

**The Highland Council  
Planning Review Body**

**28 January 2025, 2pm  
Minutes**

Listed below are the decisions taken by the Planning Review Body at their meeting on 28 January 2025. The webcast of the meeting will be available within 48 hours of broadcast and will remain online for 12 months: <https://highland.public-i.tv/core/portal/home>

**Present:**

Mr D Fraser  
Mr R Gale  
Mr B Lobban  
Mr D Millar  
Mr P Oldham  
Mrs M Paterson

**Non-Members also present:**

Mr M Baird (Remote)  
Ms L Dundas (Remote)  
Mrs T Roberston (Remote)  
Mrs M Ross

**In Attendance:**

Mr B Strachan, Independent Planning Adviser to the Planning Review Body  
Ms R Banfro, Solicitor/Clerk  
Ms A Gibbs, Principal Solicitor  
Mrs O Marsh, Committee Officer

**Preliminaries**

The Chair confirmed that the meeting would be webcast and gave a short briefing on the Council's webcasting procedure and protocol.

**Business**

**1. Calling of the Roll and Apologies for Absence**

Apologies for absence were intimated on behalf of Mrs I Campbell and Mr A Mackintosh.

**2. Declarations of Interest/Transparency Statement**

There were no Declarations of Interest or Transparency Statements.

**3. Minutes of Previous Meeting**

There had been circulated and **APPROVED** the Minutes of the Meeting held on 17 December 2024.

#### 4. Criteria for Determination of Notices of Review

The Clerk confirmed that, for all subsequent items on the agenda, Members had contained in their SharePoint all of the information supplied by all parties to the Notice of Review – namely everything submitted at the planning application stage and the Notice of Review stage from the applicant and interested parties together with the case officer's report on handling and the decision notice that had been issued. When new information had been identified and responded to by the case officer, that information had also been included in SharePoint.

Members were reminded that when determining each planning application subject to a Notice of Review, they were to give full consideration of the planning application afresh (also known as the "de novo" approach) in accordance with the advice contained in the letter from the Chief Planner dated 29 July 2011. The Clerk confirmed that this meant that, in each Notice of Review case, the Review Body needed to assess the planning application against the development plan – including the recently adopted National Planning Framework 4 – and decide whether it accorded with or was contrary to the development plan. Following this assessment, the Review Body then required to consider all material considerations relevant to the application and decide whether these added to or outweighed their assessment of the application against the development plan. In carrying out this assessment, all documents lodged by the applicant and interested parties needed to be considered by the Review Body – all material planning considerations required to be taken into account; considerations that were not material planning considerations must not be taken into account.

The Clerk also confirmed that Google Earth and Street view could be used during the meeting in order to inform Members of the site location. Members were reminded of the potential limitations of using these systems in that images may have been captured a number of years ago and may not reflect the current position on the ground. All the Notices of Review were competent.

#### 5. New Notices of Review to be Determined

##### 5.1

**Ward:** 09 Black Isle

**Review Body Ref:** 24/00039/RBREF

**Applicant:** Mr Alan Gordon

**Location:** Land 50M NW Of Redlands, Croftnacreich, North Kessock,

**Nature of Development:** Erection of house, 24/00366/PIP

**Reason for Notice of Review:** Review Against Refusal by Appointed Officer.

##### **Decision:-**

The Review Body **AGREED** to **UPHOLD** the Notice of Review and grant planning permission subject to conditions to be drafted by the Independent Planning Adviser to the Planning Review Body. Reasons given in support of upholding the Notice of Review:

As regards to development plan policy while it is acknowledged that the development is not supported by policy 17 (a), the siting of the proposed development is in keeping with the existing pattern of development and an acceptable extension of the housing group. The proposed development is considered to accord with policy 35 of the HwLDP. As regards to policy, a pragmatic approach is required to be taken in relation to policy 17(b) within a Highland context. The proposed development was considered to accord

with policy 17(b) in terms of its contribution to local living as the proposed development is located within active travel distance of North Kessock including shops and the local primary school as well as within active travel distance of Inverness given the proposed development's proximity to the A9.

## 5.2

**Ward:** 11 Caol And Mallaig

**Review Body Ref:** 24/00042/RBREF

**Applicant:** Croft, Farm And Estate Land Management Services

**Location:** Land 455M SE Of Willow Cottage, 2 Kilmonivaig, Spean Bridge,

**Nature of Development:** Erection of house, 23/05269/PIP

**Reason for Notice of Review:** Review Against Refusal by Appointed Officer

### **Decision:-**

The Review Body **AGREED** to **DISMISS** the Notice of Review and refuse planning permission for the reasons contained in the report of handling as follows:

1. The proposal has failed to demonstrate the viability of the proposed rural business or croft and fails to demonstrate that there is an essential need for the applicant to live permanently on the croft. The proposal therefore does not meet any of the acceptable criteria set out in paragraph a) of Policy 17 of National Planning Framework 4 and has not been justified in terms of contribution towards local housing needs or economic considerations with respect to Policy 17 paragraph b). The proposal is not considered to accord overall with Policy 17 of National Planning Framework 4, or Policy 35 of the Highland wide Local Development Plan.
2. The proposal would directly and indirectly adversely impact on existing woodland, which is subject to a restocking direction. The proposal fails to demonstrate that development would meet an over-riding identified local or regional need, delivering significant public benefit, contrary to Policy 6, National Planning Framework 4 Policy 52, Highland wide Local Development Plan and the Scottish Government's Control of Woodland Removal Policy.
3. The proposal fails to demonstrate the delivery of biodiversity enhancement, contrary to Policy 3, National Planning Framework.

## 5.3

**Ward:** 20 Badenoch And Strathspey

**Review Body Ref:** 24/00045/RBREF

**Applicant:** Church Of Scotland

**Location:** Inverallan Church, Grant Road, Grantown-On-Spey, PH26 3JH

**Nature of Development:** Alterations and installation of in-roof PV panels, 24/00482/FUL

**Reason for Notice of Review:** Refusal by Appointed Officer

### **Decision:-**

The Review Body **AGREED** to **UPHOLD** the Notice of Review and grant planning permission subject to conditions to be drafted by the Independent Planning Adviser to the Planning Review Body. Reasons given in support of upholding the Notice of Review:

The layout, design, and siting of the photovoltaic panels are considered appropriate, and the visual impacts of the proposed development are appropriately mitigated by existing landscaping. The proposed development is deemed to have a positive

environmental and amenity impact on the site and the neighbouring area. The proposal is not considered to have an adverse impact on the Category B listed building nor does the proposal fail to protect and enhance the character and appearance of the Grantown on Spey Conservation Area. Accordingly, the proposal is considered to comply with the National Planning Framework 4 Policy 7 Historic Assets and Places, as well as the Cairngorms National Park Local Development Plan, Policy 3 Design and Placemaking, and Policy 9 Cultural Heritage. The proposal also aligns with the aims of National Planning Framework 4 Policy 11 Energy and Cairngorms National Park Local Development Plan, Policy 2 Supporting Economic Growth.

The meeting concluded at 3:15pm