

**The Highland Council
Planning Review Body**

**5 November 2024, 10.30am
Minutes**

Listed below are the decisions taken by the Planning Review Body at their meeting on 5 November 2024. 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:

Mrs I Campbell(remote)
Mr D Fraser
Mr R Gale
Mr D Millar (Chair)
Mr P Oldham
Mrs M Paterson

In Attendance:

Mr B Strachan, Independent Planning Adviser to the Planning Review Body
Ms R Banfro, Acting Principal Solicitor/Clerk
Ms 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.

ITEM NO	DECISION
1	Apologies for Absence Mr B Lobban
2	Declarations of Interest There were no declarations of interest.
3	Minutes of Previous Meeting There had been circulated and APPROVED the Minutes of the Meeting held on 24 September 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

	<p>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.</p> <p>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 had been captured a number of years ago and may not reflect the current position on the ground. All the Notices of Review were competent.</p>
5	<p>Notices of Review Previously Considered</p>
5.1	<p>Ward: Ward: 14 Inverness Central Applicant: Mr A Robertson 24/00017/RBREF Location: Land SE of 12 Sunnybank Avenue, Inverness Nature of Development: Erection of house, 22/04466/FUL Reason for Notice of Review: Refusal by Appointed Officer</p> <p>Decision:-</p> <p>The Review Body AGREED to DISMISS the Notice of Review and refuse planning permission for the reason contained in the report of handling as follows:</p> <ol style="list-style-type: none"> 1. The proposal had failed to demonstrate that the proposed house would be free from flood risk and would not increase the risk of flooding for the surrounding properties, and therefore was contrary to the Highland wide Local Development Plan policy 64 (Flood Risk) and NPF4 policy 22 (Flood Risk and Water Management).
6	<p>New Notices of Review to be Determined</p>
6.1	<p>Applicant: Ossian Developments Ltd 24/00027/RBREF Location: Braes Radio Station, Braes, Ullapool Nature of Development: Erection of 2no. houses, formation of access and associated drainage, 23/03314/FUL Reason for Notice of Review: Refusal by Appointed Officer</p> <p>Decision:-</p> <p>The Review Body AGREED to DISMISS the Notice of Review and refuse planning permission for the reasons contained in the report of handling (excluding original reason 3, which had been resolved to the satisfaction of the Planning Service) as follows:</p> <ol style="list-style-type: none"> 1. The proposal was contrary to Policy 28 (Highland-wide Local Development

Plan) in that the Braes Road was substandard, in particular the spur to the application site, which was narrow, without a separate footway, and includes a blind bend. The traffic arising from the proposed development would lead to a material increase in traffic over this section of road, to the detriment of road and pedestrian safety. The proposed mitigation of a passing place and separate footway was insufficient to overcome these concerns; furthermore, the applicant had failed to demonstrate that these were deliverable since they involve land outwith his control.

2. The proposal was contrary to Policies 28, 34 and 56 (Highland-wide Local Development Plan) and Policies 1, 2, 15 and 16 (NPF4) since the site was not in a location where access to local facilities in Ullapool by walking, wheeling, cycling or public transport would be a realistic option. Instead, the location promotes reliance on the private car for travel to everyday facilities.

3. The proposal was contrary to policy 28 of the Highland-wide Local Development Plan in that visibility splays where the site access joins the access track were substandard, due to the alignment of the access track and due to roadside vegetation. This was detrimental to road and pedestrian safety. Any improvement and future maintenance of the visibility splay involves land outwith the applicant's control and was therefore not achievable.

6.2 **Applicant:** Simon Fraser FBM Architects 24/00029/RBREF
Location: Land 95M South of Skylark, Ardmair, Ullapool
Nature of Development: Erection of house and garage, 24/01189/FUL
Reason for Notice of Review: 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 site lies within an area described by NatureScot's Landscape Character Assessment as coastal moorlands and crofts (landscape character type 336). This was characterised by exposed, mainly tree-less moorlands, with slopes that draw the eye along the coastline and out to sea. There was openness on the rocky tops, which allows distant views, and no overall focal point in the landscape. Settlements were usually isolated and overwhelmed by the character of the surrounding moorlands. Views were open and expansive, taking in the sea and adjoining mountains.

The proposed house would fail to integrate into this landscape in a satisfactory manner, lying on top of a rocky knoll which was in direct line of sight from the A835. It would form an inappropriate focal point, interrupt views along the coastline and out to sea, and interrupt distant views, and be unduly prominent and intrusive in the otherwise open and exposed landscape.

The proposal includes the planting of a shelter belt of trees. This would fail to integrate with the open exposed moorland, where existing trees were sparse and only found in sheltered gulleys or at the bottom of slopes. The appearance of trees on moorland part way up an open exposed hillside would be incongruous, draw the eye, and fail to reflect the character of the surrounding landscape.

This was contrary to NPF4 Policy 17(c), and Policy 28 (HwLDP) since it fails to

integrate into the character of the area in a satisfactory manner.

2. The proposal was contrary to HwLDP Policy 28 and Policy 29, since it fails to demonstrate sensitivity and respect towards the local distinctiveness of the landscape and local architecture. Instead, it utilises a highly prominent design and siting out of keeping with the character of the area and detracts from the architectural and visual quality of Ardmair.

3. The proposal was contrary to HwLDP Policy 65, which requires that development connects to the public sewer unless there were technical or economic reasons why this cannot be done, and the proposal was not likely to result in or add to significant environmental or health problems. The proposal includes the use of private foul waste disposal instead of connecting to the public sewer and was therefore contrary to this policy requirement.

6.3

Applicant: Mr Stuart Davis 24/00030/RBREF
Location: Land 165M South of Foxlea House, Highfield Park, Conon Bridge
Nature of Development: Erection of house, 21/04324/PIP
Reason for Notice of Review: Refusal by Appointed Officer

A variety of views were discussed before the following motion and amendment was proposed and seconded.

Mr R Gale seconded by Mrs M Paterson **MOVED** that the Notice of Review be **UPHELD** and planning permission granted 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:

Although the site was not allocated for housing in the Highland-wide Local Development Plan, the proposed site was considered consistent with delivering homes in an area that would support sustainable rural communities in accordance with the intent of policy 17 of NPF4. Furthermore, the siting of the proposed house was deemed to be acceptable in terms of the existing settlement pattern.

As regards to development plan policy while not supported by policy 17 (a) of NPF4, a pragmatic approach was required to be taken to the interpretation of policy 17 (b) of NPF4 for Highland. The proposal was considered to contribute to local living as the development was located within active travel distance of the village hall, primary school and existing facilities within Conon Bridge and Muir of Ord.

As an **Amendment**, Mr P Oldham seconded by Mr D Millar **MOVED** that the Notice of Review be **DISMISSED** and planning permission refused for the reasons given in the Appointed Officer's decision notice.

There being no further amendments, the matter was put to the vote with votes being cast as follows:

The **MOTION** received 3 votes, and the **AMENDMENT** received 3 votes, with no abstentions. In accordance with Standing Order 29, the Chair used his casting vote in favour of the amendment, and the **AMENDMENT** was **CARRIED**, the votes having been cast as follows:

For the Motion:
Mrs I Campbell, Mr R Gale, Mrs M Paterson

For the Amendment:

Mr D Fraser, Mr D Millar, Mr P Oldham

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 was located within a pressurised area, where there was a demand for commuter based housing. This was contrary to the aims of rural housing policies, since it would add to the suburbanisation of the countryside and was not linked to service provision. An additional house would further erode the rural nature of the area. Instead, development should be directed to existing settlement development areas, since these have the best existing access to community facilities, infrastructure, employment and other commercial opportunities, and environmental capacity to support that growth, and where infrastructure capacity exists at least cost to the public and private sector.
2. The proposal fails to comply with NPF4 Policy 17 (rural housing), in that it does not comply with any of the list of criteria in 17a), does not contribute to local living or support a local housing need as per 17b), and was located within a pressurised area so would not support or sustain a fragile community rural community as per 17c).
3. The distances from local facilities and the nature of the roads, along with the absence of local public transport connections would result in car based living, since the majority of daily needs cannot be met within a reasonable distance of the site by means of walking, wheeling or cycling or using sustainable transport options. This was contrary to the requirements of NPF4 Policies 13b) and 15, and Highland-wide Local development Policies 28 and 56.
4. The proposal was contrary to NPF4 Policy 1, in that it would result in reliance on the private car for transport needs, thus failing to demonstrate sufficient regard to the global climate and nature crises.

The meeting ended at Noon.