Directorate for Planning and Environmental Appeals

Appeal Decision Notice

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The Scottish Government

Decision by Richard Hickman, a Reporter appointed by the Scottish Ministers

- Planning Appeal reference: PPA/270/496 [Council reference : 07/00090/OUTCA]
- Site address: Land to the south of Bonnygates, Reiss/Killimster, Wick, Caithness
- Appeal by Mr and Mrs W Larnach against the decision by the Highland Council
- Application for outline planning permission dated 27 February 2007 refused by notice dated 7 August 2007
- The development proposed: Erection of house, with septic tank and soakaway
- Date of site visit by Reporter: 30 January 2008

Date of appeal decision: 14th February 2008

Decision

I dismiss the appeal and refuse outline planning permission.

Reasoning

1. Section 25 of the 1997 planning act requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. The reason for refusal of this application is that the proposed house is subject to Primary Policy PP3 of the Landward Chapter of the Caithness Local Plan, which presumes against housing development, and no exceptional need as required by the policy has been demonstrated. Thus the determining issue in the appeal is whether the proposal would be in accordance with the local plan policy; and if not, whether the arguments put forward in support of the appeal justify an exception to the policy.

2. Primary Policy PP3 states that there is a presumption against housing development in the hinterland around Wick and Thurso, subject to 3 exceptions. There is no suggestion that the house that is the subject of this appeal is covered by any of the exceptions. It would thus be contrary to this policy.

3. The appeal site fronts onto the Wick-Castletown road (B 876), adjoining a field located between the western boundary of the defined settlement of Reiss (R 17) and a small group of houses to the northwest. In support of the appeal, it is stated that permission has already been given for two houses in this field, contrary to the local plan policy and against the recommendations of the planning officer. Both these new house plots front onto the road, and one of these houses has been constructed. The Council's support for these houses appears to be based on the applicants' wish to live locally; the lack of building plots available in Reiss; and as the proposals represented a logical infilling of a gap site. The Council's opposition to the current proposal is inconsistent. The appeal proposal would fill the remaining gap site in the frontage, where further infilling would be logical. The current appellants have strong local ties with the area, but there is a lack of building plots available in Reiss.

4. I note that if the current proposal is permitted, it would consolidate the growing ribbon of development along the Castletown road. However I consider that this and other undeveloped sections of the road frontage are still well worth protecting from further ribbon development, in support of the Council's presumption against unplanned housing developments in the hinterland of Wick. There appears to be undeveloped land remaining within the Reiss settlement boundary, where further houses could be built for those wishing to live there.

5. I accept that refusal of this application would be inconsistent with the Council's approval of the other two applications nearby. However I consider that endorsement of further ribbon development, contrary to policy, largely on precedent grounds, would open the way for further developments in similar locations, where the cumulative effects would progressively undermine the operation of the policy. I find that the infill and precedent arguments put forward in support of the appeal do not provide an adequate justification for an exception to the local plan policy, as required by section 25 of the Act.

This is the version that was issued to parties on 14th February 2008.

R M HICKMAN
Reporter