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Ms R Hindson  
Highland Council  
Sent By E-mail

Our ref: PPA-270-2225  
Planning Authority ref:19/04420/PIP

16 July 2020

Dear Ms Hindson

**PLANNING PERMISSION APPEAL: LAND 75M NE OF BRACKLA WOOD  
CULBOKIE IV7 8GY**

Please find attached a copy of the decision on this appeal.

The reporter's decision is final. However you may wish to know that individuals unhappy with the decision made by the reporter may have the right to appeal to the Court of Session, Parliament House, Parliament Square, Edinburgh, EH1 1RQ. An appeal **must** be made within six weeks of the date of the appeal decision. Please note though, that an appeal to the Court of Session can only be made on a point of law and it may be useful to seek professional advice before taking this course of action. For more information on challenging decisions made by DPEA please see <https://beta.gov.scot/publications/challenging-planning-decisions-guidance/>.

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I trust this information is clear. Please do not hesitate to contact me if you require any further information or a paper copy of any of the above documentation.

Yours sincerely

*Karen Cowie*

**KAREN COWIE**  
**Case Officer**  
**Planning and Environmental Appeals Division**



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Decision by Allison Coard, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: PPA-270-2225
- Site address: Land 75 metres North East of Brackla Wood, Culbokie, IV7 8GY
- Appeal by Mr Hamish Cromarty against the decision by Highland Council
- Application for planning permission in principle 19/04420/PIP dated 2 October 2019 refused by notice dated 9 March 2020
- The development proposed: erection of house
- Date of site visit by Reporter: 11 June 2020

Date of appeal decision: 16 July 2020

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## Decision

I dismiss the appeal and refuse planning permission in principle.

## Reasoning

1. I am required to determine this appeal in accordance with the development plan, unless material considerations indicate otherwise. The proposed house is in a countryside location. Having regard to the provisions of the development plan the main issue is whether there is an established group of houses and whether the proposed house demonstrates sensitive siting as part of that group.

### Highland Wide Local Development Plan 2012

2. The proposal is in the countryside area where Policy 35: Housing in the Countryside (Hinterland areas) applies. This policy applies a presumption against development in the open countryside. The approach to be taken is further clarified in the relevant Supplementary Guidance: Housing in the Countryside Siting and Design as approved in 2013. The appellant's justification relies on the exception to be applied where housing proposals would form an acceptable expansion of an established housing group. Policy 28 on Sustainable Design is a more general local development plan policy concerned, amongst other things, with the appropriate location and quality of development.

### Whether there is an established housing group.

3. Paragraph 6.10 of the Supplementary Guidance sets out a definition of a building group. To be defined as such there has to be at least three houses physically detached from one another. In turn those houses must have a perceptible relationship and a well-defined cohesive character. Figure 2 of the appellant's submission indicates the location of



existing houses relative to the appeal site including recent planning permissions. This shows the extent of housing in this countryside area with a scattering of housing accessed from the public road.

4. I have considered whether the three houses referenced in the submissions can be considered as a group. The grounds of Brackla Wood adjoin the south-west boundary of the appeal site. Rowan Glen is immediately to the north across the road from the appeal site whilst Ben View is an adjoining property further to the west. Two of the properties are visible in views along the public road whilst Brackla Wood is relatively more screened.

5. Certainly there are three houses, one detached from the other. I accept the houses are all of a generally modern construction and set within spacious wooded grounds. I also note the houses have adjoining boundaries and their enclosed woodland setting does provide some degree of landscape cohesion. However from my site visit I noted that any visual cohesion was limited given the separation distances between buildings and the screening provided by the established landscape. In particular Brackla Wood has the appearance of a single house contained within its extensive wooded grounds lacking a perceptible relationship with the other properties on the opposite side of the road.

6. I do not consider the coterminous nature of the property boundaries, the domestic nature of the garden grounds and the presence of 3 houses in the vicinity all accessed from the same road are features which are alone sufficient to establish a housing group. The plot sizes are extensive with a considerable distance between each of the houses. I consider the positioning of the houses within their plots and the surrounding mature planting prevents a perceptible relationship between the three houses or the establishment of a well-defined cohesive character.

7. The above leads to a conclusion that the identified three houses establish a loosely defined and dispersed pattern of settlement rather than demonstrating compliance with the definition of a housing group as described in the Supplementary Guidance. The separation between the houses is accentuated by the woodland setting. In reaching my conclusion that an established grouping of houses is not demonstrated it follows that compliance with local development plan Policy 35 cannot be secured. Nevertheless to respond to the matters raised in this appeal I have considered below the relationship between the proposed house and the three houses identified in the appeal submissions.

#### Whether the proposal forms part of the group.

8. Had I accepted above that there was an established group of three houses then the capacity of that group to accommodate new development would fall to be assessed against the criteria set out at paragraph 6.13 of the Supplementary Guidance. This takes into account the character, cohesiveness, spacing and amenity of the existing group. Where the group is to be extended in a linear fashion there should be a clearly defined boundary or natural feature that would conclude the extension for example natural boundaries such as water courses, trees or enclosing landform, or existing man-made boundaries such as existing roads, plantations or means of enclosure. The proposal should not create an inappropriate intrusion into a previously undeveloped field or open land.

9. Whilst a roadside dwelling could perhaps achieve design cohesion with Rowan Glen there would be a shift in character into a more open field. This change in character and consequent clear separation would also be particularly evident in the context of the adjacent property at Brackla Wood. The appeal site benefits from some landscape setting and a degree of physical containment is established by the adjacent road layout. However the direct road frontage is comparatively open and there is a lack of any established boundary or landscape containment between the appeal site and the more extensive field to the south. My conclusion is that rather than read as part of a housing group the proposal would add to the dispersed arrangement of housing. It would clearly break into a new area of more open countryside in an area where a general presumption against such development applies.

10. A series of diagrams are included in the Supplementary Guidance to illustrate how housing might be integrated in a group. The appellant's reference the diagram that illustrates "rounding off" a group. However in that example the new plots to the east and west have a clear relationship with an established housing group and rounding off provides an opportunity to improve the setting of that group. Whilst reference is made in the example to breaking into an undeveloped field I do not consider that example is directly comparable. In the case of the appeal site my assessment is that the proposal would not reflect the enclosed woodland setting of the other houses but would instead break into a more open field with a different and more open landscape character.

11. The submissions refer to respecting the established building line and layout of nearby housing. However as there is little if any cohesion at the moment I do not consider that the details of design and layout would overcome my concerns. Whilst a southern landscaped boundary could be secured at the detailed planning stage, through an appropriately wording condition, this would take some considerable time to establish. Similarly whilst the appeal submissions refer to replicating the wooded character of the nearby housing such mature landscaping would also take time to establish.

12. No other exception to the general presumption against housing development in this area of countryside is advanced. The appellant points to the Supplementary Guidance adopting a more flexible approach to enabling small scale housing development and to the support for "rounding off" housing groups. Nevertheless my assessment above follows that guidance to conclude that the proposal does not meet its terms and would be contrary to local development plan Policy 35.

#### Other local development plan considerations

13. I accept the proposal could meet many of the criteria of Policy 28 and that a high quality design could be achieved at the detailed planning stage. However, the identified conflict with Policy 35 indicates corresponding conflict with the requirement to demonstrate sensitive siting. I understand the underlying objective of the development plan policy is to avoid suburbanisation and any unnecessary burden on infrastructure. I agree with the appellant this individual housing proposal would not alone be significantly detrimental to the established character of the area or to the sustainability objectives of the plan. Nevertheless I am conscious of the implications were further such proposals to be encouraged within this pressurised area of countryside.

Other material considerations

14. Scottish Planning Policy is quoted by the appellant in support of the appeal. I appreciate this does not rule out housing in pressurised areas of countryside. I also recognise it supports rural development and recognises some limited opportunities for housing. In that respect I accept the proposal avoids any sensitive landscape and would not result in the loss of good quality agricultural land. Nevertheless the local development plan reflects the generally restrictive approach to housing in pressurised areas of countryside. I find nothing in the terms of Scottish Planning Policy to outweigh the identified conflict with the local development plan.

**Conclusion**

15. I therefore conclude, for the reasons set out above, that the proposed development does not accord overall with the relevant provisions of the development plan and that there are no material considerations which would justify granting planning permission.

*Allison Coard*  
Reporter