

Agenda Item	<b>6.2</b>
Report No	<b>PLN 068/17</b>

## THE HIGHLAND COUNCIL

**Committee:** North Planning Applications Committee

**Date:** 28 November 2017

**Report Title:** 17/03690/PIP: Mr Roderick Wiseman  
Land 100M SW of 31 Mellon Charles, Aultbea

**Report By:** Area Planning Manager – North

### 1. **Purpose/Executive Summary**

1.1 **Applicant:** Mr Roderick Wiseman

**Development:** Erection of house

**Ward:** 05 – Wester Ross, Strathpeffer and Lochalsh

**Category:** Local Development

**Reason Referred to Committee:** Delegated refusal called to committee by ward members

All relevant matters have been taken into account when appraising this application. It is considered that the proposal does not accord with the principles and policies contained within the Development Plan and is unacceptable in terms of applicable material considerations.

### 2. **Recommendation**

2.1 Members are asked to agree the recommendation to refuse as set out in section 13 of the report.

### **3. PROPOSED DEVELOPMENT**

3.1 The application seeks planning permission in principle for the erection of a house.

### **4. SITE DESCRIPTION**

4.1 The site is an open area of uncultivated ground located on the eastern side of the single track road at Mellon Charles, which terminates at the cemetery. The site is located to the north-east of The Old Drying Green, a detached modern property. There is a mast within a compound located to the south-west of the site. Levels vary across the site, with a pronounced step in levels running roughly along the middle of the area, which could be the result of material being dumped on the site in the past. There is a general slope in levels towards the bay to the south.

### **5. PLANNING HISTORY**

5.1 15/01752/PIP - Erection of house – Refused for the following reason:

- By virtue of the site lying in such close proximity to an existing dwellinghouse, The Old Drying Green, the development fails to demonstrate sensitive siting in relation to the established settlement pattern, landscape character and the existing residential amenity afforded to dwellinghouses in this part of Mellon Charles settlement development area. As a result the development fails to accord with the aims and objectives of Policies 28, 29, 34, 57 and 61 of the Highland wide Local Development Plan.

15/00078/RBREF - Erection of house – Review Body Dismissed Notice of Review for the same reason as 15/01752/PIP above.

### **6. PUBLIC PARTICIPATION**

6.1 Advertised : Unknown Neighbour  
Representation deadline : 08.09.2017

Timeous representations : 0

Late representations : 0

### **7. CONSULTATIONS**

7.1 None

### **8. DEVELOPMENT PLAN POLICY**

The following policies are relevant to the assessment of the application

#### **8.1 Highland Wide Local Development Plan 2012**

28	Sustainable Design
29	Design Quality & Place-making
34	Settlement Development Areas
57	Natural, Built and Cultural Heritage
61	Landscape

## 8.2 **Wester Ross Local Plan**

1 Settlement Development Area – Mellon Charles

## 9. **OTHER MATERIAL CONSIDERATIONS**

### 9.1 **Draft Development Plan**

West Highland and Islands Local Development Plan – Proposed Plan  
(No relevant policy for this site)

### 9.2 **Highland Council Supplementary Planning Policy Guidance**

### 9.3 **Scottish Government Planning Policy and Guidance**

Access to Single Houses and Small Housing Developments (May 2011)  
Flood Risk & Drainage Impact Assessment (Jan 2013)  
Housing in the Countryside and Siting and Design Guidance (March 2013)  
Sustainable Design Guide (Jan 2013)

### 9.4 **Other**

## 10. **PLANNING APPRAISAL**

10.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

10.2 This means that the application requires to be assessed against all policies of the Development Plan relevant to the application, all national and local policy guidance and all other material considerations relevant to the application.

### 10.3 **Development Plan Policy Assessment**

10.3.1 The principal determining planning policies are 28 (Sustainable Design) and 34 (Settlement Development Areas) of the Highland-wide Local Development Plan (HwLDP). Policy 28 of the HwLDP requires sensitive siting which is in keeping with local character and historic and natural environments. It aims to ensure that development is sustainable and states developments shall be assessed on the extent to which they are compatible with local service provision, as well as their impact upon individual and community residential amenity. Policy 34 of the HwLDP supports development proposals within Settlement Development Areas if they are compatible with the existing pattern of development, landscape character, surrounding land uses, and meet the Design for Sustainability requirements of policy 28.

10.3.2 Policy 57 (Natural, Built & Cultural Heritage) of the HwLDP also constitutes a principal determining policy due to the location of the development within the Wester Ross National Scenic Area. The aim of this policy is to take into account the quality of the landscape and the impact that the development will have on this feature. Policy 61 (Landscape) further emphasises the need for developments to respect the landscape character of their surroundings.

### 10.3.3 **Material Considerations**

A house on this site has previously been refused under delegated powers and dismissed by the Planning Review Body (see paragraph 3.1 above). The primary

reason for refusal was that the development of this site failed to demonstrate sensitive siting in relation to the established settlement pattern. This application again seeks planning permission in principle for a house to the west of a house called The Old Drying Green. The only notable difference is a change to the indicative position of the house and garage on the plan. The applicant has submitted some further justification for the proposal, which is discussed below. There has been no change in the adopted and relevant Development Plan policy since the consideration of the previous refused application.

- 10.3.4 The settlement pattern across the entirety of Mellon Charles is variable. However, at the locality of the development proposed, the predominant feature of the settlement pattern is that it is more dispersed with large expanses of open ground between properties. The separation between properties is particularly notable on the eastern approach to this site from Ormiscaig. The vast majority of properties within this part of Mellon Charles are not located within close proximity to a neighbour. There is at least 100m between The Old Drying Green and its closest neighbours.
- 10.3.5 The neighbouring property to the proposed site, The Old Drying Green, is very visible within this open coastal landscape. However, its isolated position melds with the overall dispersed pattern of development. There are pockets of Mellon Charles where development is denser, however, these areas are contained within a separate visual envelope to the site and its surrounding area. Isolated examples of properties located within relatively close proximity cannot be used as justification to allow a discord in the dispersed development pattern elsewhere.
- 10.3.6 The proposed plot, if developed, would be highly visible in the landscape. The proximity to the neighbouring property, The Drying Green, would result in a cluster of built form that is not in keeping with the separation between properties which currently exists in this part of Mellon Charles. The development would have a negative visual and landscape impact, eroding the open character of the landscape. The development is therefore not considered to accord with policies 28, 29, 34, 57 and 61 of the Highland-wide Local Development Plan, which demand that developments are sensitively sited, compatible with the existing settlement pattern and landscape character.
- 10.3.7 As justification for this proposal, the applicant has referenced a recent approval for a house at the neighbouring property, The Old Drying Green (16/01796/FUL). The house approved at the neighbouring site was to be used as carer's accommodation and so is ancillary to the use of the main property. During the consideration of this application a development was secured which clearly related visually to The Old Drying Green. The proximity to the existing property, external finish, lack of openings on the public elevations give the approved accommodation the appearance of an outbuilding. Furthermore, the unit is restricted by planning condition so that it can only be used as ancillary accommodation to the main property. The development proposed will result in a new and detached built mass within the landscape, the approval at the neighbouring property for ancillary accommodation does not influence or alter the assessment that the proposal will not accord with the established settlement pattern at this part of Mellon Charles.
- 10.3.8 As justification for the proposal, the applicant has drawn attention to the fact that the proposed house is now shown on the submitted layout plan as further away from the Old Drying Green and that the garage is now located on the west side of the site. The indicative position of the house and garage does differ from the previous refusal (15/01752/PIP). The house position has been moved south-west by perhaps 7m and

re-orientated to the north-east slightly. This is not considered to be a significant change and does not minimise the visual impact of the development or lessen the degree to which the proposal would fail to accord with the dispersed settlement pattern.

- 10.3.9 There has been no change in planning policy since the previous refusal, and no change in site circumstances that would now justify support of the application.

## 11. CONCLUSION

- 11.1 All relevant matters have been taken into account when appraising this application. It is considered that the proposal does not accord with the principles and policies contained within the Development Plan and is unacceptable in terms of applicable material considerations.

It is recommended that permission be refused.

## 12. IMPLICATIONS

- 12.1 Resource – Not applicable
- 12.2 Legal –Not applicable
- 12.3 Community (Equality, Poverty and Rural) –Not applicable
- 12.4 Climate Change/Carbon Clever –Not applicable
- 12.5 Risk – Not applicable
- 12.6 Gaelic – Not applicable

## 13. RECOMMENDATION

**Action required before decision issued** N

**Subject to the above**, it is recommended the application be **REFUSED** subject to the following reason:

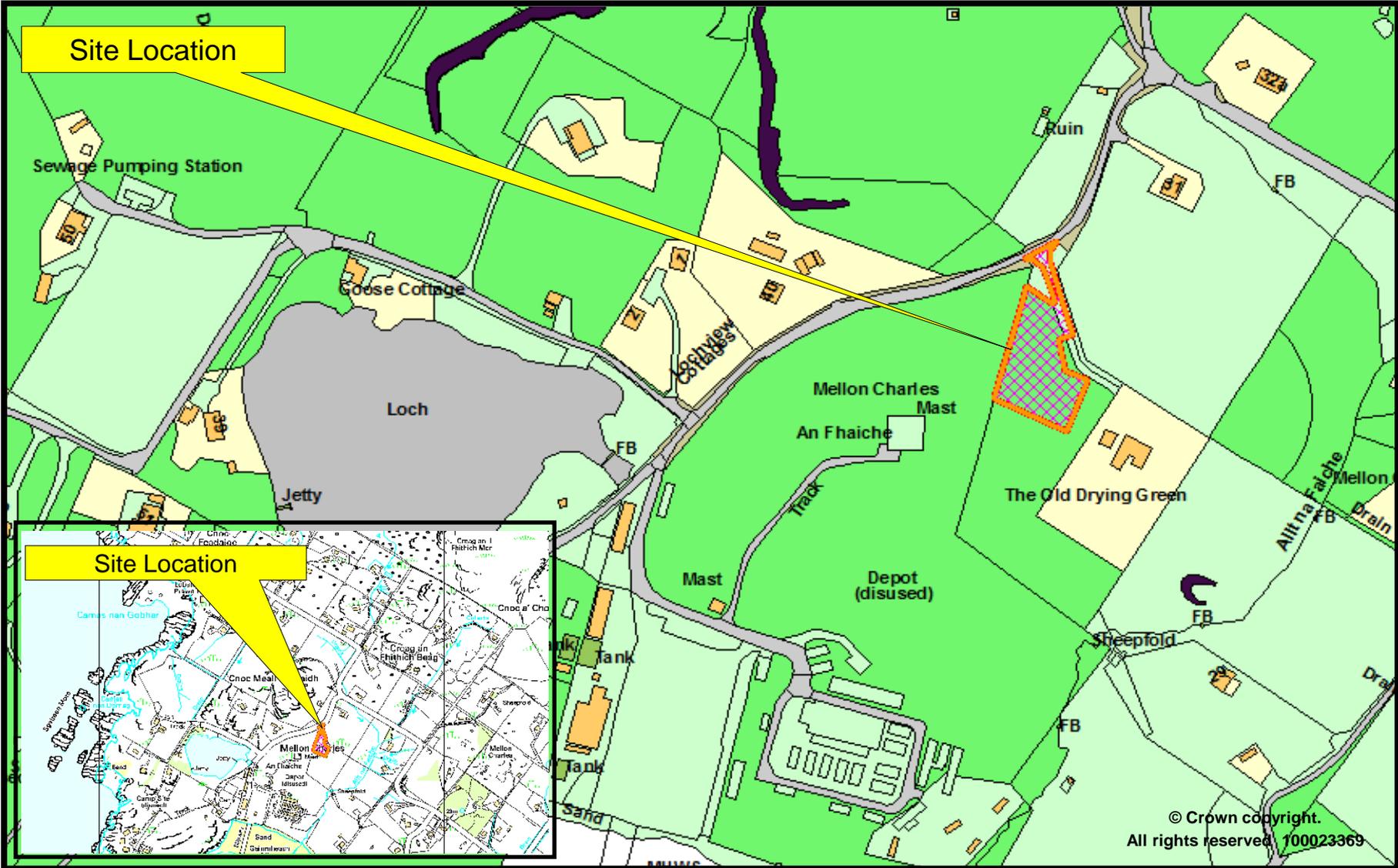
1. By virtue of the site lying in such close proximity to an existing dwellinghouse, The Old Drying Green, the development fails to demonstrate sensitive siting in relation to the established settlement pattern, landscape character and the existing residential amenity afforded to dwellinghouses in this part of Mellon Charles settlement development area. As a result the development fails to accord with the aims and objectives of Policies 28, 29, 34, 57 and 61 of the Highland wide Local Development Plan.

Designation: Area Planning Manager - North

Author: Rebecca Hindson

Background Papers: Documents referred to in report and in case file.

Relevant Plans: Plan 1 – Location and site plan  
Plan 2 – Site Layout Plan



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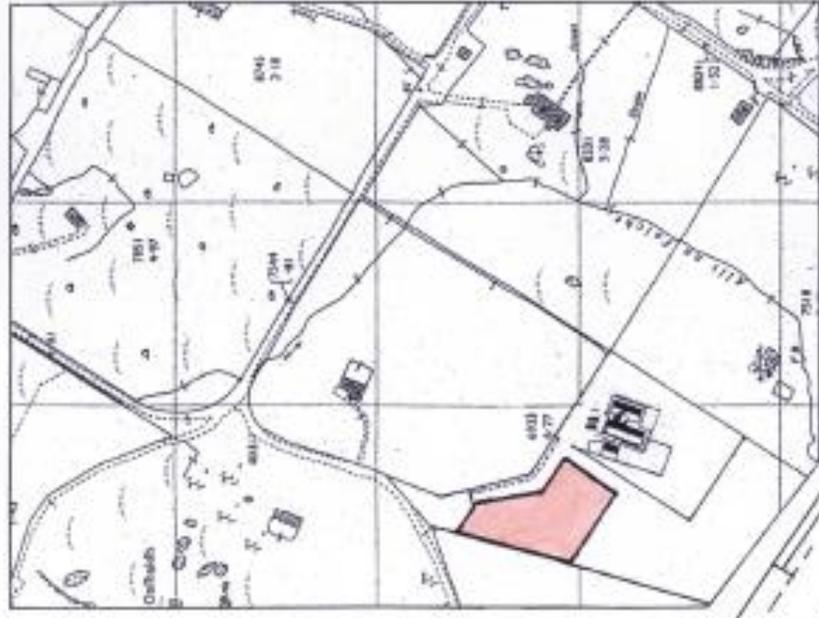


The Highland Council  
Comhairle na Gàidhealtachd

Planning and Development Service

**17/03690/PIP**  
**Erection of house**  
**at Land South West of 31 Mellon Charles, Aultbea**





LOCATION PLAN  
Scale 1:2500



BLOCK PLAN  
Scale 1:500

PLAN SHOWING LOCATION OF  
NEW HOUSE PLOT 1 AT OLD  
DRYING GREEN MELLON  
CHARLES AULTBEA

The Highlands Co., Ltd.  
eProcessing Centre  
Date Received:

17 JUL 2007