefore likely to be drained via individual septic tanks. We therefore object to the inclusion of Balnabeen, Duncanston, Wester Alcaig, Drummondreach, Mid Alcaig, Dunvournie and Balmeanach as areas for infill/expansion as specified in paragraph 35 of Chapter 6 of the written statement. We would only consider withdrawing this objection if the specific maximum number of houses possible for each group was known along with the potential maximum area for development was laid out clearly in a plan and we were afforded the opportunity to comment at that stage. This would allow the public fair and reasonable knowledge of what may be developed in the area rather than a vague statement which could be interpreted in various ways and may allow what we would think as an unreasonable scale of development.

Also with the Balmeanach group, this is only some 300 metres from the edge of the village of Culbokie in the narrow area of the "dumbbell" shape of the village. Any expansion in this area should properly be done as part of the integrated planning of the village and not merely a tack on without any due regard for the village.

Brahan Estate [CD30/42]

Accept what was said previously about Easter Moy (response to Consultative Draft Representations). However, object to The Larches, Meikle Ussie and Keithtown not being identified under the housing groups policy for the following reasons.

1. The Larches (plan enclosed) - There are six houses and two other buildings at an appropriate density for their situation. In your response you say that the houses are sited more than 50 metres apart. A 50 metre rule does not seem in character with, or appropriate in this location.

2. Meikle Ussie Wood (plan enclosed) - In your response you say that there is limited scope for consolidating this group. The area that I have hatched in red offer a good opportunity to site two or more houses in a situation which would be screened by the existing trees. This would link the 4 houses to the south with the recently built house on the northwest corner, making a tightly knit cluster.

3. Keithtown (plan enclosed) - In the previous response Keithtown was not mentioned. There are nine houses in this group most of which are within 50 metres of each other. There is plenty of scope and there are ideal opportunities to consolidate and enhance this group.

Alasdair Sharp [CD30/38]

I formally request an alteration to the Draft Local Plan. The request relates to the small area of shaded land in the attached plan, which is the only part of my farm at Artafallie for which I am seeking development status. My proposal is to develop 3 or 4 houses of suitable design with adequate services. (the plan incorporates improvement for the adjacent properties - drainage, road access and amenity).

Previous correspondence with the Planning and Development Service refers to the existing Plan presumption against housing in the open countryside. This area however is covered by exception whereby:

- a) It is not in the open countryside but relates to the existing cluster of houses in the Artafallie / Culmore Wood area (3 particular houses within a few metres of each other).*
- b) Site consolidates the development by linking the former Toll House to these existing houses in Artafallie / Culmore Wood / Blackwood development which includes 6 houses, 3 chalets & pet rescue centre.*

The proposal forms part of my overall plan to develop field 4 of the farm for tree planting. The whole field is reclaimed land which is of limited value as farming land due to very poor soil and drainage. I have looked at alternative use such as tree planting (similar to the scheme entered into for fields 1 and 7) but the safety strip required for the power line makes the shaded area uneconomical. I have already commenced an application to plant trees in the remainder of the field which will provide shelter, visual screen and amenity for the overall properties.

The existing local plan assumes against expansion of that settlement due mainly to poor drainage. This problem remains unresolved and outflow from these properties drains into the area of land referred to in the attached plan. My proposal is to install appropriate (acceptable to SEPA) facilities for the 3 / 4 proposed houses which can be accessible to existing houses thus solving the existing problem -which will remain if the development does not happen.

I am aware also of the problem at Artafallie junction for pedestrians going from Croftmacreich to the bus stop on the Tore road. The main issue is for the numerous school children who must walk round the former Toll house at the same time as rush hour traffic. The main problem is obviously over the dark winter months. I have been canvassing for safety measures on this issue to no avail. Indeed I previously drove my own daughter to the bus stop because of the danger. Incorporated in my proposed development will be the provision of an appropriate footpath on my land to the west of the Toll House which will remove this clear danger to the children of the community.

Reference was previously made to the proximity to A9 / B9161 junction and concerns for traffic noise, fumes, dust etc. Houses will be at least 150m from the junction and my proposal is to plant trees in remainder of field to provide screen and sound baffle. The

planting can also be available as amenity for new and indeed existing houses. The properties will not be visible from the A9 once the trees mature and will only be visible to traffic travelling east on the B9161 and only then when they are more than 200m from the junction.

Overall I believe the area in question can be developed sympathetically in conjunction with the local planning officers to provide overall enhancement of the area and appropriate much needed housing.

Mrs. JA MacKinnon [CD30/90]

I wish to lodge an objection on the grounds of non-inclusion of Dunmore, Muir of Ord as a housing group with development potential. It states the in Council's policy in open countryside that in exceptional cases, subject to adequate drainage, there may be opportunities to consolidate or round off certain existing groups. These groups are listed in Appendix III. A very small part of Dunmore is in Ross & Cromarty, see map enclosed & the plot shaded yellow. I appeal for this to be included in Appendix III as it qualifies under para 35 in the following terms: -

- 1. This is a single infill site that would round off the existing group of houses.*
- 2. Adequate drainage tests were certificated by Building Control in 1997.*
- 3. The Water, Hydro & Road Departments had no objections to the proposal.*
- 4. The plot is 0.4 HA with ample area for planting any screening required.*
- 5. HRC under the new policy is allowing 26 new houses to be built on the Braes up to Dunmore.*

Please consider amending Appendix III to include this small area, obviously omitted, in error.

- 3.2 An objection to the Proposed Modifications to the Deposit Draft (Prior to Public Local Inquiry) was lodged by Reynolds Architecture Ltd. on behalf of Mr & Mrs I MacDonald [CD31/460]. This is as follows: -

Object to the proposal to Modify the Plan to exclude – delete the group at Mid Alcaig. Retain the Local Plan as at present would be our preferred option.

Further Written Submissions

- 3.3 The following submissions were made: -

Alasdair Sharp

Background

- 1. I am the owner of Artafallie farm which straddles the A9 at the B9161 junction. Document A (attached) shows the location and boundaries of the farm.*
- 2. Field number 4 marked on the document is cut off from the remainder of the farm, and has very poor soil conditions. Therefore it is not suitable for farming. The field is crossed by an overhead electricity line. The field is approximately 2 hectares in*

extent of which about 1.5 hectares lies between the overhead line and the A9.

- 3. It is my wish to plant a mixed woodland belt on the 1.5 hectares and to develop housing on the north eastern remainder of the field (marked red). This is shown on document B (attached).*
- 4. In December 2003 I lodged an objection to the Ross and Cromarty East Deposit Draft Local Plan on the grounds that the small housing group at Artafallie should be included in Appendix III of the Plan. A copy of this letter is document C (attached).*
- 5. In January 2005 Ross and Cromarty Area Committee considered my objection but decided not to add Artafallie to Appendix III of the Local Plan. However, the Director of Planning's report responding to my objection did not inform the Committee of the circumstances at Artafallie, but referred to conditions at Poyntzfield Mill which is some miles east on the Black Isle therefore the Committee may not have been fully aware of the potential for Artafallie to be included in Appendix III.*

SPP15

- 6. Since I lodged my objection in December 2003 the Scottish Executive has published its Policy for Planning for Rural Development. Paragraph 18 of SPP 15 advances policy in respect of small scale rural housing developments including clusters and groups in close proximity to settlements. Its overall message is that there is considerable scope for allowing more housing developments of this nature and that this should be expressed in development plans. Therefore national policy is broadly in support of my housing proposal.*

The Local Plan

- 7. Paragraph 34 of the Deposit Draft with Modifications says that in exceptional cases there may be opportunities to consolidate existing groups with 1 or 2 new houses. It suggests existing groups should be 3 or more dwellings less than 50 metres apart.*
- 8. At Artafallie these qualifications are met. There are three houses to the west of my proposed housing site and two to the east. Development of 2 houses on my site would consolidate this group. Therefore I believe that the housing group at Artafallie fit with the requirements of paragraph 34 and should be included in Appendix II. I am not sure that this was drawn to the attention of the Area Committee in January.*

Technical site considerations

- 9. Paragraph 34 of the Local Plan contains the caveat that adequate drainage is a precondition for a housing group to be identified in Appendix III. Iain Christie, a Chartered Surveyor, has undertaken a drainage assessment of the proposed housing site and has concluded that I can accommodate two houses with plots of sufficient*

size to accommodate private wastewater treatment plants dispersing through an associated mounded filter system which will meet the requirements of SEPA and the Building Standards (Scotland) Regulations. This advice is document D (attached).

10. I have also received the verbal opinion of the Council's Ross and Cromarty Area TEC services Manager that the current access to the Artafallie Toll House is capable of accommodating a further two houses without any hazard to the traffic on the B9162 and the B9161. A written response will be forwarded as document E.

Conclusion

I believe that Artafallie meets the requirements of an existing housing group as defined in the Local Plan, and I would ask for these additional written comments and documents to be taken into account by the Inquiry Reporter.

Mrs. JA MacKinnon

Your reply to me that the road infrastructure is inadequate cannot apply here as:

- (1) the Roads Department did not object to my application, see confirmation*
- (2) the 26 houses to be allowed on Inverness-shire on Beaulie Braes which adjoins my plot, will use the same roads as I would. How can 26 plots occupants use the road but I am disallowed?*

I was assured by the Planning Dept. in Inverness that this was Highland Region and it didn't matter if you were Ross-shire or Inverness-shire you would be treated the same. I note with interest your reply to Ferintosh Community Council, page 90, Chapter 6. The criteria described is a mirror image of the situation of my plot

I also enclose a cutting of the Inverness Public Enquiry a statement by the Reporter Miss McNair approving houses in the countryside in small clusters or individual plots.

I also enclose photocopies of:

- (1) A map of the area concerned.*
- (2) Approval from Building Control.*
- (3) Percolation test results satisfactory.*
- (4) Roads Authority Approval.*
- (5) Water Authority Approval.*
- (6) SEPA Approval.*

I appeal for you or the Reporter to agree to my plot being allowed into para. 35, Appendix III please.

The Planning Authority's Response

- 3.4 THC as Planning Authority wishes to respond to the objections set out in paras. 3.5 to 4.2 below. These are contained in the Annex to the Committee report of 25 January 2005 and expanded as necessary. Para. 2.17 above already highlighted the proposed Modifications in response to the original objections.

General

- 3.5 Scottish Planning Policy 15: Planning for Rural Development [CD16] clearly advises at paragraph 21 that the amount and location of housing that can be developed in rural areas is determined by a number of factors, including proximity to services e.g. schools; ease of access; and drainage or sewerage capacity; and that fit in the landscape will be an important consideration. Structure Plan Policy G2 Design for sustainability [CD1] makes it clear that *proposed developments will be assessed on the extent to which they are:*

- *compatible with service provision;*
- *impact on amenity, natural and cultural heritage features; and*
- *demonstrate sensitive siting and high quality design.*

These principles carry forward to all development proposals in the countryside.

- 3.6 Policy 35 of the Deposit Draft Local Plan is cross-referenced to Structure Plan G2. The policy is also consistent with the Structure Plan Housing in the Countryside policy H3, accompanying Development Plan Policy Guideline (DPPG) [CD6] in the hinterland around towns and the adopted Black Isle Local Plan Housing Alteration No. 2 [CD5]. These apply a general presumption against new ad hoc clusters or additions to small tightly-knit clusters or groups, but in exceptional circumstances the rounding off of existing groups with additional dwellings may be acceptable.

- 3.7 In the countryside, the DPPG defines existing settlements as:

(1) Larger groups of houses or Small Rural Settlements (R&CELP, Chapter 6, paras. 4 to 33), which:

- (a) have one or more of: existing mains drainage or a scheme within the Scottish Water 3 year plan; a public septic tank; street lighting; 30mph limit; a school; a G.P. surgery; a shop; a post office; a petrol filling station; a public hall; or a pub; or

(b) comprise a more dispersed grouping with acrofting type settlement pattern.

(2) Established groups which comprise cluster, linear or other recognizable forms of building without a facility but which are contained within a clear visual envelope. Such settlements will only be defined in Local Plans where there are opportunities to make use of spare capacity to accommodate new housing and where that housing would be consistent with, or enhance, the cohesiveness and visual appearance of the group. Generally this will be within the existing boundary of a group, but there may be opportunities for some limited extension beyond this where the development will contribute to enhancing the appearance of the group as a whole (through, for example, new edge planting) and where its rural character is not undermined.

- 3.8 In preparing the new Ross and Cromarty East Local Plan, the small tightly-knit groups of housing had been defined initially in survey work as 3 or more existing dwellings sited less than 50 metres apart. All 78 groups contained in the Black Isle Local Plan Alteration were reviewed together with the potential for such groups across the remainder of the Ross and Cromarty East hinterland around towns area. Basic checks were then made with servicing agencies to determine whether these groups were located in areas free of servicing problems or where these could be overcome. Thereafter the

planning history was checked and a series of site visits undertaken to determine whether some potential for additional housing existed in relation to the other criteria at 3.7 (2) above. More than 75% of the original Black Isle ‘groups’ either failed to meet the criteria used and/or their previous 1992 based development potential had been taken up.

- 3.9 The DPPG goes on to state that where a settlement has been defined Local Plans will indicate the maximum number of houses, which may be acceptable within the settlement within the Plan period. This potential should reflect the existing settlement pattern, but individual applications for new houses will still require to be assessed against Structure Plan Policy G2 Design for sustainability. However, from the exercise described at 3.8 above it was not feasible to identify the specific boundary or development potential associated with smaller groups in Local Plans. This is a matter for detailed determination on the ground by Area Planning officials in response to detailed proposals. Development of a scale that would significantly change the character of small groups will not be encouraged. This applies to the filling in of gaps exceeding 50 metres between existing dwellings. In most cases the scale of development to round off the group will be a single house.
- 3.10 The identification of these small clusters, together with larger groups or Small Rural Settlements in Local Plans, provide a planned approach to new housing developments which meets the policy’s strategic aims and provides a degree of choice for living within smaller rural communities. This is therefore consistent with the Council’s policy thrust that requires housing development opportunities to be within existing or planned new settlements. This is also consistent with up to date national policy [CD16] urging planning authorities to adopt a much more positive approach to housing development in the countryside, even within areas of relatively high demand, provided there is no net detriment to the environment.
- 3.11 For greater clarification, THC agree that Policy 35 in Chapter 6 of the Deposit Draft Local Plan should be Modified to include reference to the more detailed criteria used to define the small tightly-knit groups or clusters in the Hinterland area. See the full policy now proposed in para. 2.15 above.

Ferintosh CC

- 3.12 The groups at Balnabeen, Duncanston, Wester Alcaig, Drummondreach, Mid Alcaig, Dunvornie and Balmeanach are excluded from the list of Small Rural Settlements in paragraphs 4 to 33 because of their very small scale. The criteria for identifying the groups listed in Appendix III are indicated at paras. 3.7(2) and 3.8 above. The development potential is mostly limited to one or two additional houses and subject to suitable drainage and access. It is not possible to draw a boundary for these groups on a map or indicate the maximum number of houses. Potential house sites must be considered through site visits on a case by case basis with Area Development Control Planning Officials.
- 3.13 The Balnabeen, Duncanston, Wester Alcaig and Mid Alcaig groups were originally contained in the adopted Housing Alteration No 2 to the Black Isle Local Plan [CD5] and all with potential for additional houses subject to suitable drainage, access, siting

and design. It will be for prospective developers to discuss detailed siting proposals with SEPA, the Roads Authority and the Area Planning office to consider. It is also recognised that the development potential of these groups may be taken up before the Local Plan is finalised. This is the case at Mid Alcaig and Balmeanach, where houses have either been completed or are under construction. This was the basis for the recommendation to now delete them from the Local Plan.

- 3.14 In addition to the response at 3.12 above, at Drummondreach, the development potential is largely in the redevelopment or renovation of the existing houses on the south east side of the public road. The potential to develop on the north west side should be contained within the farm yard/ruinous steading area, but it is unclear how many dwellings might be accommodated there. At Dunvournie the potential is limited to one house on the site applied for in the past. If this is granted consent and building commences before the Plan is considered for post Inquiry Modifications then the group should be deleted from the list of those with potential.
- 3.15 The Balmeanach group is quite separate from Culbokie village and there is no intention to expand the village in this direction. The development potential here is for one house, which was approved within the last year. Construction of the house is nearing completion and it will be drained to a nearby public sewer. As the potential will be taken up, it would be appropriate to DELETE the group from Appendix III.

Brahan Estate

- 3.16 See general response in paras. 3.5 to 3.11 above. In addition to this and as previously advised by roads officials, the Loch Ussie - Knockfarrel road has limited capacity for more dwellings. In this respect, preference would be given to houses essential for the management of land or involve the redevelopment of an existing house or conversion of a traditional building. There are also localised drainage difficulties, which may result in objections from SEPA to further septic tanks and soakaways, particularly in close proximity to existing dwellings or poorly drained areas. These and the previous comments continue to apply in respect of all the groups requested for listing in the Loch Ussie area.

Alasdair Sharp

- 3.17 When preparing the Local Plan advice from service/infrastructure organisations indicated that the capacity for development had been reached in this location. This continues to be the case. In addition, the cluster of houses at Artafallie/Culmore Wood is visually contained within the woodland. The former Toll House stands alone as a single house, as is the case with most 'toll houses'. To link this property with those discretely sited in the woodland would significantly change the rural character of the area. The intention to plant trees is acknowledged, but these would take a considerable period of time to mature to screen further housing as well as buffer it from the noise impact of the A9. The addition of 3 or 4 speculative houses in the location suggested would be clearly contrary to the settlement pattern in this area of open countryside of the Hinterland. As such, it is also contrary to policy H3 of the Structure Plan. Furthermore the matter of providing a safer access to the bus stop nearby does not justify the development of additional housing in this location.

- 3.18 SEPA have made a number of general comments on drainage matters on the Draft Local Plan [CD30/170] and in respect of housing groups state: *“It is appreciated that the policy states ‘all proposals should indicate suitable drainage’ but in fact suitable drainage may not be achievable in certain locations. Many of these sites are known to be generally unsuitable in terms of foul drainage, and the proposals would lead to a proliferation in the countryside of private foul drainage schemes in areas where there have been previously identified foul drainage problems.”* In addition, the objector had correspondence with SEPA in respect of the Artafallie area, which confirms these views. SEPA concluded in their letter [THC14/1], *“it is not easy to see a means to address drainage difficulties in this area in the short term and would not encourage further development until a sustainable solution can be found.”* The Adopted Local Plan [CD5], at paragraph 1.5.10, also refers to “imperfectly draining soils” and “drainage problems” associated with the adjoining (former) ‘group’ at Woodend.

Alasdair Sharp – Further Written Submission

- 3.19 *Background, Point 2:* It is a common belief of many land owners and developers that reasons such as land being cut off from the remainder of a farm or otherwise unsuitable for farming justifies the allocation of the land for housing. When this particular land was severed by the A9 more than 20 years ago the severance factor would have been taken into account in compensating the farmer/landowner. It is also the case that this is not the only field on the ‘wrong’ side of the A9 from the farm buildings and that to include field 4 with development potential could set a precedent for more development across the remaining fields as far as the small settlement of Croftnacreich. This view was expressed to objector in 2003, in response to his enquiry outwith the consultation process of the Draft Local Plan [THC14/2 & THC14/3].
- 3.20 *Background, Point 3:* As far as the planning authority is concerned there is little to stop the owner undertaking such planting independently of development and indeed this may qualify for woodland grant assistance.
- 3.21 *Background, Point 5:* It was unfortunate that the correct response was not given against the objection. This was a simple error made with the report database, but the correct response is now indicated at paras. 3.17 and 3.18 above. This is supplemented by a direct response given to the objector by SEPA in respect of foul drainage matters [THC14/1]. Nevertheless, THC’s response was indicated informally to local Member Mrs Isobel McCallum prior to the Committee. Furthermore, on her instigation, the issue was debated at length at the Committee prior to the decision not to accede to Mr Sharp’s request to identify a housing group in the new Plan [THC14/4].
- 3.22 *Local Plan Points 7 & 8:* The objector’s proposals have changed from 3 or 4 houses to 2 houses. However, this does not change the view that this is an inappropriate form of development in open countryside in a sensitive area within 150 metres of the A9 Trunk road. In addition, there already appears to be 3 existing dwellings on this farm, sited to the south of the A9, which may preclude the development of just one more dwelling on land management grounds.

- 3.23 *SPP15 Point 9*: The Highland Council contributed to the preparation of SPP15 [CD17], as acknowledged by the Scottish Executive. As such, the reference to “*small scale rural housing developments including clusters and groups in close proximity to settlements*”, the national policy approach now corresponds with that which has operated in Highland and the Black Isle in particular since the early 1990s [CD5]. In addition, SPP15 goes on to state at paragraph 21 that potential for additional housing in rural areas is determined by a number of factors, including infrastructure and landscape fit. Then at paragraph 22 it advises that planning authorities should set out criteria where houses on land not identified in development plans, outwith main settlements, will be acceptable, and that clusters and groups of dwellings could be feasible in helping to meet previously unsatisfied demand. The detailed criteria and assessment of the potential of groups carried out in advance of preparing the Consultative Draft Local Plan are explained at paras. 3.7 to 3.9 above. While national planning policy broadly supports the concept of housing groups, the objector’s proposals do not meet this detailed criteria.
- 3.24 *The Local Plan, Points 10 & 11*: As indicated in para. 3.10 above, the cluster of houses at Artafallie/ Culmore Wood (Woodend in adopted Local Plan [CD5]) is visually contained within the woodland. However, in view of servicing difficulties within the general wooded setting of the cluster, notably the poor visibility of the existing B9162 access and the poor sub-soil conditions, this was not identified as a group with further potential.
- 3.25 The former Toll House also stands alone as a single house in open countryside. It has no close association with the cluster located discretely within the woodland, being sited some 200 metres from the nearest house. This would still be the case regardless of significant planting between the land and the A9, which could take 20 or more years to have the desired screening effect in any case.
- 3.26 The attached map of the area [THC14/5] indicates that nearest part of any of the existing houses is 42 metres from the north west boundary of the objector’s land sought for development. The greatest proportion of this land lies within 150 metres of the A9 Trunk road dual carriageway. This and its intersection with the B9161 road to Munlochy generates considerable traffic noise and disturbance in the area. The provisions of the Draft Local Plan presume against development within 150 metres of a trunk or major road for visual and traffic noise amenity reasons. Even if the objector confines development to the area outwith the 150 metre buffer from the A9, this would place the nearest part of that land some 48 metres from the nearest house in the small existing cluster of three houses. This would mean that a new house would have to be sited less than 2 metres from the north west boundary to tie in with the existing cluster. However, THC asserts that any expansion beyond the woodland cluster of houses, no matter how close, would take on the appearance of sporadic development in the open countryside and significantly change the character of the area.
- 3.27 *Technical site considerations, Point 12*: Drainage – see letter to objector from SEPA [THC14/1].
- 3.28 *Technical site considerations Point 13*: The matter of the verbal or written advice about

the ability of the current access to the Artafallie Toll House accommodating further houses is irrelevant when the proposals fail fundamentally to relate to a cluster of houses are not identified as a group with potential for additional housing.

Mrs. JA MacKinnon

- 3.29 The proposed site falls with the Hinterland Around Towns area and as such is subject to Structure Plan Policy H3 Housing in the Countryside [CD1]. Development Plan Policy Guideline 1 [CD6] provides supplementary guidance on the interpretation of this policy. The general thrust of the policy is that housing in the hinterland of towns be restricted to existing settlements and groups identified within Local Plans. Some groups not identified in Local Plans may also be acceptable, where additional houses might contribute to enhancing the appearance of a group. New housing in the open countryside is only permitted where it is required for the management of the land or other related circumstances.
- 3.30 Assessment of existing groups during the preparatory stage of the Plan ruled out the possibility of further development at Dunmore due to the inadequacy of the roads infrastructure. The proposal would increase traffic flow along a substandard road network, and because of poor road geometry, poor visibility, and the lack of a footpath, any such increase would be potentially hazardous to other road users. The proposal would therefore, have significant shortcomings in terms of traffic and access and hence the specific reference to a presumption against development at Dunmore in Chapter 6 at paragraph 36 of the Deposit Draft Local Plan [CD9].
- 3.31 The Inverness Local Plan identifies capacity of Beaully Braes for further development of an existing crofting township [THC14/6]. The boundary of this area lies approximately 1 mile from the objector's site. The extent of the Beaully Braes group, which is confined within the boundary of the Inverness Local Plan, was determined upon investigation of the existing infrastructure and capacity of the landscape to absorb further development.

Mrs. JA MacKinnon – Further Written Submission

- 3.32 The objector has submitted a copy of the letter from the Area Planning and Building Control Office, dated 10 September 1997, to David A West in respect of application ref. RC/1997/607. The second paragraph states that “*the road network in the Corry/Dunmore area is coming under pressure from increased traffic volumes being generated by new development.*” The Area Roads and Transport Manager feels that “*he would have difficulty in sustaining a recommendation for refusal in this case but consideration has to be given to curtailing development in this area. If approved, the following conditions should be met prior to the commencement of construction on site:..... A passing place should be provided.....between the site and the T-junction to the north-east.....This is required to alleviate traffic congestion on the public road network.*”
- 3.33 Clearly this does not state that the Area Roads and Transport Manager “*did not object*” to this application rather he advises of his concerns about the problems in the area that need to be addressed. These problems were not new, having been highlighted in the Adopted Local Plan [CD3] at paragraph 4.11. From the time of adoption to the time of

planning applications for the site at Dunmore lodged and refused in 1997 [THC14/7] and 1998 [THC14/8], the pressure for development continued.

- 3.34 Analysis of permissions granted elsewhere in the wider area between the beginning of 1998 and publication of the new Consultative Draft Plan in 2002 [THC14/10] provides a snapshot of further pressure that has not been completely abated. The cumulative impact of such development only served to compound the road access and traffic problems on the local network that is entirely single track. As such, there was every need to consider applying a more restrictive policy in the preparation of the new Ross and Cromarty East Local Plan. The servicing difficulties of the wider area also preclude the identification of small groups or a more dispersed township with development potential.
- 3.35 Advice on planning applications from service consultees is normally given on the basic merits of the individual proposal and as such usually only concentrates on the a specific requirements and impact in the immediate area, regardless of problems over a wider area. This can be the case in respect of dealing with percolation tests, Building Warrants and Road Construction Consent. Where favourable advice is given it does not however grant planning permission, as a greater range of factors are also considered. The consultation responses to the 1997 applications [THC14/7&8] indicate the concerns of the drainage and roads authorities about further development in this area and combined with policy and amenity considerations were the basis of the recommendations and subsequent decisions to refuse permission. Then in dismissing the subsequent appeal [THC14/9], the Reporter made particular reference to the “*considerable shortcomings in terms of traffic and access*”.
- 3.36 THC acknowledges that the quote from the Inverness Local Plan Inquiry Reporter’s report endorses the policy covering small clusters of houses. However, this is on the basis that the servicing conditions and landscape can accommodate further development. The Inverness Local Plan Deposit Draft with Modifications [THC14/6] recognises the large dispersed (not tightly-knit cluster) ‘group’ of houses at Beaully Braes as having potential. This is covered by the description of the type of settlement at para. 3.7(1)(b) above. This is located more than a mile away from the Dunmore area and the main access roads to Beaully Braes are located further to the west. Since this area was first identified in 2001, permissions granted have substantially used up the development potential and there are increasing concerns about road access capacity. It is also now the case that the Inverness Local Plan Inquiry Reporter has not supported this form of dispersed development in the Hinterland area. In the recently published report [THC14/11], at paragraph 29.2.19, Ms McNair states: “.....*I conclude that a policy that allowed singly or individually dispersed houses in the open countryside in the Hinterland, even if carefully sited and well-designed, would not accord with national or HSP policy.* Then in the Recommendation at 29.2.20, “*The local plan should not be changed to allow individually dispersed houses in the countryside in the Hinterland.*”
- 3.37 Finally, THC wishes to clarify that the objector’s site at Dunmore is not within a tightly knit small cluster of houses with properties sited less than 50 metres apart, the fundamental criteria for identifying groups in Appendix III. The nearest property is

sited just over 60 metres away [THC14/12]. Development of the area requested by the objector would therefore lead to the filling in of a 'gap' of more than 50 metres between existing properties, contrary to the established settlement pattern and with the possible consequences of loss of rural privacy and amenity enjoyed by neighbouring properties. However, it is the overall servicing problems of the broader area, notably road access, that mitigate against further development other than where this meets the exceptions criteria for houses in the open countryside of the Hinterland area.

Reynolds Architecture Ltd. on behalf of Mr & Mrs I MacDonald

- 3.38 The Black Isle Local Plan Alteration No. 2: Housing [CD5] first identified the housing group at Mid Alcaig (5.5.17, p.39) as having potential for additional development in relation to the redevelopment of the former knackery. When preparing the R&CE Local Plan in 2001/02, the remaining potential was considered with Ross and Cromarty Area Development Control officials as an area of scrub land lying between the group, a clump of trees and an adjacent public road. Subject to suitable foul drainage, it was felt that the development of one or two well designed additional houses in this area with boundary planting would not make a significant intrusion into the local landscape, particularly when viewed from the B9163 road.
- 3.39 In the interim period a very large detached house has been built in the middle of the potential development area leaving very limited potential for further development. The new house is also sited on a slightly higher ground level than nearby properties. The objectors are the owners of the developed property and sought advice from Ross and Cromarty Area Development Control officials about fitting in a second house into the limited space between their own and the other houses [THC14/13]. In view of the potential impact upon adjoining properties, this form of development was considered inappropriate. In this respect and in part response to the Ferintosh CC objection [CD30/78], THC agreed to a proposed Modification to the Deposit Draft Plan to delete the group at Mid Alcaig. This resulted in the counter objection to the proposed Modification.
- 3.40 Meanwhile, correspondence has continued between the objectors and Area Development Control officials over the siting of a further house on nearby land [THC14/14]. This continues to be on ground overlooking existing properties and the site in question is very open flat land. This is very prominent when viewed from the B9163 road. As such, THC considers that this would not be within the spirit of the policy and that the development potential was taken up with the construction of the objectors' very large house.

4. Conclusions

- 4.1 THC considers that the policy at paragraph 34 of the Proposed Modifications version of the Deposit Draft Plan is consistent with Scottish Planning and Highland Structure Plan policies and Supplementary Guidance (DPPG1), in respect of the identification of small clusters of groups of housing with development potential. Within this policy framework THC conclusions on the specific objections as follows: -

Ferintosh CC: THC was correct to identify the groups at Balnabeen, Duncanston, Wester Alcaig, Drummondreach, Mid Alcaig, Dunvournie and Balmeanach in the Deposit Draft Plan and that specific boundaries and development potential are a matter for detailed consideration by Area development control staff.

Brahan Estate: The groups sought for inclusion in the Loch Ussie area do not meet the basic spacing criteria and/or the limitations of the road network preclude further development other than that which meets the criteria for exceptions under the Highland Structure Plan policy H3 or the policy at Chapter 6: Landward, paragraph 35 of the Proposed Modifications version of the Deposit Draft Plan.

Alasdair Sharp: Fundamentally, servicing problems preclude the identification of the group in the woodland at Woodend, Artafallie. Any proposals to extend this are therefore contrary to THC's housing in the countryside policy, both in terms of rounding off small housing groups and in the open countryside.

Mrs JA MacKinnon: There is no 'group' in this location that meets the fundamental spacing criteria for small clusters. However, the limitations of the road network preclude any further development other than that which meets the criteria for exceptions under the Highland Structure Plan policy H3 or the policy at Chapter 6: Landward, paragraph 35 of the Proposed Modifications version of the Deposit Draft Plan. This is also the latest attempt by the objector to build a house following the previous planning applications and an appeal, which were refused mainly on the grounds of the restricted road network.

Reynolds Architecture Ltd. on behalf of Mr & Mrs I MacDonald: That the development potential originally identified for the group at Mid Alcaig has now been taken up with the large single house and therefore THC's proposal to delete the group from the list in Appendix III is justified.

In addition to the above, the proposed further Modifications to general Policy GSP2, as indicated at Issue 4, should clarify the position of the drainage authorities when considering future development proposals.

4.2 Accordingly, The Council would ask that the Reporter support the provisions of the Deposit Draft Plan with the proposed Modifications, as indicated in paragraph 2.15 above.